

## Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

### **Season 4, Episode 5: Section 32(1) of the Charter: Application to Quasi-Government Bodies**

## 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 leading Canadian constitutional cases and current constitutional law issues, highlighting strategic aspects of constitutional litigation and exploring what it's like to practice in this area of law in our *Practice Corner* segment.

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

This episode focuses on section 32(1) of the Canadian Charter of Rights and Freedoms, which says that the Charter applies to the Parliament and government of Canada in respect of all matters within the authority of Parliament and to the legislature and government of each province in respect of all matters within the authority of the legislature of each province. With the help of our guest, [Susan Ursel](#), who was the Asper Centre's Constitutional Litigator in Residence in 2018, we explore the Supreme Court's approach to when and how the Charter applies to quasi-government bodies, such as school boards, universities, colleges and hospitals. And we discuss Susan's experience representing the Asper Centre in its intervention in the York Region District School Board case.

In the Practice Corner, Cheryl speaks with research lawyer [Jennifer Taylor](#), who was a co-author of "Strengthening the Pillars: Report of the TMU External Review," about the application of the Charter to university settings, looking at the values these institutions uphold, such as freedom of expression and academic freedom, which are similar to the Charter rights of freedom of expression and conscience.

Find a FULL transcript of this episode [HERE](#).

## Case Links and other Resources

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

[McKinney v. University of Guelph, \[1990\] 3 S.C.R. 229](#)

[Douglas/Kwantlen Faculty Assn. v. Douglas College, \[1990\] 3 S.C.R. 570](#)

[University of Toronto \(Governing Council\) v. Doe et al. 2024 ONSC 3755](#)

[York Region District School Board v. Elementary Teachers' Federation of Ontario, 2024 SCC 22](#)

[Doré v. Barreau du Québec, 2012 SCC 12, \[2012\] 1 S.C.R. 395](#)

[Eldridge v. British Columbia \(Attorney General\), \[1997\] 3 S.C.R. 624](#)

[Stoffman v. Vancouver General Hospital, \[1990\] 3 S.C.R. 483](#)

[Law Society of British Columbia v. Trinity Western University, 2018 SCC 32, \[2018\] 2 S.C.R. 293](#)

[Strengthening the Pillars: Report of the TMU External Review](#)

## Thank You's

Thank you to our wonderful guests on this episode, Susan Ursel and Jennifer Taylor!

Thank you to University of Toronto Faculty of Law JD student Leon Xu, who helped with the production of this episode.

Thank you to our audio editor Liam Morrison of [Bell Room Media Solutions](#).

Thank you to the creators of our theme music, 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.