



**For Immediate Release**

## **MEDIA ADVISORY**

### **COURT OF APPEAL SAYS GOVERNMENT'S REMOVAL OF *EMPLOYMENT EQUITY ACT* IS CONSTITUTIONAL**

**(Toronto - December 8, 1998)** LEAF and its coalition partner DAWN Canada are disappointed to learn that the Ontario Court of Appeal has dismissed the constitutional challenge to the government's 1995 repeal of the *Employment Equity Act* in the case of *Ferrel v. Attorney General (Ont.)*.

On April 6, 1998, LEAF and DAWN Canada: the DisAbled Women's Network Canada argued that the Ontario government's repeal of the *Employment Equity Act (EEA)* violated the equality provisions outlined in section 15 of the *Charter*.

In its 43-page decision, the Ontario Court of Appeal held that the equality provisions of the *Charter* do not apply to the repeal of human rights legislation and that the government acted within its legislated right to change or discard any laws enacted by the previous government. This decision tells governments that they can eliminate human rights protections with impunity.

While LEAF and DAWN Canada are pleased that the Court recognized the applicability of the *Charter* to this type of government action, they are disappointed that the Court failed to protect human rights protections from the vagaries of changing political opinion.

LEAF's Director of Litigation and counsel in the case, Jennifer Scott, said, "We are disappointed that the Court relied upon a narrow and technical interpretation of section 15 in order to defeat equality rights."

Carissima Mathen, LEAF's Staff lawyer and counsel in the case continued, "The Court's narrow interpretation of section 15 provides no human rights protection for those who experience systemic discrimination in employment."

LEAF and DAWN Canada will continue to monitor this case with interest.

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