

Equality before
and under law
and equal
protection and
benefit of law

Affirmative
action programs

Equality Rights

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

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

"We have the occasion . . . to build for our children and the children of our children a better Canada—a Canada which will recognize the diversity and equality which should be in our society, a Canada which will protect the weakest in society . . . a Canada which will be an example to the world."

The Honourable Jean Chrétien, House of Commons, February 17, 1981

" . . . I would like this resolution, particularly the Charter of Rights and Freedoms, to hang on the wall of every classroom in every school in every region of Canada. I do not say this because I believe in propaganda. I say it because I believe constitutions are fundamentally about rights, rights are fundamentally about people and people from childhood on must be encouraged to acquire a deep understanding of their own liberties as well as an even deeper appreciation of the liberties of others."

Mr. Edward Broadbent, leader of the New Democratic Party, in the House of Commons, November 20, 1981

The equality rights included in the Charter will complement and add to the anti-discrimination provisions found in federal and provincial human rights legislation. This provision of the Charter comes into effect three years after patriation.

Under the Constitution all Canadians – regardless of race, national or ethnic origin, color, sex or age, as well as those who are physically or mentally disabled – will be equal before the law, and will enjoy equal protection and benefit of the law.

For the first time in Canadian history, the Constitution will make it clear that, for women, equality is not a right to be acquired, but a state that exists. It will ensure that women are entitled to full equality in law – and not just in the laws themselves but in the administration of law as well.

However, at the same time, nothing will rule out "affirmative action" programs designed to promote such things as equal employment opportunities for women.

Being handicapped is obviously a condition that requires special kinds of assistance and protection from discrimination. The Charter will, therefore, specifically allow for the establishment of special programs designed to promote opportunities for the disabled and will make certain these kinds of programs will be upheld by Canadian law.

Similarly, the Charter will also authorize affirmative action programs designed to improve the lot of other disadvantaged groups or individuals who may have suffered as a result of past discrimination.

Finally, the list of grounds of non-discrimination and the list for affirmative action is not exhaustive. This will enable the courts to develop new grounds of non-discrimination where the distinctions drawn are