



Attacking Women's Equality: Federal Changes, Cuts and Program Elimination

by Alison Brewin

In 1981 Canada signed the UN Convention for the Elimination of Discrimination Against Women (CEDAW), the only International Treaty specifically addressing women's human rights. In 2003 the CEDAW Committee reported on the state of women's equality in Canada, citing 23 recommendations to address the very real ways in which Canada and its provincial governments were not meeting their obligations to the women of Canada.

In 2005 all three major political parties in Canada made a commitment to follow through on those 23 commitments. (www.fafia-afai.org for more information).

In 2006 the federal government of Canada made a series of decisions that not only undermine women's equality in Canada, they breach the government's obligations under CEDAW and the *Charter of Rights and Freedoms*. These decisions include:

1. The cancellation of the bi-lateral agreements between the provincial and federal governments to enhance and develop a national child care program;
2. Changed the mandate of the federal department of the Status of Women – **removing the word 'equality' from the mandate**. The department is no longer in existence to advance the equality rights of women, it can no longer support advocacy for women, or policy research and development;
3. Refusal to accept the Pay Equity Task Force recommendations and thereby setting pay equity back 30 years (women continue to earn 71 cents for every dollar a man earns); and,
4. The elimination of the Court Challenges Program – this program funded equality rights litigation to advance Constitutional jurisprudence and ensure Charter rights were accessible to the people of Canada.

This last cut is particularly devastating to the work of LEAF and West Coast LEAF. Here are some of the LEAF interventions that have been funded by the Court Challenges Program:

1. *DBS v. SRG*, [2006], S.C.C. 37 – Retroactive child support
2. *Barney v. Canada and the United Church of Canada*, 2005 S.C.J. No. 59 – Compensation for survivors of Aboriginal residential schools

3. *Miller v. Canada*, [2002] F.C.J. No. 1375 – Discrimination relating to access to maternity benefits under the UI Act.
4. *R. v. Shearing*, [2002] 3 S.C.R. 33 – Access to victim's personal records in sexual assault cases.
5. *Boston v. Boston*, [2001] S.C.R. 4 – Spousal support after retirement and pensions as property
6. *R. v. Ewanchuk*, [1999] 1 S.C.R. 330 – The definition of consent in sexual assault.
7. *L.C. v. Mills*, [1999] 3 S.C.R. 668 – Access to personal records of victims in sexual assault trials.
8. *R. v. R.D.S.*, [1997] 3 S.C.R. 484 – Judicial bias relating to race.
9. *R. v. Darrach*, [2002] 2 S.C.R. 443 – Constitutional challenge to the "rape shield" law.
10. *Goertz v. Gordon*, [1996], 2 S.C.R. 27 – Mobility rights of custodial mothers

"We are saddened by how short-sighted these cuts are, given that these programs, now deemed 'bad ideas' have in fact provided Canadians with some of our most important gains in equality and access to justice - achievements for which Canada has been recognized internationally," says West Coast LEAF vice-president Nitya Iyer. "Taking away economic support for these programs erodes the rights themselves."

Treasury Board President John Baird's comments that it doesn't make "sense for the government to subsidize lawyers to challenge the government's own law in court," represent a superficial understanding of the importance of constitutional rights. If the people whose rights are compromised cannot challenge the laws that affect them, they have no rights.

Minority and marginalized groups must have effective access to the courts and governments. This is a fundamental aspect of democratic governance and is a key aspect of Canada's internationally admired Constitution. The Court Challenges Program and the Status of Women Canada have played a vital role in ensuring that vulnerable members of our society have a meaningful opportunity to be heard by courts and government agencies. Cutting these two programs will compromise the ability of women to challenge legislation and to participate fully in the legislative process.

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Case Monitoring

by Bev Gallagher

West Coast LEAF monitors cases due to their potential impact on women's substantive equality rights. Monitoring is done through contact with legal counsel, or through direct contact with the women involved, and informs our program work.

What cases are we monitoring and why are they important to women's substantive equality rights? A couple of examples . . .

CIVIL LEGAL AID (ACCESS TO JUSTICE)

In 2005 the Canadian Bar Association (CBA) launched a civil legal aid test case in BC as a public interest complaint. In September the BC Supreme Court ruled that the CBA does not have "public interest standing" to challenge the constitutional right to access legal aid in civil matters such as family law. The CBA is appealing this decision.

This case is important to women's substantive equality rights because in family law, women's vulnerability to poverty and its inherent limitations on women's capacity to be full and active members of society increases without access to maintenance, child support, property division and other family law rights upon relationship breakdown.

MARINE GOLF CLUB VS. BUNTAIN ET AL. (SYSTEMIC DISCRIMINATION)

A number of women who are members of the Marine Golf Club in Vancouver filed a human rights complaint with the BC Human Rights Tribunal against the Club based on a Club policy that restricts women's access to a "men's only" lounge. The Club applied to the Tribunal to dismiss the complaint arguing that due to the "private" nature of the Club and the services at the lounge not being "customarily available to the public" as defined under s. 8 of the BC Human Rights Code, which defines discrimination in accommodation, service, and facility, the Code didn't apply.

The Tribunal ruled that the Code did apply giving the Tribunal jurisdiction to hear the substantive argument. The Club appealed this decision and the BC Supreme Court (BCSC) decided that the Tribunal did not have jurisdiction to hear the arguments. That decision was appealed and arguments were heard at the BC Court of Appeal in Vancouver on Friday, November 10, 2006. We are awaiting the court's decision.

This case is important to women's substantive equality because the underlying purpose of the Code which is to "foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia" must be defended. 🌱

WEST COAST LEAF BOARD & STAFF



West Coast LEAF Board and Staff returning home after their annual strategic planning retreat on Bowen Island earlier this fall.

WOMEN'S EQUALITY AND RELIGIOUS FREEDOM PROJECT

The Women's Equality and Religious Freedom Multi-faith Advisory Committee discussion paper will be available shortly. The Committee has been meeting to provide West Coast LEAF with a broader perspective on issues such as polygamy, the division between church and state, foreign polygamous marriages, same-sex marriage, and

Bountiful. The Committee has produced a report containing recommendations which West Coast LEAF will refer to when examining these issues before the courts. We hope to continue this dialogue to broaden the voices and experiences of women of faith.

20TH ANNUAL EQUALITY BREAKFAST

Keynote Speaker: Dr. Sarah Weddington
Counsel in the landmark case of *Roe v. Wade*

Don't Miss the Advance Ticket Price – On Sale Now!

\$55 each until January 31, 2007
and \$60 each from February 1st onwards

Date: March 16, 2007

Time: 7:00–9:00 AM

Location: Sheraton Wall Centre Hotel, Vancouver

For tickets, sponsorship opportunities, or silent auction donations, please contact info@westcoastleaf.org or 604-684-8772

Persons Day Events

by Chris Conroy

It was an early morning on Tuesday October 17 when more than 150 people gathered over breakfast at the Princess Mary restaurant in Victoria to hear Jody Paterson and Lauren Casey speak. The event was in celebration of Persons Day. Ms Paterson spoke about her work with PEERS (Prostitutes Empowerment Education Resource Society). Her speech was impassioned as she talked about the gaps in current sex trade legislation and recalled the experiences of sex-trade workers she'd worked with over the years. She then introduced Lauren Casey, spokesperson for the Canadian National Coalition of Experiential Women. Ms Casey both engaged the audience through her personal story as an escort and from the standpoint of prostitution in the political arena. Both women delivered such frank and informative speeches that for the first time, at a Persons Day event, the invigorated audience was invited to ask questions. People left saying that it was the best West Coast LEAF Persons Day event they'd ever attended.

West Coast LEAF Persons Day events were also held in other communities. Celebrations returned to Chilliwack as

DEAR WEST COAST LEAF DONORS:

Thank you so much for providing three tickets to the Persons Day Breakfast in Victoria. The women from the program at the Transition House really enjoyed the breakfast and the thought provoking speakers. One of the women said the speakers changed her attitude about prostitution. Another took a big step by asking a question from the floor. A third woman approached the speakers afterwards and offered to volunteer with PEERS.

Thank you for giving these women the opportunity to be part of this special event.

Joan Feyrer, Outreach worker

West Coast LEAF is always pleased to share the generosity of our donors with community members through donated event tickets.

Jean Scott organized an event with Fran Watters, a founding mother of West Coast LEAF. As well, West Coast LEAF's film, *Transforming Women's Future*, was shown and local community groups spoke on a variety of women's issues.

Langley, too held its third annual Persons Day event presented by Rebecca Darnell, of the law firm Darnell and Company. Melanie Mark, the 2006 recipient of the YWCA's Young Woman

of Distinction award, spoke about her life growing up as a First Nations girl in East Vancouver, and her work as an advocate for the youth of BC.

West Coast LEAF would like to thank our speakers, Jody Paterson, Lauren Casey, Fran Watters and Melanie Mark. We would also like to thank our event hosts, Jean Scott and Rebecca Darnell, and all the volunteers who worked to make these events a success. 🌱

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This erodes women's democratic rights and poses a serious threat to women's equality.

The promise of the Charter was to entrench "*values and principles essential to a free and democratic society which I believe embody, to name but a few, respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and*

political institutions which enhance the participation of individuals and groups in society." (Chief Justice Dickson in *R. v Oakes*)

These values can only be realized if violations of them can be enforced through the courts. In cutting the means by which groups with little or no economic power gain access to the courts, the government's commitment to those values is called into question.

For more information about these changes, please visit www.statusreports.ca and www.fafia-afai.org. 🌱

Investing in Women's Equality...

West Coast LEAF is grateful for the support that we receive from our donors and members. Your valued support provides crucial funding for our mission to advance women's equality through our work in the areas of law reform, public legal education and litigation.

Thank you for your commitment to advancing women's equality. Your investment in West Coast LEAF makes our work possible.

SUPPORTER SPOTLIGHT:



We would like to thank all of those involved in the Persons Day events which took place during the month of October. This year events were held in Chilliwack, Langley, and Victoria and were a great success. A special thank you to Darnell & Company for sponsoring the Langley Event.

SPECIAL THANKS:



OTHER SUPPORTERS:

Thank you to the Ethical Bean Coffee Company for their support in generously providing our office with coffee. We are pleased to partner with such a socially responsible company. Please visit www.ethicalbean.com.

UPCOMING EVENTS:

■ **Nanaimo:** Equality Event in January, 2007 – *Date and further details to be announced.*

■ **Just Announced! 2007 Equality Breakfast – March 16, 2007, 7:00 am Sheraton Wall Centre Hotel, Vancouver.**

West Coast LEAF is pleased to announce the 2007 Equality Breakfast with keynote speaker **Dr. Sarah Weddington, counsel in Roe v. Wade.**

Don't Miss the Advance Ticket Price – On Sale Now - \$55 each until January 31, 2007

Tickets Are 60 each from February 1st onwards. Please see order form for more details.

INFORMATION ON DONATING SECURITIES:

You can support West Coast LEAF with a gift of publicly traded securities by donating directly to one of our named funds held at the Vancity Community Foundation. With changes to capital gains regulations, this option provides great financial benefits. Consider making an investment in equality by contributing to the **BC Litigation Fund** or to the **Joy and Ken Williams Education Fund**. Please contact us for more information.

Thank You!

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Monthly Giving is the best way to support West Coast LEAF. It provides sustainable revenue, reduces administrative costs, and helps us to plan for the future.

CONTACT US!

We value your support and invite any questions or comments you may have. Please feel free to contact us at 604-684-8772 or toll free in BC at 1-866-737-7716.



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West Coast LEAF is a provincial organization committed to promoting women's equality before Canadian courts, government agencies and human rights commissions; and to providing public legal education on the issue of equality rights for women.

West Coast LEAF is supported by:

