

Federal Court



Cour fédérale

Ottawa, June 8, 2017 – A decision was issued today by the Honourable Catherine Kane of the Federal Court in file T-2365-14:

IN THE MATTER OF JOANNE FRASER, ALLISON PILGRIM AND COLLEEN FOX v. ATTORNEY GENERAL OF CANADA

Summary: The Applicants, who are now all retired members of the Royal Canadian Mounted Police, brought this application seeking declaratory and other relief. The Applicants alleged that the Royal Canadian Mounted Police Superannuation Act [RCMPSA] and the Royal Canadian Mounted Police Superannuation Regulations discriminate against them on the enumerated ground of sex and the analogous ground of parental status (as agreed for the purpose of this application), contrary to subsection 15(1) of the *Canadian Charter of Rights and Freedoms*.

The Applicants submit that the provisions of the RCMPSA and the Regulations fail to provide the equal benefit of the law to women with child care responsibilities because they do not permit the members, who participated in job sharing arrangements, and who are predominantly women with parental status, to contribute to their pension in the same way as members who worked full-time or who took Leave Without Pay (LWOP). The Respondent submits that the RCMPSA and the Regulations do not create any direct or indirect distinction on the enumerated ground of sex or on the analogous ground of parental status.

Upon review, and taking into consideration the principles of the jurisprudence, the social science literature provided by the Applicants regarding the evolution of the status of women in the workforce, the other limited evidence, and the oral and written submissions of the Applicants and Respondent, the Court concluded that the impugned provisions of the RCMPSA do not create a distinction based on the enumerated ground of sex or the analogous ground of parental status. The Court found that the impact on their pension benefits is not because they are women or because of their parental status. The impact on their pension benefits is because they worked part-time.

The Application was therefore dismissed.

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The decision can be obtained via the Web site of the Federal Court: http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc_cf_en/Index

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