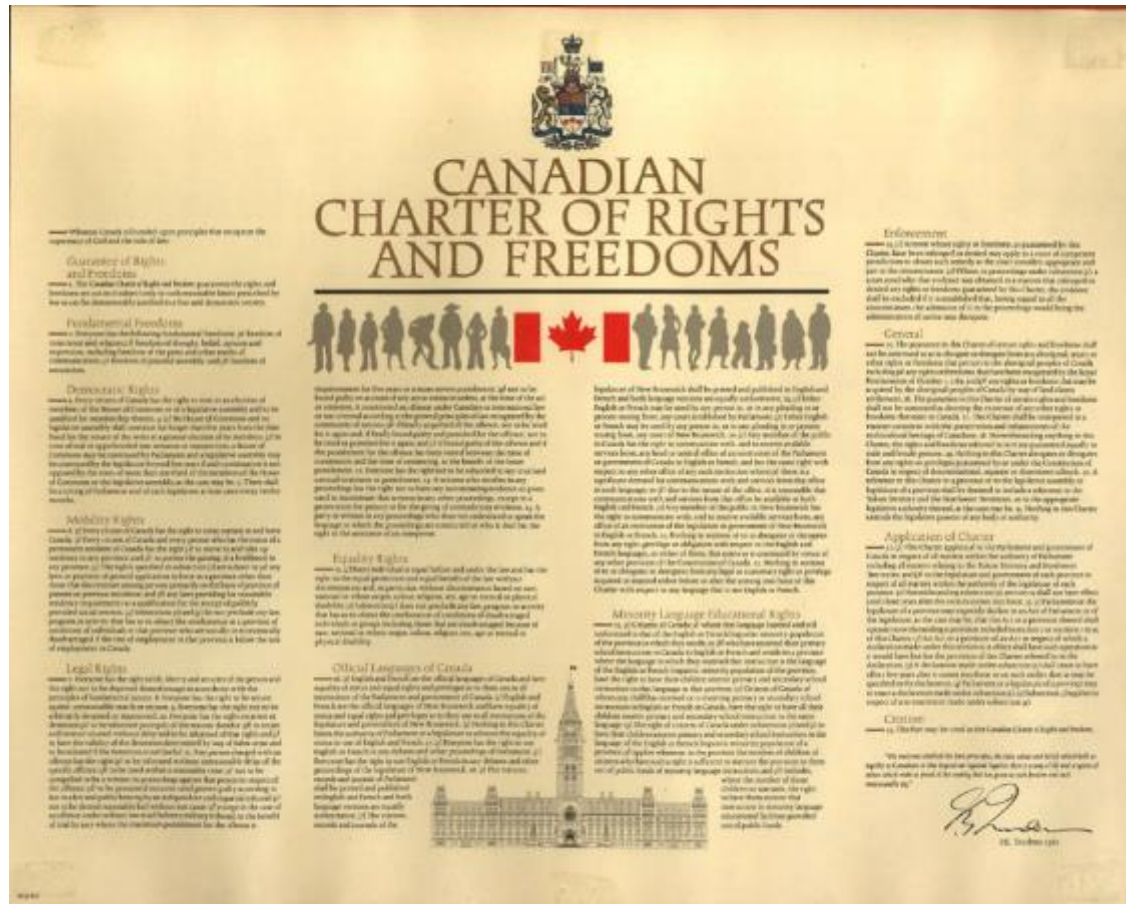


# The End of The Charter? Recent Developments in Canada

**Presented by:** Gavin J. Tighe / Stephen Thiele  
November 15, 2018



# The Charter of Rights and Freedoms



# Prime Minister Pierre Elliott Trudeau

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Explaining the Charter to Canadians



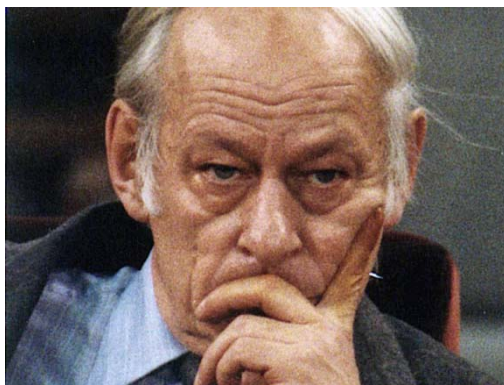
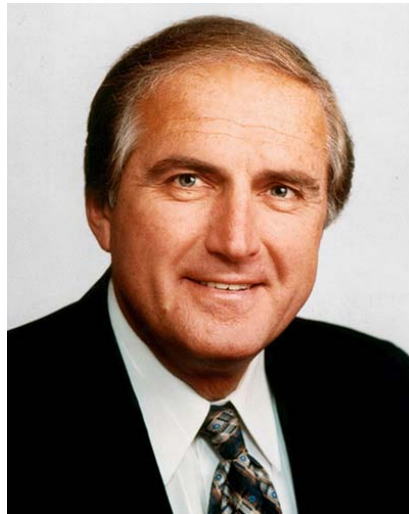
<https://youtu.be/QRbaP6yQnM>





# Section 33 of The Charter

Reasons for the section



<https://youtu.be/4rToB20LRDw>



# Historical Use of Section 33

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When, where and why

- Quebec: on every piece of legislation between 1982 and 1985 and to maintain unilingual French only business signs
- Saskatchewan: to protect back-to-work legislation
- Alberta: to define marriage as exclusively heterosexual
- Saskatchewan again: passed legislation in 2018 to protect funding for non-Catholic students attending Catholic school

# The Turning Point

A dubious court decision



# Bill 5 Held to Breach Charter

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## Freedom of Expression Denied

- Justice Belobaba found that the province had clearly crossed the line with Bill 5
- Breached s. 2(b) of the Charter in two ways:
- Interfered with candidates' freedom of expression
- Doubled population in each Ward so as to deny effective representation to voters

# Bill 31 Invokes Override Clause

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## The Scope of Section 33

Provincial government introduces Bill 31 to reduce size of City Council and invokes s. 33

**“Section 33 lays down requirements of form only, and there is no warrant for importing into it grounds for substantive review of the legislative policy in exercising the override authority in a particular case.”**

(Ford v. Quebec (A.G.), [1988] 2 S.C.R. 712)



# 2018 Quebec Provincial Election

A New Premier



# Proposed use of the Override

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Imagine No Religion

Quebec Premier Francois Legault proposes to ban public officials from wearing religious symbols

Plan would prevent public servants, including teachers, police officers and judges, from wearing religious garments while performing public functions



**Questions?**



# Contact Us

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