

**IN THE SUPREME COURT OF CANADA**  
(ON APPEAL FROM THE COURT OF APPEAL OF QUÉBEC)

BETWEEN:

**ENGLISH MONTREAL SCHOOL BOARD,  
MUBEENAH MUGHAL and PIETRO MERCURI**

APPELLANTS  
(Respondents on Cross-Appeal)

AND:

**ATTORNEY GENERAL OF QUÉBEC  
JEAN-FRANÇOIS ROBERGE, in his official capacity,  
SIMON JOLIN-BARRETTE, in his official capacity**

RESPONDENTS  
(Appellants on Cross-Appeal)

AND:

**MOUVEMENT LAÏQUE QUÉBÉCOIS  
FRANÇOIS PARADIS, in his official capacity**

RESPONDENTS

*(Style of cause continued on next page)*

---

**INTERVENER'S FACTUM**  
**WEST COAST LEGAL EDUCATION AND ACTION FUND ASSOCIATION**  
(Pursuant to Rules 42 of the *Rules of the Supreme Court of Canada*)

---

Counsel for the Intervener,  
West Coast Legal Education and  
Action Fund Association  
**Robyn Trask, Humera Jabir, Gita  
Keshava and Idaresit Thompson**

Ethos Law Group LLP  
630 – 999 W. Broadway  
Vancouver, British Columbia  
V5Z 1K5

Tel: (604) 569-3022  
Fax: 1-866-591-0597  
Email: [robyntrask@yahoo.com](mailto:robyntrask@yahoo.com)

Agent for the Intervener,  
West Coast Legal Education and  
Action Fund Association  
**Michael J. Sobkin**

331 Somerset Street West  
Ottawa, Ontario  
K2P 0J8

Tel: (613) 282-1712  
Fax: (613) 288-2896  
Email: [msobkin@sympatico.ca](mailto:msobkin@sympatico.ca)

*(Style of cause continued)*

AND BETWEEN:

**WORLD SIKH ORGANIZATION OF CANADA  
AMRIT KAUR**

**APPELLANTS  
(Respondents on Cross-Appeal)**

AND:

**ATTORNEY GENERAL OF QUÉBEC**

**RESPONDENT  
(Appellant on Cross-Appeal)**

AND BETWEEN:

**ICHRAK NOUREL HAK,  
NATIONAL COUNCIL OF CANADIAN MUSLIMS,  
CORPORATION OF THE CANADIAN CIVIL LIBERTIES ASSOCIATION**

**APPELLANTS  
(Respondents on Cross-Appeal)**

AND:

**ATTORNEY GENERAL OF QUÉBEC  
JEAN-FRANÇOIS ROBERGE, in his official capacity,  
SIMON JOLIN-BARRETTE, in his official capacity**

**RESPONDENTS  
(Appellants on Cross-Appeal)**

AND:

**FRANÇOIS PARADIS, in his official capacity  
MOUVEMENT LAÏQUE QUÉBÉCOIS  
POUR LES DROITS FEMMES DU QUÉBEC**

**RESPONDENTS**

AND BETWEEN:

**FÉDÉRATION AUTONOME DE L'ENSEIGNEMENT**

APPELLANT  
(Respondent on Cross-Appeal)

AND:

**ATTORNEY GENERAL OF QUÉBEC  
JEAN-FRANÇOIS ROBERGE, in his official capacity,  
SIMON JOLIN-BARRETTE, in his official capacity**

RESPONDENTS  
(Appellants on Cross-Appeal)

AND BETWEEN:

**ANDRÉA LAUZON, HAKIMA DADOUCHE, BOUCHERA CHELBI  
LEGAL COMMITTEE OF THE COALITION INCLUSION QUÉBEC**

APPELLANTS  
(Respondents on Cross-Appeal)

AND:

**ATTORNEY GENERAL OF QUÉBEC**

RESPONDENT  
(Appellant on Cross-Appeal)

AND BETWEEN:

**THE LORD READING LAW SOCIETY**

APPELLANT  
(Respondent on Cross-Appeal)

AND:

**ATTORNEY GENERAL OF QUÉBEC**

RESPONDENT  
(Appellant on Cross-Appeal)

AND:

**QUEBEC COMMUNITY GROUPS NETWORK, ICHRAK NOUREL HAK, NATIONAL COUNCIL OF CANADIAN MUSLIMS, CORPORATION OF THE CANADIAN CIVIL LIBERTIES ASSOCIATION, FÉDÉRATION AUTONOME DE L'ENSEIGNEMENT, ANDRÉA LAUZON, HAKIMA DADOUCHE, BOUCHERA CHELBI, LEGAL COMMITTEE OF THE COALITION INCLUSION QUÉBEC, CANADIAN HUMAN RIGHTS COMMISSION, LORD READING LAW SOCIETY, WORLD SIKH ORGANIZATION OF CANADA, AMRIT KAUR, PUBLIC SERVICE ALLIANCE OF CANADA (PSAC), CHRISTIAN LEGAL FELLOWSHIP, QUEBEC ENGLISH SCHOOL BOARDS ASSOCIATION, WOMEN'S LEGAL EDUCATION AND ACTION FUND, POUR LES DROITS DES FEMMES DU QUÉBEC, MOUVEMENT LAÏQUE QUÉBÉCOIS, ENGLISH MONTREAL SCHOOL BOARD, MUBEENAH MUHGAL, PIETRO MERCURI, ATTORNEY GENERAL OF CANADA, ATTORNEY GENERAL OF ONTARIO, ATTORNEY GENERAL OF NEW BRUNSWICK, ATTORNEY GENERAL OF MANITOBA, ATTORNEY GENERAL OF BRITISH COLUMBIA, ATTORNEY GENERAL OF SASKATCHEWAN, ATTORNEY GENERAL OF ALBERTA, AMNISTIE INTERNATIONALE, SECTION CANADA FRANCOPHONE, PUBLIC INTEREST LITIGATION INSTITUTE, MUSLIM ADVISORY COUNCIL OF CANADA, RAOUL WALLENBERG CENTRE FOR HUMAN RIGHTS, TRIAL LAWYERS ASSOCIATION OF BRITISH COLUMBIA, DROITS COLLECTIFS QUÉBEC, ADVOCATES' SOCIETY, INTERNATIONAL COMMISSION OF JURISTS (CANADA), TASK FORCE ON LINGUISTIC POLICY AND ANDREW CADDELL, ASSOCIATION DES AVOCATS DE LA DÉFENSE DE MONTRÉAL-LAVAL-LONGEUIL, SERGE JOYAL, SOUTH ASIAN BAR ASSOCIATIONS (TORONTO, CALGARY, BRITISH COLUMBIA, AND EDMONTON), CANADIAN MUSLIM LAWYERS ASSOCIATION, CANADIAN ASSOCIATION OF BLACK LAWYERS AND FEDERATION OF ASIAN CANADIAN LAWYERS (ONTARIO), CANADIAN LABOUR CONGRESS, CANADIAN CONSTITUTION FOUNDATION, CANADIAN CONFERENCE OF CATHOLIC BISHOPS, MIGRANT JUSTICE CLINIC, CONSTITUTIONAL RIGHTS CENTRE, HAMSHUCHAS HADOIROIS INTERNATIONAL ASSOCIATION, COMMISSION NATIONALE DES PARENTS FRANCOPHONES, WEST COAST LEGAL EDUCATION AND ACTION FUND**

**ASSOCIATION, CANADIAN COUNCIL OF MUSLIM WOMEN, BRITISH COLUMBIA  
CIVIL LIBERTIES ASSOCIATION, BARBRA SHCIFLER COMMEMORATIVE  
CLINIC AND WOMEN IN CANADIAN CRIMINAL DEFENCE, LIGUE DES DROITS  
ET LIBERTÉS, BRITISH COLUMBIA HUMANIST ASSOCIATION AND CANADIAN  
SECULAR ALLIANCE, ONTARIO HUMAN RIGHTS COMMISSION, NATIONAL  
ASSOCIATION OF WOMEN AND THE LAW, ASSOCIATION DES CONSEILS  
SCOLAIRES DES ÉCOLES PUBLIQUES DE L'ONTARIO, COMMISSIONER OF  
OFFICIAL LANGUAGES OF CANADA, ACADIAN SOCIETY OF NEW BRUNSWICK,  
CRIMINAL LAWYERS' ASSOCIATION (ONTARIO), EGALE CANADA, CLINIQUE  
JURIDIQUE JURITRANS, SAMARA CENTRE FOR DEMOCRACY, DAVID ASPER  
CENTRE FOR CONSTITUTIONAL RIGHTS, FEDERATION OF ONTARIO LAW  
ASSOCIATIONS, COMMUNITY LEGAL ASSISTANCE SOCIETY, SOUTH ASIAN  
LEGAL CLINIC OF ONTARIO, SOUTH ASIAN LEGAL CLINIC OF BRITISH  
COLUMBIA AND SOUTH ASIAN WOMEN'S COMMUNITY CENTRE, CHINESE  
CANADIAN NATIONAL COUNCIL FOR SOCIAL JUSTICE AND CHINESE AND  
SOUTHEAST ASIAN LEGAL CLINIC**

INTERVENERS

---

**ORIGINAL TO: Registrar**  
Supreme Court of Canada  
301 Wellington Street  
Ottawa, ON K1A 0J1

**COPIES TO:**

**JURISTES POWER LAW**  
460 Saint-Gabriel Street, 4th Floor  
Montréal, Québec H2Y 2Z9

**Mark C. Power**  
**Perri Ravon**  
**Jennifer Klinck**  
Tel: 604 265-0340  
[mpower@juristespower.ca](mailto:mpower@juristespower.ca)

**Counsel for the Appellants,  
Respondents on cross-appeal and  
Intervenors, English  
Montreal School Board, Mubeenah  
Mughal, Pietro Mercuri**

**IMK LLP**  
Place Alexis Nihon, Tower 2  
3500 de Maisonneuve Blvd. W- Suite  
1400 Montréal, Québec H3Z 3C1

**David Grossman**  
**Olga Redko**  
**Marie-Hélène Lyonnais**  
Tel: 514 934-7730  
Fax: 514 935-2999  
[dgrossman@imk.ca](mailto:dgrossman@imk.ca)  
[oredko@imk.ca](mailto:oredko@imk.ca)  
[mhlyonnais@imk.ca](mailto:mhlyonnais@imk.ca)

**JURISTES POWER LAW**  
50 O'Connor Street, Suite 1313  
Ottawa, Ontario K1P 6L2

**Darius Bossé**  
Tel & Fax: 613 702-5566  
[dbosse@powerlaw.ca](mailto:dbosse@powerlaw.ca)

**Agent for the Appellants, Respondents on cross-  
appeal and Intervenors, English Montreal  
School Board, Mubeenah Mughal, Pietro  
Mercuri**

**JURISTES POWER LAW**  
50 O'Connor Street  
Suite 1313  
Ottawa, Ontario K1P 6L2

**Maxine Vincelette**  
Tel: 613 702-5560  
Fax: 613 702-5573  
[mvincelette@powerlaw.ca](mailto:mvincelette@powerlaw.ca)

**Counsel for the Appellants,  
Respondents on cross-appeal and  
Interveners, Ichrak Nourel  
Hak, National Council of Canadian  
Muslims, and Canadian Civil  
Liberties Association**

**GATTUSO BOUCHARD  
MAZZONE LLP**  
1010 Sherbrooke Street West, Suite  
2200  
Montréal, Québec H3A 2R7

**Frédéric Bérard  
Laurent Bouvier Tremblay**  
Tel: 438 827-4365  
[fberard@gattusogbm.com](mailto:fberard@gattusogbm.com)  
[lbtremblay@gattusogbm.com](mailto:lbtremblay@gattusogbm.com)

**Counsel for the Appellant,  
Respondent on cross-appeal and  
Intervener, Fédération autonome de  
l'enseignement**

**DAVIES WARD PHILLIPS &  
VINEBERG LLP**  
1501 McGill College Avenue, 8th Floor  
Montréal, Québec H3A 3N9

**Alexandra Belley-McKinnon  
Molly Krishtalka  
Jérémy Boulanger-Bonnelly**  
Tel: 514 841-6456  
Fax: 514 841-6499  
[abelleymckinnon@dwpv.com](mailto:abelleymckinnon@dwpv.com)  
[mkrishtalka@alexeevco.com](mailto:mkrishtalka@alexeevco.com)  
[jeremy.boulanger-bonnelly@gmail.com](mailto:jeremy.boulanger-bonnelly@gmail.com)

**Counsel for the Appellants,  
Respondents on cross-appeal and**

**Agent for the Appellants, Respondents on cross-  
appeal and Interveners, Ichrak Nourel  
Hak, National Council of Canadian Muslims,  
and Canadian Civil Liberties Association**

**SUPREME ADVOCACY**  
340 Gilmour Street, Suite 100  
Ottawa, Ontario K2P 0R3

**Marie-France Major**  
Tel: 613 695-8855  
Fax: 613 695-8580  
[mfmajor@supremeadvocacy.ca](mailto:mfmajor@supremeadvocacy.ca)

**Agent for the Appellant, Respondent on cross-  
appeal and Intervener, Fédération autonome de  
l'enseignement**

**Intervenors, Andréa Lauzon, Hakima  
Dadouche, Bouchera Chelbi and  
Comité juridique de la Coalition  
Inclusion Québec**

**BORDEN LADNER GERVAIS LLP**  
1000 rue de la Gauchetière O, Suite 900  
Montreal, Québec H3B 5H4

**François Grondin**  
**Julien Boudreault**  
**Amanda Afeich**  
Tel: 514 954-3153  
Fax: 514 954-1905  
[fgrondin@blg.com](mailto:fgrondin@blg.com)  
[jboudreault@blg.com](mailto:jboudreault@blg.com)  
[aafeich@blg.com](mailto:aafeich@blg.com)

**Counsel for the Appellant,  
Respondent on cross-appeal and  
Intervener, Lord Reading Law  
Society**

**DAVIES WARD PHILLIPS  
& VINEBERG LLP**  
1501 McGill College Avenue, 27th  
Floor  
Montréal, Québec H3A 3N9

**Léon H. Moubayed**  
**Faiz M. Lalani**  
**Aliosha Hurry**  
Tel: 514 841-6461  
Fax: 514 841-6499  
[lmoubayed@dwpv.com](mailto:lmoubayed@dwpv.com)  
[flalani@dwpv.com](mailto:flalani@dwpv.com)  
[ahurry@dwpv.com](mailto:ahurry@dwpv.com)

**Counsel for the Appellant,  
Respondent on cross-appeal and**

**Intervener, World Sikh Organization  
of Canada and Amrit Kaur**

**BERNARD, ROY (JUSTICE-  
QUÉBEC)**

1 Notre-Dame Street East, Suite 8.00  
Montréal, Québec H2Y 1B6

**Isabelle Brunet**

**Samuel Chayer**

Tel: 514 393-2336

Fax: 514 873-7074

[isabelle.brunet@justice.gouv.qc.ca](mailto:isabelle.brunet@justice.gouv.qc.ca)

**Counsel for the Respondents,  
Attorney General of Québec, Jean-  
François Roberge, in his official  
capacity, and Simon Jolin- Barrette,  
in his official capacity**

**ALARIE LEGAULT**

800 Square-Victoria Street, Suite 720  
Montréal, Québec H4Z 1A1

**Luc Alarie**

**Guillaume Rousseau**

Tel: 514 617-5821

Fax: 514 954-4495

[lucalarie@alarielegault.ca](mailto:lucalarie@alarielegault.ca)

[guillaume.rousseau@usherbrooke.ca](mailto:guillaume.rousseau@usherbrooke.ca)

**Counsel for the Respondent and  
Intervener, Mouvement laïque  
québécois**

**FASKEN MARTINEAU**

**DUMOULIN LLP**

800 Square-Victoria Street, Suite 3500  
Montréal, Québec H4Z 1E9

**NOËL ET ASSOCIÉS, S.E.N.C.R.L.**

225 montée Paiement 2<sup>nd</sup> Floor  
Gatineau, Quebec J8P 6M7

**Pierre Landry**

Tel: 819 771-7393

Fax: 819 771-5397

[p.landry@noelassocies.com](mailto:p.landry@noelassocies.com)

**Agent for the Respondents, Attorney General of  
Québec, Jean-François Roberge, in his official  
capacity, and Simon Jolin- Barrette, in his  
official capacity**

**Christian Trépanier**  
**Maxime-Arnaud Keable**  
Tel: 514 397-7400  
[ctrepanier@fasken.com](mailto:ctrepanier@fasken.com)  
[mkeable@fasken.com](mailto:mkeable@fasken.com)

**Counsel for the Respondent, François Paradis, in his official capacity**

**CHRISTIANE PELCHAT**  
375 Joliette Street, #204  
Longueuil, Québec J4K 0C1

**Christiane Pelchat**  
Tel: 438 341-2828  
[christiane.pelchat@gmail.com](mailto:christiane.pelchat@gmail.com)

**Counsel for the Respondent and Intervener, Pour les droits des femmes du Québec**

**GREY CASGRAIN, s.e.n.c.**  
4920 Boulevard de Maisonneuve West,  
Suite 305  
Westmount, Quebec H3Z 1N1

**Julius H. Grey, Ad. E.**  
**Geneviève Grey**  
**Sasha Fortin-Ballay**  
**Pamela Lazzara**  
Tel: 514 288-6180  
Fax: 514 288-8908  
[jhgrey@greycasgrain.net](mailto:jhgrey@greycasgrain.net)  
[ggrey@greycasgrain.net](mailto:ggrey@greycasgrain.net)  
[sfortinballay@greycasgrain.net](mailto:sfortinballay@greycasgrain.net)  
[plazzara@greycasgrain.net](mailto:plazzara@greycasgrain.net)

**Counsel for the Intervener, Quebec Community Groups Network**

**CANADIAN HUMAN RIGHTS  
COMMISSION**

344 Slater Street, 8<sup>th</sup> Floor  
Ottawa, Ontario K1A 1E1

**Ikram Farah Warsame**

**Sarah Chênevert-Beaudoin**

Tel: 613 295-7096

Fax: 613 993-3089

[ikram.warsame@chrc-ccdp.ca](mailto:ikram.warsame@chrc-ccdp.ca)

[sarah.chenevert-beaudoin@chrc-ccdp.gc.ca](mailto:sarah.chenevert-beaudoin@chrc-ccdp.gc.ca)

**Counsel for the Intervener,  
Canadian Human Rights Commission**

**MELANÇON, MARCEAU,  
GRENIER & SCIORTINO**

1717 René-Lévesque East Boulevard,  
Suite 300  
Montréal, Québec H2L 4T3

**Sibel Ataogul**

Tel: 514 525-3414, ex 316

Fax: 514 525-2803

[sataogul@mmgc.quebec](mailto:sataogul@mmgc.quebec)

**Counsel for the Intervener, Amnistie  
Internationale, Section Canada  
Francophone**

**MELANÇON, MARCEAU,  
GRENIER & SCIORTINO**

1717 René-Lévesque East Boulevard,  
Suite 300  
Montréal, Québec H2L 4T3

**Marie-Claude St-Amant**

Tel: 514 525-3414, ex 316

Fax: 514 525-2803

[mcstamant@mmgc.quebec](mailto:mcstamant@mmgc.quebec)

**Counsel for the Intervener, Public  
Service Alliance of Canada**

**ROBERT E. REYNOLDS**

1980, Sherbrooke W, Suite 900  
Montreal, Quebec H3H 1E8

**Robert E. Reynolds**

**Derek B.M. Ross**

**André M. Schutten**

**Vivian W.S. Clemence**

Tel: 514 939-4633

Fax: 514 939-2786

[rreynoldslaw@gmail.com](mailto:rreynoldslaw@gmail.com)

[excedir@christianlegalfellowship.org](mailto:excedir@christianlegalfellowship.org)

[aschutten@christianlegalfellowship.org](mailto:aschutten@christianlegalfellowship.org)

[vclemence@christianlegalfellowship.org](mailto:vclemence@christianlegalfellowship.org)

**Counsel for the Intervener, Christian  
Legal Fellowship**

**CONWAY BAXTER WILSON LLP**

411 Roosevelt Avenue, Suite 400  
Ottawa, Ontario K2A 3X9

**Marion Sandilands**

Tel: 613 780-2021

Fax: 613 688-0271

[msandilands@conwaylitigation.ca](mailto:msandilands@conwaylitigation.ca)

**Counsel for the Intervener, Quebec  
English School Boards Association**

**MCCARTHY TÉTRAULT**

**S.E.N.C.R.L., s.r.l.**

1000, rue de la Gauchetière Ouest  
Suite MZ400

**SUPREME ADVOCACY LLP**

340 Gilmore Street, Suite 100  
Ottawa, ON K2P 0R3

**Marie-France Major**

Tel: 613 695-8855

Fax: 613 695-8580

[mfmajor@supremeadvocacy.ca](mailto:mfmajor@supremeadvocacy.ca)

**Agent for the Intervener, Christian Legal  
Fellowship**

Montréal, Québec H3B 0A2

**Véronique Roy**  
**Simon Bouthillier**  
Tel: 514 397-4100  
Fax: 514 875-6246  
[vroy@mccarthy.ca](mailto:vroy@mccarthy.ca)

**Counsel for the Intervener, Women's  
Legal Education and Action Fund**

**BORDEN LADNER GERVAIS LLP**  
World Exchange Plaza  
100 Queen Street, Suite 1300  
Ottawa, Ontario K1P 1J9

**DEPARTMENT OF JUSTICE CANADA**  
National Litigation Sector  
275 Sparks Street, St-Andrew Tower  
Ottawa, Ontario K1A 0H8

**Guy J. Pratte**  
**Michelle Kellam**  
**Marjolaine Breton**  
**François Joyal**  
**Nadia Effendi**  
Tel: 613 787-3741  
Fax: 613 230-8842  
[gpratte@blg.com](mailto:gpratte@blg.com)

**Bernard Letarte**  
  
Tel: 613 294-6588  
[SCCAgentCorrespondantCSC@justice.gc.ca](mailto:SCCAgentCorrespondantCSC@justice.gc.ca)

**Counsel for the Intervener,  
Attorney General of Canada**

**Agent for the Intervener,  
Attorney General of Canada**

**ATTORNEY GENERAL OF  
BRITISH COLUMBIA**  
Legal Services Branch  
1301 - 865 Hornby Street  
Vancouver, British Columbia V6Z 2G3

**MICHAEL SOBKIN LAW CORPORATION**  
331 Somerset Street West  
Ottawa, Ontario K2P 0J8

**Mark Witten**  
**Rory Shaw**  
Tel: 604 660-3093  
Fax: 604 660-2636  
[mark.witten@gov.bc.ca](mailto:mark.witten@gov.bc.ca)  
[rory.shaw@gov.bc.ca](mailto:rory.shaw@gov.bc.ca)

**Michael Sobkin**  
Tel: 613 282-1712  
Fax: 613 228-2896  
[msobkin@sympatico.ca](mailto:msobkin@sympatico.ca)

**Counsel for the Intervener,  
Attorney General of British Columbia**

**ATTORNEY GENERAL OF NEW  
BRUNSWICK**  
Constitutional Law Branch  
Chancery Place, P.O. Box 6000  
Fredericton, New Brunswick E3B 5H1

**Rose Campbell**  
**Isabel Lavoie-Daigle, K.C.**  
Tel: 506 453-5217  
Fax: 506 453-3275  
[rose.campbell@gnb.ca](mailto:rose.campbell@gnb.ca)

**Counsel for the Intervener,  
Attorney General of New Brunswick**

**ATTORNEY GENERAL OF  
ALBERTA**  
**Alberta Justice Constitutional and  
Aboriginal Law**  
10th Floor, Oxford Tower  
10025 - 102A Avenue N.W.  
Edmonton, Alberta T5J 2Z2

**Malcom Lavoie, KC**  
**Leah M. McDaniel**  
Tel: 780 422-7145  
Fax: 780 643-0852  
[Malcolm.lavoie@gov.ab.ca](mailto:Malcolm.lavoie@gov.ab.ca)

**Counsel for the Intervener,  
Attorney General of Alberta**

**MLT AIKINS LLP**  
1500 Hill Centre I  
1874 Scarth Street  
Regina, Saskatchewan S4P 4E9

**Agent for the Intervener,  
Attorney General of British Columbia**

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street  
Suite 2600  
Ottawa, Ontario K1P 1C3

**D. Lynne Watt**  
Tel: 613 786-8695  
Fax: 613 788-3509  
[lynne.watt@gowlingwlg.com](mailto:lynne.watt@gowlingwlg.com)

**Agent for the Intervener,  
Attorney General of New Brunswick**

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street  
Suite 2600  
Ottawa, Ontario K1P 1C3

**D. Lynne Watt**  
Tel: 613 786-8695  
Fax: 613 788-3509  
[lynne.watt@gowlingwlg.com](mailto:lynne.watt@gowlingwlg.com)

**Agent for the Intervener,  
Attorney General of Alberta**

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street  
Suite 2600  
Ottawa, Ontario K1P 1C3

**Milad Alishahi**

**Deron Kuski**

**Bennet Misskey**

Tel: 306 347-8000

Fax: 306 352-5250

[malishahi@mltaikins.com](mailto:malishahi@mltaikins.com)

**Counsel for the Intervener,  
Attorney General of Saskatchewan**

**D. Lynne Watt**

Tel: 613 786-8695

Fax: 613 788-3509

[lynne.watt@gowlingwlg.com](mailto:lynne.watt@gowlingwlg.com)

**Agent for the Intervener,  
Attorney General of Saskatchewan**

**ATTORNEY GENERAL OF  
ONTARIO**

Constitutional Law Branch

720 Bay Street, 4th Floor

Toronto, Ontario M7A 2S9

**Joshua Hunter**

**Maia Stevenson**

Tel: 416 908-7465

Fax: 416 326-4015

[joshua.hunter@ontario.ca](mailto:joshua.hunter@ontario.ca)

[maia.stevenson@ontario.ca](mailto:maia.stevenson@ontario.ca)

**Counsel for the Intervener,  
Attorney General of Ontario**

**ATTORNEY GENERAL OF  
MANITOBA**

1205 - 405 Broadway Ave

Winnipeg, Manitoba R3C 3L6

**Deborah L. Carlson**

Tel: 204 229-0679

Fax: 204 945-0053

[deborah.carlson@gov.mb.ca](mailto:deborah.carlson@gov.mb.ca)

**Counsel for the Intervener,  
Attorney General of Manitoba**

**GOWLING WLG (CANADA) LLP**

160 Elgin Street

Suite 2600

Ottawa, Ontario K1P 1C3

**D. Lynne Watt**

Tel: 613 786-8695

Fax: 613 788-3509

[lynne.watt@gowlingwlg.com](mailto:lynne.watt@gowlingwlg.com)

**Agent for the Intervener,  
Attorney General of Manitoba**

**PUBLIC INTEREST LITIGATION  
INSTITUTE**

1030 Berri Street, #102  
Montréal, Québec H2L 4C3

**Lawrence David, LL.M.**

**Jeffrey Orenstein**

Tel: 343 961-6186

Fax: 514 868-9690

[ldavid@clg.org](mailto:ldavid@clg.org)

**Counsel for the Intervener,  
Public Interest Litigation Institute**

**SOTOS LLP**

55 University Avenue, Suite 600  
Toronto, Ontario M5J 2H7

**Mohsen Seddigh**

**Adil Abdulla**

Tel: 416 977-0007

Fax: 416 977-0717

[mseddigh@sotosllp.com](mailto:mseddigh@sotosllp.com)

**Counsel for the Intervener,  
Muslim Advisory Council of Canada**

**RAOUL WALLENBERG CENTRE  
FOR HUMAN RIGHTS**

4770 Kent Avenue, #205  
Toronto, Ontario M5J 2H7

**Angela Marinos**

Tel: 416 977-0007

Fax: 416 977-0717

[angelamarinos@rwchr.org](mailto:angelamarinos@rwchr.org)

**Counsel for the Intervener,  
Raoul Wallenberg Centre for Human  
Rights**

**GOWLING WLG (CANADA) LLP**

160 Elgin Street, #2600  
Ottawa, Ontario K1P 1C3

**Léa Desjardins**

Tel: 613 786-0106

Fax: 613 563-9869

[lea.desjardins@gowlingwlg.com](mailto:lea.desjardins@gowlingwlg.com)

**Agent for the Intervener,  
Raoul Wallenberg Centre for Human Rights**

**HUNTER LITIGATION  
CHAMBERS**

1040 West Georgia Street, #2100  
Vancouver, British Columbia V6E 4H1

**Aubin P. Calvert**

**Devin Eeg**

Tel: 604 891-4200

Fax: 604 647-4554

[acalvert@litigationchambers.com](mailto:acalvert@litigationchambers.com)

**Counsel for the Intervener,  
Trial Lawyers Association of British  
Columbia**

**DROITS COLLECTIFS QUÉBEC**

187 rue Laurier, Bureau 218  
Sherbrooke, Québec J1H 4Z4

**François Côté**

Tel: 514 688-5372

Fax: 514 344-2638

[Francois.Cote@droitscollectifs.quebec](mailto:Francois.Cote@droitscollectifs.quebec)

**Counsel for the Intervener,  
Droits collectifs Québec**

**SOCIÉTÉ D'AVOCATS TORYS,  
S.E.N.C.R.L.**

1 Place Ville Marie, #2880  
Montréal, Québec H3B 4R4

**Sylvie Rodrigue, Ad. E**

**Yael Bienenstock**

**Alexandra Hebert**

**Allyson Reid Taylor**

Tel: 514 868-5601

Fax: 514 868-5700

[srodrique@torys.com](mailto:srodrique@torys.com)

**OLTHIUS VAN ERT**

66 Lisgar Street  
Ottawa, Ontario K2P 0C1

**Dahlia Shuhaibar**

Tel: 613 501-5350

[dshuhaibar@ovcounsel.com](mailto:dshuhaibar@ovcounsel.com)

**Agent for the Intervener,  
Trial Lawyers Association of British Columbia**

**GOWLING WLG (CANADA) LLP**

160 Elgin Street, #2600  
Ottawa, Ontario K1A 5C6

**Catherine Ouellet**

Tel: 613 786-0189

Fax: 613 563-9869

[Catherine.Ouellet@gowlingwlg.com](mailto:Catherine.Ouellet@gowlingwlg.com)

**Counsel for the Intervener,  
Advocates' Society**

**UNIVERSITÉ DE MONTRÉAL**  
Faculté de droit  
Pavillon Maximilien-Caron 3101  
chemin de la Tour, 7e étage Montréal,  
Québec H3C 3J7

**Stéphane Beaulac**  
Tel: 514 343-7211  
Fax: 514 343-2199  
[stephane.beaulac@umontreal.ca](mailto:stephane.beaulac@umontreal.ca)

**Counsel for the Intervener,  
International Commission of Jurists  
(Canada)**

**BERGMAN & ASSOCIÉS**  
4 Westmount Square, #150  
Westmount, Québec H3Z 2P9

**Michael N. Bergman**  
Tel: 514 842-9994  
Fax: 514 842-1112  
[mnb@bergmanlawyers.com](mailto:mnb@bergmanlawyers.com)

**Counsel for the Intervener,  
Task Force on Linguistic Policy and  
Andrew Caddell**

**SHADLEY KNERR s.e.n.c.r.l.**  
2000 rue Mansfield, #1610  
Montréal, Québec H3A 3A

**Agent for the Intervener,  
Advocates' Society**

**CONWAY BAXTER WILSON LLP**  
411 Roosevelt Avenue, #400  
Ottawa, Ontario K2A 3X9

**David P. Taylor**  
Tel: 613 288-0149  
Fax: 613 688-0271  
[dtaylor@conwaylitigation.ca](mailto:dtaylor@conwaylitigation.ca)

**Agent for the Intervener,  
International Commission of Jurists (Canada)**

**Philippe G. Knerr**

Tel: 514 886-4043

[pknerr@sk-legal.ca](mailto:pknerr@sk-legal.ca)

**Counsel for the Intervener,  
Association des avocats de la défense  
de Montréal-Laval-Longueuil**

**SERGE JOYAL, C.P.**

**SUPREME ADVOCACY LLP**

340 Gilmour Street, #100

Ottawa, Ontario K2P 0R3

**Marie-France Major**

Tel: 613 695-8855 Ext: 102

Fax: 613 695-8580

[mfmajor@supremeadvocacy.ca](mailto:mfmajor@supremeadvocacy.ca)

**Intervener, Serge Joyal, C.P., Self-  
Represented**

**Agent for the Intervener, Serge Joyal, C.P.**

**PALIARE ROLAND ROSENBERG  
ROTHSTEIN LLP**

155 Wellington St W., 35th Floor

Toronto, Ontario M5V 3H1

**SUPREME LAW GROUP**

440 Laurier Avenue West, #200

Ottawa, Ontario K1R 7X6

**Mannu Chowdhury**

**Catherine Fan**

Tel: 416 646-6302

Fax: 416 367-6749

[mannu.chowdhury@paliareroland.com](mailto:mannu.chowdhury@paliareroland.com)

**Moira S. Dillon**

Tel: 613 691-1224

Fax: 613 691-1338

[mdillon@supremelawgroup.ca](mailto:mdillon@supremelawgroup.ca)

**Counsel for the Intervener, South  
Asian Bar Associations (Toronto,  
Calgary, British Columbia, and  
Edmonton), Canadian Muslim  
Lawyers Association, Canadian  
Association of Black Lawyers and**

**Agent for the Intervener, South Asian Bar  
Associations (Toronto, Calgary, British  
Columbia, and Edmonton), Canadian Muslim  
Lawyers Association, Canadian Association of  
Black Lawyers and Federation of Asian  
Canadian Lawyers (Ontario)**

**Federation of Asian Canadian  
Lawyers (Ontario)**

**GOLDBLATT PARTNERS LLP**

20 Dundas Street West, #1039  
Toronto, Ontario M5G 2C2

**Steven M. Barrett**

**Melanie Anderson**

Tel: 416 977-6070

Fax: 416 591-7333

[sbarrett@goldblattpartners.com](mailto:sbarrett@goldblattpartners.com)

**Counsel for the Intervener, Canadian  
Labour Congress**

**BAKER & MCKENZIE LLP**

Brookfield Place, 181 Bay Street, #2100  
Toronto, Ontario M5J 2T3

**George Avraam**

**Haadi Malik**

**Anton Rizor**

Tel: 416 865-6935

Fax: 416 863-6275

[george.avraam@bakermckenzie.com](mailto:george.avraam@bakermckenzie.com)

**Counsel for the Intervener, Canadian  
Constitution Foundation**

**PHILIP HORGAN LAW OFFICE**

120 Carlton Street, #301  
Toronto, Ontario M5A 4K2

**Philip H. Horgan**

**Raphael T.R. Fernandes**

Tel: 416 777-9994

Fax: 416 777-9921

[phorgan@carltonlaw.ca](mailto:phorgan@carltonlaw.ca)

**GOLDBLATT PARTNERS LLP**

270 Albert Street, Suite 1400  
Ottawa, Ontario K1P 5G8

**Colleen Bauman**

Tel: 613 482-2463

Fax: 613 235-3041

[cbauman@goldblattpartners.com](mailto:cbauman@goldblattpartners.com)

**Agent for the Intervener, Canadian Labour  
Congress**

**GOWLING WLG (CANADA) LLP**

Graham Ragan  
160 Elgin Street, #2600  
Ottawa, Ontario K1P 1C3

**Graham Ragan**

Tel: 613 786-8699

Fax: 613 563-9869

[graham.ragan@gowlingwlg.com](mailto:graham.ragan@gowlingwlg.com)

**Agent for the Intervener, Canadian Constitution  
Foundation**

**ACACIA GROUP**

38 Auriga Drive, #200  
Ottawa, Ontario K2E 8A5

**Garifalia C. Milousis**

Tel: 613 221-5895

Fax: 613 888-2619

[lia@acaciagroup.ca](mailto:lia@acaciagroup.ca)

**Counsel for the Intervener, Canadian  
Conference of Catholic Bishops**

**UNIVERSITÉ D'OTTAWA**

Faculté de droit  
57 rue Louis-Pasteur  
Ottawa, Ontario K1N 6N5

**David Robitaille**

Tel: 613 562-5800 Ext: 2564

[david.robitaille@uottawa.ca](mailto:david.robitaille@uottawa.ca)

**Counsel for the Intervener, Migrant  
Justice Clinic**

**SLANSKY LAW PROFESSIONAL  
CORPORATION**

515 Consumers Road, Suite 202  
Toronto, Ontario M2J 4Z2

**Paul Slansky**

Tel: 416 773-0309

Fax: 416 773-0909

[paul.slansky@rogers.com](mailto:paul.slansky@rogers.com)

**Counsel for the Intervener,  
Constitutional Rights Centre**

**FASKEN MARTINEAU  
DUMOULIN LLP**

Tour de la Bourse, Suite 3500  
800, Rue du Square Victoria  
Montréal, Québec H4Z 1E9

**Marc-André Fabien, Ad. E.**

**Chris Semerjian**

**Nicolas Charest**

Tel: 514 397-7599

Fax: 514 397-7600

[mfabien@fasken.com](mailto:mfabien@fasken.com)

**Counsel for the Intervener, Canadian  
Conference of Catholic Bishops**

**HAMEED LAW**

43 Florence Street  
Ottawa, Ontario K2P 0W6

**Yavar Hameed**

Tel: 613 627-2974

Fax: 613 232-2680

[yahmeed@hameedlaw.ca](mailto:yahmeed@hameedlaw.ca)

**Agent for the Intervener, Constitutional Rights  
Centre**

**FASKEN MARTINEAU DUMOULIN LLP  
s.e.n.c.r.l., s.r.l.**

55, rue Metcalfe, Bureau 1300  
Ottawa, Ontario K1P 6L5

**Sophie Arsenault**

Tel: 613 236-3882

Fax: 613 230-6423

[sarsenault@fasken.com](mailto:sarsenault@fasken.com)

**Counsel for the Intervener,  
Hamshuchas Hadoirois International  
Association**

**Agent for the Intervener, Hamshuchas  
Hadoirois International Association**

**CONWAY BAXTER WILSON LLP**  
400 – 411 Roosevelt Avenue  
Ottawa, Ontario K2A 3X9

**Julie A. Mouris**  
Tel: 613 691-0376  
Fax: 613 688-0271  
[jmouris@conwaylitigation.ca](mailto:jmouris@conwaylitigation.ca)

**Counsel for the Intervener,  
Commission nationale des parents  
francophones**

**Lecner Slaght LLP**  
130 Adelaide Street West, Suite 2600  
Toronto, Ontario M5H 3P5

**Paul-Erik Veel**  
**Sahar Talebi**  
**Keely Kinley**  
Tel: 416 865-2842  
[pveel@litigate.com](mailto:pveel@litigate.com)

**Counsel for the Intervener, Canadian  
Council of Muslim Women**

**NANDA & COMPANY**  
10007 - 80 Avenue N.W.  
Edmonton, Alberta T6J 1T4

**Avnish Nanda**  
**Anna J. Lund**  
Tel: 780 916-9860  
Fax: 587 318-1391  
[avnish@nandalaw.ca](mailto:avnish@nandalaw.ca)

**Counsel for the Intervener, British  
Columbia Civil Liberties**

**MEGAN STEPHENS LAW**  
1900 - 439 University Avenue  
Toronto, Ontario M5G 1Y8

**Megan Stephens**

Tel: 416 900-3319

Fax: 416 900-661

[megan@stephenslaw.ca](mailto:megan@stephenslaw.ca)

**GOLDBLATT PARTNERS LLP**

270 Albert Street, Suite 1400  
Ottawa, Ontario K1P 5G8

**Colleen Bauman**

Tel: 613 482-2463

Fax: 613 235-3041

[cbauman@goldblattpartners.com](mailto:cbauman@goldblattpartners.com)

**Counsel for the Intervener, Barbra  
Schifler Commemorative Clinic and  
Women in Canadian Criminal  
Defence**

**Agent for the Intervener, Barbra Schifler  
Commemorative Clinic and Women in  
Canadian Criminal Defence**

**MELANÇON MARCEAU GRENIER  
COHEN S.E.N.C.**

1717, boul. René-Lévesque Est, Bureau  
300

Québec, Québec H2L 4T3

**Sibel Ataogul**

Tel: 514 525-3414 Ext: 330

Fax: 514 525-2803

[sataogul@mmgc.quebec](mailto:sataogul@mmgc.quebec)

**Counsel for the Intervener, Ligue des  
droits et libertés**

**ALLEN/MCMILLAN LITIGATION  
COUNSEL**

1625 - 1185, West Georgia Street  
Vancouver, British Columbia V6E 4E6

**Wes McMillan**

**Vivian Li**

**Naomi Baker**

**MICHAEL SOBKIN LAW CORPORATION**

331 Somerset Street West  
Ottawa, Ontario K2P 0J8

**Michael Sobkin**

Tel: 613 282-1712

Fax: 613 288-2896

**Molly Robson**  
Tel: 604 282-3980  
[wes@amlc.ca](mailto:wes@amlc.ca)

[msobkin@sympatico.ca](mailto:msobkin@sympatico.ca)

**Counsel for the Intervener, British Columbia Humanist Association and Canadian Secular Alliance**

**Agent for the Intervener, British Columbia Humanist Association and Canadian Secular Alliance**

**ONTARIO HUMAN RIGHTS COMMISSION**  
180 Dundas St., W., 9th  
Toronto, Ontario M7A 2G5

**CHAMP AND ASSOCIATES**  
43 Florence Street  
Ottawa, Ontario K2P 0W6

**Matthew Horner**  
**Jagtaran Singh**  
Tel: 416 358-2922  
[matthew.horner@ohrc.on.ca](mailto:matthew.horner@ohrc.on.ca)

**Bijon Roy**  
Tel: 613 237-4740  
Fax: 613 232-2680  
[broy@champlaw.ca](mailto:broy@champlaw.ca)

**Counsel for the Intervener, Ontario Human Rights Commission**

**Agent for the Intervener, Ontario Human Rights Commission**

**NATIONAL ASSOCIATION OF WOMEN AND THE LAW**  
1404 Scott Street  
Ottawa, Ontario K1V 2N2

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street, Suite 2600  
Ottawa, Ontario K1P 1C3

**Suzanne Zaccour**  
**Amanda Therrien**  
Tel: 613 241-7570  
[suzanne.zaccour@nawl.ca](mailto:suzanne.zaccour@nawl.ca)

**Léa Desjardins**  
Tel: 613 786-0106  
Fax: 613 563-9869  
[lea.desjardins@gowlingwlg.com](mailto:lea.desjardins@gowlingwlg.com)

**Counsel for the Intervener, National Association of Women and the Law**

**Agent for the Intervener, National Association of Women and the Law**

**UNIVERSITÉ DE MONCTON**  
18, avenue Antonine-Maillet  
Pavillon Léopold-Taillon  
Moncton, New Brunswick, E1A 3E9

**Érik Labelle Eastaugh**

**Alyssa Tomkins**  
**Emanuelle Champagne**  
Tel: 506 863-2136  
Fax: 506 858-4534  
[erik.labelle.eastaugh@umoncton.ca](mailto:erik.labelle.eastaugh@umoncton.ca)

**Counsel for the Intervener,  
Association des conseils scolaires des  
écoles publiques de l'Ontario**

**OFFICE OF THE COMMISSIONER  
OF OFFICIAL LANGUAGES**  
30 Victoria Street, 6th Floor  
Gatineau, Québec

**Isabelle Hardy**  
**Élie Ducharme**  
Tel: 873 355-5475  
Fax: 819 420-4837  
[Isabelle.hardy@clo-ocol.gc.ca](mailto:Isabelle.hardy@clo-ocol.gc.ca)

**Counsel for the Intervener,  
Commissioner of Official Languages  
of Canada**

**PINK LARKIN**  
1133, rue Regent, Bureau 210  
Fredericton, New Brunswick E3B 3Z2

**Dominic Caron**  
Tel: 506 458-1989  
Fax: 506 458-1127  
[dcaron@pinklarkin.com](mailto:dcaron@pinklarkin.com)

**Counsel for the Intervener, Acadian  
Society of New Brunswick**

**GREENSPAN HUMPHREY  
WEINSTEIN LLP**

**JURISTES POWER**  
50, O'Connor Street, Suite 1313  
Ottawa, Ontario K1P 6B9

**Darius Bossé**  
Tel: 613 702-5566  
Fax: 613 702-5566  
[DBosse@juristespower.ca](mailto:DBosse@juristespower.ca)

**Agent for the Intervener, Acadian Society of  
New Brunswick**

**SUPREME ADVOCACY LLP**  
100 – 340 Gilmour Street

15 Bedford Road  
Toronto, Ontario M5R 2J7

Ottawa, Ontario K2P 0R3

**Michelle M. Biddulph**

**Brendan Coffey**

Tel: 416 868-1755

Fax: 416 878-1990

[mbiddulph@15bedford.com](mailto:mbiddulph@15bedford.com)

**Thomas Slade**

Tel: 613 695-8855 Ext: 102

Fax: 613 695-8580

[tslade@supremeadvocacy.ca](mailto:tslade@supremeadvocacy.ca)

**Counsel for the Intervener, Criminal  
Lawyers' Association (Ontario)**

**Agent for the Intervener, Criminal Lawyers'  
Association (Ontario)**

**MCCARTHY TÉTRAULT LLP**

Suite 5300, Toronto Dominion Bank

Tower

Toronto, Ontario M5K 1E6

**Adam Goldenberg**

**Lilijana Stanic**

**Lauren Weaver**

Tel: 416 601-7821

Fax: 416 878-0673

[agoldenberg@mccarthy.ca](mailto:agoldenberg@mccarthy.ca)

**Counsel for the Intervener, Egale  
Canada**

**MCCARTHY TÉTRAULT LLP**

1000 rue De La Gauchetière Ouest

Montreal, Québec H3B 0A2

**Steeves Bujold, Ad. E**

**Sajeda Hedaraly**

**Marianne Tourè**

Tel: 514 397-5662

Fax: 514 875-6246

[sbujold@mccarthy.ca](mailto:sbujold@mccarthy.ca)

**Counsel for the Intervener, Clinique  
juridique Juritrans**

**LANDINGS LLP**

1414 - 25 Adelaide Street East  
Toronto, Ontario M5C 3A1

**Allan Rock, K.C.**

**Warda Shazadi Meighen**

**Ada Roberts**

Tel: 647 660-9975

Fax: 416 352-5295

[allan.rock@uottawa.ca](mailto:allan.rock@uottawa.ca)

**Counsel for the Intervener, Samara  
Centre for Democracy**

**UNIVERSITY OF TORONTO**

78 Queen's Park Crescent  
Toronto, Ontario M5S 2C5

**Cheryl Milne**

**Mary Eberts**

Tel: 416 978-0092

Fax: 416 978-8894

[cheryl.milne@utoronto.ca](mailto:cheryl.milne@utoronto.ca)

**Counsel for the Intervener, David  
Asper Centre for Constitutional  
Rights**

**BLACK & ASSOCIATES**

300 1140 West Pender Street  
Vancouver, British Columbia V6E 4G1

**C. Katie Black**

**Lucie Atangana**

**Babacar Faye**

Tel: 613 617-6699

Fax: 613 777-9826

[katie@black-law.ca](mailto:katie@black-law.ca)

**OLTHIUS VAN ERT**

66 Lisgar Street  
Ottawa, Ontario K2P 0C1

Dahlia Shuhaibar

Tel: 613 501-5350

[dshuhaibar@ovcounsel.com](mailto:dshuhaibar@ovcounsel.com)

**Agent for the Intervener, David Asper Centre  
for Constitutional Rights**

**Counsel for the Intervener,  
Federation of Ontario Law  
Associations**

**COMMUNITY LEGAL  
ASSISTANCE SOCIETY**  
300 1140 West Pender Street  
Vancouver, British Columbia V6E 4G1

**Johnathan Blair  
Danielle Sabelli**  
Tel: 604 673-3134  
Fax: 604 685-7611  
[jblair@clasbc.net](mailto:jblair@clasbc.net)

**Counsel for the Intervener,  
Community Legal Assistance Society**

**CIRCLE BARRISTERS**  
250 Front Street West, Suite 200  
Toronto, Ontario M5V 2Y1

**Sujit Choudhry  
Nursa Khan**  
Tel: 416 436-3679  
[sujit.choudhry@circlebarristers.com](mailto:sujit.choudhry@circlebarristers.com)

**Counsel for the Intervener, South  
Asian Legal Clinic of Ontario, South  
Asian Legal Clinic of British  
Columbia and South Asian Women's  
Community Centre**

**OLTHIUS VAN ERT**  
66 Lisgar Street  
Ottawa, Ontario K2P 0C1

**Dahlia Shuhaibar**  
Tel: 613 501-5350  
[dshuhaibar@ovcounsel.com](mailto:dshuhaibar@ovcounsel.com)

**Agent for the Intervener, Community Legal  
Assistance Society**

**OLTHIUS VAN ERT**  
**66 Lisgar Street**  
Ottawa, Ontario K2P 0C1

**Dahlia Shuhaibar**  
Tel: 613 501-5350  
[dshuhaibar@ovcounsel.com](mailto:dshuhaibar@ovcounsel.com)

**Agent for the Intervener, South Asian Legal  
Clinic of Ontario, South Asian Legal Clinic of  
British Columbia and South Asian Women's  
Community Centre**

**RAJ ANAND PROFESSIONAL  
CORPORATION**

3090 Barlow Crescent  
Dunrobin, Ontario K0A 1T0

**Raj Anand**

**Ryan W.O Chan**

**Simon Kuan**

**Christine Dang**

Tel: 416 881-8160

[raj@rajanand.ca](mailto:raj@rajanand.ca)

**Counsel for the Intervener, Chinese  
Canadian National Council for Social  
Justice and Chinese and Southeast  
Asian Legal Clinic**

**TABLE OF CONTENTS**

PART I – OVERVIEW AND STATEMENT OF FACTS..... 1

PART II – STATEMENT OF ISSUES ..... 1

PART III – STATEMENT OF ARGUMENT..... 1

    A. Substantive equality must be the ‘animating norm’ of section 28..... 1

    B. Key features of section 28’s substantive gender equality guarantee ..... 5

        i. Substantive equality is necessarily intersectional ..... 5

        ii. Section 27 informs section 28’s guarantee of gender equality ..... 7

        iii. Gender equality protects against gender-based discrimination ..... 9

PART IV – COSTS..... 10

PART V – TABLE OF AUTHORITIES ..... 11

PART VI – STATUTES, LEGISLATION, RULES, ETC..... 14

## PART I – OVERVIEW AND STATEMENT OF FACTS

1. This appeal provides a long-awaited opportunity for this Court to address s. 28 of the *Charter*, a provision that has been described as “significantly understudied”.<sup>1</sup> West Coast LEAF’s argument is premised on the position that s. 28 provides a substantive right to gender equality. Within this framework, West Coast LEAF submits this Court should adopt a robust, purposive and contextual approach to the interpretation and application of s. 28 that advances substantive gender equality. Section 28 should be interpreted in a manner that (i) accounts for the intersectional experiences of gender-based discrimination, (ii) recognizes intersectional experiences as connected to multicultural heritage as affirmed by s. 27 of the *Charter*, and (iii) reflects a modern understanding of gender diversity and gender discrimination as articulated in Canadian jurisprudence.

## PART II – STATEMENT OF ISSUES

2. The appellant, the English Montreal School Board, raises several issues concerning the interpretation and application of s. 28. It asks this Court to determine: (1) whether s. 28 contains a substantive guarantee that has effect when the notwithstanding clause has been invoked, (2) whether *An Act respecting the laicity of the State*, CQLR c L-0.3 (the “*Act*”) infringes s. 28; and (3) if so, whether such an infringement of s. 28 is justified under s. 1 of the *Charter*.<sup>2</sup>

## PART III – STATEMENT OF ARGUMENT

### A. Substantive equality must be the ‘animating norm’ of section 28

3. Section 28 stipulates, “Notwithstanding anything in this *Charter*, the rights and freedoms referred to in it are guaranteed equally to male and female persons”.<sup>3</sup> As this Court has emphasized in its s. 15 jurisprudence, substantive equality is both the “philosophical premise”

---

<sup>1</sup> Fay Faraday, “[One Step Forward, Two Steps Back? Substantive Equality, Systemic Discrimination and Pay Equity at the Supreme Court of Canada](#)” (2020) 94:12 *Sup Ct L Rev* 301 at 324 [Faraday, “One Step Forward, Two Steps Back? Substantive Equality, Systemic Discrimination and Pay Equity at the Supreme Court of Canada”].

<sup>2</sup> SCC Court File No. 41231, [Amended Factum of the Appellant \(English Montreal School Board\)](#) at paras. 4–5.

<sup>3</sup> [Canadian Charter of Rights and Freedoms, s 28, Part I of the Constitution Act, 1982](#), being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 [*Charter*], s. 28.

and “animating norm” of the *Charter*’s equality guarantee.<sup>4</sup> When approaching the interpretation and application of s. 28’s gender equality guarantee, the Court should be cognizant of the living tree doctrine and employ the animating norm of substantive equality.

4. Although generally referenced in Canadian jurisprudence as discrete concepts, the living tree doctrine and substantive equality approach emanate from the same foundation. Both are consistent with the purposive approach to constitutional interpretation and allow the rights at stake to be examined in the context of contemporary values.

5. The living tree doctrine is a key tenet of the Canadian purposive approach to constitutional interpretation as the *Charter* is “engrafted onto the living tree that is the Canadian Constitution”.<sup>5</sup> As Abella J. explained in her concurring reasons in *Quebec (Attorney General) v. 9147-0732 Quebec inc.*, this approach is not only consistent with the purposive approach to constitutional interpretation, it also reinforces international interest in the Canadian constitutional model.<sup>6</sup> Conversely, failing to employ the living tree doctrine and “[o]veremphasizing the plain text of *Charter* rights creates a risk that, over time, those rights will cease to represent the fundamental values of Canadian society and the purpose they were meant to uphold.”<sup>7</sup>

6. A substantive equality approach accounts for the fact that laws, including those which appear neutral, may have unequal impacts on different people and groups based on their social and historical backgrounds, needs, and circumstances.<sup>8</sup> As Commissioner Rosalie Abella explained in the 1984 Royal Commission on Equality in Employment, “Equality is, at the very least, freedom from adverse discrimination... Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by

---

<sup>4</sup> *Fraser v. Canada*, 2020 SCC 28 at paras. 40–42 [*Fraser*]; *Andrews v. Law Society of British Columbia*, [1989] 1 SCR 143, 1989 CanLII 2 (SCC) at 165 [*Andrews*].

<sup>5</sup> *Reference Re Provincial Electoral Boundaries (Sask.)*, [1991] 2 SCR 158, 1991 CanLII 61 (SCC) at 180, citing *Hunter v. Southam Inc.*, [1984] 2 SCR 145, 1984 CanLII 33 (SCC) at 155–56; *Reference Re BC Motor Vehicle Act*, [1985] 2 SCR 486, 1985 CanLII 81 (SCC) at 509.

<sup>6</sup> *Quebec (Attorney General) v. 9147-0732 Quebec inc.*, 2020 SCC 32 at para. 78 [*9147-0732 Quebec inc.*], citing Adam Dodek, “[Canada as Constitutional Exporter: The Rise of the 'Canadian Model' of Constitutionalism](#)” (2007) 36 SCLR (2d) 309 at 321-22.

<sup>7</sup> *9147-0732 Québec inc.*, *supra* note 6 at para. 76.

<sup>8</sup> *Fraser*, *supra* note 4 at paras. 76 and 191, citing *Andrews*, *supra* note 4 at 174–75.

accommodating their differences”.<sup>9</sup> Ultimately, substantive equality is “a remedy for exclusion and a recipe for inclusion”.<sup>10</sup>

7. Substantive equality permeates key features of s. 28’s equality guarantee, which are discussed below, and impacts the entirety of the equality analysis, including the determination of whether or not the equality guarantee has been breached. What is meant by substantive equality and how such an analysis ought to be applied continues to evoke debate amongst academics, legislators and judges.<sup>11</sup> In West Coast LEAF’s submission, it is not enough for courts to say that substantive equality is the animating norm. Rather, courts must apply a substantive equality lens throughout the equality analysis.

8. It is relatively straightforward to conduct an equality analysis to address direct discrimination. A substantive equality analysis goes a step further and addresses indirect and more subtle forms of discrimination, including the disparate effect of “neutral” rules. As Canadian jurisprudence demonstrates, a substantive equality analysis is fundamental to addressing gender discrimination. Whether the issue is pregnancy discrimination, pay equity, or dress codes, gender discrimination often masquerades as a neutral rule. This Court should ensure that s. 28 is interpreted with a substantive equality lens so the provision accounts for the insidious experiences of gender discrimination, and thus the gender equality guarantee has meaning for those it seeks to protect.

9. Aspects of the respondents’ arguments demonstrate the difference between using a formal and substantive equality analysis. For instance, the Province of Quebec and Mouvement laïque québécois emphasize the neutral application of the *Act* on people of all genders, without

---

<sup>9</sup> Canada, Royal Commission on Equality in Employment, *Report of the Commission on Equality in Employment*, by Rosalie Silberman Abella, Commissioner (Ottawa: Human Resources and Skills Development Canada, 1984), online: [publications.gc.ca/collections/collection\\_2014/rhdcc-hrsdc/MP43-157-1-1984-1-eng.pdf](https://publications.gc.ca/collections/collection_2014/rhdcc-hrsdc/MP43-157-1-1984-1-eng.pdf) at 1, 3 [*Report of the Commission on Equality in Employment*].

<sup>10</sup> *Fraser*, *supra* note 4 at para. 41.

<sup>11</sup> See *R. v. Sharma*, 2022 SCC 39 at paras. 37–50, 186–206 (Karakatsanis J, dissenting) [*Sharma*]; *Fraser*, *supra* note 4 at paras. 47–48, 94 and 146, 174, 190–205 (Brown and Rowe JJ., dissenting); Faraday, “[One Step Forward, Two Steps Back? Substantive Equality, Systemic Discrimination and Pay Equity at the Supreme Court of Canada](#)”, *supra* note 1.

consideration to the distinct impacts arising from face-neutral legislation.<sup>12</sup> Pour les droit des femmes du Quebec (“PDF”) recognizes that religious beliefs are part of identity, but ignores the adverse impacts of the *Act* on women with this intersecting identity, arguing instead that the concept of “la pudeur” (modesty) is incompatible with PDF’s view of gender equality.<sup>13</sup> PDF argues that secularism in the law is based on gender equality and, thus, the *Act* explicitly recognizes gender equality.<sup>14</sup> In West Coast LEAF’s submission, this is an underinclusive concept of gender equality that does not accord with a substantive equality analysis. The respondents’ approach fails to account for the understanding that equality sometimes means treating people “as equals by accommodating their differences”.<sup>15</sup> In West Coast LEAF’s submission, the concept of gender equality must not be contorted to impede some women’s equal participation in society because of an intersecting aspect of their identity.

10. The Mouvement laïque québécois argues that if s. 28 creates “un droit autonome” (an autonomous right), which cannot be suspended by s. 33, this would mean s. 28 would take precedence over s. 15(2) and, consequently, s. 28 would prohibit affirmative action programs.<sup>16</sup> This proposition is based upon a misunderstanding of substantive equality and the role and operation of s. 15(2). As observed in *R. v. Kapp*, even before the enactment of the *Charter*, this Court “recognized that ameliorative programs targeting a disadvantaged group do not constitute discrimination”.<sup>17</sup> Recognizing that s. 28 provides a substantive right to gender equality would not jeopardize ameliorative programs.

11. West Coast LEAF submits that s. 28 creates a substantive right to gender equality that cannot be suspended by the operation of s. 33. In interpreting and applying this right, this Court

---

<sup>12</sup> SCC Court File No. 41231, [Factum of the Respondent / Intervener \(Mouvement laïque québécois\)](#) at paras. 140-141 [Mouvement laïque québécois Factum]; SCC Court File No. 41231, [Factum of the Respondent \(the Province of Quebec\)](#) at para. 250.

<sup>13</sup> SCC Court File No. 41231, [Factum of the Respondent / Intervener \(Pour les droit des femmes du Quebec\)](#) at para. 101 [PDF Factum].

<sup>14</sup> [PDF Factum](#), *supra* note 13 at paras. 80, 91.

<sup>15</sup> [Report of the Commission on Equality in Employment](#), *supra* note 9 at 3.

<sup>16</sup> [Mouvement laïque québécois Factum](#), *supra* note 12 at para. 147.

<sup>17</sup> [R. v. Kapp](#), 2008 SCC 41 at para. 31.

should reject an approach to s. 28 that employs a formal equality analysis or otherwise falls short of the substantive equality promise.

## **B. Key features of section 28’s substantive gender equality guarantee**

12. West Coast LEAF submits that, consistent with the animating norm of substantive equality, the Court’s interpretation of s. 28 must be guided by the three key features below. These features ensure the development of s. 28 is grounded in a robust, purposive, and contextual approach that accounts for the real-world impacts of intersectional gender-based discrimination.

### **i. Substantive equality is necessarily intersectional**

13. A purposive and contextual approach to s. 28 requires recognition of the fact that there is no singular experience of gender inequality. Rather, an individual’s experience of gender oppression varies depending on the intersection of various characteristics of advantage or disadvantage.<sup>18</sup> The varying experiences of gender discrimination, or indeed, discrimination on any ground, has been written about extensively, including in the work of Indigenous scholars.<sup>19</sup>

14. Substantive equality necessitates analysis of the “real world effects” of discrimination,<sup>20</sup> which includes, “the full context of the claimant group’s situation and the actual impact of that law on the situation.”<sup>21</sup> This Court has increasingly recognized and addressed intersectionality in

---

<sup>18</sup> European Commission, *Intersectional Discrimination in EU Gender equality And Non-Discrimination Law* (Luxembourg: Publications Office of the European Union, 2016), online: <<https://www.equalitylaw.eu/downloads/3850-intersectional-discrimination-in-eu-gender-equality-and-non-discrimination-law-pdf-731-kb>> at 27; Grace Ajele and Jena McGill, *Intersectionality in Law and Legal Contexts* (Toronto: Women’s Legal Education and Action Fund, 2020), online: <<https://www.leaf.ca/publication/intersectionality-in-law-and-legal-contexts/>> at 12.

<sup>19</sup> Natalie Clark, “[Red Intersectionality and Violence-Informed Witnessing Praxis with Indigenous Girls](#)” (2016) 9:2 *Girlhood Studies* 46 at 49; Kimberlé Crenshaw, “[Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics](#)” (1989) 1:8 *U Chicago L Rev* 139 [Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics”].

<sup>20</sup> *Sharma*, *supra* note 11 at para. 196 (Karakatsanis J, dissenting); *Ontario (Attorney General) v. G*, 2020 SCC 38 at para. 47 [*Ontario (Attorney General) v. G*]; *Michel v. Graydon*, 2020 SCC 24 at para. 101 [*Michel*].

<sup>21</sup> *Withler v. Canada (Attorney General)*, 2011 SCC 12 at paras. 2, 43 [*Withler*].

its jurisprudence, acknowledging that individuals may experience discrimination based on the interwoven effects of multiple identity-based grounds. This approach reflects a growing understanding of the complex interplay of various forms of inequality,<sup>22</sup> and the importance of considering that interplay when carrying out a substantive gender equality analysis.

15. In keeping with this Court’s jurisprudence,<sup>23</sup> and consistent with a substantive equality analysis, s. 28 must respond to the intersectional experiences of people who face gender-discrimination. Section 28’s protection of gender equality must not be artificially construed as guaranteeing equality on exclusively one axis of identity; rather, it must consider the interplay between gender and other axes of identity.<sup>24</sup> This intersectional analysis ensures the gender equality guarantee is meaningful, based on the social and historical context of a person or group’s experiences.<sup>25</sup>

16. The respondent, PDF, acknowledges that religious belief forms part of identity for some women but ignores the intersectional real-world effects of the *Act*.<sup>26</sup> This approach does not cohere with a substantive equality analysis which requires consideration of the full context of a claimant group’s background, needs, and circumstances.<sup>27</sup> The respondent, PDF, also argues that gender equality requires freedom from religious practices. This view imposes one perspective of

---

<sup>22</sup> [Canada \(Attorney General\) v. Mossop](#), [1993] 1 SCR 554, 1993 CanLII 164 (SCC) at 645-646 (L’Heureux-Dubé J, dissenting) [*Mossop*]; [Egan v. Canada](#), [1995] 2 SCR 513, 1995 CanLII 98 (SCC) at 555 (L’Heureux-Dubé J, dissenting) [*Egan*]; [Withler](#), *supra* note 21 at paras. 58, 63; [Fraser](#), *supra* note 4 at paras. 34, 116; [Law v. Canada \(Minister of Employment and Immigration\)](#), [1999] 1 SCR 497, 1999 CanLII 675 (SCC) at para. 94 [*Law*]; [Corbiere v. Canada \(Minister of Indian and Northern Affairs\)](#), [1999] 2 SCR 203, 1999 CanLII 687 (SCC) at para. 61 [*Corbiere*]; [R v. Friesen](#), 2020 SCC 9 at para. 68 [*Friesen*]; [Ontario \(Attorney General\) v. G.](#), *supra* note 20 at para. 47; [Michel](#), *supra* note 20 at para. 101; [Sharma](#), *supra* note 11 at para. 196 (Karakatsanis J, dissenting).

<sup>23</sup> [Mossop](#), *supra* note 22 at 645-646; [Egan](#), *supra* note 22 at 555; [Withler](#), *supra* note 21 at paras. 58, 63; [Fraser](#), *supra* note 4 at paras. 34, 116; [Law](#), *supra* note 22 at para. 94; [Corbiere](#), *supra* note 22 at para. 61; [Friesen](#), *supra* note 22 at para. 68; [Ontario \(Attorney General\) v G.](#), *supra* note 20 at para. 47; [Michel](#), *supra* note 20 at para. 101; [Sharma](#), *supra* note 11 at para. 196 (Karakatsanis J, dissenting).

<sup>24</sup> [Organisation mondiale sikhe du Canada c Procureur général du Québec](#), 2024 QCCA 254 at para. 450 [*Organisation mondiale sikhe du Canada*].

<sup>25</sup> [Withler](#), *supra* note 21 at paras 37, 43, 47.

<sup>26</sup> [PDF Factum](#), *supra* note 13 at para. 118.

<sup>27</sup> [Fraser](#), *supra* note 4 at paras. 42, 57, 76, 191.

gender equality on all persons impacted by the *Act* without regard for distinct intersectional experiences. For religious women, for example, substantive equality may require the protection of various ways of dressing and expressing one’s religious beliefs.

**ii. Section 27 informs section 28’s guarantee of gender equality**

17. Section 27 provides that “[t]his *Charter* shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians”.<sup>28</sup>

18. The *Charter*’s multiculturalism provision mandates an intersectional approach to the rights and freedoms guaranteed in the *Charter*, including the gender equality guarantee in s. 28. Enhancing and preserving multiculturalism also supports the *Charter*’s goals of advancing substantive equality. The role of s. 27 in supporting intersectional gender equality has been recognized by the courts. In *R. v. Feltmate*, a sentencing decision arising from the criminal harassment of a woman of Pakistani heritage “for no reason other than wearing a scarf around her head,” the court made the following comments:

Multiculturalism is not just a word. It’s a philosophy which speaks to the obligation that each Canadian has to respect the dignity, privacy and integrity of all fellow citizens in this country....Respect which allows all Canadians to choose a specific religion, to pray to a specific God, to wear a Hijab, to wear a scarf on your head, to wear a long dress, to wear a short dress. That’s all alright, and people must respect your choice....<sup>29</sup>

19. This Court has recognized that s. 27 is “an aid in interpreting the definition of *Charter* rights and freedoms.”<sup>30</sup> In this case, s. 27 must guide the Court’s analysis of gender equality in s. 28 to avoid reinforcing exclusionary or incomplete interpretations of gender equality that are only based on white, heterosexual, cisgender women’s experiences of discrimination.<sup>31</sup> This is critical where the alleged gender discrimination is connected to a group’s cultural identity, which includes the diversity of religious and conscientious beliefs and practices.<sup>32</sup> Failing to consider

<sup>28</sup> *Charter*, *supra* note 3 at s. 27.

<sup>29</sup> *R. v. Feltmate*, 2012 NSSC 319 at para 10.

<sup>30</sup> *R. v. Keegstra*, [1990] 3 SCR 697, 1990 CanLII 24 (SCC) at 757.

<sup>31</sup> Crenshaw, “[Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics](#)”, *supra* note 19 at 154–160; Vrinda Narain, “[The Place of Niqab in the Courtroom](#)” (2015) 9:1 *ICL J* at 45–47.

<sup>32</sup> *R. v. Big M Drug Mart*, [1985] 1 SCR 295, 1985 CanLII 69 (SCC) at paras. 11, 99; *R. v. Edward Books and Art Ltd*, [1986] 2 SCR 713, 1986 CanLII 12 (SCC) at paras. 80, 96.

how s. 27 informs s. 28 contributes to an erasure of the distinct experiences of some Muslim women, whose experiences of gender equality are shaped by their multicultural identities.

20. In the decision under appeal, the Court of Appeal held that the language of “Notwithstanding anything in this Charter” in s. 28 gives the provision primacy only with respect to other “interpretive rules” set out in the *Charter*, namely s. 25 (Aboriginal rights and freedoms) and s. 27.<sup>33</sup> The Court of Appeal’s analysis with respect to s. 28 and its relationship to s. 27 fails to recognize the value of s. 27 as an interpretive aid to s. 28. The consequence is to erase the multicultural intersectional discriminatory impacts at issue and frustrate the *Charter*’s goal of advancing substantive equality.

21. In addition, contrary to the respondent PDF’s argument,<sup>34</sup> there is no conflict between ss. 27 and 28. The respondent, PDF, argues that s. 28 was proposed by feminist activists at the time of the *Charter*’s development as a “bulwark” against the perceived threat of the multiculturalism provision on gender equality.<sup>35</sup> Such an interpretation is inconsistent with substantive equality. Both multiculturalism in s. 27 and gender equality in s. 28 support the right of Muslim women to practice their faith and not face discrimination by the State based on their intersectional identities. The suggestion that s. 28 is a check on s. 27 reinforces exclusionary and harmful approaches to gender equality which view upholding multiculturalism as a threat to equality instead of a facet of full and equal participation in society.

22. The Court should not adopt harmful perspectives on gender equality that cast some people or group’s practices as backwards or inferior, and which deny people the autonomy to decide what gender equality means for them based on their distinct, intersectional experiences.<sup>36</sup>

---

<sup>33</sup> [Organisation mondiale sikhe du Canada](#), *supra* note 24 at para. 456.

<sup>34</sup> [PDF Factum](#), *supra* note 13 at paras. 54–59.

<sup>35</sup> [PDF Factum](#), *supra* note 13 at para. 54.

<sup>36</sup> Vrinda Narain, “[Taking ‘Culture’ Out of Multiculturalism](#)” (2014) 26 *CJWL* 116 at 147.

### iii. Gender equality protects against gender-based discrimination

23. Although s. 28 uses the binary language of “male and female persons”, s. 28’s core value is gender equality.<sup>37</sup> Section 28 should therefore be read as encompassing a modern understanding of gender equality that demands an inclusive understanding of gender-based discrimination beyond the gender binary.<sup>38</sup> This is consistent with the living tree doctrine and Canadian discrimination jurisprudence. As a result, West Coast LEAF submits that the language of “guaranteed equally to male and female persons” in s. 28 should be read as ensuring the *Charter’s* rights and freedoms are *guaranteed equally to all persons regardless of their gender*.

24. It is critical that the living tree doctrine is used when analyzing s. 28’s gender equality guarantee, particularly in light of the social context of discrimination faced by people who are marginalized on the basis of gender, such as transgender people who “remain among the most marginalized in our society”.<sup>39</sup> In this context, a narrow construction of gender equality, that excludes Two Spirit, transgender, non-binary persons, and people of other genders, could perpetuate disadvantage against those who face gender-based discrimination.

25. Reading s. 28 in this manner is also consistent with the interpretation of gender identity and expression in discrimination law jurisprudence. Prior to legislative amendments specifying gender identity and expression as protected grounds,<sup>40</sup> and although transgender individuals were sometimes forced to advance claims of discrimination on the ground of disability, discrimination

---

<sup>37</sup> See [Report of the Commission on Equality in Employment](#), *supra* note 9 at 13 (as early as 1984, Rosalie Silberman Abella, Commissioner, stated that “[s]ection 28 reinforces gender equality”).

<sup>38</sup> Gender identity refers to a person’s “deeply felt and inherent sense of self in relation to gender, or the social system of roles, behaviours and expression associated with sex at birth” and gender expression refers to the way a person “outwardly expresses gender through clothes, behaviour, speech, pronouns and more”. See [Hansman v. Neufeld](#), 2023 SCC 14 at para. 11 [*Hansman*].

<sup>39</sup> [Hansman](#), *supra* note 38 at para. 89, citing [Oger v. Whatcott \(No. 7\)](#), 2019 BCHRT 58 at para. 62.

<sup>40</sup> See [Toby’s Act \(Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression\)](#), 2012, SO 2012, c 7, ss 1–8; [Human Rights Code Amendment Act](#), 2016, SBC 2016, c 26, ss 1–6; [An Act to amend the Canadian Human Rights Act and the Criminal Code](#), SC 2017, c 13, ss 1–4.

against transgender individuals was also recognised as discrimination on the basis of sex.<sup>41</sup> For example, in 2006, in concluding that the term “sex” encompassed discrimination faced by transgender, intersex, and non-binary individuals, the Ontario Human Rights Tribunal held:

...the construction of the terms sex and gender are flexible enough to enable [the majority] to conclude that [transgender individuals] and [intersex persons] fall within the ground of sex to recognize the Code's special nature and purpose of the enactment, and to give it an interpretation that advances its broad purposes to protect every person from unlawful discrimination on the ground of sex.<sup>42</sup>

26. West Coast LEAF submits the language of “male and female persons” must be interpreted purposively to encompass an inclusive approach to gender equality. The Court should be cautious of an approach to s. 28 that would enforce a gender binary.

#### PART IV – COSTS

27. West Coast LEAF does not seek costs and asks that no costs be ordered against it.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

DATED at Vancouver, in the Province of British Columbia, this 16<sup>th</sup> day of September 2025.




---

Robyn Trask, Humera Jabir, Gita Keshava,  
Idaresit Thompson

---

<sup>41</sup> See *Vancouver Rape Relief Society v. British Columbia (Human Rights Commission)*, 2000 BCSC 889 at para. 42; *Vancouver Rape Relief Society v. Nixon*, 2005 BCCA 601 at paras. 1, 9, 42; *XY v. Ontario (Minister of Government and Consumer Services)*, 2012 HRTO 726 at paras. 88–89; *Kavanagh v. Canada (Attorney General)*, [2001] CanLII 8496 (CHRT) at para. 141; *Hogan v. Ontario (Minister of Health and Long-Term Care)*, 2006 HRTO 32 at para. 127 [Hogan].

<sup>42</sup> *Hogan*, *supra* note 41 at para. 127.

## PART V – TABLE OF AUTHORITIES

## Caselaw:

No.	Authority	Paragraph Reference
1.	<a href="#"><i>Andrews v. Law Society of British Columbia</i></a> , [1989] 1 SCR 143, 1989 CanLII 2 (SCC)	3, 6
2.	<a href="#"><i>Canada (Attorney General) v. Mossop</i></a> , [1993] 1 SCR 554, 1993 CanLII 164 (SCC)	14, 15
3.	<a href="#"><i>Corbiere v. Canada (Minister of Indian and Northern Affairs)</i></a> , [1999] 2 SCR 203, 1999 CanLII 687 (SCC)	14, 15
4.	<a href="#"><i>Egan v. Canada</i></a> , [1995] 2 SCR 513, 1995 CanLII 98 (SCC)	14, 15
5.	<a href="#"><i>Fraser v. Canada</i></a> , 2020 SCC 28	3, 6, 7, 14, 15, 16
6.	<a href="#"><i>Hansman v. Neufeld</i></a> , 2023 SCC 14	23, 24
7.	<a href="#"><i>Hogan v. Ontario (Minister of Health and Long-Term Care)</i></a> , 2006 HRTO 32	25
8.	<a href="#"><i>Hunter v. Southam Inc.</i></a> , [1984] 2 SCR 145, 1984 CanLII 33 (SCC)	5
9.	<a href="#"><i>Kavanagh v. Canada (Attorney General)</i></a> , [2001] CanLII 8496 (CHRT)	25
10.	<a href="#"><i>Law v. Canada (Minister of Employment and Immigration)</i></a> , [1999] 1 SCR 497, 1999 CanLII 675 (SCC)	14, 15
11.	<a href="#"><i>Michel v. Graydon</i></a> , 2020 SCC 24	14, 15
12.	<a href="#"><i>Oger v. Whatcott (No. 7)</i></a> , 2019 BCHRT 58	24
13.	<a href="#"><i>Ontario (Attorney General) v. G</i></a> , 2020 SCC 38	14, 15
14.	<a href="#"><i>Organisation mondiale sikh du Canada c. Procureur général du Québec</i></a> , 2024 QCCA 254	15, 20

No.	Authority	Paragraph Reference
15.	<a href="#"><i>Quebec (Attorney General) v. 9147-0732 Quebec inc.</i></a> , 2020 SCC 32	5
16.	<a href="#"><i>Reference Re BC Motor Vehicle Act</i></a> , [1985] 2 SCR 486, 1985 CanLII 81 (SCC)	5
17.	<a href="#"><i>Reference Re Provincial Electoral Boundaries (Sask)</i></a> , [1991] 2 SCR 158, 1991 CanLII 61 (SCC)	5
18.	<a href="#"><i>R v. Big M Drug Mart</i></a> , [1985] 1 SCR 295, 1985 CanLII 69 (SCC)	19
19.	<a href="#"><i>R v. Edward Books and Art Ltd</i></a> , [1986] 2 SCR 713, 1986 CanLII 12 (SCC)	19
20.	<a href="#"><i>R. v. Feltmate</i></a> , 2012 NSSC 319	18
21.	<a href="#"><i>R. v. Friesen</i></a> , 2020 SCC 9	14, 15
22.	<a href="#"><i>R. v. Kapp</i></a> , 2008 SCC 41	10
23.	<a href="#"><i>R. v. Keegstra</i></a> , [1990] 3 SCR 697, 1990 CanLII 24 (SCC)	19
24.	<a href="#"><i>R. v. Sharma</i></a> , 2022 SCC 39	7, 14, 15
25.	<a href="#"><i>Vancouver Rape Relief Society v. British Columbia (Human Rights Commission)</i></a> , 2000 BCSC 889	25
26.	<a href="#"><i>Vancouver Rape Relief Society v. Nixon</i></a> , 2005 BCCA 601	25
27.	<a href="#"><i>Withler v. Canada (Attorney General)</i></a> , 2011 SCC 12	14
28.	<a href="#"><i>XY v. Ontario (Minister of Government and Consumer Services)</i></a> , 2012 HRTO 726	25

**Secondary Sources:**

No.	Secondary Source	Paragraph Reference
1.	Adam Dodek, “ <a href="#">Canada as Constitutional Exporter: The Rise of the 'Canadian Model' of Constitutionalism</a> ” (2007) 36 <i>SCLR</i> (2d) 309	5
2.	Canada, Royal Commission on Equality in Employment, <i>Report of the Commission on Equality in Employment</i> , by Rosalie Silberman Abella, Commissioner (Ottawa: Human Resources and Skills Development Canada, 1984), online: < <a href="http://publications.gc.ca/collections/collection_2014/rhdcc-hrsdc/MP43-157-1-1984-1-eng.pdf">publications.gc.ca/collections/collection_2014/rhdcc-hrsdc/MP43-157-1-1984-1-eng.pdf</a> >	6, 9, 23
3.	European Commission, <i>Intersectional Discrimination in EU Gender equality And Non-Discrimination Law</i> (Luxembourg: Publications Office of the European Union, 2016), online: < <a href="https://www.equalitylaw.eu/downloads/3850-intersectional-discrimination-in-eu-gender-equality-and-non-discrimination-law-pdf-731-kb">https://www.equalitylaw.eu/downloads/3850-intersectional-discrimination-in-eu-gender-equality-and-non-discrimination-law-pdf-731-kb</a> >	13
4.	Fay Faraday, “ <a href="#">One Step Forward, Two Steps Back? Substantive Equality, Systemic Discrimination and Pay Equity at the Supreme Court of Canada</a> ” (2020) 94:12 <i>Sup Ct L Rev</i> 301	1, 7
5.	Grace Ajele and Jena McGill, <i>Intersectionality in Law and Legal Contexts</i> (Toronto: Women’s Legal Education and Action Fund, 2020), online: < <a href="https://www.leaf.ca/publication/intersectionality-in-law-and-legal-contexts/">https://www.leaf.ca/publication/intersectionality-in-law-and-legal-contexts/</a> >	13
6.	Kimberlé Crenshaw, “ <a href="#">Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics</a> ” (1989) 1:8 <i>U Chicago L Rev</i> 139	13, 19
7.	Natalie Clark, “ <a href="#">Red Intersectionality and Violence-Informed Witnessing Praxis with Indigenous Girls</a> ” (2016) 9:2 <i>Girlhood Studies</i> 46	13

No.	Secondary Source	Paragraph Reference
8.	Vrinda Narain, " <a href="#">Taking 'Culture Out of Multiculturalism'</a> " (2014) 26 <i>CJWL</i> 116	22
9.	Vrinda Narain, " <a href="#">The Place of Niqab in the Courtroom</a> " (2015) 9:1 <i>ICL J</i>	19

**Statutes, Regulations, Rules, etc.:**

No.	Statute, Regulation, Rule, etc.	Section, Rule, Etc.
1.	<a href="#">Canadian Charter of Rights and Freedoms, s 28, Part I of the Constitution Act, 1982</a> , being Schedule B to the <i>Canada Act 1982</i> (UK), 1982, c 11	ss. 27, 28
	<a href="#">Loi constitutionnelle de 1982 (R-U)</a> , constituant l'annexe B de la Loi de 1982 sur le Canada (R-U), 1982, c 11 (annexe B)	
2.	<a href="#">Toby's Act (Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression)</a> , 2012, SO 2012, c 7	ss. 1–8
3.	<a href="#">Human Rights Code Amendment Act, 2016</a> , SBC 2016, c 26	ss. 1–6
4.	<a href="#">An Act to amend the Canadian Human Rights Act and the Criminal Code</a> , SC 2017, c 13	ss. 1–4
	<a href="#">Loi modifiant la Loi Canadienne sur les droits de la personne et le Code criminel</a> , LC 2017, c 13	

**PART VI – STATUTES, LEGISLATION, RULES, ETC.**

See Part V.