

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR QUÉBEC)

BETWEEN:

MIKE WARD

Appellant
(Appellant)

-and-

COMMISSION DES DROITS DE LA PERSONNE ET DES DROITS DE LA JEUNESSE

Respondent
(Respondent)

-and-

SYLVIE GABRIEL, JÉRÉMY GABRIEL, ASSOCIATION DES PROFESSIONNELS DE
L'INDUSTRIE DE L'HUMOUR, INTERNATIONAL COMMISSION OF JURISTS CANADA,
CANADIAN CIVIL LIBERTIES ASSOCIATION, CANADIAN CONSTITUTION
FOUNDATION and LEAGUE FOR HUMAN RIGHTS OF B'NAI BRITH CANADA

Interveners

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PART I – OVERVIEW

1. This appeal raises important issues about how to reconcile protections in provincial human rights legislation with constitutional rights in the context of artistic expression. The Canadian Civil Liberties Association’s (the “CCLA”) submissions strive to provide clarity by outlining a conceptual framework for the protection of expressive freedom.

2. First, the CCLA outlines the analytical framework for interpreting provincial human rights provisions that restrict freedom of expression under the *Canadian Charter of Rights and Freedoms* (“*Canadian Charter*”).¹ In particular, provincial human rights legislation are subject to and must be interpreted in light of the *Canadian Charter*. Any derogation from s. 2(b) must be justified through a rigorous s. 1 analysis.

3. Second, the CCLA submits that artistic expression, including parody or satire that may be considered offensive, merits full protection under s. 2(b) of the *Canadian Charter*. Following this Court’s own jurisprudence, the purported offensiveness of expression alone is insufficient to justify suppression unless it rises to the level of hatred.

4. Finally, the CCLA outlines the general principles that limit any award of punitive damages under s. 49 of Quebec’s *Charter of Human Rights and Freedoms* (“*Quebec Charter*”)² where expressive freedom protected by s. 3 of the *Quebec Charter* and s. 2(b) of the *Canadian Charter* is at issue.

PART II – STATEMENT OF ISSUES

5. The CCLA’s submissions bear upon the following issues raised in this appeal:

- a. the analytical framework to be employed in interpreting human rights legislation in light of protected *Canadian Charter* rights;
- b. the protection that should be afforded to artistic expression, including the limited ways in which offensive speech can be restricted; and
- c. the chilling effect of punitive damages on freedom of expression.

¹ [Part I of the Constitution Act, 1982](#), being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11

² [CQLR, c C-12](#)

PART III – STATEMENT OF ARGUMENT

A. The Analytical Framework for Interpreting Human Rights Legislation

6. The decisions below are largely silent on how the *Canadian Charter* shapes the interpretation of the impugned provisions in the *Quebec Charter*. The CCLA submits that the *Canadian Charter* must be at the center of interpreting and applying provincial human rights legislation in circumstances where the right to freedom of expression protected by s. 2(b) of the *Canadian Charter* is at issue.³

7. Section 2(b) of the *Canadian Charter* provides constitutional protection against government interference with expressive freedoms. As the Court has recognized, s. 2(b) allows “individuals to become emancipated, creative and informed, it encourages the circulation of new ideas, it allows for criticism of government action and it favours the emergence of truth.”⁴ Freedom of expression has also been a tool in protecting and promoting the equality and dignity of marginalized groups.⁵ Accordingly, it “is difficult to imagine a guaranteed right more important to a democratic society than freedom of expression.”⁶

8. Like other human rights statutes, the *Quebec Charter* has quasi-constitutional status⁷ and must be given a fair and generous interpretation.⁸ However, human rights codes are subject to the *Canadian Charter* and must be interpreted and applied in compliance with its rights and freedoms, including s. 2(b)’s guarantee of expressive freedom.⁹

9. Section 3 of the *Quebec Charter* guarantees fundamental freedoms including freedom of expression, and s. 4 protects the right to “dignity, honour and reputation”. Dignity, honour, and

³ The provisions of the *Quebec Charter* must be interpreted in light of the *Canadian Charter*. *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Montréal (City)*; *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City)*, [2000 SCC 27](#) at para. 42 [*Boisbriand*]

⁴ *Bou Malhab v. Diffusion Métromédia CMR inc.*, [2011 SCC 9](#) at para 17 [*Bou Malhab*]

⁵ Carlos Ball, “Gender-Stereotyping Theory, Freedom of Expression, and Identity” (2019) [28 William & Mary Bill of Rights J 2](#) at p. 230

⁶ *Edmonton Journal v. Alberta (Attorney General)*, [\[1989\] 2 SCR 1326](#) at 1336

⁷ *Miron v. Trudel*, [\[1995\] 2 SCR 418](#) at 456, para. 61

⁸ *Canada (Human Rights Commission) v. Taylor*, [\[1990\] 3 SCR 892](#) at 927 [*Taylor*]

⁹ *Taylor*, [\[1990\] 3 SCR 892](#) at 927; *Boisbriand*, [2000 SCC 27](#) at para. 42

reputation are not protected by the text of the *Canadian Charter*, though freedom of expression is. In *Blencoe v. British Columbia (Human Rights Commission)*, the Court explained that dignity and reputation find “expression” in certain rights under the *Canadian Charter*, but are not freestanding rights.¹⁰

10. In interpreting s. 4’s rights of dignity, honour, and reputation, the Commission des droits de la personne et des droits de la jeunesse (the “**Commission**”) must consider and comply with s. 2(b) of the *Canadian Charter*.¹¹ If a proposed interpretation infringes s. 2(b), the Court must consider whether the limitation is justifiable under s. 1.¹²

11. As discussed in Section 2 below, *Saskatchewan Human Rights Tribunal v. Whatcott* recognized that human rights legislation must comply with s. 2(b) of the *Canadian Charter*, and set a high threshold for permissible limits on expressive freedom. In particular, the Court held that short of hate speech, human rights legislation cannot censure offensive speech without unjustifiably infringing s. 2(b).¹³

Section 2(b) of the Canadian Charter Protects Artistic Freedom

12. Artistic expression “rests at the heart of freedom of expression values” and is protected by s. 2(b).¹⁴ Broad and generous in scope, the concept of artistic expression includes satire, parody, and expressive content that is designed to be outrageous and pushes the limits of public discourse.¹⁵

13. Since the seminal case of *Irwin Toy Ltd. v. Quebec (Attorney General)*, the s. 2(b) jurisprudence has recognized that the *Canadian Charter* protects “all expressions of the heart and

¹⁰ *Blencoe v. British Columbia (Human Rights Commission)*, [2000 SCC 44](#) at paras. 77 and 80. Dignity and reputation are “values” that “underlie” *Canadian Charter* rights, including equality, privacy, and protection from state compulsion. These values help in understanding the content and scope of *Canadian Charter* rights but do not in and of themselves rise to constitutional protections.

¹¹ *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Montréal (City)*; *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City)*, [2000 SCC 27](#) at para 42 ; *Reference re Same Sex Marriage*, [2004 SCC 79](#) at para 55, referring to s. 2(a) of the *Canadian Charter*

¹² *Irwin Toy Ltd. v. Quebec (Attorney General)*, [\[1989\] 1 SCR 927](#) [*Irwin Toy*]

¹³ *Saskatchewan (Human Rights Commission) v. Whatcott*, [2013 SCC 11](#) at para 90 [*Whatcott*]

¹⁴ *R v Butler*, [\[1992\] 1 SCR 452](#) at 486 [*Butler*]

¹⁵ *Butler*, [\[1992\] 1 SCR 452](#) at 486; *R v Sharpe*, [2001 SCC 2](#) at para 63

mind, however, unpopular, distasteful or contrary to the mainstream”.¹⁶ As the Court held in *Whatcott*, offensive expression that does not rise to the level of hatred cannot be justifiably limited under s. 1 of the *Canadian Charter*.

1. Protection of Artistic Expression, Including Parody and Satire

14. Courts in Canada and the United States have recognized that artistic expression—including comedy, satire, and political cartoons—merits strong constitutional protection, even if the impugned expression is unconventional, shocking, subversive or offensive to many. Speech that seeks to shock and push boundaries must be placed in the context of an audience that understands its nature and purpose. The essence of comedy is often its outlandish and exaggerated expression. Principles that have developed primarily in the context of defamation law are relevant in determining how to reconcile ss. 4 and 10 of the *Quebec Charter* with s. 2(b) of the *Canadian Charter*, particularly in the context of a satirical comedy show.

15. In *WIC Radio Ltd. v. Simpson*¹⁷ the Court reconciled freedom of expression and the values of dignity and reputation in the context of a “shock jock” radio talk show. In reexamining the defence of fair comment and considering the protection afforded to the radio host’s speech, the Court affirmed that:

...the law must accommodate commentators such as the satirist or the cartoonist who seizes on a point of view, which may be quite peripheral to the public debate, and blows it into an outlandish caricature for public edification or merriment. Their function is not so much to advance public debate as it is to exercise a democratic right to poke fun at those who huff and puff in the public arena. This is well understood by the public to be their function. The key point is that the nature of the forum or the mode of expression is such that the audience can reasonably be expected to understand that, on the basis of the facts as stated or sufficiently indicated to them, or so generally notorious as to be understood by them, the comment is made tongue-in-cheek so as to lead them to discount its “sting” accordingly.¹⁸

16. The Court cited *Vander Zalm v Times Publishers*,¹⁹ in which a cabinet minister sued for defamation following the publication of an offensive political cartoon. In finding that the defence of fair comment had been satisfied, the British Columbia Court of Appeal held that people can

¹⁶ *Irwin Toy*, [1989] 1 SCR 927 at 968

¹⁷ *WIC Radio Ltd. v. Simpson*, 2008 SCC 40 [WIC Radio]

¹⁸ *WIC Radio*, 2008 SCC 40 at para. 48 [emphasis added]

¹⁹ *Vander Zalm v. Times Publishers*, 109 DLR (3d) 531, 1980 CanLII 389 (BC CA) [Vander Zalm]

freely express views on matters of public interest that others may find exaggerated, obstinate or prejudiced, as long as they are honestly held.²⁰ The Court in *Vander Zalm* cautioned against interpreting cartoons too literally, as the reasonable person appreciates that they are designed to communicate meaning indirectly through symbolism, allegory, satire, and exaggeration.²¹ That reasoning applies equally to other methods of satirical expression, such as stand-up comedy routines.

17. In *Bou Malhab v. Diffusion Métromédia CMR inc.*, the Court considered a defamation claim relating to statements made by a provocative radio host, under Quebec law. The Court noted that freedom of expression “protects well-prepared speech and wrath-provoking comments alike”.²² The radio host had made “serious and infuriating” allegations on air about the ignorance, incompetence, uncleanliness, arrogance, and corruption of Montreal taxi drivers who spoke Arabic or Creole. In rejecting the class action claim, the Court held that the ordinary person would have understood the radio host’s comments to be excessive generalization and not have associated the allegations with each taxi driver personally. The result was that they suffered no injury.²³ The Court noted that:

... Mr. Arthur was a known polemicist in the area where his show was broadcast. He had become known for his distasteful and provocative language. The radio show during which the impugned comments were broadcast had a satirical style and tried to sensationalize things. This is not intended as a value judgment on shock jock radio, but the context of such shows does have an impact on the real effect of comments made on them. People cannot of course use their general tendency to speak in bad taste as an excuse to defame others on air, but it must be acknowledged that comments made by Mr. Arthur in such a context have very little plausibility from the point of view of the ordinary person.²⁴

18. The Supreme Court of the United States has similarly recognized that artistic expression enjoys protection under the First Amendment. In *Hustler Magazine, Inc v Falwell*, the respondent sought damages for the publication of a “parody” advertisement portraying him in an embarrassing and offensive manner.²⁵ The Supreme Court held that artistic expression cannot be suppressed

²⁰ *Vander Zalm*, 109 DLR (3d) 531, [1980 CanLII 389 \(BC CA\)](#) at para 12

²¹ *Vander Zalm*, 109 DLR (3d) 531, [1980 CanLII 389 \(BC CA\)](#) at paras 29, 33 and 82.

²² *Bou Malhab*, [2011 SCC 9](#) at para. 17 [emphasis added and citations omitted]

²³ *Bou Malhab*, [2011 SCC 9](#) at para. 90

²⁴ *Bou Malhab*, [2011 SCC 9](#) at para. 89 [emphasis added]

²⁵ *Hustler Magazine, Inc. v. Falwell*, [485 U.S. 46](#), 48 (1988) [*Falwell*]

merely because the speech is offensive and may have an adverse emotional impact on the audience.²⁶ The Court found that it was impossible to draw a principled distinction between acceptable and unacceptable parodies based on the subjective description of “outrageousness.”²⁷

19. In addition, the Supreme Court of the United States recognized that forms of artistic expression such as satire and parody are designed to distort and exaggerate a person’s features for satirical effect.²⁸ Their expressive function comes not from being well-reasoned and fair, but rather from slashing quips, scorn and ridicule.²⁹ While these forms of expression may be offensive and may adversely affect the dignity of certain audience members, they have expressive value and are constitutionally protected. These forms of artistic expression help regulate social norms by encouraging debate and enabling strong expressions of disapproval or approval.³⁰

20. The jurisprudence conclusively establishes that artistic expression, including that which is offensive, is constitutionally protected by s. 2(b) of the *Canadian Charter*. Additionally, where the expression at issue is satire or parody, its outlandish nature should be taken into account in considering the effects of the speech and determining whether restrictions or limits are justified. As set out below, the CCLA submits that there are very limited circumstances in which offensive expression can be justifiably limited under human rights legislation.

2. Restrictions on Offensive Expression Are Limited

21. Freedom of expression is vital in a free and democratic society. Protecting freedom of speech means protecting speech that may be unpopular, or even repugnant to some. As this Court has recognized, freedom of expression:

...makes possible our liberty, our creativity and our democracy. It does this by protecting not only “good” and popular expression, but also unpopular or even offensive expression. ... If we do not like an idea or an image, we are free to argue against it or simply turn away. But, absent some constitutionally adequate justification, we cannot forbid a person from expressing it.³¹

²⁶ *Falwell*, [485 U.S. 46](#), 50, 55

²⁷ *Falwell*, [485 U.S. 46](#), 55

²⁸ *Falwell*, [485 U.S. 46](#), 53

²⁹ *Falwell*, [485 U.S. 46](#), 54

³⁰ Laura Little, “Just a Joke: Defamatory Humor and Incongruity’s Promise” [\(2011\) 21 S. Cal. Interdisc. L.J. 95](#) at p. 112

³¹ *R. v. Sharpe*, [2001 SCC 2](#) at para. 21

22. Similarly, the U.S. Supreme Court has repeatedly held that “[t]he fact that society may find speech offensive is not a sufficient reason for suppressing it”.³²

23. The purported offensiveness of expression, including satire and parody, is alone insufficient to justify its suppression. In *Taylor* and *Whatcott*, the Court found that legislation that prohibits or restricts expressive activity must meet a high standard of justification under s. 1 of the *Canadian Charter*. Short of hateful expression, human rights provisions cannot justifiably regulate expressive activity that is simply offensive.

24. In *Taylor*, the Court considered whether s. 13(1) of the *Canadian Human Rights Act*³³ violated s. 2(b) of the *Canadian Charter*, by restricting telephonic communications likely to expose persons identifiable on the basis of a prohibited ground of discrimination to hatred or contempt. The majority held that the provision infringed freedom of expression, but was justified under s. 1. Parliament’s objective of preventing the harms caused by hate propaganda was sufficient to justify some limitation on freedom of expression. In determining that s. 13(1) minimally impaired freedom of expression, Dickson C.J. narrowly defined “hatred or contempt” in s. 13(1) as referring to “unusually strong and deep-felt emotions of detestation, calumny and vilification”.³⁴ In his view, prohibitions against hate speech “should not be triggered by lesser gradations of disapprobation, so as to capture offensive comments or expressions of dislike”; this would expand its meaning to capture speech that, while derogatory, does not cause the type of harm sought to be eliminated by human rights legislation.³⁵

25. In *Whatcott*, the Court reconciled protections against discrimination in human rights legislation and s. 2(b) of the *Canadian Charter*. The Court considered the constitutionality of s. 14(1)(b) of *The Saskatchewan Human Rights Code*, which prohibited, *inter alia*, any representation that “exposes or tends to expose to hatred, ridicules, belittles or otherwise affronts the dignity of any person or class of persons on the basis of a prohibited ground”.³⁶

26. The Court upheld the prohibition on representations exposing or tending to expose to hatred, but severed the words “ridicules, belittles or otherwise affronts the dignity of” from the

³² *Falwell*, [485 U.S. 46](#), 55-56; *see also Street v. New York*, [394 U.S. 576](#), 592 (1969)

³³ *Taylor*, [\[1990\] 3 SCR 892](#) at 906 - 907

³⁴ *Taylor*, [\[1990\] 3 SCR 892](#) at 928

³⁵ *Whatcott*, [2013 SCC 11](#) at para. 39, citing *Taylor*, [\[1990\] 3 SCR 892](#) at 929

³⁶ *Whatcott*, [2013 SCC 11](#) at para. 12

provision. Those words were not rationally connected to the legislative objective of addressing systemic discrimination against protected groups, and as such, their infringement of freedom of expression could not be justified under s. 1.³⁷

27. Critically, the Court held that the repugnancy or offensiveness of speech alone is insufficient to justify a limitation on its expression under s. 1 of the *Canadian Charter*:

If the repugnancy or offensiveness of an idea does not exclude it from Charter protection under s. 2(b), it cannot, in itself, be sufficient to justify a limitation on expression under a s. 1 analysis. A blanket prohibition on the communication of repugnant ideas would offend the core of freedom of expression and could not be viewed as a minimal impairment of that right.³⁸

28. Rather, the Court held that offensive expression must rise to the level of hatred before its suppression can be justified. In finding that a prohibition on expression that “ridicules, belittles or otherwise affronts the dignity of” an individual impermissibly violated expressive freedom, Rothstein J. stated:

In my view, expression that “ridicules, belittles or otherwise affronts the dignity of” does not rise to the level of ardent and extreme feelings that were found essential to the constitutionality of s. 13(1) of the *CHRA* in *Taylor*. ... As Richards J.A. observed in *Owens*, at para. 53:

Much speech which is self-evidently constitutionally protected involves some measure of ridicule, belittlement or an affront to the dignity grounded in characteristics like race, religion and so forth. I have in mind, by way of general illustration, the editorial cartoon which satirizes people from a particular country, the magazine piece which criticizes the social policy agenda of a religious group and so forth. Freedom of speech in a healthy and robust democracy must make space for that kind of discourse....

I agree. Expression criticizing or creating humour at the expense of others can be derogatory to the extent of being repugnant. Representations belittling a minority group or attacking its dignity through jokes, ridicule or insults may be hurtful and offensive. However, for the reasons discussed above, offensive ideas are not sufficient to ground a justification for infringing on freedom of expression. While such expression may inspire feelings of disdain or superiority, it does not expose the targeted group to hatred.³⁹

³⁷ *Whatcott*, [2013 SCC 11](#) at paras. 92-94

³⁸ *Whatcott*, [2013 SCC 11](#) at para 50 [emphasis added]

³⁹ *Whatcott*, [2013 SCC 11](#) at paras. 89-90 [emphasis added]. Similar to the breadth of the words “ridicules, belittles or otherwise affronts the dignity of” at issue in *Whatcott*, s. 4 of the *Quebec Charter* protects “dignity, honour and reputation” without limit. On its face, s. 4 leaves it to the

29. Both *Taylor* and *Whatcott* emphasized that an assessment of whether speech exposes a protected group to hatred such that its suppression could be justified “must ... include an evaluation of the likely effects of the expression on its audience”, which would depend on the context and circumstances of each case.⁴⁰ Importantly, the Court in *Whatcott* noted that expression targeting a protected group in the context of satire would not normally meet the test for suppression.⁴¹

30. The respondent seeks to distinguish *Whatcott* on the basis that the expression at issue in *Whatcott* was directed at a group, and not an individual. In *Whatcott*, the Court expressly notes that “[a] prohibition of hate speech will only be rationally connected to the objective if its ambit is limited to expression publicly directed at a protected group, or at an individual on the basis that he or she is a member of that group.”⁴² It is important to note that *Whatcott* does not preclude individual remedies for discriminatory expression that is false and defamatory.

31. While some forms of artistic expression are undoubtedly offensive and hurtful, the Court’s role is not to compel people to think “correctly”, nor is protecting people from ridicule or hurt feelings a sufficient justification to limit freedom of expression.⁴³ *Whatcott* is authoritative, and determinative of the interpretative questions at issue in this appeal: specifically, offensive expression must rise to the level of hatred before its suppression can be justified under s. 1. It would be unusual for satire or parody to meet this standard.⁴⁴

C. Limits on Punitive Damages Under s. 49 of the Quebec Charter

32. Punitive damages can be awarded under s.49 of the *Quebec Charter* for the “unlawful and intentional” interference with rights and freedoms. In this context, punitive damages create a risk of chilling effects on expressive freedom, and are subject to the following principles:

Commission to interpret the ambit of these terms, including their application to expressive activity and what conduct can be censured. The principles set out in *Taylor* and *Whatcott* dictate that the Commission must interpret s. 4 in light of the rule that the *Canadian Charter* does not permit speech to be suppressed based on offensiveness alone.

⁴⁰ *Whatcott*, [2013 SCC 11](#) at para. 52 [emphasis added]

⁴¹ *Whatcott*, [2013 SCC 11](#) at paras. 52-54

⁴² *Whatcott*, [2013 SCC 11](#), at paras 84 [emphasis added]

⁴³ *Whatcott*, [2013 SCC 11](#) at paras. 58, 90

⁴⁴ *Whatcott*, [2013 SCC 11](#), at paras. 92, 52-54

33. First, punitive damages are exceptional in nature, and should only be awarded in instances of “misconduct” that is so “malicious, oppressive and high-handed that it offends the court’s sense of decency”.⁴⁵ In those circumstances, punitive damages serve as a mechanism to express “outrage” at “egregious conduct of the defendant”⁴⁶;

34. Second, the Court has recognized that, at least in some circumstances, a chilling effect on expressive freedom can be “inferred from known facts and experience”.⁴⁷ *R v Vice Media* confirms that chilling effects may not lend themselves to scientific or empirical proof but are not insignificant or unimportant. Rather, “their consequences can be considerable,” and concerns over “potential chilling effects” therefore cannot be overlooked;⁴⁸ and

35. Third, chilling effects of punitive damages raise particular concerns for artistic expression which, as discussed above, “rests at the heart of freedom of expression values and any doubt in this regard must be resolved in favour of expressive freedom”.⁴⁹ This principle applies to expression “criticizing and creating humour at the expense of others” that is “derogatory to the extent of being repugnant”,⁵⁰ and it applies to the punitive damages in this case.

D. Conclusion

36. In conclusion, this appeal provides the Court with the opportunity to confirm its approach to interpreting human rights codes in light of the *Canadian Charter*, and to ensure that artistic expression, including parody and satire that may be considered offensive, is protected unless it rises to the level of hatred.

PART IV – SUBMISSIONS ON COSTS | PART V – ORDER

37. The CCLA does not seek costs and asks that costs not be awarded against it and takes no position on the outcome of this appeal.

⁴⁵ *Hill v. Church of Scientology of Toronto*, [\[1995\] 2 SCR 1130](#) at 1208, para. 196

⁴⁶ *Hill v. Church of Scientology of Toronto*, [\[1995\] 2 SCR 1130](#) at 1208, para. 196

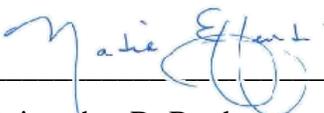
⁴⁷ *R. v. Khawaja*, [2012 SCC 69](#) at para. 79

⁴⁸ *R. v. Vice Media*, [2018 SCC 53](#) at paras. 27-28 [emphasis added]

⁴⁹ *Butler*, [\[1992\] 1 SCR 452](#) at 486

⁵⁰ *Whatcott*, [2013 SCC 11](#) at para. 90

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 22nd day of January 2020.

Per:  _____

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PART VI – STATUTES, LEGISLATION, RULES, ETC.

A. Case Law

No.	Authority	Paragraph Reference
1.	<i>Blencoe v. British Columbia (Human Rights Commission)</i> , 2000 SCC 44	9
2.	<i>Bou Malhab v. Diffusion Métromédia CMR inc.</i> , 2011 SCC 9	7, 17
3.	<i>Canada (Human Rights Commission) v. Taylor</i> , [1990] 3 S.C.R. 892	8, 24
4.	<i>Edmonton Journal v. Alberta (Attorney General)</i> , [1989] 2 S.C.R. 1326	7
5.	<i>Hill v. Church of Scientology of Toronto</i> , [1995] 2 SCR 1130	32
6.	<i>Hustler Magazine, Inc. v. Falwell</i> , 485 U.S. 46 (1988)	18, 19, 22
7.	<i>Irwin Toy Ltd. v. Quebec (Attorney General)</i> , [1989] 1 SCR 927	10, 13
8.	<i>Miron v. Trudel</i> , [1995] 2 SCR 418	8
9.	<i>Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Montréal (City); Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City)</i> , 2000 SCC 27	6, 8, 10
10.	<i>R. v. Butler</i> , [1992] 1 SCR 452	12, 32
11.	<i>R. v. Khawaja</i> , 2012 SCC 69	32
12.	<i>R. v. Sharpe</i> , 2001 SCC 2	12, 21
13.	<i>R. v. Vice Media</i> , 2018 SCC 53	32
14.	<i>Reference re Same Sex Marriage</i> , 2004 SCC 79	10
15.	<i>Saskatchewan (Human Rights Commission) v. Whatcott</i> , 2013 SCC 11	11, 24, 25, 26, 27, 28, 29, 30, 31, 32
16.	<i>Street v. New York</i> , 394 U.S. 576 (1969)	22
17.	<i>Vander Zalm v. Times Publishers</i> , 109 DLR (3d) 531, 1980 CanLII 389 (BC CA)	16
18.	<i>WIC Radio Ltd. v. Simpson</i> , 2008 SCC 40	15

B. Statutes, Regulations, Rules, etc.

No.	Statute, Regulation, Rule, etc.	Section, Rule, Etc.
1.	<p><i>Canadian Charter of Rights and Freedoms</i>, Part I of the Constitution Act, 1982, being Schedule B to the <i>Canada Act 1982 (UK)</i>, 1982, c. 11</p> <p><i>Charte canadienne des droits et libertés</i>, partie 1 de la Loi constitutionnelle de 1982, constituant l'annexe B de <i>La Loi de 1982 sur le Canada (R-U)</i>, 1982, c. 11</p>	s. 2(b)
2.	<p><i>Charter of human rights and freedoms</i>, CQLR, c C-12</p> <p><i>Charte des droits et libertés de la personne</i>, RLRQ c C-12</p>	Art. 3, 4, 9.1, and 10

C. Secondary Sources

No.	Secondary Source	Paragraph Reference
1.	Carlos Ball, "Gender-Stereotyping Theory, Freedom of Expression, and Identity" (2019) 28 William & Mary Bill of Rights J 2	7
2.	Laura Little, "Just a Joke: Defamatory Humor and Incongruity's Promise" (2011) 21 S. Cal. Interdisc. L.J. 95	19