

CHAPTER 1

Introduction

“ A constitution...is drafted with an eye to the future. Its function is to provide a continuing framework for the legitimate exercise of governmental power and, when joined by a ... *Charter of Rights*, for the unremitting protection of individual rights and liberties....[It is not to be read] “like a last will and testament lest it become one.”

...While the courts are guardians of the constitution and of individuals' rights under it, it is the legislature's responsibility to enact legislation that embodies appropriate safeguards to comply with the constitution's requirements.”

—Mr. Justice Brian Dickson, now
Chief Justice of Canada, in giving
the judgment of the Supreme Court
of Canada in *Hunter v. Southam
Inc.* (1983)

The *Canadian Charter of Rights and Freedoms* has raised Canadians' expectations of their governments and legislatures. Fundamental rights and freedoms have become part of the constitutional foundation of the country as a result of the *Charter*. It is the Constitution itself that now provides, in ringing terms, for individual safeguards — many of which did not exist before or had a tenuous life at best.

Of the various *Charter* guarantees, the assurance of equality and non-discrimination is most likely to affect Canadians on a day-to-day basis. It has the potential for influencing many important employment relationships. It can also affect access to a wide range of benefits that are of concern to those outside the workforce. This important guarantee finds expression in section 15 of the *Charter*, the lens through which this Committee was directed to examine all federal laws that affect the individual. It was a challenging task but one the Committee undertook with enthusiasm and in a spirit of openness to change.

Section 15 came into force on April 17, 1985, three years after the rest of the *Charter* became effective. (For the full text of the *Charter* see Appendix A.) Since