

MY RECOURSE AGAINST RACISM



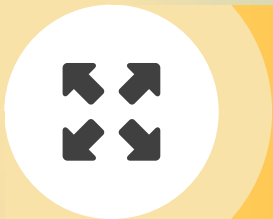
4. My recourse against racism



3. Knowing my rights



2. Defining racism



1. Introducing the guide



ACKNOWLEDGMENTS

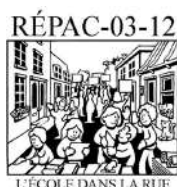
The guide My Recourse Against Racism was born out of a pressing need in the greater region of Quebec and Chaudière-Appalaches. We want to extend our sincere thanks to the many individuals who contributed to its development, including the writing and editing entrusted to Laura Doyle Péan, the fieldwork conducted by Marie-Ève Fortier and the CLAR, the revision by Linda Forgues, and all those who participated in group interviews.

From the ideation of the project to its realization, three years, one pandemic and numerous obstacles have passed. If this guide was able to come to fruition, it's because the REPAC team deeply believed in the positive impact it could have on people's lives and its necessity. Thank you to Vania Wright-Larin and Naélie Bouchard-Sylvain for carrying this project through to the end!

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Regroupement d'  ducation populaire en action communautaire
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WHY THE GUIDE ?

This guide is intended to provide tools to people who have experienced racism or religious discrimination in order to make informed decisions regarding the defense of their rights. Too often, certain individuals (community intervention workers, school administration, law enforcement) who are supposed to help the victims contribute to the problem by harboring their own racist prejudices. With this guide, individuals who have experienced racism will have the necessary information at their disposal to react, without having to endure further discrimination, and they will know which organizations to turn to for the support they desire in their endeavors.

Additionally, this guide also serves to meet the needs of community groups in the Quebec and Chaudière-Appalaches regions regarding the support of victims of racism or religious discrimination.





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“ We cannot eradicate racism unless it is deeply embedded in the structure of our society. That is why it is important to develop an analysis that goes beyond simply denouncing individual racist acts: we can no longer be content to prosecute isolated culprits. ”

- Angela Davis

MY OPTIONS AGAINST RACISM

This guide is divided into three parts. The first defines racism and presents some examples of racial discrimination that racialized individuals may sometimes face. The second part lists legal, institutional, and political/community remedies available to a person who has been a victim of racism. The third part provides some resources that can assist you when dealing with a situation of racism or when seeking to file a complaint or organize a political action against racism.

The information contained in this document does not constitute legal advice. Consult a lawyer if you are considering taking legal action.





WHAT IS RACISM?

Racism refers to a system of oppression that hierarchizes individuals based on their skin color or ethnocultural affiliation.

Racism manifests *indirectly* - when a rule that applies uniformly to all individuals, regardless of their skin color or origins, produces disproportionately negative effects on members of a community sharing the same racial or ethnocultural background - and *directly* - when a person or group receives negative treatment due to their actual or presumed racial or ethnocultural affiliation.

Racism, a subtle violence

Racism can be very obvious (especially when racial slurs are used) but can also be subtle and insidious, which can lead victims to doubt their lived experiences. If you believe you have been a victim of discrimination or racism and it weighs on your heart, talk to trusted individuals! Several organizations are here to help you.



FORMS OF RACISM

Systemic racism

Racism manifests systemically when the social structures of a given environment (a state, a nation) are organized in a way that maintains inequalities among various racial groups. These inequalities may be intentionally maintained or may result from (and in) indirect discrimination. In this case, the involuntary nature can be questioned if the discriminatory effects of social structures are known and those in positions of power do not act to remedy the situation.

Institutional racism

Additionally, racism can be institutional when an institution adopts policies and practices, whether official or unofficial, that have a discriminatory effect on racialized individuals

Interpersonal racism

Racism can also manifest in interpersonal relationships, for example when an individual exhibits violence (verbal, physical, economic) towards another person due to their actual or presumed racial or ethnocultural affiliation. Interpersonal racism can also occur when an individual treats a racialized person differently and negatively (for example, refusing to serve them in a restaurant, refusing to sit next to them on a plane, calling the police because the person is walking in a park, etc.), again, due to their actual or presumed racial or ethnocultural affiliation. This type of racism can also refer to micro-aggressions (e.g., touching someone's hair without consent, refusing to learn how to pronounce their name, etc.).

Internalized racism

Since we live in a society based on the theft of native lands and the enslavement of black and native peoples, where racist discourses continue to be commonplace and stereotypical representations of certain communities are ubiquitous in the media and cinema, racism can be internalized. This means that a racialized person may themselves internalize negative or stereotypical discourses about the communities to which they belong.



INTRODUCTION TO INTERSECTIONALITY

Intersectionality is a concept developed by the African-American jurist Kimberlé Crenshaw, to explain how various factors of oppression (race, age, gender, social class, physical or psychological limitations, sexual orientation, immigration status, etc.) may work together to create distinct types of discrimination. For example, while black women may face sexism because of their gender, or racism because of their race, they may also face *misogynoir*, a type of discrimination specifically targeted towards black women. The impacts of this phenomenon are numerous. In particular, being at the intersection of multiple sources of oppression may complicate the search for employment and housing, or the access to a multitude of services.

The concept of intersectionality illustrates the fact that a person may face discrimination based on several factors of their identity, without being able to isolate these factors from each other.





WHAT ARE MY RIGHTS?

The right to equality can be jeopardized when experiencing racist violence, racial discrimination, or racial profiling. That being said, this right is guaranteed by numerous legal texts, including the Canadian Charter of Rights and Freedoms, the Charter of Human Rights and Freedoms, and the Canadian Human Rights Act. The right to life, liberty, and security of the person is also guaranteed by the Canadian Charter (Article 7) and the Quebec Charter (Article 1). This fundamental right is especially threatened in cases of racial profiling or police brutality.

Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms is embedded in Canada's Constitution. It protects the fundamental rights and freedoms of all individuals in Canada, with some exceptions (certain rights are reserved for Canadian citizens).

Some of the charter rights include:

Section 2. Everyone has the following fundamental freedoms:

- a) freedom of conscience and religion;
- b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- c) freedom of peaceful assembly; and
- d) freedom of association.

Section 2 of the Charter therefore protects against discrimination based on religious beliefs, as well as against certain reprisals for participating in political actions, such as unionizing or organizing a demonstration, distributing information leaflets, writing an open letter denouncing a government decision, or putting up posters in public spaces to publicize an event. It is important to note that these freedoms have limitations. Freedom of expression cannot be used as a pretext to spread hate speech. If you believe that one of your freedoms has been violated or that another person has misused these freedoms in order to cause you harm, consult a lawyer or inquire in the next section for options and recourses available to you.



Quebec Charter of Human Rights and Freedoms

- Chapter I.1 of the Quebec Charter of Human Rights and Freedoms lists the various elements constituting the right to equality.
 - Article 10, which introduces this chapter, sets out the basis of this right:



Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.



- Article 12 of the Quebec Charter also states that :
 - "No one may, through discrimination, refuse to make a juridical act concerning goods or services ordinarily offered to the public."



Canadian Human Rights Act R.S.C. (1985), c. H-6

The Canadian Human Rights Act lists the prohibited grounds of discrimination in Canadian law. It ensures "the right of all individuals, consistent with their duties and obligations within society, to equal opportunity for fulfilment and the taking of measures to address their needs, regardless of considerations relating to race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, or pardoned status."



FREQUENT VIOLATIONS OF RIGHTS

Discrimination in housing search

Landlords can discriminate against potential tenants, for example, by refusing to show an apartment to individuals with names suggesting Arab, African, or Latin American ethnic origins, or by pretending that an apartment has already been rented when a racialized person arrives for a viewing, in order to avoid renting it to them.



Comic strip by Dimani Mathieu Cassendo ©Commission des droits de la personne et droits de la jeunesse

This comic depicts a woman of color being told the apartment is already rented while her friend, who calls immediately after, is told otherwise.

Employment discrimination

Employment discrimination can occur at all stages of a career and may take many forms. When looking for a job, racialized individuals are sometimes discriminated because of their name, accent, or hair. According to a sociological study from Laval University in 2018, job seekers with names suggesting Arab, African, or Latin American ethnic origins were less likely to land a job in Québec. It also happens far too often that the skills of individuals who have studied and worked outside of Canada are not recognized by employers - or even the state -, and these individuals may have to redo their studies, change fields or accept jobs for which they are overqualified.

Once employed, some racialized individuals reported having the feeling of much higher expectations placed on them than on their colleagues, and feeling like they cannot make any mistakes without risking dismissal, which, in turn, can lead to performance anxiety or burnout. It has also been reported that employees face discriminatory dress codes or dismissal measures, are systematically not considered for promotions for which they are perfectly qualified, or are victims of racist harassment in the workplace which their employer does not address.

Finally, for migrant workers with closed work permits and undocumented individuals, employers all too often take advantage of their precarious situation to commit numerous abuses. These abuses include not paying them for their work or exposing them to dangerous working conditions. In addition, these employers have been known to threaten their migrant or undocumented workers of dismissal, of revoking their status or of reporting them to immigration, if they report the violence to which they and their colleagues are subjected.



Medical racism

As explained by the Saint-Michel Legal Clinic in its pamphlet entitled "Medical Racism: Discrimination in Healthcare," medical racism can occur when racial stereotypes and prejudices affect the quality of care provided by healthcare services. Specifically, it can be considered medical racism when the concerns of a racialized person regarding their healthcare are ignored or minimized by a healthcare professional. This medical racism occurs when, for example, symptoms are quickly attributed to weight, stress, anxiety, depression, or overwork, or when a healthcare professional presumes exaggeration when describing pain experienced and refuses to provide adequate care. The tragic story of Joyce Echaquan is an example of medical racism.

Racism in educational settings

In the book "*Policing Black Lives : State Violence in Canada from Slavery to the Present*" Robyn Maynard documents the racism faced by black youth in schools.

She discusses, among other things, the disproportionate surveillance of black students compared to their white counterparts, the imposition of harsher penalties for breaches of the school's code of conduct and stricter enforcement against certain children. She also explains that "pushing out" is a phenomenon whereby black youth are pushed to drop out of school due to a lack of academic support, a lack of encouragement to achieve their goals, inappropriate dress codes for textured hair, and/or a lack of support when black youth face racism within the school. Indeed, her essay illustrates the various forms that racism can take in an educational context. While it is sometimes expressed very explicitly, particularly when young people are victims of racist comments from their peers or teaching staff, it can also be much more subtle and insidious, especially when racialized youth are evaluated more severely by their teachers or receive lower-quality services and support than their white peers - which can be harder to notice or to prove.

Racial profiling

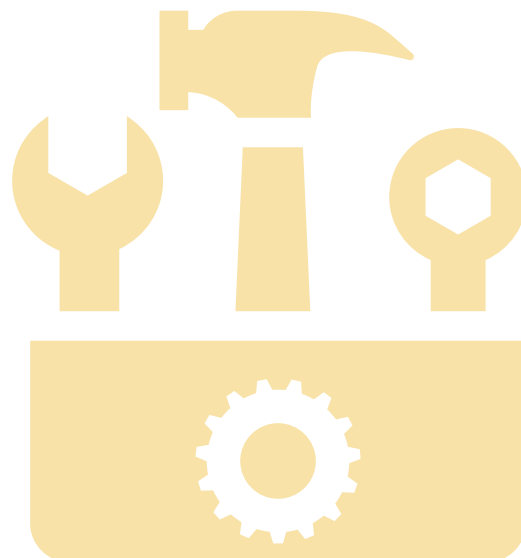
Racial profiling refers to a situation where someone in authority singles out or treats an individual differently because of their ethnic or racial background, often for reasons of supposed security. This might involve scenarios like a security guard monitoring a non-white teenager in a mall, assuming they're more likely to shoplift; a police officer stopping a person of color behind the wheel without valid cause; or security personnel in a transportation service using excessive force against a racialized person who has not paid their fare.



MY RECOURSE AGAINST RACISM

Various approaches are available if you are a victim of racism, depending on the context in which you have been harmed. These options include seeking institutional support, such as mechanisms within specific institutions like schools or hospitals, pursuing legal action in court, or seeking community-based solutions, which may involve engaging with the media, public spaces, or organizing mobilization campaigns. The following pages provide an overview of these varying solutions. Do not hesitate to contact organizations with expertise in the field, such as the Collective for the Struggle and Action Against Racism (CLAR), to obtain support in drafting your complaint or organizing political mobilization in support of your cause.

Sometimes complaints - particularly within institutions - may not receive the attention or seriousness you expected. If you are not satisfied with how your case is being handled and an appeal is not possible, it may be worthwhile to discuss it with other people who are in the same situation. This may allow you to undertake a collective action to enact changes in the institution in question. Talk about it with those around you!





LEGAL ACTION CHART

Recourse

Penalties applicable to the wrongdoer / What the complainant can receive

Need a lawyer ?

Collective action

Note: This service is not free for the person filing the complaint.

You might receive financial compensation or request systemic changes within the organization that has caused harm to you.

Yes. It should be noted that the person who hires a lawyer must bear the costs. However, in class action matters, lawyers are generally paid only when the action is successful. *

Canadian Human Rights Commission

Depending on the situation, you may be asked to attend mediation, or your complaint may be referred to the Canadian Human Rights Tribunal.

No

Human Rights and Youth Rights Commission

You may receive financial compensation for damages and losses.

No

CNESST

You may be eligible to receive income replacement benefits or services such as medical assistance or rehabilitation.

No

* Keep in mind that it is possible to obtain financial support through the Collective Action Assistance Fund.



Deadline to file a complaint or initiate legal action

Why resort to it ?

A complaint or a legal action may be filed or initiated within three years from the occurrence or knowledge of the harm by the representative individual of the class for the collective action (2925 CcQ).

Class action can be an interesting recourse if you are a victim of a situation in which many others have also been victims, and in cases where it would be laborious for each person to obtain individual reparations.

If you suspect that you have been a victim of a violation of your rights under the Canadian Human Rights Act or the Accessible Canada Act.

Six months after the incident if the situation involves a police service or a municipality; or three years after the incident in any other scenario.

If you suspect that your rights have been violated under the Quebec Charter of Human Rights and Freedoms.

Six months following the workplace accident.

If you have been injured or diagnosed with an illness as a result of an unexpected event at work, you can file a claim with the CNESST for a workplace accident.



LEGAL ACTION CHART

Recourse	Penalties applicable to the wrongdoer / What the complainant can receive	Need a lawyer ?
Police ethics	<p>The police officer may undergo conciliation if the complainant desires.</p> <p>The police officer may receive a warning or suspension, or even be dismissed from their duties, in more serious cases.</p>	No, although it might be helpful to you.
Criminal law <i>Note: This service is not free for the person filing the complaint. This service is covered by legal aid in certain cases.</i>	If you have indeed been a victim of racial profiling, you may potentially use this defense to eliminate evidence or have charges dropped.	Strongly recommended. You have the right to represent yourself in court, but it requires a very precise understanding of the law and criminal procedures, as well as a lot of preparation time.
Union grievance	Case by case. You could potentially: <ul style="list-style-type: none">- Receive financial compensation- Be reinstated to your position- See the offending individual dismissed or transferred to another department- Be entitled to accommodations, etc.	No - If needed, the union can provide one for you.



Deadline to file a complaint/bring legal action

Your complaint must be filed no later than one year after the date of the event or your awareness of this event.

Share your concerns with your lawyer as soon as possible. They can help you determine if you have been a victim of racial profiling.

Varies depending on the collective agreement. Sometimes it involves deadlines of less than a month, so it is important to notify your union of any issues as soon as possible.

Why resort to it ?

Complaint against a police officer of Quebec, a police officer authorized to exercise their duties in Quebec, a wildlife protection officer, a special constable (including STM agents), a road controller, a senior executive, investigator of the Permanent Anti-Corruption Unit (UPAC); senior executive, investigator of the Bureau of Independent Investigations (BEI).

Complaint regarding actions, inactions, or words spoken or unspoken occurring in the course of their duties and not complying with the Police Code of Ethics.

If you have been accused of committing a crime and believe that racism or biases based on your actual or presumed ethnic background have affected the treatment you received from police officers or special constables, or if you have been targeted by the police because of your skin color.

If you're a member of a union and you encounter racism at work or any other unacceptable or questionable situation in the course of your work.



Deadline to file a complaint/initiate legal action.

You can benefit from mediation at any time, even if you initially refused it or if a hearing is underway.

The fact that the crime was committed several years ago should not prevent you from contacting the police authorities. The prosecutor will be able to determine if a prosecution can be initiated according to the applicable legal framework. The applicable time limit varies depending on the nature of the crime and is provided for in the Criminal Code.

Six months after the incident if the situation involves a municipality or one of its services (e.g., the police); or three years after the incident for other discrimination situations.

Why resort to it ?

If you have filed a claim with the Small Claims Division of the Court of Quebec and it is contested, you are eligible for Small Claims mediation. You can take advantage of up to 3 hours of free mediation with a mediator to try to resolve your dispute when you have an open case in the small claims division.

If you are a victim or witness of a hate crime, meaning a crime motivated or suspected to be motivated by hatred based on race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation, gender identity or expression, or any other similar factor.

If you have suffered damages after being a victim of racism and wish to obtain financial compensation.



INSTITUTIONAL ACTION CHART

Recourse	Penalties applicable to the wrongdoer / What the complainant can receive	Need a lawyer?
<u>Student Advocate - FCPQ</u>	Recommendations may be made to the offending institution by the Student Advocate. They may also ensure follow-up with the relevant establishments to ensure these recommendations are implemented.	No
Ombudsman	If your complaint is accepted by the ombudsman and found to be valid following the investigation process, the ombudsman may issue recommendations to the relevant ministry, organization, or healthcare facility. Although these recommendations are not legally binding, the ombudsman will follow up to ensure they are implemented.	No
Student association	Recourse and sanctions vary from one school to another. Reach out to your student association to learn about the options available to you. Your student association (or student union) can help you access the different assistance measures at your disposal.	No



Deadline to file a complaint/initiate legal action.

None, as long as the evidence or witnesses are still accessible.

It is worth noting that it is recommended to address the complaints handler directly at the institution concerned before filing a complaint with the Student Advocate (except in cases of sexual violence).

If your complaint is against a ministry or agency of the Quebec government, you generally have one year to file a complaint.

In the case of medical racism, you have up to two years after receiving the decision from the Commissioner for Complaints and the Quality of Services, after which the complaint review could be refused, unless it is demonstrated that it was impossible to act within the required time.

It varies. Contact your student association as soon as possible to avoid risking missing the deadline for taking action in your defense.

Why resort to it ?

If you or the child in your care have been victims of racism or discrimination by a public or private school, a vocational training and adult education center, a school service center, or a school board. The complaint may also concern an act or omission, services you receive or should receive.

The Quebec Ombudsman is an impartial and independent ombudsman who handles complaints regarding public services. This includes ministries and agencies of the Quebec government as well as establishments within the health and social services network (as a second resort in this case).

If you are a witness or victim of racism, discrimination, or other unacceptable behavior in a post-secondary school setting.

Refer to the appendices of the guide for more details.



INSTITUTIONAL ACTION CHART

Recourse	Penalties applicable to the wrongdoer / What the complainant can receive	Need a lawyer ?
Filing a Complaint with the Office of Respect for the Person (Université Laval)	Implementation of prevention and problem-solving measures (e.g., conciliation, mediation), in collaboration with the responsible vice-rectorship, academic accommodations, intervention in the environment, in consultation with partners and the responsible vice-rectorship, referral to other specialized resources.	No
Filing a Complaint with the Office of the Ombudsman at Université Laval	The ombudsman may make recommendations to individuals, management staff, or appropriate bodies based on their analysis of the situation.	No
Commissioner for Complaints and Quality of Services of the CIUSSS de la Capitale-Nationale	"The commissioner may conduct an investigation and then issue recommendations. However, these recommendations are not legally binding."	No
Professional orders	The professional order will conduct an investigation to verify if there has been a breach of the code of ethics and may sanction the member at fault, either by imposing a fine or a suspension.	No



Deadline to file a complaint/initiate legal action.

You have one year after the event to make a report or a complaint.

One year from the act or omission that is the subject of the complaint to contact the ombudsman, unless you can demonstrate that you were unable to act earlier.

No specific timeframe, but it's possible that you or the healthcare staff involved in the incident being complained about may forget certain details as time passes, which can complicate the investigation. Therefore, it is recommended to file the complaint as soon as possible.

There is no statute of limitations for filing a complaint with the Disciplinary Council of a professional order.

Why resort to it ?

If you are a victim of discrimination, harassment, or sexual violence at Université Laval or in the context of your academic activities, or if you have witnessed such a situation.

If you are a witness or victim of racism at the University, you can contact the ombudsman to file a complaint or to receive assistance in analyzing a problem, determining the issues, researching, and evaluating appropriate actions.

If you have been a victim of racism in a medical context or have been denied access to medical care for discriminatory reasons.

If you have been a victim of racism by a member of a professional order.



COMMUNITY ACTION CHART

Recourse	Penalties applicable to the wrongdoer / What the complainant can receive	Need a lawyer ?
Boycott	<p>Decrease in revenue for the offending institution.</p> <p>The pressure exerted by the boycott could encourage the offending institution to take the actions you expect from them.</p>	No
Mobilization campaign	<p>The pressure exerted by the mobilization campaign could encourage the offending institution to take the actions you expect from them, or at least encourage the public to adopt a certain targeted behavior.</p>	No, although the advice of a lawyer could be helpful in understanding the risks associated with various tactics used in your mobilization campaign.
Strikes	<p>Rebalance power for future negotiations. The economic or social pressure exerted by the strike could encourage the targeted institution to take the actions you expect from them in order to end the strike.</p>	No, unless your strike is declared illegal or an injunction is sought to prevent you from enforcing the strike, in which case the advice of a lawyer could be very helpful.



Deadline to file a complaint/initiate legal action.

None. However, it should be noted that this tactic is more often used for ongoing harms to cease them or to obtain redress for past harms.

None. However, it should be noted that this tactic is more often used for ongoing harms to cease them or to obtain redress for past harms.

Not applicable. However, it should be noted that there are certain rules governing the right to strike, depending on the context in which you find yourself. A student association, a tenants' association, or a workplace union could probably provide you with information regarding these rules.

Why resort to it ?

Boycotts can be used to denounce certain companies, or even certain countries, with racist policies or labor practices based on human exploitation.

To denounce the policies, actions, or investments of an institution, company, industry, or government.

To exert pressure on an employer, a school, an industry, or even on the government. Among the different types of strikes that exist, we can mention student strikes, workplace strikes, community strikes, women's strikes, and rent strikes."



COMMUNAUTY ACTION CHART

Recourse	Sanctions applicable to the offending individual / what the complainant may receive	Need a lawyer ?
Transformative or restorative justice	The conclusions are not binding but will be based on your desires and may include: apologies, no longer being in contact with the person who harmed you, participation in anti-racism training, undergoing therapy to work on biases, offering financial compensation for expenses incurred due to the suffering experienced, etc.	No, but you will need to find one or more people to facilitate the process. The Creative Interventions guide may be a good source of information and inspiration for those who have never facilitated such a process.
Media scandals	Publication of an article or on the subject. Journalists may be able to access be able to access information you didn't already have, which can be useful if you later wish to file a complaint. The pressure exerted by the media may encourage the offending the person or institution at fault to do what you expect from them.	No
Reporting to Quebec Antifa	Removal of heinous graffiti and stickers Monitoring of hate group activity group that placed the stickers or graffiti.	No



Deadline to file a complaint/initiate legal action.

Why resort to it ?

None

If you have been the victim of one or more specific individuals (similar to an institution), and you do not wish to resort to the services of the state (courts, police, etc.), and you seek to transform the conditions that led to the racist violence you have experienced, without wanting to punish the individuals who harmed you.

This process operates on the basis of consent, meaning it is much more effective when all parties agree to participate.

None, but the media is often more interested in recent events or new developments than stories that have already been covered. If you help them find a unique angle, your story is more likely to be chosen for an article.

If you have been a victim or witness of racism from an institution that cares a lot about its public image, and institutional remedies prove ineffective, and legal recourse is not possible, a media scandal can be an effective tactic to push the institution to address the situation or to find others who have experienced similar circumstances as you.

None, but the sooner the better.

Reporting racist, xenophobic, queerphobic, etc., graffiti or stickers, whether you were able to remove them or not, is important for raising awareness and addressing such harmful expressions of hate.



Families subjected to a report to Child Protection Services

Has your child's situation been reported to the Director of Youth Protection (DPJ) for reasons you consider discriminatory? Do you feel offended or discriminated against by an intervention process? It is highly recommended to seek the services of a lawyer. You can also consult the users' committee of the youth center in Quebec. This committee aims, among other things, to inform users about their rights and obligations; defend their collective rights and interests or, at your request, your rights and interests, as a user with the establishment or any other competent authority. This committee can accompany you, at your request, in any steps you may wish to take, such as organizing a meeting with your caseworker or filing a complaint. If you do not wish to use the users' committee, you can also file a complaint directly with the Quebec Human Rights and Youth Rights Commission (CDPDJ).

Individuals with precarious immigration status experiencing domestic violence

If you are experiencing domestic violence from your partner and depend on the abusive person for your immigration status, you can apply for a Temporary Resident Permit (TRP) for victims of family violence. You do not have to pay any fees for an initial TRP in cases of family violence. Depending on your situation, it may be possible to apply for another TRP at the end of the initial period. If a TRP is granted, you may also qualify for coverage for trauma counseling and healthcare benefits. Additionally, you can apply for a work permit free of charge.

Do not hesitate to seek assistance from an organization that helps victims/survivors of domestic violence, such as SOS Domestic Violence (1-800-363-9010) or the Maison des femmes de Québec, to receive support in developing your protection plans and accessing free accommodation if needed. The Maison des femmes de Québec also provides support with administrative and legal procedures for individuals staying there, including assisting with filling out forms and informing women staying there about their rights. You can also contact the constituency office of your federal Member of Parliament, who can guide and advise you on your options and alternatives and support you in certain steps.

In 2020, the Quebec government established the REBUILD legal service for victims of domestic violence and/or sexual assault. REBUILD provides victims or survivors with four hours of free legal consultation by lawyers trained in domestic violence and sexual violence. These consultations are followed by a referral to legal aid or private representation depending on the financial situation of the victim or survivor.



ADDITIONAL RESOURCES

We have tried to simplify your decision-making process as much as possible regarding the steps to take after being a victim of racism. However, this choice can sometimes be difficult to make. Here are some questions to ask yourself to identify the appropriate action to take in your situation :

1. What are my objectives? I aim to...

- a) Put an end to an ongoing injustice.
- b) Obtain financial compensation for the suffering endured.
- c) Receive an apology.
- d) Connect with others who have experienced a similar situation.
- e) Publicly expose an injustice perpetrated by a specific institution.
- f) Bring about systemic change and prevent others from experiencing the same situation.
- g) Obtain, maintain or regain my employment, housing, permanent status, etc.
- h) Restore my sense of security in a given environment.
- i) Punish the responsible individual(s).



2. What are my constraints?

- a) Time constraints (regarding the duration of procedures, the level of involvement required, the urgency of the situation, or the statute of limitations to be respected to use certain remedies)
- b) Budgetary constraints
- c) Desire to maintain my anonymity to the public, or towards the person/institution against whom the complaint is filed
- d) Are there institutions with which I do not wish to deal, or approaches I do not wish to adopt?
- e) Do I want the option to withdraw my complaint after filing it?



Continued...

3. What are the risks I am or could be exposed to during the reporting process?

Identifying these risks will help you better target the resources you need to mitigate them.

- a) Will my status be jeopardized?
- b) Am I at risk of experiencing violence in my living or working environment (employment, housing, relationship) if I report?
- c) Does my job prevent me from participating in political mobilizations?
- d) Do I have a criminalized job or do I live with/near people at risk of deportation, which could make the presence of police officers in my home more dangerous? If yes, and if you wish to contact the police but the situation is not urgent, consider whether giving a statement at the station or by phone could be safer.
- e) If I have recently been through the penal system, are there conditions I must respect to maintain my freedom?

4. 4. What are my priorities?

Among all the identified factors, which ones are the most important to me when selecting appropriate remedies?



GENERAL TIPS

Have you made your decision?

Whatever it may be, here are a few tips and advice to keep in mind:

Talk about it!

There are always consequences to being a victim of racism. The worst thing you can do is to keep it to yourself, isolate yourself and pretend the situation doesn't affect you.

Remember that you have rights. Talk to trusted individuals and competent organizations, but above all, do not stay alone in the face of discriminatory remarks and actions.

Elaborate a strategy

Before taking any action, familiarize yourself with all available recourses and associated deadlines. If you are having trouble navigating through these options, don't hesitate to reach out to individuals who can assist you in making decisions. At the end of this guide, you'll find a directory of resources that can greatly facilitate this task.

Contact a lawyer

While it may not always be necessary to consult a lawyer, having one at your disposal can be advantageous. On the following page, you'll find contact information for organizations that can refer you to specialized lawyers. Simply contacting a lawyer does not imply any costs, but it can be useful to have one and obtain their advice on the options and risks available to you. Many lawyers offer a free initial consultation.

Gather and preserve evidence

If you decide to pursue any of the legal, institutional or community actions discussed earlier, it is essential from the outset to retain or record copies of racist remarks made, discriminatory actions or omissions taken. To do this, you can download email exchanges with the person who exhibited racism towards you in PDF format on your computer, take screenshots or download any other electronic communications, and record audio of your interactions with this person. If you do not have written records of your exchanges, make sure to note the date of the problematic events in a confidential and easily accessible location, and record all inappropriate actions taken against you.

If the racism occurred in a medical context, for example, if a doctor refuses to provide you with care, insist that they note this in your medical record, and then request a copy of this record. In short, make sure to document the racism you experience to the fullest extent possible. This evidence will be essential in defending your rights.

Find Allies

It is always wise not to embark on these procedures alone. Many people or groups around you may also be fighting against the same institutions. Defending collectively brings more means and resources to win the battle and enact real positive change.



DIRECTORY

Legal Resources and Assistance Services Available

This section presents legal and financial resources that may be helpful in your endeavors. It is your responsibility to verify your eligibility for each of these services, as eligibility criteria may vary.

Legal aid

Legal aid is a public legal service provided free of charge or for a contribution to financially eligible individuals who apply for it. Lawyers are mandated to advise and represent their clients in court. Only certain legal areas are covered by legal aid. Consult the website of the Community Legal Center of Québec to verify your eligibility for legal aid:

[<https://aidejuridiquequebec.qc.ca/demande/admissibilite/>]

Saint-Michel Legal Clinic

Although located in Montreal, we have decided to include this clinic in the toolkit because it holds significant expertise on issues of racial profiling and medical racism.

Email: info@cjsm.ca

Phone: 514-621-4737

Quebec Justice Center

The Quebec Justice Center's (CJPQ) mission is to facilitate access to justice by promoting the participation of citizens from Quebec and Chaudière-Appalaches through free legal information, support, and guidance services, offered in complementarity with existing resources.

The CJPQ can:

- Provide information about the law, your rights, and your obligations.
- Inform you about the types of recourses available as well as the procedures pertaining to administrative and judicial proceedings.
- Inform you about private methods of prevention and dispute resolution (e.g., mediation).
- Direct you to organizations or professionals who can address your needs.

Phone: 418-614-2470

Toll-free: 1-833-614-2470



DIRECTORY

Legal Resources and Assistance Services Available

Referral service

This service provides anyone, whether eligible for legal aid or not, with the name of a member of the Barreau who is willing to provide them with a free initial consultation lasting half an hour.

Referral Service - Barreau de Québec
Phone: 418-529-0301, ext. 21
Website: www.barreaudequebec.ca

Pro Bono

Pro Bono Québec initiates, coordinates, and promotes professional legal services, either free or at low cost, for the benefit of disadvantaged people in Quebec who do not qualify for legal aid.

Pro Bono Quebec
Phone: 514-954-3434
Fax: 514-954-3427
Toll-free: 1-800-361-8495 ext. 3434
Website: www.probonoquebec.ca/fr



Legal information and public education

Éducaloi

Éducaloi provides free legal information on a variety of topics, including discrimination, racial profiling, and medical negligence. However, Éducaloi cannot offer legal advice, and it is important that you consult with a lawyer to determine whether the information on their website is applicable to your own situation.

<https://educaloi.qc.ca/en/>



DIRECTORY

Social Services, Professional Services, and Support Networks

Federal Member of Parliament's Office

Constituency assistants can help you identify the proper course of action available to you, assist you in obtaining information about your case, and help you organize your documents. They can also assist you in planning a strategy based on your administrative options.

In cases of emergency, particularly when someone is facing imminent deportation, the Member of Parliament may request that the deportation be canceled.

Constituency assistants can support you with any matters related to federal administration that may encounter complications. These matters include but are not limited to: immigration, citizenship, Guaranteed Income Supplement, Employment Insurance, obtaining passports and travel documents, Canada Child Benefit, Canada Summer Jobs program, suspensions of criminal records (pardons), Interim Federal Health Program, tax returns, and the Phoenix pay system for the federal public service.

You do not need a lawyer to speak to your Member of Parliament's constituency assistants. However, the assistants may still recommend that you consult a lawyer, especially if you have to appear in court.

Assistance and Accompaniment Complaint Center (CAAP) of the Capitale-Nationale

CAAPs are organizations that assist individuals receiving care or services in resources and establishments of the Health and Social Services Network and their representatives in preparing their complaints regarding health and social services.

CAAPs can:

Provide information on the complaint process at both the first and second stages.

Assist you in drafting your complaint or draft it for you, if necessary.

Assist and accompany you throughout the handling of your complaint.

Facilitate dialogue with the establishment concerned by your complaint to find a solution.

To contact the CAAP of the Capitale-Nationale:

265, Couronne street, office 110 Quebec (QC) G1K 6E1

Tel: 418-681-0088



DIRECTORY

Social Services, Professional Services, and Support Networks

User committees

There are user committees in many healthcare and social services establishments. These committees can provide you with information on the complaint process and assist you. For more information, please visit the website of the Provincial Coalition of User Committees.

Collectif de Lutte et d'Action contre le Racisme (CLAR)

CLAR is an autonomous community action organization (grassroots organisation) dedicated to collective rights defense. Its mission is to defend and promote the rights of racialized individuals in the Quebec region; to combat systemic racism, colonialism, xenophobia, and racial hatred; and to fight against all manifestations of racism, including discrimination in employment, housing, education, and racial profiling. CLAR offers support sessions in legal proceedings and supports social struggles aimed at engaging elected officials and the general population, particularly through interventions with public or private entities, media interventions, or direct political representations. To contact CLAR: infoCLAR03@gmail.com

Immigrant Workers Center (CTI)

The CTI provides support to anyone experiencing difficulties related to work. It offers individual accompaniment services, assistance in finding a lawyer, support in creating an action plan, and legal information. It also advocates for collective and individual defense in relation to work and organizes workers. For more information, please visit their website: <https://iwc-cti.ca/fr/a-propos/>

Quebec Network for Assistance to Migrant Agricultural Workers (RATTMAQ)

RATTMAQ is a rights advocacy organization that aims to provide support services in immigration, health, education, or French language training to migrant agricultural workers in Quebec and the food processing sector. For more information, please visit their website: <https://rattmaq.org/>

Phone: +1 581 849-7941
Email: info@rattmaq.org



Feel free to print and distribute this guide as you wish, provided you mention the source. This guide is accompanied by an appendix available electronically upon request, as well as on the REPAC website. It includes several case studies and information regarding the processes involved in some of the actions presented here.