



Women's Legal
Education and
Action Fund

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

2012/2013

ANNUAL REPORT



THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

LEAF is a national, charitable, non-profit organization, founded in 1985. LEAF works to advance the equality of women and girls in Canada through litigation, law reform and public education using the *Canadian Charter of Rights and Freedoms*.

s. 15 Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

s. 28 Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

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About LEAF

LEAF IS A RARITY in the not-for-profit sector, demonstrating tangible results for women and girls, year after year. The dollars we raise allow us to effectively research, educate and litigate at the Supreme Court level. Our involvement in a myriad of cases since 1985 has not only shaped the *Canadian Charter of Rights and Freedoms* – it has shaped our national conversation.

LEAF focuses on litigation, law reform and public education, primarily the *Canadian Charter of Rights and Freedoms*, most notably section 15, to challenge laws, policies and practices that discriminate against women.

Our cases have resulted in landmark victories in preventing violence against women, eliminating discrimination in the workplace, allowing access to reproductive freedoms, and providing better maternity benefits, better spousal support and a right to pay equity. Section 15 rights and the Charter in general have been tested, and strengthened, through the advocacy work of LEAF.

There have been significant advances for women in Canada over the past two decades in relation to health, education and employment.

However, the persistent – and in some cases increasing – incidence of violence against women, discriminatory laws governing: employment, marriage, land, property and inheritance rights are a continuing struggle for women across Canada. In addition, challenges to women's empowerment and gender equality include: Aboriginal women's equality, refugee and immigrant women's status, combating HIV/AIDS, and inadequate access to affordable childcare. All of these problems are unacceptable.

LEAF continues to engage in a powerful dialogue about the inequalities we see in our daily lives and the importance of law and legal advocacy as a force for social change.

LEAF has dedicated itself for more than two decades to research, litigation, education and action, and has shown that it is possible to achieve gender equality and empowerment of women. However, that success requires commitment, sustained action, and resources.

You have an opportunity to help LEAF continue to speak up for women and ensure they are supported by the top quality legal action, public education and law reform work which LEAF delivers with purpose and passion.

Donate | Become a LEAF Member | Volunteer
Become a LEAF *pro bono* Lawyer | Partner

LEAF continues to build on our proud history



Jennifer Tomaszewski
LEAF Chair



Marilyn Roycroft
Acting Executive Director

On behalf of LEAF, we extend our heartfelt thanks to all of our supporters for your time, financial assistance, and commitment to creating a more just society.

Last year we made a call to action to everyone dedicated to a truly equal society – and you responded and helped us deliver another inspiring year for LEAF. As women, our journey to equality isn't simple, and our destination still has not been reached. While important gains have been made, many Canadian women and girls continue to experience injustice, especially racialized women, Aboriginal women and women with disabilities.

This past year has also seen outstanding support from all our branches with fundraising efforts and the delivery of education workshops for hundreds of secondary school students. Our education programs, *No Means No* and *LEAF at Work*, are designed to educate young people about their rights and responsibilities in the workplace, about consent and sexual assault law, and raise awareness about the equality issues that affect women.

We have been fortunate to benefit from the energy and commitment of all our wonderful volunteers. The advances we have made this year are driven by the great commitment of our supporters to fulfilling LEAF's mission to confront all forms of discrimination and to achieve equality for women and girls under the *Canadian Charter of Rights and Freedoms*.

We appreciate the support of hundreds of lawyers from across Canada who donate their time and skills to conduct research, serve on the Law Program Committee, and represent LEAF at appellate courts and at the Supreme Court of Canada. LEAF has intervened in some of the most important cases of our time.

Our cases have resulted in landmark victories in violence against women, eliminating discrimination in the workplace, allowing access to reproductive rights, and providing better maternity benefits, better spousal support and a right to pay equity.

With your continued support, we will carry this momentum through many ambitious endeavours still to come.

With our terms as Chair and Acting Executive Director ending this year, we would like to take this opportunity to thank the Board and all volunteers for their support.

It has been a challenging yet rewarding journey and we wish the incoming Chair *Michelle Bullas*, our new Executive Director *Diane O'Reggio* and Legal Director *Kim Stanton* all the best as they tackle the many opportunities that lie ahead.

LEAF LEGAL ACTIVITIES

- » **Dovigi v. Razi 2012 ONCA 361** (Judgment May 31, 2012) (SCC Leave Denied)
In this case, a woman who became pregnant in Ontario decided to move to California when she was seven months pregnant. She gave birth to the child in California, and they continue to reside there together. Immediately following the birth of the child, the father started custody and access proceedings in Ontario. An Ontario family law judge found that Ontario has jurisdiction over custody and access issues related to the child. The judge stated that the mother's move was "analogous to child abduction." The judgment was successfully appealed. If the judgment had been upheld, it would have had serious repercussions for the equality, autonomy, and mobility rights of pregnant women. LEAF was ultimately denied leave to intervene in the appeal. However, many of our arguments were raised at the appeal, and LEAF applauds the decision of the Ontario Court of Appeal overturning the trial judgment and the Supreme Court of Canada's refusal to hear further appeal.

- » **R. v. N.S. 2012 SCC 72** (Judgment December 20, 2012)
(also known as the niqab case) - addressed whether a witness in a sexual assault trial could testify while wearing a niqab. LEAF took the position that whatever one's personal views are on the niqab, effectively disenfranchising sexual assault complainants who wear the niqab from the criminal justice system is inconsistent with promoting their substantive equality and respecting and protecting their s.7 Charter rights to life, liberty and security of the person. The majority decision recognizes both the right of complainants to testify and that sexual assault complainants have historically faced greater challenges in facing their abusers. However, the SCC balanced those rights against the right of the defendant to a fair trial.

LEAF will build upon our proud history with a continued focus on challenges faced by marginalized women and girls in our society. Some examples of our current focus include: women in detention, violence against Indigenous women, elderly and impoverished women, family law, reproductive rights and the Senate Reform Reference.

- » **R. v. Ryan 2013 SCC 3** (Judgment January 18, 2013) - a decision examining the defence of duress for a Nova Scotia woman, Nicole Doucet (formerly Ryan), who resorted to contracting with an undercover police officer to kill her abusive ex-husband. LEAF intervened in the appeal in order to raise fundamental issues about the availability of defences to abused women who take action to protect themselves and their children. Far too many women and children who experience violence at the hands of their abusive male partners or fathers are not protected by the state. While the Court did not find that Ms. Doucet could use the defence of duress, it did issue a stay of the prosecution against her. The Court did note that it appeared police were more willing to protect Ms. Doucet's ex-husband than they were to respond to her repeated calls for protection from him.

» **Quebec (Attorney General) v. A, 2013 SCC 5** (Judgment January 25, 2013) (also known as *Eric v Lola*) - an equality rights challenge to the exclusion of common law spouses from family law protections like spousal support and property division. While Justice Abella found that the exclusion violates s.15, the Chief Justice found that the violation was saved under s.1. In the end, there is a disappointing result for the interests of women leaving common law relationships.

» **Whatcott v. Saskatchewan (Human Rights Commission) 2013 SCC 11** (Judgment February 27, 2013) - LEAF intervened in this case regarding hate speech against gays and lesbians to argue that hate speech, like sexual harassment, is a practice of discrimination, which is properly limited by human rights statutes. LEAF's factum addressed the gendered harms of hate speech, including the relationship between hate speech and violence against women, for example the December 6, 1989 massacre at the Ecole Polytechnique in Montreal, the murder and disappearance of Indigenous women in Canada and targeted violence against lesbians. LEAF's factum focused on the importance of the case from the perspective of access to justice for women. The SCC unanimously upheld the constitutionality of the prohibition of hate speech in human rights legislation, affirming previous jurisprudence that hate speech is a form of discrimination.

» **LEAF** has worked in coalition with both the Metropolitan Action Committee on Violence Against Women and the Barbra Schlifer Commemorative Clinic to express gender-based concerns over Bill C-31, which proposed amendments to the Immigration and Refugee Protection Act. The coalition submitted a brief in April 2012 to the House of Commons Standing Committee on Citizenship and Immigration outlining the women's equality concerns with the proposed amendments. Unfortunately, the bill has since passed into law.

For full descriptions, visit:

Cases: <http://leaf.ca/legal-issues-cases-and-law-reform/active-cases/>

Reforms: <http://leaf.ca/legal-issues-cases-and-law-reform/reform-and-analysis/>

Thanks to the following organizations for supporting our legal work:



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN



The Law Foundation of Ontario
Building a better foundation for justice in Ontario

Women's Legal Education
and Action Fund Foundation



Women's Legal Education and Action Fund
Fonds d'action et d'éducation juridiques pour les femmes

LEAF continues to **litigate, reform the law**, and **educate** in order to achieve **substantive equality** for those most marginalized. **Support LEAF**, and challenge injustice for women, girls, racial minorities, people with disabilities and Aboriginal peoples across Canada. Don't tolerate sexual harassment, ongoing rape mythologies, the denial of women's reproductive choice and women's rights to political, social and economic participation and inclusion.

LEAF WORKING FOR WOMEN AND GIRLS

- | | |
|---|--|
| » Supreme Court of Canada (SCC) Intervener Status | » LEAF at Work & No Means No programs at schools |
| » Research that Influences Policy Reform | » Press, Radio, Television Interviews |
| » Persons Day & Equality Day Galas | » Branch, Affiliate & |
| » LEAF National Speakers Bureau | Community Activities |

HOW YOU CAN HELP

By supporting LEAF, you will advance equality, making a difference in the lives of all Canadians. We need your support. We need your commitment to LEAF.

If you would like to join our team, there are many opportunities and options:

- You can make a donation
- Become a LEAF *pro bono* lawyer
- Give a gift of securities or donate air travel points
- Be part of LEAF special events
- Leave a legacy gift from your estate assets
- Join the LEAF speakers' bureau
- Become a LEAF member
- Donate your valuable time and skills by becoming a volunteer

For more information please visit
www.leaf.ca

LEAF Education Initiatives

LEAF's equality training programs continue to transform high school students across the country. **LEAF's No Means No** program remains a leading violence prevention tool to educate and empower both young women and men by teaching them about sexual rights, responsibilities and the meaning of consent in law, so that they are less likely to become victims – or perpetrators. The primary objective of the session is to raise awareness of legal rights and to explore equity issues. This is achieved through the presentations and discussions of recent Supreme Court cases that involve equality rights and challenges, commonly held myths and stereotypes about women.

LEAF continues to implement its **LEAF at Work** program, an engaging dynamic workshop aimed at analyzing real-life scenarios to prepare youth for the equality issues they may encounter in the workplace. The workshop uses workplace scenarios to stimulate discussions about issues like sexual harassment and discrimination. The real-life situations depicted in these scenarios cover a range of issues, including the gendered wage gap, the need to respect and embrace diversity, and the role of the legal system in enforcing certain workplace behaviour.

The success of LEAF's educational programs is due to the hard work and excellence of LEAF branches and education program committee volunteers who train the instructors and deliver the workshops.

If you would like to become a sponsor or volunteer, please contact us!

“Join LEAF and participate in a movement dedicated to protecting the legal rights of women, girls and other marginalized groups, educating a nation and creating a more just society.”

*– Diane O'Reggio
Executive Director, LEAF*

LEAF MILESTONES

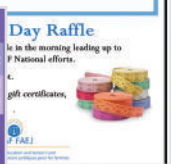
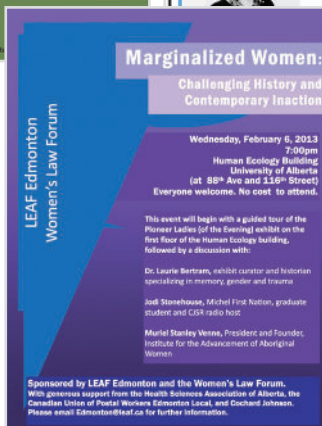
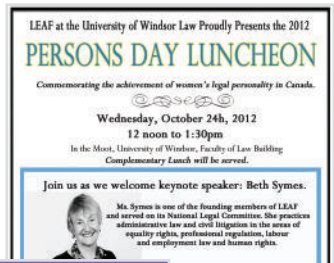
Historic... significant... pioneering... life-changing...

Each year, LEAF celebrates landmark events that impact all Canadians. These important milestones underscore the continuing need for education, research and litigation that address all forms of discrimination.

Special thanks to LEAF Affiliates and Branches for their tireless efforts to raise awareness and funds for LEAF!

West Coast LEAF | Calgary | Edmonton | Halifax | Manitoba

Ottawa | Prince Edward Island | Sudbury | Toronto | Windsor



For details on the upcoming LEAF events across Canada, visit leaf.ca



The Right Honourable Michaëlle Jean, former Canada's 27th Governor General spoke to the audience of more than 700 guests.



Persons Day Breakfast Toronto | October 16, 2012

LEAF annually celebrates Persons Day to commemorate the Persons Case when, on October 18th, 1929, the British Privy Council ruled that women were to be considered persons under the law and should be eligible to sit in the Canadian Senate.



Trailblazers: Meeting Women In Law

As part of our ongoing commitment to education, LEAF partnered with the Ontario Justice and Education Network (OJEN) to host over 100 female high school students for a full day of educational workshops and mentoring.

"I had so much fun!!! Big THANK YOU to everyone who made this experience possible for us. This is such a great way to learn about the women in law, meet inspiring people, and a lot more. Thank you!" OJEN Student

OJEN Students with the Right Honourable Michaëlle Jean at the Persons Day Breakfast, October 16, 2013



We value all our 2012 Persons Day Sponsors whose commitment and support allow us to continue our work!



**Delaney Capital
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Elementary Teachers' Federation of Ontario
Fédération des enseignantes et des
enseignants de l'élémentaire de l'Ontario

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YWCA Toronto

**LEAF gratefully acknowledges and recognizes the following
partners for their contribution and support!**

Barbra Schlifer Commemorative Clinic
Caley Wray
CAW - Canada Social Justice Fund
Con Brio Foundation
Davies Ward Phillips & Vineberg LLP
Ontario Federation of Labour
Ontario Medical Association

Ontario Nurses' Association
Shannon Morse LLP
The Gail Asper Family Foundation Inc.
The Society of Energy Professionals
United Way - Centraide Ottawa
United Way of Greater Toronto
Zonta Club of Brampton-Caledon

Equal. Right?

Advancing Substantive Equality

Under the guidance and stewardship of the Board of Directors, LEAF focuses its efforts on education, research and litigation – particularly on shaping the interpretation of Sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*. Using these equality guarantees, LEAF works to eliminate discriminatory laws and practices across Canada.

LEAF BY THE NUMBERS

28

Years Of
Commitment
To Equality

15 & 28

Charter Sections
LEAF Helps
To Shape

10

LEAF Member
Organizations
Coast-To-Coast

Board of Directors 2012/2013

- | | | |
|------------------------|-------------------------|--------------------|
| » Jennifer Tomaszewski | » Renee Cochard | » Marie Kelly |
| » Cieta Brown | » Jane Cooney | » Naomi Metallic |
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| » Michelle Bullas | » Katherine Hensel | » Sandra Nishikawa |

For more information, visit
<http://leaf.ca/about-leaf/board-of-directors/>

For Branch Chairs, Committee Members, National Office
Staff and Interns, visit <http://leaf.ca/contact-leaf/>

LEAF Foundation

Established in 1989, the Women's Legal Education and Action Fund (LEAF) Foundation is an incorporated, registered charitable foundation, which operates independently through its own Board of Directors to build and maintain core financial support for our ongoing initiatives. The Foundation accepts bequests, endowed gifts or significant corporate donations from those who wish to leave a lasting legacy in support of LEAF's core operating and program needs.

For information on gifting to the
LEAF Foundation, call us at
416-595-7170
or write to us:

LEAF Foundation
1 King Street West
Toronto, Ontario
M5H 1A1



Women's Legal Education and Action Fund
Fonds d'action et d'éducation juridiques pour les femmes

Our Mandate in Action

The Women's Legal Education and Action Fund's financial statements provide our supporters with a summary and insights into the organization's financial well being. The Board of Directors are committed to invest in programs, which will sustain the organization into the future. The dollars we raise, year after year, allow us to engage in research, education and litigation.

Financial Highlights

Statements of Operations

Years ended March 31	2013 \$	2012 \$
Revenues		
Donations and fundraising	723,748	1,034,553
Grants	131,300	150,054
Other	2,499	5,867
	857,547	1,190,474
Expenditures		
Administrative	344,928	531,337
Fundraising	190,923	186,787
Legal cases and projects	203,258	420,895
Professional fees	47,201	-
	786,310	1,139,01
Excess of revenue over expenditures for year	71,237	51,455

Complete audited statements available on request.

The Women's Legal Education and Action Fund (LEAF) is a national, non-profit organization committed to challenging all forms of discrimination against women through legal action, public education, and law reform under the *Canadian Charter of Rights and Freedoms*.

“Although women appear to have made many gains over the last few decades, **there are many women** and girls who have not benefited from these gains and **women continue to suffer discrimination** and worse due to the fact that they are female. We have a long way to go before substantive equality is the birthright of every girl in Canada.

LEAF is needed more than ever to work toward that goal.”

- Kim Stanton, Legal Director, LEAF

You Can Change Law...
You Will Change Lives.

CONFRONTING DISCRIMINATION

ADVANCING EQUALITY

CHANGING LAWS

EDUCATING CANADIANS

HELP US TO ACHIEVE EQUALITY



Women's Legal
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Fonds d'action et
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Scan here
to donate

WE APPRECIATE YOUR COMMITMENT TO LEAF!

Donate | Become a LEAF Member | Volunteer
Become a LEAF *pro bono* Lawyer | Partner

YES, I want to invest in EQUALITY!



Please find my donation enclosed:

☐ \$75 ☐ \$100 ☐ \$200 ☐ \$500

☐ Other: _____

Cheques can be made payable to Women's Legal
Education and Action Fund (LEAF).

Charitable tax receipts will be issued for all
donations of \$10 or more.

For further information or to donate by phone, please call
416.595.7170 | 1.888.824.LEAF (5323)

Charitable Registration No. 108219916 RR0001

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AR12-13

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