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The Influence of the *Canadian Charter of Rights and Freedoms* on Saskatchewan-Based Anti-Poverty Advocates

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The *Canadian Charter of Rights and Freedoms* is acclaimed for its emphasis on individual freedoms and human rights. Section 7, guaranteeing the “right to life, liberty and security of the person” and Section 15, guaranteeing the right to equality are among its most noteworthy provisions. Over the last two decades, equality seekers have used the *Charter* to advance arguments for the elimination of poverty and for the amelioration of the social conditions that cause it. National groups like the Charter Committee on Poverty Issues have united with provincial organizations like the Saskatchewan based Regina Anti-Poverty Ministry to argue for just social policy that incorporates the human rights ideals enshrined in the *Charter*. They advance an expansive view of the *Charter* where poverty is a violation of the document’s central tenets, as well as its spirit.

The concern for the elimination of poverty has also resulted in a proliferation of scholarly works analyzing the *Charter* as a resource for social justice advocacy.¹ Collaborations between activists and constitutional lawyers have also resulted in test case litigation. In 2001, the case of Louise Gosselin was argued before the Supreme Court of Canada by constitutional experts with the support of community based advocates across Canada, including Saskatchewan. The *Gosselin* case considered a Quebec law that allowed for the payment of lower social assistance benefits to persons under the age of 30 who were not involved in work readiness programming. Ms. Gosselin’s supporters argued that the regulation violated the section 15 equality rights and the s. 7 rights of Ms. Gosselin and others like her due to the significant hardships that occurred from living on an allowance that failed to cover basic needs. While the case was rejected by a narrow margin of a divided court, the judgement also advanced strong arguments linking the *Charter* with the economic well-being of Canadians.²

¹ See, for example: Jackman, M., “Constitutional Contact with the Disparities in the World: Poverty as a Prohibited Ground of Discrimination under the Canadian *Charter* and Human Rights Law” (1994) 2 Rev. Const. Stud. 76 and Brodsky, G. and Day, S., “Beyond the Social and Economic Rights Debate: Substantive Equality Speaks to Poverty” (2002) 14 CJWL 184.

² *Gosselin v. Quebec (Attorney General)*, 2002 SCC 84, [2002] 4 S.C.R.J 42985.

Social justice organizations celebrated the fact that the Supreme Court's decision left the door open for a future claim where the facts fully align with *Charter's* equality and security related goals. Importantly, the court's analysis of the reasoning for Louise Gosselin demonstrated the influence that human rights principles and *Charter* based arguments have had on the work of lawyers and groups working for low- income persons.

Investigating the *Charter's* effect on the social and economic justice movement is a topic that is both timely and significant, based on the number of initiatives linking poverty with human rights. This paper will explore the influence that the *Charter* has had on the work of Saskatchewan based anti-poverty groups. Through interviews with leaders in the provincial anti-poverty movement, the research will examine and critically analyze several key questions, including the role that the *Charter* plays in shaping their approach to public policy and individual case advocacy. The paper and presentation will outline the strengths and weaknesses of the *Charter* from the perspective of persons concerned with economic and social rights. The research will also report on interviews with key national figures in the campaign against poverty with knowledge of and working relationships with provincial groups. For example, an interview will be sought with the current President of the National Anti-Poverty Organization who is a resident of Saskatchewan and a community researcher/ developer.

This project is a component of a larger one that will include the findings from similar research that will be conducted in other provinces, including New Brunswick. The paper will document an aspect of the *Charter's* history that has not been thoroughly explored - the ways that the *Charter* has promulgated a rights consciousness that has influenced social justice proponents based in the community. This paper will highlight Saskatchewan themes in this area. It will provide insights on the ways that the *Charter* has shaped grassroots efforts towards equitable social policy at the provincial level.