

EQUALITY RIGHTS SECTIONS PROPOSED BY:

Advisory Council on the Status of Women

15. (1) Every person shall have equal rights in law including the right to equality before the law and to the equal protection and benefit of the law.

(2) Such equal rights may be abridged or denied only on the basis of a reasonable distinction. Sex, race, colour, national or ethnic origin, and religion will never constitute a reasonable distinction except as provided in subsection (3).

(3) Nothing in this Charter limits the authority of Parliament or a legislature to authorize any program or activity designed to prevent, eliminate or reduce disadvantages likely to be suffered by or suffered by any group of individuals when those disadvantages are related to the race or sex of those individuals, or to the other unreasonable basis of distinction pursuant to subsection (2).

Human Rights Commission

15. (1) Everyone has the right to equality under the law and to the equal protection of the law without discrimination.

(2) This section does not preclude any legislative distinction which is justifiably related to some bona fide amelioration of the condition of certain specified classes of persons.

(3) This section does not preclude any legislative distinction which is justifiably necessary for reasons of compelling state interest.

Section 15 of the Canadian Human Rights Act, 1976-77, c. 33

15. (1) It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap of members of that group, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group.

(2) The Canadian Human Rights Commission established by section 21 may at any time

- (a) make general recommendations concerning desirable objectives for special programs, plans or arrangements referred to in subsection (1); and
- (b) on application, give such advice and assistance with respect to the adoption or carrying out of a special program, plan or arrangement referred to in subsection (1) as will serve to aid in the achievement of the objectives the program, plan or arrangement was designed to achieve.