PSAC works for GLBT rights!
Introduction

1 - PSAC leads the way in bargaining .......................................................... 4
  • No discrimination – sexual orientation
  • Same-sex spousal benefits
  • Spousal union leave
  • Gender identity

2 - PSAC makes gains through the courts .................................................... 6
  • Leaves of absence
  • Spousal benefits
  • Pension plan survivor benefits
  • Fighting homophobia

3 - PSAC mobilizes to change the law .......................................................... 9
  • The Canadian Human Rights Act
  • Equal benefits
  • Employment equity
  • Equal marriage
  • Gender identity and gender expression

4 - PSAC works in solidarity inside and outside Canada .............................. 11
  • Working with Pride across regions
  • Working with Pride in Québec
  • Working with our allies
  • Participating in international conferences
  • Solidary work through the PSAC Social Justice Fund

5 - PSAC promotes respect for GLBT members in our union ............... 15
  • Recognizing the rights of GLBT members
  • Creating opportunities to participate in our union

Introduction

PSAC is a proud ally in the struggle for the advancement of the human rights of gay and lesbian, bisexual and transgender* people in Canada.

Eradicating homophobia and transphobia in the workplace and bargaining and lobbying for the full protection of our GLBT members’ human rights are ongoing priorities for the PSAC.

The current, concerted attacks on unions undermine the struggle for human rights. Together, we can work to fend off such attacks by championing the many victories we’ve gained for our members.

PSAC defends the human rights of all our members, because We are ALL Affected by discrimination and inequality.

*GLBT stands for Gay, Lesbian, Bisexual and Trans communities. It is by no means comprehensive. Nevertheless, we use it because it corresponds to the terminology reflected in the PSAC Constitution. That being said, we recognize an ever broader array of sexual and gender identities, including but not limited to, Intersexed, Queer, Questioning, and 2-Spirited identities.
In 1989, PSAC asked Treasury Board once again to modify the definition of spouse, to expand the definition of common-law partner, and to expand the definition of spouse and to expand the definition of common-law relationship. When a settlement could not be reached in 1991, PSAC members held a national strike, but were legislated back to work.

In 1994, Treasury Board responded to PSAC’s ongoing proposal for same-sex spousal benefits by suggesting that the Justice Minister prepare amendments to the Canadian Human Rights Act on this issue.

Finally, in 1998, the Program Administration (PA) collective agreement was amended to provide for an inclusive definition of spousal relationship. A common-law spouse: a common-law spouse relationship exists when, for a continuous period of at least one year, an employee has lived with a person publicly represented that person to be his/her spouse and continues to live with the person as if that person were his/her spouse (conjugal). All of PSAC’s agreements with Treasury Board now define common-law partner and spouse as follows:

“common-law partner” (conjugal) means a person living in a conjugal relationship with an employee for a continuous period of at least one (1) year.”

The PSAC has also been successful in winning non-heterosexist language in other collective agreements. For example, in 1987 the union bargained with the Northwest Territories government to expand the definition of common-law relationships to include same-sex spouses. The same language was negotiated with the Yukon government in 1990.

In the early 1990s, the PSAC ‘walked the talk’ by negotiating collective agreements with its staff that specifically recognized same-sex relationships.

Spousal union leave

PSAC reiterated its commitment to equality for lesbian and gay members by making the negotiation of spousal union leave a priority.

In 1998 the union negotiated spousal union leave for gay and lesbian couples at the Museum of Sciences and Technology, the National Gallery, the Canadian Museum of Nature and at Canada Post.

Before the Marriage Act was amended in 2005, PSAC negotiated spousal union leave in several collective agreements, instead of or in addition to marriage leave. In one example, the Regina Airport Authority agreement provided for five days of leave for anyone with one year of continuous service “for the purpose of declaring spousal union with another person in a public ceremony”. Similar provisions were also negotiated successfully at several other airports.

In 2006, marriage leave was extended to same-sex couples for all Canada Revenue Agency bargaining units.

Gender identity

The PSAC is on the cutting-edge in achieving rights for our transgender members, and has bargained for language on two relevant grounds of discrimination: gender identity and gender expression. The union has also made gains by bargaining for access to safe washrooms and change rooms, and for the right to be referred to by one’s chosen gender.

The addition of “gender identity” to anti-discrimination clauses has been bargained in three museums and related arts groups, in nine airport related bargaining units, in eight of 16 units in the Yukon, and 21 of 29 units in the Northwest Territories. Notably, the North West Territories was the first jurisdiction in Canada to amend its human rights legislation to prohibit discrimination based on gender identity and gender expression.

As early as 1980, PSAC sought to have sexual orientation added to the no discrimination clause in collective agreements. Treasury Board refused. In 1983 PSAC proposed a non-heterosexist definition of common-law spouse that would have included same-sex spouses, and a no discrimination clause that included sexual orientation. Treasury Board rejected these demands.

When PSAC negotiated its first Master Agreement with Treasury Board in 1986, sexual orientation was at last included as a prohibited ground of discrimination (clause M-16). This was a fundamental step forward because it provided an avenue to demand basic human rights within the workplace.

Same-sex spousal benefits

During negotiations for the second Master Agreement, PSAC proposed to amend the definition of spouse and to expand the preamble to the bereavement clause. However, these benefits continued to be denied to same-sex spouses, despite the fact that clause M-16 prohibited discrimination based on sexual orientation.

In 1989, PSAC asked Treasury Board once again to modify the definition of spouse, given the discriminatory nature of the existing definition. When Treasury Board refused, the union brought its proposal to a conciliation board, but the board recommended against changing the definition. When a settlement could not be reached in 1991, PSAC members held a national strike, but were legislated back to work.

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As of the late 1980s, the PSAC had filed a series of grievances against Treasury Board related to discriminatory collective agreement provisions in areas such as marriage leave and bereavement leave for common law in-laws, and provisions in the Public Service Health Care Plan and the Dental Plan.

- **Leaves of absence**

In 1993, the PSAC successfully argued in the David Lorenzen case that a member with a same-sex spouse should be provided spousal-related leave under the collective agreement. Lorenzen's spouse had broken his leg, and need to be cared for at home. Three weeks later, Lorenzen's partner's father passed away. Lorenzen requested both: family related care leave and bereavement leave for his father in law. Treasury Board turned down both requests on the basis that Lorenzen's partner was of the same sex. The Public Service Labour Relations Board agreed with PSAC and ruled in favour of both requests, setting a precedent for several other cases.

- **Spousal benefits**

In 1993, Luc Guèvremont, a PSAC member at Canada Post, was denied reimbursement for his partner's eye glasses under the vision care plan. His grievance set in motion another landmark decision for PSAC GLBT members, as it was ruled that Canada Post was obligated to provide spousal benefits for same-sex partners without discrimination.

Despite the union's success in the Lorenzen and Guèvremont cases, Treasury Board refused to budge, and contested all grievances pertaining to spousal benefits. In reaction, the PSAC National Board of Directors passed a resolution in 1994 calling for a grievance campaign against the denial of spousal leave requests and the denial of claims under the Public Service Health Care Plan.

PSAC member Dale Akerstrom, whose spouse was being denied Public Service Health Care and Dental Plan benefits, filed a complaint with the Canadian Human Rights Tribunal in February 1993, alleging that the Canada Employment and Immigration Commission (CEIC) and Treasury Board discriminated against him on the grounds of sexual orientation, family status and marital status.

Amidst all this, the Supreme Court of Canada ruled in 1995 that Section 15 of the Canadian Charter of Rights and Freedoms provided equality rights to gays and lesbians (the Egan and Nesbit case), and Treasury Board was forced to concede that its policy was discriminatory. The Human Rights Tribunal hearing the Akerstrom complaint made a comprehensive order for the employer to immediately cease and desist applying any discriminatory definition of spouse or any other discriminatory provision of the collective agreement, and to interpret all such definitions "so as to include same-sex common law spouses".

The Akerstrom ruling was of historic importance and had a huge impact by directly benefiting not only Treasury Board workers but also the military, the RCMP, some Crown corporations and agencies, as well as pensioners covered by the federal medical insurance plan. It also applied to federally-regulated employers in the private sector, such as banks, railways, airlines, and telecommunications companies.

Treasury Board continued to resist and proposed that a separate regime of benefits for same-sex partners be included alongside the heterosexual specific definition of "spouse" in the collective agreement and in the National Joint Council Agreements. PSAC had the matter referred back to the Human Rights
couples. for survivor pension benefits to same-sex benefits standards legislation to provide of all federal and provincial pension in 1999 eventually led to amendments M. v. H. The Supreme Court decision in Section 15 of the Charter. prohibited ground of discrimination under as it established sexual orientation as a decision was nonetheless game-changing, Court ruled against the two men, but the Age Security Act. In 1995, the Supreme Jack Nesbit who sued Ottawa for the right intervened in support of Jim Egan and the support of affiliates like the PSAC, The Canadian Labour Congress, with the support of affiliates like the PSAC, intervened in support of Jim Egan and Jack Nesbit who sued Ottawa for the right to claim a spousal pension under the Old Age Security Act. In 1995, the Supreme Court ruled against the two men, but the decision was nonetheless game-changing, as it established sexual orientation as a prohibited ground of discrimination under Section 15 of the Charter. The Canadian Labour Congress, with the support of affiliates like the PSAC, in 1999 eventually led to amendments of all federal and provincial pension benefit standards legislation to provide for survivor pension benefits to same-sex couples. • Fighting homophobia The PSAC has also represented members in complaints related to human right violations outside of the workplace. In 2005, the Alliance Executive Committee agreed to cover some of the costs of a legal battle by two PSAC members, Kim Forster and Carol Pegura, who filed a human rights complaint against the Surrey School District Board. Forster and Pegura argued that they suffered discrimination when the Board permitted a poisonous and homophobic environment at two public meetings to discuss three children’s books depicting same-sex parents where speakers denounced the homosexual “lifestyle”. In the Susan Comstock case, the PSAC reasserted itself firmly in defence of GLBT rights. In her court challenge, Comstock took issue with the PSAC’s positions on GLBT rights, which she argued violated her Charter rights to freedom of religion, and freedom of conscience. Comstock further attempted to see her dues withheld, or sent to her church to protest the union’s support for gay marriage and its zero tolerance against homophobia and heterosexism. The Federal Court of Appeal rejected the legal challenge. “The evidence does not show how her freedom of religion and conscience was compromised by the policy,” Justice Frederick Gibson wrote. “The fact that she opposes the union’s political or social causes does not force her to act in a way contrary to her beliefs or her conscience.” The Catholic Civil Rights League, which took up Comstock’s cause and supplied her with legal support, denounced Canadian courts and tribunals for being “generally favourable to homosexual activists.” • Pension plan survivor benefits PSAC National President Daryl Bean wrote to Treasury Board President Gilles Loiselle in 1992 requesting that the Public Service Superannuation Act be amended to allow same-sex spouses to claim survivor benefits. Loiselle refused saying the federal government pension plans didn’t permit the payment of survivor benefits to individuals of the same gender as the contributor. PSAC challenged the policy in court but was not successful because the Canadian Human Rights Act did not apply to pensions. The PSAC works for GLBT rights! 3 - PSAC mobilizes to change the law • The Canadian Human Rights Act In the 1990s, PSAC joined like-minded groups to lobby for amendments to the Canadian Human Rights Act. In 1991, National President Daryl Bean wrote to the Prime Minister and the Minister of Justice clearly stating the union’s position in favour of amending the Canadian Human Rights Act to prohibit discrimination based on sexual orientation. For several years, the PSAC lobbied government and worked with opposition parties until the Canadian Human Rights Act was amended in 1996 to prohibit discrimination based on sexual orientation. • Equal benefits In 1999, the Supreme Court of Canada decided in the M v H case, that it was discriminatory to deny same-sex couples the benefits afforded to heterosexual couples. In response to the Supreme Court’s ruling, the federal Liberal government introduced Bill C-23, the Modernization of Benefits and Obligations Act, giving same-sex couples who have lived together for more than a year the same benefits and obligations as common-law couples. The Canadian Labour Congress (CLC) and many affiliates, including the PSAC, made submissions in support of the Bill during Parliamentary hearings. The Act affected 68 federal statutes on a wide range of issues such as medical and dental benefits, Old Age Security, income tax deductions, bankruptcy protection and the Criminal Code. The definitions of “marriage” and “spouse” were left untouched, but the definition of “common-law relationship” was expanded to include same-sex couples. • Employment equity In 2002, during a review of the federal Employment Equity Act, the PSAC made a submission outlining its concern that GLBT persons were excluded from the Act. • Equal marriage When the Supreme Court of Canada declared that prohibiting same-sex spouses from marrying would be unconstitutional, PSAC joined the Canadians for Equal Marriage campaign, donating office space and other services. The Coalition, created by EGAL and the United Church of Canada, had an extensive list of supporting organizations including the CLC and affiliated unions. Unions and individual supporters presented briefs before Parliamentary committees and lobbied MPs in support of the legislation. On July 20, 2005, Bill C-38, the Civil Marriage Act was proclaimed into law making Canada the fourth country in the world after the Netherlands, Belgium and Spain to legalize same-sex marriage. The PSAC makes gains through the courts PSAC mobilizes to change the law
Bill had been supported by most members of the Liberal party, the Bloc Québécois and the NDP.

In 2006, with the election of a minority Conservative government, Prime Minister Harper tried to introduce legislation aimed at restoring the “traditional definition of marriage”. PSAC adopted a statement on equal marriage, developed a campaign lobby kit and publicly called on the government to leave the Civil Marriage Act alone. Thanks to the important work carried out by all coalition partners this initiative was never adopted.

- **Gender identity and gender expression**

Since 2009, the PSAC has actively supported various NDP private Members bills proposing amendments to the Canadian Human Rights Act to include gender identity and gender expression in the list of prohibited grounds of discrimination. The work included collaborating with the Canadian Labour Congress and Egale to develop lobby strategies and invite Trans activists to participate in lobbying. PSAC’s website became the focal point for speaking points and letters to MPs.

The 2011 election prevented NDP MP Bill Siksay’s Bill C-389 from being adopted after it had been passed by the House of Commons. It was followed by NDP MP Randall Garrison’s Bill C-279 introduced in September, 2011. Later that fall PSAC participated in discussing a strategy for lobbying at the CLC’s Stand Up for Your Rights Conference. In March, 2012 PSAC wrote to Prime Minister Harper and the Minister of Justice to support the bill. As of June, 2013, the Bill had been adopted by the House of Commons and was being debated at third reading in the Senate.

- **With Pride in our different regions**

Every year, PSAC activists help organize Pride events in their regions. For instance in BC, Pride is celebrated in large and small communities including such places as Masset (Haida Gwaii), Nelson, Kelowna and of course Vancouver, Victoria and Prince George with many other communities far and wide.

The PSAC BC Pride Committee works towards inclusion and they make a visual presence in most if not all Pride celebrations. As to inclusion, they aim to get all Unions together for the parades in a Multi Union Pride entry. Showing solidarity and pride in its many facets of life.

- **Work done in Quebec**

In Quebec, in addition to coordinating the GLBT activities of PSAC, the Area Council representative sits on the GLBT Committee of the Fédération des travailleurs du Québec.
The FTQ represents more than 600,000 members in Quebec.

The priorities of the FTQ GLBT Committee are to fight homophobia, transphobia, violence and all other forms of discrimination that manifest themselves in the workplace and at school. Its goal is to end isolation, create openness to problems experienced by the GLBT and develop a climate of trust and openness to diversity. To achieve this, the Committee advocates the development of a preventive approach and training programs aimed at promoting the development of a preventive approach and training programs aimed at promoting the rights of the GLBT.

The Committee is also focusing on developing alliances in the community, particularly with social delegates of the FTQ area councils. It is also attempting to shore up its ties with local communities and organizations that get involved with the rights of GLBT persons. On May 17, it will also be involved in the International Day Against Homophobia and Transphobia, which is held each year on May 17.

To find out more, go to Facebook “GLBT-FTQ” and YouTube: “ça s’améliore” (It’s getting better).

- Working with our allies

The PSAC has been a staunch supporter of EGALE (Equality for Gays and Lesbians Everywhere) and has contributed funds and human resources to support their struggle for GLBT equality rights.

In 1992, the PSAC endorsed and was an official sponsor of a national conference entitled “Outrights! les droits visibles”.

In 1994, the Canadian Labour Congress (CLC) adopted a policy on sexual orientation and established a Solidarity and Pride Working Group. PSAC was one of the first unions to appoint representatives to the Working Group and has continued to participate. As an active member of the Group, PSAC helped organize and had the largest caucus at the first union-sponsored CLC Solidarity and Pride conference held in 1997.

In 1998 the PSAC helped sponsor and sent a large delegation to the CLC prairie regional Pride conference “Working Out West” in Alberta.

PSAC sent the largest delegation to the second national CLC Solidarity and Pride Conference in 2001 and actively participated in the third conference in 2005.

In December 2010, the PSAC delegation to the CLC Rise Up For Your Rights Conference was the largest of any affiliate and included GLBT activists.

- Participating in international conferences

In 1998, the PSAC sent two delegates to the “Trade Unions and Homosexuality at Work” international Conference in Amsterdam. This conference, sponsored by European unions, was the first international GLBT conference attended by Canadian unionists.

PSAC has been sending a delegation to the World Outgames Human Rights Conferences starting with the first one in Montreal in 2006 and again in 2009 in Copenhagen.

In the summer of 2011 a delegation to the World Outgames Human Rights Conferences started with the first one in Montreal in 2006 and again in 2009 in Copenhagen.

In 1997, the PSAC Social Justice Fund proposed at the union’s 2003 national convention, provides an avenue to support GLBT persons around the world who are persecuted because of their sexual orientation.

- Working in solidarity through the PSAC Social Justice Fund

The PSAC’s Social Justice Fund, proposed by the PSAC National Board of Directors and adopted at the union’s 2003 national convention, provides an avenue to support GLBT persons around the world who are persecuted because of their sexual orientation.

- In South and Central America

In 2006, the PSAC Social Justice Fund paved the way for Mario Alves de Oliveira, LGBT activist and General Secretary of the three million member Confederation of Municipal Workers (CONFETAM) in Brazil, and Ivannia Monge Naranjo, representative of the Committee on Gender and Diversity of the National Association of Public and Private Employees (ANEPI) of Costa Rica, to participate in the International Conference on GLBT Human Rights in Montreal.

Following the 2009 coup in Honduras, security forces unleashed a wave of repression against GLBT and women’s rights activists that included the gunning down of Walter Trochez, a well-known activist and HIV/AIDS educator and member of the National Resistance Front against the coup. PSAC supported the campaign denouncing the killing and invited a representative from the Honduran GLBT community to attend the conference. Due to the severe repression occurring at the time, the representative was forced into hiding and was unable to attend the conference.

In February 2009, the Social Justice Fund contributed to Peace Brigades International to facilitate a tour of human rights defenders from the Americas that included two representatives from OASIS, a center that...
promotes LGBT rights and carries out education on HIV/AIDS and works to defend the human rights of sex workers in Guatemala. The delegation included a Trans woman who had survived an attack by Guatemalan police. PSAC is part of the watch group that monitors the situation and that may be called into action if new threats emerge.

IN AFRICA

The Social Justice Fund joined the groundswell of individuals and progressive organizations rejecting Uganda’s plan to completely criminalize the lives of GLBT persons, and enact capital punishment for acts of homosexuality. While international pressure and solidarity has been successful in modifying the proposed law, GLBT Ugandans still face many types of discrimination and need our ongoing support. In 2009, PSAC endorsed the letter from the Pride Uganda International Alliance calling on Prime Minister Harper to denounce the homophobic legislation.

IN CANADA

The Social Justice Fund also currently supports a number of initiatives in defense of gay rights in Canada including support for the Halifax-based Youth Project. The Project is a non-profit charitable organization working with youth around issues of sexual orientation and gender identity. It provides support groups, referrals, supportive counselling, a resource library, educational workshops, social activities and a food bank. A number of PSAC members volunteer at the Project which has been supported by the Social Justice Fund since 2009.

The PSAC Calgary Human Rights Committee participates in the yearly Human Rights Forum at the Calgary Global Fest with the support of the Social Justice Fund. This event aims to build community capacity to address racism and discrimination through a series of community events, speakers and information booths. PSAC members’ participation in the Forum includes an information booth to publicize the role of unions in support of GLBT rights.

5 - PSAC promotes respect for GLBT members in our union

• Recognizing the rights of GLBT members

In 1981, the PSAC Equal Opportunities Committee (EOC) was given a mandate to address a wide range of issues, including those related to sexual orientation.

The PSAC Policy on Human Rights, adopted in 1988, included sexual orientation as a prohibited ground of discrimination.

Lesbian and gay issues were included at the first human rights forum held at the 1991 PSAC national convention. Resolutions directed the union to develop a policy on sexual orientation and to add same-sex couples to the union’s superannuation policy.


At the 1994 national convention delegates adopted Policy 31 on sexual orientation that committed the union to educate and promote gay and lesbian rights through steward training, grievance handling; to negotiate same-sex benefits and rights and stronger “no discrimination” clauses; and to engage in political action with other organizations and coalitions.

In September 1994, the NBoD adopted a resolution objecting to Treasury Board’s discriminatory treatment of gay and lesbian members that demanded the employer change its policy and immediately grant leave and benefits arising from same-sex relationships.

In 1998, National President Daryl Bean called for an inquiry into the purge of homosexuals from the government during the “cold war” in the 1950s and 1960s. The PSAC position was based on a study by Gary Kinsman that established that the RCMP had, as late a 1967-68, a list of 9,000 “suspected and confirmed homosexuals in the Ottawa region”. Bean noted that bias was still widespread in the federal public service, and Treasury Board had still not provided gay and lesbian workers with a workplace accepting of them and their families. He called for an apology and compensation for the victims of the purge.

The NBoD adopted a resolution from the 2000 national convention that urged PSAC to take action to convince the federal government to amend pension plan death benefit plans and to redefine “spouse” to include same-sex couples.

In October 2003, the Alliance Executive Committee (AEC) adopted a position to fully support the right of same-sex couples to marry by actively engaging with the equal marriage campaign, both by raising same-sex marriage as an issue for the next federal election campaign and by distributing educational tools, resources and a lobby kit.
In 2006, NBoD approved two important resolutions referred to it by the PSAC national convention. The first pledged PSAC’s support for the Civil Marriage Act which recognized the right of same-sex partners to marry; the second committed the PSAC to support the pursuit of GLBT victories in the courts.

After the 2007 national convention, the NBoD adopted a resolution calling for the PSAC to lobby and participate in court challenges to remove the words “of the opposite sex” from all definitions affecting benefit plans in Acts, Regulations, and Directives, including National Joint Council (NJC) agreements and collective agreements, to recognize lesbian and gay relationships and to ensure equal access to health, dental, and pension benefits for them and their families.

- Creating opportunities to participate in our union

By early 1989 lesbian and gay members had begun to organize. An article written by National Component members about the discriminatory nature of the definition of “spouse” and its impact on couples in same-sex relationships was rejected for publication in Alliance magazine on the grounds that it was not of broad membership interest. That galvanized members to organize and push for change within the union. In 1992 an article written by Diane Kilby, about the failure of the Treasury Board collective agreements to recognize the families of lesbians and gay members appeared for the first time in the Alliance.

The first open lesbian and gay caucus at the National Component Equal Opportunities Conference in May 1989 led to the formation of the PSAC Lesbian and Gay Support Group (LGSG) in 1990, which lobbied strongly for the rights of lesbian and gay members.

The first workshop on lesbian and gay rights was held at the PSAC National Women’s Conference in 1990.

In 1992, PSAC included two seats on its Equal Opportunities Committee for a lesbian and a gay representative, chosen in consultation with the Lesbian and Gay Support Group.

At the 2003 national convention PSAC members elected their first openly GLBT executive officers in 2003 and agreed to fully fund equity conferences, including a Pride conference.

In 2004, the new PSAC Human Rights Kit included an entire chapter on GLBT rights. In 2010, the PSAC produced a pamphlet on the issues and challenges facing our trans members in the workplace and in society with a call to contact MPs and to lobby for an amendment of the Canadian Human Rights Act, to include a prohibition of discrimination based on gender identity and gender expression.

The PSAC publicly pledged its support for the International Day against Homophobia (www.homophobiaday.org) for the first time in 2007. Since then, the union has worked with allies, such as the Fondation Emergence, a Québec-based organization dedicated to LGBT rights, to raise awareness of, and take action against, homophobia and transphobia.

PSAC activists have been participating regularly in local and regional Pride events across the country. In 2010, PSAC created its own Pride flag for these events.

The union held its first National Pride Conference in November 2003 where National President Nycole Turmel affirmed that “Gays and lesbians should have access to civil marriage – it’s an issue of fundamental equality.” The conference was the first time GLBT representatives were elected to the National Equal Opportunities Committee and elected as delegates to the PSAC national convention.

The second National Pride Conference took place in 2007 on the theme “Include and be included”. “Equality: are we there yet?” was the theme of the next Conference in 2010. Panels addressed achievements and international perspectives on GLBT rights and the challenges ahead.

In 2014, the PSAC will be sending a 20 person delegation to the World Pride Human Rights Conference and parades. PSAC will even have its own float! We hope that many members will take to the street, loudly asserting their pride - including pride in our union and our victories.

And rightly so because PSAC works for GLBT rights!
Notes:

Acknowledgements

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If you would like to receive this document in an alternate format, please contact PSAC’s Communications Section at 613-530-5482