

LEAFlet

RAISING OUR VOICES FOR GENDER EQUALITY



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UPDATE

STRATEGIC LITIGATION FOR EQUALITY

In August 2020, the BC Court of Appeal released its judgment in *Council of Canadians with Disabilities v BC*, an appeal of the BC Supreme Court's ruling that the Council of Canadians with Disabilities did not have the "public interest standing" to directly challenge BC's mental health regime. West Coast LEAF intervened in the appeal to argue that public interest plaintiffs play a critical role in supporting access to justice for people who experience marginalization and oppression and for whom bringing separate, individual lawsuits is untenable. In line with our submissions, the Court of Appeal overturned the BC Supreme Court's decision and reaffirmed a flexible and purposive approach to public interest standing.

In October 2020, the Supreme Court of Canada released its judgments in two cases that were heard together: *Maia Bent, et al. v Howard Platnick, et al.*; and *1704604 Ontario Limited v Pointes Protection Association, et al.* The cases were about the proper interpretation of Ontario's anti-Strategic Lawsuits Against Public Participation (SLAPP) legislation (on which BC's anti-SLAPP legislation is modeled). West Coast LEAF made submissions about the use of defamation suits to intimidate and silence sexual assault survivors. We argued that anti-SLAPP legislation should offer robust protections in this context. Unfortunately, the Supreme Court declined to specifically address the impact of such claims on survivors. However, it did recognize that when deciding whether to dismiss a lawsuit under anti-SLAPP legislation, courts should consider what impact the underlying case may have on equity-seeking groups.

In November 2020, the Supreme Court of Canada heard *Colucci v Colucci*, an important case out of Ontario about retroactive decreases to child support under the *Divorce Act*. West Coast LEAF intervened with our friends at LEAF to argue that a substantive equality lens is essential to the consideration of child support matters. We know that the problem of unpaid child support is an unmistakably gendered issue, which contributes to the feminization of poverty and, in turn, child poverty. This case, along *continued on page 2*



West Coast LEAF's Elba Bendo, counsel on R.R. at the BC Human Rights Tribunal.

A MESSAGE FROM OUR PRESIDENT AND EXECUTIVE DIRECTOR

THIRTY-FIVE YEARS AGO, West Coast LEAF grew out of the passion and determination of feminists who dared to envision an equitable and more just society. Their steadfast belief that better is not only possible, but imperative and achievable, has fueled our work ever since.

We want to thank each one of you for your sustaining support and encouragement over the last year. For all of us, 2020 has been unique and challenging. We are facing global crises that have highlighted existing inequalities and spurred our organization to an even deeper commitment to addressing the ways in which some groups suffer the burdens of social, economic, and environmental crises far more acutely than others. We are especially grateful this year that West Coast LEAF is in a strong position to weather the uncertainties of COVID-19. This is because of you and your steadfast support. As members, donors, sponsors, funders, staff, volunteers and friends, you have placed your trust in us to carry our work forward, and for that we are humbled. We can't do this work without you, and we are so proud to do it with you.

The global pandemic has presented new challenges and opportunities. Together and as individuals, we've had to rapidly adjust and respond to new ways of working

together for social change, just as we know you too have had to make changes in your work, school, and home lives. Alongside these challenges, we want to embrace the things we have been pushed to do differently, like cutting down on our carbon emissions with less travel, meeting in ways that are inclusive of people of all abilities, and recognizing that our personal and family lives are sometimes going to infiltrate and interrupt our professional lives.



Elin Sigurdson, President



Raji Mangat,
Executive Director

We are very proud of the achievements this organization has made through the ups and downs of 2020. This year alone, we advocated for community-based, wrap-around support services for survivors of sexual assault; made submissions using feminist economic frameworks to BC and Canada's COVID-19 recovery plans to ensure they meaningfully respond to the needs of those who most bear the brunt of the pandemic and the weight of inequality; engaged communities of trans people, sex-workers and Indigenous youth to review BC's progress on gender equality; argued before the Supreme Court of Canada for a child support system that responds to the reality of women's and children's poverty; and won an interim — but essential — battle to keep our fight for access to family law justice alive so that the plaintiffs can see their day in court.

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continued from page 1 with a similar BC case, **Michel v Graydon**, clearly demonstrate the importance of a clear and principled legal approach to retroactive changes to child support. While the Supreme Court issued a rare judgment from the bench at the conclusion of the hearing in *Michel v Graydon*, it has reserved its judgment in *Colucci v Colucci*.

West Coast LEAF continues to prepare for trial in **SMA v BC**, our constitutional challenge to inadequate family law legal aid in BC. Along with *pro bono* counsel, we are currently in the process of retaining expert witnesses and preparing for examinations for discovery. The trial will take place from September to December of 2021.

In September 2020, the hearing continued in **R.R. v Vancouver Aboriginal Child and Family Services Society**, a human rights complaint about the treatment of an Indigenous mother whose children were apprehended under BC's child welfare system. R.R. alleges that the Society's decisions to deny and restrict her access to her children were based on prejudicial assumptions about her as an Indigenous mother with mental health disabilities. West Coast LEAF is intervening in this case to provide social context about the complicated relationship between Indigenous families and the colonial child welfare system. The hearing will resume in January 2021.

For more about our cases, visit our website. 

CHARTING A PATH FORWARD

West Coast LEAF has been offering Public Legal Education and Information (PLEI) programming and resources for more than 20 years, on topics ranging from consent to the rights of young workers to issues in parenting and family law. We're grateful for the work of all the feminists who built our PLEI programs, and we also recognize that much has changed since the 1990s when some of our main offerings were initially developed. Our Re-Envisioning PLEI Project, generously funded by the Law Foundation of BC, gives us a chance to do a thoughtful evaluation to chart a path forward for our PLEI.

As part of the project, we are seeking input from those in our community, including teachers, youth workers, and other youth-serving professionals in BC, who have never booked our PLEI youth workshops. If you fill out a brief survey (5-10 minutes), you can enter to win one of three \$75 VISA gift cards.



L-R: Long-time youth workshop volunteers and co-facilitators Alysha Dakha and Diana Wang.

You can find the survey here: <https://bit.ly/2Uly7iB>. If you have any trouble accessing the online survey, please email Cecile Afable, Youth Workshop Coordinator, at youth@westcoastleaf.org to arrange an alternative way to give feedback (such as over the phone). ♀

COLLABORATING FOR SYSTEM-WIDE CHANGE

Throughout our *Shifting the Child Protection System* project, West Coast LEAF heard clearly from parents, community members, front-line family support staff, and lawyers for the need to build connected communities that work to support one another when advocating for changes. They told us that what's missing in the BC landscape is the ability to come together, break down isolation, and learn from one another around child welfare advocacy.



Our new three-year Child Welfare Advocacy Communities of Practice project, generously funded by the Law Foundation of BC, is aimed at improving outcomes for families engaged in the child welfare system, as well as those who serve their interests. It is our intention to build capacity for advocacy that includes skill building, sharing wise practices, and generating and supporting collaboration to support system-wide change.

We intend to uplift and amplify the wisdom and expertise of Indigenous leaders, families, Elders, and child welfare advocates in order to transform, shift, revision, and reclaim the child welfare system from what's currently an ongoing colonial intervention system to a system in which Indigenous children, families, and communities will thrive.

The project is structured around a steering committee with representatives from four working groups and experts, including researchers, Elders, representatives from other advocacy groups, etc. The steering committee will provide oversight through ongoing evaluation, troubleshooting, and ensuring transparency, accountability, and alignment with the project goals.

The vision for this project builds on our past work, including *Shifting the Child Protection System*, in which we assessed whether the Ministry of Child and Family Development was meeting its obligations to provide the necessary family supports to ensure parents are able to exercise their right to parent and that children's best interests are met. The resulting report, *Pathways in a Forest: Indigenous guidance on prevention-based child welfare*, emerged from a collaboration with the families, Elders, and staff at Tillicum Lelum Aboriginal Friendship Centre, Lii Michif Otipemisiwak, and Fraser Region Aboriginal Friendship Centre Association.

Prior work includes our 2016 report *High Stakes: The impacts of child care on the* [continued on page 4](#)



JOHNNY LIU PHOTOGRAPHY

WITHER THE EQUALITY BREAKFAST?

As you can imagine, our beloved Equality Breakfast is going to look a bit different this year. Stay tuned for some exciting announcements in the coming weeks. We can't wait to celebrate International Women's Day and our shared accomplishments over the last year.

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Looking back on this year, we also reflect on the pace and nature of social justice work: sometimes you are fighting against a tide and sometimes you are riding a wave—and sometimes you do both in one day. Either way, you have to maintain a steadfast focus on your destination. This past year, we have seen results we couldn't have anticipated. When we launched our project aimed at systemic change in the justice system's response to sexual assault, we couldn't possibly know that in 2020, just as the three-year project was wrapping up, the province would commit \$10 million over three years to fund community-based services for survivors. We didn't yet know that our engagement with three communities about Indigenous guidance on prevention-based child welfare would lead to the longer-term project we've now begun to help fundamentally transform the child welfare system. We are embracing those opportunities to give that work the momentum and force that it deserves.

What we do now, today, matters. With all our efforts, we are planting the seeds of justice that we hope to harvest tomorrow. Incremental, evolutionary change is hard and sometimes frustrating. But our work carries the spirit of revolution, pushing pebbles and boulders alike to their tipping points, where change is inevitable.

We hope that as you read this, you will take heart in the small and large victories of the past year.

The work is vital, and we are grateful to have you as our partners in equality. Thank you!


Stay safe and well.

— Elin Sigurdson, President, and
Raji Mangat, Executive Director 

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human rights of women and children, which analyzed the human rights consequences of BC's inadequate child care system, highlighting the increased likelihood of child apprehensions when high-quality, culturally appropriate, affordable child care is out of reach.

In the area of litigation, we are currently involved as intervenors in a complaint before the BC Human Rights Tribunal about discrimination in the child protection system. R.R., an Indigenous mother, brought a complaint against Vancouver Aboriginal Child and Family Services Society under the *Human Rights Code* for discrimination on the grounds of race, colour, ancestry, and mental disability.

If you'd like more information about this project and how to support its activities, contact Sharnelle Jenkins-Thompson (she/her), Manager of Community Outreach and the project lead, at community@westcoastleaf.org. 

INVESTING IN GENDER EQUALITY

We are grateful for the ongoing support we receive from our donors, funders, members, and the Law Foundation of BC.

Thank you to our current project funders:



We are grateful for the continuing support of the Law Foundation of BC. We acknowledge the financial support of the Province of British Columbia. We acknowledge the government of Canada for funding through Women and Gender Equality Canada and the Social Sciences and Humanities Research Council of Canada.



Donate before December 31 for your 2020 tax receipt!

We need your help now to hold the systems of power accountable and to push for transformational change. Please give generously today by making a year-end donation. Visit westcoastleaf.org/take-action/donate/. We don't know what the next year will bring, but with your support, we know we can face it together.