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TEACHmag

YOUR TEACHING COMMUNITY



**SPECIAL
ISSUE**

EQUAL LOVE, EQUAL RIGHTS

25TH ANNIVERSARY OF THE MODERNIZATION OF BENEFITS AND OBLIGATIONS ACT

NOTES

As Canadians, we are fortunate to enjoy many legal rights and protections—but did you know that not so long ago, same-sex couples didn't have the same rights as heterosexual couples? It's true: only 25 years ago, here in Canada, these protections didn't exist, leaving countless families without equal rights.

In 2025, we marked the 25th anniversary of the Modernization of Benefits and Obligations Act, a landmark moment in Canada's history. Signed into law on June 29, 2000, the Act granted essential legal rights to same-sex couples, reflecting a shift in societal attitudes towards LGBTQIA2S+ individuals.

Beyond its immediate legal impact, the Act set the stage for same-sex marriage, which became legal across Canada five years later. In doing so, Canada emerged as a leader on the world stage, a beacon of hope demonstrating that inclusion and equality are possible. These legal changes have not only ensured that all families can enjoy the same protections, but they've also inspired progress for LGBTQIA2S+ rights globally.

In this issue, we explore how this revolutionary Act can be understood, taught, and brought to life in classrooms across Canada. Through these stories and insights, we aim to support educators in creating inclusive learning environments where equality is lived, respect is practiced, and all students feel recognized and valued.

We open with Fiona Tapp, who reflects on 25 years of progress and the profound implications of the Modernization of Benefits and Obligations Act. Not only did it have critical legal benefits, but psychological ones as well; it provided a foundation for acceptance by affirming the identities of LGBTQIA2S+ individuals, and also fostered a sense of belonging for them and their families.

The exploration continues with Deidre Olsen, who delves into the specifics of the Act—its legislative changes and the resulting legal rights and protections. From medical decision-making to taxes to pension benefits, this law changed the everyday lives of LGBTQIA2S+ Canadians in immeasurable ways. Yet, as Olsen points out, there's still plenty of work to be done as Canada continues moving towards true equality.

Next, Christine L. Cho provides a different, more personal, reflection: how the education landscape has changed in the 25 years since the Act's creation. She was an elementary teacher when it first passed, but now teaches future educators. As such, Cho has witnessed the broader, lasting effects from a multitude of perspectives, and has seen how the Act set the stage for LGBTQIA2S+ representation in schools.

In her article, educator Marilena Murgan shares ways that teachers can continue the journey towards culturally responsive classrooms, using the Modernization of Obligations and Benefits Act as an entry point. When the Act is taught with authenticity and care, it can become an opportunity to spark meaningful dialogue on a multitude of topics, such as equity, family diversity, and human rights.

Next, Carolyn Gruske looks at what life was like for same-sex couples in Canada before they gained the same rights as their heterosexual counterparts. She also provides an overview of the Act's history, in particular the legal case *M. v. H.* that paved the way for its creation. In her article, you'll even hear from several figures who were central to the events, including the lawyer who handled the *M. v. H.* case.

Lastly, this issue's Curricula helps students in Grades 10-12 build an understanding of the historical context of the Modernization of Benefits and Obligations Act, as well as how and why it was created. Written by teacher-librarian Jonelle St. Aubyn, this lesson plan encourages students to think critically about the Act's importance, while also considering current laws that are still discriminatory to members of the LGBTQIA2S+ community, and why it is necessary that all of us continue to advocate for change.

As we reflect on this milestone, we are reminded that progress is both hard-won and essential. Canada's journey toward equality serves as a testament to the power of law, advocacy, and the courage of those who fought for justice. We wish to thank the contributors who made this special issue possible, along with the Government of Canada. We'd also like to thank you, for your continued support and interest in inclusive and equitable education.

Until next time.

KELSEY MCCALLUM
ASSOCIATE EDITOR



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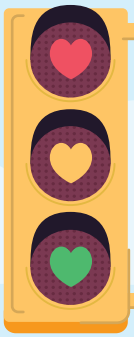
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RECOGNIZING SAME-SEX COUPLES: BILL C-23, EXPLAINED

BY NUPUR BAGORIA

What is Bill C-23? Bill C-23, titled the Modernization of Benefits and Obligations Act, was enacted in 2000. It granted same-sex couples who had been living together for over a year the same rights as heterosexual common-law couples under Canadian law.

Note: The legislation did not address same-sex marriage, and even included a definition of marriage that reaffirmed its traditional meaning as “the lawful union of one man and one woman to the exclusion of all others.”



STEPS
TOWARD
EQUALITY



1969

The Criminal Law Amendment Act makes homosexuality legal by removing criminal penalties for sexual acts between consenting adults aged 21 and older, regardless of gender.

1977

Quebec amends its human rights code to make discrimination based on sexual orientation illegal. It is the first province to do so. Two years later, the Canadian Human Rights Commission suggests that the whole country add “sexual orientation” to its national human rights law.

1985

Section 15 is added to Canada’s Charter of Rights and Freedoms. It guarantees that:

“Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

Although sexual orientation isn’t explicitly mentioned, Section 15 goes on to be used as a source of LGBTQ+ rights in Canada.

1993

In the case of [*Canada \(Attorney General\) v. Mossop*](#), two Supreme Court judges found that “family status” could include same-sex couples cohabitating in a long-term relationship.

TOTAL STATUTES AMENDED BY BILL C-23: 68

These changes affected approximately 20 federal departments and agencies, making the Modernization of Benefits and Obligations Act one of the most sweeping pieces of equality-focused legislation in Canadian history. The amendments enhanced several important aspects of same-sex couples' lives.

1 MODERN RELATIONSHIPS:

Added the term “common-law partner” to offer legal recognition for the relationships between same-sex couples. This impacted a number of Acts, including:

- ▶ The Canada Elections Act
- ▶ The Citizenship Act
- ▶ The Cree-Naskapi (Of Quebec) Act

2 FINANCIAL EQUITY:

The legal amendments of Bill C-23 transformed financial planning for same-sex couples in committed relationships, giving them a more solid legal standing when it came to managing money together. Several important Acts were revised, such as:

- ▶ The Bank Act
- ▶ The Bankruptcy and Insolvency Act
- ▶ The Income Tax Act



3 INSURANCE COVERAGE:

The Modernization of Benefits and Obligations Act revolutionized the accessibility of insurance benefits and coverage for same-sex partners. Amendments were made to a number of acts, including the following:

- ▶ The Civil Service Insurance Act
- ▶ The Insurance Companies Act
- ▶ The Veterans Insurance Act

4 FAMILY SUPPORT:

Amendments were made to establish comprehensive family support frameworks that recognized the mutual responsibilities and protections inherent in all committed relationships. This affected laws such as:

- ▶ The Criminal Code
- ▶ The Employment Insurance Act
- ▶ The Old Age Security Act

5 PENSION:

The amendments from Bill C-23 fundamentally transformed pension rights by extending comprehensive retirement protections to common-law partners, ensuring access to survivor benefits and pension security. A number of laws were revised, including:

- ▶ The Canada Pension Plan
- ▶ The Canadian Forces Superannuation Act
- ▶ The Members of Parliament Retiring Allowances Act



1995

Even though a same-sex couple loses their case about receiving spousal pension benefits (*Egan v. Canada*), the Supreme Court judges unanimously agree that sexual orientation falls within Section 15 of the Charter and should be protected—including same-sex relationships. Around the same time, an Ontario judge rules that the province's Child and Family Services Act violated the Charter rights of same-sex couples by not allowing them to adopt children together. Ontario becomes the first province to make adoption legal for same-sex couples.

1999

When two women in Toronto break up after living together for over a decade, one sues the other for spousal support under Ontario's Family Law Act (*M. v. H.*). The Supreme Court rules that the Act's definition of “spouse”—limited to married couples or common-law opposite-sex pairs—is unconstitutional. Rather than redefining “spouse,” the Ontario government introduces [Bill 5](#) in October 1999, creating a separate “same-sex partner” category and changing the Family Law Act to read “spouse or same-sex partner” throughout.

2000

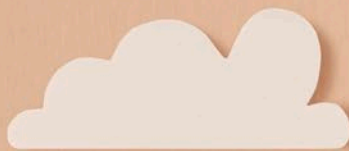
Parliament passes [Bill C-23](#).

2005

The [Civil Marriage Act](#) becomes law on July 20, legalizing same-sex marriage across Canada.

DID YOU KNOW?

When [Statistics Canada](#) first counted same-sex couples in 2001, they found about 0.5 percent of all Canadian couples were same-sex—officially recognizing a community that had been statistically invisible until then.



A LEGACY OF EQUALITY:

Reflecting on 25 Years of Progress

BY FIONA TAPP





In 2025, Canada marked a significant milestone: the 25th anniversary of the Modernization of Benefits and Obligations Act. It was a pivotal piece of legislation that transformed the legal landscape for LGBTQIA2S+ Canadians.

Passed in 2000, this Act was not just a legal reform, but also a declaration of equality, a step toward dismantling systemic discrimination, and a catalyst for societal change. The true measure of this milestone extends far beyond legal rights—it fundamentally impacted the emotional, psychological, and societal well-being of LGBTQIA2S+ people across the country.

FROM EXCLUSION TO RECOGNITION

Before the enactment of the Modernization of Benefits and Obligations Act, LGBTQIA2S+ individuals and couples in Canada faced significant legal disparities, such as being excluded from over 60 federal statutes that provided financial, social, and legal benefits to heterosexual couples. This wasn't just an administrative oversight; it was a reflection of institutionalized discrimination that marginalized the very existence of same-sex couples and denied them the recognition of their relationships and families.

The passage of the Act was a game-changer.

It provided legislative recognition to same-sex couples, extending vital rights and protections under the law. Same-sex couples gained access to inheritance rights, tax benefits, and legal standing in matters of health and family law. Beyond this legal recognition, the Act also signalled that these relationships were worthy of dignity and respect, which in turn helped to change societal views.

"The Modernization of Benefits and Obligations Act provided important legal protections that are necessary to ensure that LGBTQIA2S+ communities are not only seen as equal but are also treated equally," explains Harini Sivalingam, Director of the Equality Program at [Canadian Civil Liberties Association](#) (CCLA).

"Laws that protect individuals from discrimination often lead to a decrease in overt discrimination and help to reduce stigma, thus increasing security for queer communities," she

adds. "In the decades following legal advancements in rights, public opinion polling has demonstrated increased support for LGBTQIA2S+ communities."

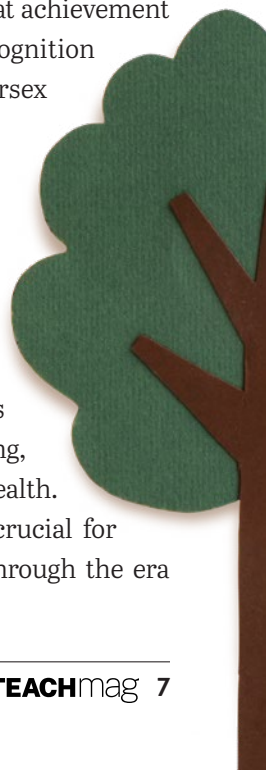
This cultural and legal shift had profound implications, not only for LGBTQIA2S+ individuals, but also for their families and the wider society, including children and youth who experienced these changes in their schools and communities. The ripple effects of the Act's passage allowed many to move forward with their lives, assured that their relationships were no longer criminalized or invisible.

However, it's important to remember that progress does not happen by accident. The shift towards legal recognition was the result of years of advocacy, grassroots mobilization, and strategic legal battles fought by LGBTQIA2S+ individuals and organizations. The Modernization of Benefits and Obligations Act did not emerge from a vacuum, but rather from persistent efforts to challenge discriminatory practices and fight for the rights of same-sex couples.

"The Modernization of Benefits and Obligations Act was not just a legal change," says Helen Kennedy, Executive Director at [Egale Canada](#). "It was the product of many years of tireless advocacy by LGBTQIA2S+ individuals and organizations like Egale Canada, who fought to have our relationships recognized by law. Twenty-five years later, young LGBTQIA2S+ Canadians grow up in a country where equal relationship rights have always been their reality—a testament to the resilience of our community and a profound source of belonging, pride, and mental well-being. Today, we honour that achievement by continuing the fight for dignity and full recognition of the rights of trans, gender diverse, and intersex people across Canada."

EQUALITY AND WELL-BEING

The legal advancements brought about by the Modernization of Benefits and Obligations Act had profound psychological implications. Legal recognition of relationships and families provided a sense of validation and belonging, both of which are fundamental to mental health. It also fostered a sense of safety, which is crucial for emotional well-being. For those who lived through the era





when their relationships were criminalized, these changes were life-altering.

Julianna Harry, a registered psychotherapist and the founder of [Grey Couch Counselling](#), points out that the journey toward full equality is still ongoing, however. “Even though younger people haven’t grown up in a society that has criminalized certain relationships, we’re still seeing that it’s being politicized,” she notes.

The politicization of LGBTQIA2S+ rights continues to perpetuate stigma and discrimination. It results in LGBTQIA2S+ people often being positioned as “others,” which can reinforce social exclusion and a lack of societal acceptance. This highlights the ongoing need for advocacy, education, and mental health support to ensure that all LGBTQIA2S+ individuals feel safe, valued, and included in Canada.

A FOUNDATION FOR ACCEPTANCE

The psychological benefits of legal equality are not just limited to individual well-being. The collective impact is just as significant.

Laura Laidlaw, a licensed professional Canadian counsellor at Calgary-based [Shelly Qualtieri & Associates](#), emphasizes the importance of equitable treatment under the law in fostering a sense of belonging. “Legal equality is more than policy, it is a declaration of worth, a foundation for self-acceptance, and a catalyst for collective healing,” she says. “When governments acknowledge and protect marginalized groups, they send a powerful message: ‘You are seen, you are valued, and you belong.’”

For LGBTQIA2S+ people, particularly those in marginalized communities, belonging is an essential aspect of psychological resilience. Studies have shown that when individuals feel [accepted and valued](#) by society, their rates of depression, suicidality, and self-stigmatization decrease significantly. This sense of belonging is crucial for mental health because it counters the feelings of rejection or isolation that often come with social marginalization.

Sivalingam says legal recognition plays a pivotal role in this process. By affirming the legitimacy of people’s identities, it also helps to “normalize diverse relationships and family structures beyond the nuclear heterosexual family structure. Law sends a powerful message about what our society values,” she explains. “Recognizing diverse relationships and family structures normalizes the existence, presence, and visibility of LGBTQIA2S+ people as a part of Canadian society.”

For Canadian educators in particular, fostering a sense of belonging within the classroom is vital. Understanding that legal and societal affirmation can significantly impact mental health allows educators to approach LGBTQIA2S+ inclusion with greater empathy and awareness.

INTERGENERATIONAL TRAUMA AND THE NEED FOR CONTINUED SUPPORT

While legal advancements have been significant, they do not erase the generational trauma experienced by LGBTQIA2S+ individuals. The legacy of discrimination, criminalization, and marginalization continues to affect mental health and well-being—even for those who were not directly impacted by these practices. This is particularly evident in the lingering stigma that many LGBTQIA2S+ individuals face every day.

“There’s a level of generational trauma that’s trickled down when that’s part of your community,” Harry observes, “and even if you don’t know it directly, there’s going to be remnants of it within the community, or how we talk about it, or how maybe the older individuals talk about it, like secondary or vicarious effects.”

The concept of intergenerational trauma—where the scars of previous generations’ experiences affect younger generations—has been [well-documented](#) in various contexts. For LGBTQIA2S+ individuals, this trauma manifests not only in personal struggles but also in cultural and familial attitudes.

Generational trauma necessitates a holistic approach to mental health care—one that acknowledges the historical context and provides support for healing and resilience.

Laidlaw concurs, emphasizing the importance of community and connection. “Humans are wired for connection, and seeing oneself reflected in society’s institutions is powerful,” she says. “For queer and trans individuals, this sense of belonging can soften the scars of rejection, ease the loneliness of otherness, and foster resilience.”

While the legal changes made in the early 2000s were critical, they are only one part of the solution. For lasting change to occur, continued commitment to assisting LGBTQIA2S+ individuals through community building, emotional support, and therapeutic interventions are necessary.

SOCIAL STIGMA: THE ONGOING STRUGGLE

Discrimination, prejudice, and violence against LGBTQIA2S+ individuals continue to be pressing concerns. The persistence of these issues highlights the need for continued education and advocacy.

“Despite the legal advancements and wider social acceptance for diversity, discrimination, stereotypes, and prejudice [still remain],” Sivalingam says. “It’s also important not to take rights and freedoms that were achieved through hard-fought battles for granted.”

While legal battles have been won, the fight for full acceptance—especially for marginalized subgroups within the LGBTQIA2S+ community, such as transgender and non-binary individuals—remains an ongoing struggle.

THE ROLE OF EDUCATORS

Educators have a pivotal role in shaping societal attitudes by creating supportive learning environments, helping to dismantle stereotypes, and fostering a culture of acceptance. They can also act as allies by providing safe spaces where students feel comfortable as they navigate expressing their identities. All of this can have a profound effect not only on the mental health of LGBTQIA2S+ students, but also on the well-being of the entire school community.

Implementing LGBTQIA2S+ inclusive curricula, offering professional development on diversity and inclusion, and

encouraging student-led initiatives are essential strategies for promoting equity in schools. Additionally, offering resources and support for LGBTQIA2S+ students and staff can contribute to a more equitable community overall.



The Modernization of Benefits and Obligations Act was a critical moment in Canada’s history—one that reflected a significant shift in societal attitudes toward LGBTQIA2S+ individuals. However, the journey is far from over.

Legal recognition, while essential, is just one piece of the puzzle. Continued education, community building, and support are critical in cultivating a society where LGBTQIA2S+ individuals can thrive without fear of discrimination. The fight for equality and inclusion is ongoing, and educators have an essential part to play in ensuring that future generations grow up in a society that embraces diversity, fosters belonging, and nurtures well-being for all students.



FIONA TAPP is a former teacher and school administrator of 13 years. She writes about education, parenting, and travel for a variety of publications including *National Geographic*, *The Globe and Mail*, *The Toronto Star*, *The Sunday Times*, and many more.



REWRITING THE RULES:

Understanding Policy Change in a Diverse Canada

By Jonelle St. Aubyn

GRADE LEVEL:

10-12

SUBJECTS:

CIVICS, HISTORY, LAW,
SOCIAL STUDIES

DURATION:

3-4 CLASSES



KEY CONCEPTS AND THEMES

LGBTQIA2S+ Rights, Equality, Discrimination, Social Barriers, Oppression, Human Rights, Civil Rights



LEARNING FOCUS

Identity: How does the lesson help students to learn something about themselves and/or about others?

- What is the Modernization of Benefits and Obligations Act and what is the impact that it is having on the LGBTQIA2S+ community in Canada?
- How can students advocate for continued changes in laws to protect and improve the lives of people in the LGBTQIA2S+ community?

Skills: How does the lesson respond to or build students' skills and standards?

The following curriculum expectations were taken from Ontario's Equity and Social Justice Grade 12 course. (This lesson can also be adapted for use in Grade 10 Civics and Grade 11 and 12 Law courses.)

- **B1.3** Explain how individual and systemic factors can cause or perpetuate inequity and social injustice;
- **B1.5** Analyse how legislation, the courts, and public policy approach equity and social justice issues;
- **B2.1** Analyse the dynamics of power relations and privilege in various social settings, both historical and contemporary;
- **B2.2** Analyse the effects of bias, stereotypes, prejudice, discrimination, and oppression on individuals and groups;
- **B3.3** Demonstrate an understanding of various ways in which media and popular culture can be used to raise awareness of equity and social justice issues;
- **C1.1** Analyse the rationale for specific instances of social injustice in Canadian history;



- **D1.1** Describe how fundamental values, attitudes, and day-to-day behaviour (e.g. fair-mindedness, empathy, reflection, respecting and embracing diversity, personal language use) can contribute to equity and social justice;
- **D1.3** Analyse ways in which personal actions can empower individuals and reduce the impact of inequity or social injustice in local, national, and international contexts;
- **D1.4** Assess the effectiveness of various strategies that have been used, both historically and in the present day, to address equity and social justice issues.

Intellectualism: How does the lesson respond to or build students' knowledge and mental powers?

- Students build an understanding about the historical context of the Modernization of Benefits and Obligations Act, as well as how and why it was created.

Criticality: How does the lesson engage students' thinking about power and equity and the disruption of oppression?

- Why were same sex couples previously excluded from benefits and obligations that were being given to common-law heterosexual couples?
- What are some effective ways that citizens can push decision makers to make changes that will improve conditions for members of the LGBTQIA2S+ community?

Joy: How does the lesson impart happiness in learning something new?

- How have people fought back against homophobia in Canada and around the world? What victories have they had?
- What impact can we make in the fight against homophobia and securing equal rights for all?

The framework for this lesson is based on the book *Cultivating Genius: An Equity Framework for Culturally and Historically Responsive Literacy* by Gholdy Muhammad.

The body of the lesson has been adapted using the anti-racist framework created by Natasha Henry-Dixon.



ANTI-RACIST/OPPRESSION FRAME PRE-PLANNING

HISTORICAL CONTEXT

(How did the political, social, cultural, economic, and environmental dynamics related to the historical moment, event, and trends during a certain time and place



impact the LGBTQIA2S+ community? How did the historical context inform the actions and behaviours of the LGBTQIA2S+ community and/or attitudes towards members of the LGBTQIA2S+ community?)

The Modernization of Benefits and Obligations Act was created on June 29, 2000, prior to the creation of the Civil Marriage Act which legalized same-sex marriage in 2005. The Modernization of Benefits and Obligations Act extended certain benefits and obligations to all couples who had been cohabiting in a conjugal relationship for at least one year, not just heterosexual couples. Legalized marriage was not a requirement for couples who had been living together for at least one year to receive these benefits.

OPPRESSION AND DISCRIMINATION

(What oppression/discrimination/injustice did the group face? What were the impacts and effects? How did their sexual orientation shape the oppression they experienced? How did sexual orientation intersect with other social identities to shape the oppression experienced? What were the issues of power? What does this reveal about the state and application of human rights at that time?)

Canada has had a longstanding history of discriminatory behaviour against the LGBTQIA2S+ community, which made the creation of this Act even more important. Looking at [historical timelines](#) of LGBTQIA2S+ rights in Canada, it has been an ongoing struggle for members of the community to have their voices heard in order to end discriminatory practices against them and to ensure laws were put in place to protect their rights and freedoms.

AGENCY, CELEBRATING ACCOMPLISHMENTS AND CONTRIBUTIONS

(In what ways did LGBTQIA2S+ individuals and/or members of the LGBTQIA2S+ community challenge inequality and mobilize to improve social conditions? What did the individual and/or the community accomplish? What did they contribute to their community and to Canada?)

Although members of the LGBTQIA2S+ community have been intentionally targeted and harmed by ongoing discrimination, they have continued to [fight back](#) against the injustices they've faced.



STEP 1: MINDS ON

(A provocation to engage student interest about the topic to be taught)

Note for educators: Sensitive information will be discussed during this lesson. Please ensure that you work with your class to co-construct rules for appropriate behaviour during discussions, and remind students to approach the topic with respect, empathy, and an open mind. Establish ground rules for respectful dialogue.



Introduction to the Modernization of Benefits and Obligations Act

Before having students look at the Act, watch the GeoMinute [“Blazing a path toward marriage equality”](#) to help them gain a better understanding of where this Act came from and why it is so important for the LGBTQIA2S+ community.

After watching the video, have students use a [KWL Chart](#) to record what they knew about the fight for LGBTQIA2S+ rights in Canada, what they learned from watching the video, and what they would like to learn more about. Once students have completed their charts, have them engage in a [Think-Pair-Share](#) activity to help them get ready to examine the Modernization of Benefits and Obligations Act.

Next, initiate a class discussion and encourage students to share what they learned in the video. Afterwards, students will respond individually to one or all of the following questions:

1. Reflect on a time when you witnessed or experienced injustice. How did this experience shape your understanding of human rights and the importance of advocacy?
2. The GeoMinute video mentions the decriminalization of homosexuality and the fight for LGBTQIA2S+ rights. How do you think societal attitudes towards marginalized groups have evolved over time, and what role do you see yourself playing in promoting inclusivity and equality?
3. Everett Klippert was posthumously pardoned for his homosexuality. Can you think of a time when you or someone you know was wrongly judged or labeled? How did that experience impact your perspective on the importance of empathy and understanding?



STEP 2: ACTION

(Engaged learning activity where students can construct new knowledge through an examination of matters concerning race, racism, gender, colonialism, social class, etc.)

The goal of this second step is to have students think critically about the importance of the Modernization of Benefits and Obligations Act, while also encouraging them to consider ways we can change current laws that are discriminatory to members of the LGBTQIA2S+ community.

Before moving into the key tenets of the Act, have students identify some of the key legislative rulings that have aided in the progression of laws and rights for the LGBTQIA2S+ community, using the article [“2SLGBTQ+ Rights in Canada”](#) from the Canadian Encyclopedia. The focus should be on laws created prior to the year 2000.



KEY LEGISLATIVE CHANGES

The Modernization of Benefits and Obligations Act added the phrase “common-law” partner to a number of federal laws, including those that impacted:

- Immigration
- Old age security
- Pension benefits
- Social security
- Tax treatment

In total, 68 statutes were amended because of the Modernization of Benefits and Obligations Act.

Next, divide the class into groups of 3-4 students. Assign each group a specific aspect of the Act to research, using the following questions as their guide:

- How did the Modernization of Benefits and Obligations Act challenge existing legal frameworks?
- What social barriers did it address?
- What evidence demonstrates its importance?

Students will then choose from one of these options as a way to share their learning with the rest of the class:

- Poster
- Infographic
- Podcast
- Blog
- Vlog
- Short video

If students have another way that they would like to present, they may do so with approval from the teacher.



STEP 3: CONSOLIDATION

(Instructional strategies for coordinated sharing and discussion to check for conceptual understanding of critical learning)

Students will have 3-5 minutes to present what they learned about their assigned aspect of the Modernization of Benefits and Obligations Act. After the presentations are completed, students should have enough knowledge to engage in facilitated discussions around the following questions:

- What is the historical significance of the Act? Why was it so important?
- What were the challenges that members of the LGBTQIA2S+ community faced prior to the creation of the Act? What challenges do they continue to face today?
- What can we do as a society to keep mobilizing and advocating to change discriminatory laws and uphold rights for LGBTQIA2S+ and other marginalized communities?



STEP 4: MOTIVATING ACTION

(Actions students can engage in to effect change in an area related to the lesson focus)

Marriage Equality Around the World

Although Canada has legislation to ensure people are free to live with and marry whomever they choose, many other countries do not. What are LGBTQIA2S+ rights like in different countries? Are they as progressive

as Canada or are they more or less progressive? Which organizations and/or communities are leading the fight for equal rights for the LGBTQIA2S+ community?

Homophobia in Our Communities and/or in Canada

Students can look for examples of possible homophobia that is occurring close to home. How are members of LGBTQIA2S+ communities impacted by homophobia locally? What is being done to fight against homophobia in our local communities? Who is leading that fight?



STEP 5: EXIT TICKET

Teachers should have students complete an exit ticket based on the following questions:

- What did you learn from this lesson? (Students should be encouraged to provide concrete examples from either their own presentation or what they learned from the presentation of another group.)
- What do you want to learn more about?
- What questions do you still have?
- How does legislative change impact societal attitudes?
- What steps do you think you can take to ensure that laws and policies are in place to protect the rights of LGBTQIA2S+ community members?



JONELLE ST. AUBYN is a teacher-librarian at Louise Arbour Secondary School in the Peel District School Board of Ontario. She is passionate about equity, inclusion, and social justice.



CHANGING
THE
EVERYDAY
LIVES OF
THE
LGBTQIA2S+
COMMUNITY

BY DEIDRE OLSEN

For the majority of LGBTQIA2S+ Canadians, the fight for equality has never been merely symbolic. Instead, it's been about the right to live with dignity, security, and equal opportunity in every aspect of daily life.

In recent decades, landmark moments like the 2005 legalization of same-sex marriage have been celebrated as the most notable milestones. However, many truly impactful changes have also taken place in the quieter, mundane ways where legislation has reshaped lives.

What happens when a society finally recognizes the relationships that have existed all along? The answer lies in the tangible rights now available to LGBTQIA2S+ Canadians that were once systematically denied.

THE FIGHT FOR RECOGNITION

Prior to Canada becoming a global leader in LGBTQIA2S+ rights, same-sex couples faced systemic discrimination in nearly every aspect of life. For decades, their relationships received no legal recognition. This left countless people excluded from the same fundamental protections afforded to heterosexual couples. Same-sex partners could not make medical decisions for each other, were treated as strangers under tax laws, and had no access to pension or survivor benefits.

A major turning point for Canadian same-sex couples came in the late 1990s and early 2000s. At this time, a series of legal challenges began to chip away at these inequities. In 1999, the Supreme Court of Canada ruled in *M. v. H.* that same-sex couples should have the same rights as common-law heterosexual couples under Ontario's Family Law Act. This precedent-setting decision paved the way towards legal recognition of same-sex relationships in Canada.

The federal government followed suit with the Modernization of Benefits and Obligations Act in the year 2000. This law extended over 80 federal benefits and obligations to same-sex couples. These incremental developments added up to a major change: in 2005, the Civil Marriage Act was passed, making Canada the fourth country in the world to legalize same-sex marriage.

Each of these legislative victories has been celebrated as a major achievement in Canadian history. However, their real

impact has been found in the ways they've changed everyday life for LGBTQIA2S+ Canadians.

1 MEDICAL DECISION-MAKING

In the past, hospitals could refuse to recognize same-sex partners as next-of-kin. In moments of crisis, LGBTQIA2S+ Canadians were left powerless to choose medical outcomes. Providing same-sex partners with the right to make medical decisions for each other has proven to be one of the most profound effects of legal recognition.

Consider this hypothetical scenario: One partner is hospitalized after a serious accident. Prior to legal reforms, their partner might have been denied access to visit them or make critical healthcare decisions. This was because they were not considered "family" under the law. Such exclusion wasn't only emotionally devastating, but also placed LGBTQIA2S+ Canadians at significant risk during emergencies.

When finally afforded legal recognition, however, same-sex partners could move forward with healthcare directives. They could be officially designated as substitute decision-makers as well, providing both dignity and peace of mind during some of life's most vulnerable moments.

2 PENSION BENEFITS

Not only did the Modernization of Benefits and Obligations Act empower medical decision-making, but same-sex couples also gained access to pension benefits. Before the Act, they were excluded from receiving survivor pensions if their partner passed away, which left many grieving partners with the doubly traumatic experience of being financially insecure after losing a loved one.

With the extension of pension benefits to Canadians in same-sex partnerships, a major step towards financial equality was taken. At last, they could plan for their futures with the same security afforded to heterosexual couples.

Now, a surviving partner can access Canada Pension Plan (CPP) survivor benefits or workplace pension plans. Such an essential safety net had long been denied to same-sex partners in Canada.





3 EQUAL TREATMENT UNDER TAX LAWS

Before the Act, same-sex couples were treated as single individuals when it came to taxes. This was the case even if they had been in committed relationships for decades. Such a disparity meant they missed out on the same tax benefits that were available to heterosexual couples, including income splitting and spousal deductions.

Once same-sex partners in Canada achieved legal recognition, they also received equal treatment under tax laws. They could now file joint tax returns, claim spousal credits, and benefit from other financial advantages previously reserved only for heterosexual couples. Such changes not only eased financial burdens for same-sex couples, but also sent a powerful message: their relationships were equally valid in the eyes of the law.

4 PARENTAL RIGHTS AND FAMILY FORMATION

Last but not least, legal recognition removed many of the barriers that previously made it challenging for same-sex Canadian partners to form families. In particular, the Modernization of Benefits and Obligations Act secured the relationships of *both* partners to their children.

Today, each parent in a same-sex relationship can be listed on their child's birth certificate in every province and territory. Canadian adoption laws have also been reformed to explicitly include same-sex couples. Now, LGBTQIA2S+ families enjoy the same legal protections as their heterosexual counterparts, and barriers to family formation persist only on the basis of discrimination.



SETTING THE STAGE FOR MARRIAGE EQUALITY

With each step, the incremental changes brought about by the Modernization of Benefits and Obligations Act laid the groundwork for full marriage equality under the 2005 Civil Marriage Act. These legislative changes uncovered tangible issues like pensions, taxes, and medical decision-making. In turn, Canada built a strong foundation for

recognizing same-sex relationships as equal in every sense.

Marriage equality wasn't solely about symbolic validation, however; instead, it helped entrench additional legal protections, all of which have proven profoundly impactful for the daily lives of LGBTQIA2S+ Canadians. Today, same-sex couples who are married automatically gain spousal rights without the requirement for additional documentation or agreements.

CANADA'S LEADERSHIP ROLE

With such a progressive approach towards equality under the law, Canada has become a global leader in advocating for LGBTQIA2S+ rights. As one of the first countries to legalize same-sex marriage nationwide, Canada has shown how inclusive policies can strengthen society as a whole.

There's no doubt that the impact has been far-reaching. Since Canada's landmark decision, over 30 countries have now legalized same-sex marriage. Many of them have looked to Canada as an example in developing their own frameworks for equality.

THERE'S STILL WORK TO BE DONE

Undoubtedly, Canada has made major strides toward equality, and yet, challenges persist. LGBTQIA2S+ people are still discriminated against in Canadian society, and often experience higher rates of violence. In rural areas of the country, where daily life sharply contrasts with those living in more progressive, urban cities, experiences of discrimination are amplified. This, in turn, leads to more isolation, limited access to services, and systemic barriers to care.

Healthcare settings, in particular, can be some of the most difficult—especially for elderly LGBTQIA2S+ Canadians, who face heightened vulnerability in long-term care homes and assisted living facilities. For many of these people, there are little to no affirming family structures. Simultaneously, a number of them are hesitant to assert their rights in settings where staff or other residents may hold less accepting views. According to Interior Health, this demographic is at greater risk of abuse, as they have fewer support networks than

the general population, are twice as likely to live alone, and have often experienced rejection from their families.

In many cases, healthcare staff are not adequately trained on the matter of LGBTQIA2S+ inclusion. As a result, those in their care may face inadvertent discrimination, neglect, or a lack of culturally competent care. Not only this, but there is often an absence of dedicated LGBTQIA2S+ social spaces and mental health services. In turn, this exacerbates feelings of isolation, compounding emotional and psychological harm.

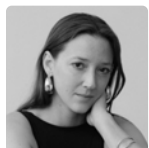
At present, transgender and non-binary Canadians continue to face additional systemic barriers, even though recent legislative changes are being made—such as [Canada's 2022 Federal 2SLGBTQI+ Action Plan](#). For many, access to gender-affirming healthcare is still out of reach. Across the country, the ability to access such care is inconsistent, with many people being forced to wait upwards of two or three years.

With this in mind, it is important to remember that we must continue advocating for the ability of all Canadians to enjoy equal rights and protections under the law.



No major legislative change comes easy. It is hard-fought and won. For LGBTQIA2S+ Canadians, the Modernization of Benefits and Obligations Act has meant a complete shift from legal exclusion to inclusion.

When we look back on history, landmark moments like marriage equality are often heralded as the most significant turning points. And while these moments are undoubtedly important, it is often the less-celebrated ones that have the greatest impact. Therefore, when teaching Canadian history, it is imperative to demonstrate how these tangible rights have provided LGBTQIA2S+ Canadians with dignity and security. These pieces of legislature should not be overlooked, as they remind us that equality is about more than grand gestures. It is about making sure fairness permeates every aspect of society, from hospital rooms to tax forms.



DEIDRE OLSEN is a Canadian, award-nominated writer based in Berlin.



TEACHING STUDENTS ABOUT HUMAN RIGHTS AND EQUALITY

For educators, Canada's journey toward LGBTQIA2S+ equality offers many valuable learning opportunities. When teaching about the history of the Modernization of Benefits and Obligations Act, it is important to consider:

- Showcasing how legal changes affect the everyday experiences of LGBTQIA2S+ Canadians;
- Exploring the intrinsic connection between human rights and dignity;
- Taking into account how social progress often happens at an incremental pace;
- Offering a closer look at how Canada has taken centre stage in influencing LGBTQIA2S+ rights across the globe.

Teachers can demonstrate to their students that LGBTQIA2S+ rights are more than legal abstractions. They should also help children and young people recognize that such legislative changes are significant for the daily lives of marginalized people. In turn, students can better grasp the ongoing importance of equality under the law.

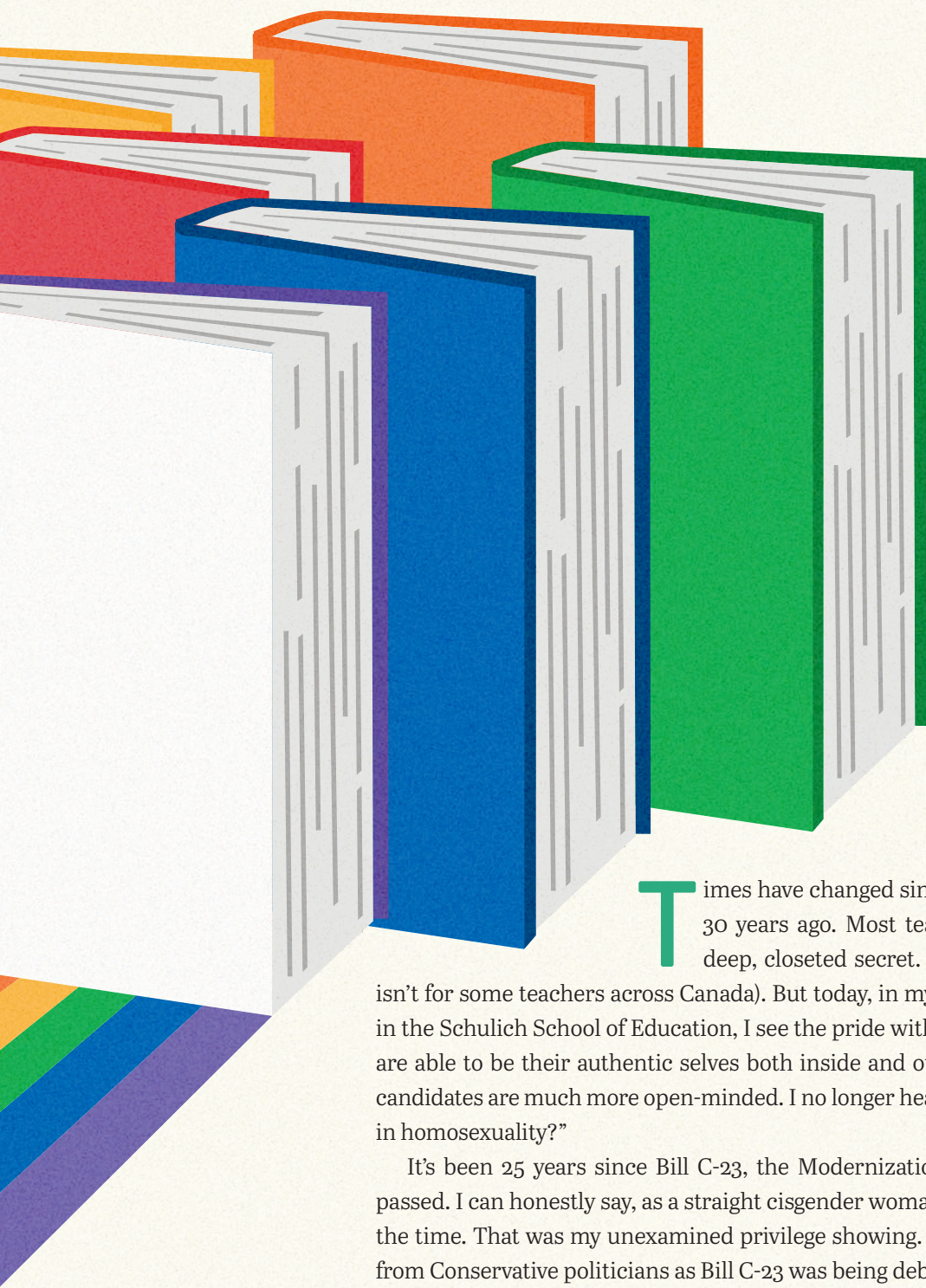


EDUCATION FOR EVERYONE:

25 Years of Inclusivity

BY CHRISTINE L. CHO





Times have changed since I first became an elementary teacher 30 years ago. Most teachers back then kept their sexuality a deep, closeted secret. It wasn't safe to be out (and maybe still isn't for some teachers across Canada). But today, in my current role as a full tenured professor in the Schulich School of Education, I see the pride with which my students—future teachers—are able to be their authentic selves both inside and outside of the classroom. Today's teacher candidates are much more open-minded. I no longer hear comments like, "What if I don't believe in homosexuality?"

It's been 25 years since Bill C-23, the Modernization of Benefits and Obligations Act, was passed. I can honestly say, as a straight cisgender woman, I didn't pay too much attention to it at the time. That was my unexamined privilege showing. What I do remember was the pushback from Conservative politicians as Bill C-23 was being debated. Some asserted that passing the bill would be the end of the Marriage Act; that it was an affront to "traditional" concepts of family.

I couldn't fathom that kind of thinking. Even though the bill was a milestone achievement, given the conservative nature of elementary and secondary schools at the time, those I knew in same-sex relationships certainly weren't rushing to disclose their status to Human Resources benefits departments. The LGBTQIA2S+ teachers I knew were only out to a select few—and rarely to their administrators. They worried that their lives at school might be made difficult (given a challenging teaching load/schedule, less support when dealing with difficult students/parents/caregivers, etc.) or worse, that they might be fired.

While Bill C-23 was primarily focused on the recognition of same-sex couples and their access to benefits and protections, its broader societal impact helped set the stage for changes in education and LGBTQIA2S+ representation in Canadian schools.

SHIFTING MINDSETS

By the late 1990s, I remember that teachers were beginning to see increased pressure from LGBTQIA2S+ advocacy groups, such as [Egale Canada](#), to implement inclusive policies and anti-bullying measures in schools. This was often met with resistance—as was the case in the elementary school where I taught. Some teachers felt uncomfortable with the content, while others were convinced that elementary students were too young to know they were gay, and therefore we didn't need to do anything (despite the fact that we had a trans student in the school.)

Over time, however, the continued advocacy and focus on anti-bullying in education led to the formation of Canada's first Gay-Straight Alliance (GSA) at Pinetree Secondary School in Coquitlam, BC. It wasn't long before high schools across Canada saw a significant increase in the formation of GSAs (which are now referred to as Gender and Sexuality Alliances). Today, school boards are required to help any student wishing to start a GSA. These student-run clubs are vital for offering support, providing safe spaces, and advocating for LGBTQIA2S+ rights within schools. They also play an important role in educating the teachers.

As I think about the evolution of GSAs, I also think about how language is constantly changing. Today, my students know what all the letters in "LGBTQIA2S+" stand for. It's when I provide them with a lengthy PowerPoint on what the "+" could represent that their heads begin to spin—and I'm sure the

document will only continue to grow as new understandings emerge. Expanding our concepts of what society deems acceptable and how people wish to be identified also means having conversations about the needs of transgender and non-binary students, particularly around issues like gender-neutral bathrooms, pronoun use, and sports participation.

These are issues that simply weren't part of staffroom conversations 25 years ago. They've been a huge shift for schools, and have launched some heated debates, at least in my classes. Teacher candidates are alarmed that some schools only have a gender-neutral staff washroom, and worry about the optics of a student using the same washroom as their teacher. I ask teacher candidates, when they go out on practicum, to see what the policies are in their schools with respect to LGBTQIA2S+ support services. How do teachers navigate the changeroom for gym, for example? They usually come back surprised at just how much support is out there, and how much has changed since they were young.

LGBTQIA2S+ LITERATURE

In the university classes I teach, I often refer to the 2002 story of James Chamberlain, a teacher in British Columbia who challenged the Surrey School Board's ban on LGBTQIA2S+ books by requesting to use three of them in his primary classroom. The school board refused, citing the religious beliefs of a few parents and what they perceived as content that was too mature for Grade 1 students. Chamberlain took the school board to court. Ultimately, the Supreme Court of Canada ruled in his favour, stating that the moral objections of some parents were not a valid basis for a ban. The Court also noted that learning about differences actually enhances a child's education and fosters respect for those who are different.

Textbooks in the 2010s began to include stories and information about LGBTQIA2S+ individuals, and LGBTQIA2S+ history started to be taught in many classrooms (including the history of gay rights activism and HIV/AIDS awareness), which has had a normalizing effect. We also saw an increase in LGBTQIA2S+ children's literature, such as *Simon vs. the Homo Sapiens Agenda* by Becky Albertalli, and *I Am Jazz* by Jessica Herthel and Jazz Jennings.

Today, online resources such as the Canadian Children's Book Centre offer yearly "[Rainbow Book Lists](#)" featuring Canadian authors. Scholastic Canada presents a selection of



books on their “[Read with Pride](#)” webpage, and the publishing company Strong Nations showcases Indigenous and First Nation titles with [LGBTQIA2S+ content](#). *TEACH Magazine* also keeps a collection of [lesson plans](#) that focus on equity and inclusion and are centred around Canadian books.

THE EDUCATIONAL LANDSCAPE OF THE FUTURE

In September 2023, I received quite a few frantic emails from my students. They had been made aware of the 1MillionMarch4Children rallies being held at schools to protest what organizers called “gender ideology,” and wanted to miss class to attend, in order to show their support for LGBTQIA2S+ rights. The protests, triggered by policy changes first in New Brunswick then in Saskatchewan, demanded that transgender and non-binary students under 16 get parental consent before their teachers could use their preferred first names. My teacher candidates who attended one of these rallies asked if they could have some time in class to educate their peers on what was fueling the protests. I welcomed such a discussion.

The passion I saw in these future educators cemented my belief that things really have shifted over the years, despite the steps backward in some provinces like Alberta which, in 2024, introduced three new bills that directly impact transgender students. Bill 27, the Education Amendment Act, would prohibit teachers from using a student’s preferred pronouns or name without notifying their parent(s). It would also require parental permission for children to be instructed on topics involving gender identity, sexual orientation, and human sexuality. Bill 26 limits access to health care, in particular for trans surgery, and Bill 29 bans transgender athletes from competing in non-coed leagues.

But in spite of these bills, there are reasons for hope. I find those reasons in my students. Compared to 25 years ago, the future educators I work with today are much more comfortable talking about LGBTQIA2S+ related topics, and readily share resources and ideas with each other, affirming *all* their future learners. I see my students taking more of an advocate position, engaging in meaningful discussions about how to support trans students, for example. They are consciously and proactively seeking out inclusive resources both inside and outside of the classroom. They ask difficult questions because they want authentic answers. They want



to challenge their colleagues to be more accepting and understanding, and in doing so, are slowly reshaping the educational landscape.



Since Bill C-23 passed 25 years ago, LGBTQIA2S+ representation in educational settings across Canada has evolved from a point of legal recognition and limited policy focus to a more inclusive, supportive, and visible presence. Canada has made substantial progress in integrating LGBTQIA2S+ issues into school curricula, promoting safe spaces, and providing resources for LGBTQIA2S+ students. The ongoing advocacy and legal protections, while being tested, continue to shape a more inclusive and equitable educational environment. We’re seeing a reflection of a broader societal shift toward acceptance and recognition of LGBTQIA2S+ individuals, as well as a growing understanding of the importance of inclusivity in education.



CHRISTINE L. CHO, PhD, is a Professor at Nipissing University’s Schulich School of Education. A practicing visual artist and a former elementary school teacher, Christine utilizes visual media and critical pedagogy to expand upon diverse ways of knowing. Her research contributes to current educational conversations on racial, ethnic, linguistic, and LGBTQ+ representation in schools.



FROM EXCLUSION TO INCLUSION: TEACHING EQUITY THROUGH BOOKS

BY MARILENA MURGAN

“What makes a family?” It’s a simple question with multiple answers, but for a long time, Canadian law had only one.

Nowadays, in every classroom across Canada, children draw pictures of their families—two moms, two dads, a dad and stepmom, a grandparent raising them alone, etc. Until 25 years ago, however, not all of these families were seen as equal in the eyes of the law.

A LANDMARK SHIFT

In 2000, the Canadian Parliament passed a legislation that reshaped the landscape of rights in Canada: the Modernization of Benefits and Obligations Act. While it didn’t grab headlines like the Charter of Rights and Freedoms or marriage equality later would, this Act was a critical step forward in recognizing the rights of same-sex couples under federal law. On its 25th anniversary, we have a renewed opportunity and responsibility as educators to revisit its impact and explore how such legal shifts create more inclusive classrooms and communities.

As a French as a Second Language educator and workshop developer with over two decades of experience, I have witnessed firsthand how this inclusive legislation has shaped the educational landscape and broadened the lens through which students view identity, family, and justice.

My teaching was inspired by influential Canadians such as Justice Rosalie Abella, a long-time advocate for equality rights, and the Honourable Svend Robinson, who championed LGBTQIA2S+ visibility in politics. Their legacies, and the legislation they helped advance, served as a foundation for the culturally responsive learning environments we strive to create today.

This article emphasizes the importance of continuing that journey—demonstrating how education continues to be a powerful space for social change as we strive to foster learning environments that honour every student’s story, background, and identity. Here I also

reflect on what the Act has meant for students, families, and educators, and how it can be taught with authenticity and care to spark meaningful dialogue on equity, family diversity, and human rights.

REDEFINING CANADIAN FAMILIES

The Modernization of Benefits and Obligations Act was passed in 2000 under Prime Minister Jean Chrétien’s Liberal government. This Act included the most comprehensive amendments in Canadian legislative history related to the recognition of same-sex relationships. These amendments spanned areas such as taxation, pension benefits, immigration sponsorship, and employment insurance, ensuring that same-sex common-law couples were granted the same legal obligations and benefits as their heterosexual counterparts. In doing so, the Act affirmed the legitimacy of queer families—without redefining marriage, which at the time remained restricted to heterosexual couples.

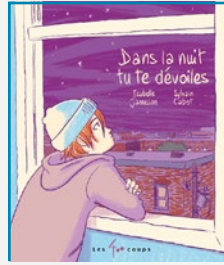
This legislative change was born of both legal and moral imperatives. It followed on the heels of court rulings that found government discrimination against same-sex couples to be unconstitutional. But it also reflected the evolving values of a nation increasingly embracing its diversity.

The Act was a step forward—but not the final word. It did not legalize same-sex marriage (that would come in 2005) and it left gaps, particularly in the areas of adoption and parental rights. Yet for many LGBTQIA2S+ Canadians, it was a validation of their love, relationships, and place in society. And for children raised by same-sex parents, it was the beginning of a journey toward being fully seen in the eyes of the law.

INCLUSIVE LITERATURE: REFLECTIONS OF REAL FAMILIES

One of the most powerful ways to help students connect emotionally and intellectually to the themes behind the Modernization of Benefits and Obligations Act is through storybooks that reflect the diversity of real families.

In my French classes, I've found that the following books have become pivotal tools in promoting empathy, discussion, and visibility:



[Dans la nuit tu te dévoiles](#)
by Isabelle Jameson



[Julian est une sirène](#)
by Jessica Love



[Le mariage d'uncle Benji](#)
by Sarah S. Brannen



[Mes deux mamans](#)
by Bernadette Green

During class discussions, some students immediately connect with these texts. They smile when they see characters with two moms, or a child exploring their identity. They will nod their heads or say things like, “That’s like my family!” or “Finally, a book that’s real.” These moments are powerful—they validate lived experiences that often go unseen and open further discussions about inclusivity.

Unfortunately, not all reactions are positive. Some students shift uncomfortably, frown, or say things like, “That’s weird!” or “Why is this book in our class?” Others challenge the stories right away, questioning why such themes are even being discussed in school.

These responses, while difficult, are equally powerful. They open up critical opportunities for dialogue, for reflection, and for unlearning bias. They reveal the deeply rooted norms some students bring with them, and remind us why representation and intentional discussion are so necessary.

Books like these serve as mirrors and windows—mirrors for students who finally see themselves represented, and windows for others to understand different experiences. They have led to deeper conversations about respect, inclusion, and the legal and cultural progress that made such representations possible.

TEACHING THE ACT: AN ENTRY POINT FOR INCLUSIVE EDUCATION

Twenty-five years later, the Modernization of Benefits and Obligations Act still resonates in classrooms. As educators, especially in language and social studies classrooms, we often find ourselves unpacking concepts of identity, belonging, and citizenship. Teaching the story of the Act offers a natural entry point into these themes.

We can approach these conversations by integrating literature and inquiry. I introduce questions like, “What makes a family?” or “Who decides which families are recognized by the law?” Then we discuss books which challenge stereotypes and promote open-mindedness.

Using authentic texts, students explore how language reflects cultural values, and how inclusive vocabulary—like *deux mamans*, *deux papas*, or *mon parent non-binaire*—can be used meaningfully and respectfully.



Here are some examples of classroom resources:

- **Primary/Junior:** [“Lesson Plans to Welcome All Families in Your School Community”](#)
- **Junior/Intermediate:** [“Toilets, bowties, gender and me”](#)
- **Intermediate/Senior:** [“2SLGBTQ+ Mostly Canadian History Jeopardy”](#)
- **French:** [“Créer des milieux authentiques”](#)
- **Two Spirit:** [First Stories – Two Spirited](#)

FIRST-PERSON CONNECTIONS: THE HUMAN FACE OF POLICY

One of the most powerful ways to teach the significance of the Act is through storytelling. In my classroom, I’ve shared excerpts from interviews and testimonials by LGBTQIA2S+ Canadians who describe what legal recognition meant to them.

Pairing these stories with picture books such as [And Tango Makes Three](#) by Justin Richardson and Peter Parnell, and [Le garçon invisible](#) by Trudy Ludwig helps younger students make sense of individual experiences through relatable characters and scenarios that foster empathy, inclusion, and a deeper understanding of diverse family structures and social dynamics.

These stories bring policy to life. They also invite students to consider how laws shape the daily realities of families across the country. Through guided inquiry and structured dialogue, students can then compare human rights across time and examine the ongoing struggle for equity in areas such as healthcare, education, and housing.

Pop culture has also played a significant role in shaping societal attitudes toward inclusion. Shows like *RuPaul’s Drag Race* have brought conversations about gender, identity, and expression into mainstream media around the world. What once lived on the margins of visibility is now center stage on television, prompting discussions about self-acceptance, diversity, and what it means to live authentically.

In classrooms, students often reference the show or its cultural impact, providing an unexpected but powerful bridge between policy, popular media, and personal identity. These cultural shifts complement legal reforms like the Modernization of Benefits and Obligations Act, reinforcing the message that inclusion is both a legal and cultural imperative.

RuPaul’s Drag Race ends some of its episodes with powerful segments where contestants reflect on a photo of their younger self, offering messages of love, courage, and acceptance. These moments transcend entertainment—they model vulnerability and self-affirmation in a way that deeply resonates with viewers of all ages. The simple act

CONTINUING THE WORK: PEDAGOGICAL STRATEGIES

Here are a few ways educators can meaningfully integrate the Modernization of Benefits and Obligations Act into their practice:

- **Comparative Analysis:** Compare Canada’s legislation to that of other countries. Discuss the global movement for LGBTQIA2S+ rights and the role of Canadian diplomacy.
- **Creative Projects:** Invite students to write letters or journal entries from the perspective of a person whose life was changed by the Act.
- **Historical Timelines:** Create a class timeline of LGBTQIA2S+ legal milestones in Canada, including the 1969 decriminalization of homosexuality and the 2000 Act.
- **Literature Circles with Inclusive Books:** Use a variety of texts to build vocabulary and foster conversations around inclusion. Some good options include:



Anatole qui ne séchait jamais by Stéphanie Boulay



Martin petit pingouin et ses deux mamans by Léo Côme



Mes deux papas by Juliette Parachini-Deny and Marjorie Béal

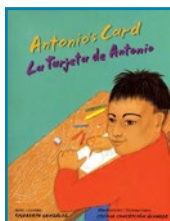
- **Role Plays and Debates:** Have students assume the roles of lawmakers, activists, or families affected by the Act and debate its impact.



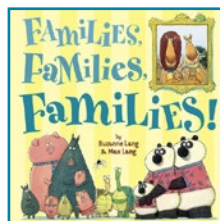
PLUS DES RESSOURCES EN FRANÇAIS

- **Interligne:** Appeler une ligne d'écoute sans frais ou un chat accessible.
- **Jeunes identités créatives:** Organisme communautaire pour supporter la famille d'un enfant trans. Aide aux parents et aux enfants.
- **Tel-jeunes:** Téléphone ou texto plus chat. Ce n'est pas spécifiquement pour la diversité de genre, mais pour tous les jeunes.

ADDITIONAL ENGLISH BOOKS



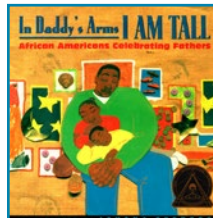
Antonio's Card
by Rigoberto
González



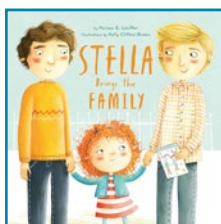
*Families, Families,
Families!*
by Suzanne Lang



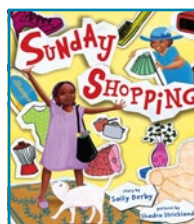
*Heather Has Two
Mommies*
by Lesléa Newman



*In Daddy's Arms I Am
Tall: African Americans
Celebrating Fathers*
by various poets



Stella Brings the Family
by Miriam B. Schiffer



Sunday Shopping
by Sally Derby Miller

of saying “You are worthy just as you are!” becomes a profound reminder that identity is something to be celebrated, not hidden. For educators, these messages offer a meaningful prompt to inspire classroom discussions about self-worth, resilience, and the importance of creating spaces where every student feels seen and valued.

INTERSECTIONALITY IN THE CLASSROOM

Teaching about the Modernization of Benefits and Obligations Act also invites deeper reflection on intersectionality. It is crucial to acknowledge that not all members of the LGBTQIA2S+ community benefited equally—or immediately—from this legislation. To this day, racialized individuals, Indigenous peoples, people with disabilities, and newcomers to Canada continue to face layered forms of discrimination that legal reforms alone cannot erase.

In class discussions, we explore these issues using books like *Le secret d'Aimée* by Nadine Brun-Cosme and Ewen Blain, and *Mon ami Jim* by Kitty Crowther. Such texts help students analyze representation, power, and justice through an intersectional lens.

Students then work on projects connecting current equity issues to historical milestones, investigating questions such as: “Whose voices are heard in lawmaking?” and “How do laws reflect or exclude certain identities?”

EDUCATING FOR EQUITY

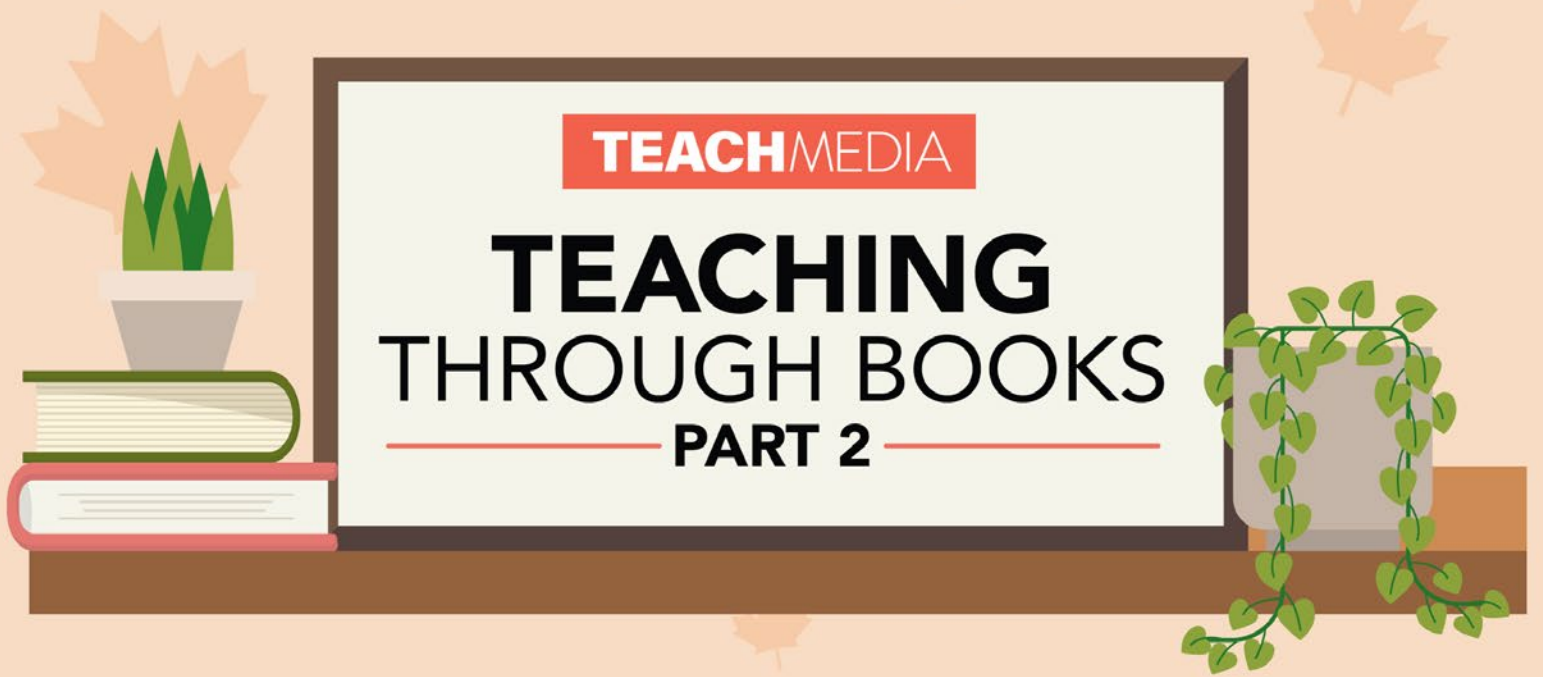
The 25th anniversary of the Modernization of Benefits and Obligations Act is more than a commemoration. It is an opportunity to educate for equity, to foster understanding, and to shape a future where all students see their identities reflected and respected.

Books used in the classroom remind us that education is most powerful when it affirms the dignity of every child. Paired with history, inquiry, and compassion, they create a foundation for inclusion that reaches far beyond the classroom walls.

As educators, we are not only teaching laws—we are teaching values. Let us use this moment to reaffirm our commitment to a truly inclusive Canada.

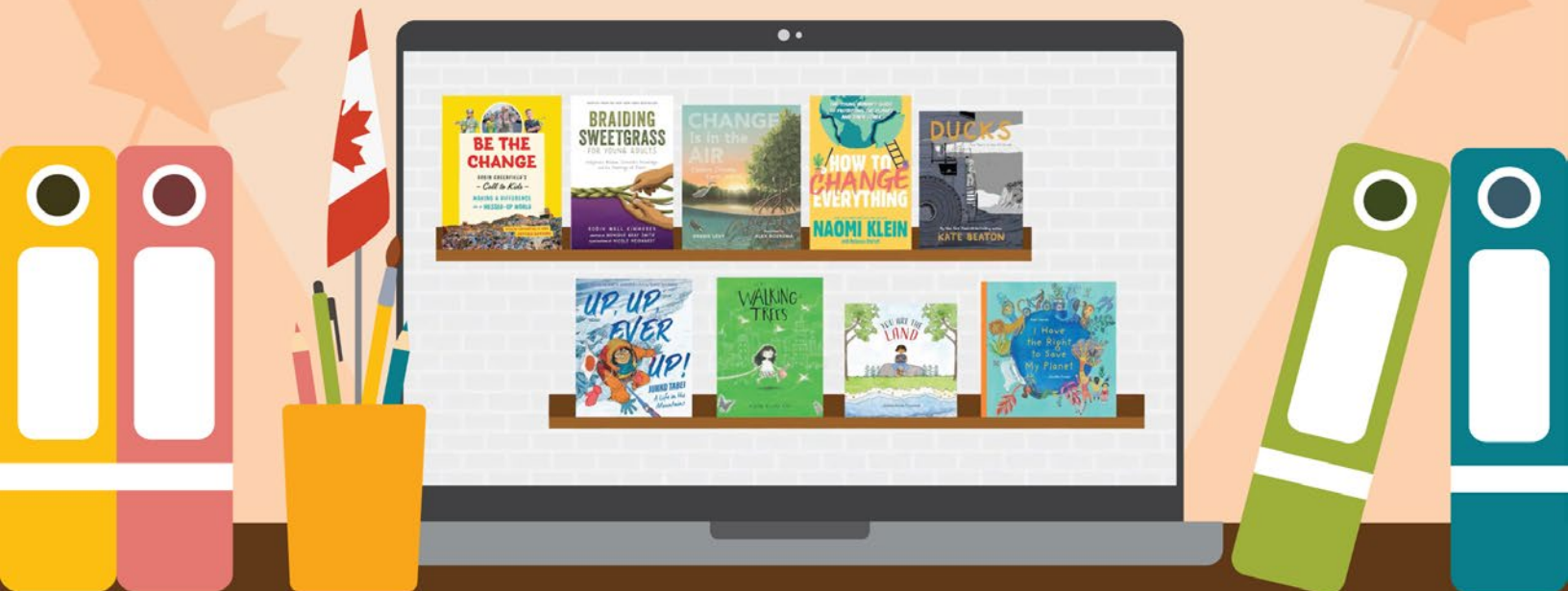


MARILENA MURGAN is an educator with more than 20 years of experience in various subject areas across all grade levels. She holds a Bachelor of Science in Physics and Chemistry, a Bachelor of Education, and a Master of Education in Curriculum Studies. Marilena's main goal as an educator is to make school fun and to include all students in the journey of learning!



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BEFORE MARRIAGE EQUALITY:

The Fight for Benefits and Belonging

BY CAROLYN GRUSKE

Twenty-five years after the Modernization of Benefits and Obligations Act, three central figures reflect on the legal and personal struggles that paved the way for LGBTQIA2S+ rights, freedoms, and equality in Canada.





Equality seems like an easy concept, especially in Canada, with its Charter of Rights and Freedoms. Achieving equality, however, and enshrining it in both the law of the land and the general societal consensus hasn't always been a foregone—or even welcomed—conclusion. It has often taken court cases and considerable efforts by determined individual litigants and dedicated legal professionals to bring issues of inequality to the fore.

That was certainly the situation 25 years ago, before same-sex couples across the country finally gained the same rights and protections as their heterosexual counterparts under the Modernization of Benefits and Obligations Act.

In Canada, homosexuality had been decriminalized since 1969. And by 1982 the Charter was enacted (including its notable Section 15, which prohibits “discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability”)—yet at the turn of the century, same-sex committed partnerships still weren't recognized under the law.

Even if they lived together and shared a life, same-sex couples were seen as little more than roommates. They didn't qualify for spousal benefits under pension or insurance plans, and couldn't file for tax deductions created for married or common-law couples. In the case of a break-up, there was no legal way to split up joint assets under provincial family law provisions.

It was that final scenario, the dissolution of a same-sex relationship, that eventually led to the Modernization of Benefits and Obligations Act, following a case known as *M. v. H.* after the anonymized names of the parties involved.

M. V. H.

Today, Martha McCarthy is the founding partner of the law firm McCarthy Hansen & Company, but in 1992, she was at the beginning of her career, having just completed her first full year as a lawyer at a major Toronto firm. Still with a lot to learn, she was completely unaware of what the future had in store when she booked a meeting with a client looking to obtain spousal support payments after a breakup.

McCarthy recalls the case—a referral through a family connection—where a client avoided using gendered language

during a lengthy consultation. The client's consistent use of neutral terms like “this person” and “my partner” stood out, as it appeared to be a deliberate effort to withhold the nature of the relationship. Only at the very end did she clarify that it was a same-sex relationship—something McCarthy had already deduced well before the reveal.

The woman, M., told McCarthy that she lived in her partner H.'s house. The two of them owned a business together where H. was the face of the company, while M. worked in the back office.

“When they broke up,” says McCarthy, “the other woman put my client's clothes in garbage bags on the back porch... and kicked her out of the house. At the end of my meeting with her, I said: ‘Family law doesn't know who you are.’”

The family law court in Ontario did not want to touch a case involving two women, causing serious hurdles in McCarthy's efforts to file a lawsuit, but she eventually got the case on the docket with a trial scheduled in the Ontario Court (General Division) before Justice Gloria Epstein. Having only been recently appointed to the bench, Justice Epstein was very much a new and untested judge.

THE FAMILY LAW ACT

By the time the case was finally heard in 1996, there had been a political flip in Ontario. The province voted the New Democratic Party out of office and elected a Progressive Conservative (PCs) government instead. This meant that the government, through the attorney-general's office, would be intervening in the case—a legal term meaning they formally entered proceedings to support H.'s side.

This wasn't an action the government needed to take. It could have stayed out of the case completely, but the PCs knew that the expansion of rights for same-sex couples—let alone even the slightest nod towards gay marriage—was something that its voters expected the newly elected government to fight against.

Despite the government's intervention and a very experienced and successful lawyer representing H., McCarthy's client prevailed, with **Justice Epstein ruling in her favour**. Among a number of legal arguments made during the trial, questions were raised under Section 15

regarding the constitutionality of Ontario's Family Law Act not recognizing same-sex couples in the same way it did unwed common-law couples.

"The intellectual trick of the case was that we did not say unmarried same-sex couples (who didn't have the right to marry at the time) should be treated the same as married people in family law," says McCarthy. "In Ontario, we already had a two-tiered family law system in which married people divided assets and had support obligations they could come to the court and ask for. Unmarried people had spousal support rights and obligations only."

As she explains, "The argument was: 'Treat us like them. You know, those people that are living in sin that you guys think shouldn't get a whole loaf. Just give us the same as them.' And that is how we won the case. Because every time anybody asked, 'Isn't this about gay marriage?', we would say, 'Absolutely not. This case has nothing to do with marriage. This case is about unmarried people, who in Ontario have had very robust rights and obligations since the '70s.'"

This approach made perfect sense to Justice Epstein, who is now retired from the bench and is working as a mediator and educator. She admits that because the argument was "so logical," she didn't fully grasp the significance of the case when it was first put in front of her.

"I wasn't exactly experienced in constitutional law, and nor was I particularly experienced as a judge. I was experienced as a human being, and... it didn't make any sense to me that people would be treated differently in terms of their access to certain rights under the Charter because of their sexual orientation. That was the perspective from which I approached the case," Justice Epstein says.

"That's not to say that I'd made up my mind in advance," she adds. "I was prepared to listen to rational, logical, and supportable legal arguments. But from the perspective of what was fair and right, it didn't make sense to treat people differently based on their sexual orientation. And when you realize the number of laws that were affected by this differential treatment, it was extraordinary."

Unfortunately for Justice Epstein, not everybody felt the same way. She recalls being "castigated" by newspaper

columnists and writers, but that wasn't the worst of the reactions. "I had death threats and stupidity like that. Some people got really upset about it," Epstein says.

Nevertheless, when it came to those who really mattered—judges presiding over higher courts—her ruling and reasoning earned a much better reception. Upon hearing the case, the Court of Appeal for Ontario agreed with Justice Epstein's interpretation of the law in a **two-to-one ruling**. From there, the case made its way to the Supreme Court of Canada.

By that point, M.'s side had picked up allies who also argued before the court in support of M.'s position. One of them was **LEAF**, the Women's Legal Education and Action Fund. The organization's lawyer, Carol Allen, recalls the

intimidating prospect of appearing before the highest court in Canada during this landmark trial.

"It was very daunting, [but] it was an incredible experience to be there just as counsel—never mind to be part of such a case that was going to, at the time, be precedent setting," Allen notes. "Certainly, as a lesbian arguing this, I had a very personal interest in getting it right and being successful."

It took a while for the Supreme Court to hear the case and then issue a **final verdict**, but in 1999, by an eight-to-

one ruling, the court reaffirmed and upheld Justice Epstein's original decision. As a remedy, the court also issued a notice that the Ontario government had six months to revise the Family Law Act to treat all common-law spouses the same, whether they were same-sex spouses or heterosexual spouses.

Justice Epstein calls the Supreme Court's ruling "very reassuring" and describes the impact of the decision: "It changed hundreds and hundreds of laws—whether it was divorce laws or support laws or death benefits, you name it—to the benefit of this country. And not just *within* this country, but also how [our] laws [have been] regarded by other countries since then."

THE MODERNIZATION OF BENEFITS AND OBLIGATIONS ACT

With its hand forced by the court, the Ontario government passed a piece of omnibus legislation that affected 67 separate statutes in order to address the issues called out by the



Supreme Court of Canada. However, the government made its opposition to the law clear. Bill 5 (as it was known before being adopted by the legislature) was titled the Amendments Because of the Supreme Court of Canada Decision in M. v. H. Act, 1999.

These changes in Ontario were the first of many more to come. Other provincial governments in Canada realized they needed to update their laws as well, or they'd also be running afoul of the Supreme Court.

While the Ontario government intervened on *M. v. H.*, the federal government did not. The Honourable Anne McLellan was the federal minister of justice and attorney general when the case was working its way through the court system. According to her, the attitudes towards same sex couples were shifting, and the government recognized this.

"By 2000, what we would describe as the gay and lesbian movement was certainly becoming more politically active, and it had been for some time. The courts, under the Charter of Rights and Freedoms, were becoming more active as well, in terms of taking seriously the commitments in Section 15 to equality under the law," McLellan explains. "There was a lot happening at the time and pressure was growing on governments at all levels, but especially the Government of Canada to at least establish equality between common-law couples of both the opposite and same sex."

To address that disparity in rights, McLellan introduced Bill C-23, the Modernization of Benefits and Obligations Act. The changes in the Act extended benefits and obligations to same-sex common law couples and updated 68 federal statutes, including the Income Tax Act, the Canada Pension Plan, and the Old Age Security Act.

Prime Minister Jean Chrétien was a proponent of Bill C-23, and McLellan says that she can't recall any pushback by members of the cabinet. But that doesn't mean all the Liberal members of parliament were completely behind it.

"We actually had to deal with opposition within our caucus," McLellan notes. "The Minister of Finance—Paul Martin—myself, and the minister of human resources held a special meeting of the Liberal caucus. I remember one evening talking people through the Modernization of Benefits Act, what it did and didn't do."

While the Act did pass in the House of Commons by a vote of 174 to 72, there were Liberals who voted against it.

MARRIAGE

Throughout the *M. v. H.* case and the creation of the Modernization of Benefits and Obligations Act (and other similar provincial legislation), one stance was made very clear: same-sex marriage was not part of the discussion—only common-law same-sex relations were being discussed. And while that was technically true, it wasn't the full truth.

As McLellan recalls, there were politicians who were upset that the new law didn't take marriage into account. She specifically names Liberal Bill Graham and the NDP's Svend Robinson (the first openly gay Member of Parliament). And while McLellan was sympathetic, it was a step she said

the government couldn't take in part because society didn't seem ready to accept that change.

"In politics, if you're the government, quite honestly, sometimes you take what you can get. What we could get in the year 2000 was an extension of benefits to same-sex common-law couples," McLellan says. "Had we pushed for a redefinition of marriage at that time, we would not have been able to pass this

legislation through the House. I am quite convinced that we would have lost this bill in our own caucus."

In McCarthy's mind, marriage was always on the table as part of a bigger, wider plan. It was just something that couldn't be talked about too early.

The case that finally earned gay marriage acceptance in the courts (and by extension, Canadian governments) was Halpern v. Canada in 2003. It was set in motion when the City of Toronto failed to issue marriage licences to seven gay and lesbian couples who wanted to wed. At the same time, the city also failed to recognize two same-sex marriages performed by a Christian church.

McCarthy and her legal partner represented the applicant couples.

"*Halpern* is the first court decision in the world calling for equal marriage for same sex couples," she says. "At the time that the Court of Appeal released *Halpern* in 2003, there were two other jurisdictions that were already doing same-sex marriages, but they did it voluntarily by legislative



amendment: Denmark and Sweden. Canada was third, but the Ontario Court of Appeal decision is the first in the world to require it as a constitutional imperative and to write that marriage is a fundamental right and freedom.”

After that, McCarthy says, decisions dealing with same-sex marriage in the United States wound up quoting the Canadian judgment. “And Americans never quote Canadian cases,” she adds.

Even today, other countries are looking at Canada’s approach to same-sex rights. Justice Epstein, for example, travelled to Ukraine to teach a course about same-sex benefits in light of the Russian invasion. She explained that since Ukraine doesn’t currently recognize same-sex partnerships, partners of soldiers killed in battle are unable to claim survivor benefits.

OTHER CASES

Just because same-sex couples were able to claim benefits and eventually get married, that didn’t mean all the legal issues were dealt with. There were still battles left to fight. But although some of the fights were long and hard and took years to accomplish, eventually they prevailed.

The Modernization of Benefits and Obligations Act, for example, had a cut-off point baked into it for members of same-sex couples to claim survivor benefits under the Canada Pension Plan. The 2004 case of *Hislop v. Canada* challenged that limitation and won surviving spouses the right to claim those long-lost benefits.

Other court battles led to the names of both same-sex parents being listed on birth certificates, the opportunity for multiple-parent adoption, and eventually the creation of Ontario’s *All Families Are Equal Act*, which “recognizes the legal status of all parents, whether they are LGBTQ2+ or straight, and whether their children were conceived with or without assistance.”

“Every single one of those [decisions] comes from *M. v. H.*,” says McCarthy, “and *M. v. H.* is built on the steps of ten other cases. We all stand on the shoulders of freedom fighters who came before us.”

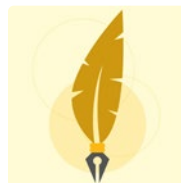
THE FEARLESSNESS OF YOUTH

Despite how far we’ve come, there are still contributions to be made by people entering the legal profession today. For example, McLellan points out that while there have been strides made in solidifying transgender rights, there is still work to be done in that area. The same with Indigenous rights. And there is nothing stopping young lawyers from taking up these tasks.

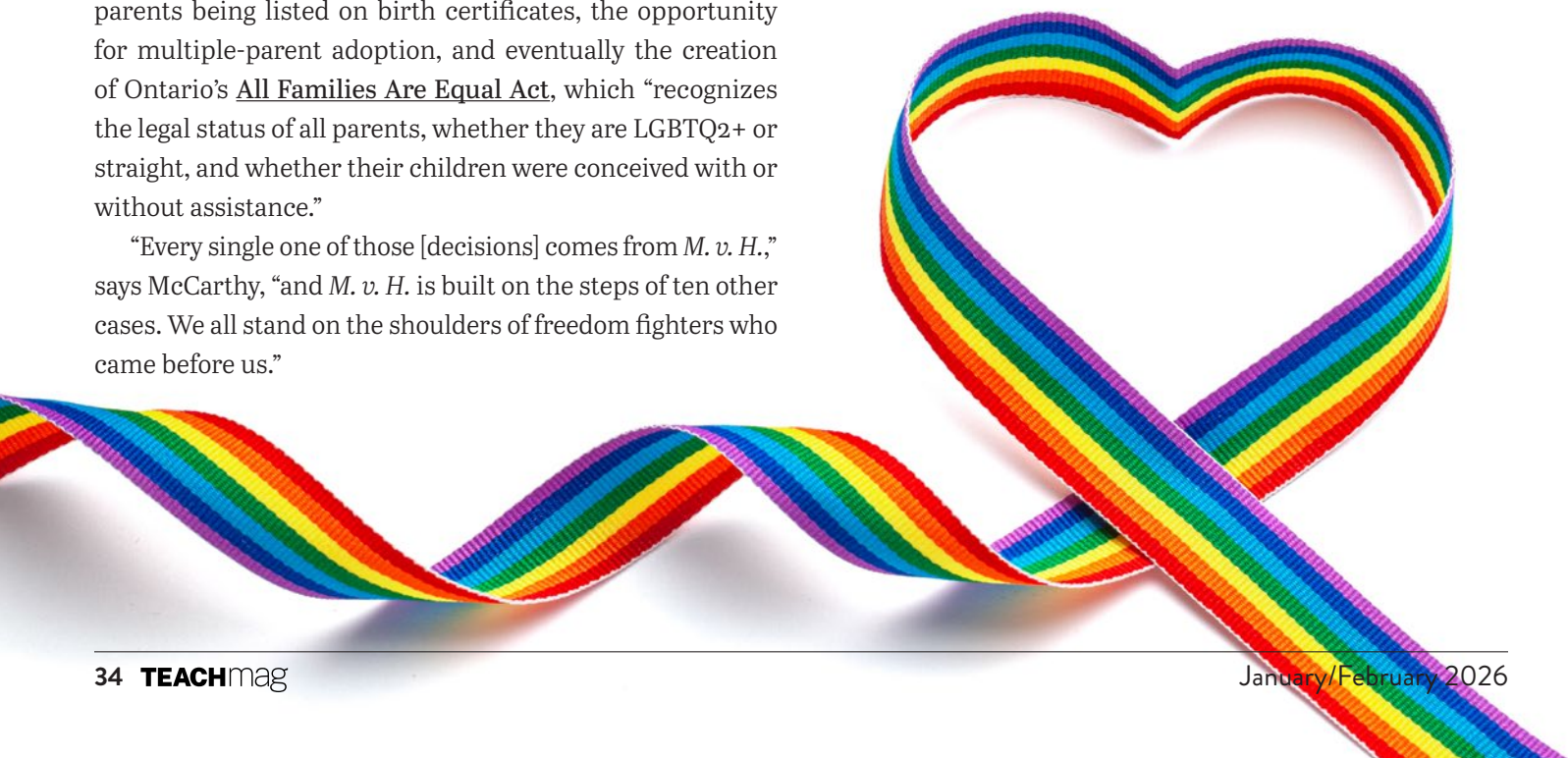
In fact, being young and fearless might actually be an advantage, explains McCarthy. “I’m 59 years old, and sometimes I say, if you brought me the gay marriage case today, I would tell you it would be hard to win,” she admits. But back then, she was “just determined to win. I was young and blindly driven,” McCarthy adds. “Take no prisoners.”


Epstein also believes there are plenty of opportunities for young people to really make a mark in the legal world.

“As old and cranky as I am, I’m still so lucky to be involved in the legal profession,” she says. “Because no matter what aspect of the profession you’re in, no matter how long you’ve been in it, you’ve got so many opportunities to make a contribution to society, and that’s such a privilege.”



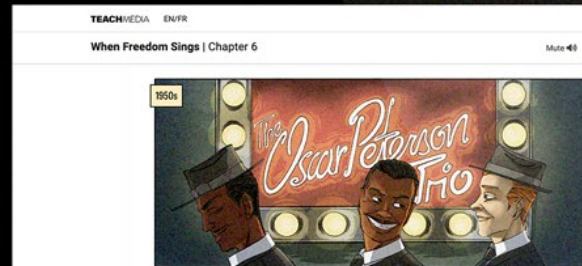
CAROLYN GRUSKE is an award-winning reporter and magazine editor. She often writes about the intersection of business, technology, and the law, but she also has a deep interest in educational topics.





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