



Section 15 Equality Rights

Age

Student Material: on page 11

Prior to the Charter, laws discriminated against people based on their age. And after the Charter... well, laws still discriminate against people based on age!ⁱ Students are quite familiar with age-based laws - most students are too young to vote, obtain a driver's license, purchase alcohol or cigarettes, and you can probably think of many more - so, even though the Charter prohibits discrimination based on age, why do these laws still exist?

Although young people are probably the most restricted by law, many of the cases have focused on elderly people and mandatory retirement ages. Unlike the approach to other protected characteristics, such as religion and disability, the courts are more lenient towards the government's reasons for age discrimination.ⁱⁱ The poor success rate of age-related cases for elderly persons might explain why laws regarding young people are hardly ever challenged or changed.ⁱⁱⁱ

Do you think laws for young people would be different if you had the right to vote? If you could vote, would you?^{iv}

If you were going to bring a case against the government for any age restriction that affects you, which one would you challenge? What are your reasons for challenging the law? What do you think the government will argue in response? Can the government achieve that goal without an age-based limit? (Believe it or not, these are the simple questions that lawyers ask themselves while preparing for a human rights case).^v

ⁱ To introduce the topic it may be helpful to brainstorm examples as group of laws that make distinctions based upon age, like student minimum wage, drinking age, gambling age, mandatory retirement, etc.

ⁱⁱ See [*McKinney v University of Guelph*](#) and [*Stoffman v Vancouver General Hospital*](#)

In both cases, the court considered a mandatory retirement policy for persons of a certain age. In *Stoffman*, the court applies a “relaxed” analysis for government objectives regarding age discrimination.

ⁱⁱⁱ Other explanations also exist. The restrictions on people under 18 are, by their nature, temporary measures. Everyone ages at the same pace, and these measures are thus “minimal” in their effect. Also, because young people are unable to vote, there is little incentive for politicians to campaign on expanding the rights of young people. While



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people age 14-18 might vote to lower the drinking age in the province, a politician is unlikely to raise that as a campaign promise because only people who are already able to legally purchase alcohol (or will soon be old enough) have the right to vote.

^{iv} Students may not immediately understand the thrust of this question. You might elaborate by saying that if students could vote, that means politicians would be more likely to represent their interests, such as removing or lowering age restrictions in certain issues.

This goes for a variety of young peoples' concerns including criminal laws for young offenders, children's aid and foster care policies, employment standards, etc.

^v This can be a fun exercise with your class. Split the class in half and assign one side the role of the government and the other side the role of the student group. The student group will come up with a few reasons to change or strike down the law, and the government will come up with a few reasons to keep the law. You can remind the group representing students that their role is to show why the law is discriminatory and unreasonable, and that the government group should be focusing on why the rule is reasonable. Both sides should work on reasons why their side should be accepted.

Activity:

What are some ways the media (e.g., advertising, television and movies) reflect ageist attitudes? As a class, make a list of characters or people in the media who reflect ageist stereotypes. (*Note: If students need assistance with this activity, ask the following questions:*

1. *Are there any movies/TV shows where an older person is made fun of for being "weak" or "incapable"? (poor hearing or eyesight)*
2. *Are there any advertisements you've seen that seem to lump a whole age group together?*

(adopted from: <http://www.tolerance.org/supplement/what-ageism-high-school>)