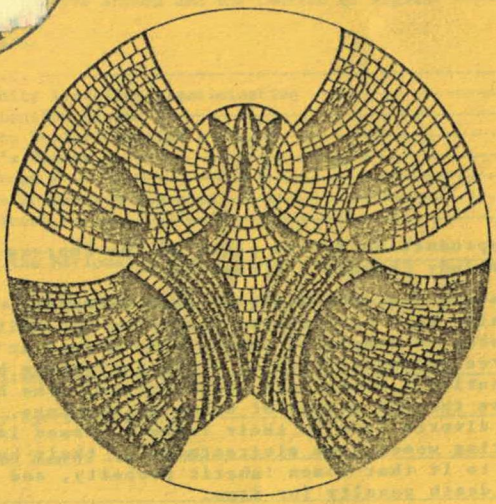
Association nationale
de la femme et le droit

National Association of
Women and the Law

VOL. 5 NO. 1 JANUARY 1983

NEWSLETTER



Theodora

508–548

The Newsletter of NAWL is a bilingual publication which is published three or four times yearly. Its responsibility lies with Wendy King, Member of the National Steering Committee and is done in cooperation with the National Office in Ottawa.

Your contribution and comments are always welcome. The Editor retains the discretion of whithholding publication of submissions. But a rejection may be appealed to the National Steering Committee.

Reproductions are not prohibited; however an acknowledgement of the source would be appreciated.

Cover: A reproduction of the plate of the Empress Theodora from Judy Chicago's Dinner Party.

Theodora (ca. 508-548), Byzantine Empress, ruled equally with her husband Justinian and initiated reforms on behalf of women. She passed an Imperial decree making it illegal - and punishable by death to entice a woman into prostitution. She helped raise the low status of women in marriage, improved the divorce laws in their favour, passed laws protecting women from mistreatment by their husbands, saw to it that women inherit property, and instituted the death penalty for rape.

TABLE OF CONTENTS

Reprinted with permission from - Broadside: A Feminist Review
December 1982/January 1983 Vol.4 No.

The Miscarriage of Justice

by Susan G. Cole

As health care activists and a local doctor prepare to open an illegal abortion clinic in Toronto, concerned citizens, editorial writers at the dailies, and even feminists who don't have enough information are wringing their hands with indecision. Why, ask many of them, do we have to break the law? The Committee for the Establishment of Abortion Clinics (CEAC) can safely assume those timid naysayers that they can stop beating their breasts. When is it appropriate to break the law? Why, when all else fails, as it has with the abortion struggle in Canada.

Before 1969, when simply purchasing an oral contraceptive was illegal, Parliament was systematically lobbied by health activists who claimed that regardless of the content of the Criminal Code, pregnant women were procuring abortions. In front of a Parliamentary Committee it was revealed that poor women were having to resort to the back streets or knitting needles; wealthier women could plug into an existing network of hushed physicians who performed the procedures under the guise of D and C's "for medical purposes." This last, the business of the availability of abortion to privileged women so embarrassed the Canadian Medical Association that it adopted a reformist position on abortion, almost all of which was adopted by Parliament as part of an omnibus bill that legalized the sale of birth control, decriminalized certain sex acts between consenting adults and legalized abortion — sort of.

The bill established what became a mammoth abortion bureaucracy forcing women seeking abortions to wait for approval by a Therapeutic Abortion Committee (TAC) set up in an accredited hospital. The pregnancy had to be deemed by TAC members (doctors, naturally) to be dangerous to the woman's life or health. This tangle of red tape served two crucial functions for the Liberal government. First it worked to convince the relentless Right To Life faction that the state wasn't offering women "abortion on demand". Second, the legislation took the responsibility of administering abortion policy out of the hands of the government and into the hands of the hospitals.

The hospital boards became most adept at skewing policy to make abortion inaccessible. Now, even wealthy women who couldn't rely on the old boys network to procure a procedure had to wait for a TAC to pass judgement — provided the hospital had set up a TAC in the first place. The failure to establish Therapeutic Abortion Committees was the most effective means of closing down the abortion option to women after abortion was ostensibly legalized. In 1977, in Ontario, only 110 out of 240 accredited hospitals had established abortion committees.

In Toronto, where access to abortion was supposed to be greater than anywhere else in Ontario, 63 out of 101 doctors who performed abortions performed first trimester abortions and only 25 performed procedures in the second trimester. The doctors who took patients on began to demand payment for abortions up front, a practice considered unethical even by the College of Physicians and Surgeons.

And so, a woman seeking an abortion took a good deal of time finding a doctor, finding the hospital that had established a TAC and finding the funds for the procedure. Having managed all of that, her problems were far from over.

Finding a hospital with a TAC hardly meant instant approval for the application. In fact, in 1977 there were 21 hospitals with TACs that had not approved a single procedure. Other TAC idiosyncracies could hamper the luckless applicant. She may have found her application in the hands of a Committee whose rotation had placed on it three doctors personally opposed to abortion. Or she might have encountered a committee which narrowly interpreted the phrase "life or health" and would not approve a procedure unless the woman's life were at stake. Or she might have encountered a committee that had met its quota. There is no other medical procedure for which quotas exist in any hospital. Indeed, no other procedure requires the prior approval of anyone but an adult patient and his or her doctor. Finally, she might have met up with a TAC that would not meet for weeks. Particularly during the summer, TACs tend to meet infrequently, leading many to believe the golf games of various physicians to be more important than the lives of pregnant women.

This is no hyperbole. What many people, particularly those wondering why this radical and illegal action of setting up a clinic has to take place, have failed to grasp is that all of this waiting, wondering and pleading with the medical establishment was not only degrading, it was dangerous to women's health. Every one of the obstacles thrown up by hospitals was working to create a serious delay between the time a woman found out she was pregnant and the scheduled time of her abortion procedure. The risk of terminating a pregnancy it should be noted, increases with the length of the pregnancy.

In 1973, Dr. Henry Morgentaler was charged with performing illegal abortions in his Montreal clinic and was hounded by the Liberal government of Quebec for years after. During the campaign against Morgentaler, the federal Liberals tried to deflect criticism by setting up the Badgely Commission to study the abortion law. The commission reported what feminists had been saying for years — that women, particularly in small towns, did not have equal access to abortion; that there was an average delay of eight weeks between a woman's first consultation with her doctor and the time her procedure was performed; that the abortion law was simply not working.

The facts surrounding the unavailability of abortion were well-documented but the government would not move, even at the behest of one of its own commissions. The law was just not going to change. It was too controversial, the right wing was too noisy. In spite of the pro-choice lobby and well-organized campaign to support Morgentaler, the Liberals did not budge. They continued to persecute and prosecute Henry Morgentaler and would not tamper with the abortion law.

The situation, even in Toronto, worsened. At various points, Women's College Hospital decided it would not perform abortions in its gynecological clinic because the chief resident was personally opposed to abortion. Gynecologists began their flight from the OHIP plan, leaving the city with just a handful within the program. The price of abortion went up and was still demanded upfront. The Canadian Abortion Rights Action League (CARAL) was making no headway with the Feds.

One option still remained. The existing legislation contained a loophole that could

. . ./

be exploited by the Province with relative ease. Under the new law, the provincial Minister of Health had the right to approve a hospital for the purpose of administering the abortion legislation. Put in clearer terms, with a stroke of the Minister's pen, a free-standing abortion clinic could have been legalized. The Women's Health Organization (WHO) developed a proposal for such a clinic and submitted it to the Minister of Health in 1977.

The facility would have had associated with it physicians who rotated on a Therapeutic Abortion Committee that would meet once a week instead of once very two weeks or once monthly. The clinic would have provided supportive counselling services to help women deal with the experience of terminating a pregnancy (instead of making her feel guilty, as happened in many hospitals) and to make sure that women were adequately informed about birth control. Based on the data supplied by clinics similarly modelled in the U.S. (minus the Therapeutic Abortion Committees), the procedures would have been performed under safe and controlled conditions, in fact 2 1/2 times safer than in hospitals.

As it stood at the time, women were being given the runaround by physicians who refused to help but still billed OHIP. Either way, women found they had to visit at least two doctors before their procedures. In some hospitals where the procedure was performed, women were required to stay two, three, sometimes five days, putting added pressure on the health care system. The beauty of the clinic was that in an outpatient setting, women would have received good medical service and valuable counselling and the proposal would have saved the province hundreds of thousands of dollars.

The whole thing could have been legal. All the minister, Dennis Timbrell, had to do was make the facility an "approved hospital".

Timbrell said no.

He said no in spite of the fact that saving money was the mandate of every Minister of government. And unlike most politicians who fall to their knees in front of Gallup polls, he wouldn't take Gallup's word that 72% of Canadians believed that abortion should be a matter between a woman and her doctor.

Timbrell said no, in spite of the fact that the briefs were meticulously researched. WHO had done original studies of doctors and hospitals and the brief included data from gynecologists that helped to show the lack of standards in the delivery of abortion services. Doctors charged varying fees, hospitals had varying quotas and demanded different lengths of stay.

By coincidence another group, lawyers this time, submitted a proposal nearly identical to WHO's. The Women's Health Clinic group worked together with WHO to persuade the Minister that support for the proposal came from different quarters, from more radical nurses, community workers and doctors in WHO and from apparently more reform-minded and sensible lawyers. The strategy did not work.

Since then, the crisis in abortion has worsened. Former WHO members confess that in 1977, when they approached Timbrell, at least the situation in Toronto was bearable. But recently a woman called Wellesley Hospital and was told she'd have to wait six weeks for an abortion. Mississauga Hospital is making it easier for women in their second trimester to get abortions if they agree to be sterilized at the same time. At Toronto General, where abortion policy is the most progressive in the city, the gynecological clinic books an average of six appointments a day for every 75 calls from abortion patients.

Just before CEAC and Henry Morgentaler announced their intentions to support an illegal clinic, CEAC updated the WHO brief and urged Minister of Health Larry Grossman to legalize abortion clinics. Mr. Grossman couldn't decide.

Women's health is being put at risk by a medical establishment which has seized the right to judge women and the right to make the experience of getting an abortion a punishing one for women. And we have a pig-headed government that, via the polls, via hard research, via the clear-thinking of committed health professionals, has been given ample reason, and a way, to provide abortion services.

We've been through the system. We can watch the situation worsen for so long. Then it's our responsibility to operate outside the law. Dr. Morgentaler taught us that.

Remember that the tactic has worked before. Scores of doctors in the 60's were breaking the laws that applied to abortion then. (The law was changed in 1969 to bring the abortion law in line with current medical practice.) Maybe it will work that way again. If not, the existence of an illegal clinic will guarantee to women the medical services to which they are legally entitled. ●

LEGALIZE FREE-STANDING ABORTION CLINICS

Mary is 37, has five children and is pregnant. She wants an abortion. When she called the Toronto General Hospital clinic, they told her she would have to call back. She called for weeks and couldn't get an appointment. Finally, desperate, she went to the U.S.

Toronto General gets 75 calls like Mary's a day. They book six.

Ruth, a community college student, also wants an abortion. Her gynecologist tells her his fee is $350, cash before service.

Most doctors who perform abortions have opted out of OHIP and charge high fees.

Louise lives in a small Northern Ontario town. She too is pregnant. Her husband has been laid off and they are in dire financial straits. Abortions are not done in her town. They tell her she must travel to Toronto to have one.

More than 30% of women in Ontario live in communities where hospitals do not perform abortions.

More than 70% of hospitals in Canada do not perform abortions at all.

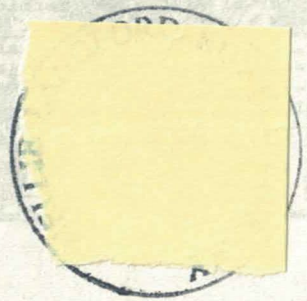
So many women, so many voices. We are all denied ready access to safe, medically insured abortions.

P.E.I. CAUCUS REPORT

The P.E.I. Caucus of NAWL is still going strong with over twenty active members and the addition of one full time staff person. The staff person is responsible for the implementation of a Legal Information Project which has been funded federally by a Secretary of State Grant and provincially through the Department of Health and Social Services. The project runs from November 15/82 to March 31/83.

The staff person will be responsible for:

1. Administration - maintaining an information office and library;
   - correspondence;
   - finances;
   - organizing the caucus' monthly meetings.
2. Planning a Legal Rights Conference for Women, scheduled for May 6 to be coordinated with Judge Rosalie Abella's public address in Charlottetown May 5/83.
3. Promoting and distributing PEI LEGAL HANDBOOK FOR BATTERED WOMEN (published by the caucus in 1981).
4. Providing assistance to the NAWL PEI caucus in preparing the 3rd edition of the DO IT YOURSELF DIVORCE KIT.
5. Providing assistance to the PEI caucus in preparing for the National Conference in Victoria.
6. Providing information to Island women about the pension credit splitting possibility of the CPP upon divorce.



"Every couple and every individual has the right to decide freely and responsibly whether or not to have children as well as to determine their number and spacing, and to have information, education and means to do so."

- United Nations Human Rights Declaration of 1968 (signed by Canada) and further enunciated at the UN-sponsored International Women's Meeting in Mexico City in 1976.

MONTREAL CAUCUS REPORT

December 1, 1982.

Over the summer, a committee struggled with a tough question. Where should we hold our combination "business-and-discussion-of-a-legal-issue-with-a-special-guest" monthly meetings? Last year, they'd been held in the basement of the YWCA - free, politically correct, but dingy. Would a different locale attract more members? We decided to try the posh, uppercrust surroundings of Montreal's University Club, complete with waiters in red waistcoats to serve drinks and pass the dip. Result: a few more members attend (about 20), they pay $3 for the evening, but we've ended up with a much larger dent in our budget. Everyone likes the chance to see how the better 5% live; unfortunately, we can't afford it, so we'll be looking for a new meeting place in January.

Our discussions have been on the ethical dilemmas facing feminist lawyers and affirmative action, and we will continue to cover the major themes of the NAWL Conference (pensions, parental benefits) until February.

The Conference is the major focus for caucus activity right now. Raising money to send more delegates, (we're planning a raffle), discussing the proposed constitutional changes, preparing resolutions, and selecting delegates is taking up most of our time.

We did manage to send a telegram to the Québec Minister of Justice in time to ask for changes to a Bill which amends the Québec Charter of Rights and permits affirmative action programmes in Québec. We are asking for some tightening up of this proposed law, including a demand that interest groups be able to go to court to ask for the implementation of an affirmative action programme in a an enterprise. (Under the Bill, only the Human Rights Commission could go to court.)

.../

Criminal Law in a free society fundamentally reflects a CONSENSUS that certain activities should be forbidden. There is general agreement in Canada, for example, that attacking a person in the street or robbing someone are criminal acts. But there is no such consensus about abortion. To impose one moral view of abortion upon every one in a pluralistic society, therefore, contravenes the very basis of our criminal law.

We are also trying to find funding so that we can publish the paper "Affirmative Action for Women in Canada" which was written by five students who worked this summer under a Summer Canada grant which we sponsored. We hope that the paper will be printed before the Conference so that it can be used as a background document to the discussion of affirmative action at the Conference.

Finally, the women and law group at McGill has been working very hard raising money for delegates and planning events at the university.

We are looking forward to seeing everyone in Victoria!

Alan Borovoy, general counsel for the Canadian Civil Liberties Association, makes the same point more generally: "In a totalitarian society, the tendency is for the rulers to decide how the citizens shall live. In a democratic society, the objective, as much as possible, is for each citizen to decide".

OTTAWA CAUCUS REPORT

The Ottawa caucus has embarked on another productive year. The main focus was on two major research papers to be presented in Victoria in February. The first paper, an in-depth examination of the unemployment insurance scheme operating in Canada, has been on the drawing board for the past two years. The paper focuses on the issue of maternity leave, as well as the economic disadvantages peculiar to women, resulting from the structure of the legislation.

This paper has been completed and its recommendations ratified by the caucus. A summary of the recommendations appears elsewhere in this newsletter. A research committee has been established to prepare a brief on the effect of the Charter of Rights on affirmative action programmes. Work is in progress and some of the issues raised in the paper are also included in this newsletter.

Even with all this work going on, we have still managed to find time to pursue a variety of other activities. A noon-hour speaker series is being held. The fall portion was very successful, well attended and with positive feedback. Speakers included:

- Tamra Thomson on "Bill C-53 - Changes affecting sexual assault offences in the Criminal Code";
- Kay McPherson introducing "Love, Honoured and Bruised", a film on wife-battering;
- An Ottawa caucus presentation and discussion on "U.I.C. and how it discriminated against women";
- Jennifer F. Lynch, a sole practitioner speaking on "Starting and managing a law practice".

With all this exertion, our two major social events provided much-needed relaxation. Hopefully the wine and pizza and yummy pot-luck will provide sustenance for our continued activism.

Liberalization - A worldwide trend

At the beginning of 1971, 38% of the world's people lived in countries where legal abortion was liberally available. By early 1976 this figure has increased to 64%, nearly two-thirds of the world. Few social changes have ever swept the world so rapidly. This worldwide movement, in evidence on every continent, reflects an increasing willingness by national legislatures to face the reality of abortion as a major public health issue.

TORONTO AREA CAUCUS OF WOMEN AND THE LAW (TACWL)

CAUCUS REPORT

TACWL apologizes for not contributing a summary of caucus activities to previous newsletters. This was our first year, and we were so absorbed in getting ourselves organized that we didn't have time to write about what we were doing.

After considerable organizing work in the summer of 1981, and with much-appreciated financial help from Osgoode Law School, TACWL had its founding meeting in September, 1981. As so many lawyers, articling students, and Bar Admission Course students in Toronto attended neither University of Toronto Law School, nor York University (Osgoode) Law School, and as Toronto is so spread-out, there was a need for a "downtown" Women and the Law caucus. TACWL grew rapidly, and we now have over 100 members, who have been involved in various activities over the year.

TACWL actively worked for the repeal of the "override" clause of the Charter of Rights, co-sponsoring, and providing speakers for, two meetings on the Charter of Rights in the fall of 1981, organizing the distribution of petitions, and other lobbying activity. We also co-sponsored a spring "brainstorming" session on the Charter of Rights in which approximately 20 women involved in human rights work across the country met to discuss the problems and possibilities of the new Charter. Our second annual general meeting featured two keynote speakers who gave a clear analysis of the Charter and suggested what actions should be taken now to ensure that the Charter is interpreted in the way we want.

TACWL supports the establishment of a free-standing abortion clinic in Toronto, and our Abortion Rights Committee has been preparing a legal brief for the Ontario Coalition for Abortion Clinics for use in lobbying, as well as actively participating in the lobbying ourselves.

Our Pornography Committee held a well-attended showing of "Not A Love Story" followed by a panel discussion. We also submitted a brief to the Metropolitan Toronto Committee on Violence Against Women and Children asking for funds for research into possible changes to the Criminal Code which might enable us to deal with pornography under, for example, hate literature, and for educational work.

Our Domestic Workers Committee organized a well-received educational seminar on labour and immigration rights for domestic workers, as well as producing a kit which has been sold to members of the Immigration Section of the C.B.A. Our Committee on Violence Against

.../

Women (originally the C-53 Committee) prepared a legal analysis of C-53 (sexual assault bill), and our NAWL Structures Committee has submitted various resolutions on changes to the Constitution and the by-laws. Our Political Action Committee held a seminar on political action at the Ontario Government level.

TACWL believes in outreach to the non-legal community. Two of our 7 Steering Committee positions are reserved for people who are neither lawyers nor law students; we have had several general meetings open to the public; and we have supplied a number of speakers, through our Speakers and Resources Committee, to various women's groups.

Our over-worked Newsletter Committee has published three issues of our own Newsletter, and several other committees are becoming active. We will try to be better in the future about keeping other caucuses informed of our activities through the NAWL Newsletter (currently being brilliantly produced by a TACWL member of the Steering Committee).

Restrictive laws only ensure that abortion will often be inexpertly carried out under clandestine circumstances, rather than safely performed under hygienic conditions with competent medical supervision.

CAUCUS HAPPENINGS - WINDSOR

November 28, 1982.

Our caucus was a little late getting organized but by the end of October, we were off the ground with a five-person executive. An innovation in executive organization in the co-presidency - shared by Carol McDermot and Elizabeth Mitchell; V.P. - Gail Murphy; Treasurer - Sue Powell and Secretary - Denise Rhodes.

In mid-November, we had a meeting in which speakers dealt with the role of women in the university community and the law school in particular. There was an excellent turn out for this very informative gathering.

Our enrollment stands at 30 members - both men and women. We hope that as we become more visible in the law school, more people will be encouraged to join.

On December 2, we will be showing the film "Not a Love Story" to be followed by a panel. The posters went up last week for this, so we hope to have a good turn out.

Some of the events we hope to have next semester include a 50/50 draw and bake sale to help raise money for our delegates to the Victoria Conference. We also hope to set up one event per month with a guest speaker as the aim of the caucus this year is education both of ourselves and those around us.

Contact person: Gail Murphy
313 Electa Hall
University of Windsor
Windsor, Ontario
N9B 3P4
(519) 256-3019

In total, at least 40% of Canadian women who have chosen to have an abortion have to travel outside of their communities for this service, often at great financial and emotional expense.

VICTORIA CAUCUS
15/01/83

CONFERENCE UPDATE

By now all NAWL members will have received a copy of the conference brochure. We think you will be as excited as we are about the completed plans. Here are the changes to the programme to be read alongside the brochure:

Thursday, February 24

10:30 am — Parental Benefits Panel
- Dr. Ratna Ray, Director of the Women's Bureau of Labour Canada, will give an overview of parental benefits provisions in Canadian legislation.
- Phyllis McRae, a third year law student at McGill University, involved in the Quebec public sector's first negociation of paid maternity leave, will discuss how those provisions have fared over the last three years. Phyllis replaces Frances Lankin.
- Dale Michaels, personnel representative from the B.C. Institute of Technology, will discuss maternity leave from an employer's perspective.

1:30 pm — Concurrent Workshops
- "UIC, Employment Standards, and Maternity Leave" will be conducted by Alan McLean, counsel on the Bliss case, and Lorraine Shore, a Vancouver labour lawyer and consultant to the B.C. Federation of Labour Women's Committee.
- "Parental Benefits: A Comparison of Canadian and European Jurisdictions" will be conducted by Rosemary Gallagher, a third year law student at the University of Victoria and co-author of the NAWL-sponsored paper on the same topic.
- "Restucturing NAWL" will be conducted by Daphne Dumont (Charlottetown), Monique Charlebois (Montreal), Jennifer Cooper (Winnipeg), and Linda Charlton (Saskatoon).
- "Pension Reform for Women" will now be conducted by Louise Dulude and Monica Townson, author of The Canadian Woman's Guide to Money and economic consultant. Elizabeth Atcheson is no longer able to attend.

Friday, February 25

We encourage you to bring your jogging gear for the early morning park run. Victoria in February is usually sunny and warm. An exercise activity is also planned for Saturday.

.../

The Structures programme will take place at the University of Victoria Faculty of Law. On the way back to the hotel the buses will drive along the scenic marine route, stopping at the Lieutenant-Governor's House for tea. We hope that delegates will be fortified to continue structures discussions for another hour and a half back at the hotel.

Saturday, February 26

10:30 am — Affirmative Action Panel
- Elizabeth McAllister, Director of Affirmative Action for the Canada Employment and Immigration Commission, will participate on the panel.
- Beverley Baines is no longer able to attend.

1:00 pm — Concurrent Workshops
- "Affirmative Action and the Charter of Rights": Beth Symes will be joined by Mary Eberts. Both these Toronto lawyers played major roles in the women's constitution lobby of 1981.
- An additional workshop, "How to Set Up an Affirmative Action Program" will be conducted by Reva Dexter who has recently completed a report on this subject for the City of Vancouver.

7:00 pm — Banquet speaker: The Honourable Judy Erola
Minister Responsible for the Status of Women

9:00 pm — Entertainment: Heather Bishop and Férron!

Delegates might note that the full conference registration fee includes Wednesday evening wine and cheese, Thursday morning breakfast, Friday lunch, as well as the Saturday banquet. If you do not register for the full conference, the banquet and entertainment will be a separate charge of $20. It will be worth your money!

Our conference committee is looking forward to welcoming you to Victoria. We were inspired by Halifax and have worked solidly over the last year to make our conference as successful. This will be a very important meeting. The issues of affirmative action, parental benefits, and pensions need our immediate attention. Resolutions made on these issues will guide our lobbying activities over the next two years, until the next conference. The decisions made regarding NAWL's constitution and bylaws could alter our organization substantially. Whatever the outcome, there promises to be exciting debate. We hope as many members as possible will be able to attend.

See you soon!

Nola

Nola Silzer
Conference Coordinator

MY OPINION: on electing a "lobbying representative" and on caucus autonomy

Ontario caucuses are unhappy because their regional representative on the National Steering Committee usually ends up working full-time on Ottawa lobbying matters and not having much time for the caucuses. This is a problem.

I do not believe, however, that the solution is in electing a "lobbying representative", who is not a member of the Steering Committee, as is proposed by the Osgoode caucus. Here's why.

1. Lobbying is a very important task, done on behalf of the Association membership. A lobbying coordinator has to be a member of the Steering Committee - to be in touch with NAWL, to be responsive to NSC priorities and to be part of the decision making process. As we have seen over the last few years, one person can't handle all the lobbying, although one person can coordinate the various national lobbying endeavours. I believe supervising lobbying is one of the many jobs that have to be divided among NSC members.

2. We should be proud of the way NAWL runs, directed by a group of seven women on the NSC. This structure has served us well and is working efficiently. Only the media and some government agencies are uncomfortable with the lack of a hierarchy - no president, no titled vice-presidents. I am afraid that a "lobbying representative", as suggested by Osgoode, would quickly be perceived as "our leader" thus destroying our collective efforts. This may seem like a small point, but I believe our collective structure to be a vital, feminist element of our organization.

3. Electing Steering Committee members is a difficult task. Our experience has shown that people who shine at the Conference don't necessarily turn out to be brilliant Steering Committee members. Each NSC has had to respond to these disappointments by shuffling duties to make sure that the job is done. We can't afford to elect someone as a "lobbying representative" at a Conference and then find out she's a one issue person, or is ineffective, or has good contacts in only one political party. Having to replace a bad lobbyist between conferences is a headache we can avoid. I think we have to elect the best people we can to the NSC and then let them divide tasks as is appropriate.

The solution?

I propose that we look to a more practical solution to Ontario

.../

Several nations whose societies have much in common with our own - U.S.A., France, Great Britain, Austria, Israel, Italy and the Scandinavian countries - have liberalized access to abortion. Although different laws, policies and judicial decisions have evolved in each country, the official justification in each case is the same - the physical, mental, social and economic well-being of the woman concerned.

caucus complaints. These caucuses should do their own lobbying at the Conference to ensure that someone who is committed to their regional interests is elected to the Steering Committee. And the Steering Committee must assign work recognizing that the Ontario representative must have time for her caucuses.

Caucus Autonomy

I do not agree with the Manitoba caucus proposal concerning who can be a member of a caucus. Their suggestion that all caucus members must be National Association members does not reflect the reality. Caucuses must be free to develop and grow in a way that suits their region and their membership. And people must be given the chance to work at the caucus level before they decide to become National Association members. Let's not forget that caucuses have both local and national concerns. It's impractical to force everyone to join the National Association. Some valuable people just don't want to. I don't want to lose their support at the local level.

Vicki Schmolka

(This is not the opinion of the Montreal Association at this time. No official vote has been taken.)

None of these countries encourages abortion, and most emphasize strongly the advantages of contraception. But each state tacitly recognizes in its laws that without broad access to legal abortion - for the poor as well as the rich - maternal health and family well-being will suffer.

The Canadian Abortion Law

CELEBRATION OF THE 35th ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A CALL FOR VOLUNTEERS

On September 25, 1982, approximately 45 representatives of various organizations met in Ottawa to form a "Coalition to Celebrate the 35th Anniversary" of the Universal Declaration of Human Rights. Celebrations will be held in December 1983.

The Coalition hopes to coordinate celebratory activities (articles, panels, etc.) to focus public attention to the Declaration, and its observance (or lack of it) in Canada.

Unfortunately, NAWL was unable to send a delegate to the September consultation. We have requested to be kept informed of Coalition activities.

A Working Group consisting of 10 to 15 persons is being established to meet monthly up until December 1983.

NAWL requires a volunteer to act as liaison with the Coalition and if this person's energies are up to it, perhaps sit as a member of the Working Group. This person will work with the NSC in overseeing NAWL's participation in the 1983 celebrations and provide suggestions as to our activities.

If you are interested, please contact:

Monique Charlebois
3644 Avenue du Musée
Apt. 51
Montréal, Québec
H3G 2C9

Tel. (514) 842-4029 (home)
931-9221 (office)

Abortion is legal in Canada only when a hospital abortion committee certifies that a woman's life or health is likely to be endangered by continuation of the pregnancy. While appearing to promise access to abortion for serious reasons, the law places many obstacles in the way of women seeking termination of unwanted pregnancy, and in fact denies abortions to many Canadian women who need them.

DECRIMINALIZATION OF PROSTITUTION: TOWARDS A NON-SEXIST CRIMINAL CODE

by Gayle Raphanel

This brief, prepared with the assistance of a N.A.W.L. research grant, was used as a background paper for submissions made by the Vancouver Coalition for a Non-Sexist Criminal Code to the House of Commons Standing Committee on Justice and Legal Affairs during the reference on Soliciting for the Purpose of Prostitution. The Coalition presented its brief and oral testimony on May 27th, 1982.

The paper argues that the laws against prostitution cause more social harm than they are intended to prevent, and, accordingly, should be repealed. It proposes that attendant nuisances to prostitution can be controlled by legislation with the object of preventing public disturbance and nuisance rather than by exercising power over the individual prostitute.

Two perspectives are presented in the paper; that of the feminist and that of the civil libertarian. While the conclusion reached from each perspective is the same - that soliciting and bawdy-house laws should be repealed - the arguments are developed from different starting-points.

The feminist position advanced in this paper asserts that it is no coincidence that as the social status of women improves, blatant public prostitution becomes increasingly difficult to control. As women begin to enjoy more rights and liberties in the public domain and as social consciousness is raised, the proposal to arrest women merely for being available for sexual bargaining becomes correspondingly less acceptable to society. The more human rights are extended to the female sex, the less it is possible to make women the scapegoats for what is essentially a social problem.

The underlying attitudes and hypocrisy inherent in the application of existing legislation are examined for the purpose of demonstrating that the double standard exists at present in the attitudes of individuals; to enshrine it as law would be to formally declare that society has a legitimate interest in the expression or repression of a woman's sexuality; new sexist stereotypes would be introduced into the statute law and entrenched in both the justice system and the social system at large.

The laws of a society are a powerful instrument in the formation of its beliefs and prejudices. If police harrassment of prostitutes is authorized, a model is established for similar harrassment by civilians, not just of prostitutes, but, by extension, of all unescorted women. As long as current laws remain part of our statutory definitions of right and wrong, good and bad, the notions that

.../

The Badgley Report has documented what it describes as "sharp disparities in the distribution and the accessibility of therapeutic abortion services; a continuous exodus of Canadian women to the United States to obtain this operation; and delays in women obtaining induced abortion in Canada". No effective action has been taken to remedy this situation at either a federal or provincial level since the Report was issued in January 1977.

"loose" women are evil and "loose" men are not, will persist in the socialization of young women and men. These laws can only continue to contribute to the very real difficulties of women and men who strive to view each other as members of the same species with equal claims to an essential humanity and an inherently valuable human nature.

The effect of laws on the social and individual relations between women and men is a matter of crucial and immediate significance. Discriminatory laws which perpetuate harmful sexist stereotypes cannot be tolerated. Existing laws, with a bias against a certain sex, must be repealed; proposed new laws must be stringently free from sexual prejudice.

The paper further points out that it is inappropriate to focus the blame for street nuisances on prostitutes themselves. The nuisance is occasioned by the customers and onlookers. Therefore it is logical to control the nuisance by sanctions against the behaviour of the customers and onlookers. There is no justification for penalizing the passive prostitute for the noxious acts of potential customers and onlookers.

While the visibility of public soliciting may occasion distress to some individuals, it can be objected firstly that such distress is not "harm" in the sense or degree which would permit legal sanctions to prevent it. If we recognize that liberty of the individual is a social value then we must give full effect to that recognition and not limit it on the basis that some individuals are distressed by the behaviour of other individuals.

A law should only restrict individual liberty if other individuals are in danger of objective harm. A government must act to restrict individual liberties extremely cautiously and only when it is satisfied that there is a real peril of substantial harm occasioned. And in that case, the government must act carefully to ensure that liberties which are restricted are the liberties of those individuals who have actively, intentionally, occasioned the harm.

It is not suggested that enforcing public disturbance and nuisance sanctions is the solution to all the problems which may be connected to public prostitution. Perhaps there is no judicial-penal solution to these particular problems. Yet rather than re-writing s. 195.1 of the Criminal Code to enable entrapment and imprisonment of prostitutes, it is submitted that consideration should be given to making use of existing legislation which relates more directly to the offensive behaviour and its direct perpetrators.

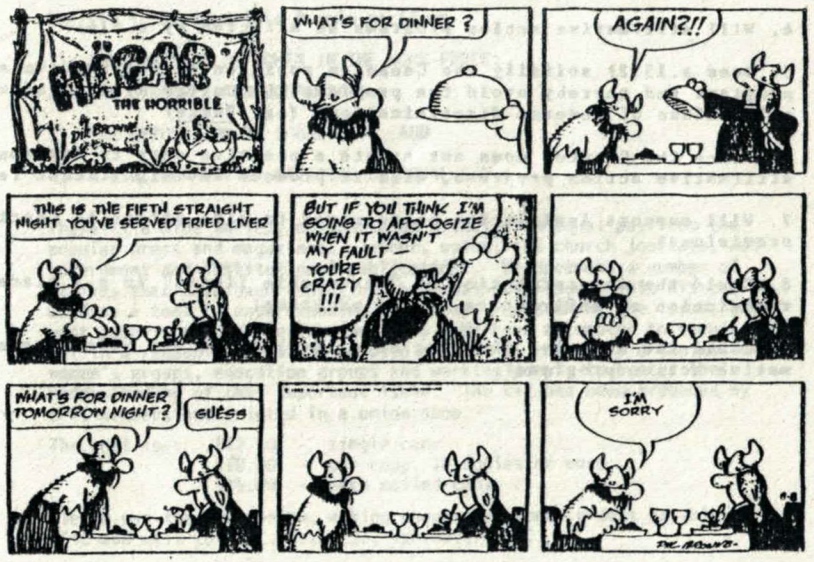
A law which prohibits public soliciting for the purpose of prostitution is objectionable firstly because it will necessarily discriminate

.../

According to the Badgley Report, only 271 of Canada's 1359 hospitals have established Therapeutic Abortion Committees. One finding of a survey done by Doctors for Repeal of the Abortion Law, and confirmed by Badgley, was that several of these Committees grant no abortions at all. Thus Canadian women cannot be assured of equal access to a legal medical procedure.

against women and perpetuate harmful social attitudes concerning male and female sexuality and secondly because it will not "solve the problem" of prostitution. At best such a law would treat the symptoms by removing prostitutes from the streets and placing them in prisons. In so doing, the law itself will be the instrument of injustice, to the individuals touched directly by it, to the culture which is affected by the knowledge of these laws and to the meaning of freedom in society.

An approach to reducing social problems collateral to prostitution must be developed from a non-sexist viewpoint. The first step towards this goal is to ensure that the Criminal Code of Canada does not reflect false and harmful assumptions about women and men and human sexuality.



Issues Raised in Ottawa's Position Paper on the Effect of the Charter of Rights on Affirmative Action Programs

The Ottawa Caucus is working on a position paper which will focus on affirmative action programs and in particular, the effect of the Charter of Rights on affirmative action programs. Some of the issues raised in the paper will be:

1. Using rules of statutory construction, will s.28, which prohibits discrimination on male female grounds, override the more general s.15(2) provision, which provides for affirmative action programs?

2. Will the Charter's application be restricted by a restricted definition of affirmative action?

3. Since s.32 of the Charter expressly applies to federal and provincial governments, what effect, if any, will the Charter have on the private sector?

4. Will affirmative action programs be affected by s.6(4)?

5. Does s.15(2) solidify the Canadian position of affirmative action programs and thereby avoid the problems the United States had with allegations of reverse discrimination? (eg. Bakke)

6. Since the Charter does not create a positive duty to implement affirmative action programs, will it produce any significant results?

7. Will support legislation be required to give effect to Charter provisions?

8. Could the interpretation of "reasonable limits" in s.1 place a restriction on affirmative action programs?

9. Could the negative phrasing of s.15(2) limit any effective affirmative action programs?

39.3% of the Canadian population do not live in communities served by eligible hospitals. 24.6% of these hospitals are ineligible because they don't have three doctors other that the presenting gynecologist to sit on the therapeutic abortion committee (T.A.C.). This is particularly the case in rural areas.

E.P.I.C.

EQUAL PAY INFORMATION COMMITTEE

VANCOUVER, B.C. P.O.BOX 4237

EPIC, the Equal Pay Information Committee, an ad hoc group of trade unionists studying the issue of equal pay, has produced an Equal Pay Kit entitled :

OF EPIC PROPORTIONS
ACHIEVING EQUAL PAY FOR WORK OF EQUAL VALUE

This Kit contains some 200 pages of information, brought together from many sources, on the equal pay issue. It is especially relevant in this time when underpaid workers, both women and men, are struggling to prevent the lowering of their living standards and working to correct wage inequities and injustices.

The kit is divided into 4 main sections :

1) THE POSITION OF WOMEN IN THE WORK FORCE;
2) THE STRUGGLE FOR EQUAL PAY;
3) THE OPPOSITION TO EQUAL PAY; AND
4) A BIBLIOGRAPHY OF MATERIAL ON EQUAL PAY

There is a wide variety of annotated articles on equal pay from the popular press and magazines; labour, union, and church journals; and government and institutional publications. We document a number of strikes that have been fought on the equal pay issue. This Kit can be used as a tool to understanding equal pay, researching the issue, and, most importantly, achieving equal pay. We have attempted to compile this kit in a readable format to be used by unions, community organizations, women's groups, education groups and working people to better their understanding of this important issue. The kit has been prepared by EPIC members and printed in a union shop.

The cost is : $12.50 - single copy
$10.00 - per copy, 10 copies or more
$15.00 - each mailed copy

Please use the form below, making cheques or money orders payable to EPIC and mail to EPIC, Box 4237, Vancouver, B.C.

NAME OR ORGANIZATION _____ STREET ADDRESS _____

CITY, PROVINCE, POSTAL CODE _____ # OF COPIES _____ AT $ _____ EACH

TOTAL $ ENCLOSED : $ _____

RELEASE
Canadian Human Rights Commission

REFUSING PAID ANNUAL LEAVE DURING MATERNITY LEAVE
SEX DISCRIMINATION, TRIBUNAL RULES

OTTAWA, September 17, 1982 -- Finding that treating pregnant women differently from other people is sex discrimination, an independent human rights review tribunal has ordered Treasury Board to allow pregnant employees to take their paid annual leave during pregnancy, if they wish.

Treasury Board appealed to the review tribunal an earlier ruling which awarded Loraine Tellier-Cohen, of Montréal, back pay and damages for Treasury Board's refusal to allow her to use her accumulated annual and sick leave credits following the birth of her child.

Tellier-Cohen, formerly a town planner with the National Capital Commission, was forced to take 20 days without pay from May 14 to June 8, 1979 when she was absent to deliver her third child, even though she had not applied for, and did not intend to take (unpaid) maternity leave.

She complained to the Canadian Human Rights Commission (CHRC) in October 1979. The CHRC substantiated her complaint and appointed the tribunal which found there had been discrimination and awarded her $1,912.20 in back pay and $2,000 damages. Under the Canadian Human Rights Act, one-person tribunals are appealable to a review tribunal.

Review tribunal members André Lacroix, a Sudbury lawyer; Nicole Duval Hesler and Marie Claire Lefebvre, both Montréal lawyers, also confirmed the order that the Board pay Tellier-Cohen $2,000 in special compensation, observing that they didn't have to order payment of her annual leave credits because it had already been made.

.../

The review tribunal rejected the argument that pregnancy was an "illness", as defined by the collective agreement between the Professional Institute of the Public Service of Canada (PIPS), Tellier-Cohen's union, and Treasury Board.

The review tribunal said that "pregnancy is not an illness in the strict sense of the word", and although it could lead to discomfort or illness, this would be the exception to the rule. Tellier-Cohen would, therefore, not be entitled to use any of her 17¼ days sick leave credits.

The tribunal members regretted that the employer was not more understanding and accommodating when the complainant had demonstrated so much flexibility and common sense. "The employer should have been able to see that its employee didn't want to take advantage of her maternity leave since she worked until two days before her delivery", the tribunal wrote.

The tribunal found that the discrimination had in effect removed Tellier-Cohen's option of taking paid leave, and that this has resulted in some financial difficulties for her. During testimony she described her frustration and worry, her feelings of having been the victim of an injustice, and she cited an ironic instance of a male colleague being granted paid leave for his wife's difficult delivery.

The review tribunal was puzzled that the employer had not consulted competent people to help interpret the relevant clauses of the collective agreement, and characterized the employer's attitude as "bordering on contempt" for the complainant's rights. They professed astonishment that the case had to go to a tribunal.

Although the clauses requiring pregnant employees to take unpaid maternity leave at any time beginning 11 weeks before the anticipated birth date, and forbidding paid leave during unpaid leave were part of the collective agreement, the review tribunal observed that "the employer should not hide behind a collective agreement to get around the Canadian Human Rights Act".

.../

The review tribunal found that the complainant had proved the charge of "moral prejudice" and ordered Treasury Board to "stop applying the clauses of the collective agreement in a discriminatory manner".

The Canadian Human Rights Act outlaws discrimination by federal jurisdiction organizations on the basis of race, colour, national or ethnic origin, religion, sex, age, marital status, conviction for which a pardon has been granted and, in employment matters, physical handicap.

Once appointed, tribunals are independent of the CHRC.

For information : Sally Jackson
(613) 996-2558

Gentlemen, recession has its good points. We can hire the women for 30% less and call it affirmative action.

BUBBIL, SUGAR DADDY'S A STICKY MYTH!, 1976. (USA)

Compensation board biased against women, critics say

By DOROTHY LIPOVENKO

Job retraining for injured female workers, especially immigrant women, is inferior to the opportunities provided to men by the Ontario Workman's Compensation Board, say some union officials, lawyers and para-legal consultants who represent injured workers at the board.

The double standard is subtle, they say, and is reflected in the preferential treatment given to injured male workers who need or want occupational retraining or academic upgrading.

The board is responsible for not only providing financial compensation for workers left partially or fully disabled by an industrial accident or disease, but also for returning them to the workforce.

The number of women filing compensation claims has been rising — from 18 per cent of 33,937 claims in 1979 to 20 per cent of 34,295 claims last year.

But the WCB is criticized for being more willing to finance the retraining of a disabled male worker, especially if he supports a family, than it is a woman. And, vocational rehabilitation for a man is geared to employment that pays as well or better than his previous job — but not so for a woman.

"Women's disabilities aren't taken as seriously (as men's) because board personnel feel women are secondary wage earners," Alexander Farquhar, a lawyer with the Industrial Accident Victims Group of Ontario, said in an interview. "The board shuffles women back into women's labor ghettos, such as pushing around the coffee wagon, light factory work and sewing."

John Boyd, the board's director of vocational counselling, dismisses any suggestion that the board channels women back into unskilled or semi-skilled jobs.

"I'm not even aware of a smattering of women who feel discriminated against. I can't accept that we are showing preferential treatment to men," he said.

Mr. Farquhar, who handles many compensation appeals on behalf of injured workers, said the board's attitude "is that if you're a minimum wage earner, which many immigrant women are, then its only responsibility is to retrain you for an easier minimum wage job, not to fit you into Canadian society or teach you English."

Adds Marion Endicott, a para-legal at Injured Workers Consultants, which represents injured workers having problems getting compensation or pension reassessment from the board: "The seriousness of a woman's lack of employment becomes less serious in the mind of the rehabilitation counsellor if she has a husband who is supporting her.

"There's a collective mentality at the board about injured women — not a policy — that affects the kinds of jobs the rehab counsellor helps her to find, the retraining the board is willing to consider and the attention paid to her."

Other complaints about the board's handling of women claimants include:

- Low pension awards to women suffering a permanent injury.
- Slowness in recognizing as compensatable certain industrial accidents or disease, which are common among women employed in light industry jobs that require repeated bending and lifting (such as supermarket cashiers and packagers).
- Reduction or termination of benefits paid to partially disabled pregnant women for six weeks before and six weeks after the birth of her child.
- Termination of benefits to women totally disabled by back injuries who later become pregnant, although the lost compensation is paid retroactively after birth if the claimant appeals to the board.

"The board doesn't take an affirmative action approach," Andrew King, a lawyer who represents injured workers, said.

"For many women (in industrial jobs), the type of work they do is not heavy labor but involves pushing, pulling and lifting of moderate weights. Without an apparent accident, they will develop a back or wrist problem that is serious enough to disable them from work and the WCB won't recognize it because they can't see a specific injury," he said.

Such cases that Mr. King has taken to appeal were eventually recognized by the board, but they weren't heard until many months after the accident.

Gerbina Di Michele injured her back at work in a pizza factory. While on compensation, she enrolled in an English course to improve her prospects for finding a sales or similar job that would be less taxing on her fused back. The WCB refused her request to pay for English upgrading.

Mrs. Di Michele, a 52-year-old widow and native of Italy, said she is disappointed with the board's decision.

A memo written by a board rehabilitation counsellor said suitable employment, in keeping with the kind of work she had done before her accident, could be found for her regardless of whether she could speak English.

"Our responsibility ended once we found her a job with the similar earning capacity as the work she did prior to her accident," the counsellor said in the memo.

The board did get her a job as a sewer in a furniture factory, but the company went belly up. She then found work in a restaurant, making pasta and washing dishes. Her back injury has forced her off work again.

MILLION DOLLAR CAMPAIGN

Canada's only women's university is asking one dollar from every women throughout the country to support scholarships and bursaries for deserving women of all ages and to fund neglected areas of research into women's issues.

Mount Saint Vincent University President Dr. E. Margaret Fulton announced the campaign in September. The university launched its first national fund-raising campaign four years ago. The goal was $3.5 million and without the old boy's network, it has been easy. To date, $2.5 million has been raised in pledges, many of which are CONTINGENT ON WHETHER OR NOT THE UNIVERSITY CAN RAISE THE REST DURING THE NEXT FEW MONTHS.

The first $2.5 million had to go into much-needed facilities because the Mount is bursting at the seams with hundreds of mature women returning to full-time study. A major disadvantage has been that the university, built by women for women at a time when women were not welcomed in such circles, has no endowment funds.

The University can't provide these deserving women with the scholarships and bursaries they desperately need, nor can it fund the research area. Mount Administrators are confident the women of Canada will help them do this by sending $1, along with their name, to the university to build up the biggest network of women helping other women that Canada has ever seen. Income tax receipts issued for contributions of $5 or more.

SEND CONTRIBUTIONS TO: Development Office, Mount Saint Vincent University, 166 Bedford Highway, Halifax B3M 2J6.

The age of majority or of informed consent varies from province to province and many young women require parental consent.

FOREWORD

The following information sheet explains one view on parental leave, that of the federal NDP. The policies herein do not necessarily reflect those of NAWL.

The Women's Report
A Federal Perspective

Let's Talk About....
Parental Leave

"We have seen major changes to Canadian families. Fathers want to, and need to, fully participate in the care of their children. Women want to, and need to, fulfill their own career aspirations. Parental leave is the most natural social and economic step we can take to support this."

Margaret Mitchell, M.P.

Canadian women are working in the paid labour force in larger numbers than ever before. In 1979, the last year for which statistics are available, there were almost 4.5 million women in the workforce — a million and a half more than just ten years earlier. And everything points to even more women entering the workforce in the future.

The reality is that over 50% of women are now working for wages. That's one reason why the whole issue of maternity benefits has become more visible and more important.

Time spent with children has a profound impact on their emotional and social development. It's vitally important, both to parents and society as a whole, that children receive as much parental support and attention as possible during the first few months of their lives. In order to give this support, parents need time off from their work. That's why New Democrat M.P.'s believe that maternity, paternity and adoption leave is not a frivolous fringe benefit — it's a basic right of all working people.

In providing family benefits, Canada lags far behind other countries in Western Europe which have been providing fully paid maternity leave for years. In fact, the length of paid maternity leave in these countries is as long or longer than current provisions for unpaid maternity leave here at home.

Just look at the record. In West Germany, for example, workers are entitled to 100% of their regular earnings for 14 weeks; East Germany provides the same financial level for 20 weeks. Working women in France have the right to 16 weeks paid maternity leave for the first two children and 26 weeks paid leave for subsequent births. Maternity pay amounts to 90% of regular earnings.

In Sweden, the best example, maternity and paternity leave extend for nine months (which can be shared between either parent) at 90% of salary. Employers are required to rearrange working schedules to provide half-days, if parents request it. And parents with children under the age of eight also have the right to a two-hour reduction in the working day.

In Canada, women in the labour force can apply for 15 weeks of Unemployment Insurance at 60% of their salary up to a maximum of $210 per week. But there is an additional two-week waiting period during which they receive no benefits at all. If you average all of this out, the truth is that women stand to lose almost half their regular pay when they leave the workforce to have a baby. And fathers who wish to take paternity leave or parents who adopt children get no paid leave at all.

Dear Friends:

We are very pleased to send you the first edition of "The Women's Report: A Federal Perspective", to introduce you to a series of newsletters addressing women's issues. The parliamentary efforts of NDP M.P.s on behalf of women will be highlighted because we believe that a women's place is wherever she wants to be. Her concerns involve all government departments and agencies, whether employment, labour, justice, maternity benefits, child care, education, communications or pensions.

This first edition outlines our position on maternity benefits and parental leave. The question of maternity leave has recently received a great deal of publicity. We would like to present our policy and objectives to you and to solicit your opinions on this most important issue.

We hope you enjoy this first edition and look forward to receiving your comments, ideas and suggestions. You can write to us, postage free, care of the House of Commons, Ottawa, Ontario, K1A 0A6.

PAULINE JEWETT, M.P.
New Westminster-Coquitlam

MARGARET MITCHELL, M.P.
Vancouver East

SVEND ROBINSON, M.P.
Burnaby

HOUSE OF COMMONS
OTTAWA, ONTARIO

Parental leave is not just a women's issue — it's a workers' issue. Pauline Jewett

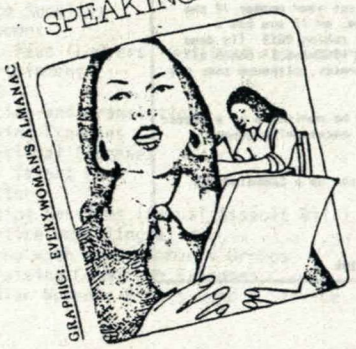
There have been some recent breakthroughs in gaining increased maternity benefits for working women. Last fall, the postal workers made this issue one of their main concerns in negotiating a collective agreement. Their trail-blazing spread to the letter-carriers, and to the federal government's own clerical and translation employees. These groups won 17 weeks paid leave under a formula that provides for 93% of pay through a combination of unemployment insurance and supplementary benefits from the employer. Most recently, the Communications Workers of Canada won 15 weeks paid leave at 75% of normal pay.

In all of these cases, the increased benefit (above and beyond the 60% given by UIC) is paid by the employer and is the result of hard bargaining by the unions. Women who are not unionized or who work for reluctant employers will probably never achieve these gains.

In fact, the private business sector, and particularly the Canadian Chamber of Commerce have been lobbying the federal government to remove maternity benefits from UIC and relegate it to the status of welfare benefits. This would mean that maternity benefits would become a matter of provincial jurisdiction, and could vary in amount and accessibility in each of the ten different provinces. It's even possible, given this arrangement, that some provinces would choose not to provide maternity benefits at all.

Where does the federal government stand on all this? The Liberals have set up an ad hoc committee to study the issue of maternity benefits. Lloyd Axworthy, Monique Bégin, Judy Erola and Donald Johnston are the Cabinet Ministers who form this committee. It's still not clear when their study will be completed.

SPEAKING OUT



GRAPHIC: EVERYWOMAN'S ALMANAC

I and my colleagues in the NDP caucus think the time for study is over. We know that major changes have to be made. In the first place, we have to change the whole idea of maternity leave to parental leave in order to emphasize parenting as a joint responsibility. But we also have to eliminate the vulnerability of workers whose benefits would be a "gift" from a benevolent employer.

We think we have some worthwhile policies in this area. This is what we propose:

- there would be nine months of paid leave for either parent (whether natural or adoptive)
- benefits would be totally funded by Unemployment Insurance at 100% of salary, up to a ceiling of the average industrial wage
- parents would be given an additional 10 days leave of absence for parental responsibilities
- during the period of leave, workers would retain their seniority and all benefits, with the right to return to the same job or its equivalent at no loss of pay

These proposals lead us in the right direction. They closely resemble the parental leave provisions already in effect in other countries. And they represent basic rights for all Canadian working parents.

Most important, these policies face up to the fact that women in the workforce are here to stay. And that the responsibility for the care and well-being of our children rests not only with the parents but with society as a whole.

"It's tragic that we'll have to fight to bring federal legislation affecting families into the 80's. Parental leave benefits the entire family, not just women. But we can never assume that others understand or support parental leave as a right. Only a relentless effort in our legislatures will make it so."

If you agree, then write those Cabinet Ministers and tell them how you feel. If you like our ideas or have some other reaction to NDP proposals, we'd like to hear from you too. Write us, c/o the House of Commons in Ottawa. It's postage free!

NAC TRUST

PROJECT TO DOCUMENT WOMEN'S LOBBY FOR CONSTITUTIONAL EQUALITY

"FILE 28" is now an official NAC Trust Project. Its aim as described in a previous MEMO, is to create archive material for all women to us. On the historical lobby for women's equality, 1980-82. From this material will be produced:

1) an action pamphlet on making the Constitution work for women
2) a book telling the story of the equality lobby, tentatively titled "THE TAKING OF 28".

Principle project organizers are author and journalist Penney Kome and former NAC Executive member, Rosemary Billings.

YOUR HELP IS NEEDED TO FUND THIS WORK!!!

First, the project will cost thousands of dollars. We are counting on raising at least $1,000 from Friends of NAC and NAC Member Groups. Please send your cheques payable to "NAC TRUST FOR FILE 28", to 40 St. Clair Ave East, Suite 306, Toronto M4T 1M9. Tax receipts are available for donations over $10 on request.

Second, we need you to tell us about sources of information, people to talk to, what you did during the Constitutional Lobby.

With your help, women's historical struggle and victory will not be forgotten and our rights will not be ignored. Already books by men are ignoring women's role in constitution making and/or getting it wrong. It's up to all of us to make sure that the exciting story is accurately recorded for future generations.

PLEASE HELP..... For further information, contact Penney Kome or Rosemary Billings, C/o the NAC Office.

are you a DES daughter?

DES (diethylstilbestrol) was a synthetic hormone given to millions of pregnant women in North America between 1947 and 1971. Many women and children still do not know they were DES-exposed. DES has now been linked to a number of abnormalities in the reproductive systems of the sons and daughters.

Therefore, if you were born between 1947 and 1971, ask your mother if she took any drugs while pregnant to prevent miscarriage, or if she had a history of bleeding or diabetes. Does she remember taking DES? (It came under many brand names and was in some prescription vitamins.) Check all medical files: the doctor, the hospital or the pharmacy, although they may no longer exist.

If she did take DES or even suspects it, you should be monitored by a doctor familiar with DES-related changes, since they don't necessarily appear during a normal pelvic examination or PAP test.

For more information, or if you would like to help set up a Canadian DES Action Group, please write to:

Ms. Simend
Box 233, Snowdon Post Office
Montreal, Quebec
H3X 3T4 Telephone: 482-3204

PROJECTED STATEMENT OF REVENUES AND EXPENSES

FOR THE YEAR COMMENCING APRIL 1st, 1983.

Projections have been prepared in percentage form.

PROJECTED INCOME

Secretary of State	
Women Programme	46.40 %
Long term Language Grant	9.28 %
Department of Justice	6.96 %
Status of Women Canada	.70 %
Canadian Advisory Council	1.39 %
Social Science Council	12.99 %
Interest earned	1.39 %
Private Donations	.70 %
Foundations	10.67 %
Membership Fees	8.35 %
Fundraising Event	1.17 %

PROJECTED EXPENSES

Meetings	
Steering Committee and Policy Making Committees	1.76 %
Salaries for Ottawa Staff	12.15 %
Telephone Expense for Ottawa and NSC	1.86 %
Xerox Expense for Ottawa and NSC	1.35 %
Postage and Shipping for Ottawa and NSC	1.27 %
Rent	1.95 %
General Office Expenses	.17 %
Data Processing	.93 %
Bank Charges	.10 %
Travel for Steering Co. members and Ottawa staff	5.34 %
Dues and Fees	.23 %
Newsletter	3.76 %
Printing New Manual	.62 %
Library	.17 %
Advertisement	.26 %
Membership Drive 1983	4.20 %
Office Supplies	.42 %
Equipment	.58 %
Prof. Fees (Lawyers, Auditors and Incorporation Fees)	1.44 %
Entertainment	.16 %
R & D	6.38 %
Printing and Translation	17.86 %
Lobbying Expenses	2.35 %
Educational Expenses	2.32 %
Legal Talent Bank	.55 %
Directory	.12 %
Training Sessions (Sexual Assault Bill)	2.92 %
Committee on Bilingualism	.50 %
Link up with other Women's Groups	.99 %
Fundraising Committee Expenses	1.41 %
Canadian Women's Rights Report Service	25.88 %

NAWL TRUST

NAWL has been considering the establishment of a charitable trust for sometime for the following reasons:

1. NAWL itself, due to its political lobbying, cannot obtain a charitable tax number.

2. NAWL wishes to solicit donations from its members, various corporations and foundations, and most donors make a charitable tax receipt a pre-condition of giving.

3. Much of NAWL's research and educational work is charitable in nature and could properly fall within the scope of a charitable trust.

The National Steering Committee has researched the methods of setting up a trust and has consulted with other groups such as the National Action Committee, concerning their trusts, and has hired a trust lawyer to draft a proposed trust document.

It is contemplated that the trust would be administered independently of NAWL, and with the following objectives:

1. Promotion and distribution of information concerning the status and role of women in Canada.

2. Research and education regarding legal issues as they affect Canadian women, in all aspects of their social, economic and political lives.

3. Preparation and distribution of research and educational materials.

4. Assistance by charitable means to persons endeavoring to protect their civil rights and liberties.

.../

5. Relief of poverty.

NAWL, like other organizations and individuals, would be free to submit proposals to the Board of Trustees. If the trust used some of NAWL's office space and some of NAWL's employees' time, these expenses could be properly charged to NAWL.

The draft trust document sets the number of trustees and the criteria of eligibility for the trustees as follows:

1. Two former members of the National Steering Committee of NAWL.

2. Two current members of the National Steering Committee of NAWL, who represent two different regions of the Association.

3. One member who is not and has never been a member of the National Steering Committee of NAWL.

The foregoing criteria were selected with the following objectives in mind:

1. Experience in NAWL.

2. A link to the current National Steering Committee.

3. Fresh blood.

4. A workable number.

With respect to appointment of trustees, there is a range of possibilities. We could elect trustees at each biennial conference. However, it is suggested that such a procedure would be unduly time consuming, considering that the conference agenda is chronically too large for the time available. The proposal is that the National

.../

Steering Committee would make the appointments to the Board, which appointments would be based upon responses to a request for a nomination of trustees, published in the NAWL newsletter. In order to determine from Revenue Canada whether it would be prepared to give charitable status to our trust, it has been necessary to make five initial appointments and sign a draft trust document. The appointments are as follows:

1. VICTORIA SCHMOLKA, Montreal, Quebec; LAURIE ALLEN, Winnipeg, Manitoba. These are previous members of the Steering Committee whose initial terms of office as trustees shall terminate respectively on May 31, 1984, and May 31, 1983.

2. DIANE NANCY DORAY-BOLTON, Montreal, Quebec; MONA BROWN, Sperling, Manitoba. These are present members of the Steering Committee whose initial terms of office shall both expire on May 31, 1983.

3. LINDA CHARLTON, Saskatoon, Saskatchewan. She is a member of the Association at large who is not a member, past or present, of the Steering Committee and whose initial term of office shall expire on May 31, 1984. It is hoped that by February, 1983, the Department of National Revenue will have indicated whether it is prepared to issue a charitable tax number to the NAWL trust.

The National Steering Committee proposes the following resolutions relating to the NAWL trust for adoption at the Victoria Conference:

1. BE IT RESOLVED that NAWL establish a charitable trust for research and education and that the trustees make application to Revenue Canada for a charitable tax number.

2. BE IT RESOLVED that the NAWL trust have the following objectives:

.../

- Promotion and distribution of information concerning the status and role of women in Canada. Research and education regarding legal issues as they affect Canadian women in all aspects of their social, economic and political lives.

- Preparation and distribution of research and educational materials.

- Assistance by charitable means to persons endeavoring to protect their civil rights and liberties.

- Relief of poverty.

3. BE IT FURTHER RESOLVED that the NAWL trust be administered by five trustees appointed by the National Steering Committee after consultation with the membership and local caucus, which trustees shall meet the following criteria:

- Two former members of the Steering Committee;

- Two current members of the Steering Committee who represent two different regions of the Association.

- One member of the Association who is not and has never been a member of the National Steering Committee.

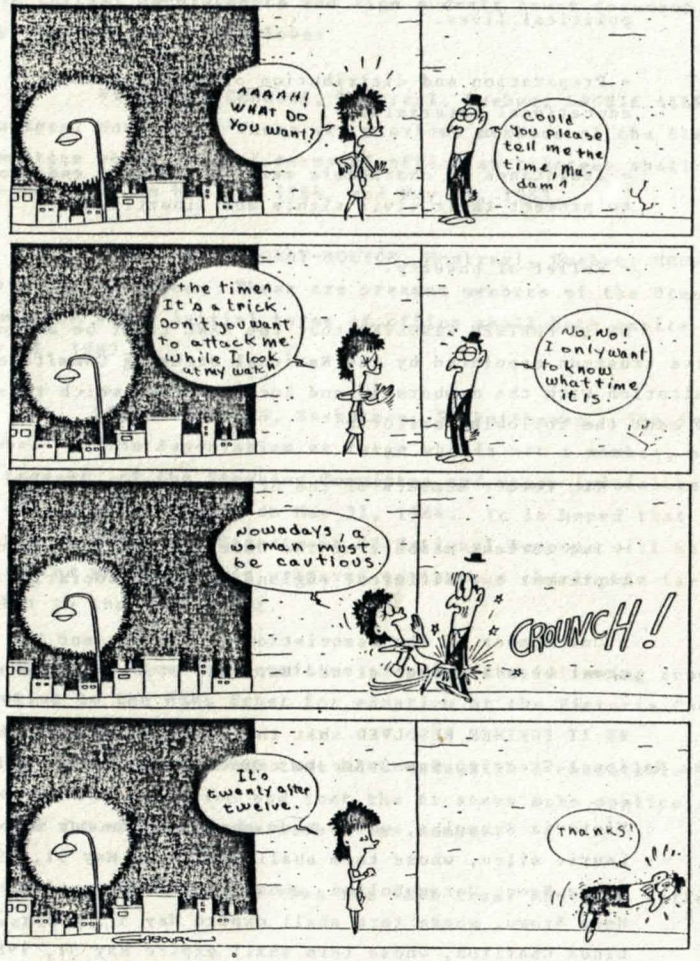
4. BE IT FURTHER RESOLVED that the interim trustees chosen by the National Steering Committee to commence the trust, being:

Victoria Schmolka, whose term shall expire May 31, 1984;
Laurie Allen, whose term shall expire on May 31, 1983;
Diane Nancy Doray-Bolton, whose term shall expire May 31, 1983;
Mona Brown, whose term shall expire May 31, 1983;
Linda Charlton, whose term shall expire May 31, 1984;

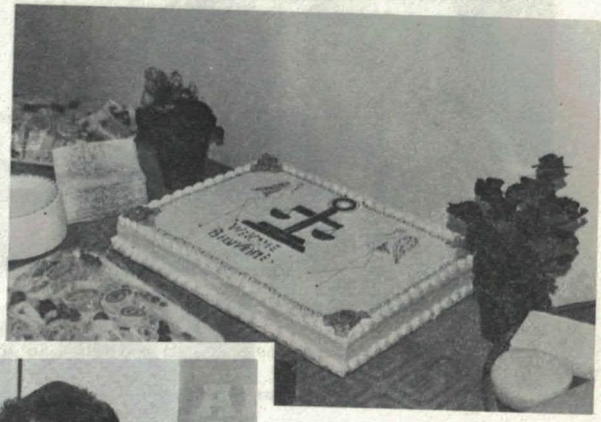
be ratified by the membership.

.../

5. BE IT FURTHER RESOLVED that the National Steering Committee be empowered to do all other acts necessary to complete the establishment of the NAWL trust for research and education.



OFFICIAL OPENING OF THE NATIONAL OFFICE
October 7, 1982



RESOLUTIONS ON AFFIRMATIVE ACTION FOR THE VICTORIA CONFERENCE - N.A.W.L.

WHEREAS
The National Association of Women and the Law believes that every Canadian must have equal access to training and employment in Canada,

WHEREAS
Such equality does not yet exist,

WHEREAS
Affirmative action is an appropriate strategy for achieving such equality,

THEREFORE BE IT RESOLVED THAT
The National Association of Women and the Law endorses the creation of affirmative action programmes in Canada in order to counteract the effects of discriminatory employment practices,

AND BE IT RESOLVED THAT
The National Association of Women and the Law recommends that the Federal Government establish affirmative action programmes in all federal government departments, Crown corporations and agencies,

AND BE IT RESOLVED THAT
As a condition precedent of doing business with the Federal Government, federal government departments, Crown corporations and agencies, a corporation must prove that disadvantaged groups are appropriately represented in its enterprise, or that a programme to ensure such representation will be implemented within six months,

AND BE IT RESOLVED THAT
The National Association of Women and the Law, recognizing that a voluntary approach to affirmative action has not adequately improved the representation of disadvantaged groups in the workplace, recommends a mandatory approach in the implementation of affirmative action programmes.

Moved by: Susan Altschul

Seconded by: Carol Rizzo

MONTREAL, November 24, 1982.

RESOLUTIONS ON FINANCIAL REPORT FOR 1981-1982

BE IT RESOLVED THAT
The 1981-1982 financial report from Nakonechny & Power of Carman, Manitoba, auditors of NAWL, be hereby approved and adopted;

BE IT FURTHER RESOLVED THAT
The accounting firm of McCay, Duff and Company of Ottawa be hereby appointed as auditors of NAWL and that this firm hold office until a new appointment is made by the members of NAWL.

RESOLUTIONS ON MEMBERSHIP FEES

BE IT RESOLVED THAT
The increase in NAWL membership fees for the 1982-1983 membership period be increased to $25 annually (or $10 annually for persons of limited income) and that it be hereby approved and adopted.

Across Canada, the average amount of time a woman must wait between seeing her doctor and having an abortion is 8 weeks. 75% of women having an abortion between 13 and 15 weeks of gestation had consulted their m.d. 8 weeks earlier. 76.7% having abortions at 16 weeks or later had seen their m.d. 2 months earlier. Abortions done at 16 weeks and over (saline abortions) are 8.6% of total abortions done yet account for 50.7% of all abortion-related complications. These could be eliminated with the establishment of clinics providing immediate service.

RESOLUTIONS ON PARENTAL BENEFITS

WHEREAS
The present qualification period for maternity benefits is 20 weeks under the Unemployment Insurance Act, and

WHEREAS
The qualification period for regular benefits is either 10 weeks or 20 weeks depending on the claimant's labor force attachment, and

WHEREAS
10 of the 20 weeks of the qualification period for maternity benefits must have occurred between the 30th to the 50th week prior to confinement.

BE IT RESOLVED THAT
The qualification period for maternity benefits under the Unemployment Insurance Act be reduced so that it is the same qualification period as for regular unemployment insurance benefits.

BE IT FURTHER RESOLVED THAT
"Magic 10" rule should be abolished by repealing Section 30(1) of the Unemployment Insurance Act since it has the effect of requiring maternity benefit claiments to prove longer labor force attachment then that required of major attachment claimants of regular benefits.

Referable to the UIC position paper presented by the University of Ottawa caucus and also to the paper on Parental Benefits submitted by the Victoria caucus.

.../

WHEREAS

Present unemployment insurance maternity benefit level of 60 per cent of a claimant's insured earnings is inadequate and

WHEREAS

Leave with no loss of pay is desirable.

BE IT RESOLVED THAT

Unemployment Insurance Act maternity benefits should be 100 per cent of insurable earnings.

BE IT RESOLVED THAT

What is presently maternity benefits under the Unemployment Insurance Act should be available to either parent in the post-natal period, and if the parents choose to share the benefits, the benefits available to each consecutively or concurrently shall not exceed the maximum available to an individual.

BE IT FURTHER RESOLVED THAT

What is presently designated as maternity benefits under the Unemployment Insurance Act should be available to adoptive parents of either sex, regardless of the age of the child, and commencing with the week of placement of the child.

Referable to the UIC position paper presented by the University of Ottawa caucus and also to the paper on Parental Benefits submitted by the Victoria caucus.

WHEREAS

Section 30 of the Unemployment Insurance Act provides that maternity benefits are available to a claimant who proves her pregnancy and the effect of that section is therefore that maternity benefits are available to the natural mother

.../

of a child, and

WHEREAS

Resolutions 4 and 5 herein provide that parental benefits be available to the father of a child or to adoptive parents,

BE IT RESOLVED THAT

The Unemployment Insurance Act be amended to provide for repayment of parental benefits rather than maternity benefits.

WHEREAS

The Unemployment Insurance Act will provide that claimants for parental benefits must be parents if Resolution No. 5 is adopted.

BE IT RESOLVED THAT

The term 'parent' under the Unemployment Insurance Act shall include same sex couples as well as different sex couples for the purposes of entitlement to parental benefits.

WHEREAS

Presently the Unemployment Insurance Act provides that unemployed women available for work and meeting other eligibility requirements for unemployment insurance benefits are not eligible to collect regular unemployment insurance benefits for 8 weeks preceding the expected date of her confinement and for a period of 6 weeks after her confinement occurs.

BE IT RESOLVED THAT

Section 46 of the Unemployment Insurance Act be repealed.

Referable to the UIC position paper presented by the

.../

University of Ottawa caucus and also to the paper on Parental Benefits submitted by the Victoria caucus.

WHEREAS

Pursuant to Section 44 of the Unemployment Insurance Act a woman who begins leave after a strike at her place of employment is not eligible for benefits during the strike.

BE IT RESOLVED THAT

Parental benefits should not be denied by application of the labor dispute provisions of the Unemployment Insurance Act, being Section 44 of the Act.

BE IT RESOLVED THAT

The 2 week waiting period before maternity benefits commence should be abolished by repealing Section 30(4) of the Unemployment Insurance Act.

BE IT RESOLVED THAT

Assuming that Provincial labour standards requirements regarding the timing of maternity leave are made more flexible, the woman (parent) should have the option of receiving unemployment parental benefits during the time she wants to take the leave.

WHEREAS

The present Unemployment Insurance Act requires that the 15 benefit paid weeks of parental benefits must be taken from the 8th week before the expected delivery to the 17th week after the delivery and

WHEREAS

These provisions do not take into account the fact that pregnancy related illnesses are not limited to a final 8 weeks of term and

.../

WHEREAS

The Act presently provides that up to 10 weeks of sickness benefits taken in the year preceding delivery are subtracted from the available weeks of maternity benefits.

BE IT RESOLVED THAT

The Unemployment Insurance Act be amended to limit the deduction of sickness benefits from maternity benefits for pregnancy related ilnesses, a maximum of 8 weeks (n.b. I could not find the provision that allows for deduction of sickness benefits from available maternity benefits in either the Act or the regulations. The Recommendation is taken from page 10 of the Ottawa paper.)

Referable to the UIC position paper presented by the University of Ottawa caucus.

BE IT RESOLVED THAT

The Federal and Provincial governments should jointly consider granting homemakers a special maternity or parental allowance for 15 weeks following the birth or adoption of a child, regardless of whether the parent is a member of a paid work force.

WHEREAS

Maternity benefits paid pursuant to a collective agreement or employer sponsored plan are presently deducted from the unemployment insurance maternity benefits pursuant to Section 30(5) and therefore the benefit negotiated for is negated,

BE IT RESOLVED THAT

Employer sponsored maternity leave benefits not be deducted from maternity or parental benefits payable under the

.../

Unemployment Insurance Act, except to the extent that such remuneration from employer paid benefits and unemployment insurance exceed the claimant's regular salary.

Referable to the UIC position paper presented by the University of Ottawa caucus and also to the paper on Parental Benefits submitted by the Victoria caucus.

PENSIONS RESOLUTIONS

1. WHEREAS
   The majority of Canadian pensioners are living below the national poverty level and

   WHEREAS
   The majority of those pensioners living below the poverty level are women,

   BE IT RESOLVED THAT
   N.A.W.L. supports the idea of increasing old age pensions to the national poverty level.

2. WHEREAS
   The Canada Pension Plan was established to provide increased pension benefits for working Canadians, and

   WHEREAS
   Homemakers are working Canadians

   BE IT RESOLVED THAT
   The Canada Pension Plan be expanded to included homemakers.

3. WHEREAS
   The Canada Pension Plan was established to provide increased pension benefits for working Canadians, and

   WHEREAS
   Part-time workers are working Canadians

   BE IT RESOLVED THAT
   The Canada Pension Plan be expanded to include part-time workers.

4. WHEREAS
   There is a gap between benefits available from OAS, GIS and CPP and what is needed to live,

   BE IT RESOLVED THAT
   The Canada Pension Plan be expanded to replace 50 percent of the average industrial wage.

5. WHEREAS
   There is a gap between benefits available from OAS, GIS and CPP and what is needed to live,

   BE IT RESOLVED THAT
   Private pension plan coverage be made mandatory and expanded to fill this gap.

.../

6. BE IT RESOLVED THAT
The N.A.W.L. supports the idea of increasing the percentage of income being contributed to CPP by workers and employers.

7. BE IT RESOLVED THAT
Survivors benefits be set up to recognize the pension as a family asset to be shared by both spouses in death as in life.

8. WHEREAS
Poor people carry the burden of the cost of pensions because a maximum contribution is set making it progressively cheaper to get maximum benefits as more money is made,
BE IT RESOLVED
That some assistance be provided for people earning less than the maximum pensionable earnings.

9. BE IT RESOLVED THAT
A mandatory system of private pensions be developed to be used to augment pensions provided by CPP and OAS.

10. BE IT RESOLVED THAT
No pension schemes be permitted to discriminate on the basis of sex, age, salary, or term and hours of work.

11. BE IT RESOLVED THAT
Immediate vesting of pension funds be universally applied.

12. BE IT RESOLVED THAT
Pension plans vest within two years of the first contribution.

13. BE IT RESOLVED THAT
All pensions be made portable.

14. BE IT RESOLVED THAT
All pension funds be indexed to inflation to ensure that workers benefit from their delayed wages.

15. BE IT RESOLVED THAT
Only unisex actuarial tables be used to determine contributions and benefits.

.../

16. BE IT RESOLVED THAT
All pension plans have mandatory survivor benefits.

17. BE IT RESOLVED THAT
The percentage limitations of earned income for contributions to RRSPs be removed allowing only set maximum amounts.

18. BE IT RESOLVED THAT
N.A.W.L. supports the concept of buying back RRSP deductions in later high income years.

19. BE IT RESOLVED THAT
Spousal RRSPs should not be restricted by the provisions of section 146(5.1) of the Income Tax Act.

20. BE IT RESOLVED THAT
RRSPs should be considered matrimonial assets, divisible on divorce.

21. BE IT RESOLVED THAT
Age tax credits be introduced to replace the age and income exemptions available under the Income Tax Act.

22. BE IT RESOLVED THAT
Pensions should be considered to be matrimonial assets, divisible on divorce.

23. BE IT RESOLVED THAT
The Court is granted specific jurisdiction to grant future orders with regards to matrimonial assets.

24. BE IT RESOLVED THAT
Common-law spouses of at least one year be equally entitled to pension benefits, survivor benefits, death benefits, etc. as any legally married spouse.

25. BE IT RESOLVED THAT
The "Drop-Out" clause for child rearing years be introduced into the pension legislation.

26. BE IT RESOLVED THAT
Some form of mandatory pension system be established for homemakers.

.../

27. BE IT RESOLVED THAT
Every person should have the right to contribute to a pension plan voluntarily.

28. BE IT RESOLVED THAT
The definition of pensionable earning be expanded to include parental leave, U.I.C., disability payments and all part-time work.

29. BE IT RESOLVED THAT
A graduated taxation of incomes to create a pension fund available for all unsalaried, non-pensioned homemakers be introduced.

SUMMARY OF RECOMMENDATIONS

UIC Resolutions

1. An increased rate of insurable earnings should be paid to ensure that no family falls below poverty level during prolonged periods of unemployment of single wage earners.

2. The longer qualifying periods for new entrants and re-entrants should be abolished.

3. The Government should conduct studies which reveal the nature and extent of unemployment. These studies should be used in more effective decision-making which addresses the problems of unemployment.

4. Neither the two-tier system nor the three-tier system should be adopted. Nobody would gain but many people would lose, notably 95% of working women.

5. A family based system should not be adopted until women are guaranteed equal access to family income.

6. The "Magic 10" Rule should be abolished by repealing Section 30(1) since it has the effect of requiring maternity benefit claimants to prove longer labour force attachment than that required of major attachment claimants of regular benefits.

7. Section 46 should be repealed so that unemployed women available for work after the period of confinement are able to collect regular U.I. benefits if otherwise eligible.

8. The two week waiting period before maternity benefits commence should be abolished by repealing Section 30(4).

9. The U.I. Act should be amended to limit the deduction of sickness benefits from maternity benefits for pregnancy related illnesses, for a maximum of eight weeks.

10. The parental benefits available to natural parents should be extended to adoptive parents, commencing with the week of placement of the child.

11. Employer-sponsored maternity benefits should not be deducted from maternity benefits payable under the U.I. Act, except to the extent that such employer-paid benefits exceed 40% of the claimant's regular pay.

12. The Canada Labour Code and provincial Employment Standards Acts should provide that no employer can compel a woman to take maternity leave prior to the maternity benefit period under the U.I. Act, or until her period of confinement without just cause.

Resolutions 1 to 5 inclusive and 11, 12 are referable to the position paper submitted by the University of Ottawa caucus.

MPPs plead for battered wives

Ensure funds, shelters in special law, report says

More funding and improved shelters for beaten women should be ensured in a law dealing exclusively with wife-battering, says a committee of MPPs reporting on wife-abuse.

Metro could use 10 times as many shelters as it has now, said MPP Yuri Shymko (High Park-Swansea), as the social development committee's first report on family violence was released at Queen's Park yesterday.

Shymko, who headed the all-party committee that heard two weeks of often shocking and detailed testimony last summer, said there are two shelters in Toronto and one of them takes only one of every six women seeking refuge from a dangerous homelife.

"Let's not mince words. These women are financial slaves. You have to liberate them from financial dependency on the husband. It means money, a lot of money," he said.

The report also stated that a man who beats up a stranger on the street will get a tougher sentence in court than a man who beats his wife.

Yuri Shymko: MPP headed Queen's Park committee investigating family violence.

Troubled marriage

Most wife-abuse cases that go to court end up in an absolute or conditional discharge, not a fine or jail term, MPP Phil Gillies (PC—Brantford) said. The discharge is usually accompanied by "the hope from the bench that the family would be able to patch up its problems," he said.

Most sentences reflect the attitude that wife-beating is merely a sign of a troubled marriage, not a public crime, the report says.

Neither Shymko, nor other committee members could estimate the cost of implementing the 47 proposals in the 63 page report — the first legislative committee report published in English and French.

Some recommendations, such as making crisis intervention a high priority at police colleges, would cost nothing, the MPPs said. Fewer shelters would be needed if women could be allowed to stay in their own homes, instead of their husbands, they added.

However, if more charges are laid which would be likely if charges against husbands were laid by police instead of wives, court costs would rise, MPP Richard Johnston (NDP—Scarborough West) said.

He cited a project in the family courts on Jarvis St., where one crown prosecutor has denied women the right to drop charges against their abusive husbands. The committee has always praised the example of London, Ont., where police routinely lay charges against abusive husbands and courts treat the crime more seriously.

If police lay charges the chances of a fine or jail term triple, the report said. Women had been assaulted an average 35 times before they called the police for help, the London experience showed.

Johnston said the committee didn't agree that most wife beaters should end up in jail because that would deprive a family of its breadwinner. It preferred weekend sentencing and compulsory counselling.

The committee also recommended that:

- A federal-provincial conference be convened to discuss such proposals as a national computer system to record all court orders imposed upon batterers, and development of uniform sentences in wife-battering cases.
- Preference for rental housing units should be given to battered wives by Ontario Housing Corp. and more subsidized units should be set aside for them and their children by Canada Mortgage and Housing Corp.

Comments on wife-beating study spark call for Drea's resignation

By SYLVIA STEAD

Opposition members called for the resignation of Community and Social Services Minister Frank Drea yesterday after the minister termed an all-party committee's study on battered wives a great disappointment and said obviously it was written by men.

Mr. Drea complained that the report let the wife beater off scot-free. "Why should the woman have to leave the house? Why not throw the man out of the house?"

While opposition members looked aghast, Mr. Drea leaned across his desk and said the point is missed when "to use the vernacular, some banana who beats his wife or lady friend remains in charge of the domestic home and the taxpayers are expected, because there apparently is no other resort, to provide some of the basics."

New Democratic Party Leader Robert Rae started the debate by asking Mr. Drea if he was going to introduce a bill which would ensure that all transitional houses for battered wives and children are adequately financed.

Mr. Drea suggested that perhaps the solution was to say to men! "If you want to beat your wife, then you are going to sleep in the park with the muggers."

Opposition members shouted to Mr. Drea, asking him if he had read the committee report. The report, which termed wife beating an intolerable crime that must be stopped by criminal charges and more emergency shelters, also said there should be speedy court orders affecting the possession of the family home.

NDP member Richard Johnston, who called for the committee investigation of wife beating, described Mr. Drea's belligerence as unbelievable.

"Does he not recognize there is a major need for a safe haven for these assaulted and battered women?" Mr. Johnston asked.

Liberal Donald Boudria, another committee member, shook his head in disbelief at Mr. Drea's comments. "How is a woman who has just been battered by her husband going to physically eject him from the house? I would like the minister to explain that so we can all understand how we will have less need for shelter for battered wives."

However, Mr. Drea said the Liberal member's comment was simplistic. He said there is a long-term problem after the beaten person finds emergency shelter. "There should be vehicles through the court where that husband can be faced with a restraining order so that he cannot go into the family home."

Mr. Drea said later that he has spoken to Attorney-General Roy McMurtry about the problem.

He added that there are nine new shelters opening in the province next year.

After Mr. Drea complained that the committee report was written by males because it did not reflect a female viewpoint, Liberal committee member Sheila Copps shouted out, "What are you talking about?" Miss Copps, Tory Susan Fish and New Democrat Marion Bryden were three of the 19 committee members.

Later, Miss Copps said it was obvious the minister had not read the report. "He should resign. We dealt with the matrimonial home. We set aside partisan politics and came up with a good report."

As the minister called the report a disappointment (although he said it also showed great sensitivity to the problem) opposition members yelled across to committee vice-chairman, Conservative Phil Gillies, asking if he was embarrassed.

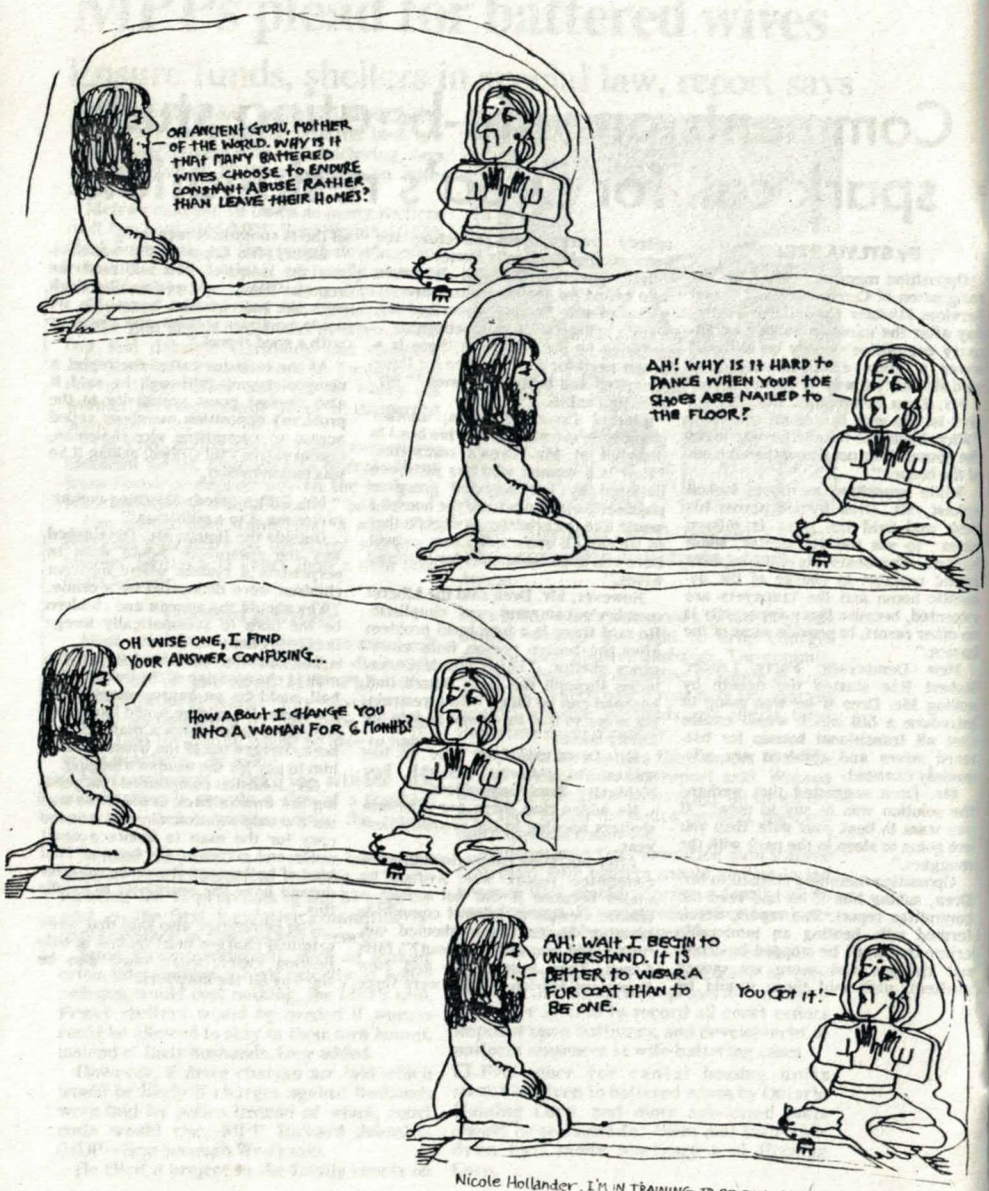
Mr. Gillies joked: "Nothing embarrasses me, I'm a politician."

Outside the House, Mr. Drea asked why the committee would want to perpetuate a system where innocent children were dislocated by a crime. "Why should the woman and children be the ones to automatically forego the family home?"

The minister explained that if the man is charged one of the terms of his bail could be an arrangement about the home. He said he would like to see the courts either force a man who has been charged out of the house or force him to pay for the woman's lodging.

Mr. Johnston complained that sending the woman back to the home was not the only solution. He said it is too easy for the man to ignore a court order and return to his home. "That kind of buffoonery shows the minister doesn't have the sensitivity to handle this."

The committee also said that while criminal charges must be laid in wife beating cases, there must also be therapy for the batterers.



Nicole Hollander, I'M IN TRAINING TO BE TALL AND BLONDE, 1979. (USA)

Quebec Judgment Awards Battered Wife Damages Against Husband

In the recent civil case of Beaumont-Butcher v. Butcher, Mr. Justice Bernard Gratton of the Quebec Superior Court awarded a 50 year old battered wife a total of $41,682.44 in damages as a result of injuries inflicted by her husband.

The woman had suffered a concussion, numerous stab wounds to her face and body as well as psychological trauma. The defendant husband attempted to prove that the plaintiff herself had inflicted the injuries during a drunken spree but this allegation was not accepted by the Court. In related criminal proceedings, the husband was charged with attempted murder but pleaded guilty to the lesser charge of assault causing bodily harm.

The case if noteworthy because a battered woman is suing her husband for damages and this type of case is rarely seen by the courts.

The judge expressly disagreed with a 1957 Superior Court case which in obiter said that it would be contrary to public order to allow a civil action for injuries inflicted by one's spouse. The 1957 court also feared that to allow such a claim would open the flood gates to judicial abuse whereas in the 1982 Court's view the law and society have evolved to a point where such actions are permissible. The normal rules and principles of law dictate that the inviolability of the human person is a principle which deserves the utmost respect.

Monique Charlebois

Of those eligible hospitals, 66% require the consent of the woman's spouse before the procedure may be performed. 18.4% require consent even if the couple are already separated.

NEWS RELEASE

1982-120

October 18, 1982

BATTERED WIVES ENCOURAGED TO SEEK HELP
-- MINISTER'S MESSAGE SENT WITH OCTOBER FAMILY ALLOWANCE CHEQUES

OTTAWA - Of the 3.5 million women receiving Family Allowance cheques this month, as many as 350,000 may be battered by their husbands or partners. A pamphlet on wife-battering being sent out with the October cheques encourages them to seek help.

"Women are suffering in silence because they don't know where to turn. Many of them are beaten while they are pregnant," says Health and Welfare Minister Monique Bégin. "We're reaching out to let them know that there are people in their own communities who can help."

The Minister's message says a woman can call police for protection in a crisis and can talk to others who can help her: a doctor, a social worker, a community health or emergency room nurse, a counsellor at a community crisis line, a member of the clergy.

Three other main points are made. Wife-battering is a widespread problem in Canada (an estimated 500,000 victims each year). Wife assault is a crime. (The man can be arrested and face charges in court). And wife-assault is rarely a one-time occurrence.

.../

Canada

Health and Welfare Canada / Santé et Bien-être social Canada

The May 1982 report, Wife Battering, prepared by the House of Commons committee on Health, Welfare and Social Affairs recommended that more be done to help these women. There are now more than 150 transition houses to help battered women who want protection from violence, but these shelters cannot keep up with the demand. Some programs have also been set up to counsel men who batter their wives or partners.

For general information on wife-battering, the public may write to:

The National Clearinghouse on Family Violence
Attention Area C
Health and Welfare Canada
Ottawa, Ontario K1A 1B5

Ref.: Joan Eddis-Topolski

Tel.: (613) 995-8465

MICHELE LANDSBERG

Case should wake women to bitter truth

It's an odd but exhilarating thought that the Leatherdale decision in the Supreme Court of Canada may be the pebble that starts an avalanche. One day, that avalanche may dislodge the mossy old government of Ontario.

Far-fetched? Yes. But just listen to my evidence. It's my contention that Leatherdale will help wake up Ontario women to a bitter truth — that Bill Davis' true-blue Tories discriminate against traditional housewives and stay-at-home mothers.

Enter Exhibit Number One: Barbara Leatherdale. She was married to her husband, Douglas, for 19 years. For nine of those years, she worked as a bank accountant. According to trial court evidence, the couple saved money from his salary and planned to share the $40,000 fruits of their frugality when Douglas would retire from Bell Telephone.

But then the Leatherdales divorced and, under the terms of the Ontario Family Law Reform Act — one of the most badly written and restrictive such acts in Canada — the Leatherdale nest egg was not classed as a family asset. It all belongs to him. In most other provinces, it would automatically be split 50-50. But in Ontario, Barbara Leatherdale had to go to court to fight for her share.

Last week, in a narrow, legalistic interpretation of Ontario's law, Canada's Supreme Court ruled that Barbara Leatherdale is entitled to one-quarter of her husband's savings, but only because she earned money outside the home. It was another slap in the face to Ontario housewives: He gets to keep the lion's share, $30,000, because all her years of housework and child-rearing and husband-serving count for zip. Zilch-o.

A double victim

Unfortunately, Barbara Leatherdale is, like many women, a double victim. Not only did she lose out on what she thought were joint savings, but she followed her husband's urgings not to bother signing up for the bank's pension plan because, after all, he would be getting a nice big company pension.

Well, Douglas Leatherdale will still get that nice big Bell pension — more than $21,000 a year when he retires — but Barbara Leatherdale won't get a cent. And now, back at work as a teller, it's too late for her to join a pension plan.

The Ontario government did a lot of self-righteous braying in its preamble to the Family Law Reform Act — "whereas it is desirable to encourage and strengthen the role of the family . . . blah blah blah . . . recognize marriage as a partnership" — but it won't wash.

If the government were honest, the preamble would have said: "Whereas we have complete contempt for the value of a housewife's work, we will not allow her to accumulate any credit for her years of cooking, cleaning, nurturing and child care.

"And whereas we are unashamedly biased in favor of the male, we decree that he may salt away as much wealth as he can during the marriage, and it will all be his when the marriage breaks up."

That's the real impact of the law: Under the Ontario Family Law Reform Act, a husband can buy his mistress a mansion, sock away $1 million in investments and, when the marriage breaks up, the only assets that are automatically shared with his wife are the house, car and cottage. And if the couple lived in an apartment, she'll end up with half the overdue library books and the bathroom scale.

Besides Ontario, only Newfoundland and Prince Edward Island have such niggardly and anti-housewife arrangements.

The Ontario veto

Exhibit Number Two in the case of Ontario Tories versus the housewife: For years, Ontario has vetoed the "child care drop-out provision" in the Canada Pension Plan. This clause would mean that when a woman's lifetime earnings are averaged out to determine the amount of her Canada Pension, all the years she spent at home looking after a child under the age of 7 would be excluded from the averaging. But Ontario, lone holdout of all the provinces, has resolutely refused to allow such a provision.

So Ontario has a malign influence on women all across Canada. It blocks a better pension deal for us all. And because of the Leatherdale ruling, provincial courts across the country will be influenced to discount the value of work done by women in the home, a value usually left up to judges to assess.

Exhibit Three: Ontario trumpets its indifference to the plight of traditional women who are left poor and pension-less in old age. "Older women are getting their fair share," shrugged Social Development Minister Margaret Birch when she was told that two-thirds of Ontario's women over the age of 75 live in extreme poverty. Later, she ventured the compassionate and well-informed opinion that unemployed business executives are worse off than the starving elderly women of Ontario.

This callousness, coupled with Ontario's rotten record in equal pay, day care and benefits to single mothers (among the lowest in the country), is what may finally tip the balance against the seemingly immovable Big Blue Machine.

In the recent United States congressional elections, women finally voted in their own interests and against conservative candidates.

Sooner or later, Ontario housewives too are going to put it all together and realize how the Tories discriminate against them. When that happens, Bill Davis better duck.

Appointed by the Department of Justice and
the Department of National Health and Welfare
Government of Canada

COMMITTEE ON SEXUAL OFFENCES AGAINST CHILDREN AND YOUTHS

Appointed in 1981 the Committee was asked to study sexual offences against children and youths. Based on its findings the Committee consisting of laypersons, judges, physicians and social workers was asked to recommend how Canadian children and youths could be better protected from these offences.

The Terms set for the Committee include study of:

1. the extent of these sexual abuses and offences;

2. how persons committing these offences could be better dealt with to reduce re-occurrence;

3. prostitution by children and youths;

4. the use of children and youths in the making of pornographic material; and

5. access by children and youths to pornographic material.

Since its appointment the Committee has been assembling information across Canada on these issues. We welcome letters and briefs from children and youths who have been sexually abused, as well as from adults and associations concerned with these problems. We also welcome recommendations on how better protection can be provided.

Letters or briefs should be sent to:

Robin F. Badgley, Chairman
S.O.A.C. COMMITTEE
P.O. Box 5067
Station "A"
Toronto, Ontario
M5W1N4

ONTARIO HOUSEWIVES CALLED LOSERS IN DIVORCE

Provincial law one of the worst in Canada experts say

By Frances Kelly and Leslie Scrivener, Toronto Star

If you're a housewife and your marriage is on the rocks, look out if you live in Ontario.

Some family law experts say the province has among the worst records in Canada for looking after the interests of stay-at-home wives when the marriage breaks up.

Ontario's Family Law Reform Act, once considered progressive, now drags behind those of other provinces including Manitoba, British Columbia, and Saskatchewan.

Encouragement not enough

In British Columbia for example, a Supreme Court judge gave a wife half the $120,000 her husband had used to start a company, declaring it was a family asset. She had raised children and run the home efficiently so her husband wasn't burdened with those duties. She had also encouraged him and ''pushed'' him in his career, the judge rules.

In Ontario, women have to fight for that kind of share and prove they contributed work or money to their husband's business. It's not enough to offer encouragement or raise the kids.

Ontario's act is ''flagrantly contradictory'', says Louise Dulude, a lawyer and executive member of the National Action Committee on the Status of Women, who ranks it among the worst in Canada along with those of Prince Edward Island and Newfoundland.

Dulude is not alone in being disappointed in a Supreme Court ruling Monday that didn't recognize a Scarborough woman's work in the home, but only her years of work in a bank, in awarding her one-quarter of her estranged husband's investments.

$10,000 share

Chief Justice Bora Laskin awarded Barbara Leatherdale a $10,000 share in her husband's nest egg -- Bell Canada stock and a registered retirement savings plan -- since she had worked nine years of their 19-year marriage. She had already been given $700 a month in support for herself and their teenaged son as well as half the family home.

It was the first test of Ontario's Family Law Reform Act at the Supreme Court level and firms up Ontario's position on the rights of housewives.

In Ottawa, for example, Rena Page got $10,000 of her husband's $50,000 business assets, plus half the family assets. She had worked for three years in his business -- he had been head of the Olympic coin program -- earning between $10,000 and $15,000 a year. But instead of investing the money in her own name or banking it, she used it to run the house and feed the family.

Says her lawyer, Leonard Levencrown: If a woman doesn't work outside the home, ''generally, she's out of luck.''

Audrey Coville-Reeves of Toronto would likely have fared better in one of the western provinces.

The Ontario Court of Appeal recently upheld a Supreme Court judge's ruling that her duties as an ''enthusiastic hostess'' at her husband's dinner parties for business associates did not contribute all that much to his success and wealth.

.../

Her husband, David, 46, came to Canada from South Africa in 1961 with $200 in his pocket. Today, he's a successful real-estate executive with an estimated worth of $5 million.

Mrs. Coville-Reeves had asked for a sizable chunk of her husband's millions on the grounds she had been his daily business confidante and a hostess at dinners that were an ''integral part'' of his career.

Substantial gap

But the judge gave her $350,000 on top of her share of the family assets, to compensate for the ''substantial gap'' between their net worths. She also receives $1,500 a month in support for herself and their two sons, 17 and 20.

Under Ontario law, wives are entitled to an equal share of family assets -- house, car, cottage, furniture, and anything that is enjoyed by the family. Judges will dip into business assets -- investments, and retirement plans, for example -- only if the family split is considered unfair.

It's the kind of legislation that has caused some lawyers to say Ontario family law is in the dark ages.

''Many of the other provinces have gone ahead. They've seen some of the problems of the Ontario act and overcome them,'' says Frederick Zemans, a specialist in family law at Osgoode Hall.

''(Leatherdale) would certainly have done better in Manitoba,'' says Winnipeg lawyer Jill Oliver. Manitoba's Matrimonial Property Act gives both husband and wife equal shares of all assets acquired after marriage, unless the division is unfair.

''If I were a wife with a husband with any kind of property or pension, I'd sure want to be in B.C.,'' says Victoria family lawyer Robert Klassen, who practised in Toronto for 13 years.

Ontario Attorney-General Roy McMurty says he has ''no quarrel'' with the Supreme Court decision. He says it's up to the courts to look at each individual case but despite the Leatherdale decision, he says the contribution of the woman who works in the home ''is of equal importance.''

Most complaints he gets about the law are from men who say the legislation favors wives, he says.

With almost 26,000 divorces in Ontario last year, Zemans and others say it's time the whole question of matrimonial property was reviewed.

Although he's not happy with the law either, H. Allan Leal, vice-chairman of Ontario's Law Reform Commission, says since it's relatively new, ''We'll have to live with that a little while to see how much injustice is being done.''

Manitoba law

Leal spearheaded improvements in family law reforms as head of the law reform commission and deputy attorney-general when the bill was passed. He had fought for equal sharing of business assets acquired during the marriage but the government was opposed.

(Much of that opposition came from Tory backbenchers, especially those from rural ridings, who were not prepared to see an automatic 50-50 split of farms, for example, Zemans says.)

Leal says a lot of criticism also came from career women who didn't want to share their business assets with their husbands.

''The idea is cover yourself. Don't wait for the law to decide,'' says Judy Erola, minister responsible for the status of women in Canada, said

.../

through ministry spokesman Peter Black. Drawing up a contract before marriage may be a ''wise recourse'' for the protection of the wife and the husband, he adds.

Although family law experts agree the act was a great step forward for women in 1978, most say it still has shortcomings.

° Judges are given too much discretionary power: ''Judgments have been going all over the map,'' says Toronto lawyer Terry Caskie.
° The act shouldn't distinguish between family and business assets.
° It doesn't give wives the right to share in the husband's pension.
° Widows don't have a direct claim to assets unless they are needy.
° The act is confusing and unclear. ''You just end up going around in circles,'' says Ontario Status of Women Council spokesman, Celia Kavanagh, adding that a couple can end up spending all the money fighting it out in court.

Quebec is considered to have the best family law because it's based on the premise of community property, in which both partners share equally in the assets when the marriage breaks down.

''Quebec is the most in keeping with what marriage is all about -- equality,'' says Alice Steinbart of the Manitoba Coalition on Family Law.

DESERTED WIFE HAS NO RIGHT TO FAMILY HOMES, JUDGE RULES

By Farrell Crook, Toronto Star

A deserted 30-year-old Etobicoke mother of three faces eviction because a court has exonerated three mortgage companies for lending $80,000 on the family home and cottage to her husband, without her knowledge.

He took the money and fled to Yugoslavia.

She was left to go on welfare, raising her children, now aged 8 to 11, and holding two properties mortgaged at high interest rates.

Spasija Stoimenov sued for her spousal rights, taking the companies to the Ontario Supreme Court to set aside the mortgages under a little used section of the Family Law Reform Act.

But Madam Justice Janet Boland ruled that because the properties were registered in the husband's name, the wife had no interest in the land when the mortgage loans were taken out by the husband, even though the properties were family assets under the Family Law Reform Act.

If the decision stands, the Family Law Reform Act will have to be amended if spouses are truly presumed to have equal property rights to family assets, the women's lawyer said yesterday.

The lawyer, Frank E. Bowman, says he's considering appealing the decision.

The ruling means that Mrs. Stoimenov, ''in all likelihood will end up with neither property. She's going to end up on the street,'' the lawyer said.

''The judgement renders ineffectual the legislation which says there's a presumption of a 50-50 split of family assets between spouses,'' Bowman said.

''The decision will set a precedent,'' Bowman said. ''The judge found that the wife had no interest in the matrimonial home. If that's the case, the legislation - the Family Law Reform Act - doesn't give spouses any protection at all in this situation.''

The woman's husband, Kiril, 40, an auto mechanic, had obtained the mortgage loans two years ago by swearing false affidavits that he was divorced and that the properties, registered in his name, were never matrimonial homes.

He had negotiated the mortgage loans during the one month that his wife and children had fled from their Joshua Ave. home in Rexdale and sought refuge in a women's hostel.

She won a court order for exclusive possession of the matrimonial home, and the husband was ordered from the house.

When she and the children returned, they found the house had been stripped of all their belongings, as was the cottage.

The judge held that the procedures followed by the three companies - Gossamer Investments Ltd., Sterling Trust Corp. and Greymac Mortgage Corp. - ''were routine and fairly consistent.''

She said the Credit Bureau of Greater Toronto had advised each of the companies that Kiril Stoimenov was married to a woman named Spasija.

Renewed Interest in Divorce Law Reform?

Last October 22, I represented NAWL at a consultation in Ottawa, called by the Justice Department, to discuss the possibility of divorce law reform. It appears that the new Minister of Justice Mark McGuigan is very interested in reopening this issue.

Participants at the day-long meeting included representatives from the National Action Committee on the Status of Women, the Vanier Institute of the Family, the Canadian Council on Social Development, the Canadian Association of Family Mediation, the Protestant Bishops, the United Church Working Unit on the Family, the Catholic Women's League, the Federated Women's Institute, and the National Council of Women. The government was also well represented with Roger Tassé, the Deputy Minister of Justice chairing the meeting.

The participants appeared unanimously to support the concept of "no fault" divorce. All agreed that marriage break down should be the sole requirement. There was also general agreement that greater emphasis should be placed on mediation and conciliation services, and the protection of women both in marriage and upon its breakdown.

The desirability of avoiding abuse of the judicial system was considered a central concern with regard to proof of marriage breakdown. It was suggested that conditions for obtaining a divorce decree should be made clear, precise and objective in order to prevent the manipulation that presently occurs in many courts. One proposal was that there be a 6 to 12 month obligatory waiting period from the time of filing a divorce petition, yet the law should also provide for the possibility of an application to dispense with this waiting period should the situation so require.

Parties could be required to attempt mediation with respect to corollary issues. It was roughly calculated that the cost of providing such services could well be offset by the resulting decrease in court time. Parties who refuse to cooperate in this mediation process could be faced with longer delays before obtaining a hearing after the mandatory waiting period.

It was also felt that the fundamental mechanism of the judicial system must be examined. In particular, an exhaustive reform package would have addressed the issues of unified family courts, judicial education, and the enforcement aspect of maintenance and custody orders.

.../

Supporters of restrictive abortion legislation argue that readily available abortion becomes a substitute for contraception. But studies carried out recently in the U.S. indicate the contrary: most women who have sought and received legal abortions request contraceptive advice and materials, and go on to use them responsibly.

Discussion ensued as to the possibility of the federal government exercising its long-suspended jurisdiction over matrimonial property. In particular the issue of division of pension benefits was discussed - this appeared to give the male civil servants in attendance some degree of anxiety!

The general feeling among participants was that the consultation meeting had been highly useful and the experience is likely to be repeated as Justice officials develop the reform package in the months to come.

The Manitoba caucus brief on divorce reform and the 1981 Halifax Conference resolutions were distributed to all participants.

NAWL hopes to obtain funds for a brain storming session and possibly a paper on divorce reform.

Stay tuned for further developments!

Many people believe that there would be no need for abortion if all couples used contraceptives except when they desired pregnancy. It is true that if reliable, the number of unwanted pregnancies could be significantly reduced. However, failures can occur with all current methods of contraception, and even responsible users of effective methods may occasionally find themselves faced with unwanted pregnancies.

Husband is allowed to sue his former wife for share of property

By DOROTHY LIPOVENKO

A Thorold, Ont. woman is appealing to the Supreme Court of Canada a lower court's decision allowing her ex-husband to claim a share of her property despite his written agreement never to sue her.

In a precedent-setting ruling, the Ontario Court of Appeal said James Miller can claim a share of his ex-wife Edna's property because a document he signed in 1975 releasing future claims against her was not a domestic contract under Ontario's 1978 Family Law Reform Act. Under the act, spouses can renounce their rights to family and non-family assets only through a domestic contract.

The case may throw into jeopardy numerous other marital settlements that were based on written agreements, Toronto lawyer Malcolm Kronby said of the decision.

Mr. Miller is seeking all or part of the shares of a telephone-equipment marketing company owned by his former 53-year-old wife. The shares were worth about $750,000 when the couple divorced after a 24-year marriage.

Eugene Trasewick, Mrs. Miller's lawyer, said in an interview that he will file leave to appeal in the Supreme Court of Canada on Jan. 25.

Mr. Miller founded the company and put it in his wife's name for tax purposes. Mrs. Miller took over control after their separation. She subsequently fired her husband from the company because, she said, his increasingly irrational conduct, aggravated by a drinking problem, was seriously affecting the business.

Mr. Miller sued for wrongful dismissal and received a $75,000 payment. As part of the settlement negotiated between them, he signed a document releasing any future claims or suits against his wife.

After Ontario's family law reform came into effect, Mr. Miller returned to court to claim a share of the company. He lost in the Ontario Supreme Court's trial division but won on appeal.

A panel of three judges unanimously agreed that only a domestic contract (defined in the FLRA as a marriage contract, separation or cohabitation agreement) allows a spouse to relinquish his or her rights to family and non-family assets The release document Mr. Miller had signed was not technically a domestic contract, so it does not bar him from claiming a share of his ex-wife's property, the court ruled.

In the judgment, Mr. Justice Gordon Blair wrote that Mr. Miller's "initial contribution of the shares and good management was followed by mismanagement which would have destroyed the company had he not been dismissed." The present prosperity of the company "is the product of the efforts of the wife and those associated with her in its management."

Yet, since the Legislature went to great pains to make sure family and non-family assets could be disposed of only through a domestic contract, it "could never have intended that these rights could be freely disposed of by other forms of agreement such as simple releases."

The judge ordered a new trial to determine the amount Mr. Miller should be compensated.

Mr. Trasewick said in a telephone interview that when the release was negotiated between the Millers, a standard business document was used because domestic contracts did not exist.

The Family Law Reform Act, while not mentioning commercial agreements between spouses, puts a "veil of domesticity over these documents," he said. "Why should transactions between spouses that have actual commercial dealings be subjected to the act?"

He said the retroactive application of a domestic contract to commercial transactions between spouses that pre-date the FLRA "gives unsatisfied spouses the opportunity to set that document aside."

24 THE GLOBE AND MAIL, SATURDAY, DECEMBER 18, 1982

Women protest marriage in letters to Indian press

MADRAS, India (Reuter) — Young women in southern India are advocating spinsterhood to avoid the traditional Indian marriage, which according to one expert is driving many young wives to suicide.

The protest against the traditional marriages, which are arranged by parents and often compel a bride to live with her in-laws, has been conducted through newspaper correspondence.

Early last month a woman forensic expert here told reporters that 80 per cent of suicides by women in Madras in 1981 were by young wives in the second or third year of marriage.

The anti-marriage campaigners are also protesting against the dowry system, which often causes conflicts between families of the bride and groom and has frequently been denounced by Indian governments and political parties.

"Why is it that marriage is considered an all-consuming necessity for women? . . . Is it possible to see an end to dowry unless and until women have the right (and) power to choose the kind of relationship and lives we wish to have?" wrote the woman who touched off the controversy by a letter to a local newspaper.

The writer, whose name was given as Asha of Tamil Nadu state, said: "With the growing strength of the women's movement in India, we are already opening up an entirely new picture ... For every unmarried woman who commits suicide there are 10 who are murdered.

"With more stories of domestic violence coming to public knowledge, we see a well-entrenched pattern of violence confronting the woman who refuses to play the role of the passive, docile and patient wife."

From neighboring Karnataka state, Shoba Kulkarni wrote: "It is preposterous to cling to the old-fashioned and outmoded institution of marriage merely because our ancestors established it."

M. S. Vijaya of Tamil Nadu asked: "If all women started thinking that marriage is not 'an all-consuming necessity for women,' what will be the state of all men? Pathetic indeed. Man cannot indefinitely live without a woman."

Another writer from Karnataka said women were not bound by the Hindu scriptures, since they were written by men with the intention of constantly keeping a woman chained to a man.

"Though spinsterhood is not the only solution to women's liberation," she wrote, "it is definitely a stepping stone."

The woman forensic expert, Dr. K. Janaki, professor of forensic medicine of Madras Medical College, and also a police surgeon, told reporters that until a few years ago most women in Madras who committed suicide were unmarried. They had ended their lives because of failure in love or for economic reasons.

But the trends changed, and the overwhelming majority of women suicides now were married.

She said that deaths from burns owing to the explosion of stoves sometimes looked suspiciously like homicide cases but no one was able to establish the real causes. The number of married women who died from burns has trebled since 1977, she said.

Dr. Janaki told Reuters in an interview that although many of the young women suicides had been earning their livelihood they seemed to have no economic freedom, and their lives were plagued by tension and worry because they were unable to meet the "exacting demands of their husbands and in-laws."

She believed that the demands on the newly married woman from the husband's family by way of dowry and other material benefits had gone up tremendously and the culprits were not so much the in-laws as the husband.

"The present generation of young men are more avaricious and greedy, and they expect their brides to bring material possessions beyond their capacity or reason. Marriage has today become a commercial proposition," she added.

Dr. Janaki said the problem was confined to the middle and lower-middle classes and was essentially an urban matter.

A senior police official said women's suicides were much less frequently heard of in rural areas.

The Indian Government has expressed concern and said it was considering an amendment to a law that prohibits the practice of dowry, but has not so far succeeded in stopping the system.

Toronto Star, Dec. 19/82

Father appeals custody ruling

VANCOUVER (UPC) — The father of a 2½-year-old girl is appealing a family court decision that gave custody of his daughter to her lesbian grandmother.

Richard Nicholson, 24, filed the appeal in county court on the grounds that a natural parent's right to custody should be paramount, his lawyer Neil Fleishman said yesterday.

"It has nothing to do with the grandmother's sexual preference," Fleishman said. "He wants his daughter back."

The grandmother — Sharon Storey, 38, of Quesnel, B.C. — has cared for the child, Brooke, for more than a year.

Homosexual given custody of grandchild

By MARINA STRAUSS

A British Columbia Family Court has granted custody of a 2½-year-old girl to her lesbian grandmother over the protests of the natural father and even though the judge said having homosexuals in the household "must hold some dangers" for the child's development.

The grandmother, who lives in Quesnel, B.C., and works with the provincial Ministry of Health, is living with another woman and has had temporary custody of the girl for the past 18 months. The father had visited regularly until the court battle started.

Judge Philip Collings ruled that for someone claiming custody, "a homosexual relationship is a minus factor . . . . Common sense dictates that a child be brought up with a view to the norm of our society — it is abnormal. If it were an accepted norm we wouldn't be arguing about it."

Lawyer Brenda Kaine, who represented the grandmother, said in an interview it is the first time custody has been awarded to a homosexual who is not one of the child's natural parents.

Judge Collings said in his written ruling: "For a girl to be brought up in a family where the parents (or care-givers) don't provide a model whereby she can learn about normal herterosexual relationships must have some effects and must hold some dangers for her development, although the evidence hasn't mapped out for me the nature or extent of the dangers."

The judge also referred to evidence from a Family Court counsellor indicating that the sexual preference of a custodial parent does not dictate the sexual identity of the child.

Earlier in his decision, Judge Collings said: "If all considerations to the child's interests were equal, (the child) should go to (the father)."

The father, 24, although an "easy-going, likeable man," is disorganized and not properly settled down to take on full responsibility for the child, Judge Collings said.

The father only recently started living with another woman, who is the breadwinner as a diesel mechanic "which would cramp her style as a mother," the judge said.

The father, whose employment record "is not inspiring . . . needs an on-the-spot, in-house mother figure and I don't see one. And that, I'm afraid, is the bottom line," Judge Collings said.

The 21-year-old natural mother supported her mother's application for custody of the girl. The natural mother, separated from the father in April, 1981, "took up with some biker, had a short career as a stripper" and is living in Calgary with another man, the ruling says.

In July, 1981, the mother and father signed a separation agreement giving custody to the mother. They gave temporary custody to the grandmother in the same month.

The grandmother, 38, had two bad marriages and was apparently sexually molested in the second one, the ruling says. About 10 years ago, the grandmother moved to the West Coast and left her two children, the natural mother and a boy, in the care of relatives in Saskatchewan.

The grandmother "has piled up enough personal tragedies and debacles of one sort or another . . . to last for three lifetimes," Judge Collings said.

The judge added that it was "a remarkable feat of determination" for the grandmother to return to school and obtain a Bachelor of Arts degree in Psychology at Simon Fraser University this year.

Mother cannot give son surname

OTTAWA (CP) — Cynthia Callard cannot give her son James her maiden name, the Supreme Court of Ontario ruled yesterday.

Miss Callard, who now lives in Edmonton, has been trying for three years to get the Ontario registrar of vital statistics to register her son as James Callard.

James was born in 1979, two years after she was separated from her husband. Another man was the father. She has been told that James can only be given his father's surname, her husband's surname, or a combination of one of those and her surname.

She says she has provided for James without any aid either from her husband or the child's father.

After hearing her lawyer's arguments, Justice J. H. Osler ruled that the language of the Vital Statistics Act does not allow the child to be given his mother's surname. He said it wasn't up to the court to decide "whether the act accurately reflects current social mores." Justices Lawrence Pennell and J. E. Eberle also sat on the case.

Judges restricted by language in act

SEPARATED COUPLE BOTH ''LOSERS'' AFTER COURT BATTLE

By Francis Kelly, Toronto Star

A few years ago, Barbara and Douglas Leatherdale had the world by the tail. They owned a home, had money in the bank and earned enough to take regular vacations.

''We were laughing'', says Douglas Leatherdale, a 51-year-old Bell Canada supervisor.

Today, they're licking their wounds after a costly 4 1/2-year separation battle that went all the way to the Supreme Court of Canada and spurred the Ontario government to take a second look at its Family Law Reform Act.

''I feel like I've been had by the system - and I'm sure my wife feels she's been had,'' says Leatherdale, who believes they both ended up losers.

He's strapped with a bigger mortgage than he's ever faced in his life, his savings have been drained by legal costs and he's been left embittered by a justice system he says is ''hoodwinking'' the public.

Barbara Leatherdale is living in a two-bedroom apartment in Scarborough with their 17-year-old son, Gordon, and is trying to ''just get on with life''.

''I'm physically and emotionally worn out from the whole thing,''she says. ''This could have been nicely cleaned up four years ago, without lawyers. I'm just glad it's all over with.''

Partial Victory

Family law experts hailed the Supreme Court decision handed down earlier this month as a partial victory for women. It awarded Barbara Leatherdale one quarter of her husband's personal investments - a nestegg of more than $40,000 in Bell Canada stock and a retirement savings plan - ruling that the nine years she worked during their 19 years together made a substantial contribution to his ability to make investments. But it failed to recognize her contribution as a homemaker.

Barbara Leatherdale, a 47-year-old bank clerk, considers the case to be a victory for the law society, but not necessarily for herself. ''I strictly feel things should be 50-50.''

Under Ontario law, wives are entitled to an equal share of family assets - house, car, cottage, furniture and anything that is enjoyed by the family. Judges will dip into business assets only if the family split is considered unfair.

Some family law experts say Ontario's record is among the worst in Canada for looking after the interest of women in a divorce or separation. They agree the law is ambiguous and gives too much discretionary power to judges so that couples end up spending far too much time and money in court.

In announcing a review of the act, Attorney-General Roy McMurtry said it is cases like the Leatherdales' that make it appear that Ontario's legislation isn't working.

And they would be the first to agree.

Douglas Leatherdale says the four-year-old act has opened up a Pandora's box of problems for couples whose marriages are on the rocks - with nobody but the lawyers winning. ''Every time you go back to court, the legal profession has its hands in your pocket again,'' he says.

Leatherdale says that because their case was the first test of the Family Law Reform Act at the Supreme Court level, they were used as ''guinea pigs'' and should be compensated by having their legal costs covered.

Hefty Expenses

''But I can't get a cent of reimbursement,'' he says, adding that his legal expenses alone total more than $13,000. On top of that, he has been ordered to pay half of his wife's legal bills, which haven't yet been tabulated.

''Why did they use this case (to test the law)?'' Barbara Leatherdale asks. ''Why didn't they use people who could well afford it?''

The Leatherdales' case has been batted back and forth in the courts since 1978, when they first separated.

In the initial hearing, the trial judge awarded Barbara Leatherdale half the family assets and half of her husband's investments. He appealed.

In a reversal of the ruling in the fall of 1980, the Ontario Court of Appeal decided she was not entitled to share in the investments. She appealed and the case then went to the Supreme Court.

''We were basically fighting over a difference in assets,'' says Douglas Leatherdale. ''We spent far more than that on legal expenses. If that's justice, then I'll eat my hat.''

But Barbara Leatherdale says she would have been happy to settle out of court years ago.

''In the Leatherdale case, that's the way it had to be solved,'' she adds, shrugging. ''You can't cry over spilled milk.''

She says the most humane way to handle separation cases would be to have a panel of unbiased people look at the situation. ''I don't even think they should have lawyers involved.''

If he could do it all over again, Douglas Leatherdale says, he would stay out of court - and warn other couples to avoid the legal system.

Not only will it cost you ''an arm and a leg'', he says, but in most cases, as soon as lawyers are involved, it's ''head butting. There's no longer room for arbitration and negotiation''.

Leatherdale says he would like to tell McMurtry what he thinks of the law.

Obligation Eroded

''It has totally eroded that contractual obligation that people accept when they get married,'' he says. ''What it has provided is a money-back guarantee for breach of contract. If the marriage does not work, you can get out of it. I think that's wrong.

''I think it's undermining the sanctity of marriage. They've tried to make breaking up more humane. All they've done is made it much more complex.''

He sees no hope for reconciliation with his wife: ''We're so far apart now that our relationship couldn't be anything but sword-fighting. That's a shame, when people end up that way.''

Do anti-abortion laws prevent abortion?

The international record shows that legal prohibition of abortion does not prevent its practice. In fact, over the past several years, the highest abortion rates in the world appear to have been in Uruguay, Portugal and Italy, where most abortions were strictly forbidden by law.

Women step up anti-porn action

Reprinted with permission of Vancouver Status of Women from Kinesis, Nov. 19/82.

by Pat Flendel

For several months now women's groups in B.C. have been demanding local Crown Counsels and Attorney-General Allan Williams take legal action against *Red Hot Video* and its imitators. The company has opened 12 outlets in the Lower Mainland, and another in Victoria, all of which distribute pornographic videotapes.

Women are protesting the blatant violence directed toward women in *Red Hot Video's* materials, many of which include beatings (women tied up or hung upside down, beaten and sexually abused), rapes, gang rapes, and coercive sex with juveniles. These materials are defined by feminist protesters as 'hate propaganda' directed exclusively at one group -- women. There is no doubt, the Concerned Citizens of the North Shore say, that the content of several of the tapes currently available from *Red Hot Video* violate both the *Criminal Code* of Canada (see October's Kinesis, p. 18) and the B.C. Guidelines on pornography.

Both the North Shore Women's Centre and Port Coquitlam Women's Centre have brought specific tapes to the attention of Crown Counsel in their regions.

So far, no charges have been laid, although Crown Counsels say at least some of the tapes are clearly violating obscenity laws. *Red Hot Video* has been politely asked to remove the offending tapes from its shelves, or tapes targetted by women's groups have mysteriously disappeared from shelves just as their content is made public. (*Red Hot Video's* lawyer, Mark Door, admits that between 25 and 30 tapes have been taken from the shelves.) However, when one tape ordered off the shelves (*Never a Tender Moment*), was found to be available several weeks later, Vancouver Regional Crown Counsel Sean Madigan's response was "they might have forgotten to remove it" (at best, a questionable legal defense).

Women are not satisfied with quietly removing tapes, one by one, from the shelves. North Shore women insist on a prosecution by the Crown to prevent the proliferation of outlets like *Red Hot Video*.

After months of writing letters and telegrams to Allan Williams, Crown Counsels, mayors, Customs officials, MLA's, MP's and government representatives of the Status of Women, they have refused to give up. Recent protests target the *Red Hot Video "Special Handbook"*, a glossy colour illustrated pamphlet which lists tapes by subject category, including "rape and gangbang", "incest", "young girls", and "first sex experience". There are no titles, just film numbers and general descriptive comments about each category. A separate cross-reference catalogue lists numbers with their titles. The *Handbook* also includes colour photographs, among them a full-page "glossy" showing a woman lying on a mattress in a shed, being held down by one man while another rapes her and a third watches with a beer bottle in his hand. The woman is displaying obvious pain and unwillingness. The caption reads "Kelly Nichols gets gangbanged in 'Roommates'".

Vancouver Crown Counsel Sean Madigan calls the catalogue a "sort of Playboy thing" and is not "overly alarmed" by it. His reasons for refusing to prosecute have included such legally weighty arguments as: the courts are too busy, prosecution does not "solve" the pornography "business", and it is just too difficult to get a conviction. After viewing five tapes, North Vancouver Crown Counsel's office admitted two tapes clearly violate B.C. Guidelines, but dismissed the others. One was dismissed for "poor quality" acting, another because of a "not particularly believable" story. Both tapes included rape scenes.

In a letter dated September 1 1982, to a North Shore resident, Allan Williams said, "Material depicting explicit sex with violence, including the beating and rape of women, in my view does contravene community standards, and therefore the Guidelines, and may be the subject of prosecution. As far back as June 22/82, Williams stated in the Legislature that he saw no reason why prosecution would not be possible, and on October 5, he publicly stated that obscenity laws would be upheld in B.C. After the *Handbook* was brought to his attention recently, he said the criminal justice division "is examining this entire area and is considering what action may be taken". To date, no charge has been laid against *Red Hot Video* for any tape on its shelves or for the *Handbook* catalogue.

Copies of the catalogue purchased recently, however, have been noticeably altered with a black felt pen: under the subject category "anal sex, bondage and discipline", the subcategory "sadism and masochism" has been crossed out; under "first sex experience" the comment "includes both willing and unwilling virgins" has been crossed out; under "young girls" the comment "most films try to have youthful looking girls. These are thematic films about pubescent females" has been crossed out; and the entire category "rape and gangbangs" with the comment "rape and gangbangs are pretty much standard fare in bondage films" have been crossed out. This is not to say that any of the films under each category (the numbers are still readable), have been withdrawn from circulation.

During the last week of October, Rape Relief lodged a complaint against the *Red Hot Video* catalogue with their local police department. (Groups and individuals are encouraged to do the same.) Port Coquitlam women have picketted *Red Hot Video* and written letters pushing for prosecution in their region. A Victoria Anti-Pornography Action Group staged an event where they destroyed copies of the film, *Snuff*, in front of television cameras. North Shore Concerned Citizens continue to vocalize their concerns to Allan Williams and the press. During a recent showing of *Pretty Baby* at the Vancouver East Cinema, a group of women picketted and gave out information leaflets criticizing the film for its sexual exploitation of a 12-year-old girl and its implicit support of child sexual abuse.

Meanwhile, new anti-pornography groups are emerging: *People Against Pornography* is circulating a petition in Vancouver; an *Anti-Pornography Action Group* has started up in the Little Mountain neighbourhood; and *Media Watch*, from the National Action Committee on the Status of Women, is holding a meeting in November to discuss possible action. (For more information on these groups call Vancouver Status of Women.)

Kinesis readers who want to see an end to the distribution of hate propaganda against women should write to Allan Williams in Victoria, your MLA and MP, the daily papers, and, if possible, start an action group in your own area. The more voices that speak out, the sooner the situation will change.

For further information:

Take Back the Night - Women on Pornography, ed. Laura Lederer. Two paperback editions available: Bantam ($4.50) and Morrow Quill Paperbacks ($11.25), 1980.

An excellent anthology including feminist analysis, research and action strategies.

Crackdown on video porn likely after B.C. bombings

By David Wright
Special to The Star

VANCOUVER — The sale or rental of hard-core pornographic videotapes in B.C., is likely to be curtailed — or banned outright — after the recent firebombing of three video shops here.

A group calling itself the Wimmin's Fire Brigade — a spelling used by radical feminists to remove any reference to men — claimed responsibility for the nighttime attacks on Red Hot Video, a pornographic supply company.

A Red Hot Video store in suburban Surrey was destroyed, along with three neighboring businesses, and one in North Vancouver suffered minor damage in last Sunday's attacks.

Incendiary devices were found in a third store at Port Coquitlam and removed by police.

Police know nothing about the fire brigade, or whether it's responsible for other bombings.

Anonymous threats of violent action against Red Hot Video early last month prompted the provincial government to promise legislation to control the video-smut trade.

B.C. Attorney-General Allan Williams talked then of amending t. . provincial Motion Picture Act to impose the same standards on videotapes and pay-TV as are applied to films seen in movie theatres.

Those standards, while generally liberal, prohibit the display of sexual violence involving explicit rape, bestiality or the abuse of children.

A Vancouver Sun reporter later rented — from Red Hot Video — a videotape titled Water Power, which he described as "a 90-minute Technicolor . . . orgy of violent and coercive sex.

"In each scene, the woman cries out in pain and begs to be spared, but is forced to admit she either enjoys or deserves such treatment. At the peak of her pain and humiliation, the assailant masturbates."

Red Hot Video spokesman Ted Emery replied that Water Power had been withdrawn "because it's not good for the company image."

Reaction mixed

The firebombings began a few weeks later. Reaction to the violence was mixed.

The Sun switched from editorial outrage against porno-violence to outrage against arsonists.

The B.C. Federation of Women reacted differently. While disclaiming any connection with the "desperate acts" of the bombers, it added: "We are in agreement with the frustration and anger of the women. . ."

Denouncing Red Hot's "hate literature about women and children," it vowed to close down — by unspecified means — every B.C. video-smut outlet by the end of the year. "Pornography is the theory — rape is the practice."

Link to crime worries MacGuigan

New porn laws planned

By JAMES RUSK
Special to The Globe and Mail

OTTAWA — The Government will probably make another try next year to get the House of Commons to pass legislation outlawing child pornography, Justice Minister Mark MacGuigan said yesterday.

He told the Commons he hopes the legislation will be ready early in the New Year, although it is unlikely it will be written for the Speech from the Throne starting the next session in Parliament, now expected in early February.

Earlier this year, Ottawa withdrew a Criminal Code amendment that would have made it a crime punishable by 10 years in prison to publish sexually explict photos of anyone under 18 or apparently under 18. .

The amendment was withdrawn after it became clear that the Commons justice committee would not clear the bill, as members felt the legal language in the proposed amendment was too vague.

Mr. MacGuigan told David Kilgour (PC, Edmonton Strathcona), who had told the House that the latest research shows a link between pornography and crimes against women and children, that he shares Mr. Kilgour's concern about pornography.

"I think scientific studies that have been made so far are absolutely clear about what the social consequences are," Mr. MacGuigan said. "I think we have to assume as a working hypothesis that there are consequences and they are serious ones. And we regard that as one of the bases of the present law."

Outside the House, he said he was speaking in the context of child pornography and that whatever legislation is drafted will "certainly have some relationship, probably a close relationship I suppose, to that provision (the withdrawn amendment)."

When he was asked about other studies that suggest pornography does not cause anti-social behavior, he agreed that studies of the effects of pornography point in both the direction that it causes anti-social behavior and that it does not.

"Certainly it is clear we are affected by what we see and experience as art. Of course, the question is whether we are affected in our conduct or only internally.

"And there is considerable evidence to show that we are affected in our conduct. I think as a working hypothesis that's the only safe basis on which to work."

Coalition frustrated by lack of Government action

B.C. women take porn protest to Ombudsman

VANCOUVER (CP) — A coalition of 45 women's groups made a formal complaint yesterday to the B.C. Ombudsman over the failure of the Attorney-General's Ministry to take action against pornography depicting violence towards women.

The women's groups have been campaigning since April against Red Hot Video and other outlets charging that they rent and sell videotapes that violate obscenity provisions of the Criminal Code prohibiting depictions of sex combined with violence.

Jancis Andrews of the North Shore Women's Centre, speaking for the coalition, said the women's groups are becoming increasingly frustrated after having sent numerous petitions and complaints to the Attorney-General's Ministry and to local Crown counsels and having been repeatedly stymied in attempting to lay charges on their own.

She said dozens of tapes had been singled out by the women's groups — several had been delivered by hand to police and prosecutors — with no results.

"Our 20-page brief to the Ombudsman outlines the many attempts made by women's groups since April to pressure the Attorney-General to fulfil his mandate of protecting women and children from hate propaganda spread by Red Hot Video," she said.

Ombudsman officials were unavailable for comment yesterday.

Attorney-General Allan Williams promised last summer to bring in a video classification system — similar to the system for movies — to control violent porn, but no action has yet been taken.

Barry Sullivan, New Westminster Crown counsel in charge of the Red Hot Video investigation, has said he is reluctant to lay charges against one store because other stores selling the same kind of material would be unaffected.

Three Red Hot Video stores in th Vancouver area were firebombe in November by a clandestin group called the Wimmin's Fir Brigade, which said it was takin action because of the failure Government officials to tackle th problem.

Police raid B.C. stores, seize tapes

VANCOUVER (CP) — Police raided several videotape outlets in British Columbia yesterday, making seizures in an investigation into allegations of obscenity.

Crown prosecutor Barry Sullivan, who is co-ordinating the investigation, said tapes were seized at four stores in Vancouver, as well as outlets in Burnaby, Richmond, Surrey, Kamloops, Quesnel, Nanaimo, Prince Rupert, Chilliwack, Trail and Kelowna.

Mr. Sullivan said the investigation has been proceeding for several weeks, and insisted that the raids were not prompted by a complaint by women's groups to the provincial Ombudsman.

He said the timing of the co-ordinated raids was "based solely on the state of knowledge that the police forces had." They were conducted on the basis of complaints from citizens and previous police viewing of some of the tapes, he said.

He added that charges are pending.

Last week, a coalition of 45 groups launched a formal complaint to Ombudsman Karl Friedmann, citing the Attorney-General Ministry's refusal to press charges against video shops that are, according to the citizens, selling pornographic material.

Mr. Sullivan said he has not yet heard from the Ombudsman about the complaint.

The raids involved both Red Hot Video stores — which have been the most prominent targets of anti-pornography protesters — and other video outlets.

THE NORTH SHORE WOMEN ARE DEEPLY INVOLVED IN A CAMPAIGN AGAINST RED HOT VIDEO STORES. They would like to contact groups in cities with such stores with the suggestion that groups check availability of certain offensive titles. If enough complaints are laid with local RCMP, we might get some action.

PLEASE CONTACT THE NORTH SHORE WOMEN'S CENTRE, Delbrook Community Centre, North Building, 600 West Queen's Road, North Vancouver, B.C. V7N 2L2 or telephone (604) 987-4822.

Porn' video shop decides to shut doors after fire bomb scare

PORT COQUITLAM, B.C. — One of 12 Red Hot Video stores that escaped damage in a series of firebomb attacks has closed for good.

The remaining Red Hot Video outlets all have private, 24-hour security. But store owner Brian Trent says the Port Coquitlam outlet was too close to adjoining stores, which could be damaged in another attack.

Red Hot Video franchises sell and rent pornographic tapes depicting violence toward women, anti-pornography groups charge.

Three stores were attacked with firebombs Nov. 22 by a feminist group calling itself the Wimmin's Fire Brigade. A firebomb at the Port Coquitlam store was a dud, but the Surrey outlet was destroyed and the North Vancouver store was damaged.

The Port Coquitlam outlet had attracted 1,500 customers since opening three months ago, Trent said. "We are doing really good. I didn't want to pack it."

After February 14 I would prefer to be addressed as Robert Mustang. My car and I want to have the same last name.

CALL FOR NOMINATIONS

1983 PERSONS AWARDS

Status of Women Canada invites nominations for the Governor General's Persons Awards which are awarded every year in commemoration of the Persons Case. Each winner receives from the Governor General an engraved medal in a ceremony at Government House.

The Award recognizes outstanding contributions made towards improving the status of women in Canada and was begun in 1979 to celebrate the 50th Anniversary of the Persons Case. On October 18, 1929, women in Canada and the British Empire won the legal right to be recognized as persons thus giving Canadian women the right to become senators. This victory was won through the efforts of the ''famous five'' Alberta women, Emily Murphy, Louise McKinney, Nellie McClung, Dr. Irene Parlby and Henrietta Muir Edwards who signed the petition requesting an amendment to the British North America Act to grant women ''persons'' status.

The Aware is to honour women who have worked to improve the status of women in Canada all of their lives, but who have not necessarily been recognized for those accomplishments.

Nominations for the 1983 Awards should be sent before June 1, 1983 on a special form along with detailed biographical information. Nominations, once received, are kept on file for possible selection in future years. Nomination forms and further information can be obtained from:

Persons Awards
Status of Women Canada
151 Sparks Street, Room 1005
Ottawa, Ontario
K1A 1C3
Tel: (613) 995-7835

Furthermore, you may wish to suggest a name to the Steering Committee for official nomination by NAWL.

The following are winners to date:

1982 Nancy Adams - Saskatoon, Saskatchewan
Sarah Binns - Toronto, Ontario
Hilda Hellaby - Whitehorse, Yukon
Liliane Labelle - Montreal, Quebec
Edith McLeod - Thunder Bay, Ontario

There are several serious shortcomings in the law as it stands:

- *No hospital, even if it has a Therapeutic Abortion Committee, is required to grant and perform any abortions.*

1981 Barbara Cadbury - Oakville, Ontario
Agnes Davidson - Regina, Saskatchewan
Muriel Duckworth - Halifax, Nova Scotia
Florence Fernet Martel - Montreal, Quebec
Cornelia Wood - Stoney Plain, Alberta

1980 Germaine Bellemare-Goudreault - Nicolet, Quebec
Ella Manuel - Bonne Bay, Newfoundland
The late Elizabeth Monk - Montreal, Quebec
Agnes Semmler - Inuvik, Northwest Territories
Sophie Steadman - Ottawa, Ontario

1979 The late Dr. Elizabeth Bagshaw - Hamilton, Ontario
The late Thérèse Casgrain - Montreal, Quebec
Sophia Dixon - Saskatoon, Saskatchewan
Mary Two-Axe Early - Montreal, Quebec
Grace MacInnis - Vancouver, British Columbia
Marion Royce - Toronto, Ontario
Eileen Tallman-Sufrin - White Rock, British Columbia

- *No woman applying for an abortion is allowed to appear before the Therapeutic Abortion Committee.*

- *No right of appeal is allowed where a woman's application for abortion is denied.*

Freedom of choice
Liberté de choix

November 1982

Dear Friend of CARAL,

I want to share some wonderful news with you! A recent Gallup poll gave independent and authoritative confirmation to what we've long believed: public support for CARAL's freedom-of-choice position on abortion is overwhelming. Almost three quarters of those polled agreed with the following statement:

> " A decision on whether or not to perform an abortion should rest with the consenting patient and should be performed by a licensed physician in conformance with good medical practice. "

But this will give cold comfort to Canadian women seeking a safe, legal, abortion. Despite greater public support than ever for a woman's right to choose, the situation they face is in no way improved. Indeed, it has grown worse.

The poll showed 72% of those sampled agreed it should be a woman's right to decide on an abortion. That's up from 57% three years ago. Yet during this time pressure from anti-choice groups has actually reduced the number of hospitals that perform abortions.

In every region of the country a clear majority of both men and women in all age groups support freedom of choice. But in many regions -- most of the Maritimes, much of the Prairies -- abortions cannot be obtained.

82% of those surveyed said that even if abortions were prohibited, women would get them anyway. So all but 18% recognize what's been proven again and again: prohibiting abortions won't prevent them. It only increases the risk. Nonetheless, anti-abortions groups press vigorously ahead to outlaw abortion for any reason. For instance, in Saskatchewan the Borowski case is still pending.

We must give the findings of the Gallup poll the widest publicity possible. Once we show our supporters how vast their numbers are, many more will be encouraged to speak out. When we tell doctors and hospital administrators just how small the anti-choice group actually is, far more of them may find the courage to resist intimidation.

The results of the Gallup poll show we'll surely prevail in the end if only we keep up the effort. This effort will cost us dearly in energy and money and time. Yet unless we pay this price we still may lose access to abortion for any reason - even incest and rape.

Unlike anti-choice groups who have the support of wealthy religious organizations, CARAL must depend entirely on individual supporters like you and me. Just conducting the Gallup poll cost $1400.

We must tell Canada the truth about public opinion on abortion.

We can do this by advertising in the media. By preparing information kits for hospital administrators. By lobbying politicians at all levels. And by ways you might suggest.

To publicize the Gallup poll in these and other ways will cost many thousands of dollars - much more than we have in our treasury, much more than we've ever asked our members to contribute before. Yet ask we must.

So please contribute to our public awareness fund today. And while you're doing it give me your ideas as to how we can get the message across.

Yours sincerely,

Norma Scarborough

Norma Scarborough
President

CANADIAN MEDICAL ASSOCIATION TO SURVEY DOCTORS ON ABORTION

A survey involving questionnaires to all obstetricians and gynecologists as well as a sampling of 20% of the organization's family doctors will ask physicians opinions on abortion, abortion legislation, experience with patients' requests for abortions and experience with Therapeutic Abortion Committees. A policy resolution based on the results of this questionnaire will go before the annual meeting in 1983.

Moncton MDs decide to resume abortions after 6-month pause

MONCTON, N.B. (CP) — Doctors have decided to resume abortions at Moncton Hospital, ending a six-month moratorium that had been held to air both sides of a heated debate.

The decision was announced at a news conference yesterday by Dr. Robert Caddick, spokesman for gynecologists at the institution, where about two-thirds of all abortions in New Brunswick are carried out.

The doctors had suspended the practice because of pressure from anti-abortionists, whose campaign peaked just a week ago with the publication of an 18-page newspaper supplement listing names under a heading proclaiming respect for life from conception to natural death.

Dr. Caddick said the suspension was being lifted with the strong support of the hospital medical staff and the Society of Obstetricians and Gynecologists of Canada, which says abortions should be uniformly available across the country.

"By not doing abortions we are not stopping unwanted pregnancies and we're not stopping women who desire abortions," he said. "We are merely driving them underground."

The announcement brought a swift and angry response from the New Brunswick Right to Life Association and an assertion that the fight will continue. Peter Ryan, executive director of the association, said the doctors had asked people to express themselves on the issue, and they had done so forcefully with the supplement, which he said contained 33,000 names.

"This decision today just flies in the face of that," he said, "and it will shock and anger many people that a few doctors are so determined to impose their own personal views on society and upon these babies."

The supplement, organized by the association through church and community groups, was published in all five New Brunswick daily papers and three weeklies.

When Dr. Caddick announced the moratorium he said that while pressure from anti-abortionists had been unrelenting, those on the other side of the issue — which he predicted were a majority — had been mostly silent.

He said anti-abortionists had been portraying the Moncton gynecologists as murderers and their hospital as an abattoir. The suspension intensified lobbying on both sides and Dr. Caddick said he was finally hearing from those who believe women should be able to decide whether to have an abortion.

A committee for the retention of abortion services at the hospital was formed, and the New Brunswick Advisory Council on the Status of Women came out firmly on its side.

"Abortions have been going on for centuries," Dr. Caddick told the news conference. "What we hope to do here is just to provide a good clean environment with understanding on the subject.

"There was almost unanimous endorsement of the things we have been doing in the past as regards to abortion services by the medical staff of the hospital. There was almost a 98 per cent recommendation that we carry on with it again in the future."

Statistics Canada reported that 467 abortions were performed in New Brunswick in 1980, about 12 for every 100 live births. The national average was 17.

Reasons for Freedom of Choice

1. The assertion that abortion is murder stems from a particular religious dogma. There is no consensus among scientists, theologians, and lay people as to when personhood can be said to begin.

2. In a democratic secular society, it is unthinkable that the religious beliefs of some be imposed by law on all.

3. A large majority of Canadians support the right to legal abortion. Even if this were not the case, a majority should not have the power to force any woman into motherhood against her will.

4. In a humane and caring society, every child should be a wanted child.

5. In general, those who support strict abortion laws have also opposed the right of men and women to contraception.

6. At present there is no contraceptive that is a hundred percent safe and a hundred percent effective. As well, human beings are not infallible. Safe, legal abortion is essential as a backup for contraceptive failure and human error.

7. Early abortion by a qualified practitioner is a safe medical procedure, at least eight times safer than childbirth.

8. Harsh and repressive laws have never stopped abortions. They merely force women to seek illegal and often dangerous abortions.

9. The population policies of a nation should not be accorded a higher priority than the right of a woman to govern her life and her fertility.

Prince Albert

An anti-abortion group in Prince Albert has been successful in convincing the Board of Trustees of Victoria Union Hospital there that since they do not have an obstetrical unit they may be in violation of section 251 of the Code. The Board disbanded the Therapeutic Abortion Committee on August 1. Obstetrical services are in the Catholic Hospital Holy Family.

Of the so-called social issues, abortion has been the most used to defeat candidates opposed by the right wing for a wide variety of reasons, or to frighten pro-choice politicians out of using that position as the majority appeal it factually is.

TORONTO STAR, NOV. 19, 1982

1,000 at rally demand easing of abortion laws

By Peter Goodspeed
Toronto Star

More than 1,000 Metro men and women declared war on Canada's abortion laws last night and vowed to open a clinic offering abortions on demand in Metro within weeks.

They paid $2 each to crowd into the auditorium and hallways of the Ontario Institute for Studies in Education on Bloor St. W. to kick off a pro-abortion rally calling for a complete overhaul of abortion procedures in Ontario.

Chanting, "Every child — a wanted child — every mother — a willing mother," the crowd enthusiastically cheered speakers who declared existing abortion laws antiquated, unfair and a threat to the health and freedom of women.

"We are going to change the law," insisted rally organizer Judy Rebick to wild cheers. "The whole women's community has come together to fight for free-standing abortion clinics in Ontario. Your being here is important. It shows the government we mean business."


Morgentaler

The group organizing last night's rally (the Ontario Coalition For Abortion Clinics) is demanding Canada's laws be changed to allow abortion on demand in private, government-funded clinics.

At present, a woman can get an abortion in Ontario only in a hospital after obtaining the approval of a hospital doctors' committee.

Legal criteria

Danger to the physical and/or mental health of a prospective mother are deemed the only legal criteria for allowing an abortion.

"That just isn't good enough," Rebick said. "Abortion should be a matter of choice. It should be a decision a woman reaches in private with her doctor."

Guest speaker Dr. Henry Morgentaler said groups opposing abortion on demand "are fanatics acting out of vengeance."

"They have no concern for children," he said. "They would like to see women butchered at kitchen tables. It doesn't make sense that they should oppose the provision of medical services for people who need them and want them."

Morgentaler, who runs a private abortion clinic in Montreal and admits to performing more than 5,000 abortions, said existing abortion practices in Ontario threaten the lives of thousands of women.

Forced to wait

They are forced to wait three or four weeks to have one, he said, adding that delays can be so long an abortion becomes dangerous.

Earlier this month, Morgentaler announced plans to open a private abortion clinic in Metro to challenge the law.

The clinic was scheduled to have opened Nov. 2 and Toronto doctor Leslie Frank Smoling was prepared to operate it, Morgentaler said.

A building had been rented, staff hired and equipment delivered, but the building's owners, frightened by the legal implications of the clinic, backed out of the lease.

SURROGATE MOM AND APPLE PIE

by Lisa Freedman and Susan Ursel, members of TACWL

Reprinted with permission from Broadside: A Feminist Review, November 1982, Vol. 4, no. 2.

In any discussion of surrogate motherhood, one thing should be clear; when we talk about surrogate motherhood we are not talking about the ethics of artificial insemination, cloning, sperm banks, super races, genetic manipulation, or any of the other interesting and distracting issues that the press has been drumming up in the recent debates over surrogate motherhood.

We are talking about an agreement between a man and a woman, usually in contract form, saying that the woman will conceive and bear a child for that man, and will forego any claims of parenthood she may have to the child in return for some form of remuneration. Surrogate motherhood is quite often brought about by using artificial insemination, but A.I. is hardly a necessary component of the process. In the bad old days, concubines performed the same service in return for room, board and a kind word from their master. In these more enlightened times, the women are paid.

In fact, paying the woman is what brought this whole issue to the forefront. Concubinage and illegal trade in babies has been known for centuries. But it was only recently that people began to hire lawyers and write contracts formalizing the whole procedure. This tacit recognition of the practice attracted all kinds of entrepreneurs, lawyers and willing ''mothers''. Unfortunately, what in some jurisdictions in the United States is a grey area of the law, is expressly forbidden in Ontario. Payment to mothers placing their children up for adoption is not allowed, except to cover the legal costs of adoption. And surrogate mothers are considered to have placed their child up for adoption when the childless couple claims the baby. Anxious couples, unable to have children of their own, found a way around this problem by simply making their deal in another jurisdiction. None of this would have mattered at all in Ontario (since the authorities were quite happy to turn a blind eye) except that in one case Mother X, in her rush to return home to Florida, left the now famous Scarborough couple's baby unclaimed in the hospital. Catholic Children's Aid stepped in, as this child was legally ''deserted,'' and the whole case ended up in court. Of course we all know that the child was not abandoned at all; the Scarborough couple was more than willing to claim the child. This technical fiction however has finally forced the legal system and the government to deal with reality -- the contracting out of baby making.

Surrogate motherhood of one kind or another has been practised for centuries with not much interference; recently, lawyers, middlemen, advertisers and women have discovered that surrogate motherhood has more lucrative attractions than simply providing a childless couple with a baby; the government finally had brought to their attention the existence of a new kind of contractual arrangement that they hadn't regulated yet -- and presto, we have the outrageous and immoral practice of surrogate motherhood standing in the blinding white light of public indignation. You will notice,

.../

naturally, that it took centuries of observation and the passing of some money from hand to hand before the authorities decided that something had to be done.

What they decide must be done will depend on how they decide to view the whole interchange. If surrogate motherhood is seen as a contractual arrangement with all the proper procedures adhered to, we may face the prospect of viewing the unborn fetus as a third party to a contract with certain rights tied up in the agreement. What implication will the recognition of a fetus as a party to a contract have on the abortion debate? This is the kind of legislative precedent feminists ought to consider if they insist that surrogate motherhood is merely another control of our bodies issue and should be allowed without state interference.

Surrogate motherhood is not a simple issue with one basic feminist reply. The term itself describes an activity that can only be engaged in by women, and is thus far primarily engaged in by poor women. The implications of this on an economic analysis of the exploitation of women's bodies and labour are obvious. Some might argue that the surrogate mothers are handsomely rewarded for their work. The question we must ask these people is why women would find it necessary to become surrogate mothers in the first place, an old and tired argument, but nevertheless valid. The difference between this kind of exploitation and the more common forms is that here the products wear diapers and the factories walk around on two legs. Who really owns, in the sense of controlling, the means of production is the next question to look at.

For feminists who find it intriguing that women are finally being recognized in financial terms for work they have performed for eons without appreciation, consider this: The lawyers who negotiate the terms of the contract are, as a profession, primarily men; the doctors who care for these women and supervise the birth are, as a profession, primarily men; the advertisers who generate the catalogues of surrogate mothers are, as a profession, mostly men; the politicians and civil servants who will be deciding how surrogate motherhood will function if it is to function at all, are also usually men. It is also a man's world that pays women on average less than 60% of the average male wage, creates barriers to female employment in more remunerative jobs and generally erects the ghetto that women find themselves in. And just for interest's sake, it is the economists of this male-dominated world that assure us that just as soon as there are lots of surrogate mothers, the price that seemed so high will drop by the magic of the market economy -- leaving us with a true valuation of motherhood. We should not be too surprised if the ''true'' value of motherhood is pretty low.

And we would question exactly how much control surrogate mothers are actually retaining; the imbalance of influence most men enjoy in other relationships and exchanges will almost certainly occur in the situation of surrogate motherhood and its related contracts. Should we then press for legislation to ensure the mother's rights, for instance, to refuse to continue with the pregnancy for personal or health reasons, or to supervise her own prenatal care because women, by the nature of this society, are in an inherently weaker position than the men for whom they work?

And in pressing for legislation to protect the woman's interests are we not calling down upon us the very power we hoped to avoid by insisting

.../

that women have the right to control our bodies?

And what of the legislation? Will it define those who are suitable parents for a surrogate baby (somewhat analogous to adoptive parents)? Will the legislation specify that the recipients be a married couple? Will the legislation discriminate against common law couples, gay couples, single persons?

So far we have been looking at the exchange the surrogate mother's contract describes as an exchange of the adoptive parents' money for the use of the surrogate mother's body. This is not how the law views the situation. The legal problem with surrogate motherhood is not payment for the use of a woman's body, it is payment for a baby. Babies, unlike women and their wombs, are not to be bought and sold, presumably because the babies are not old enough to look out for their own interests. This view of the exchange leads us inevitably to worry about the rights of the child, who is to protect it and to what extent it will take precedence over the rights of other parties to the contract. Public sentiment, and so we might assume the sentiments of a government that intends to be re-elected, are with the child as a relatively defenceless player in this game. All this is fairly consistent with child welfare legislation already on the books, and probably appeals to our sense of a just society that protects the weaker members from abuse by the stronger.

There is one major problem with this whole view though; for the crucial nine months of the contract, this future child is still only a fetus, a distinction that all the debate on the ''child's interest'' has failed, perhaps purposefully, to make. What rights should a fetus have? Will the public be willing to settle for the idea that fetuses are the sole responsibility of their surrogate mother, until they are born and the state can step in? Do contracts recognizing certain rights of the fetus, to good care for instance, provide the legal recognition of broader rights? Given the vociferous activity of the anti-choice movement and the Borowski (the fetus as a person with rights) case yet to come, is this the kind of question they could win on?

To put the rights of the child in another context, suppose there was uncontrovertable evidence that the child would be born with Down's Syndrome. Do the adoptive parents have the right to refuse to accept the child as not fulfilling contractual specifications? Can the surrogate mother abort the pregnancy, or would that be considered a breach of contract? Would the delivery of a handicapped child be considered another breach of contract? Should contracts for surrogate situations be allowed to specify non-acceptance of a handicapped child (remember that often the reason the adoptive parents did not adopt a child by the more regular route is that the children available were the wrong age, race or health)?

The legal view of the exchange as ''money for baby'' leads us into a thicket of thorny questions. However, this legal view is probably the one that will prevail, and if this is so, will feminists who support surrogate motherhood as a control of our bodies issue, be able to circumvent it and its implications effectively?

What meaning does surrogate motherhood have for this society? Why do we have surrogate motherhood anyway? The usual answer is that there are people who want to raise children and they can't have any of their own. So why don't the couples adopt? Because, the answer goes,

.../

there aren't any babies to adopt. But as many social workers can tell you, there are many children to adopt or provide a foster care for. Unfortunately, they are often not the 'right' age, race or in the most desirable state of health; most adopting parents prefer perfect ''Ivory Snow'' babies. At least, the most 'desirable' kinds of parents, the ones who are in an income bracket high enough to afford a surrogate mother, these kinds of children. And obviously, adoption agencies and society in general cater to these kinds of predilic--tions, rather than challenging them. It is of course another matter to assume the burden of a handicapped child. Still, if society's concerns were genuine, we might remove some of the barriers to adoption of these children.

Even if adoption were easy, even if parents felt no stigma about adopting a child not like themselves, surrogate motherhood would probably still exist because surrogate motherhood is not really about raising a child. Surrogate motherhood is about having a child. The difference is crucial. We have children, we don't make babies (in fact ''making babies'' is an almost derogatory description in some contexts). We have children, we exercise control over them, we own them.

Adoptive parents who have used surrogate mothers, and parents of all kinds, speak of ''at last having a child of their own.'' This is an important aspect of parenting, that the child be identifiable as yours and no one else's. The only context in which it is useful to identify something as your own is when you intend to use it for your pleasure or necessity, and to protect it from others' attempts at control. Consider the commonplace: ''This is my secretary and you must ask me if you wish to use her.'' We exert control over people all the time by laying claim to them or to some aspect of them. Parents and children, like wives and husbands, may be the prototypical version of this claim.

In the special case of surrogate motherhood, though, the idea of property in children becomes a corollary of other values. Notice that surrogate parents, like other parents, are overjoyed at having a child of their own. But what makes it uniquely theirs is that the husband has had a part in the creation of the child. Now, if the child were really to be uniquely theirs, the adoptive mother should also have had some role in the creation of the child. That way, at least from a genetic point of view, the child would be a unique combina--tion of their genes and no one else's. Such a procedure has been successfully used at the English Steptoe Clinic, where ovum from medically defined infertile women has been combined with their husband's sperm outside the uterus. Later, the developing fetus is implanted in the woman's womb and brought to term. In theory anyway, practices such as this should be much more interesting to the adoptive parents who wish to have a child of their own.

Alternatively, if the adoptive mother's ovum is not so very important to making the child theirs, then why is the husband's sperm? If the genetic makeup of the child is not the crucial factor, then why not just hire a woman to get pregnant by a mutually agreed upon mate, perhaps of superior genetic material, and give the child so created to the adoptive parents (with permission of all parties of course). Granted it might be a somewhat costlier procedure, but the end result of superior genetic material in, might be a superior child out. Certainly in the context of the surrogate

.../

mother's genetic makeup, defects and sound characteristics are very important to the purchasing parents (have a look at the surrogate mother catalogues). Why aren't the father's characteristics given similar attention?

The answer is quite obvious, but its very obviousness should give us pause for thought. The sperm must be from the adoptive father because that is the way the parents know the child is theirs. The woman's contribution, except for the use of her womb, is not of primary importance. The adoptive mother's contribution seems to be of no importance at all. And the values that determine whose contribution is more important are as old as patriarchy and the ownership of property. And equally as outdated.

FROM: THE HUMAN RIGHTS INSTITUTE
OF CANADA
77 Metcalfe St., Suite 201,
Ottawa KLP 5L6
Tel.: 232-2920; 232-7477

WANTED: WOMEN FOR HUMAN RIGHTS

Governments often act as if women's rights have nothing to do with human rights. When inflation, unemployment, wars or even the old school tie are at issue, women often find that their claims to justice and equality are ignored. And when problems need solving, women are often treated as invisible. Male governments tend to think in terms of the male, despite the wasted womanpower that results.

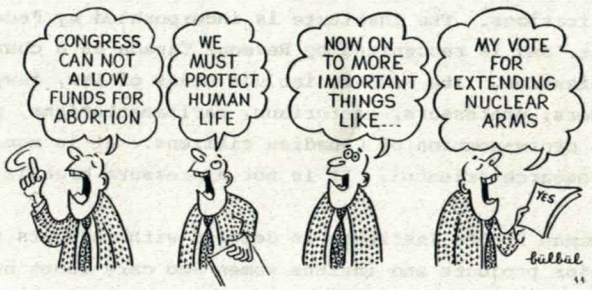
The Human Rights Institute of Canada was established to open doors to equality and justice in Canadian laws and policies for women and minorities. The Institute invites the support of NAWL members who believe in equality of the sexes and who are also concerned about other human rights.

The Human Rights Institute of Canada developed from the experience of the founding President, Dr. Marguerite E. Ritchie, Q.C., within the Federal Department of Justice and within non-governmental organizations. The Institute is incorporated by Federal Letters Patent, and is recognized by Revenue Canada as a charitable organization. Its members include Deans of Law, lawyers, teachers, professors, historians, parliamentarians, public servants, and a cross-section of Canadian citizens. It is non-political and research-oriented. It is not a pressure organization.

The Human Rights Institute is deluged with requests for research on major projects and invites women who care about human rights to participate in the Institute. Their participation may help give needed visibility to women's capacities in many subjects.

Women's participation can also help the Institute work with other organizations to break down the stereotypes that create injustice. The oldest stereotype is the distinction between women's rights and human rights. We invite NAWL and members of NAWL to advance their search for women's rights both directly and through support for the Human Rights Institute of Canada. We can work together to make sure that women's rights are recognized as Human Rights of the greatest importance.

The Institute is pleased to provide income tax receipts for the membership fee ($15), as well as for donations or legacies.



NATIONAL STEERING COMMITTEE

GWEN BRODSKY	931 Tulip Avenue Victoria, British Columbia V8Z 2P8	Responsible for 1983 Conference. Member for British Columbia
Phone:	Home: (807) 727-3157 Work: (807) 592-5353	
MONA BROWN	Box 160 Sperling, Manitoba ROG 2MO	Responsible for finances. Member for Prairie Region
Phone:	Home: (204) 626-3347 Work: (204) 745-2028	
MONIQUE CHARLEBOIS	51-3644 Ave. du Musee Montreal, Quebec H3G 2C9	Responsible for drafting new Constitution and by-laws and assisting with Lobbying Member for Quebec
Phone:	Home: (514) 842-4029 Work: (514) 931-9221	
NANCY DORAY-BOLTON	Room HB420 7141 Sherbrooke West Montreal, Quebec H4B 1R6	Responsible for the Ottawa Office assisting with Lobbying
Phone:	Home: (512) 487-5488 Work: (512) 849-2278 Work: (512) 482-0320	
LOIS HOEGG	16 Circular Road St. John's Newfoundland A1C 2Z1	Responsible for Info Bank, collecting data on various subjects. Member for Atlantic region. Assisting with lobbying.
Phone:	Home: (709) 726-2589	
WENDY KING	265 Woburn Avenue Toronto, Ontario M5M 1L1	Responsible for newsletter and assisting with Lobbying

OTTAWA OFFICE STAFF

CAMYLLE TREMBLAY-CHOQUETTE	174 Granville Street Vanier, Ontario K1L 6Y5 Home: (613) 746-6162	Executive Assistant and Office Manager
SUZANNE MYNOTT	181 Hickory Street Ottawa, Ontario K1Y 3T7	Secretary

MEMBERSHIP IN THE ASSOCIATION

Membership is open to anyone who adheres to the goals and objectives of the Association:

APPLICATION FORM

I would like to become a member of and agree to support the goals and policies of the National Association of Women and the Law

_____
Signature

_____

Name _____

Address _____

_____

Postal Code _____

Occupation _____

Telephone number _____

☐ Regular Fee - $25.00 (One year) (Nov.-Nov.)

☐ Limited Income Fee - $10 (One year) (Nov.-Nov.)
Under $15,000 annually, no dependents.

☐ I wish to donate $_____ to NAWL
The NAWL Directory is an information and referral service distributed to NAWL members.

☐ I wish to be listed in the NAWL Directory and enclose an additional $10.

☐ I wish to advertise in the NAWL Directory. Enclosed is my business card and/or professional information an additional $25.

Please provide all information in
☐ English ☐ French

WE WOULD APPRECIATE RECEIVING YOUR COMMENTS ON THE NEWSLETTER. The space below has been provided for this purpose.

Please return to: N.A.W.L.
124 O'Connor Street
Suite 305
Ottawa, Ontario
K1P 5M9

Our sincere thanks.

COMMENTS:

FROM:

SUBSCRIPTION TO THE NEWSLETTER: $25/year

I do not wish to become a member but I would like to subscribe to the Newsletter.

☐ $25 herein included.

Name _____

Address _____

Forward to:

N.A.W.L.
124 O'Connor
Suite 305
Ottawa Ont. K1P 5M9

CHANGE OF ADDRESS ANNOUNCEMENT

If you plan to move, please do not forget to notify us of your change of address by sending us the change of address announcement below.

Please change my mailing address effective _____

Name: _____

Old address: _____

_____

Postal Code: _____

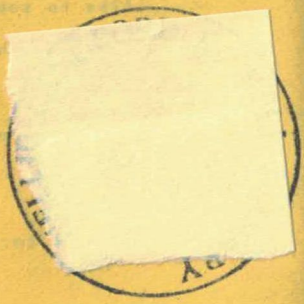
New address: _____

_____

Postal Code _____

Telephone ( ) _____

Signature _____ Date _____



Decision on abortion should be patient's

Why not welcome Mark McGuigan to his new portfolio with a Pro-choice letter?