

BeLEAFs

LEAF Person's Day Event

It's an annual event! LEAF has been celebrating Person's Day with special events held across the country every October. Why does LEAF celebrate Person's Day? It's to commemorate the precedent-setting decision of England's Privy Council to allow women to sit in the Senate. The favourable decision overturned the Supreme Court of Canada's decision that barred women from government office because they were not considered "persons" under the law. LEAF uses that important ruling to remember an early victory for women's equality while continuing to work towards real equality for all women in Canada.

Here's a highlight of this year's events:

West Coast LEAF

Three British Columbia cities are celebrating Person's Day with events. Vancouver is offering its participants the choice of attending either Breakfast or Lunch sessions on October 16th at the Hotel Vancouver. Mary Woo-Sims, Chief Commissioner, B.C. Human Rights Commission, is the guest speaker. Breakfast is from 7:30 am to 9:00 am. Lunch starts at 12:30 pm and ends at 2:00 pm. Tickets are \$50.

Victoria kicks off its Breakfast on October 16th with featured guest, Trudi L. Brown, Q.C., Treasurer, Law Society at 7:30 am at the Princess Mary Restaurant. Tickets are \$25.

Chilliwack is embarking on its first Person's Day Breakfast this year. The event is taking place at the ABC Restaurant on Friday October 16th. Christine Boyle, Professor of Law at the University of British Columbia and distinguished contributor to LEAF's equality litigation, is the special guest. Doors open at 7:00 am. Tickets are \$20.

Ticket information: call West Coast LEAF (604) 684-8772.

Regina

The Saskatchewan Centre of the Arts is the setting for this year's Person's Day event on Friday October 16. Dr. Sheilah Martin, Professor of Law, is the guest speaker. Dr. Martin has been actively involved in women's legal issues for many years and is known for her dynamic and thought-provoking discussion topics. Her topic is "Equality into the Next Millennium". The Breakfast takes place from 7:15 am to 8:30 am. Tickets are \$25 or \$150 for corporate tables of six.

Ticket information: call (306) 585-7839; e-mail: vcroissant@cableregina.com.

Saskatoon

Saskatoon is hosting its annual event at the Top of the Inn, Sheraton Cavalier on Thursday October 15 with special guest,



Volume 1, Number 1
October 1998

renowned author and television producer, Maggie Siggins. This event is sponsored by the law office of Robertson Stromberg. Ms. Siggins will present a fascinating look at how masculine ideas about women's bodies have determined women's status in society. Her topic is entitled, "The Wandering Womb", based on the ancient Greek belief that women were incapable of rational thought because their wombs "wandered" in their bodies. Doors open at 7:00 am. Tickets are \$25, \$15 for low income or \$175 for a table of eight.

Ticket information: call (306) 933-8291 or (306) 931-1945

Edmonton

Distinguished human rights lawyer, Sheila Greckol is this year's guest speaker at the Edmonton Person's Day event. Ms. Greckol was principle counsel in the Delwin Vriend case, in which the Supreme Court of Canada ruled that Alberta's human rights laws must include sexual orientation as a prohibited ground of discrimination. The event takes place on Friday October 16 from 7:30 am to 9:30 am at the Sheraton Grande Edmonton Hotel. Only advance tickets are available for \$40 or \$15 for underemployed. Guests are encouraged to sponsor a woman who may not otherwise be able to attend.

Ticket information: call (403) 963-0928

Winnipeg

The Winnipeg Convention Centre is the setting for LEAF Manitoba's eighth annual Breakfast. Former Chief Commissioner of the Ontario Human Rights Commission and equality rights specialist, Catherine Frazee is the guest speaker at this year's event. The breakfast is on Friday October 16 from 7:30 am to 9:00 am. Tickets are \$25.

Tickets are available at McNally Robinson Book stores.

Sudbury

Sudbury is hosting its event on Friday, October 16 from 7:00 am - 8:30 am at the Caruso Club. This year's featured speaker is the Lieutenant Governor of Ontario, the Honourable Hilary Weston, the second woman in the history of the province to hold this vice-regal office. Mrs. Weston's mandate, as Lieutenant Governor, includes three main components: championing the causes of Ontario's youth; celebrating voluntarism in Ontario; and, finally, recognizing the achievements and contributions of women.

LEAF Foundation Chair, Beth Atcheson will also be in attendance. Tickets are \$25.

Ticket information: call (705) 688-1631

Owen Sound

Owen Sound is hosting its Person's Day event with an after-dinner affair at the Stone Tree Golf Club (Highway 6 & 10, south of Owen Sound) on October 15 from 7:00 pm to 8:30 pm. Guest speaker, Professor Terry Crowley, will present an historic view of Agnes McPhail, one of the Famous Five women who lobbied for women's right to sit in the Senate, in his topic, "Agnes McPhail: Criminal Justice". A University of Guelph History Professor, Mr. Crowley, is also the author of the biography of this Famous Five member: *Agnes McPhail and Politics of Equality*.

Ticket information: call (519) 376-8020 or (800) 263-5165

Toronto

Toronto's Person's Day Breakfast being held at the Metro Toronto Convention Centre, features three special guest speakers: radio and television host, Jane Hawtin, LEAF Foundation Board member and social activist, Nancyruth and community organizer and social activist, Kiké Roach. Popular social commentators

/performers, *The Raging Grannies*, will present the latest LEAF case update to attendees. Fashion maven, Linda Lundström is the Honourary Chair. Trisha Jackson will close the Breakfast.

The date is Friday, October 16, 1998 from 7:00 am to 9:00 am

A Volunteer Recognition Reception and the presentation of the LEAF Toronto/WIN Award was sponsored and hosted on Wednesday October 14 at the law offices of Fasken Campbell & Godfrey from 5:30 pm to 7:00 pm.

Tickets are \$50, \$30 for students and \$500 for a table of ten.

Ticket information: call (416) 494-1440 or email: base@ramp.ca

A Quick Update

NEW CASES

British Columbia Government and Service Employees' Union v. the Government of the Province of British Columbia as represented by the Public Service Employee Relations Commission

***(BCGEU v. PSERC
Tawney Meiorin Grievance)
Sex Discrimination***

LEAF, in coalition with the Canadian Labour Congress and the DisAbled Women's Network Canada, was granted leave to intervene in this B.C. case involving a woman firefighter who is alleging sex discrimination against the B.C. government after she was laid off from her job. Tawney Meiorin was hired as an Initial Attack Crew forest firefighter with the province of British Columbia in 1992. Throughout her two-year employment, Ms. Meiorin performed her job to the Ministry of

Forest's satisfaction; her direct supervisor considered her a capable and valued employee.

In 1994, Ms. Meiorin was advised of a new firefighters' fitness test requirement that involved a set of components that were different from those at the time she was hired. Ms. Meiorin passed all sections of the new test with the exception of the running component, which she missed by 49 seconds. Her failure to pass the running component of the fitness test led to her eventual lay off from work as an Initial Attack Crew member. Meiorin later filed a grievance concerning the layoff in which she stated that the testing standard was discriminatory because it had an adverse effect on women. Kate Hughes and Melina Buckley are counsel.

R. v. Ewanchuk Definition of Consent in Sexual Assault

LEAF, in coalition with the DisAbled Women's Network Canada, was recently granted leave to intervene at the Supreme Court of Canada in this Alberta sexual assault case. Thirty year-old Steve Brian Ewanchuk is charged with sexually assaulting a 17 year-old woman during a job interview in his trailer. The woman ("R") testified that she became frightened when the older man began to touch her. She tried to remain calm out of fear of antagonizing him and repeatedly said "No" in response to his sexual assaults.

Ewanchuk was acquitted on the basis that because the woman did not scream, struggle or threaten to call police, there was "implied consent". The Alberta Court of Appeal upheld the acquittal stating that Ewanchuk's actions were "more hormonal than criminal". LEAF is intervening in this case to address the definition of consent in sexual assault cases. The hearing is scheduled for October 14. Diane Oleskiw and Ritu Khullar are counsel.



***L.C. v. Mills --
Constitutional Challenge of Bill C-46
(an Act to amend the Criminal Code
disallowing production of records in
sexual offence proceedings.)***

Bill C-46 was proclaimed in force and became part of the Criminal Code of Canada on May 12, 1997. The bill outlines a two-step process which an accused must follow in order to gain access to a victim's confidential records in sexual offence cases. The law explicitly recognizes a complainant's constitutional equality rights in such proceedings. Brian Joseph Mills is charged with sexual assault and sexual touching of a 13 year-old child (L.C.) Before the trial, Mills brought three motions before the Alberta Court of Queen's Bench seeking production of various medical records relating to L.C. The first two motions, carried out before the passage of Bill C-46, were successful. The third motion was brought after Bill C-46 was declared law and rather than comply with the new law, Mills challenged its constitutionality.

As part of its long-standing work on the issue of disclosure of records, LEAF sought and received leave to intervene in this case before the Supreme Court of Canada to redress the discriminatory impact that disclosure of confidential records has on women in the justice system. The hearing of this case is scheduled for January 1999. Counsel are Anne Derrick and Peggy Kobly.

***Godin v. the Minister of Health
and Community Services (N.B.) --
Civil Legal Aid for State Guardianship
Applications***

New Brunswick's legal system does not provide legal aid funding for temporary state guardianship cases. Godin, an economically disadvantaged woman, lost custody of her small children to the Ministry of Health and Community Services after participating in a

hearing without the benefit of proper legal representation. Her application for legal aid counsel was denied. Leave to intervene was granted in March 1998.

LEAF, in coalition with the National Association of Women and the Law (NAWL) and the Disabled Women's Network Canada (DAWN Canada), are arguing that the refusal to provide legal aid to parents opposing state guardianship applications, adversely affects women. The appeal is scheduled for November 9, 1998. Counsel are Carole Curtis and Anne Dugas-Horsman.

COURT DECISION PENDING...

***M v. H -- Spousal Support for
Same-sex Couples***

This spousal support case for a same-sex couple has emerged to present the Supreme Court of Canada with a unique question on spousal support: "Can one member of a same-sex couple sue for spousal support after the termination of their relationship?" In this case, after a 10-year relationship ended, "M" attempted to sue "H" for spousal support using provisions of the Family Law Act. The Supreme Court heard this appeal on March 18, 1998. It has not issued its decision. Carol Allen was counsel.

***Ferrel v. Attorney-General (Ont.)
Repeal of
Employment Equity Act***

The Ontario Court of Appeal has not made a decision about whether the government's 1995 removal of the Employment Equity Act (EEA) is constitutional. LEAF and the Disabled Women's Network Canada intervened in this case in April 1998 in support of Ferrel to demonstrate that the repeal of EEA perpetuates systemic discrimination contrary to section 15 of the Charter. Jennifer Scott and Carissima Mathen were counsel.