

*Constitution Amendment, 1987*

operate on the margins of other provisions of the Constitution and generally supplement their meaning. They cannot displace or override substantive rights.

The linguistic duality-distinct society clause does not obstruct the Charter. The rights and freedoms in the Charter remain whole. None will be amended, superseded, overridden or taken away. The interpretation clause is not a grant of power to enable governments to do something in the future that they cannot do today. I believe that this point has been lost in much of the technical discussion, and sometimes the passion, which inevitably enters into such debates.

As an interpretation clause the Accord's distinct society provision is designed to be read along with other constitutional values in any Charter analysis by the courts. It enables the courts to interpret the Constitution, including the Charter, in a manner consistent with Quebec's distinctiveness within Canada. It would be used to shed light on the application of the Charter in certain cases where there may be ambiguity. Since the courts are already taking into account the reality of Quebec's distinctiveness in their judgments, this clause essentially makes explicit what has long been implicit.

In no way will the distinct society clause change the substance of Charter rights. Here, Madam Speaker, is where it is important to make the distinction between interpretation clauses and provisions which confer substantive rights in our Constitution. Substantive rights operate on a different plane than interpretation provisions. Section 28 in particular gives sexual equality rights the highest protections within the Charter. This perspective was supported by a number of senior constitutional lawyers who appeared before the committee.

*[Translation]*

The primacy of rights contained in the Charter, including equality rights, is unambiguous.

As the Minister responsible for the status of women, I appreciate the concerns expressed by some women's organizations regarding the Accord. I spared no effort to ensure that these concerns are heard and examined fully. The Special Joint Committee has listened carefully to the evidence put forward by women's groups. I personally met with representatives from several of these organizations in order to discuss the matter and I arranged a meeting in Ottawa where women's groups representatives and government experts discussed the Accord. We had a straightforward discussion on several aspects of this matter.

*[English]*

At the end some did not agree with our position, but I am fully convinced, after considerable research and considerable thought, because the Charter is important to the Prime Minister (Mr. Mulroney) and to the Government as well as to myself, that we have advanced the cause of a united Canada without adversely affecting the rights of Canadian women.

It is clear from the discussions I have had with women, and from the testimony that women's groups presented before the

special joint committee, that the unease which women have with the role and interpretation of the Charter and Constitution has its primary source in matters outside of the Accord. Women's fundamental concerns about equality rights delve into the wider context of the Charter's operation as a whole.

For this reason I welcome the committee's recommendation that a consultative process be initiated under the direction of a permanent Joint Senate-House Committee on Constitutional Reform. In light of the concerns that have been expressed the Government agrees with the committee that perhaps the Charter as a whole, particularly Sections 1 and 33, should be reviewed in the future by First Ministers. Further parliamentary scrutiny of this issue would be welcome. This process, in addition to the annual constitutional conferences established by the Accord, would offer women practical opportunities for input into an ongoing process of constitutional reform.

I have said it before in this Chamber and other places, but it is worth repeating here that women have been major players in ensuring the equality rights which all Canadians now enjoy. However, the field has changed substantially in the five years since equality rights were enshrined in the Constitution in 1982. Women and women's groups have been welcomed by the Government as significant participants in the process of policy development and in decision making. In the areas of pension reform, economic development, tax reform, employment strategies, and child care the views and concerns of women have been listened to and heeded.

I am delighted to say that in my efforts as Minister responsible I have been aided and supported by the Prime Minister and my cabinet colleagues who all share belief in the strength and potential of Canadian women. We are united in our determination to further the advancement of the women of Canada with all means available to us. We have advanced issues with tangible measures such as our employment equity program, reform of Canada's divorce and family orders enforcement laws, and a plan of action to ensure the implementation of equal pay for work of equal value in the public service.

*[Translation]*

Moreover, we have made a special effort in the area of appointments. For instance, for the first time a woman held the rank of general in Canada, for the second time a woman was appointed to the Supreme Court, and we nominated the first woman to the Federal Court of Canada.

The initiatives our government intends to take are described in the document entitled *Dimensions of Equality: A Federal Government Work Plan for Women*, which was tabled at the First Ministers' Conference on the Economy held last November. This document identifies our priorities and describes our action plan over the next two years for enhancing equality between men and women.