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Racism meeting discusses legal remedies to problem

By DENISE BEATTIE
Legal remedies for racism was the issue in a seminar held Wednesday, November 24, in Osgoode's Moot Court by the Chinese Student Association.

Four speakers attended, each considering a different possible problem that might occur and suggested specific legal methods of dealing with racism. The speakers were: Mark Nokamura, the manager of Community, Race, and Ethnic Communications; Charles Roach, co-chairman of the International Committee against Racism; Sargeant Ed Pearson, of the Toronto Metropolitan Police Department and a member of the Council For Racial Harmony; and Harry Arthurs, the dean of Osgoode and a court arbitrator since 1962.

HYPOTHETICAL CASE

Rather than attempt to define racism, a "hypothetical fact situation" was discussed. A week in the life of "x", a member of the ethnic and racial group "xox" was outlined in which x went through various types of prejudicial treatment.

X's job was the first example of where one might encounter forms of racism that require legal remedy. A situation was outlined where x's foreman "tauntingly addresses x by a name popularly known to be a derogatory term for members of x's ethnic and racial group," and also gave him the most disfavoured tasks and refused to put x's name up for promotion.

Nokamura dealt with this type of problem by referring to the provincial Human Rights Code

which incorporates specific remedies prohibiting racial discrimination as well as discrimination because of age, religion, sex and so on.

Two issues, Nokamura explained, directly violated the Human Rights Code. "Both name calling and giving unfavourable jobs because of race and refusing opportunity for advancement are illegal and x ought," says Nokamura, "to complain to the Human Rights Commission."

The Human Rights Commission must then look into the allegations and would remedy what had been denied (for example seeing that advancement for x was considered), and would demand apologies for name calling. If conciliation could not resolve the problems then the commission would look closely at the structure of the plant. A Board of Enquiry would be formed with binding decision power. The board could also consider damages done to x.

Any appeal to a decision made by this board would have to be made through the Ontario Supreme Court. Nokamura estimated that 40 per cent of the complaints made to the Human Rights Commission concern race and 75 per cent of these involve employment.

Charles Roach discussed "violence on the street". Quick answers to x's problem of being taunted and beat up in the street and on the subway were to call police and possibly to sue in the case of criminal injuries.

GREEN PAPER

"Lawful, officially sanctioned racism, stressed Roach, "is definitely a more important issue.

X's problems were not lawfully inflicted and therefore are fairly easily dealt with but one must go after the causes of the crime; one must examine the reasons such people as x's persecutors use to justify their actions." An example might be frustration incurred by the Green Paper debate leading to a belief that the "obvious" minorities are taking "his place", explained Roach.

Roach said that the government sets up such situations through their policies.

POLICE TREATMENT

X's next problem centred on the police's treatment of the violence he encountered. He felt that the police did not work as vigorously and promptly as possible to apprehend his assailants and he also felt that he should have been able to look at photographs to identify his assailants but the police would not provide them.

Sargeant Ed Pearson responded to such complaints concerning police conduct. He said that in such a situation two cars in the vicinity would be contacted, one going to help x, the other looking for suspicious characters. A description would be gotten from x, then a report written up. X would be visited in the hospital with photographs and other items helpful in finding the guilty parties.

If this treatment is not followed then one has recourse to the complaint bureau, and various ethnic organizations as well as the Council for Racial Harmony.

PREVENTATIVE NOTE

On a preventative note, Pearson said that more attention is needed at police training school concerning street problems.

In the face of these various difficulties x decided to seek legal redress against his foreman and therefore made a series of complaints to the police. He charged that an offense had been made against him and inquired what the police were doing about it. After six of these calls, the police charged x with, basically, the intent to mislead a peace officer.

One month later x was convicted under the Criminal Code by a Provincial Court Judge of Ontario. He was "totally confused with the trial proceedings but he clearly remembers that the judge had admonished him for not being articulate in English."

VOTE
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