

REVIEW THE LORD'S DAY ACT

Laws: Following a 1903 Privy Council decision which said that jurisdiction over the determination of days of religious observance is federal, Parliament adopted the Lord's Day Act in 1906 and it came into force in 1907. The Act prohibits business to be carried on, as well as professional and entertainment activities, on Sunday unless provincial legislation or municipal by-law permits otherwise.

Negative: The federal legislation has a negative effect on Canadians whose religious day of rest is other than Sunday. Not only must they observe their own Sabbath, but they are required to forego all normal business, professional and commercial activities on a Sabbath other than their own.

Moves: In recent months, there has been litigation in Alberta, Ontario and Quebec in which the Lord's Day Act has been challenged under the Charter of Rights as being in violation of freedom of religion. A November 1983 decision of the Alberta Court of Appeals holding that the Act is in violation of the Charter has been appealed to the Supreme Court of Canada.

RECOMMENDATION:

Justice Canada should undertake a review of the Lord's Day Act to ensure that any religious observance legislation is consistent with Canada's multi-religious character.

RECOMMENDATION

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DECLARE UNDER INTERNATIONAL RACIAL DISCRIMINATION CONVENTION

Obligation: Canada is a signatory to a number of international agreements supporting human rights including the 1948 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In 1970, Canada ratified the International Convention on the Elimination of all Forms of Racial Discrimination. This treaty obligates a state party to take a number of steps to eliminate racism and racial discrimination, and to report periodically on its activities to the Committee on the Elimination of Racial Discrimination set up under the Convention.

Recourse: Article 14 of the Convention enables a signatory country to make a declaration to the effect that it will allow individual citizens recourse to the Committee on the Elimination of Racial Discrimination once they have exhausted their local legal remedies.

Hesitant: Canada has not yet filed such a declaration. This country is hesitant because of the strict interpretation of article 4 of the Convention enunciated by the Committee on the Elimination of Racial Discrimination. Article 4 requires state parties to declare racist groups, the advocacy of racial superiority and the incitement to racial discrimination illegal.

RECOMMENDATION

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