



# LEAFlet

*Newsletter of the West Coast  
Legal Education & Action Fund*

Spring 2013 Vol. 26 No. 2

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## ACCESSING JUSTICE THROUGH EDUCATION WORKSHOP

Coming to a community near you!

**June 4, 2013: Prince George**  
**June 5, 2013: Quesnel**

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## WHAT'S NEW IN THE *FAMILY LAW ACT*

West Coast LEAF welcomes BC's new *Family Law Act*, which came into force on March 18, but is calling for additional resources to ensure its effective implementation. The Act dramatically reshapes BC's laws, including those governing the division of family property and debt, custody and access to children, and assisted reproduction.

### Family Violence

For the first time, the Act defines the term "family violence" and directs judges to consider family violence when making decisions about parenting arrangements and contact between parents and children. The definition is not limited to physical abuse; it also includes emotional and psychological abuse, threats, and situations where children witness abuse in their families. Women are far more likely to be victims of abuse by their male partners, and the violence they experience is often much more severe—even life-threatening—than family violence directed at men.

### Protection Orders

The Act also contains important new tools to help women keep themselves and their children safe from violence. Protection orders are now available through the family courts and are enforceable by police. This addresses a major shortcoming of the previous law, which did not provide for police enforcement of restraining orders, leading to frequent breaches of orders and little accountability for violations. Protection orders will also take precedence over any other order. That means, for example, that a parenting order requiring a woman to communicate with her ex-spouse to make arrangements for visits with a child would be suspended if a protection order bars communication between them. Additionally, the new Act provides for conduct orders to help prevent litigation harassment and abuse of the court's processes by a controlling ex-spouse.

### A Lack of Legal Aid

Accessing these legal rights remains difficult, given the lack of legal aid for family law matters. Only extremely low-income women who are facing violence in their relationships are eligible for legal aid, leaving many women without access to the legal representation they need to achieve fair results. And while one of the government's main objectives in passing the new law was to encourage out-of-court resolution of family cases, we are concerned that no additional funding has been committed to the mediators, arbitrators, and family justice counsellors who provide alternative dispute resolution services.

Ensuring just outcomes, fair negotiations, and safe processes must be the top priorities for family justice reform. They must never be sacrificed in the name of cost savings or economic efficiency. West Coast LEAF will be watching closely to see how the new Act is interpreted and applied by the courts, and whether it meets its potential to address violence against women in relationships.

## LITIGATION UPDATE

In January of this year, we intervened in *Vilardell v. Dunham* at the BC Court of Appeal alongside our colleagues at the Canadian Bar Association, Trial Lawyers Association of BC, and Access Pro Bono. This important case concerned whether access to justice is a constitutionally protected right that is violated by charging hearing fees in civil cases.

At stake for Ms. Vilardell, an unemployed professional immigrant woman, was whether she was required to pay the hearing fees. At stake for public policy, future litigants, and taxpayers was the future of government fees charged for each day of court time.

West Coast LEAF was there to ensure that women's equality (and women's access to the courts in family law matters) was front and centre by arguing that the hearing fees were unconstitutional.

The Court of Appeal handed down its decision in February. The Court refused to strike down the court hearing fees but widened the exemption criteria beyond just those who live in poverty to those who cannot realistically afford them. People who "could not meet their everyday expenses if they were required to pay the fees" no longer have to pay them.

The solution isn't perfect. As a practical step in improving access to justice, however, this decision will result in more people gaining access to the justice system without having to compromise their ability to cover their everyday costs of living. Those less likely to be able to afford hearing fees include women, people with disabilities, First Nations people, and immigrants. Ultimately, it is a victory for access to justice.

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## CHANGING MINDSETS AT YOUTH FACILITATOR TRAINING

By Lina Yeom



Earlier this year, I joined Youth Program Coordinator Adam James and 13 volunteer facilitators-in-training to learn how to present West Coast LEAF's "No Means No" and "Youth in the Workplace" workshops. I was amazed to discover all the preparation that is needed for a successful workshop.

*continued on page 3*

## VOLUNTEER PROFILE

### Srdja Zivkov

By Ashley McClare

Srdja Zivkov is a 4th-year Political Science and Legal Studies student at Simon Fraser University. He started volunteering at West Coast LEAF in December 2012 after reading about *R. v. Sullivan and Lemay* (aka the "Midwives Case") in which LEAF intervened at the Supreme Court of Canada appeal. He would recommend this reading to any student interested in how gender issues intersect with social justice, law, and politics.

### How has your experience supporting women's advocacy and equality affected your views and decisions in your personal life?

**Srdja:** When I started volunteering at West Coast LEAF, I began to notice gender inequality all around me. I found it difficult to constantly confront people about their beliefs, based on words that would casually slip out. Now I find it much more beneficial to ask a few questions about why someone would participate in such a harmful way of thinking. Usually people just mirror the society they are part of because it's easier, but once you ask a few (Socratic) questions, even the worst mirrors of prejudice start to reflect how society ought to be instead of how it is.

### During your time volunteering, have you experienced any moments you felt really exemplified the importance of supporting the work of West Coast LEAF?

**Srdja:** Listening to Francesca Marzari and her mother sing and give a powerful speech at the 26th Annual Equality Breakfast (and collecting donation forms afterward) really opened my eyes to how far West Coast LEAF has come and how much more there is to do and also how passionate people are about our cause and how much they are willing to give.



West Coast LEAF

[www.facebook.com/westcoastleaf](http://www.facebook.com/westcoastleaf)

## DONOR PROFILE

### Megan Adam

By Ashley McClare

Megan Adam is a communications worker and trade union activist. Her history of social justice and environmental activism stretches back more than 2 decades. She is a writer, gardener, community organizer, and musician. Megan's writing can be found online at <http://red-cedar.ca>.

#### Please tell us about your history as an equality activist.

**Megan:** I would have to start with the moment I realized that my mum made less than my dad, even though they were both university-educated and employed full-time. She was a teacher, he an engineer, and my 6-year-old mind couldn't understand why a teacher would be paid less than anyone else except as was explained to me—jobs that women dominate just tend to pay less.

And no, it wasn't fair. Perhaps that's why a few years ago I got involved in a Public Service Alliance of Canada (PSAC) court case that challenged changes to the pay equity law that inhibits federal government workers from demanding equal pay for work of equal value. The challenged law removed the union's right to counsel or to speak with members about bringing pay equity claims forward. Until we overturn this undemocratic legislation, the PSAC faces fines of up to \$50,000 if we are caught talking to our members about new pay equity claims.

#### What do you currently see as the main barriers to women's equality in Canada?

**Megan:** Probably governments that put the economy before our civil society. A single change, such as a move to a universal daycare system, would significantly change the landscape for Canadian women and families who struggle to find and pay for daycare. For each step forward, it seems we take two back. We need to demand more and not be afraid to do so.

*continued from page 2*

Facilitators must be knowledgeable about basic legal information, as we'll be talking to youth about their legal protection against exploitation and discrimination. Both workshops involve youth participants learning this crucial information and sharing their thoughts on topics like workplace standards and sexual harassment. Our role as facilitators is to keep the discussion on topic, encourage stimulating conversations, and ensure the environment is safe and inclusive for everyone.

"No Means No" and "Youth in the Workplace" are designed to promote critical thinking about law and traditional power relations. As such, our training involved a deep exploration of how power is expressed and exercised in our everyday interactions with others.

One of the biggest insights that struck me during this exercise was realizing that being a bystander to injustice (no matter how small) is also a way of exercising power. I am now more attentive to the interactions around me and consider my own actions more thoroughly. I believe that the youth who complete the workshops will share a similar shift in perspective. Being aware of power dynamics is fundamental to respecting the rights of others and ourselves.

## COMMUNITY PARTNER PROFILE

### Jane Doe Legal Network

A project of Pivot Legal Society, the Jane Doe Legal Network provides support and resources—including legal clinics—to women and girls who have been affected by violence and abuse.

#### 31 Things BC Can Do to End Violence Against Women

West Coast LEAF is one of several organizations that endorse the Jane Doe Legal Network's recent campaign "31 Things BC Can Do to End Violence Against Women." A list of 31 social, economic, and legal recommendations was sent to BC's Provincial Office of Domestic Violence at the beginning of March. To raise public awareness of this campaign, one item from the list was then posted online and on social media every day for the entire month, inviting all those who support an end to violence to further share each call for change.

The recommendations focus on prevention and improved responses toward violence against women. The very first recommendation provides a framework through which we can view the structural invisibility of gendered violence and calls for a shift in language. As Jane Doe coordinator Darcie Bennett explains, "Violence against women is disappearing from policies, legislation, and public discussions and is being replaced by gender-neutral terms like 'domestic violence' and 'partner assault.' This linguistic shift erases the gross disproportionality and qualitative difference in gendered patterns of violence."

We can't do justice to the breadth and thoughtfulness of the recommendations by trying to summarize them all here. To see them, we recommend you visit <http://www.janedoelegal.org/31things>.

## INVESTING IN WOMEN'S EQUALITY

West Coast LEAF is grateful for the ongoing support we receive from our donors, our members, and the Law Foundation of British Columbia. We also receive project support from our public funders.



Chris Spencer Foundation



Vancity

## 2013 EQUALITY BREAKFAST SUCCESS



Seeing our supporters bright and early the morning of the Equality Breakfast is a great way to start the day. Thank you everyone who attended, volunteered, and helped out with the event!

## Thank you to our fabulous 2013 Equality Breakfast Sponsors

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## SPEAKERS BUREAU

Hear about current issues in women's equality and the law and what West Coast LEAF is doing about it. Invite us to speak at your workplace, school, or event. For more details, contact Kasari Govender at 604.684.8772, x. 111 or [exec@westcoastleaf.org](mailto:exec@westcoastleaf.org).

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