Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Season 2, Episode 5: Socioeconomic Rights and the Charter

About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director Cheryl Milne.

Charter: A Course focuses on Canadian constitutional law and litigation. In each episode, we highlight the accomplishments of U of T Law's faculty and alumni involved in leading constitutional cases and issues. Each episode also includes a "Practice Corner," where we talk about the ins and outs of what it means to be a constitutional litigator.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

Show Notes

With the help of our distinguished guests, Martha Jackman and Bruce Porter, we discuss whether socioeconomic rights are protected under the enumerated provisions of the Charter of Rights and Freedoms. We hear about what socioeconomic rights entail – like the right to food, housing, and a living wage - and consider whether these rights confer positive obligations on the government.

In the Practice Corner (at 39:56), Jackie Esmonde joins us to discuss her experience litigating cases about socioeconomic rights on behalf of clients and as an intervenor at the Supreme Court. We also learn about Jackie's community-driven approach to practicing law and policy writing.

Find a FULL TRANSCRIPT of this episode HERE.

Case Links

In this episode, the following cases and statutes were discussed:

R. v. Boudreault, 2018 SCC 58
Canada (Attorney General) v. PHS Community Services Society, 2011 SCC 44
Cambie Surgeries Corporation v. British Columbia (Attorney General), 2022 BCCA 245
Chaoulli v. Quebec (Attorney General), 2005 SCC 35
Eldridge v. British Columbia (Attorney General), [1997] 3 SCR 624
New Brunswick (Minister of Health and Community Services) v. G. (J.), [1999] 3 SCR 46
Nevsun Resources Ltd. v. Araya 2020 SCC 5
Gosselin v. Québec (Attorney General), 2002 SCC 84
Slaight Communications Inc. v. Davidson, [1989] 1 SCR 1038
S.A. v. Metro Vancouver Housing Corp., 2019 SCC 4
Tanudjaja v. Can. (A.G.), 2014 ONCA 852
Toussaint v. Canada (Attorney General) 2022 ONSC 4747

Vriend v. Alberta, [1998] 1 SCR 493

Statutes:
International Covenant on Economic, Social and Cultural Rights
International Covenant on Civil and Political Rights
National Housing Strategy Act, S.C. 2019, c. 29, s. 313
UN Declaration on the Rights of Indigenous Peoples Implementation Act

The following organizations and lawyers were referenced:
Colour of Poverty – Colour of Change
Ewa Krajewska
FCJ Refugee Centre
HIV & AIDS Legal Clinic Ontario (HALCO)
Income Security Advocacy Centre (ISAC)
Migrant Workers Alliance for Change
Migrant Rights Network
Social Rights Advocacy Centre

About the Asper Centre

The Asper Centre, a part of the University of Toronto's Faculty of Law since 2008, is devoted to realizing constitutional rights through advocacy, research and education. The Centre aims to play a vital role in articulating Canada's constitutional vision to the broader world. The cornerstone of the Centre is a legal clinic that brings together students, faculty and members of the bar to work on significant constitutional cases and advocacy initiatives. The Centre was established through a generous gift from U of T law alumnus David Asper (LLM '07).

Thank You's

Charter: A Course is proudly sponsored by the University of Toronto's affinity partner TD Insurance**.** We would like to thank our sponsor, and you can discover the benefits of affinity products here.

We would like to thank the creators of our theme music for Charter: A Course. Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song's performers are: Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: Charter a Course. Please consider contributing to your local food bank!

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Thank you to our wonderful guests on this episode, Martha Jackman, Bruce Porter, and Jackie Esmonde!

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