

strably justifiable in order to ensure that the referendum was conducted on a level playing field. On August 13, the Equality Party announced that it would appeal this decision. Recall that the federal government refrained from imposing any restrictions within its referendum legislation on the campaign activities of "third parties" on the ground that such restrictions would constitute violations of the Charter.

LANDMARK CHARTER RULINGS

In two decisions released over this summer, the courts have reaffirmed the legitimacy of the practice of "reading in" — that is, the ability of courts to interpret legislation to extend rights and entitlements not explicitly enumerated in legislation.

In *Schachter v Canada*, released on July 9, the Supreme Court affirmed that the *Charter* permits courts to "read in" to legislation. In this case, though, the court refused to read into the Unemployment Insurance Act a right to natural fathers to claim U.I. benefits. The court held that natural fathers were numerically larger than adoptive fathers (who were already entitled to benefits) and thus "reading in" a right for natural fathers would substantially alter the legislative framework. Note that prior to this decision Parliament had already extended U.I. benefits to natural fathers, albeit for a shorter period than had hitherto been granted to claimants.

On August 6, the Ontario Court of Appeal, in following the *Schachter* doctrine, ruled in *Haig v. Canada*

that discrimination on the basis of "sexual orientation" was prohibited under the Canadian Human Rights Code notwithstanding the omission of this term as an illegal ground of discrimination within the legislation. The court took the initiative to read "sexual orientation" into the federal rights code as a necessary provision designed to protect a historically disadvantaged group — namely, homosexuals.

For additional commentary on these developments, please see the article by our legal analyst, Jamie Cameron, on page 25 of this issue.



CANADA WATCH CALENDAR

August 22	Agreement-in-principle on unity package by first ministers, territorial and aboriginal leaders after four-day conference	September 10	House of Commons resumes sitting. Tabling of constitutional agreement and national referendum question in House of Commons. Start of debate on referendum question.
August 29	Informal text of constitutional package agreed to in Charlottetown after two-day conference	September 15	Two Manitoba by-elections, with Premier Gary Filmon's legislative majority at stake
September 3	Quebec National Assembly to debate amendments to Bill 150; government proposes October 26 referendum on federal proposals rather than sovereignty	Mid-September	First Ministers' Conference expected to finalize formal legal text of unity deal
September 8	Last day to give notice of motion in House of Commons for text of national referendum question to be held on October 26	September 19	Federal referendum campaign formally begins
September 9	Last day to table question in Quebec National Assembly for Quebec's October 26 referendum	September 27	Quebec referendum campaign formally begins
	Notice of motion from the federal government of text of national referendum question to be held on October 26	Late September	Expected release of formal text of North American Free Trade Agreement
		October 26	Canada-wide referendum on unity proposals