

NAC
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NATIONAL ACTION COMMITTEE
on the status of women

LE COMITÉ NATIONAL D'ACTION
sur le statut de la femme



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SPECIAL NAC MEMO

NOVEMBER, 1980

THE PROPOSED RESOLUTION REGARDING THE CONSTITUTION OF CANADA

The federal government's proposal for entrenchment of rights is seriously defective in a number of respects. If passed as presently worded, it won't do women any good, and time is running out. NAC has requested an appearance before the joint Senate-Commons Committee on the Constitution to explain our objections. Please support this action FAST, before it is too late.

- * telephone your M.P. expressing concern
- * write the Prime Minister, The Rt. Hon. Pierre Trudeau, House of Commons, Ottawa, Ontario. K1A 0K9

or

The Hon. Jean Chrétien, Minister of Justice,
House of Commons, Ottawa, Ontario. K1A 0K9

- * contact members of the Senate-Commons Committee on the Constitution:

Chairing the committee: Bryce Mackasey & Senator Lamontagne.
MPs: Jake Epp, James McGrath, David Crombie, Perrin Beatty, John Fraser, Stanley Knowles, Lorne Nystrom, George Henderson, Coline Campbell, Eymard Corbin, Serge Joyal, Jean Lapierre, Ronald Irwin, Robert Bockstael.

Members of the Senate: Arthur Tremblay (Que.), Martial Asselin (Que.), Duff Roblin (Man.), William Petten (Nfld.), Jack Austin (B.C.), John Connolly (Ont.), Carl Goldenberg (Que.), Harry Hays (Alta.), Maurice Lamontagne (Que.) and Paul Lucier (Yukon).

- * send this MEMO out to your members, distribute at meetings — and use the telephone

WOMEN MUST SPEAK UP NOW, IN LARGE NUMBERS!

Note that only 1 woman has been named:

YOU MAY WANT TO STRESS.....

1. 'Equality before the law' - the wording proposed in the federal government's Charter of Rights, has been interpreted to mean only that laws, once passed, will be equally applied to all individuals in the category concerned -- the law itself can treat women unequally, and that's acceptable. Thus the Supreme Court of Canada decided against Lavell and Bedard, two Indian women who lost their status on marriage to non-status men. If the wording as presently proposed is passed, there is no guarantee that Indian women will not continue to be denied equal rights with Indian men.

- NAC RECOMMENDS AMENDMENT SO THAT EQUALITY IN THE LAWS THEMSELVES, AS WELL AS ADMINISTRATION OF THE LAWS, IS PROVIDED;
- Further, we deplore the three-year moratorium on the Charter's application, and RECOMMEND THAT IT BE DELETED.

2. Entrenchment of rights means that the courts, and ultimately the Supreme Court of Canada, will decide on what rights Canadian women will enjoy. Yet it was the Supreme Court of Canada that decided

- women were not persons — the famous 1928 Persons' Case;
- that discrimination against Indian women in the Indian Act does not violate 'equality before the law';
- that Stella Bliss was not discriminated against because she was a woman, but a pregnant person;
- and that, again in the Bliss case, there was no discrimination because not all pregnant women were denied benefits under the Unemployment Insurance Act.

Can we reasonably expect that, without fair representation of women in the courts, including the Supreme Court of Canada, women's rights will be understood and protected?

— NAC RECOMMENDS AMENDMENT TO GUARANTEE THE APPOINTMENT OF A REPRESENTATIVE NUMBER OF WOMEN TO THE COURTS, INCLUDING THE SUPREME COURT OF CANADA.

3. The first clause in the Charter of Rights has a loophole (the so-called Mack Truck clause) allowing for 'reasonable limits as are generally accepted in a free and democratic society with a parliamentary system of government.

— NAC RECOMMENDS PREFERABLY DELETION OF THE LIMITING CLAUSE OR AT LEAST AMENDMENT TO SPECIFY WHAT RIGHTS CANNOT BE ABROGATED IN TIME OF WAR, OR REAL OR APPREHENDED INSURRECTION, NAMELY — THE RIGHT TO LIFE, LIBERTY AND SECURITY; NOT TO BE SUBJECTED TO CRUEL OR UNUSUAL TREATMENT OR PUNISHMENT; AND THE RIGHT TO EQUALITY

4. Vague wording in the section on affirmative action makes us nervous — will we have to spend years in court proving that an affirmative action programme for women does not constitute discrimination.

— NAC RECOMMENDS SPECIFYING WOMEN AS A DISADVANTAGED GROUP REQUIRING AFFIRMATIVE ACTION. BETTER STILL, THERE SHOULD BE A STATED OBJECTIVE OF ACHIEVING EQUALITY.

5. WE RECOMMEND AN AMENDMENT PROHIBITING DISCRIMINATION ON THE BASIS OF SEX EVEN IF NOT ALL MEMBERS OF A SEX ARE DISCRIMINATED AGAINST.

Remember the Stella Bliss case.

UNITED NATIONS VOTE ON THE WORLD PLAN OF ACTION - U.N. DECADE FOR WOMEN

Canada was one of only four countries (with the U.S., Israel and Australia) to oppose the Plan of Action at the Copenhagen meeting, because three clauses were unacceptable. It is quite in order to approve with reservations, mentioning the unacceptable clauses. The Plan comes to a vote at the United Nations for approval very soon.

NAC has wired the Prime Minister (and others):

"NAC URGES THAT THE CANADIAN DELEGATION TO THE UNITED NATIONS BE INSTRUCTED TO APPROVE WITH RESERVATIONS THE WORLD PLAN OF ACTION FOR THE UNITED NATIONS DECADE FOR WOMEN."

NAC members: Please support this action to Ministers and MPs. There is a chance the vote might be changed.

THE MINISTER OF REVENUE AND FREEDOM OF CHOICE

The Minister of Revenue, the Honourable William Rompkey, has indicated that he does not intend to prosecute Knights of Columbus members who have announced that they plan to withhold a part of their 1980 income tax because federal funds are granted to organizations which counsel women seeking legal abortions.

NAC members are writing Mr. Rompkey protesting this action. We could suggest that he consider whether this action might create a precedent which could open the way for many other decisions to withhold taxes (e.g. by those opposed to government spending on nuclear development, on pipelines, on armaments, or for government inaction as with the Indian Act) - these also might be free from prosecution.

WEST COAST MEMBERS ALERT

VANCOUVER RALLY - NOVEMBER 30th - CONCERNED CITIZENS FOR CHOICE ON ABORTION

NAC is endorsing this Rally which is calling for:

"FREEDOM OF CHOICE ON ABORTION -- A MATTER OF INDIVIDUAL CONSCIENCE"

For further information: NAC Vice-President Lee Grills,
3533 Princess Ave., North Vancouver, B.C.
(604) 980-9650

Send letters of support
and donations to: C.C.C.A., #4, 1534 Balsam, Vancouver, B.C. V6K 3L8
(604) 876-6370

ELSIE GREGORY MACGILL

Nov. 4/80

NAC has just received the sad news of the death of our past Executive member, inspiration and friend - Elsie Gregory MacGill.

In addition to making many valuable contributions to NAC (our Index of Resolutions was one) and to her own Business & Professional Women's Federation, Elsie was a life long feminist, member of the Royal Commission on the Status of Women, Officer of the Order of Canada, Honorary Doctor of Science (York University) and Gold Medallist of the Ontario Association of Professional Engineers.

She was the first woman to graduate as an electrical (University of Toronto) and aeronautical (University of Michigan) Engineer. She was responsible during World War II for all Canada's engineering production for the Hawker-Hurricane fighter aircraft.

She wrote "My Mother the Judge" - and many scientific papers.

Weshall miss her terribly -- but what a role model!