



Social Planning Council of Winnipeg

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May 26th, 2020

Legal Aid Manitoba
Board of Directors
c/o Chair Allan Fineblit
4th Floor – 287 Broadway
Winnipeg, MB R3C 0R9

Via Email: alfin@legalaid.mb.ca

Re.: The Public Interest Law Centre (PILC)

Dear Members of the Board:

Congratulations on the recent Court of Appeals case, *Stadler v Director, St Boniface/St Vital*, 2020 MBCA 46. It is through Legal Aid Manitoba (LAM)'s support for PILC that this important section 15 of the Charter of Rights and Freedoms case was heard and won. What had seemed to meet the standard of all people being equal under the law was found to be unjust because it did not recognize the unique challenges faced by those with disabilities. Mr. Stadler and everyone on provincial disability benefits after him will now be equally able to maximize their Canada Pension Plan contribution by not accessing their pension until age 65 if they so choose. They will no longer be forced to give up their last chance to raise themselves out of poverty.

I write today on behalf of not just my own organization, a recent client of PILC on the *Stadler* matter, but for all the undersigned who recognize the essential role that PILC has played in holding corporations and governments to account. Since its inception, it has been a bulwark for the more marginalized amongst us. It is with great concern then that we have learned that once again consideration is being given to eliminating government funding and moving PILC out of LAM.

The two most encompassing arguments against this move are:

- PILC's long history of holding successive governments to account on systemic injustices.
- Public interest law must remain publically funded through our tax system implemented by democratically elected officials.

Our democracy's robustness can only be maintained if it is routinely exercised through challenge. The reality of the politics of getting elected or re-elected too often means that popular legislation is prioritized over the progressive and evidence based. While elections

do afford some measure of accountability to the citizenry, the judiciary, as our third branch of government, is our last defense. Without access to that system though, justice is denied to too many, too often.

While we understand that some may feel that PILC's independence will be better served by moving it out of government, we disagree based on:

- There is no guarantee that PILC will be able to obtain charitable status under the current federal law. While not-for-profit status is relatively easy to obtain, charitable purposes remain fairly narrow.
- It is unnecessary for PILC to become a charity in its own right in order to access private donations since nothing prohibits a private donor or foundation from donating to an existing charity who can then 'hire' PILC to pursue a matter.
- Achieving charitable status may in fact hamper PILC's ability to act on certain matters. The requirement to remain non-partisan remains in place even though the limit placed on advocacy work by charities has been removed. While it is very easy to not promote a political party, when one is working in policy advocacy, the line can sometimes blur should a political party (s) adopt a policy a charity agrees with and wants to promote. As it remains somewhat of a grey area, concern of crossing the line may affect PILC's future decision making.
- The instability of funding in the charitable sector and its effects on operations. The long-term nature of PILC's work means that it needs funding to maintain core operations while it pursues a matter. Funders are most often interested in funding actual outcomes without recognizing the necessary administrative support needed to achieve them.
- Fundraising, grant applications and reporting also take time and resources away from actually pursuing the organization's mission.
- With or without charitable status, a severed PILC will become just like any other law firm in practice today. While many in the private sector want to do and do pro-bono work, that has to be balanced against 'keeping the lights on' etc.... PILC will inevitably have to turn down public interest cases because there isn't the potential of earned fees at the end of it.
- The limited effects of charitable donations on achieving social justice. Manitoba is a province that routinely ranks amongst the highest if not the highest in charitable giving. Yet, we remain the province with the highest rates of child poverty in Canada.

The above are just some of the more practical concerns those of us familiar with the sector have.

Instead of arguing that since PILC receives a relatively small amount of government funding that could easily be made up elsewhere, we are asking you to join us in calling for more government support for PILC. The COVID-19 pandemic has highlighted the extent of the social inequity and its effects on our society as a whole. An adequately and sustainably publically funded PILC is needed now more than ever to hold those who would seek to profit unduly from the crisis and any in government who insist on pursuing an ideology through policies that contravene our collective public interest as laid out in our Constitution and Charter of Rights and Freedoms.

In closing, we would be happy to meet with you to discuss this letter or any other initiatives we could support that truly promise to stabilize and strengthen PILC. Please do not hesitate to contact me at the number above or kkebler@spcw.mb.ca .

Yours truly,



Kate Kehler,
Executive Director

On behalf of:
Abilities Manitoba
Aboriginal Council of Winnipeg
Alan Diduck
Arlene Jones
Assembly of Manitoba Chiefs
Association des juristes d'expression française du Manitoba
Association for Community Living Manitoba
Barrier-Free Manitoba
Bike Winnipeg
Brianna Selman
Canadian Centre for Policy Alternatives – Manitoba office
Carlos Sosa
CCEDNet - Canadian CED Network
Cerebral Palsy Association of Manitoba
Child Care Coalition of Manitoba
Circles for Reconciliation
Dr. Bronwyn Dobchuk-Land
Dr. Lorna A. Turnbull
Ethnocultural Council of Manitoba-Stronger Together Inc.
Family Advocacy Network of Manitoba (FAN)
Gisele Saurette-Roch
Immigrant and Refugee Community Organization of Manitoba Inc. (IRCOM)
Immigration Partnership Winnipeg
Inclusion Winnipeg
Independent Jewish Voices – Winnipeg
Islamic Social Services Association
Ka Ni Kanichihk
Ma Mawi Wi Chi Itata Centre
Manitoba Federation of Labour
Manitoba Health Coalition

Monika G. Feist
New Directions
North End Women's Centre - Winnipeg
North Point Douglas Women's Centre
Peter Koroma
Resource Assistance for Youth, Inc.
Restorative Justice Association of Manitoba
Rosemary Hnatiuk
Sarasvati Productions
SEED Winnipeg Inc.
Shauna Mackinnon
St. Amant Inc.
Success Skills Centre
The Project Group Consulting Cooperative Ltd.
Winnipeg Harvest