

LEAF



LINE

Recognition Edition

LEAF Front and Centre at 20th Anniversary of Charter

April 17th, 2002 marked the 20th anniversary of the proclamation of *The Charter of Rights and Freedoms*. Media reports and anniversary celebrations featured LEAF prominently, highlighting the important role LEAF has played in the development of *Charter* litigation.

Here is just some of the recognition that LEAF garnered:

The Globe and Mail Newspaper

An in-depth *Globe and Mail* series on *The Charter* lauded the role of intervenors in bringing sections of the charter to life and highlighted LEAF's efforts as follows: "When it comes to succeeding or failing in a

Charter challenge, the quality of lawyering and the facts of a particular test case can be instrumental. As a result, the existence of "intervener" groups such as the Women's Legal Education and Action Fund can be crucial in putting compelling arguments before judges. LEAF has, for instance strongly influenced the use of third-party records in sexual-assault cases by showing the implications for women's rights to privacy and security."

Ottawa Conference

On April 17-April 20, hundreds gathered to remember, discuss and celebrate the passage of *The Charter*

at a conference including Ministers, Supreme Court Judges and renowned academics and lawyers. LEAF participated on a panel entitled "Putting Theory Into Practice" and outlined its rich history with *Charter* challenges.

CPAC TV

LEAF was also profiled in a special CPAC documentary commemorating the 20th anniversary of *The Charter*. Ellen Mary Mills, Executive Director, spoke of the necessity of LEAF's ongoing "watch dog" role, while Sondra Gibbons, Director of Litigation, elaborated on key *Charter* challenge cases.

Senator Mobina Jaffer Highlight of LEAF's Equality Day Celebration



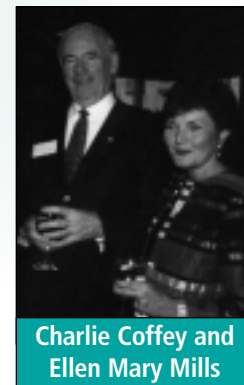
Senator Mobina Jaffer

For the second year in a row, LEAF accepted the generosity of the RBC Financial Group and hosted along with RBC's

Charlie Coffey, Executive Vice-President, a reception and dinner in the Royal Bank's Executive Suites. Senator Mobina Jaffer Q.C. was the guest speaker. By recounting her personal arrival in Canada, she reminded us all of how fortunate we are to live in Canada, but at the same time she reminded us of the importance of the work of LEAF in protecting the rights of women and minorities.

Ellen Mary Mills, LEAF Executive Director, in her remarks from LEAF touched on why LEAF is still important and needs the continued support of volunteers and donors. She said, "Not every woman goes to court to protect her rights but **every woman** benefits from a good court decision. That's what LEAF is all about; educating and informing the courts. Today, new challenges arise but many old issues reappear, such as the current case LEAF is involved in regarding the entitlement to employment insurance benefits of part-time female workers. LEAF needs to stand on guard against the erosion of past victories, as well as take up the charge on new issues such as tenants rights."

The evening was a great success. Donations from a sold out crowd of sixty, plus the proceeds from the auction of the flag that flew over Parliament Hill on April 15th, 1985 when Section 15 was amended, and two lovely works of art, resulted in a substantial contribution to LEAF. The Fundraising Committee of LEAF headed by JoAnne McLean and Event Chair Sherry Fotheringham and many other volunteers have LEAF's thanks for a successful event.



Charlie Coffey and Ellen Mary Mills



LEAF Chair
Colleen Cattell



Executive Director
Ellen Mary Mills



Director of Litigation
Sondra Gibbons

LEAF is in bloom!

Not only is spring in the air but also filling the halls of the LEAF office and the hearts and lungs of our hardworking staff and volunteers. The result is a tremendous renewed energy being poured into LEAF work. And a lot of work there is. Some of the highlights of which are described in this issue of LEAFLines.

This has also been a year of renewal and rebirth for LEAF as we welcomed our fundraisers from the LEAF Foundation back into the LEAF fold and restructured our board and staff as a result.

We are very pleased to welcome Ellen Mary Mills as our new Executive Director and Sondra Gibbons as our new Director of Litigation .

We took this opportunity to reflect on where we are after 17 years of achievement in the courts and have concluded that LEAF's work is as vital as ever. We continue the fight to preserve the hard fought gains we've made for women and girls in Canada. Much of our work continues to focus on violence against women; but, you will see from the current roster of cases and projects that economic benefits and rights; such as, unemployment insurance are an increasing focus of our efforts.

Together with the law reform and "No Means No" education work being undertaken by LEAF branches across the country, and thanks to our donors and dedicated volunteers, LEAF is in full gear.

Join us!

Colleen Cattell

Building Your Rights, One Case at a Time

An Interview with Director of Litigation, Sondra Gibbons:

LL: How many cases is your team working on right now?

DL: Our legal team is currently working on a wide variety of cases. 5 cases are before the courts. There are also about 2 cases and 5 projects that are still at the research and development stage.

LL: What does it mean when LEAF gains "Intervener Status" on a case?

DL: When a case involves legal issues that impact the equality rights of women in Canada, LEAF seeks to intervene and make legal arguments on behalf of all women so that their rights are protected and perhaps even expanded. "Intervener Status" is a legal term which means a court has granted LEAF the right to participate in the proceedings and provide comment on the legal issues being considered. It is very exciting, and very important work.

LL: How much does it cost for LEAF to intervene in a case?

DL: The cost of intervening varies from case to case. A number of factors influence our costs. For example, the venue or level of court, at which the case is being heard, has a big effect. The cost for a hearing at the Supreme Court will be much higher than the costs of a hearing before a Human Rights Tribunal.

Our litigation costs are reduced because the lawyers who act for us always donate either all or part of their time. This is what is referred to as "pro bono" work, and it represents a huge contribution by the lawyers involved. It is also a measure of their commitment to advancing women's equality rights. Still, the cost of going to court is, as you can imagine, very high. Our most recent Supreme Court of Canada intervention, including

legal fees and disbursement costs such as photocopying, was about \$117,000.

LL: How does your team work with the lawyers that provide their legal expertise on a pro bono basis?

DL: LEAF receives applications from lawyers in the community at large who wish to act as counsel for LEAF. We look at the applications and lawyers are selected to work on a given case. Once the lawyers are chosen and retained by LEAF, they work with a subcommittee made up of the National Legal Committee, volunteers and LEAF legal staff. Together they develop the legal theory and argument in the case, draft submissions, and prepare documentation for the court. Finally, the lawyers will go to court to argue the case.

Legal Update

Cases Before The Courts:

Lesiuk: Ensuring Employment Insurance for Women who work part-time.

LEAF was granted intervener status in *The Attorney General of Canada v. Kelly Lesiuk* in January 2002. This case looks at changes to the Employment Insurance Act of 1996, which changed the minimum number of hours required to qualify for UI benefits. This significantly affected entitlement to benefits, including maternity benefits for part-time female workers. LEAF is now arguing that this discriminates against women who comprise 70% of part-time workers.

Falkiner: Protecting women's right to social assistance

The *Falkiner* case focuses on the definitions of "spouse" and "single parent" in the latest amendments to Ontario's social assistance law. Under this law, a woman may not qualify for assistance if she is living with a man. LEAF is arguing that by depriving women of their right to establish relationships without risking their means of support for themselves is discriminatory and contrary to Section 15 of the Charter of Rights.

Awaiting the Supreme Court's Decision:

Shearing: Preventing the use of a Diary in Sexual Assault Trials

This case deals with the multiple sexual assaults of several young girls. In this case, the defense counsel wished to cross-examine one of the girls on a personal diary she kept. LEAF believes that this appeal is critical to the rights of complainants to equality, privacy and security of the person. This case was argued in front of the Supreme Court of Canada in October 2001.

Seeking Intervener Status:

Rogers: Preventing Further Senseless Deaths

LEAF anticipates applying to intervene in the case of Kimberley Rogers, the 40-year-old Sudbury, Ontario woman who was eight months pregnant and confined to her residence following a conviction for welfare fraud, when she was found dead in her Sudbury apartment on August 9th, 2001. An inquest has been called and a jury will hear evidence about the circumstances surrounding her death.

Decision Just Announced:

Kane:

April 30th 2002 the Alberta Human Rights Panel announced its decision regarding the complaint that the "Alberta Report"

magazine published an article that contained anti-semitic content. The panel followed an earlier decision by the Alberta Court and LEAF's arguments that a section of Alberta's human rights legislation does not provide an "unqualified and categorical" defence for expression of opinion.

Winding Up:

LEAF is currently finalizing its report from the consultation held in November 2001 on the self-defence provisions of the Canadian Criminal Code.

Just Beginning:

LEAF has just received funding from the Court Challenges program for a research project on the implications of three sexual assault cases from British Columbia currently before the Supreme Court. Our final report will include an analysis of the Supreme Court's decision in these cases. Work on this project has already begun and we anticipate the case to be heard in the Fall.

On another front, LEAF held a Civil Legal Aid Conference on May 13, 2002, which explored, among other issues, the government's duty and obligation to provide adequate funding levels for civil legal aid. Attendees came from across the country. The discussions and papers presented will form the background for a report on this timely and important issue.

"No Means No"

A Grassroots Movement Ignites

It was just another Person's Day Breakfast when the room went quiet. The discussion had turned to the far-reaching affects of The Supreme Court of Canada decision in *The Queen v. Ewanchuk* ... the decision that made the law of sexual assault crystal clear ... that "no" means "try it again and you are committing a criminal offence." "That day we knew we needed a program to educate youth as to the power of the word 'no,'" remembered Nancy Radclyffe, LEAF National Office.

Alice Balter, co-facilitator of the West Coast LEAF "No Means No" can't agree more. "Every student, in every class in which I've been involved, has witnessed violence in their school. Dealing with the 'whys' of date rape, for instance, is the first step toward stopping sexual assault."

Balter added, "It is satisfying to volunteer with an organization that is committed to public outreach because education is key to changing attitudes, creating a better understanding of sexual assault, and the issues of consent and power."

While 'No Means No' workshops have trained hundreds of facilitators and students in Toronto, Ottawa and Vancouver, Radclyffe's goal is to see the program move across the country.

"If we can teach youth that no means no, then we can reduce the incidence of date rape," stated Radclyffe, "it's that simple, and that effective."

For more information contact:

LEAF Toronto/National at
416-595-7170

Kelly D'Aoust (West Coast):
604-684-8772

LEAF From Sea to Sea

Persons Day Breakfasts and the other events continue to play an important role in the visibility and success of LEAF on a national basis. This past year was no exception. Let's see where our branches are taking us!

FROM WEST TO EAST...



Sudbury Person's Day Breakfast Committee

WEST COAST LEAF

- In April 2002, The Law and Government Liaison Committee was thrilled to learn that their recommendations to the federal government's Parliamentary Committee on Immigration Regulations were included in the report to the Minister.
- On the Education front, West Coast LEAF published its latest booklet "Queer as Family." Responding to new federal laws (mostly) guaranteeing equality for gay, lesbian, bisexual and transgender people, authors Barb Findlay and Sadie Keuhn have concisely articulated the legal rights and responsibilities associated with these communities.
- The **Vancouver** Equality Breakfast saw over 450 guests attend.
- The positive energy was obviously spreading, as not too far away in **Victoria** over 190 attendees were on hand to hear of the inspirational work of Cherry Kingsley and her passion in protecting children's rights.

CALLING ALL CALGARIANS...

- **LEAF CALGARY** needs your help! Lend your support for the **NEW** upcoming Person's Day Breakfast on **October 18, 2002**. Drop a line or make the call to Nicole Digby at 403-238 8842 sndigby@shaw.ca.
- **LEAF EDMONTON'S** Persons Day Breakfast drew over 220 people to hear University of Alberta's Isabel Altamirano deliver a powerful speech comparing the unique position of aboriginal women from both a Mexican and Canadian perspective
- 168 **REGINA LEAF** supporters were "wowed" by the energy and persuasion of Marilou McPhedran whose engaging speech delivered LEAF case updates and a discussion of global equality/human rights.
- **LEAF MANITOBA/WINNIPEG** Approximately 700 people attended their Persons Day Breakfast to hear Senator Landon Pearson, Advisor on Children's Rights for the Minister of Foreign Affairs.
- **LEAF KINGSTON'S** celebration of International Women's Day gathered students, faculty and supporters to hear Sondra Gibbons, LEAF's Director of Litigation, update them on LEAF's recent cases and future directions.
- **LEAF OWEN SOUND** was delighted to have a legal update by Sondra Gibbons and learn of the public outreach programs undertaken by LEAF.
- **LEAF OTTAWA (NEW!)** This exciting new branch is a

student-led effort out of the University of Ottawa's Faculty of Common Law and are already organized into four committees: Membership & Student Affairs, Legal Education, NLC Liaison, and Fundraising. They are actively recruiting volunteers so CALL! Lori Harreman (lharreman@hotmail.com or 613-730-2348)



No Means No workshop in Toronto

- In **SUDBURY** Over 600 congregated for the 12th annual LEAF Person's Day Breakfast to raise close to \$20,000, with a portion of the proceeds being used to furnish the City of Greater Sudbury Library System with materials dealing with women's issues and the rest going to LEAF. All were there to hear Madame Justice Claire L'Heureux-Dube of the Supreme Court of Canada speak about women's equality and legal issues.



Mme Justice L'Heureux-Dube at the Sudbury Breakfast with Founding Mother, Marilou McPhedran

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- The **KITCHENER-WATERLOO ZONTA CLUB** revived the local Persons Day Breakfast tradition this year with an event in the City Hall Rotunda. The enthusiastic sold-out crowd of 200 enjoyed a presentation and discussion period by LEAF Founding Mother and past Chair, Marilou McPhedran on October 24th.



Sudbury Person's Day Breakfast

- **TORONTO LEAF** Person's Day Breakfast drew close to 900 people and raised \$70,000. Nancy Ruth, a founding

mother of LEAF, gave a barn-burning speech on the history of LEAF. Keynote speaker, Naomi Klein, gave a wide-ranging speech on many issues, including the effects of globalization on women. The positive feedback was infectious and the largest local paper, *The Toronto Star*, ran a story on the event.

- **LEAF in New Brunswick with the communities of Bouctouche, Rexton, Richibucto and St. Louis de Kent** - based businesses, as well as Bonar Law memorial School students, committed their time, energy and vision to make the annual breakfast a success. Their guest speaker was Native Right's Lawyer Millie Augustine, and attendees included the National President of the CFUW – Roberta Brooks, in

town on a whirlwind trip of local clubs in the Atlantic Region.

- For **LEAF HALIFAX** an intimate venue was the order of the day, at a get-together with over two-dozen Maritimers for a thought-provoking discussion on LEAF cases.

Share your energy!

LEAF CHARLOTTETOWN is seeking volunteers. Interested parties should contact Mary E. Nicholson at (902) 892-7441 – phone; (902) 368-7068 – fax or mnicholson.hsfpei@itas.net

LEAF Values Donors

His and Her Profile

The story was too disturbing to ignore. Bill Van Iterson had heard about the criminal case of Bishop O'Connor, charged with the rape and indecent assault of four Aboriginal women.

At issue was the privacy of medical and therapists' records related to the women's allegations and their competency as complainants. Bill felt the case would have significant impact on human rights in Canada and wanted to help in some way.

He already knew of LEAF through mailings that his wife Susan received and realized that LEAF - as an intervener in the case - would play an important role in

preserving the victim's right to privacy. So Bill decided to support LEAF with a monetary donation.

The *O'Connor* case concluded over six years ago but the motivation that spurred the Van Iterson's first donation to LEAF has remained constant. Today, Bill and Susan continue to support LEAF - both individually and as a couple - for the positive impact not just on women's rights but all human rights.

And the outcome of the *O'Connor* case?

In a unanimous decision, the Court ruled that the evidence sought by O'Connor was not relevant either to the proceeding or to the competency of the women to give evidence - a



Bill and Susan Van Iterson

landmark social justice victory in which LEAF was proud to have played a role.

Making a Difference - Every Month



Leslie Belloc Pinder on a different way to donate

Busy Mother, Active Lawyer and long-time Volunteer for LEAF, Saskatoon-based Leslie Belloc Pinder, took a few minutes to tell us why and how she gives to LEAF.

Who hasn't had this happen before? It's the end of the year and you need a little bit of tax relief. But you forgot to give. Sound familiar? It happened to Leslie Belloc Pinder so she decided to try Pre-Authorized Chequing (PAC).

"LEAF is such a worthy cause. I've given of my time over the years but I also want to support them financially. I've gained so much as a volunteer with LEAF I want to make sure I give back," said Belloc Pinder. "The problem was that I'd sometimes forget to write the cheque!"

"I needed a hassle-free way to donate and the PAC-method was perfect for me," she noted. Chuckling, Belloc Pinder continued, "Its such an easy way to make a

difference... just the cost of three lattes a month! Also, you barely feel it when you're donating a little bit every month as opposed to writing one large cheque at the end of the year. I can also adjust the size of my monthly donation if I want to."

"I know it helps LEAF plan for their long-term needs, by adding some control to the ups and downs of the funding cycle". But practically speaking, the best part is that I don't have to think about it!"

To speak to a representative at LEAF about the Pre-Authorized Chequing please contact your local LEAF branch, or call 1-888-824-LEAF.

Thanks to Maytree Foundation!

LEAF is delighted to announce the appointment of their first articling student, Prathima Prashad, whose time with LEAF has been generously funded by the Maytree Foundation. Prathima will spend the majority of her year at LEAF, in addition to some time at the Equity Initiatives Department of the Law Society of Upper Canada. Prathima graduated from York University then completed her law degree in Michigan, U.S. at the Thomas Cooley School of Law.

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