

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

IN BRIEF

TEACHER RESOURCE

Learning Objectives

- To increase understanding of the *Canadian Charter of Rights and Freedoms* and its place in Canadian constitutional law.
- To develop students' knowledge of rights and freedoms in Canada.
- To develop students' understanding of legislative and judicial lawmaking.

Materials

- Copies of the student handout, *Canadian Charter of Rights and Freedoms* (one per person)
- Current newspapers (one per pair)
- Copies of the case summary, *Top Five 2009: Canadian Federation of Students v Greater Vancouver Transportation Authority* (one per student)
- Computers and internet to research s. 33 of the *Charter* (optional).
- Copies of *In Brief: Section 1 of the Charter and the Oakes Test*, available here: <http://ojen.ca/resource/980> (optional; one per student)

Teaching and Learning Strategies

1. Ask students to work in pairs to brainstorm examples of rights and freedoms in Canada. Compare their lists to those actually enshrined in the *Charter*.
2. Distribute current newspapers. Ask students to identify articles or issues they believe involve the rights and freedoms they have identified. Each pair can present one to the class and explain their reasoning.

3. Assign the reading and discussion questions individually or in small groups..

Teacher's Key - Discussion Questions

1. In 1982, as part of the *Constitution Act, 1982*.
2. Section 2. This falls under freedom of association and of peaceful assembly.
3. False – the *Charter* applies to relationships between people and the government, not between private individuals. One exception might be if the landlord in question was a government agency. Discrimination in housing would be dealt with under provincial human rights codes.
4. Technically, the *Canadian Bill of Rights* could be repealed by a simple act of Parliament. By enshrining rights and freedoms in the *Constitution*, the *Charter* goes much further to ensure their protection.
5. An 'individual' is any person in Canada, whereas a 'citizen' is a person whose nationality is Canadian.
6. To ensure that there is a mechanism within the *Charter* to protect against forms of discrimination that might emerge in the future.
7. a) Under s.1; b) answers will vary.
8. Answers will vary. It should be noted, however, that because of regional differences in population density there is the opportunity for unfairness. For instance, the combined populations of Ontario, Quebec, B.C. and Alberta account for well over 50% of Canada's population, but only four of the required seven provincial legislatures.
9. If democratic rights were subject to s. 33, a government could effectively suspend elections

indefinitely, allowing it to force through any other legislation without being accountable to the voting public.

10. Answers will vary, but should reflect the fact that the notwithstanding clause has been used very rarely, and so may not present a serious threat to rights and freedoms.

4. Have students read and complete the case summary, *Top Five 2009: Canadian Federation of Students v Greater Vancouver Transportation Authority*.

Extension

1. Since its inception, various politicians have suggested repealing s. 33 of the *Charter*. Have students conduct research into the perspectives for and against the notwithstanding clause and hold a class debate to determine its future.
2. Have students read and complete the OJEN resource, *In Brief: Section 1 of the Charter and the Oakes Test*, available here: <http://ojen.ca/resource/980>.