

The 20th Anniversary Committee of the Equality Clause/ Le Comité du 20^e anniversaire de la clause sur l'égalité

NEWS RELEASE

TIME TO PUT EQUALITY BACK ON CANADA'S AGENDA

OTTAWA – April 14, 2005 – On the 20th anniversary of section 15 of the Charter, equality rights groups are urging politicians and judges to renew their commitment to achieving equality in Canada.

On April 17, 1985, the equality guarantee in Canada's new *Charter of Rights and Freedoms* came into force. "The constitutionalization of this equality guarantee was a huge step for Canada," said Andrée Côté, speaking for the 20th Anniversary Committee, a broad coalition of equality-seeking organizations. "Many equality-seeking groups contributed to the wording of this section – through parliamentary hearings – making it a model worldwide for constitutional equality guarantees. For example, it was one of the first to include a guarantee of equality for persons with disabilities. This is something to be proud of," said Côté at a news conference on Ottawa's Parliament Hill today.

"Canadian constitutional case law is recognized as a model around the world because in the early days our courts established that the purpose of section 15 was not just to deal with any inequalities in laws, but to dismantle old, entrenched patterns of disadvantage," she added.

"Unfortunately, over the last 20 years the promise of the equality guarantee has not been fulfilled – either by governments, for whom it should be a source of primary guidance in their decision-making, or by the courts. On this anniversary, we want to celebrate the equality guarantee itself and highlight the importance of equality as a fundamental value in our society. But we also want to urge governments and courts alike, to renew their commitment to substantive equality," said Côté.

"We expect the Charter's equality clause to deliver real results and to affect the lives of the most disadvantaged Canadians in positive ways. We have been disappointed by governments' failure to take its constitutional equality obligations seriously and to design the consistent steps necessary to address systemic inequality over time."

"While there has been some progress since 1985, basic issues, such as access to transportation for people with disabilities, pay equity for women, appropriate recognition of credentials for internationally trained professionals, and high rates of poverty for Aboriginal people, single mothers, people of colour, and people with disabilities remain outstanding and largely ignored."

"A simple recent example of government failure to take its equality obligations seriously can be found in Via Rail's decision to appeal a ruling by the Canadian Transport Agency, that would require Via to improve train access for persons with disabilities. We also see the government's unwillingness to take responsibility for past discrimination and pay out Canada Pension Plan benefits to surviving same-sex spouses."

“Moving forward also requires the Supreme Court of Canada to play an active role as a Charter watchdog, and to keep governments on the equality path.”

She acknowledged that many equality-seekers feel betrayed by rulings of the McLachlin Court which has often opted for narrow interpretations of the equality guarantee. For example, in *Louise Gosselin vs AG Québec*, the Supreme Court upheld a decision of the Quebec government to reduce the welfare benefits of recipients under the age of 30 to \$170 per month. Last December, the Court allowed the Government of Newfoundland and Labrador to discriminate against its female employees by erasing pay equity payments for a three year period on the grounds that it was facing a deficit, in effect agreeing that a government could refuse to treat women equally.

“We are seeing serious backsliding at the Supreme Court. The Court appears to be reverting to pre-Charter approaches to judicial review,” Côté said. “We wish to recall Canadian governments and courts to the central commitment to achieving equality.”

Equality-seeking groups say there are ways that governments could show their commitment to equality, including by, improving human rights protections along the lines recommended by Justice LaForest’s panel that reported in 2000, ensuring better access to the courts for disadvantaged Canadians through legal aid and other measures, reviewing legislation and policy for effects on racialized groups and protecting human rights in inter-governmental agreements. Another very positive measure would be to extend the Court Challenges Program to cover cases under provincial jurisdiction.

The 20th Anniversary Committee is planning a number of events this year to highlight the importance of section 15, in particular a “Dialogue with Parliamentarians on Equality” in October 2005. Members of the 20th Anniversary Committee are also organizing specific events. The National Association of Women and the Law (NAWL) and West Coast LEAF (Women’s Legal Education and Action Fund) will hold a national conference – “20 Years (In)Equality”- beginning April 28, in Vancouver ([www.equalityconference](http://www.equalityconference.com)).

The 20 Years Anniversary Committee includes the following equality-seeking groups who are available for interviews:

- ◆ African Canadian Legal Clinic, Marie Chen: 416- 214-4747
- ◆ Canadian Association of Elizabeth Fry Societies, Kim Pate: 613-298-2422
- ◆ Council of Canadians with Disabilities, Jim Derksen: 204-947-0303
- ◆ Egale Canada - Gilles Marchildon: 613-230-1043 #222
- ◆ Women’s Legal Education and Action Fund West Coast (LEAF-WC): Audrey Johnson: 604-684-8772 #111
- ◆ Poverty and Human Rights Centre, Shelagh Day: 604-872-0750
- ◆ Metro Toronto Chinese & Southeast Asian Legal Clinic, Avvy Go: 416-971-9674
- ◆ National Association of Women and the Law, Andrée Côté: 613-241-7570 #25
- ◆ Charter Committee of Poverty Issues, Bruce Porter: 705-783-4567
- ◆ Information, Patricia Poirier: 514-295-9364