

A PRESENTATION
TO THE
HOUSE OF COMMONS
STANDING COMMITTEE
ON JUSTICE AND HUMAN RIGHTS

FROM THE
SASKATCHEWAN
FEDERATION
OF LABOUR

MOOSE JAW APRIL 3, 2003

The Saskatchewan Federation of Labour would first like to express our sincere and considerable appreciation to the committee for providing this opportunity to present our position on the complex and important issue of reconciling the existing, conventional, legal definition of marriage with the aspirations of lesbian and gay citizens and constitutional guarantees of equality.

It is no small undertaking to find an agreeable compromise between the calls by same-gender couples for immediate, full equality under the law and the traditional description of marriage – which still suits many people – that it is the union of one man and one woman, and should remain an opposite-sex institution.

There are legal, constitutional, religious, social, political, parental, financial, psychological and emotional implications to whatever it is you decide, as you will know only too well.

I'm inclined to give you the same advice we extend to a bargaining units headed into negotiations with real tough bosses...and that is: Good luck.

Our organization is not widely known for its expertise in matters related to domestic partnerships and matrimony, but we should not be taken too

lightly either, because we are about as knowledgeable as you can get on questions pertaining to unions.

The Saskatchewan Federation of Labour (SFL) represents more than 85,000 unionized workers across the province who are members of some three dozen trade unions affiliated to our organization, as well as seven labour councils and 800 locals.

In addition to the organized workforce, the Federation has for more than half a century now assumed the responsibility of speaking for all workers in the province - organized and unorganized.

The SFL is about as familiar with the working people of Saskatchewan as it is possible to be. On behalf of workers across this province we offer the committee the following suggestions:

If the surveys, polling samples and projections are reliable then some 10 thousand Saskatchewan trade unionists have a sexual orientation that is lesbian, gay, bisexual or transgender.

And those same statistics would indicate that another 30 thousand working people in this province are inclined to be emotionally attached to someone of the same gender.

It is primarily for these our gay co-workers and sisters and brothers that we are here today.

I would though like it noted that the SFL also represents 75 thousand heterosexuals, as well as born again Christians, orthodox Jews, practicing Muslims and Buddhists, evangelical fundamentalists, pro-life and pro-choice advocates, conservatives, liberals and socialist and there may even be one or two capitalists in our ranks.

But even with all that diversity there is still widespread and overwhelming support for the policy position I will relate to you today.

And it is not a superficial or transient kind of support.

In public and private sector trade unions, in national and international unions, in urban labour councils, in large and small locals, among potash miners and college professors, with office workers and steel mill employees, at packinghouses, warehouses and building trade hiring halls and union centers there is a general consensus that there must be an end to discrimination against our fellow citizens who happen to have a sexual orientation that is not the majority one.

The Federation of Labour strongly believes that the federal government should extend access to legal marriage to same-sex couples. We would therefore urge this committee to make that your central recommendation to government.

We propose this to the committee with the expectation that it may not be met with a unanimous endorsement. But we advance the recommendation not to offend anyone or provoke an exchange of invective.

The labour movement of this province honestly believes that providing same-sex partners with an equal right to marry is a substantial move towards equality and justice for people who have experienced unwarranted discrimination for long enough.

And let it be clear, in advocating the unfettered legal right to marry it is definitely our view that we are not promoting anything sinful, unnatural, repugnant or destructive of the family.

We are perhaps all laymen in matters of the heart, but it seems to us that same-sex couples will choose to marry for the same reasons opposite-sex partners marry. They have a strong emotional bond and want to formally express their commitment in a marriage and thereby have it recognized by others.

There is nothing in that which will weaken heterosexual marriages, nor threaten the family, nor tear the social fabric, nor plunge society into turmoil, nor unbalance the economy.

If same-gender couples are permitted to legally marry it appears to us that they are embracing the institution, not attacking it. If anything it should have a stabilizing effect on society.

Similarly, we do not regard our position on this issue as unworkable or intimidating for religious institutions.

Section 2 of the Charter of Rights guarantees churches the freedom to choose those ceremonies they will perform and for whom.

But presumably enough churches will opt to perform same-sex weddings to make the change in the law a worthwhile endeavour.

As committee members will know, unions are extensively involved in negotiating, designing and securing a wide range of benefits for our members – including pensions, dental, vision and prescription drug plans and extended health coverage.

We have considerable experience in this area, and based on that we are able to predict that extending the legal right to marry to same-gender partners will have a relatively minor impact on the practical nuts and bolts items of industrial relations.

Equity for same-sex spouses has already been achieved in many of these areas by way of federal legislation such as the Modernization of Benefits and Obligations Act and provincial statutes including the Domestic Relations Bills in this province which in the spring legislative session of 2000 amended two dozen other statutes to remove anti-gay discriminatory language.

There is therefore no reason to believe that same-gender marriage would dangerously deplete or compromise any existing private or public program or benefit plan, or have any adverse impact at all on business, the economy or the public treasury.

It should be noted that not all gay couples who have a long-term commitment to one another will choose to marry. Just as with straight people, some relationships are long-standing and even life-long but the spouses opt for a common-law arrangement.

Gradually over the years opposite-sex common-law relationships have acquired rights, benefits, obligations and responsibilities comparable to married couples. Programs such as spousal benefits under the Canada Pension Plan came to apply to common-law widows for example.

The labour movement strongly supported this trend and remains supportive today, to the point of calling for full eligibility, enrolment and equal treatment of same-sex, common-law couples.

All committed conjugal relationships – same-sex and opposite-sex – should be treated equally.

To address specifically the various precise questions you set out in your consultation paper, we would advise the following:

The SFL believes marriage does have a future and a role in modern society.

We believe that government should not end its regulatory role in marriage and completely abandon the process to individuals and the churches. Such a move may well leave divorced spouses and dependent children vulnerable and neglected, which would be very undesirable.

We do not favour replacing marriage with a simple civil registry to record opposite-sex and same-sex unions. As the committee's discussion paper indicates, all provinces and territories would have to agree to replace their marriage registries and we believe that would be an unrealistic expectation.

Any shift to a civil union registry would likely generate a backlash of resentment by those with an attachment to traditional marriage and that animosity could predictably be focused on the group that would acquire some rights by way of the civil registry – namely gay people.

The SFL has followed the courts' handling of Charter cases involving gay people petitioning for equality. The pattern in decisions, handed down by judges, right up to the highest court in the land, is to grant equality and strike down discrimination. We feel that is a current that will continue to run in the superior courts of our land, and that either our legislatures and parliament enact equity in our laws or the courts will force them to do it.

So our most prominent recommendation is to call for the elimination of discrimination on the grounds of sexual orientation.

If marriage is to continue to be thought of as a good thing and a positive influence on individuals, couples and the general public, then it must be available and equally accessible to everyone.

That is a change that may well act as a stimulus to encourage our society to become a more tolerant and welcoming place for all people, and that can only be a good and civilizing thing.

Marriage may not always be blissful, as the old adage would have us believe, but it can be an institution based on fairness, equity and justice.

That should be our aim and our objective.

Again, thank you for your willingness to hear our submission, and we hope our presentation is of some use to the committee.

We will attempt to answer any questions you may have.

Thank you.