

**PUBLIC LEGAL EDUCATION PODCASTING FOR NEWCOMERS IN ONTARIO:  
AFFECTIVE INTERVENTIONS IN PARTICIPATORY ACTION RESEARCH**

by

Meera Govindasamy

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## ABSTRACT

Public Legal Education Podcasting for Newcomers in Ontario: Affective Interventions in

Participatory Action Research

Meera Govindasamy

Master of Arts, Communication and Culture

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Due to the high cost of legal advice, language barriers, and other matters of social inequality, newcomers to Canada often have difficulty accessing legal information and resolving their legal problems. My Participatory Action Research (PAR) project aims to better understand the barriers newcomers face to accessing their legal rights, as well as to improve access to workers' and tenants' rights through the creation of *Rights Bites*, a legal rights audio podcast. Each podcast episode features interviews with newcomers, community workers, and lawyers, who share personal experiences and practical legal rights information about common housing and employment law problems. By applying affect theory as a lens for examining the podcast interviews, as well as the PAR process more broadly I argue that the complex expressions of anger, fear, distress, and pleasure displayed by my immigrant interviewees is a form of cultural citizenship, which reimagines belonging as a contested and ongoing project.

## ACKNOWLEDGEMENTS

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## DEDICATION

*For my partie*

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## Introduction

On May 7<sup>th</sup>, 2019 a large group of lawyers, paralegals, doctors, healthcare workers, and others concerned with social justice—myself included—gathered outside Queen’s Park in protest of provincial cuts to legal aid. Many of the lawyers and doctors at the action were dressed in their official robes or white coats, while others held signs with slogans such as “legal aid saves lives!”. Part of the protesters’ aim was to pressure Legal Aid Ontario (LAO) to protect community legal clinics in the face of the provincial government’s thirty percent cuts to provincial legal aid funding. The immediate consequence of these cuts has been the elimination of legal aid for refugees, beyond some preliminary assistance completing application forms. Consequently, refugees are now left to attend their hearings alone and must appeal decisions about their cases without free legal assistance. Furthermore, community legal clinics that provide low-income people with legal assistance related to housing, employment, immigration, and social assistance, remain precarious. These cuts to front-line legal assistance mean that people being evicted from their homes in gentrifying neighbourhoods will no longer have the support of legal professionals to fight for their rights. Similarly, precarious workers being harassed by their employers or underpaid at work will not have access to a fair legal process unless they can afford the prohibitively high cost of a private lawyer.

Though the protest at Queen’s Park had a clear purpose, the feelings within the protest space were complex and confusing, as affective contact zones often are (Braidotti, 1994). In one sense, the speakers at the rally were angry about Premier Doug Ford’s attacks on access to justice. However, in the crowd the feeling was relatively jovial. I could hear people laughing and old friends from law school running into one another. I recall feeling confused about the

lightness around me as we were confronted with funding cuts that will be deadly to the marginalized people in our communities.

Drawing upon affect theory as a central methodology of my study, I surmise that the sensation of coming together as a collective of concerned professionals offered an unexpected “contagion” of good feelings to those at the protest (Probyn, 2005).<sup>1</sup> Braidotti (2009) explains that while melancholy generally sustains the logic of late capitalism, by engaging in “affirmative politics” activists can address social problems while maintaining a productive way forward (p.42). It is possible that joy at the protest was an example of this type of affirmative life-centric approach to activism that Braidotti (2009) describes. Still, I wonder how people beyond the group of economically secure professionals that made up the majority of protesters might have felt outside Queen’s Park that day. In this case, the lack of involvement from the refugees and low-income people most directly impacted by the cuts to legal aid led to an event that seemed to contradict the feeling of conviction and inclusivity required to confront systemic inequality. Given the complex affects surrounding legal problems and participation in access to justice activism, this paper considers the ways that legal rights education can better foster a sense of community and inclusivity with marginalized communities whose rights are most vulnerable.

Cuts to Ontario’s legal clinic system will have an especially adverse impact on the lives of newcomers to Canada because language barriers, precarious immigration status, and the high cost of legal services already exacerbate access to justice for newcomers encountering an unfamiliar legal system<sup>2</sup> (Basok, Hall & Rivas, 2014; CLEO, 2013; Miedema & Wachholz,

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<sup>1</sup> Affect is defined as the “non-conscious experience of intensity, while emotions are an outward expression of a feeling” (Shouse, 2005). As such, affects encompass embodied sensations associated with feelings such as anger, fear, pleasure, and disgust, which are felt in a person’s body before being expressed.

<sup>2</sup> For the purposes of my paper, the term “newcomer” broadly includes people who have migrated to Canada in approximately the last 5 years, regardless of their legal status in the country. This fairly literal notion of a



1999; Vosko et al., 2017). Without access to the legal rights information, advocacy, and advice of staff at community legal clinics, people who have not yet established a support network in Canada may feel alone and lack the power to confront their landlords and employers. This deterioration of legal support jeopardizes access to the rights supposedly afforded to Canadian citizens. As Bannerji (1996) explains, for racialized communities, citizenship has always been a tool of exclusion rather than protection. According to Bannerji (1996) state ideology “simultaneously produces its national “Canadian essence and the “other”— its non-white population” (p.114). Given the institutionalized ways in which newcomers continue to be excluded from citizenship rights in Canada, my Master’s research project explores how cultural citizenship can be mobilized as an alternative form of participation in socio-political life. Specifically, cultural citizenship describes modes of political participation that extend beyond those sanctioned by formal government and legal institutions (Beaman, 2016). For example, education, media-making, and civil society activities present opportunities for participation in socio-political life, which include people who may be excluded from normative forms of citizenship (Pathak-Shelat & Bhatia, 2019).

In an effort to respond to the need for free public legal education, and in order to create opportunities for newcomers to participate in cultural citizenship, I collaborated with Community Legal Education Ontario (CLEO) to create *Rights Bites*, a legal rights podcast for newcomers in Ontario. The podcast consists of four episodes ranging from 12 to 20 minutes in length and addresses common legal issues related to housing and employment rights. Guided by the principles of Participatory Action Research (PAR), my project included community members

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newcomer fits within the broader category of “immigrants,” which may include communities of migrants who are well-established in Canada—possibly having gained citizenship.

who are affected by Ontario's inadequate protection for workers and tenants directly in the creative process. For example, I pursued a participatory approach to research by consulting with newcomers and the community organizers who work with them. Several of these discussions became interviews for the podcast, or otherwise informed the topics covered in future episodes. I subsequently interviewed lawyers with expertise in housing and employment law in order to provide listeners with more information about how they might manage their common legal problems. Finally, participation was fostered by field-testing the podcast with LINC (Language Instruction for Newcomers in Canada) programs and other adult English literacy classes. The podcasts are now available online via Mixcloud, CLEO's website, settlement.org, and Tutela, a resource database for language instructors in Canada.

As of July 2<sup>nd</sup> 2019, the *Rights Bites* podcast episodes had been downloaded from CLEO's website a total of 282 times, and had been streamed on Mixcloud 624 times. Uptake by the intended audience of LINC and ESL instructors is indicated by the number of times the lesson plans and CLB (Canadian Language Benchmark) assessment tools have been downloaded. At present, the lesson plans have been downloaded a total of 500 times from the CLEO website. This information does not include the number of times each lesson plan has been used in classrooms once the material is downloaded. Further, based on my phone conversations with LINC centres while promoting the podcast, I learned that a LINC centre in Fort Erie had already begun using the podcast with students by mid-April of 2019. At least six other organizations across Ontario have also agreed to use the podcast and lesson plans in their classrooms. Furthermore, in late June of 2019 CLEO was contacted by Public Legal Educators in Prince Edward Island and New Brunswick who are interested in adapting *Rights Bites* as a means for providing legal rights information to newcomers outside of Ontario. These inquiries may

prove that the *Rights Bites* podcast fills a gap in knowledge about how audio podcasts can be mobilized for public education purposes. Perhaps future similar podcasts will follow this example.

Through a Critical Discourse Analysis (CDA) of the language used by participants in their interviews, as well as my own reflections about the podcast, I argue that mobilizing podcasting as a community media project can facilitate the expression of complex feelings about Canadian citizenship amongst newcomers. In turn I demonstrate that when podcast producers are responsive to the multifaceted affects that newcomers express through voice and silence, podcast-making can become a form of cultural citizenship. As Bociurkiw (2011) argues, mainstream media narratives often distil migrant experiences into stories of either national pride or of struggle. Conversely, the opportunities for affective communication presented by audio-based community media can help capture the coexistence of pleasure as well as distress and anger in migrant experiences. In my own research, the affective and intimate nature of audio-only media described by Brabazon (2016) and Spinelli and Dann (2019) facilitated cultural citizenship by letting listeners hear the emotional contradictions that sometimes exist between the words and non-verbal utterances of my interviewees. Podcast participants' repeated expression of both positive and negative affects about access to justice, challenges institutionalized representations of citizenship and creates space for alternative modes of participation in social life.

Attention to affect in my research process also pushed me to make the project more participatory than I had initially planned. In response to discomfort expressed as silence by some potential participants, I eventually made my project more community-oriented through the incorporation of skill-sharing into the research process itself. Thus, research participants

developed skills to educate others and express opinions to the public through their own future podcasts. This possibility for creating and sharing ideas outside of formal political frameworks is central to cultural citizenship (Klaus & Lünenborg, 2012).

My aim to be participatory and collective as a researcher and podcast-creator stands in contrast to the neoliberal logic of the mainstream podcasting industry. While community radio is collective, in-person, and organizationally supported, podcasting emphasizes autonomy and independent entrepreneurship. This shift from collective models of media-making towards independent approaches enabled by social media is described by Bennett and Segerberg (2012) as a movement from collective to connective action. According to Bennett and Segerberg (2012), collective action encompasses activist media that is organized by a central power, and typically maintains a physical location. Conversely, these scholars explain that under the logic of connective action, people participate in activism as individuals, often sharing their personal connections to a cause over social media platforms (Bennett & Segerberg, 2012). The challenge associated with podcasting as a connective model of action, is that people with fewer structural opportunities to access the skills and technical resources for audio recording and production are less likely to contribute to the field of podcasting (Freiss, 2017; Markman, 2011; Morgan, 2016; Ulster Media, 2018). For example, while community radio offers opportunities to learn about audio production through free volunteer training sessions and provides access to recording suites, podcasters must navigate accessing these skills independently (Khan, 2010). Without the organizational support offered by community radio stations, it can be difficult for women of colour, newcomers, and queer people, amongst others, to participate in the growing field of podcasting (Freiss, 2017; Markman, 2011; Spotify, July 11, 2018). However, the neoliberal logic

underlying the podcasting industry ignores the ways in which the playing field of podcast creation is uneven.

By incorporating skill-sharing and collaboration into my research process, I hope to challenge the individualism that often characterizes the field of podcasting. Throughout my creative process, I have attempted to be reflexive about my own privilege— particularly, as a student, researcher, and non-immigrant with access to the skills and resources for making podcasts. Consequently, I have aimed to conduct research that provides creative resources for participants, rather than only seeking to extract information. I hope my findings in this regard will help inform the ways in which supportive networks of media-makers can be formed in a political climate and media environment which works increasingly to isolate and divide those seeking to create community and compassion.

## Chapter 1 – Foundations

### Literature Review

The term “podcast” was first used by British journalist Ben Hammersely in 2004 to refer to digital audio files that can be downloaded and played on digital devices, including portable mp3 players (Berry, 2015). As such, the name ‘podcast’ seems to reference Apple’s iPod, as well as the concept of “portable on demand” (POD) media more broadly (Berry, 2015).<sup>3</sup> Throughout this brief literature review I highlight gaps in scholarly research and professional practice, which my own research seeks to fill. In particular, I address the absence of podcasts as tools for public legal education (PLE), as well as the limited scholarly research about educational podcasting beyond traditional classroom settings. By outlining research findings about the debates and best practices for using podcasts as support for classroom learning, I demonstrate how existing literature about educational podcasting informs the creative component of my research project. In particular, I draw upon existing research to understand how to format the length and conversational tone of *Rights Bites*. Still, my project diverges from traditional educational podcasts in which students are expected to learn by listening, and instead considers how participating in media production is itself an opportunity for learning and educating others.

Podcasts are a fast-growing sector of media in Canada, making them an area of interest for non-profit workers concerned with mobilizing media for public education purposes. According to a report by Ulster Media (2018), close to 10 million Canadian adults listened to a podcast in the last year. Furthermore, forty percent of people who reported having listened to a podcast in the last month, indicated that they had only started listening in the past year (Ulster

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<sup>3</sup> Podcasts are often created as a series of episodes, using Real Simple Syndication (RSS) feeds. Using RSS feeds people can subscribe to podcasts they enjoy and have new podcast episodes ‘pushed’ to their devices. Given that *Rights Bites* is not an ongoing series of episodes, but rather a limited number of episodes created for use in a classroom setting, it is not shared through an RSS feed.

Media, 2018). Given this evidence that podcasts are rapidly becoming a mainstream mode of media consumption in Canada, it is unsurprising that non-profit organizations involved in publishing educational material through different media platforms have become interested in podcasting. In a 2013 report by CLEO about the public legal education needs of community workers serving marginalized populations, survey results demonstrated a desire for more audio based educational material. Respondents emphasized the value of verbal education for people with low levels of literacy, weak English or French language skills, or for individuals who are auditory learners (CLEO, 2013). This interest in podcasts as a means of delivering public legal education was repeatedly echoed to me by community legal clinic staff and other community workers I spoke to in my preliminary research about the project. However, there are few examples of public legal education podcasts delivering relevant and accessible legal information to an underserved population. For example, a 2008 podcast titled “Sound Advice” by the Landlord Self Help Clinic in Ontario is the first instance of an informative podcast that discusses common legal problems at a level that is accessible to a general public audience. Beyond this, the podcast “Just Law” by a lawyer in Cape Town South Africa is the only similar example of a public legal education podcast delivered to an underserved community. Although Osgoode Hall’s Pro Bono Podcast claims to serve a public legal education function, their episodes cover topics like OCI’s (On-campus Interviews), which are only relevant to law students.

In contrast to the majority of law podcasts which aim either to entertain the public, or to inform lawyers and law students about recent changes in the law, the purpose of *Rights Bites* is to provide basic information to newcomers about legal issues that are pressing for them. In addition to this gap in resources, research about the use of podcasts as tools for delivering substantive education is generally limited to high school and university contexts. I hope to better

understand how podcasts can provide public legal information to newcomers in Ontario, either through English language classes or independently. Amongst scholars of educational podcasting, there is some disagreement about the ideal length and tone of podcasts created for educational purposes. For example, Kidd (2012) recommends a more rigidly structured podcasts, of 3 to 8 minutes in length. According to Kidd (2012) podcasters ought to introduce the content of each podcast at the beginning of an episode and conclude by recapping key points. This format fits well within a school of thought, which understands educational podcasts supplementary to the main lesson (Popova, Kirschner & Joiner, 2014; McGarr, 2009). For instance, Popova, Kirschner and Joiner (2014) suggest using short primer podcasts as a way of briefing students on key concepts that will be covered in class. Likewise, McGarr (2009) advocates for the use of podcasts as a device for summarizing the key contents covered in class but cautions against using podcasts in place of classroom lectures.

In my own podcast project, I build on recommendations that educational podcasts should be shorter in length, and that they should act as a supplement to other parts of a lesson. By creating podcast episodes that can be broken down into several shorter segments, and by developing LINC lesson plans to accompany each episode, parts of the podcast can be used as a starting point for lessons in English language classes. Although the short podcast episodes I produce will not give listeners a full understanding of any area of the law, aligned with McGarr's (2009) suggestion, *Rights Bites* aims to impart some initial understanding upon listeners, in hopes that they will seek more information about their legal rights as tenants and workers elsewhere. As Popova et al. (2014) suggest, the podcast can be a primer for students, before they encounter more complex legal information.



In contrast to scholars who advocate for the use of podcasts as tools for supplementing another primary mode of learning, Gachago, Livingston, and Ivala, (2016), Harris and Park (2008), and van Zanten, Somogyi, and Curro, (2010) find educational benefits associated with podcasts created from entire lectures that have been audio recorded. In particular, researchers have noted that podcast versions of university lectures were often helpful to students because of the opportunities they provide to listen to lecture material multiple times and while on the go (Harris & Park, 2008; Gachago, Livingston & Ivala, 2016, van Zanten, Somogyi & Curro, 2010). While there is evidence that learners chose to listen to educational podcasts while engaged in other tasks, van Zanten et al. (2010), as well as Gachago et al. (2016) emphasize that most university students listen to educational podcasts at their computers while taking notes. This finding is interpreted by Gachago et al. (2016) as evidence that the introduction of podcast technology into university learning is an opportunity for enhancing student engagement with course concepts, and active learning. My own podcast project responds to literature, which highlights the value of longer podcasts by creating episodes that can be listened to either as full 15 to 20-minute passages, or as briefer 3 to 6-minute segments. Furthermore, I hope to facilitate active listening and engagement from learners by creating “check your understanding” questions for English language students to answer about the content of the podcast as they listen.

The use of podcasts to support education is reimagined by scholars examining student created podcasts as tools for co-creative learning (Pegrum, Bartle, & Longnecker, 2015). For example, according to Gürsul and Canim (2011) while there were educational benefits associated with all podcasts, learner produced podcasts provided even greater benefits to students. When students created their own podcasts, they became more invested in their own learning outcomes and were motivated to do research on the subjects of their podcasts (Gürsul & Canim, 2011). I

incorporate findings about the benefits of learner created podcasts into my own research. For example, during the field-testing portion of my project, I asked learners in English language classes for input about how to improve my future podcast episodes, as well as about what topics I ought to cover in future episodes (Goldsmith, Reid, and Sawyer, 2007). Furthermore, through the incorporation of skill-sharing into my research process, I hope to have created possibilities for my participants to develop their own future podcasts. Despite my efforts to foster the production of learner-created podcasts, in future research I hope develop a more in-depth examination of the possibilities and limitations of engaging in PAR as form of pedagogy that challenges top-down models of education.<sup>4</sup>

### **Research Methods and Objectives**

I employ Participatory Action Research (PAR) as a broad ethical and methodological framework for my project. Furthermore, I draw on techniques of qualitative interviewing, field testing, and Critical Discourse Analysis (CDA) to gather and analyse data in a way that responds to my three research objectives. My learning objectives are as follows:

1. To better understand the barriers faced by newcomers to Canada in accessing their legal rights. This includes interrogating how an affect-driven approach to understanding these barriers can provide insight into improvements in public legal education.

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<sup>4</sup> Drawing upon theory about critical pedagogy, like that of Paulo Freire (1970), it would be valuable to consider in more detail the ways in which power imbalances stemming from a researcher's involvement in media-making and education always influence the formation of discourse. Given my present engagement with CDA, researcher-participant power dynamics could be examined in an expansion of this paper through a critical examination of my own language on the podcast as a form of discourse.

2. To contribute to the professional field of public legal education by investigating the best practices for developing and distributing legal rights information through audio, specifically for LINC and English language classes.
3. To investigate how the inherently affective nature of sound, as well as a PAR approach to the podcast production process may make audio podcasts an opportunity for activism and the formation of cultural citizenship.

### **Participatory Action Research, Interviews, and Critical Discourse Analysis**

As a method, Participatory Action Research (PAR) informs the practical aspects of how researchers gather data, while also providing ethical guidance about how to meaningfully include research participants in the research creation process. PAR researchers aim to equalize power imbalances between themselves and their participants, in order to create tangible benefits for members of a marginalized community (Lykes, 2013). In a more functional sense, PAR typically involves researchers working with community organizations to solve social problems, while also conducting research (Wilson, 2016). In essence, Participatory Action Research is learning by doing. Thus, my PAR methodology is aligned with my approach to pedagogy in which learners are engaged as active participants in their own educations as a form of cultural citizenship.

Aligned with the aims of PAR, I am collaborating with Community Legal Education Ontario, and several other organizations serving newcomers, in order to create an educational resource with concrete social justice benefits for immigrants in Ontario. Though I have aimed to be participatory in my research by including community stakeholders in the podcast creation

process—as interviewees and field-testing participants—*Rights Bites* was ultimately a single-authored project. For example, while some interviewees mentioned what parts of their interviews they hoped would or would not be included as part of the podcast, the final decision about what, and how, conversations were represented in each episode was ultimately mine.

In selecting PAR as a methodological framework, I considered Curran, Vernon, and Barnett’s (2017) PAR work with a community of low-income housing tenants to develop a series of legal education workshops. While there are inevitable ethical issues associated with doing research with groups who are considered vulnerable, by conducting research *with* rather than simply *for* participants, Curran et al. (2017) avoid the typically extractive nature of research with human participants. By holding focus groups with low-income housing residents before developing the workshops, Curran et al. (2017) ensure that their programs will be applicable to the needs of their participants. As such, while I obtained formal approval from the Ryerson Research Ethics Board to conduct my research, I believe that developing a trusting and communicative relationship with my participants is an important factor in conducting research that avoids exploiting my position of power as a researcher. For example, I aimed to build trust with interviewees by speaking on the phone with them prior to our recorded interviews. Through these pre-interview conversations participants could establish what they were comfortable speaking about and begin getting to know me as an interviewer. Furthermore, in advance of making the podcast publicly available, I sent interviewees mp3s of the parts of our conversations that I intended to include in the podcast to ensure participants were comfortable with the audio I selected. This gave participants an opportunity to collaborate with me and regain some power in the editing process.

Semi-structured interviews with newcomers, community workers, and lawyers provided data for my research, as well as content for my podcast episodes (Bernard, 2011). My sampling technique for selecting interviewees is purposive, as I only interviewed research participants with relevant experiences or expertise to share on the podcast. Through CLEO's contacts, I was put in touch with lawyers, settlement workers, ESL and LINC instructors, and other social justice organizers who were interviewed on the podcast, and/or provided feedback about completed episodes. Some of the aforementioned professionals also shared the REB-approved recruitment flyer with their clients to assist me in recruiting additional participants. All together I conducted eleven interviews for the podcast episodes. Five of my podcast interviewees were lawyers, and one lawyer was interviewed twice for two different episodes. I spoke to the other five interviewees about their experiences as immigrants navigating legal issues related to housing and employment rights, or as community organizers involved in legal rights advocacy in these fields.

The podcast interviews for my research were semi-structured and focused on different subject matter depending on the interviewee's experiences. For example, when interviewing lawyers, I asked more substantive questions about how the law functions. Conversely, interviews with immigrants, community workers, and activists aimed to draw out personal stories that could add a relatable and human-centred component to the podcast's legal content. Additionally, I asked all my interviewees about how the experiences of newcomers in Ontario intersect with issues related to access to justice. The feedback from these interviews, along with existing data about access to justice for immigrant communities in Ontario, provided data that allowed me to fulfill my first learning objective of better understanding the barriers that newcomers may face in accessing their rights, as well as how activists are fighting to improve these conditions.

In order to develop best practices for creating future legal rights podcasts I reflected upon my own experiences creating the podcast, as well as the feedback I receive by field-testing my podcast episodes. Throughout the research process I maintained a notebook documenting my meetings with representatives from settlement organizations, LINC instructors, and staff at CLEO. I also used these field notes to reflect upon the emotional dimension of my own experience creating the podcast. These records became a source of data to use in considering the challenges and successes of my approach to co-creative media education. To obtain more information about the strengths and weaknesses of my podcast, I field tested my early podcast episodes and lesson plans in a classroom setting. My approach to field testing was based on CLEO's existing model for field testing public legal education resources. This method is covered in more detail by Goldsmith, Reid, and Sawyer (2007) in their report developed to help community groups test public information material. Aligned with this guide, I attended six adult English language classes in which the LINC material I developed was being used. Following Goldsmith et. al. (2007), I documented and integrated feedback I receive about the format, organization, tone, language, information, and sound quality of the material I produced.

My final research question investigates how the embodied and affective sense of intimacy associated with podcasts may make them an opportunity for cultural citizenship and activism. In order to respond to this last question, I bring the data from my recorded interviews into conversation with existing literature from sound studies, affect theory, media activism and cultural citizenship discourses (Berlant, 2010; Biddle, 2013; Brabazon, 2016; Klaus & Lünenborg, 2012; Ngai, 2005). Using techniques for data analysis adapted from Critical Discourse Analysis (CDA) methodologies (Grbich, 2013), I take note of the detailed, sounds and silences occurring throughout my conversations with participants. The aim of CDA is to analyse

language in order to understand the ways that culture, power, and social context influence discourse—this includes spoken language, text, and visual objects (Fairclough, 2000). Through a close analysis of what is said and the specific ways in which ideas are expressed, researchers employing CDA can understand the ways that language reinforces existing social hierarchies (Fairclough, 2000). In order to better understand expressions of affect as a form of discursive expression, my analysis of interviews from *Rights Bites* is concerned with aspects of speech such as intonation, pauses, and laughter. These non-verbal sonic aspects of discourse have the potential to indicate an interviewee's embodied sentiments towards the topics being discussed on the podcast (Cowen, Laukka, Elfenbein & Keltner, 2018).

As such, my method of interview analysis involved transcribing selected pieces of interviews, along with annotations about the length of silences, changes in tone, breaks in voice, and other subtleties captured by the podcast's audio medium. This method of transcription was adapted from conversation analysis (Grbich, 2013). By examining these non-language expressions, affects, and pauses, I draw attention to the ways in which the affects of newcomers can transgress normative power dynamics. While CDA traditionally understands language as reinforcing norms of oppression, thus potentially constricting our knowledge and beliefs (Grbich, 2013)—considering affects, which are distinctly *pre*-discursive, offers a means of interpreting attitudes about Canadian citizenship rights that are difficult to express in words.

### **Theoretical Framework**

My research draws upon a combination of perspectives from affect theory, sound studies, and theory about cultural citizenship. In this section I present an overview of relevant theory, and draw connections between sound, affect, and citizenship in order to highlight how these perspectives will be used in the analysis sections of this research. Through these discourses, I

will demonstrate that sound and affect are deeply intertwined with one another because sound, like affect, is an embodied mode of communication (Brabazon, 2016). Furthermore, as an affective medium, sound allows people to connect with one another by listening collectively. This project considers how subtle sounds might also express feelings of exclusion from community and citizenship. In response to an understanding of how newcomers may be excluded from traditional forms of citizenship, chapter two examines how cultural citizenship is produced and consumed as part of podcast projects like *Rights Bites*.

## **Affect Theory**

### **What is affect?**

In the context of media and cultural studies, affect refers to embodied sensations which precede thought or discourse (Gregg & Seigworth, 2010; Bocuirkwi, 2011). In my own research, affect is mobilized as a means of recognizing audience and participant reactions produced in direct response to their experiences of objects, people, and social atmospheres. Because affect is pre-discursive, affect theory typically takes a subject's visceral reactions expressed through their body language, physical expressions, and non-language utterances at face value (Cowen, Laukka, Elfenbein & Keltner, 2018; Gregg & Seigworth, 2010). In my project, affective reactions to my interview questions might come through as sarcastic voices, laughter, or long sighs from my interviewees. These audible sounds can be understood as bodily intensities, representing the chance interaction of the interviewee's existing mood with me and my questions (Ahmed, 2010). Importantly, these often unintended sounds might contradict the explicit messages people convey through language. Thus, observing sentiments that are pre-discursive presents an opportunity to further consider attitudes toward access to justice beyond what people may choose to express overtly.



### **How does affect operate?**

The properties of affect, including how it is produced and transferred between bodies, have been theorized by scholars such as, Ahmed (2010), Deleuze and Guattari (1988), and Probyn (2005). Among these scholars there is some agreement that affect can be a means of connecting people to one another, as well as influencing the way emotions and culture interact in the formation of body and self (Deleuze & Guattari, 1988). Braidotti (1994) explains that in mourning the death of princess Diana, sadness connected queer fans to one another, often across borders. According to Probyn (2005), this contagious quality of affect occurs particularly in ‘contact zones,’ where people are drawn together and exposed to the sentiments and other bodies of a place. This concept is applicable in considering the general mood of the LINC classes I examined in my field-testing process. When I played the podcast aloud in the classroom, the affective tone of voice in the audio seemed to correspond with changes in the body language of students reacting to the podcast as a group. Still, Ahmed (2010) challenges the oversimplification that affect from a social atmosphere or another body is simply taken in by the bodies it encounters. For Ahmed (2010), Braidotti (1994), and Deleuze and Guattari (1988) affect is always a complex and relational process of becoming. For example, an anxious body may not be equally susceptible to a crowd’s jovial mood and peoples’ different social positions might lead them to have a different impression of the same situation. Still, as Bociurkiw (2011) explains there is transformational power in understanding affect as unstable and difficult to define, because the messiness of affect can draw attention to contradiction in imagined notions of national truth and belonging.

## **The Radical Possibilities of Affect Theory**

Affect theory has been adopted as a tool for challenging broadly accepted narratives of hope, happiness, and other sensations typically accepted as positive (Ahmed, 2010; Berlant, 2011; Ngai, 2007). Berlant (2011) argues that ‘cruel optimism’ occurs when people’s hopeful attachments to dreams rooted in capitalism and heteronormativity become painful for fantasy-holders that realize their optimism contradicts reality. For example, Berlant (2011) considers the young protagonist in the film *Rosetta* (Luc and Jean-Pierre Dardenne, 1990). In the film, the main character desires to participate in the work-force and be perceived as a “good” worker even as she lives in poverty, leading to a harmful feeling of dissonance. Through an application of Berlant’s theory, I consider how expressions of dissatisfaction with the Canadian legal system can disrupt the normative acceptance of unjust and exclusionary models of citizenship in Canada. Similarly, Ahmed’s (2010) concept of the ‘melancholic migrant’ captures how migrants who long for better treatment are perceived as overstating their experiences of racism or resisting integration. This is due to western social norms which evaluate happiness as good, but view discontent as a personal moral failing. Through attentiveness to these unhappy affects, expressed through sonic representations of embodied feeling, I hope to identify some of the complex ways that immigrants negotiate belonging in the face of feelings of exclusion.

## **Sound Studies**

Sound studies serves as a complementary theoretical framework to affect theory because of how sound has often been theorized as an affective medium (Biddle, 2013). Like affect, sound is felt in the bodies of listeners and consequently has significant power to engage listeners who feel literally and figuratively *moved* by what they hear. For example, Brabazon (2016) discusses how the affective and expressive qualities of sound can improve engagement with learning

material in podcasts by encouraging listeners to immerse themselves in information that reverberates through them as sound waves.

Similarly to descriptions of affect as collective and even contagious, sound is described by McLuhan and Powers (1989) as an inherently collective form of media. For example, in communities structured primarily by oral communication, no singular individual can accumulate more knowledge than others because independent knowledge gathering relies on the documentation of thought as written language (McLuhan & Powers, 1989; Rogaway, 1994). As such, in his 1969 interview with *Playboy Magazine*, McLuhan proposes that in oral cultures people react to experiences as a group because knowledge is held in the community rather than by individuals (Rogaway, 1994). This collective quality of sound and orality described by McLuhan mimics the contagious spread of affect through collectives of people. As Brabazon (2016) explains, “sounds bleed” (p.432). Thus, when a group of people is exposed to a sound, they cannot *look* away and instead find their ears occupied by the same emotional and sonic tone as the others around them. As Goodman (2009) explains, the capacity of sound to dictate the tone of a space and subsequently influence the collective behaviour of bodies in that vicinity, has led to the use of sound as a weapon of war, a tool for branding, and a crowd-control policing tactic. In a less sinister context, I consider the affective and collectively embodied nature of sound in examining how listeners in LINC classes connected with people on the podcast and other learners in the room while listening to the podcast. Given that people usually listen to podcasts privately through headphones, the non-traditional use of *Rights Bites* as a podcast intended for group listening in classrooms offers new opportunities to examine podcasts as tools for collective learning and activist organizing.

## Small Sounds and Silence as Radical

Sound studies discourse can help reveal the disruptive and even radical potential of audio-based educational material. In this case, the theoretical framework of sound studies provides a fruitful means of analysing the sounds and silences within the *Rights Bites* podcast itself, as well as in my research creation process. Biddle (2013) describes the relationship between affect and barely noticeable noises, referred to as “tiny seductions.” According to Biddle (2013) attention to these tiny seductions—which can often contradict overt messages—can help us in developing a better ‘metaphysics of belonging’. For my own purposes, this theoretical perspective allows me to understand how the subtle sounds, or in some cases silence, of my interviewees might expose their underlying affects of belonging or non-belonging as newcomers in Canada. This will be particularly important when small sounds indicate that my interviewees are feeling anger and pleasure in addition to the more obvious affects of fear and distress, in discussing their legal encounters.

Beyond thinking of sound as the production of audio, theoretical discussions of silence and listening provide another means of challenging normative ideas of voice as inherently empowering. As Low, Brushwood, and Salvio (2016) argue, it is important that researchers involved in community media projects avoid exaggerating the potential for empowerment when marginalized groups are “given a voice”. Low et al.’s (2016) perspective does not undermine the notion that podcasting can be an opportunity for democratic organizing and radical education, but instead challenges me to ensure that newcomers are more than just sound bites in the podcast. According to Low et al. (2016), by reconceptualizing listening as part of research, marginalized groups will actually *be* part of the creative process, rather than simply being given the impression that they are a part of it. Through sustained deep listening, researchers can create

conditions where vulnerable people are conformable sharing stories on a podcast. Similarly, Franklin (2006) emphasizes the value of silence as an opportunity for collective thought. In my research, the acceptance of silence as a normal part of interviews created space for participants to share their more personal experiences. Silence also drew attention to the limits of my participants' comfort. For example, non-response from potential interviewees is a form of silence that forced me to reflect upon my approach to research.

### **Cultural Citizenship**

Theory about cultural citizenship connects my research findings about the inaccessibility of legal rights for newcomers to a discussion about podcasting as a means of creating alternative forms of community, socialization, and belonging. While many of my interviewees are excluded from accessing certain rights associated with traditional citizenship, like the right to safe work and due process, an expanded definition of citizenship recognizes that civic life extends beyond legislation (Beaman, 2016). Cultural citizenship encompasses the negotiated formation of norms and identities and is consequently experienced and mobilized differently by different groups (Beaman, 2016). This discourse of cultural citizenship connects the main contours of my project. For example, education, media, and the expression of affect are all understood as ways of participating in civic life within models of cultural citizenship. Importantly, this expanded definition of citizenship is accessible to immigrants who contributed to my research but who may not be citizens in a normative, legalistic, sense.

I draw upon Klaus and Lünenborg's (2012) conception of 'cultural citizenship' to identify alternative ways that people participate in public life through the discursive construction of social norms and culture. In this definition, citizenship includes education, and practices of idea creation and exchange (Lim, 2010). This notion of citizenship as participation in knowledge

sharing and the formation of social norms speaks to the aims of my own research to create an alternative space to communicate knowledge and account for critical perspectives about the Ontario employment and housing law systems. Similarly, Murdock's (1999) definition of cultural citizenship includes rights to information, experience, knowledge, and participation. Aligned with Murdock (1999), by field testing my podcast episodes with LINC students and interviewing newcomers and community workers on the podcast, I hope my project created opportunities for interviewees to participate in the formation of new discourses about citizenship rights.

The possibility for newcomers to access cultural citizenship by sharing their experiences, learning about their rights, and participating in a discourse about the limitations of the legal system, reflects Fraser's (1990) notion of a 'subaltern counterpublic'. Fraser's (1990) influential critique of the Habermasian public sphere, explains that rather than being an inclusive space for debate, the bourgeois public sphere excludes subaltern groups, namely women. In response to this exclusion, marginalized groups have always created their own spaces for participation in citizenship and public life through the formation of activist organizations. Increasingly, online spaces have become a site for those excluded from the bourgeois public sphere to participate in idea sharing and ultimately contribute to the shaping of cultural attitudes—though this is not always the case. Pathak-Shelat and Bhatia (2019) explain that in India, youth use online space to articulate and circulate alternative and sometimes radical ideas about poverty, education for girls, and food security because they are typically excluded from formal participation in the public sphere. Even as adult gatekeepers attempt to suppress more radical attitudes through censorship and the use of empty tropes about aid and equality, youth negotiate their participation in cultural citizenship by finding multiple alternative platforms for disseminating their message and forming

community (Pathak-Shelat & Bhatia, 2019). Theory about the formation of online communities is applied to an understanding of both the literal communication enabled by the *Rights Bites* podcast, as well as the sense of collectiveness produced by my participatory approach to podcast creation.

By expanding citizenship beyond formal legal inclusion in state rights, opportunities are created to understand how the affective sounds of those struggling to access belonging contribute to the formation of cultural citizenship. Thobani (2007) argues that through the process of exaltation, the characteristics of law-abiding white settlers become naturalized as the inherent form of Canadian subject. Through this means of socialization, the power relations of colonialism are concealed, and immigrants, racialized peoples and Indigenous communities are framed as unworthy of Canadian-ness (Thobani, 2007). Given the social processes through which exclusionary modes of Canadian citizenship are formed and normalized, efforts to create new possibilities for existence must engage in a similar process of embodied performativity. For Cho (2007), citizenship identities become real when they are enacted habitually. In the context of my research about affective relations to citizenship, the very act of embodying sensations outside those of the ideal exalted subject may be a way of creating new ontological possibilities for being (Thobani, 2007). In the next section I consider how the resistant act of embodying complex and sometimes contradictory affects related to rights can be the basis of a new mode of citizenship altogether.

## **Chapter 2 - Affective Expressions as Cultural Citizenship**

This chapter applies theory about cultural citizenship and sound as an expression of affect in order to explore the sentiments about access to justice expressed by newcomers and community workers in my podcast interviews. Using a Critical Discourse Analysis methodology, I find that the affects displayed through the intonation and vocalizations of my interviewees reveals that their lack of access to justice is exacerbated by affects of fear and distress. Still, through an examination of the compounded and shifting affects expressed by my interviewees, I argue that in addition to the more passive affects commonly noted in the media and in research about access to justice, my interviewees assert their agency through their expressions of anger and pleasure.

As I outline in Chapter 3 in more detail, my interviewees, who included lawyers, community organizers, and newcomers were recruited in a variety of ways. I was put in touch with lawyers via CLEO's contacts. Meanwhile, newcomers were recruited using flyers distributed at Ryerson's English Language Support centre, at community events related to access to justice, and at the offices of several immigration lawyers. Finally, community organizers, many of whom are immigrants themselves, were contacted through their publicly available information, or in-person at professional development events. Because of my participants' varying levels of vulnerability, as well as the need to use the real names of lawyers to ensure the credibility of information on the podcast, two separate consent forms were used. The primary difference in the forms, is that one version allowed participants to select a pseudonym, while the other did not. Specifically, in this paper and on the podcast, the real names of lawyers and community workers with public profiles are used. Conversely, newcomers who shared stories which could make them vulnerable to employers or landlords appear under pseudonyms.



Drawing upon Hall's (1985) critique of Althusser (2014), I demonstrate that my participants' public expressions of anger can disrupt normative processes of interpellation and begin to dismantle Canada's image as a kind and inclusive state. Furthermore, my interviewees' sometimes surprising incorporation of joy into their discussions of fear and distress, challenges efforts to label migrants simply as victims of global circumstance (Augustine, 2003). For example, in our interview about gentrification and forced evictions, Anna laughs while telling me that "it was actually fun to take our landlord to the Landlord and Tenant Board" (personal communication, November 6, 2018). Even as Anna describes the deplorable living conditions her corporate landlord has created in an effort to force her family to move out of their apartment unit, Anna's laughter begins to confront normative understandings of justice in Canada. These discursive and affective interventions into the reproduction of colonial and capitalist ideology may be understood as a form of cultural citizenship enabled by podcasting.

### **Imagining Canada– Disruptions in Interpellation Through Affect and Discourse**

A recent Toronto Star headline reads: "Trudeau praises Nova Scotia Chocolate Factory run by Syrian Refugees in U.S. visit" (The Canadian Press, 2019, June 21). Like other human-interest stories chronicling Prime Minister Justin Trudeau's purported love of immigrants, this story presents an idealized picture of Canada as a happy and inclusive place for migrants. For example, the article's affective presentation of immigrants as 'good' so long as they are passive and economically productive, exemplifies how mainstream Canadian media reinforces dominant colonial and capitalist ideologies which exclude newcomers from accessing full citizenship rights. As Augustine (2003) explains, discourse which labels migrants as victims removes opportunities for migrant agency, and risks actually "turning them *into* victims" (p.30). By displaying and praising examples of immigrants who are grateful, but uncritical of the salvation

supposedly offered by Canada, migrants are interpellated by Trudeau as subjects whose presence in Canada is conditional. The dominant message is that to be in Canada newcomers must participate in capitalism and must not ask for more or better rights (Althusser, 2014).

Althusser (2014) describes interpellation as the process by which ideology is always already inscribed in people's lives because of the way we accept and participate in ideology. For example, Althusser (2014) imagines a situation in which people become subjects of the state by responding to the call of a police officer, thereby demonstrating their recognition that it is their natural obligation to do so. Aligned with Althusser's (2014) discussion of interpellation, seeing and hearing stories of 'good' passive immigrants in the media, produces newcomers as subjects who must respond to the call of Canadian colonialism by embodying benign affects like enjoyment and hope. For example, in another Toronto Star article the same chocolate factory owner describes his belief that "kindness and positivity are in the DNA of Canadians" (Brown, 2018, June 24, n.p.).

In this way, the ideological reproduction of the Canadian imaginary occurs on a level that is both discursive and affective. It is the sentiments associated with words like "Canada", "refugee", "citizen", and "kindness", among others, which allow interpellation to uphold dominant state ideology. Still, Hall's (1985) critique of Althusser's (2014) conception of "the Ideological State Apparatus" draws attention to the ways that shifting the cultural meanings associated with common words is a means of disrupting state ideology. For example, Hall (1985) describes how the word "black," which has been associated with adjectives like "lazy" and "spiteful," has since been reformulated through black liberation and the pop cultural influence of figures like Bob Marley, as a positive word evoking "soul" and "unity." Bearing in mind Hall's (1985) understanding of interpellation into dominant state ideology as limited by the dynamism

and “multi-accentuality” of language, I consider how the affective expressions of my interviewees contributes to shifting cultural and political understandings of words like “citizenship” and “immigrant.” Consequently, the cultural production enabled by podcasts may be a means for newcomers to negotiate the interpellation process in a way that resists and questions normative ideas about what migrants ought to accept as just. Furthermore, the capacity for expressions of affect to shift cultural meanings and ideology is conceptualized in this paper as a form of cultural citizenship in and of itself. In a discussion of feminist cultural citizenship, Payne (2012) explains how affective attachments expressed via feminist media production contribute to the formation of feminist identities. In the same vein, my interviewees produce new understandings of what it means to be a migrant and have rights in Canada by expressing sentiments about these concepts on the podcast.

### **Fear and Distress**

The affects most commonly noted in existing literature about the experiences of newcomers as tenants and workers include fear and distress. However, as I argue later these are not the only affects expressed by newcomers related to their experiences with the legal system. In particular, fear of retribution is cited as a reason for people’s frequent inaction when their rights are violated. For example, Vosko et. al.’s (2017) report on wage theft in Ontario found that only 10 percent of formal complaints occurred while individuals were still in the job they were complaining about. This is likely because of the fear of reprisal from employers that just under fifty percent of respondents in Vosko et al.’s (2017) study cited as a reason for not reporting violations of workplace rights. Existing knowledge of the violations of workplace rights faced by immigrants and precarious workers more broadly is echoed in the affects revealed in my podcast interviews. For example, my interviewee Stephanie explains that while she felt slightly more

comfortable refusing to work overtime because she is a permanent resident in Canada, many of her colleagues had precarious immigration status and consequently chose to work unpaid hours of overtime out of fear that they may be forced to leave the country if they did not comply. When I asked whether Stephanie had considered complaining to the Ministry of Labour about unsafe working conditions and unpaid overtime hours that her colleagues were working, she told me: “No, because I’m new, I don’t know how to do that. And also I’m afraid that I will be fired” (personal communication, September 27, 2018).

Distress is a similarly identifiable and commonly discussed affect which confounds the in-access to justice experienced by newcomers in Ontario. Aligned with my research findings, a CLEO (2013) report finds that distress related to having a legal problem can make it more difficult for clients to absorb information about legal rights. In the context of housing, it is unsurprising that stress and distress are affects already being considered by public legal educators, given that finding appropriate housing is becoming increasingly stressful in Ontario cities. According to a 2016 report by ACTO, because the rental market is being replaced by privately owned condominiums, legal protections for tenants are insufficient and a growing number of people in the province are struggling to maintain secure housing. The impacts of these factors are evident in the experiences of newcomers who move in with relatives because they cannot afford to rent their own apartments (CERIS, 2011). This can lead to overcrowded, unsafe living conditions and hidden homelessness for newcomer families without their own homes (CERIS, 2011). Furthermore, a housing rights lawyer interviewed on *Rights Bites*, discusses how distress is created and used by landlords as a means of forcing old tenants out of their housing units in the interest of raising the rent significantly for future tenants (K. Andrews, personal communication, November 29, 2018). In particular, tenant harassment and disruptive long-term

renovations are tactics used by landlords to create distress and to discourage tenants from fighting to stay in their homes.

Distress and fear were noticeable affects in several of my interviews for the podcast. For example, Daniel, an immigrant from Iran describes himself as being “just a little bit upset” when his landlord refused to return a security deposit, which he had collected illegally in the first place (personal communication, July 25, 2018). Daniel’s distress was also identifiable in the subtle intonation of his voice. These small sounds, which Biddle (2013) refers to as “tiny seductions,” indicate the unspoken sense of non-belonging Daniel may be feeling. While Daniel speaks overtly about his positive feelings associated with exploring Toronto and only describes himself as a “*little bit* upset [emphasis added]” about the incident with his landlord, his voice suddenly tightens when he starts explaining what happened when he wanted to move out of his apartment (personal communication, July 25, 2018). In this instance Daniel’s body betrays his overt calmness. Daniel’s distress is made audible by the sound of a swallow that suggests he is feeling a lump in his throat.

This physical sensation of discomfort experienced by listeners as an audible affect, might indicate that although Daniel is responding to the call of state authority described by Althusser (2014), the process is strained. Ngai (2005) explains that there are certain “ugly affects” which are characterized by passivity and a seeming lack for agency. Although distress is not specifically identified as an apathetic affect by Ngai (2005), because distress is a variation of fear and anxiety, it can be understood as an ugly affect in its own right. For example, the momentary inability to express true feelings, characterized by the sound of an obstruction in Daniel’s throat, embodies the lack of agency inherent in ugly affects. Ngai (2005) draws upon Viall to explain that these passive affects produced by the experience of oppression or a lack of power may be

easily manipulated in the interest of capitalism. For instance, a fear of repercussions at work might lead to compliance with unfair working conditions. Still, Nagai (2005) asserts that ugly affects remain meaningful and political, because they are expressions of true lived experience. Viewed in this light, Daniel's expression of distress is politically valuable because it highlights the reality of what it may be like as first-time renter in Ontario. Though Daniel's distress manifested as a lack of agency to control his voice, ugly feelings are also inherently political.

Through an analysis of sounds in the film *The Village* (M. Night Shyamalan, 2004), Biddle (2013) explains that while overt music and sounds in the film conform to normative notions of community, the scary, but subtle noises coming from the forest surrounding the village indicate the hidden presence of a monster. According to Biddle (2013) because affects are radically autonomous, attention to the politics of tiny affective sounds reveals where notions of belonging are coming apart. In Daniel's interview, though his words indicate minor distress, the sound of his voice suggests that his experience with his landlord was deeply affecting. Immigrants to Canada are expected to uphold the national identity through their desire to be in Canada, which in turn reinforces notions of Canada as equitable, multicultural, and desirable (Harder & Zhyznomirska, 2012). Daniel re-asserts his desire to be in Canada through his description of the enjoyment he felt while exploring multicultural shops along Yonge Street; however, the subtle inflections in his voice suggest that his desire for Canadian-ness has not been simple and unwavering (personal communication, July 25, 2018). The sound of Daniel's voice breaking and his audible breaths remind listeners that Canadian citizenship is hierarchical and housing law problems are not equally distributed (Harder & Zhyznomirska, 2012). In this example, attention to affects beyond the emotions expressed in words presents insights about how to enhance the delivery of legal information to newcomers in Ontario. Particularly, given

the fear and the deep distress experienced by new immigrants encountering violations of their rights, legal information that builds trust and challenges narratives of equality in Canada are needed.

### **Voice as Intimate and Encouraging**

For people facing legal problems who are afraid to seek help, the intimacy provided by audio and voice might create an affect of encouragement. It is beyond the scope of my research to evaluate whether or not those who listen to my podcast feel connected to or encouraged by what they are hearing on the podcast. However, Brabazon (2016) explains that an advantage of using sonic-media for educational purposes is the possibility of using specific tones of voice in order to create an affect that feels personalized. This was exemplified on an episode of the popular podcast *Call Your Girlfriend* (Freidman, Sow & Delvac, 2016). In the episode, the hosts respond to listener feedback that accuses them of sounding unintelligent because they speak with vocal fry and use the word “like” too often. Though these speech patterns are found across genders, they are often used as a means of discrediting women when people associate them with “valley girls”—a trope that implies women’s stupidity (Friedman, July 9, 2015). In addition to explaining the sexist underpinnings of these remarks, the women suggest that their speaking style and tone of voice are “dog whistles” that attract those who like and relate to the sound of their voices (Freidman, Sow & Delvac, 2016). As Brabazon (2016) proposes, this phenomenon of relatability can make educational podcasts featuring familiar sounding voices a better source of education for listeners who feel connected and invested in the people they are listening to.

By capturing the familiarity and intimacy that can be associated with a voice, I hope my podcast engages listeners in learning and makes them feel encouraged to manage their legal problems. As such, despite being nervous, Stephanie, who I interviewed in Episode 1 of *Rights*

*Bites*, chose to participate because she was hopeful that sharing her experience would give others the confidence to seek information about their legal rights (personal communication, September 27, 2018). Like most students in Ontario LINC classes, Stephanie speaks English with an accent. Perhaps as Brabazon (2016) proposes, this quality of her speech, along with the sense of confidence she conveys on the podcast, will create a sense of relatability for LINC students and other listeners. In this way, the tactility and intimacy offered by sound presents new opportunities for public legal education. While words may appear distant and intimidating, hearing a friendly and relatable voice that seems to speak directly to you might feel more encouraging to those confronted with intimidating legal issues (Brabazon, 2016; Spinelli & Dann, 2019).

As Brabazon (2016) explains, podcasts allow students to build confidence by combining learning, emotion, and storytelling in order to bridge gaps between practical and theoretical knowledge. As such, I made sure to ask the lawyers I interviewed for stories rather than facts, in hopes of creating opportunities for difficult concepts to be taught through easy to follow and remember narratives. It seems this affective and narrative approach to education was effective. For example, in one field-testing session I saw and felt learners in an adult literacy class react to the witty sarcasm of a lawyer discussing housing rights on the podcast. In the episode, the lawyer explains that it is legal for a landlord to raise their tenants' rent in order to make 'capital improvements' to the entire building (K. Andrews, personal communication, November 29, 2018). However, with her disgruntled tone of voice, the lawyer conveys that this model is unfair. When this part of the clip was played for the class, I watched a few students smile knowingly, and others laugh outright at what they heard being said. When I asked the class for their general feedback about the interview, several learners conveyed to me that they appreciated hearing the



emotion in the lawyer's voice and felt validated to hear her disagree with the same laws they felt were unjust. But, before students even had a chance to explain their feelings about what they heard, I could see and feel that they were connecting with the emotion being expressed in the podcast.

In this instance, the classroom became a 'contact zone,' in which bodies were exposed to each other's' affects (Probyn, 2004). However, unlike more traditional classrooms in which Probyn (2004) remarks that education is stunted by efforts to ignore the emotional bodies of educators and students, podcasts convey emotions that resonate in the bodies of learners. Interestingly, the origin of affect in this contact zone is not a body in the room, but a disembodied digital voice. This example speaks to the affective quality of sound by demonstrating that the detail and depth embedded in a person's voice can be sufficient for a classroom of students to feel the presence of a virtual person throughout their bodies. In turn, the intimate and naturally affective quality of audio-only media might begin to address the sense of fear and distress experienced by newcomers encountering legal problems (Brabazon, 2016; McLuhan, 2007; Spinelli & Dann, 2019).

### **Compound Affects**

By mobilizing Sedgwick's (2003) conception of compound affects, I demonstrate that in addition to the more passive affects of fear and distress, newcomers also feel anger and pleasure in describing their encounters with Ontario law. Sedgwick (2003) presents an alternative to biological understandings of affects as drives that must be satisfied by specific objectives—for example, the way air satisfies the drive to breathe. Instead, Sedgwick (2003) suggests that human complexity is captured more entirely when affects are understood as the causes and effects of a variety of objects, including other affects. In this way, "one can be excited by anger, disgusted by

shame, or surprised by joy” (Sedgwick, 2003 p. 19). Furthermore, one affect might shift quickly into another, or motivate action over a longer period of time depending on context and individual differences (Sedgwick, 2003). Given this understanding of affect as complex and shifting, it is possible to recognize how newcomers assert agency through their expression of the more active affects of anger and pleasure alongside fear and distress. While fear and distress cause our bodies to retreat, anger and pleasure assert presence and desire action (Ngai, 2005). Recognizing this complexity of emotion disrupts monolithic representations of migrants as the passive recipients of oppression. However, ignoring this active desire amongst newcomers to learn about the law and fight for better protections as workers and tenants might encroach on the efforts of immigrants to participate in cultural citizenship (Murdock, 1999). Consequently, public legal educators ought to consider ways of engaging newcomers as participants in the public legal education process, rather than viewing them simply as recipients.

### **Anger and Distress**

In order to examine the ways in which active and passive affects are compounded in the voices of immigrants interviewed for the *Rights Bites* podcast, I focus the remainder of this section on an analysis of my interview with Stephanie, a woman who immigrated to Canada from China about a year before our interview (personal communication, September 27, 2018). In our conversation she explains how she was fired without notice from a factory with poor working conditions because she refused to work unpaid overtime hours (personal communication, September 27, 2018). While a detailed examination of all the relevant interviews is beyond the scope of this paper, the affects discussed in this section revealed themselves in most of my other interviews as well.

Stephanie's distress, as well as her anger over the injustice she experienced at work are noticeable as affective qualities in her voice. For example, in response to me asking about her experience of law in Ontario, Stephanie states, "I thought there is—there are regulators, but if your company—employer does not do according to regulator, I think regulator is useless" (personal communication, September 27, 2018). This dialogue highlights Stephanie's distress, produced by the cruel optimism of having her expectations about Canada unmet in reality (Berlant, 2011). As Berlant (2011) explains, cruel optimism occurs when the object of desire is not actually attainable. In fact, Berlant says that longing for an impossible object may become an impediment to one's success and happiness. In this instance, Stephanie's wishful perception that in Canada "regulators" will protect her workplace rights actually prevents her from realizing sooner that it will be her responsibility to seek legal rights advocacy elsewhere.

Distress shifts seamlessly to anger as Stephanie's voice gets louder and her questions become less out of confusion and are instead used as a rhetorical device to question the effectiveness of the justice system (personal communication, September 27, 2018). After Stephanie asks: "why nobody will supervise or monitor them [her former employer] and enforce them to do that?" she leaves a longer pause than usual (personal communication, September 27, 2018). As Ngai (2005) explains, anger is an affect that demands action in response to injustice. In this example the anger in the pause after Stephanie's rhetorical question made me feel as though she was waiting for me to explain why her workplace rights were not enforced. In essence her anger and silence demand action in the form of an explanation of her rights. Rather than simply being distressed, following Sedgwick's (2003) explanation of how affects can desire other affects, Stephanie seems to be angered by her distress. Contrary to normative conceptions of newcomers in precarious workplaces, Stephanie is not presenting herself as a passive victim.

Instead because anger is an emotion that evokes action and even retribution, Stephanie's willingness to be angry disrupts perceptions of Canada as a just and happy society (Ahmed, 2010). In turn, this engagement in affect as cultural citizenship undermines the normative interpellation of newcomers as passive subjects of state authority. For example, while dominant state ideology presents citizenship in Canada as free, equal, and multicultural, Stephanie's comments reveal the multiple meanings that can be associated with Canada and citizenship. Aligned with Hall's (1985) discussion of language as containing shifting cultural meanings, Stephanie disrupts normative meanings of the word "Canada." Through her words and affects she demonstrates that contrary to her original expectations, Canada offers few protections for the racialized people and immigrants she used to work with at the factory.

Stephanie further transgresses dominant meanings of Canadian-ness through a discussion of citizenship and belonging. While she has permanent residency in Canada, Stephanie evokes Probyn's (1996) affective conception of "belonging as an in-between state" of desire (p.40). Probyn (1996) describes belonging as an immediate and diverse state, rather than one that is fixed or ongoing. For example, belonging may be evoked for some people upon arrival in a place, but for others belonging might happen in "departing, getting going, going on, getting (it) on, getting by" (Probyn, 1996 p. 40). Stephanie's desire for belonging seems to manifest as "getting by" when she describes contacting organizations like the Workers' Action Centre and North York Community House for advice about how to handle her problems at work (personal communication, September 27, 2018). This narrative captures the struggle and sense of unsatisfied desired often contained in the way belonging is felt by immigrants (Probyn, 1996). In particular, Stephanie's account of belonging in Canada as a permanent resident stands in stark contrast with dominant conceptions of belonging as integration into mainstream culture and

capitalism. For example, in the Toronto Star article discussed previously, Justin Trudeau uses a family of newcomers who are happy participants in the Canadian economy and who do not complain of a lack of legal rights, as an ideal example of what it means to belong in Canada (The Canadian Press, 2019, June 21). Still, following Hall (1985) it is possible that my interviewee's exercise of cultural citizenship in creating alternative meanings for terms like "belonging," and "Canada" will allow LINC students who hear the podcast be interpellated into a different type of subjecthood in Canada. Particularly, a subjecthood in which belonging is not about compliance, but a willingness to fight for more and better rights.

### **Pleasure and Fear**

The sudden shift of negative and passive emotions into laughter was a common theme in my interviews with immigrant women. These sudden bursts of laughter that shifted the emotional tone of interviews can be interpreted in a variety of ways. Laughter during discussions of solemn topics challenges efforts to romanticize the immigrant struggle in support of Canada's perceived national identity as a just and desirable country (Bannerji, 2000; Harder & Zhyznomirska, 2012). Understood differently, laughter may be a gendered effort to make difficult feelings more palatable to others. Finally, following Berlant (2011), laughter may be part of an "affective rhythm of survival," employed as a strategy to make difficult feelings more palatable to oneself. Berlant (2011) explains that because experiences of affective pleasure occur before the stage of consciousness, these embodied moments can allow us to disconnect from the anxieties of the mind. As such, Berlant (2010) proposes that an underlying reason for mindless junk food consumption under late capitalism is our desire to achieve a state of unthinking embodied enjoyment. By eating in-excess, or laughing, we might be able to find a pleasurable intermission

from stress. I consider each of these potential explanations through a final analysis of the laughter in my interviews for the podcast.

Regardless of the underlying reasons for this laughter, I argue that combining pleasure with negative emotions is an act of resistance and cultural citizenship. Whether this resistance is to one's own fatigue or to stereotypes imposed by others, these subtle affects reveal a desire for involvement in the legal rights education process and ultimately self-determination. For example, in describing her future plans, Stephanie discusses her desire to ensure that other workers also have their rights respected (personal communication, September 27, 2018). Additionally, Anna discusses how her initial experience fighting for her own tenant rights has catalyzed her involvement in supporting and educating other tenants (personal communication, November 6, 2018). In contrast to these examples, the oversimplification of newcomers as feeling only fearful and distressed, ignores opportunities to create educational resources *with* newcomers who wish to participate in civil society, rather simply *for* them. By expressing these complex affects on the podcast, interviewees contribute to new cultural understandings of the role of newcomers in Canadian society, as people with agency and the capacity to demand better rights. This expression of affect might in turn lead to other opportunities for cultural citizenship as newcomers are included in activism and the public legal education process.

I was surprised by Stephanie's laughter because it occurred while she was telling me the story of a fire at the factory she worked at. As the interviewer, I was attempting to match her serious tone as she explained the lack of safety regulations and training at the factory. In the transcript of our conversation, I note the downward inflection at the end of her words and the long pauses between her thoughts as she explains "Yeah, and uh, in fact I experienced a fire, accident" (personal communication, September 27, 2018). While these speech patterns seem to

indicate negative affects like fear distress and perhaps sadness, seconds after explaining that an ambulance was called to the factory, Stephanie bursts out in laughter (personal communication, September 27, 2018). In my seriousness I may have accidentally been replicating the genre of immigrant story most typical of Canadian media. As Bociurkiw (2011) explains, the noble hardship of newcomers is presented recurrently, in order to narratively justify their suffering as a contribution to Canadian society. Rather than allowing her bad experience working in Canada to be used as support for a fantasy of Canada's ultimate goodness, Stephanie's laughter defies categorization. Thus, while Ahmed (2010) describes happiness as a social construct that positions the "melancholic migrant" as deviant for their unhappiness, Stephanie's compound affects assert her ability to be simultaneously upset at her in-access to rights, without losing the power to laugh and belong on her own terms.

Another notable instance of laughter was in my interview with Euridice, a Brazilian immigrant and a tenant organizer in Toronto. Euridice's interview touches on some of the grimmest consequences of gentrification in Ontario cities (personal communication, November 2, 2018). She explains that an outcome of rising housing rental costs and the insufficient protection of tenants against predatory landlords is that "people can really— people become homeless and can die in the streets because of it [gentrification]" (personal communication, November 2, 2018). In that moment, Euridice's tone is serious, but later when she tells me that in the future people like her and I will no longer be able to afford to live in Toronto, she can barely contain her laughter (personal communication, November 2, 2018).

Bursts of laughter from Stephanie as well as Euridice may be a way to make light of difficult emotions in order to avoid being perceived as an immigrant who resists integration or exaggerates their experiences of exclusion (Ahmed, 2010). Particularly as women, Stephanie and

Euridice's anger about injustice at work and as tenants may lead to them being labelled as too loud, too shrill, and too hysterical. While avoiding these negative characterizations may be part of the reason for these women's laughter, Berlant's (2010) discussion of unconscious enjoyment as a respite from the brutal pace of life under contemporary capitalism helps conceptualize laughter combined with distress and fear as an assertion of agency. In *Risky Business*, Berlant (2010) explains that although overeating and eating junk food may have adverse consequences for people's physical health, the pleasurable and repetitive action of eating elicits a state of unconscious enjoyment which ultimately benefits mental health. Though laughter has no adverse health consequences, it may seem to ignore the seriousness of unjust housing and workplace laws that are threatening the lives of socio-economically marginalized people. Aligned with Berlant (2010), I argue that my interviewees' use laughter is a strategy for maintaining their mental health and surviving in the present, while continuing to fight for better rights in the future.

While Berlant (2011) explains that the "self-suspension" offered by unconscious affective states is not the same as agency produced by cognitive decision-making, pleasure is a new state of agency in which choosing to ignore the future makes the present possible. As such, Euridice's laughter, which caused me to laugh as well, allowed us both to cope with reality and continue our social justice work. Just as one may be "excited by anger" (Sedgwick, 2003), Euridice lets distress and fear make her joyful. Perhaps this ability to have seemingly distant affects cohabitate in her body, while also passing her attitude on to others is what makes Euridice such an effective and energetic public legal educator in her own right. While those engaged in social justice work are prone to burnout, Euridice appears to have endless energy to meet and organize people fighting their corporate landlords. Recognizing the possibility for active and passive affects to



co-exist presents new insights into strategies for making upsetting subject-matter into more digestible and sustainable educational material. As Ngai (2005) explains, pleasure is an affect often derived from seeking enjoyment as an escape from pain. Public legal education resources can match this affective tone by inviting participation, curiosity, and laughter from learners who are struggling with their exclusion from full access to rights, but who demonstrate a desire to participate in active learning and alternative modes of civic engagement.

## **Conclusion**

In this chapter I have endeavoured to better understand the barriers to accessing legal rights encountered by newcomers in Ontario. While the socioeconomic barriers to access are already relatively well understood, the emotional impediments immigrants face while navigating legal problems are not discussed in-depth in literature about access to justice. By applying affect theory to a close analysis of transcripts from several of my unedited podcast interviews, I have argued that the subtle utterances and changes in the tone of my interviewees' voices reveals the depth of their fear and distress related to even the minor legal problems they encountered. My examination of how fear and distress exacerbate difficulties in accessing legal rights is echoed by existing literature about tenant and workers' rights in Ontario (ACTO, 2016; CLEO, 2013; Vosko et. al., 2017). As has been demonstrated, experiences of fear and distress that act as barriers to accessing rights may be addressed in part by the creation of public legal education recourses which convey intimacy and familiarity through sonic media. Still, existing reports about access to justice often simultaneously fail to capture the extent of anxiety newcomers face while also ignoring the presence of more active emotions in immigrant experiences with the law. Through my in-depth analysis of the affects exhibited by my interviewees I have argued that newcomers can also feel anger and pleasure in response to distress and fear. This nuanced

reading of affects as shifting and compounding better captures the agency of immigrants who are navigating legal issues. In the following chapter, I examine how my participatory approach to the *Rights Bites* project may have facilitated increased engagement in access to justice and cultural citizenship, as is desired by newcomers.

### **Chapter 3 - Cultural Citizenship through Participatory Action Research**

In this final chapter I argue that through my PAR methodology, as well as the *Rights Bites* podcast itself, opportunities have been created for participation in cultural citizenship amongst newcomers. I demonstrate that by fostering a participatory environment in media-making, alternative communities can be developed along with new spaces for performing contested citizenship and belonging. In reflecting upon the strengths and limitations of my own approach to research, I consider how paying attention to silence from participants, engaging in community organizing in-person, and sharing podcasting skills with participants, aided in making my own research more participatory. These elements of PAR led to the enactment of cultural citizenship by way of discussions on the podcast. Furthermore, by leaving knowledge and resources for podcast creation with my participants, cultural citizenship may occur in the form of future community media projects created by and for my participants and their communities. I hope that these future podcasts contribute to a subaltern counter-public in which citizenship includes activism and forms of participation beyond those offered by formalized citizenship rights (Fraser, 1990).

#### **Listening to Silence: Towards more personal and caring research**

Murdock's (1999) vision of cultural citizenship as encompassing a "right to participation" is present in the way my PAR methodology was carried out. Through an extension of Low, Brushwood and Salvio's (2016) claim that sustained listening constitutes a form of participation in research, I argue that silence and decisions not to listen are also valuable forms of participation and an exercise of cultural citizenship. Throughout the production of the podcast participants expressed themselves through silence and voice in ways that shaped my attitudes

and eventually motivated me to make a podcast with more emphasis on the role of activism in public legal education.

For the first two to four months of my research, my efforts to recruit interviewees was met with silence. I often did not receive replies from community workers I was hoping would either participate in podcast interviews or connect me with newcomers willing to be interviewed. On two occasions I received replies from social justice organizations stating that community workers were not willing to speak with me because of my academic affiliations. One of the emails I received from an organization working towards the improved rights of live-in caregivers explained that before reaching out again, I needed to give more thought to who would really benefit from my research. The email pointed out that lending their voices to my podcast, would be forwarding my career in academia, while draining their resources. As Spivak (1988) explains, voice has become romanticized in western discourse as a source of power. Consequently, strategic listening and silence can be more powerful tools for marginalized groups to express themselves (Spivak, 1988). When people express themselves through silence their words cannot be co-opted by colonial discourse. After receiving this email, I did not reach out again and sat for quite a while in uncomfortable silence. As Franklin (1994) points out, while some forced silences are scary, others allow for contemplation and are “defined by a listener, by hearing” (p. 159). By acknowledging and “listening” to silence from would-be interviewees, the silence shifted from feeling uncomfortable and forced, to feeling contemplative.

### **Embodied Recruitment**

After giving some thought to the concerns raised in the email I received, I shifted my recruitment approach from sending emails and distributing flyers, to physically attending community events where I might meet people interested in collaborating on the project. By

meeting people in person my aim was to create better opportunities for trust-building with potential contributors and to better understand how I could make the project more mutually beneficial for participants (Ellard-Gray, Jeffrey, Choubak & Crann, 2015). I presented my research-in-progress at three events held by CASSA (Council of Agencies Serving South Asians) for the launch of their legal toolkit for refugee youth. At these events I was approached several times by people offering to share personal stories about legal problem on the podcast, as well as community workers and academics offering insight about issues that might be relevant to cover on the podcast. Additionally, I became connected with tenant organizers, an adult literacy instructor, and several settlement workers at CLEO's fall forum event for front-line workers delivering legal information. As Low, Brushwood and Salvio (2016) explain, in order to create a 'commons' in which people feel welcomed to participate in education as a communal project, deep listening and in-depth conversations are required. This deeper listening was possible because people at the aforementioned events could hear my voice explaining my research and I could demonstrate that I was listening to what community members were sharing with me through my embodied responses to them.

My embodied presence at community social justice events brought my body and the bodies of others into conversation with located discourses of power, allowing potential participants to feel more comfortable and fully acknowledged by me, the researcher (Pors, 2018). Acker's (1990) concept of the 'disembodied worker' explains how organizational power is maintained through our simultaneous saturation with images of white men's bodies as capable leaders, along with fabricated narratives of workers as without gender or race. By denying the material reality of bodies, people's embodied experiences of inequality are overlooked. Conversely, being physically present when meeting prospective interviewees allowed me, and

the people I met, to acknowledge our bodies in the context of power relations. For example, I first met Stephanie, a racialized woman from China, at a legal rights information session held in the evening at a high school in North York. After I presented parts of my ongoing project and mentioned that I was seeking interviewees for the podcast, Stephanie told me about her experience of having her workplace rights violated. In person she could see my brown skin and feminine gender expression. She could also hear my Canadian accent—a signal of my privilege growing up in Canada. While Stephanie was initially nervous to be on the podcast, my materially embodied characteristics may have helped challenge myths of disembodiment in power, making her feel more at ease. By meeting participants in person, intersectional experiences of power and oppression were positioned as honest and central conversations (Pors, 2018). As Pors (2018) explains, these interactions between bodies and discourse are affective in nature. In this case an affect of trust was built when bodies and discourses of power were in communication with one another.

### **Skill Sharing and Access to Cultural Citizenship**

Despite my initial difficulty finding participants, through my participation in community events I learned that the people who approached me about participating in the podcast were often willing to do so because they hoped to develop podcasting skills of their own. According to Canas' (2017) toolkit for artists working with refugees, the assumption that migrants will be grateful for being included and acknowledged by artists and researchers reinforces power relations that oppress research subjects. I hope that by finding creative ways of compensating research participants, I disputed the assumption that interviewees and field-testing groups would be inherently appreciative of their role in my project. For instance, the instructor at the adult literacy program where I field tested the podcast and lesson plans asked me to return and teach

her class a workshop about podcasting. During our discussion about podcasts, learners in the class expressed interest in creating their own podcasts about housing in Toronto, as well as about their experiences of immigrating to Canada. Similarly, a podcast interviewee of mine explained that before moving to Toronto for graduate school, he was becoming interested in community radio projects in Iran. This interest in gaining exposure to audio recording skills and equipment is in part what motivated him to respond to my recruitment flyer. After our recording session, I directed this interviewee towards community radio projects in Toronto that I thought might be of interest to him.

In retrospect I wish I had found a way to pay participants; however, the development of skill sharing as currency for participation in my research reflects Campbell's (2018) notion of 'communities of care' as an alternative model for pursuing creative work. Campbell's (2018) research about how youth negotiate economic strain in the creative industries demonstrates the importance of artists and community workers developing networks of care with one another as a means of challenging and compensating for instability in neoliberal models of creative work. Without realizing it, by sharing podcasting skills with people who asked, I became part of an informal work collective. As part of this caring collective, I was able to support several community organizers and their clients in learning about podcasting, and in return people became invested in my podcast project as well.

This emergence of a group of eager participants may not have happened without the intentionally silent participation of community workers early on in my research process. In asserting their agency through silence, the organizations that did not want to work with me helped transform the research process underlying the podcast into its own project of cultural citizenship through idea-sharing and education (Augustine, 2003; Klaus & Lünenborg, 2012).

According to Klaus and Lünenborg (2012), “media as a particular form of cultural production is both an engine and an actor in the process of self-making and being made, in which people acquire their individual, group-specific and social identities” (p.204). This capacity to form identities and communities through participation in media production echoes Bailey, Cammerarts and Carpentier’s (2007) discussion of the role of participation in radical community media. According to these scholars, community and alternative media “should not only allow, but also facilitate the participation of its members in both the produced content and the content producing organization.” (p.13). By sharing skills and resources for podcasting as part of my research creation project, I hope to have gone beyond the simple inclusion of interviewees on my podcast. Instead, sharing media-making skills might assist those who are excluded from accessing institutionalized citizenship rights in developing alternative modes of belonging through the creation of their own media projects.

### **Community Media and the Formation of Alternative Belonging in Canada**

By creating space to reconceptualize national belonging, future community media projects born from the skills shared during my research process might extend the possibilities for cultural citizenship beyond the *Rights Bites* project itself. To understand this possibility, I ask: what affects constitute a sense of belonging for newcomers in Canada, and how can newcomers and other marginalized groups mobilize community media in order to express these affects of belonging as a form of cultural citizenship? In considering the inverse of this question, Bannerji (2000) and Thobani (2007) both discuss anxiety as an affect that upholds the exclusivity Canadian citizenship. These authors explain that a sense of anxiety about the supposed threat of immigrants and Indigenous peoples to white settlers helps to justify restrictive attitudes about access to Canadian citizenship and rights more broadly (Bannerji, 2000; Thobani, 2007).



Furthermore, Bociurkiw (2011) draws upon Bannerji (2000) to explain that while aggression is mobilized to support overt policies of official nationalism, affects like sacrifice and love operate subtly to limit the belonging of those deemed Other. Thus, as Probyn (1996) suggests, for immigrants true belonging in Canada may be unattainable. As such, belonging for newcomers and immigrant communities more broadly must be reconceptualized.

In a study of community radio's influence on the experiences of immigrants to Australia, interviewees discussed belonging as a feeling of connection to one's own diasporic community in a new country (Ewart, 2012). For example, several interviewees explain that hearing their native language spoken on broadcasts alleviated some of the pain of feeling like a stranger in a new place (Ewart, 2012). Thus, for newcomers, belonging in Australia can be constructed as a feeling of community outside the mainstream. Listeners also describe feeling empowered by the knowledge about Australian citizenship they derived from the radio, as well as by the opportunity to "negotiate their civic and social rights" through discourse on-air (Ewart, 2012, p.124). The opportunity to parse apart the complexity of formal citizenship, while also unpacking issues of in-access to rights through discussions on-air, is a form of cultural citizenship. As Probyn (1996) explains, despite knowing that full belonging is unreachable, immigrants and other marginalized groups continue to perform their desire for acceptance. Still, the performance of contested citizenship through discourse in community media is not an act of naive optimism, but a means of creating a "fugitive space" for immigrants and people on the margins to continue living (Halberstan, 2013). As Halberstan (2013) explains, a fugitive space is "not simply the left over space that limns real regulated zones of polite society; rather it is a wild place that continuously produces its own unregulated wildness" (p.7). Perhaps the podcasts imagined by

LINC students about participating in rents strikes and finding housing in Toronto for the first time, will become this kind of wild place for teaching, learning, and contesting Canadian-ness.

My aim here is not to romanticise the possibilities afforded by community media, like podcasts. As Rennie (2002) and Khan (2010) point out, community radio often suffers from the same hierarchical arrangements as mainstream media. Additionally, in some instances, self-expression through community media cannot substitute for the substantive legal change necessary to properly protect the rights of migrants and other underserved populations. Instead, I intend to demonstrate that as we fight for the improved rights of immigrants, racialized people, Live-in Caregivers, and Temporary Foreign Workers, among others, simply *being with* and *speaking about* troubled affects, like belonging, pushes the boundaries of what it means to be a citizen in Canada. In particular, by asking difficult questions about access to justice in Canada, my research participants influenced the content of the *Rights Bites* podcast by making it more activist and critical in nature.

### **Participation in Shaping Attitudes of Activism**

LINC students and podcast interviewees who shared their experiences of Ontario employment and housing law from their work or personal lives, pushed the focus of the podcast more towards activism than I had originally planned. As Klaus and Lünenborg (2012) explain, cultural citizenship encompasses the way in which people in a society are educated and socialized to accept different cultural attitudes. Thus, by contributing suggestions and stories of lived experience to the podcast, participants contributed to an educational tool that will in turn shape accepted attitudes about the Ontario legal system amongst listeners.

The anger and distrust towards Ontario's housing and employment law systems expressed by my interviewees and field-testing participants highlights a need for public legal

education that better addresses the experiences of people who cannot exercise their legal rights, or who are dispossessed by existing laws. For example, a housing rights lawyer with ACTO expressed anger in explaining that in the last few years the organization had not successfully won any major cases for the mainly low-income tenants they represent. This is because housing laws have increasingly developed in favour of corporate landlords, rather than tenants. In the same vein, a PhD student in migration studies—whom I met at a CASSA event— remarked that while a lawyer on my podcast tells listeners that even undocumented people can seek help at a legal clinic, it is highly unlikely that they ever would given their precarious circumstances. Considering these and other comments expressed both on and off the podcast, I recognize a limitation in existing approaches to public legal education. For example, CLEO’s aim is to provide underserved communities in Ontario with accurate plain language legal information. While the information CLEO typically provides is a crucial step in helping people exercise their rights, this information does not always account for people who, despite knowing their rights, are too afraid to exercise them.

When I asked students in a LINC class for feedback about what to cover in future podcast episodes, they responded repeatedly by asking why housing in Toronto and other Ontario cities is so expensive. While these are not necessarily questions about the law, these comments speak to legal issues that arise with gentrification, such as Above Guideline Rent Increases. Traditional public legal education offers limited solutions to questions about how to challenge rent increases, because it is entirely legal for a landlord to raise their tenants’ rent as long as the Landlord and Tenant Board approves the application to do so. In reflecting upon this feedback in my iterative PAR process, I adjusted my interview questions and the episode topics in order to steer future discussions towards activism as a viable response to legal issues.

While I had initially avoided asking lawyers questions that were critical of the Landlord and Tenant Board, or which might lead them to discuss rent strikes, which are controversial amongst housing lawyers, in the fourth episode of the podcast I felt compelled to address these questions honestly. Consequently, the last episode of the podcast features frank discussions about rent strikes and other examples of tenant organizing. Given the feedback I received in my research process, it is no mistake that the podcast episodes became progressively more political and activist oriented. This change in approach is driven by the participation of a broad range of community stakeholder and will now be conceptualized as a form of cultural citizenship.

The increasingly activist orientation of the podcast, driven by repeated input from participants in the production process, is an example cultural citizenship. As Cho (2007) explains, cultural citizenship is not merely bestowed by the state, but must be performed repeatedly by citizens. Each time participants expressed dissatisfaction with the legal system or spoke up about their unmet legal needs, they were practicing cultural citizenship by challenging normative notions of what it means to be a subject of the state. Such expressions of non-normative values about state-power have often been manipulated in public discourse to frame people as illegal immigrants who are undeserving of citizenship (Klaus & Drücke 2011). Despite these efforts to disempower immigrants, the repetitive and performative nature of questions about why housing is so inaccessible in Toronto is precisely what made field-testing groups and other community feedback an example of cultural citizenship (Cho, 2007). Even after I explained that landlords can raise the rent in certain circumstances and the group agreed that this might be unjust, students continued to share personal anecdotes about housing-related challenges. While instructors sometimes interpreted these personal experiences as a distraction from the focus of the class, efforts to re-assert the relevance of personal experience to broader political

understandings helps to relocate citizenship in everyday culture (Lim, 2010). I hope that by featuring some of these personal experiences on the podcast, critical attitudes towards the legal system may become more of a cultural norm.

### **The Relationship Between Community Activism and Media-Making**

The more horizontal relationship between media producers and consumers in critical media projects, or a PAR media project in this case, has also allowed *Rights Bites* to better fulfill the needs of the newcomer community it aims to serve. In turn, the development of relationships with community members outside academia or CLEO has helped sustain the podcast. In analyzing autonomous media projects connected to the Quebec student strikes, Jeppesen (2016) explains that part of what makes autonomous media co-ops resilient in times of crisis has been their unique relationship to the local communities and social movements they aim to serve. In Ontario, the election of Doug Ford as premier has resulted in an attack on workers' rights and housing rights. This has in some instances made recruiting participants affected by these issues more challenging; however, those who did choose to participate in my research did so with a deep level of investment in the project and its potential to help people access their rights. For example, the tenant organizer I met through CLEO's fall forum event was interested in working on the podcast because of her own investment in spreading a message about gentrification and predatory landlords. Consequently, she was willing to introduce me to other organizers she works with and invited me to attend a tenants' association meeting.

As Jeppesen (2016) comments, the inclusion of insiders from social movements in mine and other community media projects allows for a more critical analysis of power structures, compared with mainstream media that strives for 'objectivity.' Just as the Quebec student strike helped invigorate local autonomous media, the connection of *Rights Bites* to real rent strikes and

even conversations like #MeToo (in Episode 3 of the podcast), might make the resource more sustainable and connected to on the ground activism. For instance, I hope the horizontal inclusion of perspectives from activists and community organizers on the podcast can bolster the longevity of the podcast on the CLEO website, settlement.org, and elsewhere. Perhaps if people find the material on the podcast more relatable and integrated with real world happenings, the podcast itself will be heard by more people.

## **Conclusion**

In this chapter I have argued that the PAR methodology employed in the creation of the *Rights Bites* podcast and the accompanying LINC lesson plans has created opportunities for people in my research community to participate in cultural citizenship. As is demonstrated in Chapter 2, this desire for active participation in access to justice advocacy was evident in the affects expressed by newcomers and immigrants interviewed on the podcast. Perhaps most obviously, interviewees and learners in the classes where I conducted my field testing, participated in cultural citizenship by directly shaping the educational material to be consumed by others. Still, this chapter has also highlighted the importance of recognizing silence as a form of participation in research and cultural citizenship more broadly. By listening to silence from groups of would-be participants, I learned to re-frame myself as a learner and participant in my own research. This re-evaluation of my positionality taught me to build trust with participants more effectively and led to the formation of a community of care in which I exchanged my podcasting skills for participation in my research.

In an effort to respond to community feedback about the podcast, I find that my project has taken on a somewhat activist approach to public legal education. The horizontal relationship between my podcast and activist interests has in turn made *Rights Bites* better equipped to offer

nuanced information about access to justice—particularly as the law itself falls short of protecting marginalized communities. Ultimately, understanding the potential for PAR media projects to expand cultural citizenship highlights how academic work can be an opportunity to shift resources to communities directly affected by the types of problems critical scholars write about. At a time when both critical academic thought and the rights of marginalized groups in Ontario and Canada are vulnerable, examining how academic work and activism can strengthen one another is crucial for the future work in both fields.

## **Conclusion: Implications for research, pedagogy & public legal education**

Since the original decision by Ontario's provincial government to cut funding to legal aid, Legal Aid Ontario (LAO) has announced a one million dollar cut to the budget of Parkdale Community Legal Services (PCLS) (Gallant, June 12, 2019). While other Toronto legal clinics have had their budgets cut significantly as well, the budget cut to PCLS amounts to an approximately a forty five percent loss in funding (Gallant, June 12, 2019). This significant funding cut will leave the immigrant communities and low-income people who have a long history of living in Parkdale, vulnerable to evictions. Additionally, Parkdale's community will be without the same level of support when they encounter legal problems at work or in accessing the Ontario Disability Support Program (ODSP). Without the legal representation, advice and support that legal clinics like Parkdale provide to people with low incomes, access to the rights supposedly afforded to Canadian citizens is eroded. As has been argued throughout this paper, the exclusion from citizenship rights experienced by racialized people, immigrants, and low-income people is by design. By keeping immigrants in a position of precarious citizenship, privileged Canadians benefit from the exploitation and extraction of value from workers who fear deportation and a loss of housing (Bannerji, 2000). As has been discussed, fear and other "ugly affects" are a means of subtly compelling people facing oppression to comply with capitalism, and in this case to support the Canadian state (Ngai, 2005).

The initial purpose of the *Rights Bites* podcast was to improve access to legal rights information for newcomers. This goal became more pressing because of the ways that free legal services are at risk under Ontario's Ford government. Although this remains an important function of the podcast, this paper has also considered ways in which the *Rights Bites* podcast, and the process involved in making it, present a different mode of participating in citizenship all



together. This project interrogates the ways that *Rights Bites* and other similar media-creation projects offer a form of cultural citizenship to participants. As Bannerji (1996) explains, “if one stands on the dark side of the Nation in Canada everything looks different (p.114). Here, Bannerji (1996) asserts that considering how Canada is experienced by immigrants challenges our national imaginary of multiculturalism, and reveals a nation built upon the exploitation and exclusion of marginalized people. As such, the aim of the participatory approach to *Rights Bites* was to create opportunities for cultural citizenship, whereby newcomers and immigrants could share their experiences of what it means to experience a contested sense of belong on this “dark side” of Canada. Through the contribution of alternative attitudes and affects about citizenship rights in Canada to the podcast, my participants may begin to shift broader cultural attitudes about access to rights and justice for immigrants. This shift in cultural meaning may be limited to a relatively small group of listeners. Still, I have argued that my research also provides broader insight into how the intimacy of podcasting can offer an accessible means of expressing affective complexity that is often overlooked in mainstream media (Spinelli & Dann, 2019). Capturing fear, anger, distress, and joy via an audio medium that moves listeners can offer a disruption to normative expectations of how immigrants must feel in Canada.

Legal rights podcasts that include marginalized communities in their creation process can offer space for the expression of transgressive affects and attitudes. However, legal rights podcasts that fail to include stakeholders may be detrimental to the improvement of access to justice. As I consider at the outset of this paper, compared with more traditional community media projects, podcasts tend to be informed by a neoliberal economic structure. Rather than sharing resources with a community of collaborators, podcast creators typically produce their work privately. As a result of this individualized approach to podcast production, people with

less power and access to media resources are often excluded from creating podcasts. In considering the future implications of this research, my greatest concern is that podcasts will become a means of privatizing the delivery of public legal education and replacing the free in-person legal advice and advocacy provided by legal clinics. The absence of immediate connection and direct presence in community spaces would make it challenging to engage in community organizing around rent strikes and access to justice solely through the format of podcasting.

This concerning future is a real threat, as there is speculation that the reason for the significant cuts to PCLS's funding is related to the clinic's involvement in activism and community organizing work (Gallant, June 12, 2019). As such, the budget cuts to PCLS specifically target funding for community organizing through PCLS and other specialty clinics. An important implication of my research is that there is a need for better understandings of how podcasts can be a means for supporting community and in-person organizing, rather than replacing it. Drawing upon my experience in creating a public legal education podcast, I have developed a list of three primary recommendations for academics and public educators planning to use podcasts as a form of research, an assignment for students, or a tool for public education. Though my recommendations are derived from the creation of a legal rights podcast, these suggestions are applicable to social justice podcasting endeavours more broadly.

## **1. Embodied Presence**

While podcasts are an effective way of disseminating ideas to a large audience without being in-person, there are aspects of activist organizing that still require people's embodied presence. For example, tenant organizing occurs in large part through in-person meetings, and the distribution of physical flyers. Likewise, part of organizing against the indefinite detention of

migrants in Canada involves physically attending hearings in order to witness injustices that would otherwise go unseen. Though podcasts are not always connected to embodied communities, in creating *Rights Bites* I have incorporated strategies for in-person involvement into the podcast creation process. In particular, in order to meet participants and better understand the needs of the community I was serving, I attended community events about access to justice for migrants, and about protecting and ensuring worker and tenant rights.

This strategy for ‘embodied podcasting’ has valuable implications for educators assigning podcast-creation to their students. In particular, for professors and teachers using podcast-making as an assignment, the opportunity for learning and community building would be enhanced by creating assignments which require more in-depth coverage of activist events and meetings, rather than dialogue between students. For instance, assigning students to attend and record events at a protest and later interview an organizer or attendee might encourage students to continue their involvement in advocacy work. Aligned with my second recommendation, assigning student podcast-makers to participate in community organizing would be a means of shifting resources from academic institutions to groups lacking the time or money to create media about their causes.

Upon reflection, another strength of *Rights Bites* has been its dissemination through offline classrooms. By creating lesson plans to accompany the episodes, the podcast can be consumed by a group of learners or community members, in addition to individuals listening alone through headphones. Experienced this way, podcasts might avoid the possibility of replacing important in-person resources, like English language classes. Instead, podcasts like *Rights Bites* might become a source of solidarity for students, by providing a future discussion topic about common experiences with the law. Drawing upon this observation, I recommend that future podcasts

targeting public audiences are integrated with existing social services. Podcasts utilized in this way can support existing services, such as legal clinics, rather than potentially undermining their value.

## **2. Share Skills**

The desire to learn more about podcasting was expressed by several of my research participants—this has taught me to recognize how podcasting-based research can be used as an opportunity for sharing media-making skills and resources with others. In my own research, teaching workshops, offering access to recording equipment, and sharing information about community radio stations, have been ways of creating opportunities for participants to create their own future podcasts.

As I outline in my introduction, Bennett and Segerberg (2012) describe a general shift in social movement media-making from the logic of “collective action” to “connective action.” Through this shift, activist media is now created in ways that are less collective and are now produced without organizational involvement. For instance, while the landscape of alternative and activist media was previously composed of organizations like Indymedia and community radio stations, social movements like the Arab Spring and #MeToo were initiated by a decentralized network of individuals. In particular, podcasting is typically governed by the somewhat neoliberal logic of connective action. Because of this underlying logic of individualism, the resources required to participate in podcasting can be inaccessible to newcomers and other marginalized communities. I propose that by employing Bennett and Segerberg’s (2012) third model of media-making, called “organizationally enabled networks,” future podcast-based research can better support participants in the eventual creation of their own podcasts. In organizationally enabled networks, individuals still participate in media-making

relatively independently, however, they can access organizational support in peripheral ways (Bennett & Segerberg, 2012). With this in mind, podcasters with access to the organizational resources of academic institutions, or even community radio stations, ought to find ways of mobilizing these connections as support for the people who participate in their podcasts. For example, sharing information about where recording equipment can be rented inexpensively and how free editing software can be downloaded is a good practice to incorporate into the creation of future podcasts. This is particularly important to consider in collaborating with participants from marginalized communities. By shifting resources and knowledge from better funded institutions, like universities, to marginalized groups, these communities can be the ones to create media resources in which their advocacy aims and narratives are entirely central.

### **3. Pay Attention to Affect**

My final recommendation for podcast creators is to consider affect in both the production process and final product of the podcast. Because project-based research can be less clearly structured than traditional approaches to research, considering the affective expressions of participants is a means of assessing their comfort levels as the project transforms during the creative process. For example, as the main topic of an episode changes, an interviewee may start to appear less comfortable with the questions they are being asked— even though they may never ask to stop the interview. Furthermore, as in the case of *Rights Bites*, participants' affective expressions on the podcast can be an important and unexpected opportunity for expressing agency. My interviewees were simultaneously joyful and angry in discussing their experiences with Canadian law. These entanglements of affect, made noticeable by long pauses, changes in tone and burst of laughter, challenge assumptions about what it means to be an immigrant who desires belonging and rights in Canada. With this in mind, I recommend that podcasters creating

resources for any purpose be conscious of how their editing may influence the affects being conveyed by interviewees on the podcast. Rather than shortening long pauses or cutting out laughter that seems to detract from the narrative of the episode, leaving some of these perceptible affects in might offer listeners a richer understanding of the people they are hearing from.

Beyond these recommendations for podcasters, promoting an affect-informed understanding of newcomer experiences with the law presents opportunities for growth in the creation of new public legal education resources. For example, given the fear and distress newcomers often experience when their rights are violated, building trust through the creation of affective educational resources may help people in precarious work and housing situations feel comfortable seeking additional legal help. Furthermore, public legal educators can learn from my interviewees' use of pleasure as a survival strategy by incorporating laughter into public legal education resources, which are typically informative but unemotional.

While dominant media narratives present immigrants as vulnerable in order to position Canada as a saviour, my interviewees disrupted this fantasy. Most of my interviewees were already actively seeking information about their rights and working towards improving rights for themselves and others when we met. My hope is that PAR projects like *Rights Bites* may help respond to this desire for involvement in promoting access to justice amongst newcomers. While access to legal rights and "Canadian-ness" is often degraded for newcomers in their experiences with the law, their desire for involvement in advocacy for legal protection suggests that cultural citizenship has the potential to combat these feelings of exclusion.

## **LIST OF ABBREVIATIONS**

CDA	Critical Discourse Analysis
CLEO	Community Legal Education Ontario
LINC	Language Instruction for Newcomers in Canada
ODSP	Ontario Disability Support Program
PAR	Participatory Action Research
PCLS	Parkdale Community Legal Clinic
PLE	Public Legal Education
REB	Research Ethics Board

## Appendix: LINC Lesson Plans and CLB Assessment Tools



### A podcast about the legal issues that matter to newcomers

**CLB Outcome Level(s):** CLB 6 and up

**Topic:** Legal Rights in the Workplace: Hours of Work and Minimum Wage

**Excerpt from podcast:** 3 minutes 50 seconds to 8 minutes 20 seconds

**Outcomes:** Learners will develop their English listening skills and learn specific vocabulary related to employment law in Ontario. Through a class discussion, students will practice describing employment experiences to their classmates.

**Note for Instructors:** This lesson plan is intended as a guide for Language Instruction for Newcomers to Canada (LINC) and English as an Additional Language or English as a Second Language (EAL/ESL) instructors to use in helping their students learn about Ontario law from the accompanying public legal education podcast.

This podcast and the accompanying lesson plan provide general legal information only. They are not intended to be used as advice for any specific legal problem. During one on one or class discussions about the podcast, instructors should avoid giving any specific legal advice or answering specific legal questions.

You can refer students speaking about their personal experiences to some of the following resources:

- Steps to Justice to find out about some places that might be able to help them: [www.stepstojustice.ca/questions/employment-and-work/where-can-i-get-help-and-advice-about-my-rights-worker](http://www.stepstojustice.ca/questions/employment-and-work/where-can-i-get-help-and-advice-about-my-rights-worker)
- CLEO “Your Rights at Work” — [www.cleo.on.ca/en/publications/rightswrk](http://www.cleo.on.ca/en/publications/rightswrk)
- People on low incomes in need of legal advice about your specific situation may be eligible to receive free legal help from a community legal clinic: [search by postal code](#) for the appropriate clinic to call, or download this list of community legal clinics: [www.cleo.on.ca/en/publications/ontario](http://www.cleo.on.ca/en/publications/ontario)



### Vocabulary Matching Activity

Vocabulary Word	Meaning
1. ____ Employment Standards Act	a) An Ontario government agency that is responsible for employment equity and rights, occupational health and safety, and labour relations.
2. ____ minimum wage	b) For every hour you work over 44 hours in a week, your employer must pay you at least 1.5 times your regular rate of pay. This is also called "time and a half".
3. ____ to be penalized	c) The lowest wage permitted by law or by a special agreement (such as one with a labour union).
4. ____ a philosophy	d) A person or company that provides a job paying wages or a salary to one or more people.
5. ____ The Ministry of Labour	e) A fixed price paid or charged for something, especially goods or services.
6. ____ overtime pay	f) Being punished.
7. ____ a record	g) The law that provides the minimum standards for most employees working in Ontario. It sets out the rights and responsibilities of employees and employers in most Ontario workplaces.
8. ____ an employer	h) The most basic beliefs, concepts, and attitudes of an individual or group.
9. ____ a rate (of pay)	i) A situation in which there is little or no security or stability.
10. ____ cash	j) Money in coins or notes. This is different than cheques, money orders, or credit cards.
11. ____ a precarious situation	k) A written account or photographs kept as evidence to be referred to later.

### Extra Vocabulary Practice

Once you finish the vocabulary matching activity:

1. Note next to each word whether it is a noun, a proper noun, a verb or an adjective. Some of the vocabulary can be used in more than one way. If you are unsure, examine the transcript below to find clues about how the word or phrase is being used in this context.
2. See if you can think of **synonyms** for some of the vocabulary words. Write them down in the space below.
3. Try using the words in a sentence.

### Word Association

Spend one minute writing down all the words you associate with the following vocabulary:

1. Lawyer
2. Workers
3. Rights
4. Pay

### Discussion Questions:

1. Have you or someone you know ever had a problem at work with not being paid minimum wage or overtime pay?
  - What did that person decide to do about the issue?
2. What are the rules about overtime pay and minimum wage in the country you immigrated from?
3. Why might someone choose not to report their employer to the Ministry of Labour?
  - Do you agree or disagree with this reason? Explain why you feel that way.

4. What are some ways you could document the overtime hours you worked as evidence for a case filed with the Ministry of Labour?
5. Can you think of any jobs where someone can legally be paid a lower minimum wage than the general minimum wage?
  - Why do you think that is? (Example: because students have less work experience)
6. How does being an immigrant impact your workplace experiences, or the workplace experiences of the people you know?
7. What are some other legal problems you or the people you know might encounter in the workplace?
8. Do you know of any ongoing community efforts to protect the employment rights in Ontario?
9. Practice finding legal information you can trust by searching for information on the Steps to Justice website about the current minimum wage for a job you do, or a job you might do in future. [www.stepstojustice.ca](http://www.stepstojustice.ca)

### Listening Task

In this activity you'll listen to part of *Rights Bites* Episode 1, about minimum wage and overtime pay. The clip plays from 3 minutes and 50 seconds to 8 minutes and 20 seconds.

#### Before you listen

In this audio clip you will hear a conversation between the host of the podcast, Meera Govindasamy, and John No, a lawyer she is interviewing. John works at Parkdale Community Legal Services in Toronto. First Meera explains some basic information about minimum wage and overtime pay in Ontario. Next, Meera talks to John to learn about who in Ontario is entitled to minimum wage, and how workers can respond if they believe their employer is not following the law.

You can read a transcript of Meera's interview with John No. It starts on page 6 of this lesson plan.

Read the questions to get an idea of what the interview will be about. After you hear the audio clip, answer the questions based on what you hear. To answer some of the questions, you will also need to make inferences. Listen as many times as you need to.

1. What was the minimum wage increased to for most types of jobs in 2018?
2. What kind of information is in the Employment Standards Act?
3. Where can listeners get updated information about minimum wage?
4. How many hours do employees need to work each week to be entitled to overtime pay in most cases?
5. Can workers who were paid in cash still be compensated by the Ministry of Labour?
6. What does John want people who are undocumented immigrants to know about getting help with an employment law problem?

### Role Playing Exercise

Get into groups of 2 to 4 students for this exercise. Divide yourselves evenly between students playing Role A and Role B.

**Role A** You and the others you work with are being underpaid at work. You want to take action and complain to the Ministry of Labour about your treatment at work, but not everyone you work with agrees that this is the best option.

- Practice telling others in your group why you think your way is right, and what you think is wrong with their way.
- Practice demonstrating active listening by responding to the things your group members say to you.

**Role B** You and the others you work with are being underpaid at work. You do not want to complain to the Ministry of Labour yet. You would prefer to start by keeping a work diary of you and your co-workers' experiences.

- Practice telling others in your group why you think your way is right, and what you think is wrong with their way.
- Practice demonstrating active listening by responding to the things your group members say to you.

### Glossary

**Cash:** Money in coins or notes. This is different than cheques, money orders, or credit cards.

**To complain:** To say that something is wrong or not satisfactory.

**An employer:** A person or company that provides a job paying wages or a salary to one or more people.

**Employment Standards Act:** The Employment Standards Act (ESA) provides the minimum standards for most employees working in Ontario. The ESA sets out the rights and responsibilities of employees and employers in most Ontario workplaces.

**To be entitled:** Having the right or permission to do something.

**A lawyer:** A person who is qualified to give people advice about the law and represent them in court.

**Minimum wage:** The lowest wage permitted by law or by a special agreement (such as with a labour union).

**The Ministry of Labour:** An Ontario government agency that is responsible for employment equity and rights, occupational health and safety, and labour relations.

**Options:** A thing that can be chosen.

**Overtime pay:** For every hour you work over 44 hours in a week, your employer must pay you at least 1.5 times your regular rate of pay. This is also called "time and a half".

**To be penalized:** Being punished.

**A philosophy:** The most basic beliefs, concepts, and attitudes of an individual or group

**A precarious situation:** A situation in which there is little or no security or stability.

**A rate (of pay):** A fixed price paid or charged for something, especially goods or services.

**A record:** A written account or photographs kept as evidence to be referred to later.

**To be underpaid:** Not being paid enough money for the job that you do.

## Transcript of interview with John No

**Meera:** In the next segment I talk to John No about what options people have if they are being underpaid at work or are being asked to work overtime hours. In Ontario, the Employment Standards Act lays out minimum standards that employers must follow. This includes rules about minimum wage, which is the amount of money workers must be paid for each hour of their work. In 2018 minimum wage was increased to \$14 an hour for most jobs. However, because this amount can change, listeners are encouraged to seek additional information about minimum wage on the Ministry of Labour website. The Employment Standards Act also includes rules about overtime pay. In most jobs when you work more than 44 hours in a week, the hours above 44 are considered overtime and you must be paid more for those extra hours of work, unless you have agreed in writing to different rules.

My guest, John No, is a lawyer who specializes in helping people with employment law problems.

**Meera:** What are the important workplace rights that you think newcomers should know about in terms of hours of work and minimum wage?

**John:** I think of course the minimum wage is a basic and important one. You want to make sure that you're not being cheated out of that. One of the things that employers may do is pay you in cash and say, because I'm paying you cash, you're not entitled to minimum wage. Or the worker thinks because I'm being paid in cash if I complain to the government, the Ministry of Labour, I'm gonna get in trouble because I accepted cash payments.

Fortunately the Ministry of Labour will not, well, get you in trouble, will not penalize you because you accepted cash. Their philosophy, and it's a good philosophy, is that if you worked it, you should be paid properly. Whether you received money in cash whether taxes were taken off— that's all things that the employer should have done properly, you shouldn't be penalized for it. So the Ministry of Labour will still consider your case. And same thing with immigration status and things like that, just because you don't have a work permit, does not mean that you can't file a complaint. We will still help you, even if you got paid in cash.

**Meera:** Just a quick note here. I followed up with John to clarify what he meant by this. He told me that as long as you qualify for the services of a free legal clinic, and have a good case, legal clinics will not consider your immigration status or how you were paid when they help you. John also explained that if the Ministry of Labour finds out about you being undocumented they won't tell the Canadian Border Services Agency.

**John:** Another issue that a lot of people face is overtime. They know they should be being paid overtime pay, but they don't feel they have the power to say no to an employer. And they may even agree to work overtime hours for no overtime pay, but just at the regular rate.

If you do find yourself in that situation, even if you agreed to it and, I put the word agreed in loosely, I would encourage you to keep a diary, or record, of all the hours you worked and how much you were paid for those hours. Because even if you agreed to it, the employer is not allowed to take advantage of your desperation and pay you lower than what you are legally entitled to. Even if you say ok to it. So, later when you feel confident enough, or comfortable enough to file a complaint with the Ministry of Labour, then you can do it at that time.

### CLB 6 Listening: Interacting with Others

#### Who can file a complaint with the Ministry of Labour?: Interview with John No

<b>Name:</b>	<b>Date:</b>
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**Competency Statement:** Understand some complex communication intended to influence or persuade (such as suggestions, advice, encouragements and requests) in everyday, personally relevant situations.

**Assessment Criteria:** Identifies main ideas, implied meanings; identifies the function of different tones; interprets facts, advice, suggestions and opinions; recognizes meaning based on a developing understanding of complex sentences and structures; demonstrates understanding of common idiomatic language

**Task:** Listen to the audio recording Called “Hours of Work and Minimum Wage” from (1:20 to 4:30) and answer the questions below.

Questions	Score
1. What is the relationship between the two speakers?	/1
2. Why does John suggest that workers keep a work diary?	/2



Questions	Score
3. How would you describe John's emotion in the interview?	/2
4. Summarize in your own words what John says is the Ministry of Labour's philosophy.	/2
5. What could a worker be afraid of having happen if they ask their employer for overtime pay?	/3
<b>Comments:</b>  <b>Result:</b> <input type="checkbox"/> Beginning (0-49%) <input type="checkbox"/> Developing (50-69%) <input type="checkbox"/> Completing (70%+)	<b>TOTAL:</b>  /10  <b>(Success = /10)</b>



### **A podcast about the legal issues that matter to newcomers**

**CLB Outcome Level(s):** CLB 6 and up

**Topic:** Housing Law: Illegal deposits

**Excerpt from podcast:** 5 minutes 38 seconds to 8 minutes 20 seconds

**Outcomes:** Learners will develop their English listening skills and learn specific vocabulary related to housing law in Ontario. Through a class discussion, students will practice describing housing experiences to their classmates.

**Note for Instructors:** This lesson plan is intended as a guide for Language Instruction for Newcomers to Canada (LINC) and English as an Additional Language or English as a Second Language (EAL/ESL) instructors to use in helping their students learn about Ontario law from the accompanying public legal education podcast.

This podcast and the accompanying lesson plan provide general legal information only. They are not intended to be used as advice for any specific legal problem. During one on one or class discussions about the podcast, instructors should avoid giving any specific legal advice or answering specific legal questions.

You can refer students speaking about their personal experiences to some of the following resources:

- Steps to Justice to find out about some places that might be able to help them: [www.stepstojustice.ca/legal-topic/housing-law](http://www.stepstojustice.ca/legal-topic/housing-law)
- CLEO's "Renting a place to live" [www.cleo.on.ca/en/publications/rent-en](http://www.cleo.on.ca/en/publications/rent-en)
- People on low incomes in need of legal advice about your specific situation may be eligible to receive free legal help from a community legal clinic: [search by postal code](#) for the appropriate clinic to call, or download this list of community legal clinics: [www.cleo.on.ca/en/publications/ontario](http://www.cleo.on.ca/en/publications/ontario)

## Vocabulary Matching Activity

Vocabulary Word	a)	Meaning
1. ___ Credit history	b)	A person who rents a house, condominium, or other real estate from a landlord. The relationship between the tenant and the landlord is called a <i>tenancy</i> .
2. ___ A tenant	c)	A record of a borrower's repayment of bills and debts in Canada. Based on this history, financial institutions use a rating system to decide whether you should receive a credit card and what your limit should be.
3. ___ A deposit	d)	A legal agreement in which the owner of a building or a piece of land allows someone else to use it for a period of time in return for money. This is also sometimes called a "lease".
4. ___ The Landlord and Tenant Board	e)	A formal written request to an authority for something.
5. ___ An application form	f)	A tribunal set up by the Ontario government to resolve disputes between landlords and tenants. It is similar to a court, but less formal. It has "members" who are like judges and make decisions after hearing both sides.
6. ___ Tenant Duty Counsel	g)	Money you give someone for them to hold and to count towards something you will have to pay later.
7. First and last month's rent	h)	A tenant's regular payment to a landlord for the use of property or land.
8. ___ A tenancy agreement	i)	A person or business that owns a building or an area of land and is paid by other people for the use of it.
9. ___ Rent	j)	A tenant's payment of their first month of rent to a landlord, as well as the value of their last month of rent as a deposit.
10. ___ A landlord	k)	Lawyers and community legal workers who help tenants at most Landlord and Tenant Board locations. Their priority is to help unrepresented tenants facing eviction on the day of their hearing.

## Extra Vocabulary Practice

Once you finish the vocabulary matching activity:

1. Note next to each word whether it is a noun, a proper noun, a verb or an adjective. Some of the vocabulary can be used in more than one way. If you are unsure, examine the transcript below to find clues about how the word or phrase is being used in this context.

2. See if you can think of **synonyms** for some of the vocabulary words. Write them in the space below.
  
3. Try using the words in a sentence.

## Listening Task

In this activity you will listen to part of *Rights Bites* Episode 2, about housing deposits. The clip plays from 5 minutes and 38 seconds to 8 minutes and 20 seconds.

### Before you listen

In this audio clip you will hear an interview from *Rights Bites*, a podcast about the legal issues that matter to newcomers in Ontario. Meera Govindasamy is the host of the podcast, and Andrew Hwang is a lawyer who is being interviewed for the podcast. In the interview they discuss the legal rights people have when they are renting a place to live. Specifically, they discuss what types of deposits landlords can and can't ask for legally.

You can read a transcript of Meera's interview with Andrew Hwang. It starts on page 5 of this lesson plan.

Read the questions to get an idea of what the interview is about. After you hear the clip answer the questions based on what you hear. To answer some of the questions you will need to make inferences. Listen as many times as you need to.

1. What amount are landlords in Ontario allowed to charge tenants as a deposit?
2. What examples of illegal deposits does Andrew Hwang give?
3. What reason does Andrew Hwang give for newcomers often being charged an illegal deposits?
4. What is Andrew Hwang's job?
5. Where can you file an application to get illegal charges back?
6. Why do people sometimes pay illegal housing deposits?

### **Practice Expressing Opinions: Discussion Questions**

Think about your living situation and the living situations of your friends and family. Do you believe you and the people you know are being treated fairly by your landlords? Do you know your rights as a tenant, or perhaps as a landlord? Do you have the speaking skills to explain a conflict you are having with your landlord? Can you understand the housing experiences of others in your class, and make connections between their experiences and your own?

**Answer the following questions in small groups or with the whole class to practice your conversation skills.**

1. Have you or someone you know ever had a problem with a landlord or a tenant and not known how to manage it?
2. How did being an immigrant impact this experience?
3. What strategies did you, or the person you know, use to deal with this housing problem?
  - How does this solution compare to what Andrew suggested?
4. Did you learn anything new from Andrew?
5. What are the differences and/or similarities between housing rights in Canada compared with in the country you immigrated from?
6. If you have internet access, practice finding reliable legal information by going to [www.stepstojustice.ca](http://www.stepstojustice.ca). Search for an example of a step you can take, if your landlord has asked for an illegal housing deposit.
7. Practice researching one other housing law question on [stepstojustice.ca](http://stepstojustice.ca).
8. Do you know of any other community work being done to improve the housing rights of newcomers and others in Ontario?

## Glossary

**In advance:** Before a particular time, or before doing a particular thing.

**An application form:** A formal written request to an authority for something.

**A charge:** The price demanded for something.

**A credit history:** Your credit history is a record of a borrower's repayment of bills and debts in Canada. Based on this history financial institutions use a rating system to decide whether you should receive a credit card and what your limit should be.

**Damage deposit:** A sum of money paid to make sure a rented item is returned in good condition. This is common when renting accommodation.

**Deposit:** Money you give someone for them to hold and to count towards something you will have to pay later. In Ontario, the only deposit a landlord can make you give them is the amount of rent for one period – usually one month's rent. The landlord can only use this for the last rent payment before the tenancy ends. It is often called a security deposit, last month's rent, or LMR.

**To exercise a right:** To use or apply a right or process.

**To file:** To begin something, such as a legal action through proper formal procedure.

**First and last month's rent:** A tenant's payment of their first month of rent to a landlord, as well as the value of their last month of rent as a deposit.

**Landlord and Tenant Board:** A tribunal set up by the Ontario government to resolve disputes between landlords and tenants. It is similar to a court, but less formal. It has "members" who are like judges and make decisions after hearing both sides.

**A landlord:** a person or business that owns a building or an area of land and is paid by other people for the use of it.

**Rent:** A tenant's regular payment to a landlord for the use of property or land.

**To secure (a place to live):** To find a place to live, give a deposit to the landlord, and enter a tenancy agreement or "lease".

**Successful:** To accomplish an aim or purpose.

**Tenancy agreement:** A legal agreement in which the owner of a building or a piece of land allows someone else to use it for a period of time in return for money. This is also sometimes called a "lease".

**Tenant:** A person who rents a house, condominium, or other real estate from a landlord. The relationship between the tenant and the landlord is called a *tenancy*.

**Tenant Duty Counsel:** Lawyers and community legal workers who help tenants at most Landlord and Tenant Board locations. Their priority is to help unrepresented tenants facing eviction on the day of their hearing.

**Tricky:** Something that is difficult; requiring skill, or caution when doing or handling.

**CLB 6 Listening: Comprehending Information**  
**Housing Deposits: Interview with Andrew Hwang**

<b>Name:</b>	<b>Date:</b>
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**Competency Statement:** Understand short discussions on relevant topics, which listeners will have some familiarity with.

**Assessment Criteria:** Identifies factual details, supporting details and implied meaning. Interprets factual information, explanations and opinions. Identifies turn-taking and interruptions in speech. Demonstrates understanding of language that is generally concrete with some abstract elements and a range of common vocabulary.

**Task:** Listen to episode 2 of Rights Bites from **(5:00 to 7:30)** and answer the questions that follow. In the audio clip you will hear Meera Govindasamy interview Andrew Hwang about the tenants' rights related to housing deposits.

Questions	Score
1. What type of deposit are landlords legally allowed to request?	/1
2. Compare the benefits and risks of paying an illegal deposit.	/2

Questions	Score
3. Describe how Andrew responds to Meera interrupting him.	/2
4. What is Andrew's opinion about what people who have paid an illegal charge for their housing should do?	/2
5. Imagine reasons why a tenant might decide not to file an application with the Landlord and Tenant Board to get an illegal charge back.	/3
<b>Comments:</b>  <b>Result:</b> <input type="checkbox"/> Beginning (0-49%) <input type="checkbox"/> Developing (50-69%) <input type="checkbox"/> Completing (70%+)	<b>TOTAL:</b> <b>/10</b> <b>(Success = 7 /10)</b>





## A podcast about the legal issues that matter to newcomers

**CLB Outcome Level(s):** CLB 6 and up

**Topic:** Workplace Discrimination and Sexual Harassment

**Excerpt from podcast:** 12 minutes 55 seconds to 19 minutes 0 seconds

**Outcomes:** Learners will develop their English listening skills and learn specific vocabulary related to employment law and human rights in Ontario. Through a class discussion, students will practice describing employment and human rights experiences to their classmates.

**Content Warning:** This episode and lesson plan contain some general mentions of sexual harassment and assault, which might be upsetting to some learners. Instructors should consider listening to the podcast ahead of time to evaluate whether the content may be upsetting to learners.

**Note for Instructors:** This lesson plan is intended as a guide for Language Instruction for Newcomers to Canada (LINC) and English as an Additional Language or English as a Second Language (EAL/ESL) instructors to use in helping their students learn about Ontario law from the accompanying public legal education podcast.

This podcast and the accompanying lesson plan provide general legal information only. They are not intended to be used as advice for any specific legal problem. During one on one or class discussions about the podcast, instructors should avoid giving any specific legal advice or answering specific legal questions.

You can refer students speaking about their personal experiences to some of the following resources:

- Steps to Justice to find out about some places that might be able to help them: [www.stepstojustice.ca/questions/employment-and-work/where-can-i-get-help-and-advice-about-my-rights-worker](http://www.stepstojustice.ca/questions/employment-and-work/where-can-i-get-help-and-advice-about-my-rights-worker)
- CLEO "Your Rights at Work" — [www.cleo.on.ca/en/publications/rightswrk](http://www.cleo.on.ca/en/publications/rightswrk)
- People on low incomes in need of legal advice about your specific situation may be eligible to receive free legal help from a community legal clinic: [search by postal code](#) for the appropriate clinic to call, or download this list of community legal clinics: [www.cleo.on.ca/en/publications/ontario](http://www.cleo.on.ca/en/publications/ontario)

## Matching Activity

Match the definitions of legal terms to the example scenarios on the right. Some definitions might fit with more than one example, but pick the example that is the best fit.

Definition	Example
<b>1. ____Discrimination:</b> When an employer, landlord, service provider, or organization you are a member of harasses you, treats you differently or unfairly, or refuses to accommodate you because of personal differences that are listed in the Human Rights Code. Examples of personal differences include a person's ethnic origin, sex, sexual orientation, age, marital status, or disability.	<b>a)</b> Emma works in a restaurant. Since starting the job, some of her coworkers have been making jokes of a sexual nature about Emma's appearance, even though she's asked them to stop.
<b>2. ____Sexual harassment:</b> A type of discrimination based on sex. Among other things, it might include unwanted comments of a sexual nature, unwanted touching, making sexual jokes, or sharing images that are sexual in nature.	<b>b)</b> Your manager is ordered to take a course about diversity and workplace inclusion after a judge decides that your manager has been discriminating against you based on your sexual orientation. This solution is an example of a _____.
<b>3. ____Sexual assault:</b> This is a criminal offence. A sexual assault is an assault of a sexual nature and includes all incidents of unwanted sexual activity, including touching, kissing, and sexual intercourse.	<b>c)</b> You are taking notes about each time your employer says discriminatory things about pregnant women in case you need to remember your experience when you testify at a _____.
<b>4. ____Hearing:</b> A formal proceeding that takes place in a courtroom. During the proceeding, evidence and arguments are presented. A judge or justice of the peace makes a decision based on the evidence and arguments.	<b>d)</b> A Muslim woman you work with asks your employer for time off for an upcoming religious holiday. The employer tells her she will lose her job if she doesn't come to work that day.
<b>5. ____Remedy:</b> An order made by a court or tribunal to give someone their legal rights or to compensate them for their rights not being respected.	<b>e)</b> Instead of having a hearing to resolve a legal conflict between you and your employer, you are paid \$30,000 in damages to compensate you for the discrimination you faced. The arrangement between you and your employer may be called a _____.
<b>6. ____Settlement:</b> When people in a legal conflict are able to solve a problem without going to court.	<b>f)</b> At her office holiday party, Jamie's supervisor kisses her when no one is looking. After, Jamie looks upset and her supervisor tells her not to tell anyone what happened.

## Listening Task

In this activity you will listen to part of *Rights Bites* Episode 3, about workplace discrimination, sexual harassment, and sexual assault . The clip plays from 12 minutes and 55 seconds to 19 minutes and 0 seconds.

### Before you listen

In this audio clip you will hear an interview from *Rights Bites*, a podcast about the legal issues that matter to newcomers in Ontario. Meera Govindasamy hosts of the podcast, and interviews Amy Brubacher, a lawyer. In the interview, Amy discusses how people experiencing discrimination in the workplace can try to prove and document their experiences. Amy also explains some of the pros and cons of taking your claim of discrimination or assault to a hearing, rather than settling the case another way.

You can also read a transcript of Meera's interview with Amy Brubacher. It starts on page 7 of this lesson plan.

### Comprehension Questions

Before you listen, read the questions to get an idea of what the interview is about. After you hear the clip answer the questions based on what you hear. To answer some of the questions you will need to make inferences. Listen as many times as you need to.

1. Why can discrimination sometimes be hard to prove?
2. What examples does Amy give of things an employer might say that would help prove they have discriminatory attitudes?
3. According to Amy, what do people often get as a remedy from a claim for discrimination?
4. What does Amy suggest doing in order to help you remember your experience of discrimination?
5. Amy says that not having a witness to the discrimination you experienced doesn't mean you don't have any evidence? What does she say could be used as evidence when you don't have a witness?
6. At the end of the clip Amy gives an example of Temporary Foreign Workers who won their claim of sexual assault and harassment against their employer. What does Amy say was significant about that case?

## Discussion Questions

1. What did you learn from listening to Amy that was new to you?
2. Have you or someone you know ever experienced discrimination in the workplace?
  - Did they do anything to try and resolve the problem?
3. Why might someone choose not to report their experience of workplace discrimination to anyone? Do you agree or disagree with these reasons? Why?
4. Have you noticed people's attitudes about sexual harassment change in the past few years? If yes, what changes have you noticed?
5. Do you feel that money is a fair way of compensating people who have experienced discrimination?

## Glossary

**Accommodate:** Ontario's Human Rights Code says that employers, landlords, and service providers must do what they can to remove barriers that cause barriers that cause people to be treated differently because of personal differences that are listed in the Human Rights Code. Examples of personal differences include a person's ethnic origin, sex, sexual orientation, age, marital status, or disability. The legal word for this is "accommodation".

This could mean doing things differently for you so that you are treated equally. For example, you might need a wheelchair ramp to get inside a building. Or you might not be able to wear the same uniform as other workers because of your religion.

But an employer or landlord might not have to do something if they can prove that it will cause them undue hardship.

**Discrimination:** Discrimination happens when an employer, landlord, service provider, or organization you are a member of harasses you, treats you differently or unfairly, or refuses to accommodate you because of personal differences that are listed in the Human Rights Code. Examples of personal differences include a person's ethnic origin, sex, sexual orientation, age, marital status, or disability.

- **Examples** of discrimination include when an employer refuses to accommodate your disability in a way that would not cause them undue hardship. Or a landlord refuses to rent to you because of your ethnic origin. Or a travel agent refuses to serve you because of your sexual orientation. Or a trade union refuses to let you join because of your disability.

**Egregious:** Shockingly bad.

**High water mark:** The highest amount that something (usually money) has reached.

**Hearing:** a formal proceeding that takes place in a courtroom. During the proceeding, evidence and arguments are presented. A judge or justice of the peace makes a decision based on the evidence and arguments.

**Human Rights Tribunal of Ontario:** A tribunal that decides whether your human rights have been violated or whether you have been discriminated against. If you think your rights under the Code have been violated, you can file an application directly with the Tribunal. The Tribunal will decide the best way to deal with your situation. The Tribunal might also decide that your rights have not been violated, or that they do not have the power to deal with your case.

**Occupational Health and Safety Act:** The main purpose of the Act is to protect workers from health and safety hazards on the job. It sets out duties for all workplace parties and rights for workers. It establishes procedures for dealing with workplace hazards and provides for enforcement of the law where compliance has not been achieved voluntarily. Fundamental to the successful working of OHSA is the workplace Internal Responsibility System (IRS). (Ontario Ministry of Labour)

**Recall:** bring (a fact, event, or situation) back into one's mind, especially so as to recount it to others; remember.

**Sexual harassment:** is a type of discrimination based on sex. Among other things, it might include unwanted comments of a sexual nature, unwanted touching, making sexual jokes, or sharing images that are sexual in nature.

**Sexual assault:** This is a criminal offence. A sexual assault is an assault of a sexual nature and includes all incidents of unwanted sexual activity, including touching, kissing, and sexual intercourse. The victim of a sexual assault can be male or female. The spouse of a victim can be charged with sexual assault.

**Temporary Foreign Worker Program:** A program allowing Canadian employers to hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available.

**Witness:** A witness is someone who gives information in court to help a judge decide a case. For example, a witness might be a friend or family member who can tell the judge what they know about things like your relationship with your child.

A witness usually gives this information by testifying in court. Both sides of a legal case get the chance to ask a witness questions. The judge may also ask the witness questions.

## Transcript of interview with Amy Brubacher

**Meera:** Next, I talk to Amy Brubacher, as lawyer at the Community Legal Clinic of York Region. Amy helped me understand why or why not people who've experienced harassment at work may choose to take their claim to a hearing. She also reassured me that there are ways of proving workplace harassment, even when it's something that happens in private

**Meera:** What do people do as evidence in this case?

**Amy:** So proving discrimination can be at least somewhat of a challenge, it all depends on the situation, because employers aren't necessarily going to say to you, you know, "I'm firing you because of your religion", or something like that. Sometimes it can be more subtle. There does have to be, there has to be something to link the behaviour that the employer engaged in, to the grounds of protection. You know, if an employer makes negative comments about a particular group, negative comments about women, negative comments about pregnant women, anything like that, whether it's something that you hear, something that coworkers have heard. All of that can be used to build your case, that whatever happened to you was motivated by those kinds of attitude.

And taking notes can help you to remember, because not every case is going to end up in a hearing, but if that does happen, if you are asked to recall these things- and it can take a year or even more before you actually get to a hearing, the better the recollection you have, which can be assisted by actually having those notes, the more likely you are to be successful in your case. Something to note about that, is that, at least in the law. Your recollection of what happened to you in the workplace is evidence of discrimination. So just because there isn't a witness to something, doesn't mean that you don't have evidence because your recollection of what happened is evidence.

**Meera:** How do discrimination cases in the workplace often, how do they tend to pan out, because you know, it's a kind of long and grueling process for the people involved and it can be hard to gather evidence. So I wonder on some level, whether it's worth it for the people involved to see the case through. How do these cases tend to end?

**Amy:** Often times a major part of the kind of remedy that you're going to get from a claim of discrimination is going to be a monetary settlement. So, if you can find an agreeable solution, then you can settle it, and you won't have to go through a hearing. Some people can also just be afraid of the process. Most people haven't given evidence before and so they can find that daunting and they would rather settle than have to go through with that. Whereas other people can find it empowering to face an employer and to be able to hold them accountable in that way.

**Meera:** Have you worked with anyone who kind of demonstrated that, or you think felt empowered to give that kind of testimony against their employer?

**Amy:** In the past few years, maybe the last five years, there have been a few different cases before the Human Rights Tribunal. One in particular was a case where temporary foreign worker women faced some pretty horrible acts of sexual harassment and sexual

assault by their employer. But, in that case, the employer was found to have committed really egregious sexual abuses towards the women, including threatening to send them back to their home country if they didn't engage in the behaviour that he wanted. And that case created a new high-water mark for human rights damages that can be awarded. So, in that case one of the women was actually awarded \$150,000 in damages for pain and suffering because of what she experienced. And it was because those women actually had the bravery to go forward with that case. Even in settlement discussions, those kinds of cases will have an impact on what you can really expect to get for your client.



**CLB 6 Listening: Comprehending Information**  
**Workplace Discrimination and Sexual Harassment**

<b>Name:</b>	<b>Date:</b>
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**Competency Statement:** Understand information about familiar or relevant topics. Understand descriptive or narrative monologues or presentations related to everyday, personally relevant topics or situations.

**Assessment Criteria:** Gets the gist; identifies factual details and some implied meanings; identifies opinions; interprets descriptions, reports and explanations; uses contextual clues for comprehension some of the time

**Task:** Listen to Rights Bites Episode 3 from **(1:50 to 6:15)**. In the audio clip, listeners will hear Meera Govindasamy interviewing Sylvie Charlie Karam, a senior manager at Working Women Community Centre. Sylvie discusses the experiences of discrimination newcomers have shared with her, as well how her program for Syrian refugees has incorporated training about workplace rights into classes.

Questions	Score
1. What are some examples of discrimination experienced by clients at Working Women?	/1
2. Describe Sylvie's tone of voice in the interview.	/2

Questions	Score
3. Sylvie explains that some of her program participants received employment rights training through Working Women. Why does Sylvie think it is important for participants to receive training in a place they already know?	/2
4. Sylvie says that her clients at Working Women tell her that they face “subtle discrimination.” In your own words explain what the word <i>subtle</i> means.	/2
5. In your opinion, do newcomers face discrimination in Canada? Support your opinion.	/3
<b>Comments:</b>  <b>Result:</b> <input type="checkbox"/> Beginning (0-49%) <input type="checkbox"/> Developing (50-69%) <input type="checkbox"/> Completing (70%+)	<b>TOTAL:</b>  <b>/10</b> <b>(Success = 7 /10 )</b>



## A podcast about the legal issues that matter to newcomers

**CLB Outcome Level(s):** CLB 6 and up

**Topic:** Housing Law: Gentrification and the Cost of Housing in Ontario Cities

**Excerpt from podcast:** 9 minutes 15 seconds to 15 minutes 30 seconds

**Outcomes:** Learners will develop their English listening skills and learn specific vocabulary related to housing law and tenant organizing in Ontario. Through a class discussion, students will practice describing housing and tenant organizing experiences to their classmates.

**Note for Instructors:** This lesson plan is intended as a guide for Language Instruction for Newcomers to Canada (LINC) and English as an Additional Language or English as a Second Language (EAL/ESL) instructors to use in helping their students learn about Ontario law from the accompanying public legal education podcast.

This podcast and the accompanying lesson plan provide general legal information only. They are not intended to be used as advice for any specific legal problem. During one on one or class discussions about the podcast, instructors should avoid giving any specific legal advice or answering specific legal questions.

You can refer students speaking about their personal experiences to some of the following resources:

- Steps to Justice to find out about some places that might be able to help them: [www.stepstojustice.ca/legal-topic/housing-law](http://www.stepstojustice.ca/legal-topic/housing-law)
- CLEO "Rent increases" [www.cleo.on.ca/sites/default/files/book\\_pdfs/rentincs.pdf](http://www.cleo.on.ca/sites/default/files/book_pdfs/rentincs.pdf)
- Federation of Metro Tenants' Associations "Tenant Organizing Manual" [www.yourlegalrights.on.ca/resource/76612](http://www.yourlegalrights.on.ca/resource/76612)
- People on low incomes in need of legal advice about your specific situation may be eligible to receive free legal help from a community legal clinic: [search by postal code](#) for the appropriate clinic to call, or download this list of community legal clinics: [www.cleo.on.ca/en/publications/ontario](http://www.cleo.on.ca/en/publications/ontario)

## Matching Activity

Match the definitions of housing law terms to the example scenarios on the right. Some definitions might fit with more than one example, but pick the example that is the best fit.

- As an additional activity, practice sharing housing law experiences as a class. After a few people have told their stories, see if you can match anyone's experience to the vocabulary words on the left side of the table.

Definition	Example
<b>Gentrification:</b> The process by which a place, especially part of a city, changes from being a poor area to a richer one, where people from a higher social class live.	<b>a)</b> Your landlord is replacing the roof and repainting the lobby of your building.
<b>Tenants' association:</b> A group of tenants who live in the same building or development who choose to get together and advocate for themselves when dealing with the landlord or property management. Tenants' associations commonly form to address problems - such as a landlord who does not perform the necessary maintenance, or who is trying to evict or pressure tenants out of their buildings.	<b>c)</b> You are living on the top floor of a house and your landlord lives downstairs from you. You receive a notice from your landlord stating that in the next 4 months you will need to move out so that the landlord's daughter can move into the upstairs apartment.
<b>Capital improvements:</b> The addition of a permanent structural change or the restoration of some part of a property that will either enhance the property's overall value, increase its useful life, or adapt it to new uses.	<b>d)</b> You notice that the area that was once your city's Chinatown, has become occupied by wealthier white people. New condos are being built, and locally-owned restaurants are being replaced by chain restaurants and expensive clothing stores.
<b>Above guideline rent increase:</b> Generally, a landlord can only increase the rent by the rent increase guideline. However, under certain circumstances a landlord can apply to the Landlord and Tenant Board, for a rent increase that is above the guideline amount. For example, an application might be made if landlords are making a capital improvement to the building.	<b>e)</b> When you and a few other people living on the same floor of your building are having a hard time getting your landlord to make repairs, you hold a meeting to discuss your concerns with others in your building. The association you form may be called a _____.
<b>Eviction:</b> Tell or try to force a tenant to move out. A Notice of Termination from a landlord is often called an eviction notice, even though it does not force the tenant to move out. A Landlord and Tenant Board order forcing a tenant to move out is often called an eviction order.	<b>f)</b> In Hamilton, Ontario a group of tenants refused to pay rent, to protest their landlord raising the rent to an amount that tenants could not afford to pay.
<b>Rent strike:</b> a method of protest that is sometimes used against large landlords. In a rent strike, a group	<b>g)</b> Sarah lives in Toronto's Parkdale neighbourhood. She has been paying \$1200 per month to rent her

of tenants come together and agree to refuse to pay their rent until a specific list of demands is met by the landlord. Rent strikes can be risky, and should be done with help from outside organizers or a legal clinic.	apartment. Now her landlord says she will have to start paying \$1500 a month to help pay for a new security system being installed by the landlord – more than usually allowed as an annual increase. This process of raising the rent is called an _____.
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### Listening Task

In this activity you'll listen to part of *Rights Bites* Episode 4, about gentrification. The clip plays from 9 minutes and 15 seconds to 15 minutes and 30 seconds.

#### Before you listen

In this audio clip you will hear an interview from *Rights Bites*, a podcast about the legal issues that matter to newcomers in Ontario. Meera Govindasamy, the host of the podcast, interviews Karen Andrews, a lawyer. In the interview they discuss the legal ways a landlord can raise their tenants' rent, as well as how tenants can organize amongst themselves to challenge gentrification.

You can read a transcript of Meera's interview with Karen Andrews. It starts on page 5 of this lesson plan.

Read the questions to get an idea of what the interview is about. After you hear the clip answer the questions based on what you hear. To answer some of the questions you will need to make inferences. Listen as many times as you need to.

#### Comprehension Questions

1. How does Karen say that rent is usually raised for tenants every year?
2. What is the way that landlords can raise their tenants' rent more than the regular amount?
3. What is Karen's opinion about the "capital improvements model"?
4. Why does Meera suggest that some landlords might try to get their long-time tenants to leave?
5. What does Karen say landlords will sometimes do to get their tenants to leave, so they can charge a new tenant more?
6. What does Karen say about tenant organizations?
7. What does Karen say is the risk of participating in a rent strike?

### **Debate Activity**

Get into groups of two to four students. Half the group will represent the opinion of group A in the debate. The remaining students will support group B.

#### **1. Are rent strikes a good way for tenants to get a landlord to do what they want?**

**Group A:** Practice supporting the perspective that rent strikes are a good way for tenants to get what they want. Give reasons to support your argument. Demonstrate active listening when you hear the opposing arguments presented by the others in your class. Try responding to the arguments presented by the opposing side whenever possible.

**Group B:** Practice supporting the perspective that rent strikes are not a good way for tenants to get what they want from landlords. Present arguments to support your view and to respond to the arguments of people in group A.

#### **2. Who should be responsible for paying for overall improvements to a building?**

**Group A:** Practice arguing that tenants should be responsible for paying more rent when landlords need to make overall improvements to their buildings. Give reasons to justify this perspective. Try to anticipate the arguments of Group B, and prepare to respond to their arguments.

**Group B:** Practice arguing that tenants should not have to pay for overall improvements to their buildings. Explain why you believe this is the case. Suggest who you think should be responsible for paying instead.

## Glossary

**Above guideline rent increase:** Generally, a landlord can only increase the rent by the rent increase guideline. However, under certain circumstances a landlord can apply to the Landlord and Tenant Board, for a rent increase that is above the guideline amount. For example, an application might be made if landlords are making a capital improvement to the building.

**Capital improvements:** The addition of a permanent structural change or the restoration of some aspect of a property that will either enhance the property's overall value, increase its useful life or adapt it to new uses.

**Eviction:** Tell or force a tenant to move out. A Notice of Termination from a landlord is often called an eviction notice, even though it does not force the tenant to move out. A Landlord and Tenant Board order forcing a tenant to move out is often called an eviction order.

**Gentrification:** The process by which a place, especially part of a city, changes from being a poor area to a richer one, where people from a higher social class live.

**A landlord:** A person or business that owns a building or an area of land and is paid by other people for the use of it.

**Landlord and Tenant Board:** A tribunal set up by the Ontario government to resolve disputes between landlords and tenants. It is similar to a court, but less formal. It has "members" who are like judges and make decisions after hearing both sides.

**Rent:** A tenant's regular payment to a landlord for the use of property or land.

**Rent strike:** A method of protest commonly employed against large landlords. In a rent strike, a group of tenants come together and agree to refuse to pay their rent en masse until a specific list of demands is met by the landlord.

**Residential Tenancies Act:** The law in Ontario that governs landlord and tenant relations in residential rental accommodations.

**Tactic:** An action or strategy carefully planned to achieve a specific end.

**Tenant:** A person who rents a house, condominium, or other real estate from a landlord. The relationship between the tenant and the landlord is called a *tenancy*.

**Tenants' association:** A group of tenants who live in the same building or development who choose to get together and advocate for themselves when dealing with the landlord or property management. Tenants' associations commonly form to address problems - such as a landlord who does not perform the necessary maintenance, or who is trying to evict or pressure tenants out of their buildings.

## Transcript of Interview with Karen Andrews

**Meera:** Something that happens when cities are becoming gentrified or becoming more expensive is landlords try and raise the rent from year to year. For our listeners to know, how much are landlords allowed to raise rent, and what are some of the ways a landlord might try to raise it above the regularly laid out amount.

**Karen:** How the rent is raised is every year the government gives landlords an annual guideline increase, and they take account of inflation and utility costs, and cost of living, and standard of living kind of numbers, and they give the landlords an annual increase. Most landlords take it, some landlords don't, but most landlords take it. And they have to give their tenants 90 days' notice that the rent is going up.

Then there's another way to raise the rent lawfully, and that would be an above-guideline increase. So the landlord needs to make some capital improvements on the property. They need new windows, they need a new roof, they need a new furnace. So they calculate all that and they go to the board and they will get an increase to account for capital improvements.

I'm a person that doesn't really agree with the capital improvement model. Why should a tenant have to pay for the improvement of a property they don't own? The landlord has to know that the roof needs to be fixed, the landlord has to know that the furnace needs to be fixed, that should all be included in the rent that tenants are charged.

**Meera:** So it shouldn't be that a landlord can jump, in your opinion, it shouldn't be that a landlord can jump the rent above the set guideline just to make an overall improvement of the building, and hold the tenants responsible for that—

**Karen:** —That's right. That they're benefiting from. The tenant, the poor tenant is paying for an improvement to the roof that raises the cost of the building, the value of the building to the landlord.

**Meera:** Well, an issue that comes along with this possibility of increasing rent when one tenant leaves and a new one comes in is the issue of trying to find different ways to get rid of the previous tenant in order to replace them with someone who can pay more, and the landlord can charge more. So what are some of the tactics you've seen used, and that listeners can maybe benefit from hearing about, that a landlord can try and use to try and get rid of an old tenant.

**Karen:** This is a huge problem, and this is an increasing problem. So straight up tenant harassment always yields results. So the landlord starts coming up with new rules, they make allegations about your noise, they start coming into your unit. This is somebody's home, and they don't really want to feel sick to their stomach when they go home. And so many people are inclined to leave. It's very hard to go to a Landlord and Tenant Board and bring an application to try and change a small landlord's behaviour. They want you out and this is a planned strategy, and it often works. And then the tenant, in frustration, moves out, and then somebody comes in at hundreds of dollars more a month's rent.



**Meera:** Since going to the Landlord and Tenant Board might not always lead to helpful results, what are some of the ways that activism and tenant organizing can help tenants assert their rights and challenge gentrification? I'm thinking of things like the rent strike in Toronto's Parkdale neighborhood, for example.

**Karen:** Well absolutely, and tenant communities are communities. So, that's the advantage, that they're all together and they often have common problems. So yes, I would recommend unifying in a tenant association. The Residential Tenancies Act protects tenant organizing. You can't be evicted if you're being evicted vindictively because you belong to tenant association.

We have seen examples of rent strikes. In Parkdale and in Hamilton there have been organized tenants to say, "you just want too much money, and these are the conditions in which we're living, and we're not paying the rent." They have attracted very positive press. The landlords don't necessarily come out looking very good. The economic power of tenants not paying their rents is an effective one. Now the downside of course is that if you don't pay your rent you can be evicted. And the other downside when tenants get mad and don't pay their rent, you know, these are low income people. They do not have thousands of dollars in the bank, it's pretty tempting to spend the rent. You may exercise your economic power and not pay the rent and you may stop a rent increase, as they did in Parkdale, but then you have to start paying the rent. Whenever I've had a tenant not pay their rent, I've asked them to pay into my trust account.

**Meera:** So you can make sure it will be there?

**Karen:** It will be there when they have to pay it. And it also shows your good faith at the Board. you say look, "I'm putting the money aside". I mean I'm a more cautious lawyer. But what we've seen is with the help of legal clinics and tenant organizations we've seen some real successes of people who've been able to beat back rent increases, and good for them.

**CLB 6 Listening: Comprehending Information**  
**Rights Bites Episode 4: Gentrification and Tenant Organizing**

<b>Name:</b>	<b>Date:</b>
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**Competency Statement:** Understand short group interactions and discussions on familiar topics. Understand descriptive or narrative monologues or presentations on generally familiar and relevant topics.

**Assessment Criteria:** Identifies topic-specific words, phrases and expressions; identifies factual details, main ideas; makes some inferences; interprets factual information, explanations and opinions; demonstrates understanding of overall meaning or intent; demonstrates understanding of common idiomatic language.

**Task:** Listen to Rights Bites Episode 4 from **(20:00 to 24:00)** and answer the questions below. In the clip you will hear Meera interviewing Lena about her experiences as a tenant organizer.

Questions	Score
1. What is Lena’s overall attitude toward tenants’ associations?	/1
2. What does Lena tell her neighbour who is having a maintenance issue that her landlord refuses to fix?	/1
3. In your own words, how would you define a tenants’ association?	/1

Questions	Score
4. What could motivate tenants to form a tenants' association?	/2
5. In the clip, Lena says that "nobody wants to have a bunch of angry letters on their hands. What does It mean for someone to "have something on their hands" in this situation?	/2
6. If you were having a maintenance issue that your landlord refused to fix, what are some steps you could take to resolve this issue?	/3
<b>Comments:</b>  <b>Result:</b> <input type="checkbox"/> Beginning (0-49%) <input type="checkbox"/> Developing (50-69%) <input type="checkbox"/> Completing (70%+)	<b>TOTAL:</b> <b>/10</b>  <b>(Success = 7 /10)</b>

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