Les motifs suivants ont été rendus par

LE JUGE L'HEUREUX-DUBÉ [illegible]

ment, j'estime tout aussi facile d'envisager des lorsque les conséquences sont négligeables. Enfin,

L'HEUREUX-DUBÉ J. (dissenting) — This appeal raises the question of whether a legislative distinction that limits eligibility for a spousal supplement under the *Old Age Security Act*, R.S.C., 1985, c. O-9, to "opposite sex" spouses is discriminatory within the meaning of s. 15 of the *Canadian Charter of Rights and Freedoms* and, if so, whether it is saved by s. 1 of the *Charter*. Although I agree with much of what is said by my colleagues Justices

would be a society in which nobody is made to feel

debased, devalued or denigrated as a result of legislative distinctions, such an ideal is clearly unrealistic. The guarantee against discrimination cannot possibly hold the state to a standard of conduct consistent with its most sensitive citizens. Clearly, a measure of objectivity must be incorporated into this determination. This being said, however, it would be ironic and, in large measure, self-defeat-

deny protections under s. 15 to groups that are otherwise deserving of it. In particular, where a distinction is relevant to the purpose of the legislation, then it is not discriminatory for the purposes of s. 15. In my view, such an approach takes fa-

more desirable to treat relevance as, in fact, a justification for distinctions that have a discriminatory impact on persons or groups, to be considered under s. 1 of the *Charter*. I shall elaborate upon this matter below.

too narrow a view of discrimination. Relevance can, by definition, only be evaluated as against the purpose of the impugned legislation. Conse-

arise naturally from its plain language. Given that