



LEAF News

Advancing Equality through Education and Litigation

Women's Legal Education and Action Fund Newsletter-April 2007

In This Issue

RBC Financial Group Equality Day Dinner

Legal Update

Announcements

Quick Links

[About LEAF](#)

[Become a monthly donor](#)

[LEAF's Legal Work](#)

Dear LEAF Supporters,

25 years ago this month, the Charter of Rights and Freedoms was enacted in Canada. At a recent symposium celebrating the Charter's anniversary, UN High Commissioner for Human Rights and former Supreme Court Justice, Louise Arbour recognized that LEAF's remarkable contribution to equality rights litigation stood out for its excellence.

We are extremely proud of the role LEAF has played in advancing the rights of women and marginalized groups. But we still much to do to ensure that the voices of women continue to be heard in the courts.

The LEAF National Office has been very busy over the past few months in implementing internal restructuring and revitalization activities. In

moving forward with the strategic plan, the LEAF National Board is pleased to announce the recent appointment of Angela Regnier into the new position of Director of Communications and Branch Relations. She will be working over the next few months to liaise with the branches and increase the organization's profile with external organizations. The national board recently held an energizing meeting that focused on planning for developing branch activities.

This newsletter includes a brief update on our legal, educational and internal activities. Please don't hesitate to contact the National Office with additional questions or comments at info@leaf.ca, or check out the website at www.leaf.ca.

Regards,
Audrey M. Johnson
Executive Director

Kim Brooks
Chair, Board of Directors



Pictured here are Jennifer Tory, Devyani Saltzman and Audrey M. Johnson

April 19th heralded the 6th annual LEAF Equality Day Dinner hosted by RBC Financial Group. This year's event was a huge success. The full house enjoyed remarks from Devyani Saltzman, dined on an exquisite meal, enjoyed the company of other LEAF friends, all while celebrating LEAF's role in advancing women's equality rights in Canada.

Devyani Saltzman, daughter of esteemed filmmakers Deepa Mehta and Paul Saltzman wrote the book "*Shooting Water*", a mother-daughter memoir chronicling the making of the film, *Water*, in India. Ms. Saltzman engaged and inspired the audience with stories of the struggle to produce the film, the writing of the book, and the dire situation of women - particularly widows in India in the 1930's, as well as women's contemporary plight around the world.

Thanks to our generous donors - VIA Rail, Joanne McLean, Chez Eric, La Grange Bed & Breakfast and Michael Stadlander of Eiginsinn farm, we were able to hold a rousing auction, hosted by former RBC Financial Group President, Charlie Coffey.

In total, the event grossed over \$15,000 in revenue to directly support LEAF's work.

Thanks to our auction donors, our ticket donors, our receptive audience, and mostly, to RBC Financial Group and RBC Financial Group's Greater Toronto Region President, Jennifer Tory, for hosting this event for the 6th year in a row and for their outstanding support in making the event such a success.

Human/Equality Rights Paper

In March 2007, LEAF released its paper, "Statutory Human Rights and Substantive Equality - Why and How to Avoid the Injury of the *Law* Approach". The paper reviews recent concerns about the importation of the narrow and formalistic s.15 *Law* test for discrimination into human rights jurisprudence over the broad and purposive prima facie test for discrimination in the human rights context. The paper includes an analysis of the relationship between statutory human rights law and s.15 of the *Charter*; a critique of the *Law* test; a review of jurisprudence dealing with the application of the *Law* test to human rights legislation; and an analysis of why the *Law* test should not be imported into the human rights context.

LEAF is grateful to Karen Schucher and Judith Keene for their work researching and drafting LEAF's human/equality rights paper. Thanks also to the National Legal Committee/Law Program Committee for its work on the paper. This project was made possible through the financial support of the Court Challenges Program. The paper is available on LEAF's website at www.leaf.ca.

Brown v. National Capital Commission and Public Works and Government Services Canada

In March 2007, LEAF applied to the Federal Court of Canada for leave to intervene in *Brown v. National Capital Commission and Public Works and Government Services Canada*. *Brown* involves a complaint of disability discrimination against the National Capital Commission (NCC) and Canada Public Works relating to the inaccessibility of the York Street Steps (YSS) leading to the lookout at Major's Hill Park in Ottawa. The claimant was successful at the tribunal level. What makes this case especially interesting is the adjudicator's expansion of the duty to accommodate to include "meaningful consultation" with stakeholders, and the outstanding issue of whether a specific gendered disability safety and security perspective needs to be incorporated into an assessment of the duty to accommodate.

The decision in this case will be of legal significance for disabled persons across Canada who will be affected by the precedent established by the Federal Court's decision. The case is particularly significant for disabled women, who are already at increased risk of violence, because the YSS's inaccessible design ignores their rights and needs and the judicial decision making in this case has failed to date to incorporate a gendered disability analysis into the duty to accommodate. The case is also of importance to working disabled and non-disabled women who experience the need for accommodation because of sex in the context of employment - they will therefore be affected by the outcome of this case as the duty to accommodate will get applied in the employment context.

LEAF has applied for leave to intervene in *Brown* in partnership with DAWN (DisAbled Women's Network) Canada. Fay Faraday and Melina Buckley are counsel for LEAF and DAWN Canada in this case. We are currently waiting for a final decision from the Federal Court relating to our leave application in *Brown*.

Mary Jane Mossman Awarded the Laskin Fellowship in Human Rights

Professor Mary Jane Mossman of Osgoode Hall Law School has been awarded the Bora Laskin Fellowship in Human Rights for her research proposal entitled "Engendering Law and the Legal Profession in Canada: Connecting Historical Claims to Contemporary Challenges". The Social Sciences and Humanities Research Council (SSHRC) Committee deemed Prof. Mossman's research program to be "an excellent and highly interesting proposal from an accomplished scholar". Professor Mossman has been an active member of several LEAF legal subcommittees and a long time LEAF supporter.

Martha Jackman Awarded LSUC Medal

Professor Martha Jackman of the Ottawa University Law School is a recipient of this year's Law Society of Upper Canada (LSUC) Medal. This is the LSUC's most prestigious award. The award recognizes those who have made an exceptional contribution to the law, reflecting the highest ideals of the profession. Professor Jackman has acted as counsel for LEAF, and been a member of LEAF's National Legal Committee, Board, and Program Development Committee.

LEAF continues to count on the outstanding support of our friends and allies in ensuring that women's rights remain a reality in Canada.

Please consider becoming a donor or monthly donor to LEAF. Monthly contributions are simply the most cost-effective, efficient way to secure long-term sustainability of LEAF's work.

To show your support and make a donation, please visit our website at www.leaf.ca, call us with your credit card donation, or send a cheque payable to LEAF.

The women who have achieved success in the various fields of labour have won the victory for us, but unless we all follow up and press onward the advantage will be lost. Yesterday's successes will not do for today!

- Nellie McClung, Canadian suffragist and author.

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