

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS: You be the Judge

1. Describe what the Charter says about 5 of the cases from below (provide the section under the charter).
2. Using your own ideas, the Charter, and/or facts from the case clearly explain what your decision would be and why: Give at least two good reasons to support your opinion.

A department has to cut back on its staff by ten percent. The management and the union agree that they will abide by the seniority and follow the "last hired, first fired rule." The department has only recently started to hire women and minority group members. They make up about one-quarter of the staff of the department, but they make up about three-quarters of the people who will be fired if this rule is followed. Will it be discriminatory to fire them?

A family with three children moves into a condominium. Later, they find out that children under 16 cannot use the games room at all, and people under 18 have to be accompanied by an adult. The management of the condominium claims that the equipment is too valuable to risk having it damaged.

An airline offers special rates for children, students, and senior citizens. Does this discriminate against adults?

Sajade was brought before a Quebec court on criminal charges. **She asked at the opening of the trial that the evidence of Crown witnesses be interpreted from French into English.** The evidence was uncomplicated, and the Crown counsel indicated that he was prepared to act as interpreter. The judge denied Sadjade the use of her own interpreter. Sadjade was convicted, and appealed on the basis that she was denied the use of an interpreter. What should the appeal court rule?

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One of the provinces of Canada becomes extremely wealthy because platinum deposits are discovered there. Many workers from other provinces decide to move there to enjoy lower taxes and better social services. Many elderly people also migrate because of the excellent Seniors' homes. Should these people be allowed to participate in the new-found wealth of the province?

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The City of Winnipeg is hiring 60 firefighting positions of which 30 are reserved for women and minorities. The fire department consists of only 4% women and 3% minorities. Is discrimination taking place? Are people being denied employment opportunities?

A Sikh applies for a construction job. By law, all workers on the site must wear a hard hat. Their religion demands that all Sikh men wear a turban at all times, and they are not allowed to wear anything under or over it.

An employee has found a co-worker who will trade shifts with him so that he can be off work for a special religious ceremony. The boss says that if he starts letting people trade their shifts around, his whole system will soon fall apart, and he will never know who is where.

An unemployed man is refused entry into a welding course because he has epilepsy. His doctor says that his epilepsy is under control and that it is very unlikely that he would have an attack. The director of the course says, "We can't afford to take the chance. He might injure himself or other people."

YOU BE THE JUDGE!