

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

BETWEEN:

ATTORNEY GENERAL OF QUÉBEC

Appellant/ Cross-Respondent

- and -

BIJOU CIBUABUA KANYINDA

Respondent/ Cross-Appellant

- and -

**COMMISSION DES DROITS DE LA PERSONNE
ET DES DROITS DE LA JEUNESSE**

Third Party/ Cross-Appellant

- and -

**ATTORNEY GENERAL OF CANADA
ATTORNEY GENERAL OF ONTARIO
ATTORNEY GENERAL OF BRITISH COLUMBIA
ATTORNEY GENERAL OF ALBERTA**

Interveners

**MOTION FOR LEAVE TO INTERVENE BY THE NATIONAL ASSOCIATION OF
WOMEN AND THE LAW AND THE DAVID ASPER CENTRE FOR
CONSTITUTIONAL RIGHTS**

(pursuant to Rules 47 and 55 of the *Rules of the Supreme Court of Canada*)

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ORIGINAL TO:

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TAB 1

**IN THE SUPREME COURT OF CANADA
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ATTORNEY GENERAL OF QUÉBEC

Appellant/ Cross-Respondent

- and -

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Respondent/ Cross-Appellant

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**COMMISSION DES DROITS DE LA PERSONNE
ET DES DROITS DE LA JEUNESSE**

Third Party/ Cross-Appellant

- and -

**ATTORNEY GENERAL OF CANADA
ATTORNEY GENERAL OF ONTARIO
ATTORNEY GENERAL OF BRITISH COLUMBIA
ATTORNEY GENERAL OF ALBERTA**

Interveners

NOTICE OF MOTION

TAKE NOTICE that the National Association of Women and the Law (“NAWL”) and the David Asper Centre for Constitutional Rights (the “Asper Centre”) hereby apply to a Judge

of this Honourable Court, pursuant to Rules 47 and 55-59 of the *Rules of the Supreme Court of Canada* for an order granting the NAWL and Asper Centre:

1. Leave to intervene in this appeal, on a without costs basis;
2. Permission to file a factum of not more than 10 pages, or such other length as the said Judge may deem appropriate;
3. Permission to present oral argument at the hearing of the appeal of not more than 5 minutes, or such other duration as the said Judge may deem appropriate; and
4. Such further or other Order as the circumstances require and this Honourable Court may deem just.

AND FURTHER TAKE NOTICE that the following documents will be referred to in support of such motion:

1. The affidavit of Kent Roach, affirmed February 10, 2025
2. The affidavit of Tiffany Butler, affirmed February 6, 2025; and
3. The memorandum of argument filed herewith.

AND FURTHER TAKE NOTICE that the said motion shall be made on the following grounds:

1. As evidenced by the affidavits of Kent Roach and Tiffany Butler, the NAWL and Asper Centre are public interest organizations that have a genuine and substantial interest in this appeal;
2. The NAWL and Asper Centre seek leave to intervene in order to assist this Court by providing an impartial and useful analysis on the issues raised in this appeal that transcend the specific dispute between the parties;
3. If granted leave to intervene, the NAWL and Asper Centre will, subject to further consideration by counsel, advance the arguments outlined in the memorandum of argument filed with this motion, namely that:

- a. A substantive equality analysis under *Charter* section 15(1) must both enable and require courts to effectively adjudicate systemic discrimination, and discrimination involving intersecting grounds.
 - b. In the instant case, the Court should apply a systemic, intersectional discrimination analysis to reveal the connection between women's livelihood and the availability of affordable childcare generally, as well as the adverse effects of lack of access to childcare for asylum-seeking, sole support women with caregiving and work responsibilities, such as the Respondent.
 - c. Concerning the first step of the section 15(1) analysis, the Court should not require the claimant to demonstrate that the law predominantly or partially caused the disproportionate impact. Instead, the Court should reaffirm that claimants may satisfy the first step of the section 15(1) analysis simply by showing either qualitatively or quantitatively differential treatment.
4. The NAWL and Asper Centre will take steps to ensure that its submissions are distinct from those to be made by the parties and any other intervener(s);
 5. Granting leave to intervene to the NAWL and Asper Centre will not prejudice any of the parties;
 6. The NAWL and Asper Centre will take the record as it finds it and will not seek to supplement the record;
 7. The Asper Centre will abide by the schedule set by the Registrar for the filing of materials;
 8. Rules 47 and 55-59 of the *Rules of the Supreme Court of Canada*.

DATED at the City of Toronto, in the Province of Ontario, this 10th day of February, 2025

SIGNED BY:



Suzanne Zaccour, Kerri Froc & Cheryl Milne
Counsel for the Applicants

(agent)

TAB 2

**IN THE SUPREME COURT OF CANADA
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ATTORNEY GENERAL OF ONTARIO
ATTORNEY GENERAL OF BRITISH COLUMBIA
ATTORNEY GENERAL OF ALBERTA**

Intervenors

AFFIDAVIT OF KENT ROACH

I, KENT ROACH, of the City of Oakville, in the Province of Ontario, **AFFIRM AS FOLLOWS:**

1. I am the Chair of the Advisory Group for the David Asper Centre for Constitutional Rights

(“the Asper Centre”) at the University of Toronto and as such have knowledge of the matters deposed herein. This affidavit outlines the expertise of the Asper Centre regarding Canadian constitutional rights. Where facts are based on information obtained from others, I believe that information to be true.

I. BACKGROUND OF THE ASPER CENTRE

A. Description and Expertise of the Asper Centre

2. The Asper Centre is a part of the University of Toronto, Faculty of Law (“the Faculty of Law”). With the assistance of an endowment from alumnus David Asper, the Centre was established in 2008 to promote “greater awareness, understanding and acceptance of constitutional rights in Canada” and to realize constitutional rights through advocacy, research and education. The Centre seeks to promote access to constitutional justice and human rights for vulnerable individuals and groups. As part of an academic institution, the Centre is committed to high quality research, intellectual engagement and scholarly rigour in its advocacy work.

3. The Asper Centre furthers its objectives in the following ways:

- a. Appears at various levels of court as an intervener in legal matters that raise constitutional and access to justice issues.
- b. Prepares position papers and makes written submissions to various governmental bodies, concerning the advancement of constitutional rights in Canada.
- c. Engages in professional, academic and public education, including organizing and hosting conferences and symposia to explore cutting-edge constitutional ideas.
- d. Maintains working groups of volunteer law students focused on constitutional rights projects. Students work with faculty members and the executive director to research and draft position statements on draft legislation and other constitutional issues of concern.
- e. Operates a constitutional rights legal clinic, allowing law students to work with practitioners for academic credit on files involving innovative constitutional advocacy.

4. The Asper Centre is able to draw upon the extensive constitutional expertise and litigation experience of its Advisory Group. In addition, it draws upon the expertise of the large number of scholars specializing in constitutional rights at the Faculty of Law.

B. Advisory Group and Staff Expertise

5. The Asper Centre's director, Cheryl Milne, joined the Centre as its inaugural executive director in 2008. Prior to joining, she was a legal advocate for Justice for Children and Youth for 17 years where she led its *Charter* litigation at this Honourable Court in *AC v Manitoba (Director of Child and Family Services)*, [2009] 2 SCR 181; *R v DB*, [2008] 2 SCR 3; and *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*, [2004] 1 SCR 76. She represented the Asper Centre as counsel in *British Columbia (Attorney General) v Council of Canadians with Disabilities*, 2022 SCC 27; *R v Barton*, 2019 SCR 3; *Ontario (Attorney General) v G*, 2020 SCC 38; *R v Kokopenace* 2015 SCC 28; *R v Kokopenace & R v Spiers* 2013 ONCA 389; *R v Davey* [2012] 3 SCR 828, *R v Emms* [2012] 3 SCR 810, *R v Yumnu* [2012] 3 SCR 777 ("the *Jury Vetting Cases*"); *R v Caron*, [2011] 1 SCR 78; *R v Conway*, [2010] 1 SCR 765; and *Reference Re. Section 293 of the Criminal Code of Canada ("Polygamy Reference")*, [2011] BCSC 1588. She is a former Chair of the Ontario Bar Association's Constitutional, Civil Liberties and Human Rights section and currently sits on the executive of the National Constitutional and Human Rights Section of the Canadian Bar Association. She also teaches the Asper Centre's clinical course on constitutional advocacy.

6. The current Advisory Group includes myself, Chair, Professor of Law where my research is broadly focused on the *Charter* and criminal law; Jean-Christophe Bédard-Rubin an Associate Professor at the Faculty of Law whose research explores Canadian constitutional culture from historical and comparative perspectives; Anna Su, Associate Professor of Law, whose research includes international human rights law and comparative constitutional law; Richard Stacey, an Associate Professor at the Faculty of Law whose teaches in public law, and whose research interests include how governments and their agents uphold and fulfil constitutional commitments; and Nader R. Hasan, Adjunct Faculty at the Faculty of Law and a partner with the Toronto law firm Stockwoods LLP, with a focus in criminal and constitutional litigation at both the trial and appellate levels.

C. Work of the Asper Centre

7. The Asper Centre has been granted leave to intervene in a number of cases across Canada in various levels of court. The Asper Centre has intervened in the following cases before the

Supreme Court of Canada:

- a. *Mikhail Kloubakov, et al. v His Majesty the King*, forthcoming decision;
- b. *Attorney General of Ontario v Working Families Coalition (Canada) Inc. et al.*, forthcoming decision;
- c. *York Region District School Board v Elementary Teachers' Federation of Ontario*, 2024 SCC 22;
- d. *Canada (Attorney General) v Power*, 2024 SCC 26;
- e. *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5;
- f. *Canadian Council for Refugees v Canada (Citizenship and Immigration)*, 2023 SCC 17;
- g. *R v McGregor*, 2023 SCC 4;
- h. *R v Sharma*, 2022 SCC 39
- i. *British Columbia (Attorney General) v Council of Canadians with Disabilities*, 2022 SCC 27;
- j. *R v Chouhan*, 2021 SCC 26;
- k. *Ontario (Attorney General) v G.*, 2020 SCC 38;
- l. *Conseil scolaire francophone de la Colombie-Britannique, Fédération des parents francophones de Colombie-Britannique, et al. v Her Majesty the Queen in Right of the Province of British Columbia, et al.*, 2020 SCC 13
- m. *R v Barton*, 2019 SCC 33;
- n. *Bird v Her Majesty the Queen*, 2019 SCC 7;
- o. *Frank v Canada (Attorney General)*, 2019 SCC 1;
- p. *Canada (Attorney General) v Badesha et al*, 2017 SCC 44;
- q. *Ernst v Alberta Energy Regulator*, 2017 SCC 1;
- r. *R v K.R.J.*, 2016 SCC 31;
- s. *B010 v Minister of Citizenship and Immigration*, 2015 SCC 58;
- t. *Henry v British Columbia (Attorney General)*, 2015 SCC 24;
- u. *R v Kokopenace*, 2015 SCC 28;

- v. *Trial Lawyers Association of British v British Columbia (Attorney General)*, [2014] 3 SCR 31
- w. *R v Anderson*, [2014] 2 SCR 167;
- x. *Kazemi Estate v Islamic Republic of Iran*, [2014] 3 SCR 176;
- y. *Attorney General (Canada) v Bedford*, [2013] 3 S.C.R. 1101;
- z. *Canada (Minister of Justice) v Zajicek*, (Case No. 34767) [appeal quashed as moot];
- aa. *Divito v Canada (Public Safety and Emergency Preparedness)*, [2013] 3 SCR 157;
- bb. *R v Davey*, [2012] 3 SCR 828; *R v Yumnu*, *R v Cardoso* and *R v Duong*, [2012] 3 SCR 777; *R v Emms*, [2012] 3 SCR 810 (heard together as “the Jury Vetting Cases”);
- cc. *Canada (AG) v Downtown Eastside Sex Workers United Against Violence*, [2012] 2 SCR 524;
- dd. *R v Caron*, [2011] 1 SCR 78;
- ee. *Canada (Prime Minister) v Khadr*, [2010] 1 SCR 44 (jointly with Human Rights Watch and the Faculty of Law’s International Human Rights Program);
- ff. *Vancouver (City) v Ward*, [2010] 2 SCR 28 (jointly with the British Columbia Civil Liberties Association); and
- gg. *R v Conway*, [2010] 1 SCR 765 (jointly with the Criminal Lawyers’ Association).

8. In addition to the above cases before the Supreme Court, the Asper Centre was granted “interested persons” standing in the *Polygamy Reference* at the British Columbia Supreme Court (with the Canadian Coalition for the Rights of Children). The Centre was also granted intervener standing before the Ontario Court of Appeal in *Mathur v Ontario*, 2024 ONCA 820; *R v Morris*, 2021 ONCA 680; *R v Sharma*, 2020 ONCA 478 (jointly with LEAF); *Tanudjaja et al. v Canada*, 2014 ONCA 852; and in *R v Kokopenace*, 2013 ONCA 389.

9. In support of its academic and educational objectives, the Asper Centre hosts conferences, panels and workshops bringing together constitutional experts from across Canada and abroad. Recent Asper Centre events have included the following:

- a. *Litigating Equality in Canada Symposium*, a one-day symposium held on May 26, 2023;
- b. *Public Interest Litigation Symposium*, a one-day conference held on March 2, 2018;

- c. *The State of Canada's Constitutional Democracy*, a two-day symposium held February 26-27, 2016 (organized with the Centre for Constitutional Studies, University of Toronto);
 - d. *Life, Liberty and Equality – Canadian Style: The Interplay Between Sections 7 and 15 of the Charter*, a one-day conference held February 27th, 2015;
 - e. *R v Kokopenace, the Panel*, a panel discussion on *R v Kokopenace* with panelists who argued the case. Held October 15, 2014;
 - f. *Privacy at Risk*, a panel discussion on Canadian privacy law, held March 12, 2014;
 - g. *Constitutional Remedies: Are They Effective and Meaningful?*, a one-day conference, held February 28, 2014;
 - h. *Social Science Evidence in Charter Litigation*, held November 9, 2012
 - i. *Who Belongs? Rights, Benefits, Obligations and Immigration Status*, held September 24-25, 2010 (organized with the Canadian Civil Liberties Association).
10. The Asper Centre's Working Groups have allowed law students to engage in supervised research and advocacy on constitutional issues. In 2024-2025, the Asper Centre's working groups focus on the use of the Notwithstanding Clause, encampments and *Charter* rights, as well as the role of interveners in constitutional litigation. In 2023-2024 the four working groups focused on bail reform, environmental rights, responding to 2SLGBTQI+ hate, and Indigenous child welfare & self-government.
11. The Centre also operates a constitutional rights legal clinic during the academic year, allowing law students to work with practitioners for academic credit on files involving innovative constitutional advocacy. In the past, clinical students have worked with the Asper Centre on all of its court interventions (listed above), as well as with other organizations engaged in constitutional rights advocacy, including the Refugee Law Office of Legal Aid Ontario, Justice for Children and Youth, ARCH Disability Law Centre, LEAF and the Law Commission of Ontario.

II. THIS MOTION FOR LEAVE TO INTERVENE

12. The Asper Centre has an interest and an expertise in the issues in this appeal. The Asper Centre has demonstrated significant expertise and interest in cases involving substantive equality rights and the interpretation of Section 15 of the *Charter* in its role as an intervener (*Mathur v Ontario*, *R v Sharma*, *Canadian Council of Refugees v Canada*, *R v Kokopenace*). The Asper

Centre has also organized the conferences *Life, Liberty and Equality – Canadian-Style: The Interplay Between Sections 7 and 15 of the Charter* and *Litigating Equality in Canada Symposium*. The latter symposium resulted in the publication of *Litigating Equality* of which our director was an editor and contributing author.

13. The Asper Centre's submissions in a number of its past interventions have been helpful to the Supreme Court of Canada in its decisions. For example this Court has specifically referenced the Asper Centre's arguments in *R v Bedford*, *Canadian Council for Refugees v Canada (Citizenship and Immigration)*, and *Ontario (Attorney General) v G*.

14. As noted above, the Asper Centre's principal mandate is to realize constitutional rights through advocacy, education and academic research, but it also has a focus on issues that impact access to justice for those not represented in the legal system. The Asper Centre is especially concerned with advocating access to rights for vulnerable individuals and groups.

15. If granted leave to intervene, the Asper Centre would not file any additional evidence or extraneous material beyond a factum. The Asper Centre seeks leave to make oral submissions of such length as this Court deems appropriate.

III. OUTLINE OF PROPOSED SUBMISSIONS

16. I have read the Memorandum of Argument in support of this motion and can confirm that the outline set out at section 1(C) of the Memorandum is an accurate reflection of the proposed submissions that the Asper Centre intends to make, should this Court grant the Asper Centre leave to intervene in this appeal.

IV. SUMMARY

17. The Asper Centre offers significant expertise relating to public interest litigation, and has significant interest and experience in respect of the law pertaining to constitutional litigation and equality rights. In light of these considerations, the Centre's contribution to this appeal would be, in my view, both distinctive and valuable.

18. Granting leave to intervene to the Asper Centre will not prejudice any party or add expenses to any party. As noted, the Asper Centre will take the record as it finds it. The Centre will avoid

duplication of submissions, and will abide by any schedule set by the Court. The Asper Centre seeks no costs in the proposed intervention and asks that none be awarded against it.

19. For these reasons, the Asper Centre respectfully requests leave to intervene to file a factum and to present oral argument at the hearing of this appeal.

20. I affirm this affidavit in support of the Asper Centre's motion for leave to intervene, and for no other or improper purpose.

Affirmed before me)
at the City of Toronto,)
in the Province of Ontario,)
this 10th day of February, 2025)



Cheryl Milne
LSO 27022C



KENT ROACH

TAB 3

**IN THE SUPREME COURT OF CANADA
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Respondent/ Cross-Appellant

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ET DES DROITS DE LA JEUNESSE**

Third Party/ Cross-Appellant

- and -

**ATTORNEY GENERAL OF CANADA
ATTORNEY GENERAL OF ONTARIO
ATTORNEY GENERAL OF BRITISH COLUMBIA
ATTORNEY GENERAL OF ALBERTA**

Interveners

AFFIDAVIT OF TIFFANY BUTLER

I, Tiffany Butler, lawyer, resident of the municipality of Mayo, in the Province of Quebec,
AFFIRM AS FOLLOWS:

1. I am the Executive Director of the National Association of Women and the Law (“NAWL”) and as such have personal knowledge of the matters hereinafter deposed to, except where stated to be based on information and belief in which case I have indicated the source and verily believe them to be true.
2. I am a member of the Bar of Alberta and the Bar of Ontario. I joined the National Association of Women and the Law as its Executive Director in March 2021. I am authorized to provide this affidavit in support of the Motion for Intervention brought jointly by NAWL and the David Asper Centre for Constitutional Rights [the “Asper Centre”].
3. This appeal concerns the constitutionality of the denial of subsidized childcare to asylum seekers in Quebec. NAWL and the Asper Centre take no position on the underlying facts relevant to the merits of the dispute between the Appellant and the Respondent. They do not intend to file any additional evidence or to seek any findings of fact in this case. Rather, they propose to assist the Court on the issue of the interpretation of section 15 of the Canadian Charter of Rights and Freedoms (the *Charter*) in cases of systemic, intersectional discrimination.
4. NAWL has a genuine and direct interest in the development of constitutional law in a way that is responsive to the needs and realities of women experiencing multiple oppressions. NAWL seeks leave to intervene in this appeal based on this long-standing interest and expertise and on its ability to provide a unique and useful perspective to aid this Court in its consideration of the issue on appeal. The intervention will be narrowly focused on the submissions outlined in the Motion Record.

PART I - THE NATIONAL ASSOCIATION OF WOMEN AND THE LAW

5. Founded in 1974, NAWL is a not-for-profit organization that promotes women’s equality rights and works to achieve substantive gender equality in Canada.
6. NAWL realizes its work through legal education, research, coalition work, strategic intervention, and law reform advocacy, including consultations with the Federal Government. Some examples of NAWL’s initiatives include:

- a. NAWL intervened before this Court in *Gosselin v Québec (Attorney General)*, 2002 SCC 84, in *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11, in *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, [1999] 3 SCR 46, and in *Canada (Attorney General) v. Mossop*, [1993] 1 SCR 554. It is set to intervene in *Kuldeep Kaur Ahluwalia v. Amrit Pal Singh Ahluwalia* (SCC File No: 41061).
 - b. NAWL provided input during the process of drafting and adopting the *Charter*. NAWL was instrumental in proposing and arguing for the need for a “purpose clause” guaranteeing the equal rights of women and men to the enjoyment of Charter rights, which became section 28¹. Today, NAWL remains particularly interested in the development of gender equality jurisprudence.
 - c. NAWL has submitted briefs and participated in consultations on numerous bills. Examples in recent years include Bill C-21 and Bill C-71 on gun control, Bill C-28 on the extreme intoxication defense, Bill C-5 on judicial education (not adopted), and Bill C-65 on workplace sexual harassment.
7. Furthermore, NAWL’s volunteer National Steering Committee and Working Group members include constitutional law experts (Jennifer Koshan, Kerri Froc, Martha Jackman, and Vrinda Narain) who are widely published in relevant areas of women’s rights. These experts’ relevant publications include:
- a. Hamilton, Jonnette Watson, and **Jennifer Koshan**. “Adverse Impact: The Supreme Court’s Approach to Adverse Effects Discrimination under Section 15 of the Charter” *Rev. Const. Stud.* 19 (2014): 191.
 - b. **Koshan, Jennifer**, and Jonnette Watson Hamilton. “The Continual Reinvention of Section 15 of the Charter” *UNBLJ* 64 (2013): 19.

¹ Kerri Froc, *The Untapped Power of Section 28 of the Canadian Charter of Rights and Freedoms*, doctoral thesis (2015, Queen’s University), online: https://qspace.library.queensu.ca/bitstream/handle/1974/13905/Froc_Kerri_A_201512_PhD.pdf?sequence=1&isAllowed=y, pp 139, 141, 158, 168, 169, 175, 197, 203 (“The agreed-upon, core guarantee of equal rights in section 28 was virtually unchanged from the wording of NAWL’s submission to the Joint Commission and the resolution at the Ad Hoc Conference.”), 209.

- c. **Koshan, Jennifer**, and Jonnette Watson Hamilton. “Meaningless Mantra: Substance Equality after Withler” *Rev. Const. Stud.* 16 (2011): 31.
 - d. **Froc, Kerri A.** “Multidimensionality and the matrix: Identifying charter violations in cases of complex subordination” *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société* 25.1 (2010): 21-49.
 - e. **Froc, Kerri A.** “Constitutional coalescence: substantive equality as a principle of fundamental justice” *Ottawa L. Rev.* 42 (2010): 411.
 - f. **Froc, Kerri A.** “Shouting into the Constitutional Void: Section 28 and Bill 21” *Const. F.* 28 (2019): 19.
 - g. **Jackman, Martha.** “The Protection of Welfare Rights Under the Charter” *Ottawa L. Rev.* 20 (1988): 257.
 - h. **Jackman, Martha**, and Bruce Porter. “Socio-economic rights under the Canadian Charter” *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law (New York: Cambridge University Press, 2008)* (2008).
 - i. **Narain, Vrinda.** “How Does it Feel to be a Problem? Inclusion and Exclusion and Quebec’s Bill 21” *Constitutional Forum/Forum constitutionnel*. Vol. 32. No. 4. 2024.
8. Notably, NAWL has repeatedly been recognized by the Federal Government as having expertise in areas of women’s rights and violence against women and is regularly consulted and invited to testify before House of Commons and Senate committees on these issues.

PART II - NAWL’S INTEREST IN THE PROCEEDING

9. NAWL has a clear interest in this Appeal. NAWL’s constituents are comprised of women in Canada.
10. There is no question that the Court’s decision will have ramifications for women that reach far beyond this appeal, given the importance of this Court’s pronouncements on s. 15 of the *Charter* for cases across Canada. NAWL’s constituents will be directly and significantly affected by the outcome of this appeal.

11. Through its research and policy work, NAWL has developed expertise in the field of women's rights. It is important that NAWL be permitted to share its knowledge on this subject with the Court to ensure that the development of s. 15 jurisprudence progresses, rather than hinders, women's substantive equality.
12. I therefore believe that NAWL and its constituents will suffer prejudice if leave to intervene is not granted.

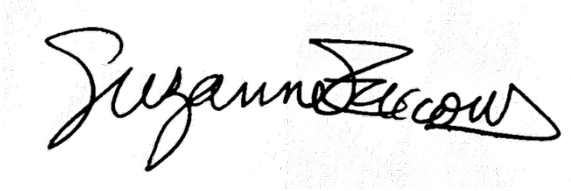
PART III - NAWL'S DISTINCT PERSPECTIVE

13. If granted leave to intervene in this appeal, NAWL and the Asper Centre will restrict their submissions to the narrow arguments set out in the Memorandum of Argument in support of its Motion for Leave to Intervene.
14. In particular, NAWL and the Asper Centre will argue that a substantive equality analysis under Charter section 15(1) must both enable and require courts to effectively adjudicate systemic discrimination, and discrimination involving intersecting grounds. They will also argue that the Court should apply a systemic, intersectional discrimination analysis to reveal the connection between women's ability to earn a living and the availability of affordable childcare. NAWL and the Asper Centre will further propose that the Court should not require the claimant to demonstrate that the impugned law predominantly or partially caused the disproportionate impact. Instead, the Court should reaffirm that claimants may satisfy the first step of the section 15(1) analysis simply by showing either qualitatively or quantitatively differential treatment.
15. I have reviewed the Memorandum of Argument included in this Motion Record and confirm that it is an accurate reflection of NAWL and the Asper Centre's proposed submissions should leave to intervene in this appeal be granted. To the best of my knowledge, no party intends to put forward similar arguments.
16. If granted leave to intervene, NAWL and the Asper Centre will work in cooperation with the parties and any other interveners to ensure that we offer a perspective that is non-duplicative, unique and useful to the Court's determination of this appeal.

17. I make this affidavit in support of the Motion for Leave to Intervene of NAWL and the Asper Centre and for no other or improper purpose.

1.

AFFIRMED remotely by Tiffany Butler)
stated as being located in the Municipality of)
Mayo in the Province of Quebec before me at)
the City of Gatineau, in the Province of)
Quebec, on February 6th, 2025, in accordance)
with O. REG 431/20 Administering Oath or)
Declaration Remotely)



Commissioner for Taking Affidavits

TIFFANY BUTLER

(or as may be)

SUZANNE ZACCOUR

LSO# 83427J

TAB 4

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

BETWEEN:

ATTORNEY GENERAL OF QUÉBEC

Appellant/ Cross-Respondent

- and -

BIJOU CIBUABUA KANYINDA

Respondent/ Cross-Appellant

- and -

**COMMISSION DES DROITS DE LA PERSONNE
ET DES DROITS DE LA JEUNESSE**

Third Party/ Cross-Appellant

- and -

**ATTORNEY GENERAL OF CANADA
ATTORNEY GENERAL OF ONTARIO
ATTORNEY GENERAL OF BRITISH COLUMBIA
ATTORNEY GENERAL OF ALBERTA**

Interveners

**MEMORANDUM OF LAW AND FACT OF THE PROPOSED INTERVENERS
NATIONAL ASSOCIATION OF WOMEN AND THE LAW, AND THE DAVID ASPER
CENTRE FOR CONSTITUTIONAL RIGHTS**

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PART I - OVERVIEW AND STATEMENT OF FACTS

A. Overview

1. The National Association of Women and the Law (NAWL) and the David Asper Centre for Constitutional Rights (Asper Centre) (the “Proposed Interveners”) seek leave to intervene jointly in this appeal on the issue of whether paragraph 3(5) of the *Reduced Contribution Regulation*² violates section 15(1) of the *Canadian Charter of Rights and Freedoms*.
2. The focus of the Proposed Interveners’ intended argument is to provide this Court with assistance respecting the section 15(1) analysis, particularly as it relates to systemic discrimination and intersectionality. The Proposed Interveners will argue that a substantive equality approach requires that the Regulation be understood as part of the structural conditions that reflect and function together to perpetuate women’s economic inequality. Further, they will argue that both parts of the section 15(1) analysis must reflect the Respondent’s intersectional experience as a racialized, migrant woman who is a single mother with caregiving responsibilities. Unless these systemic and intersectional elements are incorporated into every part of the equality analysis, the nature and extent of the constitutional insult represented by the Regulation risk being obscured. Accounting for these elements is needed to provide accurate instruction both to legislatures on how to craft constitutionally compliant laws, and to lower courts, on how to apply section 15(1).
3. Following this Court’s decision in *R v Sharma*³, ambiguities persist regarding the two-part test for violation of section 15(1), particularly regarding causation in the first part of the analysis. The Proposed Interveners will argue that this Court should reaffirm that claimants may demonstrate a “distinction” through qualitatively differential treatment, evaluated in light of all relevant circumstances, including the law’s disadvantageous effects.⁴

² CQLR c S-4.1.1, r 1 [the Regulation].

³ 2022 SCC 39 [*Sharma*].

⁴ *E.g.*, *Fraser v Canada (Attorney General)*, 2020 SCC 28 [*Fraser*] at paras 53-55.

4. In short, the Proposed Interveners will be able to assist the Court by providing arguments regarding: (1) how to incorporate systemic considerations into the section 15(1) analysis; (2) how to perform a truly intersectional discrimination analysis based on more than one ground of discrimination; and (3) what constitutes qualitatively differential treatment.
5. The Proposed Interveners hope to assist the Court by offering a perspective that is different from that of the parties, yet central to the development of equality jurisprudence. In providing its submissions, the Proposed Interveners will draw on the unique expertise they have developed as organizations with extensive experience engaging with the law and legal system on issues of substantive equality, informed by an understanding of intersectionality and the systemic features of inequality.

B. The Proposed Interveners

a) National Association of Women and the Law (NAWL)

6. NAWL is a national not-for-profit organization that advocates for the realization of women's human rights in Canada through law reform advocacy, coalition building, research, and strategic intervention. As a public interest organization with expertise in women's rights, NAWL has a genuine and substantial interest in this appeal and will be able to provide a useful and distinct perspective for the Court, without raising new issues.⁵
7. NAWL's National Steering Committee and working groups include equality law scholars who are widely published in relevant areas of women's rights.⁶ NAWL's equality law and *Charter* expertise is regularly recognized and called upon by Parliament and the federal government.⁷
8. Additionally, NAWL has been granted leave to intervene in cases before the Supreme Court of Canada on issues pertaining to women's rights and gender equality in *Gosselin v*

⁵ Affidavit of Tiffany Butler, affirmed February 6th, 2025, at paras 4 and 6 [Butler Affidavit].

⁶ *Ibid* at para 7.

⁷ *Ibid* at para 8.

Québec (Attorney General),⁸ *References re Greenhouse Gas Pollution Pricing Act*,⁹ *New Brunswick (Minister of Health and Community Services) v G (J)*,¹⁰ *Canada (Attorney General) v Mossop*,¹¹ and *Kuldeep Kaur Ahluwalia v Amrit Pal Singh Ahluwalia*¹².

b) David Asper Centre for Constitutional Rights (Asper Centre)

9. The Asper Centre is part of the University of Toronto, Faculty of Law. Its mandate is to promote greater awareness, understanding and acceptance of constitutional rights in Canada, and to realize constitutional rights through advocacy, research and education.¹³
10. The Asper Centre fulfills its mandate in several ways, including through litigation. The Asper Centre has been granted leave to intervene in cases before the Supreme Court of Canada on a range of issues pertaining to constitutional law, including the constitutional jurisdiction of tribunals, remedies in constitutional cases, equality rights, and the role of interveners. It has made submissions on equality rights in the following cases: *Canadian Council for Refugees v Canada (Citizenship and Immigration)*;¹⁴ *R v Sharma*,¹⁵ *R v Kokopenace*,¹⁶ and most recently at the Ontario Court of Appeal in *Mathur v Ontario*.¹⁷

PART II - QUESTION IN ISSUE

11. The issue for determination on this motion is whether the Proposed Intervenors should be granted leave to intervene in this appeal.

⁸ 2002 SCC 84.

⁹ 2021 SCC 11.

¹⁰ [1999] 3 SCR 46.

¹¹ [1993] 1 SCR 554.

¹² SCC File No: 41061.

¹³ Affidavit of Kent Roach, affirmed February 10, 2025, at para 3 [Roach Affidavit].

¹⁴ 2023 SCC 17 [*Canadian Council for Refugees*].

¹⁵ *Sharma*, *supra* note 2.

¹⁶ 2015 SCC 28.

¹⁷ 2024 ONCA 762.

PART III - ARGUMENT

12. The Proposed Interveners satisfy the test for leave to intervene before this Court under section 55 of the *Rules of the Supreme Court of Canada*, as they demonstrate (a) an interest in the issues raised by the parties to the appeal; and (b) that their submissions will be relevant, useful to the Court, and different from those of the other parties.¹⁸

A. The Proposed Interveners' Interest in this Appeal

13. The requirement that a proposed intervener have an interest in the appeal is flexible. Any interest is sufficient, subject always to the exercise of discretion.¹⁹

14. The Proposed Interveners have a clear interest in this appeal. The appeal raises issues that directly engage the respective mandates of both NAWL and the Asper Centre and fall within their individual and combined expertise.

15. NAWL's constituents are women in Canada, including women facing discrimination on intersecting grounds,²⁰ for which this Court's decision will have important ramifications. Moreover, NAWL provided input during the process of drafting and adopting the *Charter* and remains particularly interested in the development of gender equality jurisprudence²¹. Through its research and policy work over the past 50 years, NAWL has developed unparalleled expertise in women's rights²².

16. The Asper Centre is especially concerned with advocating access to constitutional rights for vulnerable individuals and groups.²³ In keeping with its location within an academic institution, the Asper Centre is committed to high quality research and scholarly rigour in

¹⁸ *Rules of the Supreme Court of Canada*, SOR/2002-156, r 57(2)(b); *Reference re Workers' Compensation Act, 1983 (NFLD) (Application to Intervene)*, [1989] 2 SCR 335 at 339 [Reference re Workers' Compensation Act]; *R v Finta*, [1993] 1 SCR 1138 at 1142; *R v McGregor*, 2023 SCC 4 at paras 23-24.

¹⁹ *Reference re Workers' Compensation Act*, *supra* note 17 at 339.

²⁰ Butler Affidavit, *supra* note 4 at para 10.

²¹ *Ibid*, at para 6.

²² *Ibid*, at para 11.

²³ Roach Affidavit, *supra* note 12 at para 2.

its advocacy work. In its research and education activities and in its role as intervener, the Asper Centre has demonstrated expertise where equality issues have been raised. In 2015, it organized a conference *Life, Liberty and Equality – Canadian Style: The Interplay between Sections 7 and 15 of the Charter*, and more recently in 2022, hosted a conference, *Litigating Equality in Canada* that resulted in a publication of scholarly articles focused on equality rights litigation.²⁴

17. Both Proposed Interveners have a direct interest in bringing their subject-matter expertise to the Court to assist it in developing stable and clear section 15(1) doctrine, and so that women in Canada receive the full protection of their constitutionally guaranteed equality rights. The combined expertise and interests of NAWL and the Asper Centre demonstrate a real, substantial and identifiable interest in the subject matter of this appeal.

B. The Proposed Interveners’ Submissions Are Relevant, Useful and Different

18. The “useful and different submission” criterion is satisfied by applicants who have a history of involvement with the issue, giving them expertise that can shed fresh light or provide new information on the matter.²⁵ NAWL’s history of advocating for law reform in the area of women’s rights, particularly under section 15(1) of the *Charter*, establishes that it has such expertise. In addition, the Asper Centre has, on numerous occasions, made significant arguments that have been adopted by this Court.²⁶
19. Moreover, their submissions will be relevant, useful, and different from those put forward by the parties because the Proposed Interveners intend to focus their analysis on how an intersectional lens should be applied to section 15(1) *Charter* claims in the context of

²⁴ *Ibid*, at para 12.

²⁵ *Reference re Workers’ Compensation Act*, *supra* note 17 at 340.

²⁶ See e.g. *Attorney General (Canada) v Bedford*, 2013 SCC 72 at para 44; *Ontario (Attorney General) v G*, 2020 SCC 38 at paras 80-81, 133; *Canadian Council for Refugees*, *supra* note 13 at paras 180-182.

systemic, socio-economic discrimination. To the best of the Proposed Interveners' knowledge, no party intends to address these concerns.²⁷

20. Specifically, the Proposed Interveners intend to advance the following arguments:
- (a) A substantive equality analysis under *Charter* section 15(1) must both enable and require courts to effectively adjudicate systemic discrimination, and discrimination involving intersecting grounds.
 - (b) In the instant case, the Court should apply a systemic, intersectional discrimination analysis to reveal the connection between women's livelihood and the availability of affordable childcare generally, as well as the adverse effects of lack of access to childcare for asylum-seeking, sole support women with caregiving and work responsibilities, such as the Respondent.
 - (c) Concerning the first step of the section 15(1) analysis, the Court should not require the claimant to demonstrate that the law predominantly or partially caused the disproportionate impact. Instead, the Court should reaffirm that claimants may satisfy the first step of the section 15(1) analysis simply by showing either qualitatively or quantitatively differential treatment.

C. The Proposed Interveners' Relevant, Useful, and Different Submissions

21. If granted leave to intervene, the Proposed Interveners will expand on the arguments below.
22. The test for whether a law or other government action has violated the substantive equality guarantee under section 15(1) has undergone nearly constant change since its coming into force. Substantive equality is often mentioned in the jurisprudence as the foundation of section 15(1),²⁸ but its meaning has yet to be fully elaborated by this Court.

²⁷ Butler Affidavit, *supra* note 4 at para 15.

²⁸ E.g. *R v Kapp*, 2008 SCC 41 at paras 22, 24 [*Kapp*]; *Withler v Canada (Attorney General)*, 2011 SCC 12 at para 39 [*Withler*].

23. Understanding how a discriminatory system functions is key to understanding whether and how an impugned law is implicated in relation to the norm of substantive equality. Systemic discrimination, as part of substantive inequality, concerns patterns of behaviour, policies and practices that may involve both the direct targeting of equality-deserving groups and also adverse effects (including where seemingly neutral policies and practices both normalize and tacitly condone singling out such groups for adverse treatment).²⁹ The complexity, and often invisibility, of systemic discrimination only enhances the need for this Court to provide clear and lasting guidance on the equality framework. The Proposed Interveners can distill the key principles of substantive equality that are relevant to the instant and future section 15 cases.
24. Failure to properly analyse the systemic nature of discrimination may lead to seeing difference as inherent to the individual rather than “as historically and socially based.”³⁰ In the absence of a systemic analysis, equality becomes limited to the eradication of aberrant, irrational laws or aberrant government action. The more systemic the inequality, that is, the more it is entrenched in institutions and interwoven within discriminatory legal structures, the more natural it is perceived to be: as merely reflecting the claimants’ biological or other capacities, a product of so-called “choice,” or “simple individual instances of personal failure, oddity or happenstance.”³¹
25. In the evolution of equality rights, this Court has recognized that the test for equality must be capable of identifying discrimination even (or perhaps especially) when claimants’ circumstances of subordination are complex, rather than rewarding those who are best able

²⁹ E.g. *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1138-1139; *British Columbia v Crockford*, 2006 BCCA 360 at para 49.

³⁰ Margot Young, “Unequal to the Task: ‘Kapp’ing the Substantive Potential of Section 15” in Sheila McIntyre & Sanda Rodgers, eds, *The Supreme Court of Canada and Social Justice: Commitment, Retrenchment or Retreat* (Markham: LexisNexis Canada, 2010) 183 at 196.

³¹ Margot Young, “Blissed Out: Section 15 at Twenty” in Sheila McIntyre & Sanda Rodgers, eds, *Diminishing Returns: Inequality and the Canadian Charter of Rights and Freedoms* (Markham: LexisNexis Canada, 2006) 45 at 63.

to squeeze their experiences into preconceived notions of what discrimination looks like.³² Thus, this Court has revised the section 15(1) analysis to eliminate elements that demanded the effacement of complexity—abandoning “checklists” of contextual factors and “mirror comparators”, for instance, and expanding discrimination beyond a search for “prejudice and stereotype”.³³

26. Accepting complexity as part of the section 15(1) analysis has also led this Court to acknowledge that claimants may advance claims based on intersecting grounds.³⁴ An intersectional analysis is essential for achieving substantive equality, as it examines how overlapping systems of oppression related to race, gender, age, and class contribute to unique experiences of discrimination and privilege. This approach acknowledges that individuals may face multiple, intersecting forms of disadvantage that cannot be fully understood when considering each factor in isolation. By incorporating intersectionality into the evaluation of laws and policies, decision-makers can better address the compounded nature of systemic inequalities, thereby promoting fairness and justice.
27. As a racialized, migrant woman who is a single mother with caregiving responsibilities, the Respondent is “at the centre of overlapping systems of subordination.”³⁵ The Proposed Interveners submit that the lens of intersectionality can bring to light the particular ways in which she experiences discrimination and inequality along multiple axes of oppression/disadvantage. This decision will have profound implications for future equality-seeking claimants.
28. While recognizing its availability in principle, this Court has yet to perform an intersectional equality analysis involving more than one ground. An intersectional analysis in this case would provide a framework to examine how migrant status interacts with gender, motherhood/caregiving responsibilities, and economic precarity/poverty. When

³² Colleen Sheppard, “Grounds of Discrimination: Toward an Inclusive and Contextual Approach” (2001) 80:3 Can Bar Rev 893 at 915-916.

³³ *Whitler*, *supra* note 27; *Kapp*, *supra* note 27; *Kahkewistahaw First Nation v Taypotat*, 2015 SCC 30; *Quebec (Attorney General) v A*, 2013 SCC 5.

³⁴ *Whitler*, *supra* note 27 at para 63.

³⁵ Vrinda Narain, “The Place of the Niqab in the Courtroom” (2015) 9:1 ICL J 41 at 44.

evaluating the claims of racialized women migrants, it is even more critical that the entirety of the discrimination they experience is fully understood by examining the relationship between citizenship status/migrant status, economic precarity, parental status, gender, race, and ethnicity. An intersectionality framework transforms the legal concept of equality and expands the promise of the section 15 rights guarantee to all women. The Proposed Interveners' approach is therefore different from that of the Quebec Court of Appeal, which conducted a race/nationality-blind gender analysis and thus constructed a partial picture of the Regulations' discriminatory effects on the Respondent and other racialized migrant women.

29. Another systemic element adding complexity to the equality analysis concerns the role of economic factors under the first of the two-part section 15(1) test for discrimination. Economic adverse effects are highly relevant as “symptomatic of the types of distinctions that are at the heart of s. 15.”³⁶ However, this Court has yet to directly recognize systemic, economic effects in the context of section 15(1).³⁷
30. If granted leave to intervene, the Proposed Interveners would also provide assistance to the Court in discerning the requisite connection between the Regulation disallowing the childcare subsidy for asylum seekers and the “the systemic disadvantage that women face in bearing the burden of child care”³⁸ that the majority declined to recognize in *Symes v Canada*.³⁹ In this case, the Respondent is a single parent; she thus has the characteristic that the majority in *Symes* suggests could ground an adverse-effects claim based on the denial of benefits relating to work-related child care costs.⁴⁰

³⁶ *Egan v Canada*, [1995] 2 SCR 513 at 544 (per L’Heureux-Dubé J, dissenting but not on this point).

³⁷ Martha Jackman, “One step forward and two steps back: Poverty, the *Charter* and the legacy of *Gosselin*” (2019) 39 NJCL 85.

³⁸ Jennifer Koshan & Jonnette Watson Hamilton, “Women’s *Charter* Equality at the Supreme Court of Canada: Surprising Losses or Anticipated Failures?” in Howard Kislowicz, Richard J Moon & Kerri Anne Froc, eds, *Canada’s Surprising Constitution Unexpected Interpretations of the Constitution Act, 1982* (Vancouver: UBC Press, 2024) 237 at 242.

³⁹ [1993] 4 SCR 695.

⁴⁰ *Ibid* at 766-767.

31. Finally, the Proposed Interveners will invite this Court to reaffirm that a claimant may prove that a distinction exists based on *qualitatively* differential treatment. Grounding a claim in qualitatively differential treatment based on the substantive effect on the claimant group has a long history in the Court's section 15 jurisprudence.⁴¹ In fact, a qualitative analysis may be required when intersectional discrimination is at issue, as disaggregated statistical data required to quantify disproportionate effects may not exist. While the majority in *Fraser*⁴² referred to qualitatively differential treatment, it did not elaborate, and the *Sharma*⁴³ majority did not address the matter at all. We respectfully submit that more guidance is needed from this Court.


PART IV - SUBMISSIONS REGARDING COSTS

32. The Proposed Interveners will not seek costs in this matter and ask that no award of costs be made against it in this motion or in the appeal if leave is granted.

PART V - STATEMENT OF THE ORDER SOUGHT

33. The Proposed Interveners respectfully requests an order granting it intervener status in these proceedings, including the right to file a factum that will not exceed 10 pages in length and the right to present oral argument at the hearing of this appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 10th day of February, 2025.



Suzanne Zaccour

Counsel for the Proposed Intervener,

National Association of Women and the Law

⁴¹ See e.g. *Eldridge v British Columbia (Attorney General)*, [1997] 3 SCR 624 at paras 60-61; *Rodriguez v British Columbia (Attorney General)*, [1993] 3 SCR 519 at 548-549.

⁴² *Fraser*, *supra* note 3 at para 53.

⁴³ *Sharma*, *supra* note 2.

PART VI - LIST OF AUTHORITIES

Jurisprudence	Paragraph reference
<i>British Columbia v Crockford</i> , 2006 BCCA 360	23
<i>Canada (Attorney General) v. Mossop</i> , [1993] SCR 554	8
<i>Council for Refugees v Canada (Citizenship and Immigration)</i> , 2023 SCC 17	10, 18
<i>CN v Canada (Canadian Human Rights Commission)</i> , [1987] 1 SCR 1114	23
<i>Egan v Canada</i> , [1995] 2 SCR 513	29
<i>Eldridge v British Columbia (Attorney General)</i> , [1997] 3 SCR 624	31
<i>Fraser v Canada (Attorney General)</i> , 2020 SCC 28	3, 31
<i>Gosselin v Québec (Attorney General)</i> , 2002 SCC 84	8
<i>Kahkewistahaw First Nation v Taypotat</i> , 2015 SCC 30	25
<i>Kuldeep Kaur Ahluwalia v Amrit Pal Singh Ahluwalia</i> , SCC File No: 41061	8
<i>Mathur v Ontario</i> , 2024 ONCA 762	10
<i>New Brunswick (Minister of Health and Community Services) v G (J)</i> , [1999] 3 SCR 46	8
<i>Ontario (Attorney General) v G</i> , 2020 SCC 38	18
<i>Quebec (Attorney General) v A</i> , 2013 SCC 5	25
<i>R v Finta</i> , [1993] 1 SCR 1138	12
<i>R v Kapp</i> , 2008 SCC 41	22, 25
<i>R v Kokopenace</i> , 2015 SCC 28	10
<i>R v McGregor</i> , 2023 SCC 4	12
<i>R v Sharma</i> , 2022 SCC 39	3, 10, 31

<i>References re Greenhouse Gas Pollution Pricing Act</i> , 2021 SCC 11	8
<i>Reference re Workers' Compensation Act, 1983 (NFLD) (Application to Intervene)</i> , [1989] 2 SCR 335	12, 13, 18
<i>Rodriguez v British Columbia (Attorney General)</i> , [1993] 3 SCR 519	31
<i>Symes v Canada</i> , [1993] 4 SCR 695	30
<i>Withler v Canada (Attorney General)</i> , 2011 SCC 12	22, 25, 26

Legislation	Paragraph reference
<i>Reduced Contribution Regulation</i> , CQLR c S-4.1.1, r 1	1
<i>Rules of the Supreme Court of Canada</i> , SOR/2002-156	12

Secondary Sources	Paragraph reference
Martha Jackman, " <u>One step forward and two steps back: Poverty, the Charter and the legacy of Gosselin</u> " (2019) 39 NJCL 85	29
Jennifer Koshan & Jonnette Watson Hamilton, " <u>Women's Charter Equality at the Supreme Court of Canada: Surprising Losses or Anticipated Failures?</u> " in Howard Kislowicz, Richard J Moon & Kerri Anne Froc, eds, <i>Canada's Surprising Constitution Unexpected Interpretations of the Constitution Act, 1982</i> (Vancouver: UBC Press, 2024) 237	30
Vrinda Narain, " <u>The Place of the Niqab in the Courtroom</u> " (2015) 9:1 ICL J 41	27
Colleen Sheppard, " <u>Grounds of Discrimination: Toward an Inclusive and Contextual Approach</u> " (2001) 80:3 Can Bar Rev 893	25
Margot Young, " <u>Unequal to the Task: 'Kapp'ing the Substantive Potential of Section 15</u> " in Sheila McIntyre & Sanda Rodgers, eds, <i>The Supreme Court of Canada and Social Justice: Commitment, Retrenchment or Retreat</i> (Markham: LexisNexis Canada, 2010) 183	24
Margot Young, " <u>Blissed Out: Section 15 at Twenty</u> " in Sheila McIntyre & Sanda Rodgers, eds, <i>Diminishing Returns: Inequality and the Canadian Charter of Rights and Freedoms</i> (Markham: LexisNexis Canada, 2006) 45	24

PART VII - LEGISLATION RELIED UPON

<i>Rules of the Supreme Court of Canada, SOR/2002-156</i>	<i>Regles de la Court supreme du Canada, DORS/2002-156</i>
55. Any person interested in an application for leave to appeal, and appeal or a reference may make a motion for intervention to a judge.	55. Toute personne ayant un intérêt dans une demande d'autorisation d'appel, un appel ou un renvoi peut, par requête à un juge, demander l'autorisation d'intervenir.
<p>57. (1) The Affidavit in support of a motion for intervention shall identify the person interested in the proceeding and describe that person's interest in the proceeding, including any prejudice that the person interested in the proceeding would suffer if the intervention were denied.</p> <p>(2) A motion for intervention shall</p> <p>(a) identify the position the person interested in the proceeding intends to take with respect to the questions on which they proposed to intervene; and</p> <p>(b) set out the submissions to be advanced by the person interested in the proceeding with respect of the questions on which they propose to intervene, their relevance to the proceeding and the reasons for believing that the submissions will be useful to the Court and different from those of the other parties.</p>	<p>57. (1) L'affidavit à l'appui de la requête en intervention doit préciser l'identité de la personne ayant un intérêt dans la procédure et cet intérêt, y compris tout préjudice que subirait cette personne en cas de refus de l'autorisation d'intervenir.</p> <p>(2) La requête expose ce qui suit :</p> <p>a) la position que cette personne compte prendre relativement aux questions visées par son intervention;</p>