



Be-LEAF in Equality! ... News from the frontline ...

The Bi-monthly Email Update of the Women's Legal Education and Action Fund April 2006

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Legal Update

LEAF Law Book to be Available in May, 2006

LEAF's latest book, entitled *Making Equality Rights Real: Securing Substantive Equality under the Charter*, is expected to be available the second week of May, 2006. This collection of articles by leading Canadian equality rights academics and practitioners, all contributors to LEAF's *Law* project, is edited by LEAF National Legal Committee members, Fay Faraday, Margaret Denike and Kate Stephenson. The book critically reviews the state of equality rights law in Canada since the Supreme Court's decision in *Nancy Law v. Canada*, and examines potential future litigation strategies and analyses to support the advancement of women's equality rights. The book also includes a preface by former Supreme Court of Canada Justice, the Honourable Claire L'Heureux-Dubé. Order forms and more information about the book are available on LEAF's website at: www.leaf.ca.

Publication of Bill 29 LEAF SCC Factum in the CJWL

LEAF's Supreme Court of Canada factum from the *Health Services and Support-Facilities Subsector Bargaining Assn. v. British Columbia (Bill 29)* intervention is being published in the next edition of the *Canadian Journal of Women and the Law* (CJWL). As reported in the October and December email updates, this case relates to equality provisions of existing collective agreements of the female dominated health care sector and whether or not the B.C. government's action to void those provisions violates section 15 of the *Charter*. LEAF argues that it does.

LEAF was denied leave to intervene in Bill 29 by the Supreme Court of Canada, so we are pleased to contribute to the broader human rights dialogue by publishing the factum in the CJWL. The factum will be accompanied by an article by Fiona Sampson, LEAF Director of Litigation, and Melina Buckley, lead counsel on the Bill 29 intervention. The article will include an outline of LEAF's intervention process, the effect of the new Supreme Court Rules on our process and specifically their relevance with respect to the Bill 29 intervention, the significance of the Bill 29 appeal, and a summary of the arguments developed by LEAF in the factum.

LEAF Bill 29 and DBS Facta Available On- line

The LEAF SCC facta from the Bill 29 intervention (see description above), and the *DBS v. SRG* intervention (re: retroactive child support) are now available on LEAF's website (go to www.leaf.ca, click on 'legal work', and then click on 'facta'). Many thanks to the members of the LEAF Bill 29 sub-committee, including counsel Melina Buckley and co-counsel, Kim Bernhardt; and to the members of the *DBS* subcommittee, including counsel Claire Klassen and co-counsel Joanna Radbord, and the members of the National Legal Committee, for their invaluable contributions to the development of these facta.

Arbitration Act Paper Available On-line

LEAF's work on its *Arbitration Act* paper is now complete and that the paper is available on LEAF's website (www.leaf.ca, click on 'legal work', then click on 'papers'). The paper is a descriptive, informational piece explaining the status of religious arbitration in the family law context in all of the provincial and territorial jurisdictions across Canada. A brief background of the history of arbitration in Canada is also provided in the paper.

The paper was developed as part of LEAF's advocacy work initiated in response to the feminist concern that religious principles could be used in family law arbitrations in Ontario, thereby undermining the gains made in family law jurisprudence over the years. LEAF's position was that the *Arbitration Act* must be amended to provide that in arbitrations concerning family law issues, Ontario family law must be applied.

On February 23rd 2006, the government of Ontario acquiesced and introduced the *Family Statute Law Amendment Act*.⁽¹⁾ The new amendments provide that only family law arbitrations conducted exclusively in accordance with the law of Ontario or another Canadian jurisdiction will have the force of law.⁽²⁾ Other third-party decision-making processes in family law matters will have no legal effect. More information about the specifics of the law in Ontario and the rest of Canada are available in the new paper.

Many thanks to Polly Dondy-Kaplan, a 3rd year law student at the University of Toronto and former LEAF summer student (c/o Pro Bono Students Canada), and Natasha Bakht, Professor of Law at the University of Ottawa and member of LEAF's NLC, for their work on the paper.

(1) *Family Statute Law Amendment Act*, S.O. 2006, c.1 [*Family Law Amendments*].

(2) Section 2.2 *Arbitration Act, Family Law Amendments*.

LEAF's Equality Day Dinner

LEAF's sixth annual Equality Day Dinner hosted by Charlie Coffey, Executive Vice President of RBC Financial Group, was another tremendous success, raising \$10,650 for LEAF's legal work. The intimate event was attended by 52 supporters who enjoyed a gourmet meal, received greetings from LEAF and heard a dynamic speech by pollster, Donna Dasko, Senior Vice President of Environics Research Group. Ms Dasko spoke about how Canadians feel about the *Charter*, equality and social issues such as same sex marriage, women in the workforce, women in the home, education, public office, etc; she gave comparative information on the United States and interesting insights about what she perceives to be a positive climate in Canada for increased social activism.

Thanks to Charlie Coffey and RBC Financial Group for its continued support, to Donna Dasko for being our guest speaker and to those who attended the Equality Day Dinner in support of LEAF.

Ms Dasko's speech is available on the LEAF website at www.leaf.ca under "News & Events".

Bell Canada Gift to LEAF

LEAF was pleased to receive a \$20,000 donation from Bell Canada Enterprises. The cheque was presented at LEAF Equality Day Dinner on April 19th by Mary O'Hara, Vice President of People Development at BCE Corporate Services to Executive Director, Audrey M. Johnson. Bell Canada has been contributed to LEAF for several years. We extend our sincere thanks to for its continued support.

Branch Update

West Coast LEAF

- *Equality Breakfast*– West Coast LEAF held another successful Equality Breakfast in celebration of International Women's Day. Senator Mobina Jaffer spoke to an audience of over 525 West Coast LEAF supporters about her work in the Sudan and the importance of LEAF to the international women's community. Sponsored by VanCity Credit Union, the event was well attended, despite the unseasonable Vancouver snow.
- *Watson Spratt* – As a part of a coalition of pro-choice organizations and women's clinics, West Coast LEAF is coordinating the intervention in this important case before the BC Court of Appeal. At issue is BC's 'bubble-zone' legislation and the limits on protesting around abortion clinics and freedom of expression rights.
- *Women's Equality and Religious Freedom* – We continue our work examining the complexities that emerge when gender equality and religious freedom intersect.

A multi-faith advisory group, made up of women of faith, has been coming together to discuss a broad range of issues to help West Coast LEAF navigate its role in articulating substantive equality principles in coming human rights and other litigation that will be asking questions about polygamy, immigration and family law.

- *Law Reform and the Anti-trafficking Coalition* – West Coast LEAF is in a broad coalition of NGOs that is working with government and other officials to look at the enforcement of anti-trafficking laws.
- *The Family Law Project* – The second phase of a Court Watch Program is near completion. West Coast LEAF has been working with law students to track the impact of family law legal aid cuts on women in the court rooms of Victoria and Vancouver. A report will be available in June.
- *No Means No* – High school students from Sir Charles Tupper Senior Secondary completed the youth outreach and anti-violence training program in February and continue to provide workshops on *R. v. Ewanchuk* to elementary school students in Vancouver East.
- *Transforming Our Future* – West Coast LEAF is partnering with the BC/Yukon Society of Transition Houses to provide the Transforming Our Future workshops at the annual BCYSTH conference in June. This two-day program assists community organizations in identifying systemic discrimination and uses participatory education to take a critical look at legal strategies for addressing that discrimination.
- *Staff Transitions* – Program Director Kelly Roulette is off on Maternity Leave as of April 1st. We are pleased to have Michelle Hopkins join us as Interim Program Director for the coming year.

In Memoriam

LEAF Manitoba member, Daria Kiperchuk

LEAF remembers long time supporter and friend, Daria Kiperchuk, who was taken by cancer on March 8, 2006. Daria started her association with LEAF in Toronto in 1985 and “began to voice her concern about ensuring the protection of women’s rights in the *Canadian Charter of Rights and Freedoms*. For the next 15 years, her association with LEAF became a major passion in her life,” (Globe & Mail, March 11, 2006). In 1989 her family moved to Winnipeg where she continued her support of LEAF as a key organizer of the Person’s Day Breakfast with LEAF Manitoba.

In addition to her contributions to LEAF, Daria led a dynamic life as an “actress, comedian, model, researcher, radio producer, executive producer, activist, feminist and mother of three” (Globe & Mail, March 11, 2006).

We extend our condolences her family and thank husband, Micheal Kiperchuk, for designating gifts in Daria’s memory to LEAF. Her support over the years was a tremendous asset to the organization and to the cause of women’s equality. Daria’s dedication, humour and graciousness will be missed.

LEAF also remembers the following supporters who have recently passed away:

- Helen K. Davidson - Toronto, Ontario
- Judy Herold - Sudbury, Ontario
- Sylvia E. Kennedy - Edmonton Alberta
- Richard L. Lake - North Saanich, British Columbia
- Murray K. Luke - Stoney Creek, Ontario
- Rita Mifflin - Toronto, Ontario
- Geoffrey A. Robbins - Ottawa, Ontario
- John F. Rowe - Trenton, Ontario
- Elizabeth G. Stark - North York, Ontario
- Karen Steward - Scarborough, Ontario
- Marion Vasey - Genser - Winnipeg, Manitoba

In Profile

Congratulations to LEAF Board Chair, Beth Atcheson, on being awarded the Women's Law Association of Ontario's President's Award.

The WLAO President's Award honours "a recipient who has shown through service to the legal community, interest in and support of women in the profession and the community at large, and a commitment to the advancement of women both in the profession and in the greater community it serves."

Beth is a graduate of the University of Toronto and was called to the Ontario bar in 1980. Constance Backhouse, a friend and colleague recalls that, "during her time in private practice, Beth developed a reputation for advocating for the interests of women lawyers and other staff at her law firm, and was instrumental in creating a community of women who supported each other in an era when it was particularly precarious to be a feminist on Bay Street. She became a "mentor" before anyone had developed the term."

Beth has had a career in private practice; in public service as an assistant deputy minister in the Ministry of Finance (Ontario); in community activism where she was instrumental in founding or served in many organizations such as the Women's Health Collective of Toronto, the women's History website "coolwomen.ca" (with now Senator Nancy Ruth) and the Canadian Centre for Philanthropy as a board member; and also as mother of accomplished musician Patrick and wife of private practice lawyer David Merner.

Beth was one of the authors of the Canadian Advisory Council on the Status of Women's Report (along with Mary Eberts, Beth Symes, and Jennifer Stoddart) recommending the creation of a legal advocacy organization for women. She is widely acknowledged as one of the principal founders of LEAF, and later the LEAF Foundation. She faithfully led and supported LEAF in a variety of important roles throughout its 20 year history. Most recently, in the last three years she has taken on the challenge of Chair of the Board of Directors, a role reprised from the 1980's.

Not enough can be said of the many and varied contributions Beth has made to LEAF: innumerable hours of personal time; financial support; an extensive body of legal knowledge and administrative / organizational skills. All of this is supported by her



unwavering belief in the right of women to be afforded equal treatment before and under the law.

The LEAF Board and staff are proud to congratulate Beth on receipt of the WLAO President's Award and thank WLAO (<http://www.wlao.on.ca>) for bestowing the honour on such a worthy candidate.

LEAF will periodically profiling a supporter or branch member in upcoming issues of our e- newsletter. We invite you to suggest someone you think should be profiled by contacting info@leaf.ca.

More Information

The LEAF Email Update is published every two months. The next Update will be sent in June 2006. If you have questions about anything in this email or about the work of LEAF, please contact us at info@leaf.ca or 1-888-824 LEAF (5323) or visit our website at www.leaf.ca.

Donate Today!

Your donations enable LEAF to pursue our work to ensure equality for all women and girls in Canada. Thank you for your ongoing support!

For more information, or to make a tax-deductible donation to LEAF:

- Call (416) 595-7170 x 228
- Email: donate@leaf.ca
- Mail your donation to LEAF, 2 Carlton St., Suite 1307, Toronto, ON M5B 1J3
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