

CUPE National President's Letter to Prime Minister Paul Martin

December 16, 2003

The Honourable Paul Martin
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Martin:

I am deeply concerned by media reports which suggests that under your leadership the new Liberal government might consider alternatives to equal marriage for same-sex couples.

As you know, the current Liberal government has asked the Supreme Court of Canada for a legal opinion on whether or not draft legislation to legalize same-sex marriages throughout Canada is consistent with the Charter of Rights and Freedoms. Now, media reports indicate that as Prime Minister you might consider asking the Supreme Court whether or not the government could pursue options other than legal marriage for same-sex couples. This approach would, in effect, amount to an appeal of recent Court decisions that have ruled as discriminatory the opposite-sex definition of marriage.

Courts in Ontario, Quebec and British Columbia have ruled that the legal prohibition of same-sex marriage is in violation of the Charter of Rights and Freedoms and is therefore discriminatory. The Courts have also ruled that anything less than marriage for same-sex couples, such as civil unions and registered domestic partnerships, would still amount to discrimination on the part of the federal government against lesbian and gay Canadians. Consider the ruling of the B.C. Court of Appeal:

“(T)he redefinition of marriage to include same-sex couples... is the only road to true equality for same-sex couples. Any other form of recognition of same-sex relationships, including the parallel institution of RDP’s (registered domestic partnerships), falls short of true equality. This Court should not be asked to grant a remedy which makes same-sex couples “almost equal”, or to leave it to governments to choose amongst less-than-equal solutions.” (Source: Canadians for Equal Marriage, Fact Sheet, “Civil Unions: Separate and Unequal.” Available online at <http://www.equal-marriage.ca/index.php>).

As CUPE articulated in its written submission on same-sex marriage to the House of Commons Standing Committee on Justice and Human Rights (February 2003), marriage equivalency conveys the sinister message that same sex partners are second-class citizens and are therefore unworthy of marriage. The doctrine of “separate but equal” will not satisfy lesbian and gay Canadians

nor will it satisfy the Courts. Simply put, marriage equivalency is a segregationist approach that is discriminatory and unconstitutional.

I remind you, Mr. Martin, that you are on record in support of the Liberal government's decision not to appeal recent Court decisions that have extended access to legal marriage to same-sex couples. You have also stated publicly that you are not in favour of a separate but equal regime for those lesbian and gay Canadians who want to formalize their relationships.

The recent CUPE National Convention in Quebec City strongly endorsed our Union's commitment to equality for lesbian and gay Canadians. The vast majority of delegates unanimously passed an emergency resolution that calls on our Union to lobby the federal government and you in particular to show real leadership and extend legal marriage rights to same-sex couples. On behalf of CUPE's 530,000 members, I strongly urge you to do the right thing and take a stance for true equality for all lesbian and gay Canadians.

Sincerely,

Paul Moist
National President