

Gay man sues for pension

By RACHEL BOOMER
The Daily News

In what may prove a well-timed legal move, a Halifax gay man is suing the federal government for his dead partner's Canada Pension Plan benefits.

Jim Bigney has been fighting for benefits since his partner, John Morrow, died of AIDS in November 1993.

The couple owned a house, had joint bank accounts, and Bigney was the only one to inherit from Morrow's estate, according to Bigney's statement of claim.

Bigney was denied surviving-spouse benefits in 1994. The law defines "spouse" as an opposite-sex partner who has lived with the deceased person for at least a year.

Documents filed at Nova Scotia Supreme Court Friday ask that a judge redefine "spouse" to include same-sex partners under the Canada Pension Plan Act. The suit also asks for Morrow's Canada Pension benefits and legal costs.

"It's not the pension, it's the principle. Although certainly, having fought

“It's not the pension, it's the principle.”

Jim Bigney

for it, I want it," Bigney told *The Daily News* yesterday.

He said Morrow's pension has been estimated at \$300 a month.

"When John was ill, that whole journey... it really made me realize what, as a gay man, I wasn't entitled to. I have as much right to that pension, I have as much right to be treated equally as anyone else."

Yesterday it was reported Finance Minister Paul Martin is considering changes to the Canada Pension Plan and the Income Tax Act that would make gays and lesbians eligible for benefits. Plans to extend benefits to same-sex partners of federal government employees are already in the works.

It's been a big year for gay-rights activists. Last April, the Ontario Court of Appeal ruled the federal Income Tax Act's definition of spouse was discriminatory because it excluded gays and lesbians. Also, the Supreme Court of Canada ruled Alberta must prohibit discrimination against homosexuals in its human rights code.

In May, Nova Scotia announced it would extend pension benefits to all gay and lesbian provincial government employees.

Bigney originally took his fight to the Canadian Human Rights Commission, but after a long battle it decided it couldn't hear his complaint.

The law defining "spouse" for the Canada Pension Plan pre-dates 1978, which puts it out of the commission's reach, Bigney's lawyer, Anne Derrick explained yesterday.

"I'm cautiously optimistic that the government may take some steps at reforming their legislation so that ultimately, litigation won't be necessary," she said.

Police ID dead man

FRASER'S MILLS, Antigonish Co. (CP) — Police have identified a man killed in a week-

end accident at Fraser's Mills as Bruce Douglas MacLeod, 39, of West River Station, Pictou Co. MacLeod's vehicle was spotted in a ditch by a

In brief Veteran

faces

SYDNEY — A veteran has been charged with appearing in provincial court on a 21-year police charge involving a 26-year-old man. Chief Edgar MacLeod said a number of charges were incurred over a period of 21 years, and March 26, 1999, duty and off-duty.

"The complaint was unwanted sexual advances by the defendant in Cape Breton Regional

Premier hopes

SYDNEY — Premier Iain Stewart is hoping the federal government will fund the Cape Breton Regional Development Corporation. The project's parts are covered by the mine criteria. "Our main concern is for the work in Ottawa," the subject of the subject Goodale and

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