

Affirmative
action programs

(b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

"... But here, where we are one country and all together, and we go from one province to another as we do from one county to another and from one town to another ..."

Sir John A. Macdonald, House of Commons Debates, 1882

"In this respect, I find it difficult to take seriously any concern that entrenching in our Constitution the right of people to live and work anywhere in Canada could frustrate legitimate provincial objectives. Indeed, it is my hope that some day it will be beyond the reach of government to discriminate against the free movement of services as well."

Honourable William Davis, Premier of Ontario, Financial Post Conference, Toronto, February 26, 1981

Legal Rights

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Life, liberty
and security
of person

able to live in one province and pursue the gaining of your livelihood in another. No general restrictions may be placed on you just because you come from another part of the country. However, this will not prohibit the provinces from setting residence requirements for certain social and welfare benefits existing in the provinces. Moreover, the ordinary rules of employment in the province will apply to newcomers the same as to long-time residents. These could include qualifications, union membership, experience, health and so on, providing these applied equally to residents and to people coming from outside the province.

However, a province in which the employment rate is below the national average will have the right to undertake affirmative action programs for socially and economically disadvantaged individuals.

It is interesting to note that Canadians have been highly mobile in recent years. During the year from October 1979 to September 1980, 421,854 people, or two per cent of the population, moved from one province to another province.

The rights outlined in these sections spell out the basic legal protection that will safeguard us in our dealings with the state and its machinery of justice. They are designed to protect the individual and to ensure simple fairness should he or she be subjected to legal proceedings, particularly criminal cases.