



## For Immediate Release

### ***LEAF Intervenes in Withler v. Canada at the Supreme Court of Canada***

**March 17, 2010** – The Women's Legal Education and Action Fund (LEAF) intervened today in the Supreme Court of Canada case of *Withler et al, v. Canada*.

“This appeal marks the first case heard by the Supreme Court of Canada in over two years in which the only basis for the challenge is a violation of equality rights under the *Charter*” says LEAF counsel Daphne Gilbert. Gilbert, a professor of law at the University of Ottawa, notes that “this case will have significant implications for our understanding of constitutional equality rights in Canada”. LEAF and the Attorney General of Ontario were the only interveners.

The class actions involve a federal government supplementary death benefit paid to spouses of deceased civil servants and armed forces members. The claimants allege that the legislation discriminates based on age because the death benefit payout decreases by 10 per cent each year for ten years once the participant lives beyond the age 60 or 65, at which point the participant's spouse is entitled only to a minimum paid – up benefit.

The parties and the lower Courts describe the challenge as one involving age discrimination. LEAF argued that the Supreme Court must consider the impact of the reduced benefit on elderly women. “In this case, the claimant widows are excluded from a benefit designed to cushion the death of a spouse” says Gilbert. She explains that “due to the effects of systemic labour market discrimination, their caregiving roles and the limited participation of women in the workforce historically, widowed elderly women are financially vulnerable and have a need for the benefit in question”.

Joanna Radbord, co-counsel for LEAF goes on to explain that: “The reduction provisions discriminate because the government has excluded a group comprised of predominantly elderly single women, from a scheme which is intended to offer transitional funding upon the death of a spouse. The exclusion exacerbates their already existing economic and social inequality.”

For more information please visit our website at: <http://www.leaf.ca>

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**LEAF is a national, non profit organization committed to confront all forms of discrimination through legal action, public education, and law.**