

2009/2010 Annual Report



Women's Legal
Education and
Action Fund

Fonds d'action et
d'éducation juridiques
pour les femmes

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LEAF is the sole organization in Canada dedicated to using litigation, law reform and public education through the *Charter of Rights and Freedoms* to address the source of women's inequality.

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Our Mission

LEAF is a national, non-profit organization committed to using the *Charter of Rights and Freedoms* to promote equality for women and girls. Through legal action, public education and law reform, LEAF is committed to confront all forms of discrimination in its efforts to achieve equality for women.



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Chairperson and Executive Director's Message



Doris Buss,
Chairperson

Annual reports provide an opportunity to reflect on the past year's achievements and challenges – this is a happy task for both of us. The past year at LEAF has been exciting, productive, challenging, demanding, but more often energizing; all the things expected from working with a feminist organization seeking to advance women's equality in tough political and economic times.

LEAF's work has changed in recent years as the social justice climate across the nation has changed. Canada's tradition of human rights leadership is eroding. Engaged and informed organizations, like LEAF, are essential to ensure the country lives up to its domestic and international human rights and social justice obligations. Healthy civil society enriches us all; it strengthens democracy, deepens our social attachments, and it builds a community based on values of inclusion and equality.



Audrey M.
Johnson,
Executive
Director

LEAF's work in this changing political and economic climate is more important than ever. As you flip through the pages of this report, or perhaps read through our website, you will see the many different areas in which LEAF is working to ensure that women's equality is protected and advanced. The challenges to women's equality in Canada come from various directions, and raise unique and complex legal issues; women's equal status under the *Indian Act*, equal access to pensions and retirement benefits, insidious sex discrimination in the work place, barriers to access to justice, and so on.

Over the past year, LEAF has worked to address these issues through the courts, legislatures, and to increase public awareness through the media. We have been able to do this work because of the hundreds of hours of volunteer time, the donations made by women and men across the country, the dedication of our Branches and individual members. Thank you for your time and commitment. We also acknowledge and thank the Board for its leadership, and staff for their hard work and unwavering dedication.

We take this opportunity to invite you to work with us in making women's equality an issue that must be heard. It is precisely now, in this moment of strained economic and political circumstances, that organizations like LEAF need to ensure that a rich, informed, and respectful public discussion of social justice takes place in the public sphere. Join us, in whatever way you can, to make sure that women's equality is talked about and insisted upon in Canada. We need your voice.

A handwritten signature in black ink that reads "Audrey M. Johnson".

Litigation and Law Reform

LEAF has established landmark victories for women on a wide range of issues from:

- Violence against women
- Workplace inequalities
- Maternity benefits
- Reproductive freedoms

LEAF made submissions during 2009-10 to:

1. The Parliamentary Standing Committee on Justice and Human Rights supporting the continued regulation of hate speech under human rights legislation in general and under s.13 of the *Canadian Human Rights Act* in particular (December 18, 2009).
2. The Parliamentary Standing Committee on the Status of Women arguing that the federal *Public Sector Equitable Compensation Act* substantially erodes the fundamental rights of women who work in the public sector to equal pay for work of equal value, contrary to s.15 of the *Charter* (June 5, 2009).
3. The Canadian Human Rights Commission in its consultation on a proposed report card on the progressive realization of human rights in Canada. LEAF's brief argues that if the Commission is going to produce such a report card, it must ensure that it adequately tracks the key indicators of women's inequality. (May 22, 2009)
4. Labour Program of Human Resources Skills Development Canada in its review of Labour Standards under the *Canada Labour Code*, arguing that substantive equality demands that there be no length of service requirement or qualifying threshold for entitlement to maternity or parental leave under the Code. (May 19, 2009)

Micmac Nation of Gespeg v. Canada - This appeal raised emerging and significant questions of constitutional law with respect to the treatment of affirmative action programs under s.15(2) of the *Charter*. The appeal involved a s.15(1) *Charter* challenge by the Micmac Nation of Gespeg to a federal government Elementary / Secondary Education Program. The Program offers financial assistance, including for housing, meals, books, and supplies, to students who attend schools off reserve. The Program is only available to students who ordinarily live on reserve (or Crown land). The Micmac of Gespeg are a landless band and are thus excluded from the Program. The federal government argued that the Court need not consider the Micmac's s.15(1) claim, since the Program is ameliorative and thus protected by s.15(2) of the *Charter*. LEAF argued that where an ameliorative (affirmative action) program is challenged by a disadvantaged group on the basis of

Litigation and Law Reform

under-inclusion, the constitutional protection offered by s.15(2) does not apply and the Court must examine the claim under s.15(1). The Court released its decision in December 2009 and decided the case on grounds other than those addressed by LEAF.

Withler v. Canada (SCC) - *Withler* involves a federal government supplementary death benefit (“SDB”) paid to spouses of deceased civil servants and armed forces members. The claimants allege that the legislation discriminates based on age. The claimant class members are spouses of deceased civil servants and armed forces members. Noting that the overwhelming majority of surviving spouses are women, LEAF argued that the Supreme Court must consider the specific impact of the reduced benefit on elderly women. LEAF emphasized the financial vulnerability of elderly women, arising from the effects of systemic labour market discrimination, their caregiving roles and the limited participation of women in the workforce historically. LEAF argued that the exclusion of predominantly elderly single women from a scheme which is intended to offer transitional funding upon the death of a spouse is discriminatory; the exclusion exacerbates their already existing economic and social inequality. LEAF also intervened in the case to advance the Section 15 equality rights analysis in terms of the jurisprudence and theoretical approach.

Caron v. Alberta (SCC) - LEAF, in coalition with the Council of Canadians with Disabilities, the Charter Committee on Poverty Issues and the Poverty and Human Rights Law Centre, intervened in the Supreme Court of Canada case of *Alberta v. Caron*. The appeal concerns the discretion of the Courts to award advance costs to claimants who would otherwise be unable to litigate their public interest claims. The test for advance interim costs, also referred to as *Okanagan* costs, was set out by the Supreme Court of Canada in its 1993 decision in *British Columbia (Minister of Forests) v. Okanagan Indian Band*. The decision of the Supreme Court in *Caron* will have significant implications for access to justice for disadvantaged and marginalized groups. The Coalition factum argues that the interests of justice require that legal claims that seek to advance the full social and political participation of marginalized and minority groups fall within the class of “exceptional” cases which are deserving of advance costs.



Withler v. Canada at the Supreme Court of Canada.

LEAF Counsel: Joanna Birenbaum, Daphne Gilbert, Joanna Radbord

Litigation and Law Reform

LEAF has not limited its focus to sex inequality alone, but has developed approaches to equality law to expose how sex inequality is compounded by other prohibited grounds of discrimination such as:

- Race
- Class
- Aboriginal status
- Sexual orientation
- Poverty
- Disability

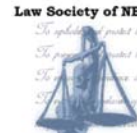
N.S. v. R. (Ontario C.A.) - involves a sexual complainant who was ordered to remove her niqab as a precondition to testifying at the preliminary inquiry of two men (relatives) charged with sexually abusing her as a child. LEAF was granted leave to intervene in August 2009. The appeal will be heard in June 2010. LEAF's factum argues that N.S. is entitled to wear her niqab at the preliminary inquiry and trial, and that an Order requiring N.S. to remove her niqab as a precondition to testifying would violate her rights under Sections 7 and 15 of the *Charter*.

Other Legal Work

During this year, LEAF has also been engaged in discussions, research and legal activity in the areas of assisted human reproduction, prostitution and polygamy. LEAF also re-established its international legal presence by participating in the United Nations Commission on the Status of Women in March 2010.

Thanks to our dedicated volunteers who donated more than \$328,512 in pro bono legal services to LEAF in 2009/10.

Thanks to the following organizations for supporting our legal work:



Women's Legal Education
and Action Fund Foundation

Litigation and Law Reform

Equality Rights Central (ERC)

Equality Rights Central is targeted to equality seekers and advocates, to stimulate thought and discussion, and to monitor and advance the development of equality law in Canada.

Some key features:

- Updates on significant equality issues moving through the courts
- Analysis of legal trends that impact on equality
- Resources, facts, contacts and events

ERC will track developing trends in equality jurisprudence, with a focus on the decisions of Boards and Tribunals, lower and appeal courts. In addition, legislative action and government policy will be followed. Resources including cases, analysis, submissions and media coverage will be posted.

Visitors to ERC will be able to find updates and contacts, view decisions and facts, and find out about cases in litigation and in the news. Cases of interest may include, but are not limited to, Section 15 of the *Charter* or a statutory human right, and will have implications for groups which experience exclusion, marginalization, disempowerment and other forms of disadvantage.

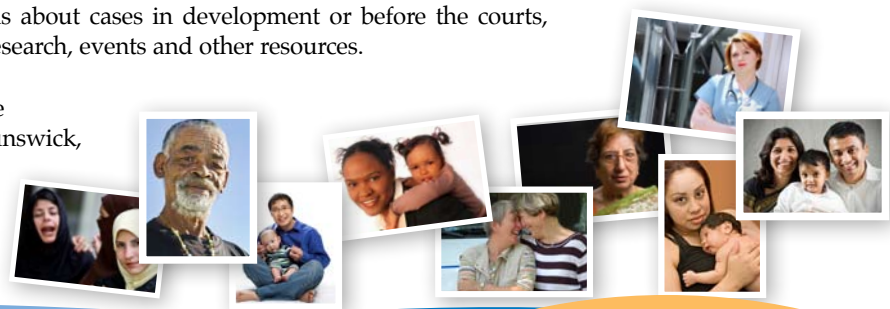
ERC will draw heavily on input from visitors, with ideas about cases in development or before the courts, decisions, current issues and trends that warrant further research, events and other resources.

ERC is sponsored by LEAF, and funded by grants from the Law Foundations of British Columbia, Manitoba, New Brunswick, and Ontario, as well as the LEAF Foundation.

Equality Rights Central

Equality Rights Central is an online source of current cases, trends, and commentary concerning equality and discrimination law and policy in Canada, developed by LEAF.

www.equalityrightscentral.com



Public Legal Education



RBC Foundation*



LEAF at Work

The Ontario Trillium and RBC Foundations provided financial support to develop and pilot the LEAF at Work program in Ontario. LEAF at Work reaches both young women and men with the goal of closing the equity gap for groups who are marginalized in the workforce. Since its launch in September 2009, fifty volunteers have been trained to deliver the program to their peers around the province. Feedback from teachers, volunteers and students has been tremendous and bodes well for future programming.

LEAF and Your Body

The successful *No Means No* program, which examines myths and stereotypes about sexual assault and consent, now operates in seven regions. This engaging program promotes respectful, healthy relationships and raises awareness of discrimination against women across Canada.

Thanks to the above sponsors of the *LEAF at Work* program

Region	Programs executed April 1/2009 – March 31/2010	Number / Workshops	Total Number of Students / Youth Reached
Edmonton	No Means No	7	140
Kingston	LEAF at Work	2	60
Ottawa	No Means No and LEAF at Work	15	375
Sudbury	LEAF at Work	5	120
Toronto	No Means No and LEAF at Work	47	1175
Windsor	No Means No and LEAF at Work	10	300
Winnipeg	No Means No	7	190

Public Legal Education

Youth Commission

As part of LEAF's 25th anniversary celebrations, in early 2010 LEAF launched a national Youth Commission. The program encourages youth from diverse backgrounds across Canada to critically examine how they view equality in their daily lives. Using youth-based social media, LEAF will engage youth (ages 14-25) in a national dialogue to determine how they define equality. With funding from the YWCA Eco Internship program, LEAF hired a youth, Samia Teclé, to spearhead the project. In addition, LEAF selected 12 dynamic and motivated youth from across Canada to assist with project implementation by surveying youth in their local communities on equality perspectives. Youth Commission findings are to be presented in the form of a written report and digital recording. These documents, to be made available online, will be resources for those wanting to increase their knowledge of how youth across Canada view and experience equality.

Speakers Bureau

In anticipation of our 25th year, LEAF is engaging new audiences through our Speakers Bureau. LEAF will deliver presentations that focus on LEAF's impact on equality, the relevance of Section 15 today and specific theme issues. The Speakers Bureau will provide interested organizations, groups, high schools, community centres and law firms with a speaker who will deliver a presentation adapted to suit the needs of each audience.

In 2009-10, LEAF delivered presentations on topics such as "Women's Rights are Human Rights", and "Real Equality", to groups in schools and community centres. Ten speakers are now part of the Speakers Bureau with many more expected for 2010/11. To find out how to book a speaker visit www.leaf.ca/speakers.



Youth Commission launches in Toronto

Event Support



LEAF Persons Day 2009 BREAKFAST

Persons Day Breakfast 2009

October 18, 2009, marked the 80th Anniversary of the *Persons Case*, which was settled when the Privy Council in England declared that Canadian women were indeed ‘persons’ under the law and thus could be appointed to the Senate. It has only been a lifetime – 80 years – that women in Canada have been declared “persons” under the law. What cannot be ignored is that many other women – racialized women, immigrant women and Aboriginal women – in Canada have not historically had the same status under the law. LEAF works to ensure that all women can fully participate in every aspect of public life.

Across the country, LEAF held annual Persons Day Breakfasts to raise awareness and funds for our work and branch development. Many thanks to the individuals, volunteers and businesses who supported the events.



Bobbi Jo Virtue (Trailblazer Tribute), Jeannette Corbiere Lavell (Speaker) and Elder Pauline Shirt

Toronto, October 20, 2009

Presenting Sponsor:



Emcee: Sally Armstrong
Speaker: Jeannette Corbiere Lavell

Special tribute to our Persons Day 80th Anniversary Trailblazers: Ursula Martius Franklin, Elize Hartley, Mary Hesser, Laura Louise Legge, Flora Isabel MacDonald, Mimi Matte, Mayor Hazel McCallion, Mary Louise Morrison, Irene Uchida, Raphaelita Walker, Elizabeth Hillman Waterston, Margaret K. Weiers

Advocates:



Patrons:



Senator Nancy Ruth

Event Support

Edmonton, November 6, 2009

Guest Speakers: Doris Buss, Chair of the LEAF Board of Directors and Associate Professor of Law at Carleton University in Ottawa, where she teaches and researches in the areas of international law, human rights, and social justice. Eighty invited 80 year olds (and older) who were present at the event, were heralded as foremothers whose lives spanned the crucial transition from “non-persons” to “persons”.

Halifax, October 19, 2009

Guest Speaker: Rene Ross, Executive Director of Stepping Stone, an organization known for trailblazing work to provide a safe haven for, and to advocate on behalf of, sex workers in the Maritimes.

Manitoba, October 16, 2009

Guest Speakers: Professor Kathleen Mahoney, Former AFN Chief Phil Fontaine. Following the breakfast, both speakers generously spent two hours with high school students discussing issues and answering questions.

Ottawa, October 17, 2009

Guest Speakers: Constance Backhouse, Distinguished University professor and University Research Chair at the Faculty of Law, University of Ottawa, internationally known for her feminist research and publications on sex discrimination and the legal history of gender and race in Canada.

Partners:



Persons Day Breakfast
Trailblazer - Mimi Matte, noted
artist

Sudbury, October 23, 2009

Guest Speakers: Senator Nancy Ruth, feminist, and philanthropist. The LEAF Person's Day Award, presented to women who have consistently furthered the cause of LEAF at local and national events, was awarded to Anne Cole.

Event Support

Equality Day – April 17th



Audrey M. Johnson, LEAF Executive Director and Beth Atcheson, LEAF Founder and award recipient

Equality Day, 2010, also marked the 25th Anniversary of LEAF and the 25th Anniversary of *Section 15* of the *Charter of Rights and Freedoms*, which guarantees equality rights for women and other disenfranchised groups.

LEAF showcased the accomplishments of Canadian women lawyers who have excelled in the mostly male dominated legal profession. On Tuesday April 27, 2010, women lawyers who have made a difference for women and girls in Canada, stepped into the spotlight to be recognized as part of LEAF's Equality Day: A Celebration of Women, held in Toronto.

Co-Chairs: Kirby Chown and Sylvia Chrominska

Section 15 Sponsors:



Green & Chercover



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Tétrault

Equality Partners:

Blake Cassels & Graydon LLP, Ernst & Young LLP, Dickson MacGregor Appell LLP, Hollaman Estate Litigation LLP, Irwin Law, Lenczner Slaght Royce Smith Griffin LLP, Ogilvy Renault LLP, Ontario Bar Association, Ontario English Catholic Teachers' Association, Ontario Liberal Caucus, Ontario Nurses Association, Osler, Sack Goldblatt Mitchell LLP, Torkin Manes Barristers and Solicitors

Women Lawyers Who Have Made A Difference:

Founders of LEAF: Beth Atcheson, Mary Eberts, Marilou McPhedran, Yvonne Peters, Eloize Spitzer, Beth Symes, and Susan Tanner

Equality Day- Section 15 Honourees:

Deborah M. Alexander, Jennifer Babe, Mary Louise Dickson, barbara findlay, Elizabeth McIntyre, Sheila McIntyre, Sharon McIvor, Mary Jane Mossman, Helena Orton (posthumously), Kim Pate, Laurie Pawlitz, Linda Silver Dranoff, Elizabeth Shilton, Latha Sukumar, and Lisa Vogt

Fund Development

LEAF's mandate continues to be relevant and important for women and girls in Canada. A generation of young people have grown up under the protection of the *Charter* and Section 15, and reaped the benefits of LEAF's cases and work. This was possible because of our donors and sponsors. As we enter our 25th year in 2010, the support of our donors has never been more critical to our work. Our monthly donor program continues to prosper with over 290 donors in the Program.

A very special thank you to everyone that continues to support our work – donors, supporters, sponsors, partners, volunteers and members.

Core Funder:

Women's Legal Education and Action Fund Foundation

\$10,000 +

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New Brunswick Law Foundation
The Ontario Trillium Foundation
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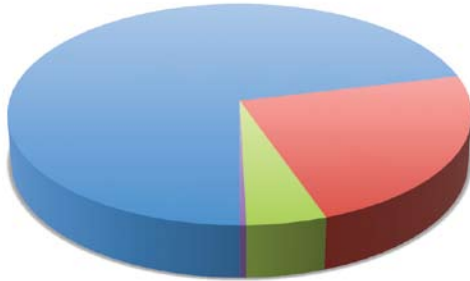
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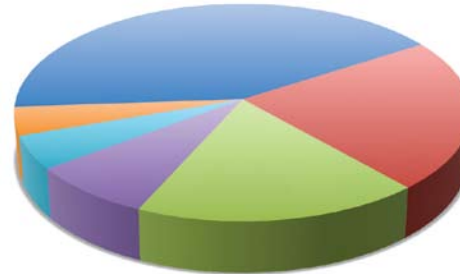
Finances 2009-2010

Revenues



■ Donations and Fundraising	\$890,127
■ Grants	\$291,337
■ Branch Revenue	\$61,988
■ Other	\$5,013
	<hr/>
	\$1,248,465

Expenditures



■ Legal	\$602,086
■ Administration	\$325,069
■ Fundraising	\$261,273
■ Branches	\$114,988
■ Public Education	\$71,298
■ Communications	\$60,351
	<hr/>
	\$1,435,065

Complete audited statements available on request. Charitable BIN: 10821 9916 RR0001

People at LEAF 2009-2010

2009 LEAF Volunteer Award Recipients

Eloise Spitzer Lifetime Recognition Award



Betty Hopkins, who has been a volunteer at the national and provincial Board levels, began her involvement with LEAF in 1990

LEAF Contribution Award

Co-Recipients were Leslie Middaugh, Past Chair of LEAF Toronto, and Darlene Rites, who started a new Branch of LEAF in Windsor in 2008

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Anita Hannam,
Past Administrative Assistant
Kathy Roulston, Past Fund
Development Assistant

Interns

Ranna Bernard
Hannah Kingdom
Kelly Stevenson
Samia Teclé



Marian Ali, Legal Assistant (celebrated 15 years with LEAF in 2009) and Founder Marilou McPhedran



The staff of LEAF

Support LEAF



The Justice Bertha Wilson Fund

In recognition of the 2007 passing of Justice Bertha Wilson, LEAF launched the Justice Bertha Wilson Fund to honour her memory. As the first woman appointed to the Supreme Court of Canada, in the same year that the *Charter of Rights and Freedoms* was enacted, Justice Wilson has had a profound impact on issues that have always been important to LEAF. Her legal decisions in the area of reproductive rights, refugee status, violence against women, property rights and family law matters have made an indelible mark on the equality landscape of Canada. The Justice Bertha Wilson Fund in its second year has grown to over \$110,000 in revenue.

Help create the society envisioned by Justice Bertha Wilson: one governed by comprehensive equality laws, justice for the disenfranchised and marginalized, equal access to the courts and the protection of all our human rights.

If you are interested in becoming a founding supporter of the Justice Bertha Wilson Fund, please contact Katherine Blake, 516-595-7170 x222, k.blake@leaf.ca.

"I believe that ultimately we must give full effect in our society to the principle of equality. Women will never have equal status with men in the home if they don't also have equal status with men in the world outside."

Justice Bertha Wilson,
B'nai Brith Women's National
Convention

Ambassadors

Justice Clair L'Heureux-Dubé
Mary Jane Mossman
Linda Silver Dranoff

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LEAF exists because of you!

Please consider a monthly contribution or an increase to your current monthly contribution.

Giving monthly is the most effective way to ensure LEAF's sustainability and the advancement of women's equality across the country. Any gift can make a big difference in the lives of all women and girls in Canada.

Join the Justice Bertha Wilson Leadership Circle.

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