

Notwithstanding Clause

- very important when dealing with the Charter and all of our rights
- basically an “escape clause”
 - allows governments (Provinces or Federal) to pass laws which go against Charter rights
 - expires every five years, but can be renewed
- politicians like it b/c it gives them a little more flexibility when passing laws
- critics think it weakens the Charter
- only two provinces have used this clause recently
- Saskatchewan – forces striking workers back to work
- Quebec is a more interesting case
 - 1976: Parti Quebecois passed ‘Bill 101’
 - protected the French language
 - made it the ONLY language in Quebec
 - Quebec gov’t employees would have to work in French (nurses, teachers, mail people, etc.)
 - commercial signs would have to be in French
 - immigrant children would have to attend French schools
 - Quebec used the clause to override a Supreme Court decision that declared 101 unconstitutional
 - needless to say, its still there