

The National Association of Women and the Law (NAWL) and West Coast LEAF are pleased to jointly host this celebration the 20th anniversary of the equality requirements (section 15) of the Charter of Rights and Freedoms. This national conference will combine the strengths of community representatives, lawyers and scholars to develop legal and other strategies that ensure women's equality rights are grounded in the experience of women.



Women's Rights & Freedoms 20 Years (In) Equality

20TH ANNIVERSARY EQUALITY CONFERENCE

THURSDAY APRIL 28 – SUNDAY, MAY 1, 2005
HILTON VANCOUVER METROTOWN HOTEL
6083 MCKAY AVENUE BURNABY, BC

PROGRAM HIGHLIGHTS

THURSDAY, APRIL 28, 7:30 PM OPENING RECEPTION

"Honouring Women Judges in BC" a celebration of the achievement of women on Court of Appeal and Supreme Court benches around the province

FRIDAY, APRIL 29 PLENARY SESSION 1 HISTORY OF EQUALITY RIGHTS

Featuring: Sharon Donna McIvor, Lawyer & Activist
Mary Eberts, Lawyer and Founding Mother of LEAF, Andrée Côté, NAWL
Director of Legislation and Law Reform

SATURDAY, APRIL 30 PLENARY SESSION 2 – STILL AN EQUALITY DEFICIT

Featuring: Natasha Bakht, Lawyer & Dancer, Suzanne Laforest, Deaf Women's Activist,
Sacha Fink, Community Activist, Carolyn Ji Jong Goossen, Youth Activist

PLENARY SESSION 3 – WOMEN'S COURT

A feminist analysis of key decisions of the Supreme Court of Canada in cases involving women's equality issues

GALA DINNER WITH KEYNOTE SPEAKER: JUSTICE CORINNE SPARKS

Appointed to the Nova Scotia Family Court in 1987, Judge Corrine Sparks was the first Black woman to serve on the judiciary in Canada and the first Black Nova Scotian appointed to the bench.

SUNDAY, MAY 1; 9:00 AM - NOON NAWL & WEST COAST LEAF MEETINGS

Conference participants can
choose from 44 workshops
on April 29 and 30 by
presenters from across
the country.

To register, please visit
www.equalityconference.com

**EARLY BIRD RATE
ENDS MARCH 18TH!**

WEST COAST LEAF ASSOCIATION

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Monday to Friday

LEAFlet is the newsletter of the B.C. branch of the Women's Legal Education and Action Fund. *LEAFlet* is published quarterly. Please address all correspondence to *LEAFlet* editor. e-mail: programdirector@westcoastleaf.org
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Writing: Audrey Johnson & Niveria Oliveria
LEAF is a national 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:



Thank you!

Special thanks to those donors who give to West Coast LEAF every month. Your contributions increase the sustainability of our work.

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LEAF *let*

The newsletter of West Coast LEAF
VOLUME 18 NUMBER 2 FEBRUARY 2005



Friday March 4, 2005, Hyatt Regency Hotel, Vancouver with Keynote Speaker Roberta Jamieson, CEO, National Aboriginal Achievement Foundation

(see enclosed flyer for more information)

West Coast LEAF 18th Annual Equality Breakfast

Roberta Jamieson is often described in terms of the firsts she has accomplished, and it's no wonder because she has a string of them. She was the first Aboriginal woman in Canada to obtain a law degree; the first woman to be appointed Ombudsman for the province of Ontario, a position she held for ten years; the first non-parliamentarian appointed to the House of Commons, and the first woman elected Chief of her home reserve – the largest First Nations community in Canada, the Six Nations of the Grand River Territory in Ontario.

But the guest speaker at West Coast LEAF's 18th Annual Equality Breakfast on March 3rd has mixed views about such characterizations. "On one hand I accept the honour and responsibility that comes with being the first, but on the other hand, the question of why it took so long and the responsibility of the state in limiting access of aboriginal people to be full participants in Canadian society still lingers," says Jamieson.

Roberta Jamieson is a Mohawk woman, raised in a close-knit family of eight brothers and sisters. She entered McGill University intending to study medicine, but graduated from the University of Western Ontario Law School, where she was founder of the Native Law Students' society. Jamieson has gone on to receive numerous honours for her work in conflict resolution, and is considered a vocal advocate at the international level for the preservation and enhancement of human rights,



"The decisions we make today must be judged against the impact they will have on the seventh generation whose faces we can see coming toward us."

in particular, indigenous rights.

Never one to shy away from asking the tough questions, Jamieson has made it her life's work to be an advocate for future generations who do not yet have a voice. "One of our cultural teachings says that the decisions we make today must be judged against the impact they will have on the seventh generation whose faces we can see coming toward us," says Jamieson. "I'm proud that I've been able

to keep that teaching at the forefront of all that I've taken on, whether as a mediator or Ombudsman, or as a Chief and most recently as a champion for acknowledging the achievements of Aboriginal peoples (as CEO of the National Aboriginal Achievement Foundation). That's been an achievement."

Jamieson credits her extended family and a strong community for her success. "They have given me a strong sense of identity, values, grounding and a strong sense of responsibility to the community as a collective and to coming generations," she says.

Jamieson describes herself as determined and someone who appreciates the value of diversity in the broadest sense, from people who are consumers and survivors, to people with different abilities. "I'm someone who has a lot of respect for the wisdom and gifts that others have to offer and try to make space for them because I know what it's like not to have space."

At the Equality Breakfast, Jamieson will be talking about the role of Aboriginal peoples in Canada and the steps needed to enable women and youth to realize their potential. "Our youth especially have so much to offer, but we need to nurture them so they can take their place in society," she says.

National LEAF is supporting a case later this year involving Aboriginal women in residential schools. Jamieson will also talk about the issue from a practical community perspective, as well as at a policy and conceptual level. When asked what message she'd like the audience take away from her speech, she says coyly: "I don't want to pre-empt myself by giving too much away. I always try to give the audience something to take away with them, but they'll have to come and find out what that is."

WEST COAST LEAF TO DO MORE POLYGAMY RESEARCH

West Coast LEAF will partner with the National Organization of Immigrant and Visible Minority

Women to develop a submission to government on polygamy. The research will explore questions raised at our December 2004 consultation on women's equality and religious freedom. We will examine polygamy in the community of Bountiful and in other contexts. A report on both the consultation and any new research will be distributed in June 2005.

TRANSFORMING OUR FUTURE: LEGAL STRATEGIES WORKSHOPS

Join Alison Brewin, Program Director, in formulating legal strategies to address equality rights issues in workplace and immigration policies, violence against women, custody and access, and poverty. This practical workshop is designed to provide participants with concrete materials and approaches for developing realistic legal strategies.

SESSION 1: Surrey, March 16 and 17, 9:30 a.m.–5:30 p.m.

SESSION 2: Vancouver, May 18 and 19, 9:30 a.m.–5:30 p.m.

For more information contact education@westcoastleaf.org or 604-684-8772 ext.113

NO MEANS NO EXPANDS IN NELSON

Our youth anti-violence program, *No Means No* is rapidly expanding in Nelson.

At a recent meeting of District 8 school principals, there was unanimous agreement that the successful legal education program should be delivered throughout the district. Senior students in Nelson schools will receive training and support in forming a District 8 team of "No Means No" Peer Facilitators. These Grades 10–12 student facilitators will educate their younger peers on legal rights and responsibilities in the areas of consent and assault. Thanks to Dave Kerr, Principal of Crawford Bay K–12 for his support in introducing the program, and to Marsha Early, of The Advocacy Centre, a key contact in raising awareness of our program. This collaborative partnership will ensure that "No Means No" continues to be a transformative process for all of the participants in the community of Nelson.

SPEAKERS' BUREAU

The **Salt Spring Island** Chapter the Canadian Federation of University Women will host Audrey Johnson, Executive Director of West Coast LEAF, in a discussion of the accomplishments of West Coast and National LEAF.

Confederation Seniors Centre will host Lindsay Waddell, Vice President of West Coast LEAF, for a speech focusing on the equality rights of senior women at the Confederation Senior Centre, 4585 Albert Street, Burnaby on March 15th

The Speakers' Bureau is a fantastic opportunity to provide public legal education to diverse audiences. This 'legal seminar by request' allows West Coast LEAF to share its knowledge with communities interested in equality for women and girls. West Coast LEAF members are invited to join the Speaker's Bureau and help us reach diverse communities. For more information email education@westcoastleaf.org.

BOARD MEMBERS WANTED

West Coast LEAF is actively recruiting members to join its Board of Directors beginning June 2005. Board members work with dedicated staff and volunteers to oversee and advance the work of the organization. If you are committed to the values of West Coast LEAF and have skills and experience in public legal education, communications, fund development or various areas of law, please feel free to submit your name for consideration by March 31, 2005.

In addition to the West Coast LEAF Board, the BC branch of LEAF also nominates one member to the National LEAF Board of Directors. This position begins in April, 2005 and runs for a three year term with most work carried out via conference calls. For more information on either of these positions, please email info@westcoastleaf.org. Expressions of interest will be accepted until March 4, 2005.



UNIVERSITY WOMEN'S CLUB EVENT

Islam and Women's Issues

West Coast LEAF is pleased to support the University Women's Club and the United Nations Association in Canada, Vancouver Branch in their upcoming event to recognize International Women's Week.

"Islam and Women's Issues" will be the topic explored by a multi-national panel of women originally from Islamic countries who will discuss women's issues in the cultural context of their countries of origin.

Our challenge is to identify ways of working together to assure that women's human rights are recognized and respected. The topic is timely and challenging and the panelists bring personal knowledge and commitment.

Thursday, March 10, 2005 7:00 pm
Hycroft Manor

- **University Women's Club**
1489 McRae Avenue, Vancouver

To register please phone 604
731-4661 or email admin_uwc@telus.net

*Celebrate
with us!*

West Coast LEAF



ANNIVERSARY

1985 - 2005

20th Anniversary Supplement:

West Coast LEAF then & now

2005 marks the 20 years since LEAF and West Coast LEAF came into being. To commemorate this milestone, we will be printing some of the significant stories from early editions of LEAFlet. Information about cases in which we were involved, profiles of women who played a role in our herstory, snapshots on issues of the day will give perspective to all that we've accomplished and give pause to consider possibilities for the future.

For this issue, we spoke to Gwen Brodsky who was legal counsel for West Coast LEAF on a 1988 human rights complaint about sex discrimination.



Gwen Brodsky,
Lawyer & Director
of the Poverty &
Human Rights
Centre, Vancouver

I became involved in West Coast LEAF in 1985, and soon became LEAF's first Litigation Director in the national office in Toronto. My attraction to LEAF has always been the idea that through collective action women could push governments to make good on their legal commitments to equality for women. I held a strong conviction that women should not be excluded from the judicial process of defining our constitutional rights, that the *Charter* should not be the exclusive preserve of advantaged groups and the criminally accused.

The first case in which I acted as LEAF counsel was the pregnancy discrimination case of *Davies v. Century Oils* (Canada) (1988), 9 CHRR D/4659, 22 B.C.L.R. (2d) 358 (B.C.S.C.). The case was brought as a complaint under the *BC Human Rights Code*. Century Oils had made an offer of employment to Christine Davies, and withdrawn it when she told the employer she was pregnant. I was assigned to the case by West Coast LEAF, to defend the proposition that pregnancy discrimination is sex discrimination, in the BC Supreme Court. Justice Opal ruled in our favour.

Today, the claim that pregnancy discrimination is sex discrimination may

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WEST COAST
LEAF ASSOCIATION
NEWSLETTER

January 1988

Is Pregnancy Discrimination Sex Discrimination?

An Old Argument Revisited

Ms. Christine Davies brought a successful human rights complaint when she was not hired as a secretary-receptionist on account of her pregnancy. The employer has sought to overturn the decision in her favour, arguing, among other points, that pregnancy discrimination is not sex discrimination, and therefore is outside the reach of human rights legislation.

In early April, Gwen Brodsky appeared in the B.C. Supreme Court as co-counsel on behalf of Ms. Davies to argue that pregnancy discrimination is sex discrimination and therefore prohibited by provincial human rights legislation. The case was postponed to continue in mid-September. The arguments were heard and judgment was reserved.

This case illustrates just one of the

many ways that women are discriminated against in the workplace on the basis of pregnancy. Often such discrimination is based simply on women's ability to become pregnant. The broad principle of including pregnancy discrimination within the definition of sex discrimination is thus extremely important to all women. The leading authority on this issue is the ruling by the Supreme Court of Canada in *Bliss v Attorney General of Canada*. In that case the Court held that pregnancy discrimination does not constitute sex discrimination. This decision has been largely discredited by legal scholars and others, yet many lower court judges feel compelled to follow it when the issue comes before them. LEAF wishes to argue against the *Bliss* precedent at all court levels.

seem self-evident. However, at the time, this victory was precedent-setting. It contradicted the ruling in the notorious *Bliss* case. Soon after our victory in the BC Supreme Court, the *Davies* decision was referred to with approval by the Supreme Court of Canada in *Brooks v. Canada Safeway Ltd.*, [1989] 1 S.C.R. 1219, which formally overruled *Bliss*, and confirmed that pregnancy discrimination is sex discrimination.

Discrimination against women because of pregnancy and childcare responsibilities is a major barrier to women's equality in the workplace, and Christine Davies' case, supported by West Coast LEAF, was an important step in the struggle against the discrimination that women experience.

I remain committed to the ideas that

animated my involvement with LEAF in 1985, and cannot help but take notice of the fact that more than ever, women need the concerted pressure of effective, organized feminist advocacy. I believe that one of its most important pieces of ongoing work is on the issue of discrimination against single mothers in the welfare system. There is strong evidence that the harsh cuts to welfare and related social

services in BC have disproportionately negative impacts on single mothers. In many ways, West Coast LEAF's commitment to this issue is a logical and necessary continuation of the work it began in the *Davies* case, to achieve recognition of the social value of women's work as bearers and primary caretakers of children, and to ensure that women have income security throughout their lives.

The Poverty and Human Rights Centre, of which I am Co-Director with Shelagh Day, is committed to advancing human rights for the poorest women. We are very pleased about our collaboration with West Coast LEAF to develop a legal challenge to the discriminatory impact of welfare cuts on single mothers.