



**MEDIA RELEASE**  
**DISCRIMINATION AGAINST WOMEN IS JUSTIFIED:**  
**THE SUPREME COURT OF CANADA DECIDES**

(Toronto – October 28, 2004) This morning the Supreme Court of Canada decided unanimously in *NAPE (Newfoundland Association of Public Employees) v. Newfoundland* that the Newfoundland government discriminated against women workers by paying them unequal wages. However, in a decision that has outraged equality-seeking groups across the country, the Court accepted the government's argument that this discrimination was justified in a free and democratic society.

LEAF is pleased that the Court recognized the egregious sex discrimination caused by unequal wages, and rejected the Newfoundland government's position that there was no discrimination. However, LEAF is extremely disturbed by the Court's ruling that this oppressive treatment of women was justifiable.

The Supreme Court of Canada held that a severe fiscal deficit could override the Newfoundland government's obligation to remedy wage discrimination. LEAF is concerned that this conclusion does not properly challenge discrimination in government decision-making. LEAF also believes this standard can be too easily claimed or manipulated to the further disadvantage of oppressed groups. **Governments have been balancing budgets on the backs of women and other disadvantaged groups for too long.**

The question in *NAPE* is: **can employers pay women less than men for work of equal value?** The Supreme Court of Canada said **YES**. This is bad news for all equality claimants in Canada.

Many people think that women in Canada have achieved pay equity – this is not true. Women, on average, earn 72 cents for every dollar earned by men in Canada. Unequal wages deprive women of income; contribute to the feminization of poverty; increase women's financial dependence upon men, including in situations where they are at risk of spousal abuse and violence; reduce women's pensions and disability benefits; and diminish women's ability to participate fully in society.

LEAF intervened in this case in May 2004 and argued that the Newfoundland government's failure to fulfill its promise to provide pay equity for women indeed constitutes discrimination. Pay inequity tells society that women are not worth as much as men.

LEAF argued that it is always cheaper to discriminate, but that **government's budgets cannot be balanced on the backs of the disadvantaged in society**. LEAF argued that the central concern in this case should not be the cost of implementing pay equity for the government, but the cost of pay inequity for the women. It is LEAF's position that women's equality rights are not for sale.

Counsel for LEAF are Karen Schucher and Fiona Sampson.

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