

April 8/99

Man sues Ottawa

Gay man says pension plan violates rights

By **RACHEL BOOMER**
The Daily News

Had he lived, John Morrow would have been 42 yesterday.

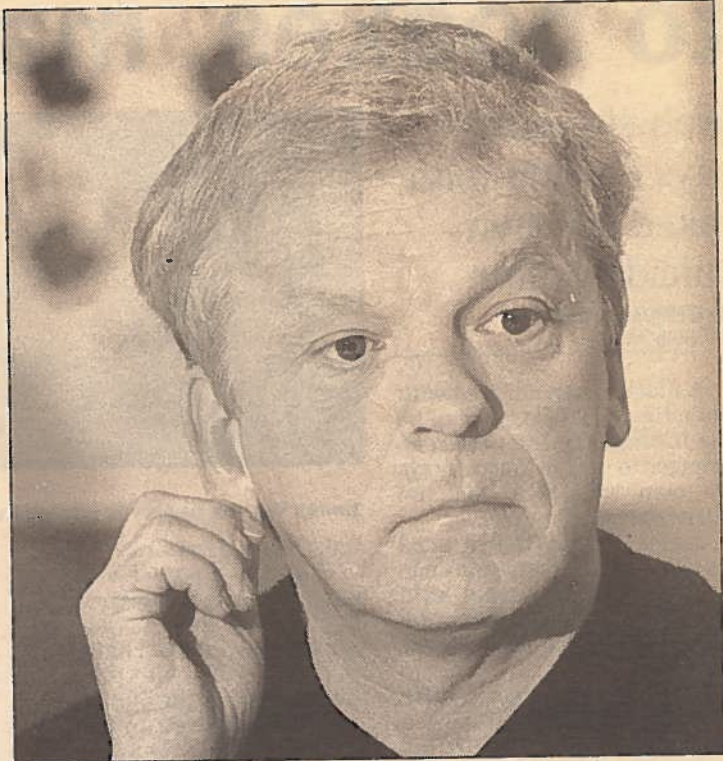
But it's because Morrow is dead that his partner of 11 years, Jim Bigney, found himself at the centre of national attention.

As reported in *The Daily News* on March 30, Bigney has launched a civil suit against the federal government for survivors' benefits under the Canada Pension Plan.

He was denied Morrow's pension, estimated at \$300 a month, shortly after Morrow's 1993 death because Canada Pension Plan's definition of "spouse" excludes gay couples — which he says violates equality guarantees under the Canadian Charter of Rights and Freedoms.

Bigney is getting some funding to help with legal costs, but his lawyer, Anne Derrick, wouldn't say yesterday where that money comes from.

"Sometimes it takes a crisis in a person's life to get a better perspective of what's happening around them," Bigney said, describing his fights to get medical information from Morrow's doctors and personal leave from his own employer while Morrow



DARRELL OAKE

Jim Bigney is suing the federal government.

was dying of AIDS.

"I find it abhorrent that you (government) want my votes and you want my taxes but you don't want to treat me equally. I refuse to be a second-class citizen."

The case asks "spouse" be redefined to allow same-sex couples access to Canada Pension Plan survivors' benefits.

Federal ministers have recently indicated they're considering doing that.

Derrick, said she hopes government makes the change before Bigney's case goes to trial, which could take years.

Federal Justice Department lawyer Michael Donovan said yesterday he's waiting for instructions on how to proceed from Human Resources Development Canada, which administers the Canada Pension Plan.

The government has until April 29 to file a defence.