



NEWSLETTER OF THE NATIONAL ASSOCIATION OF WOMEN & THE LAW

FEBRUARY 1977

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THE LAW - FEBRUARY, 1977 ***

A LETTER FROM THE EDITORIAL STAFF:

There have been several suggestions as to the type of format that the newsletter should follow in the future. It has been proposed that the present format (ie. produced by one caucus) not be followed for more than one edition.

The alternate proposal is that each caucus send a bulletin to every other caucus, once every three months, with each caucus being responsible for circulation to their own members. The advantages to this format are several. To begin with, it would be cheaper since the number of copies would reflect only the number of caucuses in the country. It would be easier to organize the material and in addition would spread the burden of production amongst all the caucuses.

On the other hand, in this writer's opinion, a national newsletter would stand out more easily and much stronger as the voice of the National Association of Women and the Law. Not only would a national newsletter contribute to the unity of our organization and provide one forum for discussion, but it would also provide a single representation of our thoughts and opinions for the general public. From an organizational point of view, it would seem that submitting articles and position papers to a central place would be simpler than the alternative.

If each caucus sent only one copy of their bulletin to each other caucus, it is inevitable that not all members of each caucus would actually receive and read each bulletin. Of course a national newsletter would be more expensive however we feel it is a necessary and essential expense, if we are to maintain close links amongst the various caucuses across the country.

This editorial staff obviously supports the format of the present newsletter. We feel that a National newsletter is sufficiently important that we will undertake to produce the editions for the rest of the year being an edition in May, September and December. Due to our limited finances, our undertaking must be subject to the National Association funding the national newsletter. We estimate that this edition will cost \$350, approximately \$1.00 for each member.

We think it's worth it, but tell us what you think. Send your comments to your representative on the National Steering Committee.

FREDA STEEL
PAT ARMSTRONG
NIKI GARSON

MARTA SMITH
LAURIE ALLEN

No matter what happens with the future direction of the Newsletter, please remember - the next deadline is the 3rd week in May, 1977.

CONFERENCE REPORT

The second Bi-annual Conference of the National Association of Women and the Law was held in Ottawa from January 27th, to January 30th, 1977 at the Sky-line Hotel.

The focus of this conference was both inward and outward. Although, as is the case with almost every conference, there was not enough time to consider all the resolutions, it was well balanced in content and formal.

I think it is fair to say that after Ottawa, we are an established national organization complete with constitution, By-laws and Steering Committee. The next question and one that is indeed crucial is whether the lines of communication which have been opened both between caucuses and between the Steering Committee will be utilized by all of us.

The first morning of the conference concerned internal organization with workshops on local organization, national structure, economic autonomy and communications. It appears from all reports that most people were extremely interested in developing a better communications network between local caucuses so that ideas and plans could be shared and expanded upon from caucus to caucus.

After the workshops, Jill Vickers, a political scientist, spoke on Power and the Iron Law of Oligarchy - a topic everyone found interesting in terms of our own organization. It appeared from the questions and discussion that a great number of people were concerned with the Steering Committee becoming too powerful and speaking on behalf of the organization as a whole without an adequate mandate from the caucuses.

The afternoon saw an introduction by Lorna Marsden and Lynn Kaye, Ms. Marsden spoke on the National Action Committee on the Status of Women. Unfortunately most of Lynn Kaye's speech was in French and due to translation devise difficulties I was not able to follow it.

The afternoon workshops dealt with methods of action - projects at the caucus level, affiliations at the national level, methods of legislative change, and methods of aptitudinal change. Maureen McTeer was the seminar leader at methods of legislative change and I think its safe to say drew the largest number of participants who were anxious to hear the views of someone so experienced in the Canadian political system. Again at the workshop on projects at the caucus level there was a good exchange of information as to projects from all over Canada.

An open floor discussion on the future direction of the NAWL again reflected the concerns respecting the National Steering Committee.

After dinner the Honourable Ron Basford, Minister of Justice addressed the conference. He covered a number of topics ranging from the Human Rights Act to Abortion to Rape and it was indeed a pleasure to see that he, or someone on his behalf, had done some homework both about the group and our purposes. I refer you to an article published elsewhere in this newsletter which analyses the government approach in much greater detail.

Saturday morning saw a panel discussion on the proposed Federal Human Rights Code Bill C25 with speakers, Carol Geller, Mary Eberts, and Barry Strayer. This proved extremely interesting as Ms. Geller has experience in administering the Saskatchewan Human Rights Bill and Ms. Eberts provided some views as counsel to complainants. Mr. Strayer was involved in the planning and drafting of the Human

Rights Bill and presumably will have some input on any further amendments.

The morning workshops dealt with Human Rights in the broad sense with workshops in enforcement provisions in Bill C25, equal pay for work of equal value, rape, and abortion. As you will see from the resolutions accompanying the newsletter a great deal was accomplished at the workshop level in dealing with all these topics.

The afternoon and evening were devoted to debating and voting on the resolutions. Even though we continued until 11:20 p.m. all resolutions were not covered. A problem that arose was that some caucuses or individuals had studied aspects of the topics in great detail and were proposing very detailed resolutions which the delegates as a whole did not feel confident to deal with. I would hope that in the future many resolutions will be able to be prepared and circulated prior to the conference so that each caucus will be able to study them in detail and formulate their position on same. Hopefully that would cut down the number of hours required to deal with resolutions so that many would not be neglected.

The Sunday morning session again dealt with the internal matters dealing with the election of the Steering Committee and voting on the By-laws. Amendments to the constitution were proposed dealing with caucus membership vs. individual membership. These amendments were not passed. Unfortunately the proposals were not able to be considered properly and hopefully the people responsible for those amendments will circulate the amendments along with an explanation of their meaning and effect. The By-laws were basically approved in principle with directions to the Steering Committee to consider certain alternatives. One question that was raised and again we would appreciate your comments is whether or not we should incorporate.

From comments received informally by numerous delegates it appears that on balance the conference was a success. Some people were disappointed with the lack of national feeling; others were pleased to open communication lines between caucuses and understand what is happening in other parts of the country. The responsibility for making this organization viable on a national level lies with the individual caucuses and the Steering Committee is extremely hopeful that they will receive meaningful input from all over the country in order to plan on the national level. Some people found the conference extremely heavy in terms of organized time and wish for more time to meet informally with people from other areas. It appears that the press coverage in the Ottawa-Toronto area was excellent although I do not know whether it extended beyond that into the "Hinterland". Some people were disappointed in the Ontario emphasis of participants, speakers and workshop leaders and would hope to see a wider geographical distribution in future conferences.

I think everyone agrees that a great vote of thanks should go to the organizers of the conference and especially the chair people, Suzanne Boivin and Lynn Kaye. Now, which caucus is going to volunteer for the 1979 convention?

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The Quebec Situation - Is this True?

In Quebec, McGill and the civilian section of Ottawa seem to be the only active caucuses left. Sherbrooke pulled out because these don't consider themselves a feminist group and the individuals who attended the conference from l'Universite' de Montreal are not, as far as I know, a caucus. It appears there was no one present from Laval University, either. What's happening?

RÉSOLUTIONS - DU ASSOCIATION NATIONALE DE LA FEMME ET LA DROIT
2e CONGRÈS - OTTAWA JANVIER 1977

1. Etant donné que les objectifs de L'ANFD et du Comité national d'action sur le statut de la femme se rencontrent,
QU'IL SOIT RESOLU que l'ANFD soit affilié avec le Comité national d'action sur le statut de la femme.
2. ETANT DONNE QUE: le congrès de l'Association Nationale de la Femme et le Droit tenue à Winnipeg, en 1975, a approuvé une résolution voulant l'abrogation de la loi sur l'avortement à l'intérieur du Code Criminel du Canada; et
ETANT DONNE QUE: l'Association pour l'Abrogation de la Loi sur l'avortement (A.C.A.L.A.) est un organisme national qui travaille dans le but exprimé par cette résolution,
QU'IL SOIT RESOLU QUE l'Association Nationale de la Femme et le Droit entreprendra les actions pour s'affilier avec l'Association pour l'Abrogation de la loi sur l'avortement;
3. Considérant;
qu'il y a un manque de service de logement de secours approprié pour les femmes avec ou sans enfants, et
Considérant;
qu'il est essentiel qu'un tel service de logement de secours soit établi aussitôt que possible, soit-il résolu, que l'Association de la femme et le droit appuie tous les efforts en vue d'établir un service de logement de secours, gratuit au Canada afin de répondre aux besoins des femmes mentalement, émotionnellement et physiquement troublés, et le leurs enfants.
4. QU'IL SOIT RESOLU qu'il y a lieu de préciser la résolution de l'Association Nationale de la Femme et le Droit sur l'Abrogation de l'article 251 du Code Criminel dans le sens d'exiger le droit d'accès à l'avortement libre et gratuit, i.e. l'accès à l'avortement sans consultation obligatoire et remboursé par l'assurance-maladie et ce, pour toutes les femmes du Canada, dans tous les hôpitaux et dans les cliniques accréditées. Les avortements peuvent aussi se faire dans les cabinets des médecins, et sur refus, il doit y avoir référence de la demande à un autre médecin, à une clinique ou à un hôpital ou l'on acceptera d'exécuter la procédure.
5. ETANT DONNE que les agences d'avortement à but lucratif exploitent les femmes en faisant du profit sur l'avortement qu'elles organisent à l'étranger,
QU'IL SOIT RESOLU que L'ANFD encourage les comités sur le statut de la femme à entreprendre des études exhaustives sur les agences d'avortement à but lucratif. Les résultats de ces études devront être remis aux ministres de la justice et de la santé des provinces et du gouvernement fédéral.

6. ETANT DONNE que le lobbying est un des moyens efficaces pour obtenir l'abrogation de la loi,
QU'IL SOIT RESOLU que les membres consentants de l'Association Nationale de la Femme et le Droit fassent du lobbying auprès des députés provinciaux et fédéraux au nom de l'Association afin de les inciter à abroger l'article 251 du Code Criminel dans le sens de rendre l'avortement libre et gratuit.
7. Etant donné que les congrès précédents ont résolu que l'ANFD appuie l'abrogation de l'avortement du Code Criminel, et
Etant donné que l'on s'attend bientôt à un débat sur le prochain rapport de la Commission Badgley de la Chambre des communes,
QU'IL SOIT RESOLU que le Comité directeur national établisse comme priorité immédiate la préparation d'un dossier renfermant une action législative pratique au niveau du gouvernement fédéral afin d'abroger la loi sur l'avortement du Code criminel, et
QU'IL SOIT RESOLU que les caucus locaux établissent comme priorité la préparation de dossiers concernant des législations provinciales positives des que le domaine junctictionnel sera libre.
8. ETANT DONNE QUE: la liberté de choix sur l'avortement est un droit fondamental de la personne, et
ETANT DONNE QUE: les groupes fortement opposés à ce droit sont une menace pour les droits de la femme au Canada par la fausse représentation des faits relatifs à l'avortement;
QU'IL SOIT RESOLU, que le comité directeur de l'A.N.F.D. établisse un projet afin d'exercer des pressions pour encourager l'A.N.F.D. et ses comités locaux à compiler et à disseminer l'information pour corriger de telles représentations sur les niveaux d'influence des gouvernements fédéral, provincial et municipal.
9. RESOLU que l'ANFD exige que le gouvernement fédéral interdise la discrimination relative à l'orientation sexuelle dans la loi canadienne sur les droits de la personne.
10. ATTENDU que la participation des membres au niveau local est primordiale;
ATTENDU que l'article IV, paragraphe 2 de la Constitution dit que l'Association met l'accent sur l'organisation locale;
ATTENDU QU'il est souhaitable de réunir les ressources que possèdent les membres qui sont sur le marché du travail ainsi que celles des membres étudiantes;
QU'IL SOIT RESOLU que chaque caucus soit chargé de promouvoir l'intérêt et la participation de ses membres en établissant entre autre un meilleur système de communications et des projets locaux.

11(a) ETANT DONNE que l'Association Nationale de la Femme et le Droit reconnaît le besoin d'un dépôt immédiat d'une loi sur les Droits de la Personne par le parlement fédéral,

QU'IL SOIT RESOLU que l'ANFD appuie les principes contenus dans le projet de loi C-25 et appuie l'adoption du projet avec les amendements suivants:

- 1) que l'article 3 soit amendé afin d'inclure l'orientation sexuelle comme motif de discrimination non admis;
- 2) Qu'il soit résolu qu'à la section 11 (3) et (4) l'exception du "facteur raisonnable" de la disposition pour un salaire égal de la loi Canadienne sur les droits de la personne a sera abrogé;
- 3) que l'article 14 (a) soit amendé afin de définir "les exigences professionnelles normales";
- 4) que l'article 40 soit amendé afin d'inclure un article exigeant qu'une fois la plainte a démontre "à première vue" l'existence d'une discrimination, le fardeau de la preuve devrait incomber à l'employeur.
- 5) que l'article 32 (3) soit amendé de façon à signifier que lorsque la Commission a des motifs raisonnables de croire qu'une personne est ou a été victime de pratiques discriminatoires, la Commission DEVRA déposer une plainte;
- 6) que l'article 33 (b) (ii) soit retranché;
- 7) que l'article 34 (1) soit amendé afin de prévoir que la Commission ne devra décider d'abandonner une plainte qu'une fois que le plaignant ait eu une possibilité raisonnable de se faire entendre;
- 8) que l'article 36 (1) soit amendé de façon à exiger que le rapport de l'enquêteur soit mis à la disposition du plaignant, la personne contre laquelle la plainte a été formulée et à la discrétion du tribunal et la plaignant ainsi que toute autre partie intéressée;
- 9) que l'article 36 (3) soit amendé de façon à prévoir que la Commission ne devra pas adopter le rapport de l'enquêteur rejetant la plainte à moins que le plaignant n'ait eu une possibilité raisonnable de se faire entendre;
- 10) que l'article 37 qui prévoit une procédure de conciliation soit amendé afin de préciser quand cette procédure sera invoquée;
- 11) que l'article 41 soit amendé pour inclure l'article donnant au tribunal le pouvoir d'imposer en plus de l'indemnisation des amendes à être considérées comme éléments de dissuasion.

12) que l'article 41(2)(c) soit amendé pour préciser les dépenses à inclure dans "les frais légaux" encourus par la victime comme conséquence de la pratique discriminatoire;

11(b) ETANT DONNE qu'il y a une forte discrimination au Canada

QU'IL SOIT RESOLU que le projet de loi soit suivi d'un financement adéquat afin d'assurer son efficacité;

11(c) ETANT DONNE que le projet de loi C-25 est actuellement soumis à la Chambre des Communes,

QU'IL SOIT RESOLU que le comité de direction de l'association soit investi des pouvoirs nécessaires à l'adoption des amendements apparaissant à cette résolution et faire tout ce qui est possible pour assurer leur adoption, y compris de les soumettre aux:

Ministre de la Justice
Secrétaire de la Chambre
Président du Comité de Direction des Affaires Légales
et de la Justice
Dirigeants de tous les partis politiques
Dirigeants de la Chambre et du Sénat
Critiques juridiques des partis d'opposition
Presse et le public

et conséquemment qu'IL SOIT RESOLU:

- que les caucus et les membres en général s'engagent à entreprendre la même chose.

12(a) Considérant que le projet de loi C-25 ne met pas l'accent sur les stéréotypes de discrimination;

Qu'il soit résolu que le projet de loi C-25 soit amendé afin de remédier à cette lacune.

Qu'il soit résolu que les caucus locaux soumettent à l'association nationale des noms de femmes intéressées à participer au Tribunal Fédéral des droits de la personne, ces noms devront être soumis au ministre de la justice.

12(b) Qu'il soit résolu que les dispositions du projet de loi C-25 qui traitent de la nomination des enquêteurs et des tribunaux soient amendées afin d'assurer que si le plaignant n'est pas satisfait des résultats d'une enquête la commission sera autorisée à nommer un tribunal chargé d'enquêter sur la plainte et de la résoudre.

12(c) Considérant que le projet de loi C-25 a pour objet premier d'affirmer que tous les individus sont égaux;

Et considérant que tout contrat ou licence accordé par Sa Majesté la Reine du chef du Canada est une affaire publique et non une affaire du gouverneur en conseil;

Et considérant que tout contrat ou licence accordé par Sa Majesté la Reine du chef du Canada devrait être sujet au projet de loi sur les droits de la personne:

Qu'il soit résolu que:

l'article 19 soit amendé ainsi:

art. 19 (a) Chaque contrat ou licence accordé par Sa Majesté la Reine du chef du Canada est sujet aux dispositions de cette Loi;

(b) Le gouverneur en conseil peut faire des règlements respectant les termes et conditions qui seront inclus ou appliqués à une bourse accordée par Sa Majesté la Reine du chef du Canada afin de:

- (a) prohiber les actes discriminatoires énoncés dans les articles 5 à 13; et
- (b) régler des plaintes issues des actes discriminatoires qui sont contraires aux termes ou aux conditions énoncées dans la partie III.

- 13(a) Tout employeur qui désire s'exempter des provisions touchant la question de salaire égal doit faire application à la Commission et lui démontrer l'existence d'un "facteur raisonnable" méritant l'exemption.
 - (b) Tout employeur qui désire tirer avantage de l'article 14 doit faire application à la Commission et lui démontrer l'existence d'une préférence fondée sur des exigences professionnelles normales qui justifie l'application de l'article.
 - (c) QU'IL SOIT RESOLU que "l'ancienneté" soit incluse comme un élément des critères de la définition du EPWEV dans la section 11 (2), en calculant l'ancienneté, les congés accordés en raison de la maternité ne devront pas être déduits du nombre total de jours travaillés.
14. QU'IL SOIT RESOLU que L'ANFD adopter la position proposée par le caucus des stagiaires de Toronto en ce qui a trait aux déductions permises pour les soins aux enfants prévues à l'article 63 de la Loi sur les Impôts.
 15. Considérant que nous sommes une organisation féministe et étant donné qu'il est nuisible à nos objectifs d'être qualifiées de professionnelles seulement et considérant que tous peuvent devenir membre,
QU'IL SOIT RESOLU que les caucus locaux fassent un effort concerté pour amener toutes les femmes à participer à l'amélioration du statut légal de la femme.

16. Official translation not available:

BE IT RESOLVED that the National Steering Committee be advised that should it appear that the Government includes the reasonable factor exemption to the Equal Pay Provision that this Association directs the Student Committee to take the position favouring a specific negative definition of exemption.

REFORMULATION A TRAVAILLER

Que toute ordonnance du Tribunal sera déposée à la Cour Fédérale.

17. Sur l'emploi d'un polygraphe en matière de viol, au niveau de la preuve;

QU'IL SOIT RESOLU qu'une étude devrait être effectuée sur la valeur scientifique du polygraphe, et, entre autre, sur la véracité du résultat,

et

si cette valeur est scientifiquement établie,
QU'IL SOIT RESOLU qu'un certain degré de force probante, favorable à la victime, serve comme moyen de preuve. La force de cette preuve est à déterminer.

REMISE A PLUS TARD

18. QU'IL SOIT RESOLU que les définitions suivantes soient reconnues au Code Criminel:

- a) personne comprend une personne de sexe masculin ou de sexe féminin;
- b) organes sexuels comprend l'anus, la poitrine et le vagin d'une personne de sexe féminin ainsi que l'anus, le pénis et les testicules d'une personne de sexe masculin;
- c) rapports sexuels se définissent:
 1. la pénétration, si légère soit elle, ou
 2. toute pénétration du vagin ou de l'anus, si légère soit elle, par un objet animé ou inanimé, lorsqu'effectuée sur une personne par une autre, que lesdites personnes soient du même sexe ou non, sauf lorsqu'une telle pénétration est effectuée selon un traitement médical reconnu ou pour fins de diagnostic,
 3. veut dire également tout contact sexuel entre deux personnes impliquant les organes sexuels d'une personne et la bouche, l'anus ou le vagin d'une autre personne, que lesdites personnes soient du même sexe ou non.

19. QU'IL SOIT RESOLU:

- 1) que soient abolis les articles 143 (définition du viol), 144 (punition du viol) et 145 (tentative de viol);

2) que les infractions présentement reconnues comme infractions sexuelles et décrites aux articles 143, 144 et 145 du Code Criminel soient reportées à la section "Voies de fait" et y soient reformulées comme suit:

- a) l'article 244 (définition de "voies de fait") sera retenu;
- b) l'article 245 (infraction de voies de fait simple) sera retenu;
- c) que soient ajoutées les infractions suivantes:

- 1) voies de fait sexuelles sans lésion corporelle est coupable:
 - i) d'un acte criminel et passible d'un emprisonnement de cinq ans ou
 - ii) d'une infraction punissable sur déclaration sommaire de culpabilité quiconque par des voies de fait attaque les organes sexuels d'une personne avec, soit ses organes sexuels, soit un autre objet, mais sans causer de lésions corporelles;
- 2) voies de fait graves avec intention sexuelle: est coupable:
 - i) d'un acte criminel et passible d'un emprisonnement de douze ans qu'il soit interdit, lors d'un procès pour infraction sexuelle, de témoigner sur la vie sexuelle antérieure de la victime.

20 (a) ETANT DONNE que le viol est contradictoire à l'autonomie sexuelle et physique en général de la femme; et

ETANT DONNE que le point important en cas de viol doit être la présence d'une menace ou de l'usage de la force;

QU'IL SOIT RESOLU: que le viol ainsi que les autres formes de voies de fait sexuelles soient éliminées du Code Criminel et inclus dans la section ayant trait aux voies de fait.

(b) ETANT DONNE que la victime d'un viol est soumise à un choc psychologique et

ETANT DONNE que la victime d'un viol est aussi victime d'une attitude stéréotypée de la part de la société;

QU'IL SOIT RESOLU que des programmes de formation et d'éducation spécialisés soient mis sur pied pour les personnes qui apportent leur aide aux victimes de viol, ainsi que celles impliquées dans la prévention du viol;

QU'IL SOIT DONC RESOLU qu'un groupe d'étude soit organisé pour étudier les attitudes aux quelles font face les victimes de viol et les traitements qui pourraient leur être prodigués dans les hôpitaux, de préférence par des femmes médecins;

(c) ETANT DONNE que la victime d'un viol souffre souvent des suites psychologiques et/ou physiques; et

ETANT DONNE qu'une forme de traitement doit être prescrite à la victime;

QU'IL SOIT RESOLU que les organismes chargés du respect de la Loi soient tenus d'informer la victime des possibilités d'indemnisation ainsi que des procédures pertinentes.

QU'IL SOIT DE PLUS RESOLU qu'une méthode efficace et pratique soit établie afin d'octroyer une indemnisation quelconque pour les suites psychologiques sans tenir compte des blessures corporelles subies par la victime d'un viol.

PAS TRAVAILLE ENCORE

21. Considerant qu'il n'y a rien de prévu au projet de loi C-25 pour forcer l'employeur à respecter un ordre du Tribunal des droits des personnes non plus que les limites dans le temps:

Qu'il soit résolu que le paragraphe (3) de l'art. 38 soit adopté comme suit:

"Lorsqu'en vertu du paragraphe 12, la Commission a approuvé un ordre du Tribunal, cet ordre doit être considéré comme un ordre de la Commission."

22. Considerant que le projet de loi C-25 exempte le régime des Plans de Pension et les assurances-invalidités de l'application de la loi,

Qu'il soit résolu que:

L'article 10 soit amendé en ajoutant un paragraphe (c) après "constitue un acte discriminatoire le pour l'employeur ou l'association d'employés" qui se lirait comme suit:

(c) d'accorder des bénéfices supplémentaires en raison d'un régime de pension ou un régime d'assurance qui serait discriminatoire pour un des raisons énoncées.

L'article 16 relatif aux droits acquis auparavant soit conservé;

L'article 17 soit révisé pour éviter la possibilité de créer des domaines d'emploi réservés aux femmes;

L'article 18 soit amendé pour éviter que les règlements dénaturent le sens du projet de loi;

L'article 48 qui exempte les bénéfices supplémentaires des régimes d'assurance de l'application de la loi soit enlevé.

Qu'il soit résolu que les critères de discrimination incluent:

- 1) La discrimination à l'égard de personnes possédant un dossier judiciaire et postulant pour un emploi alors qu'elles n'ont pas

obtenu un acquittement. Ceci lorsque le chef d'accusation contre ces personnes n'a aucune relation avec l'emploi postulé.

- 2) La discrimination quant aux idéologies et croyances politiques.
 - 3) Le droit à ce que l'identité d'une personne ne soit pas reliée à sa situation familiale ou à d'autres critères semblables (c'est à dire nécessite de dévoiler son statut marital à son employeur, à son locateur, etc.)
 - 4) La discrimination au sujet de la provenance de revenu lorsqu'il s'agit de services ou logement.
 - 5) La discrimination à l'égard du revenu personnel et du statut financier, c'est à dire, le montant destiné au Sénat Canadien, au conseil d'administration, des compagnies, etc.
23. QU'IL SOIT RESOLU que les mots "un composé de seront inclus dans la définition d'un salaire égal pour un travail d'une valeur égale, tel qu'il suit:

s.11 (2): en établissant la valeur du travail, le critère qui doit être appliqué est un composé de la compétence, de l'effort et de la responsabilité.

note explicative: notre préoccupation est que la présente formulation permet une interprétation qui comparerait les composantes individuelles, c'est-à-dire "compétence" à "compétence" et "effort" à "effort" qui aurait pour résultat de changer l'effet de cette section en "travail égal, salaire égal". Ce qui renverserait le but d'inclure les normes du E.P.W.E.V.

24. ETANT DONNE que les amendements au Code Criminel adoptés en 1976, sur les crimes sexuels contre les femmes sont insuffisants pour protéger les femmes,

QU'IL SOIT RESOLU qu'un groupe soit formé au sein de l'A.N.F.D. pour étudier et critiquer le rapport de la Commission de Réforme du Droit sur les infractions de nature sexuelle sous une perspective nationale et de recommander au Comité de Direction du Ministère de la Justice Fédéral d'autres amendements.

Note éditoriale: Apologie.

Nous voulons offrir nos excuses les plus sincères pour le manque de bilinguisme dans cette lettre circulaire. En plus, nous nous excusons pour les erreurs que vous trouverez peut-être dans les Résolutions qui sont reproduites ici dedans; il faudra nous pardonner car elles nous sont parvenues sans avoir été dactylographiées et vu que c'est une personne unilingue qui les a coordonnées et dactylographiées, c'est possible qu'elles ne sont pas sans fautes. Nous n'avons pas reçu de soumissions en Français et malheureusement le manque de temps et d'argent ne nous a pas permis de considérer sérieusement la traduction. Afin d'avoir des soumissions en Français dans le futur, il sera nécessaire d'avoir la coopération de tous les groupes de NAWL;ANFD à travers du Canada.

RESOLUTIONS - National Association of Women and the Law
2nd Conference - Ottawa, 1977

1. Whereas the objectives of NAWL are consistent with those of the National Action Committee on the Status of Women,

BE IT RESOLVED that NAWL be affiliated with the National Action Committee on the Status of Women.

2. WHEREAS, The 1975 Winnipeg Convention of the National Association of Women and the Law ratified a resolution in support of the removal of abortion from the Criminal Code of Canada; and

WHEREAS, The Canadian Association for Repeal of the Abortion Law (C.A.R.A.L.) is a national organization working toward the goal expressed by that resolution; be it

RESOLVED That the National Association of Women and the Law take action to affiliate with the Canadian Association for Repeal of the Abortion Law.

3. Whereas there is a severe shortage of adequate emergency housing for women, both with and without children, in crisis, and

Whereas it is essential that such emergency housing be established as quickly as possible;

BE IT RESOLVED that NAWL actively support all attempts to establish free emergency housing in Canada that meets the needs of physically, emotionally and mentally abused women and their children.

4. Whereas a previous resolution of NAWL on the removal of Article 251 from the Criminal Code should be clarified,

BE IT RESOLVED that women in Canada have the right to abortion without compulsory consultation, paid for by health insurance and available in all hospitals, and accredited clinics. Abortions may be performed in a doctor's office but if the doctor will not perform it he or she must refer the patient to a doctor, clinic or hospital who will perform the abortion.

5. Whereas abortion agencies exploit women by making a profit from the arrangement of abortions in foreign countries.

BE IT RESOLVED that NAWL urge the status of women council in each province that exhaustive studies be done on profit-making abortion agencies, and submitted to the ministries of the justice and health, both provincial and federal.

6. BE IT RESOLVED that members of NAWL undertake to lobby their provincial and federal elected representatives in each riding in the name of the Association in order to achieve the repeal of Article 251 of the Criminal Code, to allow free access to abortion.

7. Whereas previous conventions have resolved that NAWL support the removal of abortion from the Criminal Code, and

Whereas the forthcoming Badgley Commission report is expected to be debated soon in the House of Commons,

BE IT RESOLVED that the National Steering Committee establish as an immediate priority the preparation of a brief containing practical legislative action at the federal level to follow the removal of abortion from the Criminal Code, and

FURTHER BE IT RESOLVED that local caucuses establish as a priority the preparation of briefs regarding positive provincial legislation once the jurisdictional field is available.

8. WHEREAS the right to freedom of choice on abortion is a fundamental human right;

and

WHEREAS groups actively opposing this right pose a threat to the freedoms of the women of Canada through their misrepresentation of the facts relating to abortion; be it

RESOLVED that the Steering Committee of NAWL activate a lobby project to encourage NAWL and its local caucuses to compile and disseminate information correcting such misrepresentations at federal, provincial and municipal levels of government influence;

9. BE IT RESOLVED that NAWL demand that the federal government include sexual orientation as a prohibited ground of discrimination in the Canadian Human Rights Act.

10. Whereas the participation of the members at the local level is essential, and

Whereas article IV section 2 of the Constitution states that emphasis will be placed on the local organization, and

Whereas it is important to combine the resources of members in the work force with the resources of student members,

BE IT RESOLVED that each caucus undertake to promote the interest and participation of all of their members by establishing, among other methods, an improved system of communication and projects at the local level.

11. Whereas NAWL recognize the need for immediate passage of a Federal Human Rights Bill;

Therefore be it resolved

that NAWL endorse the principles contained in Bill-C-25 and support of passage of the Bill with the following amendments:

1. Section 14 (3) be amended to specifically define "bona fide occupational requirements" and that the definition include where "a particular prohibited ground is necessary for the purposes of authenticity"
2. Section 40 be amended to include a section requiring that once the complainant has made out a prima facie case of discrimination, the onus of proof should shift to the employer to justify his or her actions;
3. Section 32(3) be amended to read that where a Commission has reasonable grounds for believing that a person is or has engaged in a discriminatory practice, the Commission SHALL, not "may" as the Bill presently reads, initiate a complaint:
4. Section 33(b) (iii) be omitted;
5. Section 34(1) be amended to provide that the Commission shall not decide not to deal with a complaint unless the complainant has had a reasonable opportunity for a hearing;

6. Section 36(1) be amended to require that the report of the investigator shall be made available to the complainant, the person against whom the complaint was made and, at the discretion of the tribunal and the complainant any other interested party;
7. Section 36(3) be amended to provide that the Commission shall not adopt the report of the investigator dismissing the complaint unless the complainant has had a reasonable opportunity for a hearing;
8. Section 37, which provides for a conciliation procedure, be amended to clarify when this procedure would be invoked;
9. Section 41 be amended to include a section giving the Tribunal the power to impose in addition to compensation fines which will operate as a deterrent;
10. Section 41(2)(c) be amended to define expenses to include "legal costs" incurred by the victim as the result of the discriminatory practice.

11(a) Whereas there is a widespread discrimination in Canada,

Therefore be it resolved that:

Bill C-25 be supplemented by adequate funding to ensure its effective administration and enforcement;

11(b) Whereas Bill C-25 is presently before the House of Commons,

Therefore be it resolved that:

The National Steering Committee be empowered to immediately lobby for these amendments and do all that is necessary to ensure their passage including bringing them before the following:

The Minister of Justice,
 Clerk of the House,
 Chairperson of the Standing Committee on Justice and Legal Affairs,
 Leaders of all parties,
 House Leaders, Leader of Senate
 Justice critic of the opposition parties,
 Members of the Public and Press.

And Therefore be it resolved that:

The local caucuses and the members at large undertake to do the same.

12. 1. WHEREAS Bill C-25 does not focus on discriminatory stereotyping
 Be it resolved that the Bill be amended to remedy this omission.
2. Be it resolved that local caucuses submit to the NAWL names of women willing to participate on the Federal Human Rights Tribunals; these names to be forwarded to the Ministry of Justice.
3. a. Be it resolved that those parts of Bill C-25 which relate to the appointment of investigatory officers and tribunals shall be amended to insure that if the complainant is not satisfied with the results of any investigation by an Officer, The Commission shall appoint a tribunal to investigate and resolve the dispute and any order by the tribunal shall be filed in the Federal Court.
4. Whereas Bill C-25 has as its basic principle that every individual should have an equal opportunity with other individuals;

And Whereas any contract or licence made or granted by Her Majesty in Right of Canada is a public matter and not a matter of the Governor in Council;

And whereas every contract or licence made and granted by Her Majesty in Right of Canada should be subject to the proposed Human Rights Act;

BE IT RESOLVED THAT:

Section 19 be amended to read:

- 19(a) Every contract made or licence granted by Her Majesty in Right of Canada shall be subject to the provisions of this Act.
- (b) The Governor in Council may make the regulations respecting the terms and conditions to be included in or applicable to any grant made or granted by Her Majesty in Right of Canada providing for:
 - a. the prohibition of discriminatory practices described in sections 5 to 13; and
 - b. the resolution by the procedure set out in Part III of complaints of discriminatory practices contrary to such terms and conditions.

13. 1(a) Be it resolved that section 11(3) and (4), the "reasonable factor" be removed from the Canadian Human Rights Act.
- (b) Be it resolved that the National Steering Committee be advised that should it appear the Government will include the reasonable factor exception for equal pay provisions that this association directs the Steering Committee to take a position favoring a specific negative definition of the exemption.
2. Be it resolved further that "seniority" be included as an element of the composite criterion in the definition of EPWEV in section 11(2). In calculating seniority, work days missed for pregnancy-related reasons should not be considered.
3. Be it resolved that where an employer wishes to be exempt from the equal pay provisions of the Act he or she must apply to the Tribunal to be exempt and must satisfy the Tribunal that a reasonable factor justifies the exemption.
- (This may not be the official working but has been passed in principle)

THE FOLLOWING RESOLUTIONS WERE PASSED IN PRINCIPLE BUT TABLED FOR REWORDING

14. Whereas there are no provisions in Bill C-25 for enforcement of a settlement under section 40, in order to insure implementation by an employer of the terms of such settlement within the time limits or other restrictions applicable to the processing of a single complaint,

BE IT RESOLVED that the following sub-section (3) be added to Section 40.

- (3) "once the terms of settlement are approved by the Commission under sub-section (2) such terms of settlement shall be deemed to constitute an Order of The Commission."

THE FOLLOWING RESOLUTIONS WERE CONSIDERED AND TABLED FOR FURTHER CONSIDERATION

15. BE IT RESOLVED that a study should be made on the scientific value of the lie detector, and the truthfulness of its results, with regard to rape,

and if this value is scientifically established,

BE IT RESOLVED that evidentiary value in the courts be attributed to these results.

16. BE IT RESOLVED that the following definitions be included in the Criminal Code:

- (a) a "person" means someone of the male or female sex
- (b) "sexual organs" include the anus, the breasts, and the vagina of a female person, as well as the anus, the penis, and the testicles of a male person.
- (c) "sexual relations" means
- i) penetration, no matter how slight, or
- ii) any penetration of the vagina or the anus, no matter how slight, by an animate or inanimate object, when it is done by one person to another and whether or not these persons are of the same sex, except when such penetration occurs as the result of recognized medical diagnosis or treatment;
- iii) any sexual contact between two people which involves the sexual organs of one person and the mouth, anus, or vagina of the other person, whether or not these persons are of the same sex.

17. BE IT RESOLVED

- 1) that articles 143 (definition of rape), 144 (penalties for rape), and 145 (attempted rape) be abolished.
- 2) that the offences which are presently considered as sexual offences and described in articles 143, 144, and 145 of the Criminal Code be moved to the section on assault which is to be reformulated as follows:
- a) article 244 (definition of assault) be retained
- b) article 245 (common assault) be retained
- c) the following offences are to be added

- (C1) 1) Sexual assault without bodily harm
Anyone who assaults the sexual organs of another person with his or her own sexual organs or another object but without causing bodily harm is guilty

- i) of a criminal act and is liable to five years imprisonment;
- ii) of an offence punishable by summary conviction.

(C2) 2) Aggravated assault with sexual intent

Anyone who is imposing or attempting to impose sexual relations on another person, commits an assault causing bodily harm to the victim, is guilty

- i) of an indictable offence and is liable to twelve years imprisonment.
- 3) that testimony as to the prior sexual life of the victim during a trial for a sexual offence is to be prohibited.

THE FOLLOWING RESOLUTIONS WERE NOT CONSIDERED AT THE CONFERENCE

18(a). Whereas rape is an interference with the sexual and general physical autonomy of women, and

Whereas the issue in a rape case should be the presence of threat or use of force,

BE IT RESOLVED that rape and other forms of sexual assault be removed from the Criminal Code and included in revised assault provisions.

18(b), Whereas the rape victim is subjected to psychological trauma, and

Whereas the victim of rape is also a victim of attitudinal stereotyping on society's part,

BE IT RESOLVED that specific educational and training programmes be developed for persons involved in assisting rape victims, as well as those involved in preventing rape, and,

FURTHER BE IT RESOLVED that a study group be organized to survey attitudes and treatment of rape victims in hospitals, and

FURTHER BE IT RESOLVED that where possible, a victim of rape may have the choice of being physically examined by a female physician as opposed to a male physician.

18(c). Whereas the victim of rape often suffers from physical and/or psychological consequences, and

Whereas some form of remedy should be awarded to the victim.

BE IT RESOLVED that law enforcement agencies be required to inform the victim of the availability of victims' compensation, as well as when and how to apply for it, and

FURTHER BE IT RESOLVED that an effective and workable method be devised whereby compensation will be awarded for psychological consequences regardless of whether or not physical injury has been suffered by the victim.

19. Be it resolved that the words "a composite of" be included in the definition of Equal Pay for Work of Equal Value, as follows:
S. 11 (2) - in assessing the value of work, the criterion to be applied is a composite of the skill, effort and responsibility...

EXPLANATORY NOTE: Our concern is that the present wording allow as an interpretation that would compare the individual components, i.e. "skill" to "skill" and "effort" to "effort" which would have the result of changing the effect of the section to amount to "equal pay for equal work". This would defeat the whole purpose of including the standard EPWEV.

20. BE IT RESOLVED that NAWL adopt the position put forward by the Toronto Articling Student Caucus concerning the child care expenses in s. 63 of the Income Tax Act.

21. Whereas this is a feminist organization, and whereas it is destructive to our goals to be identified as professionals only, and whereas membership is open to all,

BE IT RESOLVED that local caucuses make a concentrated effort to search out and involve all women in improving the legal status of women.

22. Whereas the amendments to the Criminal Code passed in 1976 concerning sexual offences against women are insufficient to achieve protection for women,

BE IT RESOLVED that a group be formed within NAWL to study and criticize the Law Reform Commission Report on sexual offences from a national perspective and make recommendations to the Standing Committee on Justice of Parliament, for further amendments.

CONSTITUTION

23. BE IT RESOLVED THAT section 10 be amended by adding a new paragraph (c) after "it is a discriminatory practice for an employer or employee organization"

(c) to provide benefits in the form of a superannuation of pension plan or an insurance plan that discriminates on any of the prohibited grounds of discrimination.

AND THAT Section 16 providing for preservation of previously acquired rights be retained.

AND THAT Section 17 be reworded to avoid the possibility of avoidance and non-compliance by creating job ghettos.

AND THAT Section 18 be amended to provide that a public body may by regulation prescribe the provisions and not the Governor in Council.

AND THAT Section 48 which exempts federal superannuation plans be deleted.

BE IT RESOLVED that the proscribed grounds for discrimination should include:

- (1) political ideology or political beliefs
- (2) right to individuals maintainance of own identity unrelated to family affiliations or other similar considerations (i.e. necessity to disclose marital status to employer, landlord, etc.).
- (3) in matters relating to services, accommodations and housing; source of income,
- (4) individual personal income and financial status, i.e. number of dollars to be appointed to the Canadian Senate, Boards of Companies, etc.
- (5) discrimination on the basis of having a criminal record before the possibility of a pardon arises, in a job situation where the conviction is totally unrelated to the job in question.

.....
Ed. Note: Apologia

We wish to apologize for the lack of French in this newsletter and for the possible errors in the French version of the Resolutions. The French Resolutions were put together and typed by Anglophones and there are likely many errors. We did not receive any submissions in French and unfortunately time and money did not permit us to translate the submissions. In order to have future newsletters translated, it will be necessary to have the co-operation of all local caucuses in submitting their articles already translated.

ARTICLE I - TITLE OF ORGANIZATION

1. This organization shall be known by the style and title of the National Association of Women and the Law; l'Association Nationale de la Femme et le Droit.
2. This organization shall be known by the abbreviated style and title of N.A.W.L.; A.N.F.D.

ARTICLE II - PURPOSE

1. Education: to familiarize members of the community with the sexual inequalities in the law and their effects.
2. Action: to examine existing policy, to make recommendations for change, and to work toward implementing these recommendations.
3. Research: a) to investigate sexual inequalities in the law and legal institutions;
b) to examine the role of women in the legal milieu.
4. Talent bank: to establish and maintain a source of candidates for political appointments or elections and other positions of responsibility.
5. Communication: to provide an exchange of information.
6. Unity: to unite people involved in the legal system.

ARTICLE III - MEMBERSHIP

1. Membership in this organization shall be open to all persons who support the objectives of the association.
2. This association recognizes that there are two basic strategies in the women's movement. One advocates participation by both sexes in the same organization since both sex roles must change. The other advocates participation by women only as an affirmative action or "consciousness-raising" measure. It is recognized that these strategies are mutually exclusive in the formation of a caucus, and as this association encourages maximum local autonomy of the caucuses, local caucuses are free to choose either strategy. Since this association is open to all, those who disagree with the strategy chosen by a local caucus may become members at large or form a second caucus, notwithstanding ARTICLE IV. 3, with a view to eventual amalgamation.

ARTICLE IV - AFFILIATION

1. The National Association of Women and the Law is formed of local caucuses and members at large.
2. Emphasis will be placed on local organization. A caucus shall consist of three or more members who have accepted the constitution and goals of the national association. Any person who cannot join a caucus may be a member at large and pay his or her dues directly to the national association.
3. Every law school has only one local caucus.
4. The fiscal year shall run from October 1 to September 30. Ongoing membership dues will be payable at the beginning of each fiscal year.

ARTICLE V - CONVENTION

1. A policy forming convention shall take place every two years in the month of January, February or March.
2. Each person who has been a member in good standing of the national association for three months prior to the convention shall have one vote at the convention.
3. Members who are unable to attend the convention may give written authorization to another member to vote as their proxy.
4. Bourinot's Rules of Order shall govern procedure at the convention.
5. The members of the Steering Committee shall be elected at the convention. However, in the case of the resignation, removal or demise of a National Steering Committee member, a by-election shall be called in accordance with the provisions of the by-laws.

ARTICLE VI - THE NATIONAL STEERING COMMITTEE

1. The Steering Committee shall be composed of seven members. There shall be at least one member from each of the following five regions: British Columbia; Alberta, Saskatchewan, Manitoba; Ontario; Quebec; Prince Edward Island, New Brunswick, Nova Scotia, Newfoundland; and two other members. Two of the seven members shall be persons working within or governed by le droit civil.
2. The Steering Committee shall:
 - a. implement policy decided at the convention.
 - b. maintain communication among local caucuses.
 - c. deal with the business of the association arising between conventions.
 - d. circulate to the membership business to be considered at the convention as outlined in ARTICLE V.5.
3. The Steering Committee shall meet at least once a year.

ARTICLE VII - BILINGUALISM

1. N.A.W.L./A.N.F.D. recognizes that there are two official languages and cultural groups in Canada. Therefore, provision of bilingual services and promotion of bilingualism are priorities of N.A.W.L./A.N.F.D.

ARTICLE VIII - AMENDMENTS TO THE CONSTITUTION

1. The Constitution shall only be amended at National conventions.
2. a) For the purpose of this section, a quorum is more than fifty per cent of registered delegates to the convention including proxy votes;
b) A majority is two-thirds of those voting;
3. The vote shall be taken by a count of standing delegates;
4. The chief returning officer shall administer the voting on constitutional amendment.

As a member of the National Association of Women and Law since before its inception, I would like to take this opportunity to speak to you all about the evolution of that Association. No, I will not bore you with yet another detailed "history" about the years the Association has been in existence. I do wish to talk about how we have evolved in the eyes of the "powers that be".

Some of you will recall that the key-note speaker at the 1974 Confederence in Windsor was Otto Lang. Parenthetically, I might add that the organizers of the Windsor conference would probably have preferred some other, more "liberated speaker"; however, the Justice Department controlled the purse-strings and it was thought polite to invite Mr. Lang. (I cannot bring myself to say "The Honourable" for reasons which may become clear as you read on.)

After a sumptuous feast in a beautiful downtown Windsor hotel, the 500 women and other interested people listened in shock as Mr. Lang spoke about the "well-reasoned" Murdoch and Laval cases. Mr. Lang was rendered almost speechless by the hisses, boos and strawberries which followed his statement.

After the same sort of sumptuous feast in Winnipeg in 1975, Jean Sauve gave the key-note speech to the assembled members of the N.A.W.L. If I recall correctly, Otto Lang refused to participate in that Conference and sent the then Minister of Health in his stead. Among other things that the Minister said during her talk was that one could not force women to have abortions that there must be a free choice by women and for that reason, coupled with the "fact" that Canadians had not sufficiently demonstrated that there was the right social climate for amending the abortion laws, the government would not consider changes to those laws. Mme. Sauve's wind-up statement was "After all, isn't abortion tantamount to euthanasia?"

The feast at the January 1977 N.A.W.L. Convention was certainly better than those of the previous conferences. Correspondingly Justice Minister Ron Basford's key-note address was easier on the stomach than the previous two. Mr. Basford spoke (albeit fleetingly) on the Human Rights Bill. He was well-informed about the N.A.W.L. and talked about the input that N.A.W.L. had had in the latest version of this Bill. He urged our continuing involvement in the political forum, by the expedient of briefs and concerted action on the subject of those briefs. He identified briefs presented to the government by member caucuses of the N.A.W.L. (eg. the brief submitted by the Ottawa Caucus on the previous Human Rights Bill). Not to paint too rosy a picture, he also revealed the (perhaps) obvious fact that N.A.W.L. and its members are not yet part of the "old boy" network: on being questioned about his statement that defence lawyers across the country have objected to the recent Criminal Code amendments concerning the conduct of rape trials and exclusion of evidence of the victim's past sexual history because of the difficult position in which it puts the accused, Mr. Basford stated that these complaints came to him through his informal chats with various defence lawyers. The inference may be seen to be that we must continue to work through formal channels, whereas others may more easily catch the ear and legislative correction of the Attorney-General. In all fairness, it must be stated that Mr. Basford demonstrated his willingness to listen informally to members of the

N.A.W.L. by staying after his address to quaff a few beers with them -- whether legislative change will arise from this, remains to be seen.

What is the point of recounting these three vignettes? Their value lies in reading between the lines.

Mr. Lang's speech to the Windsor conference indicated that he, and his government, did not consider the organization, nor its members, a political force with which he must reckon. While it is obvious that we were in organizational infancy at that time -- after all, it was the first national conference and the N.A.W.L. had not as yet been formed -- it was insulting to be told that our individual and collective legal opinions about the merits of those two ignominious cases were considered trivial concerns by the Minister of Justice.

Mme. Sauve's address revealed much the same governmental arrogance in relation to N.A.W.L.'s concerns and political abilities. Some of this arrogance may be explained by the subject matter of the speech: abortion is, and quite possibly will remain, an emotion-laden topic. However, to suggest that liberalization of the abortion laws would be tantamount to forcing women to undergo an abortion is patently ridiculous. It has been N.A.W.L.'s position at the Winnipeg Conference, and the free choice of which are framed, that the free choice of which Mme. Sauve spoke cannot be exercised with the restrictive promises (and application of those provisions) in the law as it is currently framed. Once again, the government was saying that our analysis of the law and the social climate was fallacious and as such was not deserving of attention.

While the government position on the topic of abortion has not as yet changed substantially, Ron Basford demonstrated that he and his government finally recognized that N.A.W.L. was politically important. This was illustrated most clearly by the homework that somebody did on Mr. Basford's behalf: he knew to which group he was talking and he was aware of at least some of our political activities. And he did not discount them as being of no concern to him or his government, rather, he specifically attributed legislation reform to the efforts of our Association and other similar pressure groups.

This evolution from governmental ignorance to governmental attention may be attributable to the difference in personality between Otto Lang and Jeanne Sauve, and Ron Basford. It is also indubitably a function of time: N.A.W.L. has been active, both at the local caucus and national levels, for several years now, and perhaps due at least partially to our efforts, more women are becoming attuned to the inequities in the legal fabric of our society. The government is aware of this phenomenon. Finally, what the change in tone of response to N.A.W.L. indicates is that our organizational efforts and reform activities have not been in vain.

The temptation is too great to resist: we've come a long way, baby!

A Member (in good standing)

Toronto Articling Student's Caucus

Saving Our History

Maybe there are lessons to be learned from the past. There certainly is evidence of willingness to experiment and to learn from mistakes evident in the growth of our organization. Having been involved from the very first, maybe I can see the pattern of evolution a little clearer than others. This is written to let others see it too, and to gather some inspiration from a rather dry subject, that of structuring an association and building a national network. It really needs the flesh of issues and objectives to liven up the subject, but this brief survey will concern itself with the structures of growth and the chronology of events.

Each national conference has been unique. Each has been patterned with different objectives, and each has been successful in its own terms. Each has also been very closely linked with the stage of development of the national association and thus the format would not be repeated because the association is a growing association, very much attuned to its community of interests in spite of the diversity of views and alliances which its members reflect.

The beginning was an ad hoc meeting called during the lunch hour one day in March 1974 at the first National Conference at Windsor Law School. In response to announcements made by the organizers of the Conference, a few women met and pledged to set up a national network. They articulated the goals at that time, and these have not changed. Briefly, we would devote ourselves to improvement of women's status, using whatever professional talents we could, but also involving members of the community at all levels. It was not a group devoted to professional status although we conceived of the network as one which would be helpful for making contacts around the country. It was much more than that.

It was at Windsor also that women from Winnipeg accepted the challenge of organizing the next Conference, to be held in 1975, International Women's Year. And they wasted no time in planning a really extraordinary event at which the main emphasis was on passing resolutions and making policy.

Windsor provided the exposure to experts and to women of experience in the legal profession who told of obstacles and successes. We heard of proposals for law reform and problems in existing laws. We saw films and were treated to dramatization of women's life cycle from baby to baby doll. It was a raising of consciousness for many. The conflicts were exposed too. For example, the hisses and boos which greeted Justice Minister Otto Lang's defence of the Murdoch decision were much resented by many women. Other after-dinner speeches, such as those by Madam Justice Van Camp and by Pauline Jewett, drew us together in mutual admiration and inspiration.

In contrast, Winnipeg was a working conference requiring active involvement of the delegates. But this time some local organization had occurred and delegates came informed. Resource persons with expertise were provided for each workshop as well as panellists from Canada and the United States. The theme was the women in the paid labour force, but the workshops spanned every interest of women from day care, to rape, abortion and human rights legislation.

Despite limited time, some attention was paid to developing a national structure. It was agreed that representatives would meet the

next Spring in Ottawa and that another national conference should occur within two years in order to ratify a constitution and elect a national steering committee. In the meantime, communication would be maintained to ensure that the views of each caucus would be incorporated in the formation of the constitution.

A meeting of caucus representatives took place in Ottawa in March 1976 and the constitution developed further. Following this meeting a summer project made up of one member from each law school caucus met the whole summer of 1976 to plan the next conference, finalize the constitution, develop position papers and set up a national communication network.

Government grants made the summer project possible and were the basis on which all three conferences were built. The principal granting agency was the federal government's department of the Secretary of State, although each provincial government also contributed. Given the poverty of law students in general and women in particular, this funding was necessary, at least to this point. In the future it may be possible to develop other sources of funding.

The most recent conference, in Ottawa in January 1977, differed from its predecessors in that the emphasis was on internal organization and reliance was placed on internal resources rather than outside experts. The first day was almost wholly taken up with workshops on structures and local projects and strategies, and little pressure was placed on developing resolutions, in contrast to the Winnipeg conference.

Because of the recent introduction to Parliament of the Human Rights Bill, C-25, the focus on human rights legislation was timely. Justice Minister Ron Basford, addressing the conference on Friday evening, showed sensitivity to the issues and concerns of women, as well as knowledge of some of the criticisms contained in the brief the Ottawa group had prepared on the previous human rights bill. This was a welcome change from past experience where the Ministers had distinguished themselves by their lack of information or hostility to the views of the association.

Although there was no pressure to draw up resolutions, many good resolutions were passed in the workshops and debated at the plenary session on Saturday, especially those dealing with human rights. The issues workshops on Saturday on rape, abortion, and other matters of federal concern resulted in good resolutions which were refinements on those passed in Winnipeg. Unfortunately, several were not ratified, due to lack of time, but they nevertheless can serve as focal points for local caucuses in assessing changes proposed or actual in the law, and useful for building action programs.

As members graduate from law schools, complete articling, and become more involved in their communities, we can expect new emphasis to develop. Community involvement and inter-action has been basic to the association from the beginning, although the locale of the law school is not conducive to the best use of community experts and resources. The pattern seems to be improved integration as caucuses develop in the community without losing the link with the law school. Joint meetings and pooling of resources prevent severance of the necessary mutuality.

The integration of community experience and legal expertise in the interests of improvement of women's status is the special feature of

N.A.W.L., distinguishing it from other groups. It remains for each of us to continue the tradition developed during the past three years, and to better realize it in the future. The promise of N.A.W.L. is great but each of us is needed to ensure that its potential is realized in action.

WHY BOTHER?

The National Association of Women and the Law has to be put in to the context of the women's movement generally, and the drive to root out of our common law and statutes the discrimination arising from a restrictive view of women as the other sex, a view which was unquestioned in the past but - which is increasingly at variance with modern practice and expectations.

The divergence of law from practical behaviour results in injustice that is borne primarily by women but which poisons the relationships of women and men. The sooner changes are made, the better. But the changes must be improvements, and to ensure that this is so the active involvement of women, sensitized to the issues and equipped with the necessary expertise, is absolutely essential. The more so because it seems that men are unable to develop the perspective that belongs to women in the area of women's special interests. It may be because our experiences are so different from the beginning, although we have many interests in common as citizens.

For a long time it has been said that women are favoured by the common law. This began with Blackstone, although he had opponents in his own day who pointed out that the facts did not bear this out. Bracton was more truthful: society was divided into male, female and hermaphrodite, and female was inferior to male. Not only inferior, but we find the female sex relegated to domestic and private concerns and excluded from public participation until early in this century. That's a long, long time to be saddled with the label of inferiority. Has it ended? Not in the law. Look at the law of husband and wife, rape and evidence law, abortion and reproduction, property and recognition of the contribution of women whether in marriage or in the paid labour force. In all these areas, the effects of discrimination are there for all to see. They cannot be denied, if one's eyes are open to see.

These issues have long been identified as critical in the improvement of women's status. They were examined by the Royal Commission on the Status of Women in all parts of Canada and included in their Report in 1970. But there is still much to be said and much to be done.

While issues have been identified, it is only recently that women in any numbers have been developing the legal expertise that assists in the definition of problems in a way that permits them to become part of our legal structure. This is extremely important, although more so in some areas than in others.

For example, a flick of the pen, so to speak, will shift wealth, power and status, in the area of property law. The battle is outside the legislature, before enactment of legislation. The population must be educated, voters as well as members of the legislatures, and highly motivated people must be available to undertake this because it can be without tangible return.

On the other hand, human rights legislation satisfies everyone as highly moral, voicing the values we treasure. But just try enforcing it. It is easy to get passed, but not easy to get implemented. Watchdogs are needed, women who can monitor implementation of the legislation. And if women are to gain any benefit, they must be assisted in lodging complaints and maintaining their commitment through lengthy processing to an uncertain outcome.

Legislation thus requires attention from members of an Association such as ours, both before it passes and after. We have a role to play in ensuring that drafting correctly reflects the aims, and that interpretation in the courts is faithful to the aims. This has frequently gone against women's understanding of the worth of legislation, due to inadequate drafting and failure to appreciate the position of women in history.

On an internal level, developing expertise can be shared among local groups, but only if we have opportunity to meet and to communicate. These links have been developing, along with the necessary expertise and motivation. It doesn't happen all at once, and we must remember that participation as professionals in public affairs is a very new experience for women. Setbacks are to be expected and perfection far away yet.

Meetings at regional and national levels provide training grounds for debating, organizing, public speaking, and skills related to functioning in groups, another area in which women have lagged behind men throughout history. In Canada, exposure to diversity and to the two founding cultures is possible for many women only at national meetings. In our association, where we have common interests in furthering women's interests, we have additional reasons to meet on each other's ground, to learn to speak each other's language.

At the national conference policy is made, information exchanged and integrated. Inspiration results from witnessing the existence of the high level of consensus on interests common to women, despite the wide range of diversity on other questions. The national conference has been a source of information and inspiration which gets brought back to the local caucus and from thence spreads to the surrounding community.

Putting this knowledge to use in the community has involved first of all, becoming a resource for the community by providing a speakers' bureau for information on women's rights or the lack of them, writing and distributing pamphlets on women and the law, setting up a series of workshops or a conference-type weekend of workshops open to attendance by the public, or developing a legal aid clinic for women only. All these activities have already been undertaken by different caucuses across the country, and then some. We have yet to hear of all the services made possible by women who have come together under the umbrella of the Women and the Law Association.

Once a group becomes known in a community, a demand is created for speakers. Women are very anxious to know the laws that apply to them. Some of them have been victims of marriage breakdown, some of them wish to protect themselves from the possibility of breakdown in the future, others are motivated to help bring about change in the law from a simple commitment to justice for women and men. Also, of course, there is continual interest in basic legal questions involving consumer protection, landlord and tenant act, estate administration, as well as areas of the law of special interest to women.

Many women in the paid labour force are awaking to the fact that their salaries are lower because of discrimination. Their taxes are higher, their fringe benefits fewer. Is this necessary? It can be changed by improving the law to benefit women, to remove discrimination.

How does one do it? For many members of NAWL, the experience of doing and accomplishing is a new one. It is the same for women generally. After being a housewife for decades, it is difficult to suddenly wear the new hat of participant in public affairs. But that has to happen if women's status is to improve.

NAWL exists in order to stimulate, coordinate and direct the energies of women who have a desire to contribute actively to improving the status of women. NAWL is nothing more than the sum of the energies of women and men who are actually contributing their expertise and insights. It is a new phenomenon in that no group ever before has formed around this goal specifically. There is no doubt of the need for such a group as long as discriminatory practices continue, and as long as discrimination is a principle underlying our laws, as it now is.

Contributed by Shirley Greenberg in the hope of stimulating dialogue and improving communication. Please address comments to me at 11 Clemow Avenue, Ottawa, Ontario, K1S 2B1.

Making Our Mark on New Legislation

If we can't influence legislative change in the direction of improving women's status, then the objectives of our organization will not be achieved. This goal is surely the one of greatest lasting impact, and the one our training and history, best suits us for. Although women with expertise are associated with other women's groups which also look closely at legislation, this is a primary focus for NAWL. And we will certainly have plentiful opportunities to test our effectiveness. Are we equal to it?

The Ottawa group has been following the progression of the issues coming under the label of family property law. Its experience may be of benefit to other groups. In particular, the Ontario model of legislation, the first to be introduced to the legislature and to get to second reading, will likely be a model of some kind for other provinces. Thus our active involvement could be meaningful to women across the country.

A legislative committee was hurriedly formed in Ottawa last December as news reached us, via the Toronto Globe and Mail and other sources, that hearings would take place and submissions could be made. Being very busy people, some of us articling and others in the midst of examinations, we almost let this chance slip away. What kept us in there was the history behind us in relation to family property. After so much investment of time and intelligence, by so many women, it would have been tragic to do nothing.

All it took was for one woman to telephone another. The two of them decided to look at the Bill and make a submission. They they decided, why not gather together those available and make a submission in

the name of the group, a much more powerful influence than two women. So the calls were made and within three days, on a Saturday morning, eight women designated as the Legislative Drafting Committee gathered together at a room at the University of Ottawa Law School and rewrote the (proposed) Family Law Reform Act to suit our ideas of what would be fair for women in Ontario.

The next day three women gathered at a private home and put the ideas developed the previous day into written form. Luckily, a representative of the Toronto Articling Students' Caucus happened to be in Ontario on the weekend and brought news of their own position as well as of the position of the Attorney General of Ontario. Some submissions had been made to the Committee already, principally that of Professor Edward Ryan, expert on family law, and had been given front page treatment by the Globe and Mail. So we were not working in a vacuum and knew that focal points were the fault issue and the definition of family assets, for example.

On Saturday the group had pooled funds and one member with time volunteered to go to Toronto and attend the hearings on the Committee on the Administration of Justice. When she arrived, contact was made immediately with the Clerk of the Legislature and arrangements were made for an audience. On Tuesday afternoon she was able to present our position. The whole Committee of thirteen members heard her, along with the Attorney General and his special assistant, as well as several interested Members of Parliament. The questioning was intense and interested.

We had not had time to write a brief but this was done after the fact. This proved to be advantageous because questioning showed the lines of thought that could not be anticipated in advance. For example, the Attorney General repeated stressed that this Bill had to be a "People's Bill", but our delegate insisted that judges, not people (!) had to apply and interpret the statutes, and that in the past interpretation had always gone against the interests of women unless it was very clearly expressed what the statute was designed to achieve. To get the brief written meant intense effort into the long hours of the nights following our delegate's return --- first to write it, then to have it typed up. Three days later it was sent off on the bus to Toronto.

Our delegate did not stop with her presentation. She visited several Members of Parliament in order to clarify our position and to get ideas from them as to the Bill's progress. She was very well received by all. She was assisted to some extent by Members of Parliament from Ottawa who had acquaintance with members of our group and by members of the Toronto Articling Students' Caucus.

Following this event, the Toronto Globe and Mail, which had given good but confused coverage to the Women and Law Association presentation, wrote an editorial in which they took us to task for introducing complications in the Bill. In the process they distorted our position and misinformed the public. This gave us an occasion to protest. Members of the Toronto Articling Students telephoned the editor and spoke directly with him. Two letters of our members were published which brought attention to the distortions and corrected them. The editor offered to print an article by a member on a comparison of the community property system with the new system proposed by the Ontario Government.

The result? The Bill was withdrawn, but the Attorney General promises to re-introduce an improved version in March when the House reconvenes. We were not alone in making submissions; the National Action Committee on the Status of Women did so as well as Professor Mary Eberts and a Member of Toronto's all-women law firm among others. It was evident that our contribution introduced new material that members of the Justice Committee had not before considered, making the effort worthwhile. Also, each presentation of these representatives reinforced the other, making a greater impact than would otherwise have been the case.

What background did the Ottawa caucus have behind it? From the initial stages of organization of the Ottawa group in 1974, it had a focus on Family Property Law. The introduction came at the Windsor Conference. Later that year, a family property law conference took place in Toronto, organized by the Status of Women Council under Laura Sabis in association with the Ministry of Social and Community Services. It brought together women from all over Ontario to debate the issues, and members of the Ottawa caucus turned out in full force, one of us in each of 16 workshops where we were exposed to the evaluation and opinion of women from all parts of the Province.

Prior to attending this conference we had made our own investigations of the recently tabled Ontario Law Reform Commission Report on Family Property Law and its recommendation of a deferred community regime. We interviewed members of the Faculty of Civil Law on Quebec's experience with community property and recent legislative change of the property regime at marriage. We arranged a meeting with Professor Julian Payne, expert on the subject who was then with the federal Law Reform Commission, and who had presented its finding at the Windsor Conference.

The knowledge women gained by their research and the insights contributed by members of the community inside and outside the law school were combined and incorporated in the form of a brief on Family Property Law which was taken along to the Conference in Toronto. Thus we were well prepared to make the most of the resources available to us there, and to join in the debate on the resolutions which came out of the workshops. This brief is still useful and in circulation.

The Conference at Winnipeg exposed us to the positions taken by other provinces on this issue. Several had reports from their Law Reform Commissions, including Manitoba, Saskatchewan and B.C., the latter recommending a type of community property with joint management, surely the one most reflective of the equality of partnership - in terms of property. But did spouses see themselves as partners in terms of property? Proposals for change mostly steered away from this extreme and tried to achieve justice for the dependent homemaker without too great cost to the spouse who now holds all the cards.

Nowhere has a satisfactory solution been achieved, and everywhere family property is still a very live issue. Our input is essential. This outline has been contributed in the hope that it will stimulate others to get involved. Members of the Ottawa caucus have found that Members of Parliament, federal and provincial, have sought them out as their expertise has become known. We have a point of view that is necessary to ensure full representation of women's perspectives on this question. And this is so for many other issues, as well.

The Federal Law Reform Commission will soon publish a working paper on Rape (maybe in March). One of our resolutions that came out of the Ottawa conference was for committees to be struck on each law school campus, and by each caucus, to examine and report to the National Steering Committee. It was evident in at least one rape workshop at the national conference this year that our perspective and that of women working at rape crisis centres has not broken through tradition-bound attitudes of men in very high places, men who will influence the legislation, and also men, such as Crown Attorneys, who will implement the legislation, and defence lawyers as well, who are already complaining about changes recently instituted which we know are inadequate to protect women and advance justice.

We have much to do in the way of influencing legislation. This legislation once enacted will be on the books and we will have to work with it. It's up to us to do what we can to ensure that we have the best possible legislation. There's plenty of worthwhile and rewarding work for our members here.

WHAT WASN'T SAID

At the NAWL Convention we took care of business remarkably well. A national convention should properly deal with issues where our respectability and broad base will be most effective in the Canadian context. However, the concentration on legislative subjects - rape, abortion, and human rights - involved our talents as law students but ignored our nature as women and as feminists. While some may argue that these concerns are better dealt with at a local level, to deal with either the personal or the political in isolation is to deny their essential unity.

The personal includes thought, emotion, speech, action - all that comprises a unique human life. The personal becomes political when it comes into contact with another living being. While the grand political forum generates tremendous power, quality of life relates largely to personal politics. Of course I am speaking from the comforts of the middle-class. As third world women and working-class women in North America have said to the so-called feminist movement, "You serve the interests of the affluent few who can afford the luxury of contemplation." For women who have achieved some small share of worldly power, introspection is not mere indulgence, but a political necessity because we can be oppressors as well as oppressed.

A notorious tendency of those who have escaped their oppressed class is to turn their backs on those still struggling. Due to fear of losing new-found status, or from helplessness, or the pain of remembering it is too easy to say, "I made it; so can anyone else who wants (or tries, or has the talent, etc.)."

By concerning ourselves with social issues we cannot discharge our personal burdens. Information exchange, legislative reform, and generalizing about the super-structures are valid feminist concerns. However, a humanistic approach to feminism requires we deal with more than our intellects. Our bodies and our sexuality cannot be examined in the abstract. Logically, discussions about abortion and rape should

begin with our own genitalia. Is it enough to write sexual orientation into the Human Rights Bill? Or will we say lesbians are fine people so long as I don't become one?

After self-awareness, the process of communication must be examined. Language is the most powerful tool available to humanity. Linguists have established a relation between language and thought-pattern. What one can think is in part defined by the words available. For example, in Japanese, siblings are not sisters or brothers, but specifically older or younger sisters or brothers. Heidegger resorted to creating his own terminology, but private meanings are awkward for efficient communication.

"Indian" and "Native North American" may refer to the same concept, as might Maritimes/Atlantic Provinces, and Franch/francophone, but the import of each is not interchangeable. If these distinctions seem trivial, consider the difference between girl, lady, female, chick, baby and woman.

Part of the problem of communication arises from our failure to understand that these and many other terms may have different 'import', both as between two possible words intended to convey the same meaning, and as between individuals who may attach a different 'import' to the same term. The problem is complicated by the question of class. Acquiring language skills is a middle-class privilege, and those of us who have benefited from that privilege tend to have little patience or understanding for both the "inarticulate" working-class and non-anglophones.

Our manner of dress similarly contributed to the professionalism and externalism of our organization. It's clear that the "well-dressed" lawyer gets a different reaction, both in court and in the clinic or office, than her sister who wears jeans. But is our credibility dependent on three-piece suits?

The purpose of this paper is not to advocate any particular personal style over another, but to argue that the personal choices are political. Will the political concerns of NAWL be limited to a pre-occupation with legislative change? We hope not, and would like to continue this discussion either in the Newsletter or by letter.

Sandra Kobayashi

Alison Fraser

33 Beverly Street
Toronto, Ontario
M5T 1X8

We received an article entitled "Income Tax - Child Care Deductions". After perusing it we felt we would like to comment and add to the article. Time constraints did not permit us to do so and we hope to circulate the article and our comments (and hopefully those of a noted tax expert) in the next newsletter.

CAUCUS REPORTS

New Brunswick Report (1)

Since the N.A.W.L. Conference in January, our caucus has decided to make a concerted effort to: recruit new members; to make public the aims of the group; and to affiliate ourselves (at least unofficially) with other groups. As such, volunteer members of our Political-Legal Action Committee and the Publicity Committee are in the initial stages of planning an active campaign.

With reference to recruiting members we hope our first successful effort will be to sponsor a relevant film, followed by an informal social gathering. This of course is a first step, a small one in terms of recruiting and expanding our membership base, as well as raising limited funds. We would appreciate any suggestions for such growth other N.A.W.L. caucuses may have.

Added to this, it is the hope of one member to begin submitting an article for each weekly issue of U.N.B.'s student newspaper. It is quite widely read by students and staff and is a vehicle for free and important publicity.

With regard to alliances with other groups, our first effort will be toward U.N.B. Law Students' Society. At the moment they are discussing establishment of Legal Aid services for the community, provided by law students. A member of our caucus has already been an active participant in the talks, but we hope to be formally recognized and represented as the N.B. Association of Women and the Law.

Unlike most other provinces in Canada, New Brunswick's Legal Aid programme is extremely inadequate. Another interesting factor is that our local CHIMO centre reports the majority of law-related calls are concerns of women. For these reasons our caucus feels this is indeed an area we should become involved with.

Beyond these concerns, another member of the caucus will be writing a letter of criticism to the federal department of Manpower and Immigration. The issue concerns the contents of a recent newspaper ad by this department.

In lieu of the various attempts by the federal government to eliminate sex discrimination in employment, this ad is a disgrace. (MR. EMPLOYER; WAITRESSES, are certainly focusing on specific sex categories.

Finally, a comment on the recent N.A.W.L. Conference. As a caucus it is evident that the N.B. Association of Women and the Law benefited by attending. The experience and information gained has added impetus to our (as yet, small) caucus and for this we are grateful.

On a more personal level, may I say as a "non-law" person I was excited and impressed by the "professionalism" of the group. This seemed especially evident as they tackled the question of the Human Rights Legislation. There is no doubt in my mind that there is a great deal of inherent potential power within the N.A.W.L. Organization. My wish for the future is that this power be successfully exercised!

Sincerely,

Rebecca Bourdage
Publicity Committee,
N.B. Association of Women &
The Law.

New Brunswick Report (2)

The constitution establishing the N.B. Association of Women and the Law was adopted at an organization meeting in October, 1976.

In addition to supporting the aims of N.A.W.L. the association is dedicated to community service goals (especially the provision of a legal information service to the community) and its political change in N.B. Political strategy will be oriented towards three objectives:

1. Improvement of legal status of women in N.B.
2. Establishment of Civil Legal Aid Program
3. Support of other groups with common aims.

Membership in the association is open to everyone.

The decisionmaking structure of the group reflects the collective action model outlined by Prof. Vickers speech at the January convention. There is a spokesperson who has mandate to speak on behalf of the group on legal, social and political issues and to keep in touch with N.A.W.L. Steering Committee. The work of the association will be conducted by a chain of ad hoc committees responsible to and directed by the membership as a whole.

Some of these committees are finance committee, administration committee, community-projects committee, political-legislation committee and the publicity committee.

McGill Caucus Report

1. We have volunteered our services to a Montreal organization known as Rank and File. This group examines the problems experienced by women in the Quebec Labour force. Recently Bill 50, the Charter of Human Rights and Freedoms was passed. In art. 19 it guarantees "equal salary"

for the performance of "equivalent work." Rank and File has asked our association to provide a paper outlining the scope and effectiveness of similar legislation in other provinces. It is hoped that this paper will be used as a brief to be presented to the Quebec Human Rights Commission.

2. We have started a speaker's program whereby individuals are brought into McGill to speak on different subjects relating to women and the law and members of our group go out into the community to speak. Our first engagement was a talk given by a civilian student on the changing legal position of women in Quebec to a Zionist women's organization called Mizrahi. We have had several other requests but have found it difficult to get volunteers willing to spend the time researching a topic to speak on. We've had more success with the other end. Marilyn Rowell of Rank and File, Mary Crell from the New Woman's Centre who talked about discrimination against women within the legal profession and another speaker on minimum wage laws were very well received. The women in this faculty are not particularly aware of some of these issues so we were pleased at the response.

3. Our film program has had a mixed success. The noon our films have had a good turn out but because of the limited time available, discussion afterwards has been short. The Women's Studio at the N.F.B. has been extremely helpful and obliging and provided us with several films. Our last one was shown in the evening and although it was an excellent movie, only nine people showed up. It was called "Union Maids" and was a documentary about three women union organizers who were active during the Thirties. A women organizer from the California Farmworkers Union talked about the present situation of women in unions and what unions are or are not doing for women in the labour force. If any of you want a good film I can recommend it.

4. We've worked together with the debating union to get a panel of people to talk on abortion in Quebec. No date has yet been set but we're hoping to get someone from the Parti Quebecois to explain the government's position and Morgenthaler if we can afford him.

5. We've had a few open meetings with wine and cheese to introduce new students to the aims of the N.A.W.L. and to let them know what we've been doing. The law school also has its own little newsletter to which we are contributing material both on the convention and on issues of contention related to women.

5. Ad hoc activities include letter writing and petitions on things that are happening in Montreal (offensive advertising, etc.) and a letter to the federal government regarding s. 63 of the Tax Act which discriminates married women students with children.

Toronto Articling Students' Caucus Report

- anyone can be a member
- 15 members
- organized since September, 1976
- Projects: (1) brief with Ottawa caucus on Ontario Family Law Reform Bill
- (2) circulated article on discrimination in S.63 Income Tax Act and underlying policy
- (3) speaking to citizen groups

- (4) organized forum for ex-law students
- (5) research - divorce act, Income Tax Act, Family Law Reform
- (6) Petitioned Bar Ad. course to remove sex and status stereotyping from required forms.

- Plans - Redrafting Article VIII of By-laws
- No funding.

We would encourage the N.S.C. to undertake organized action on all the Resolutions passed at the Jan. 1977 Conference. We would also stress the need for communication by the N.S.C. to its membership. We see the function of N.S.C. communication not only as Ex Post Facto reporting but also informing the membership of current issues and organizing concerted action.

We have found that the way our group benefits most is to have a fairly loose structure which allows for consciousness raising as well as action-oriented activities. We see the two functions as being inseparable - action encourages consciousness-raising and Vice Versa.

Osgoode Hall Report

1. The structure of the Osgoode Hall Law School Women's Caucus is collective. We have no elected leadership of any kind. However, we have an office in the law school which services as focal point. Our office phone number is 667-3391. Our membership fluctuates a great deal. We have forty plus members who are primarily law students but who include a librarian and two law professors. Membership is restricted to women.

2. We have informal affiliations with the Law Union of Ontario, Toronto Rape Crisis Centre, York University Women's Centre, and the Community Legal Aid Student Program.

- Projects:
1. education in the community through speakers
 2. a resource library
 3. educational within the school.

Last year a brief was submitted to the Ontario Minister of Labour on equal pay for work of equal value. Last term a panel entitled "Are Women Lawyers Different from Men Lawyers?" was well attended. This term we are planning a panel on alternatives to practice. We are contemplating a welfare project and a workshop for law students who want to take speaking engagements.

3. We are funded by our student council at the Law school - the Legal and Literary Society. This year (1976-1977) we received \$1800 from them.

One of our members has the following comments to make about the conference. There was too much work planned for the time. The delegates got too tired to deal with everything. Also, leaders of the workshops should have met afterwards to co-ordinate the resolutions.

University of Western Ontario Caucus Report

We have existed for three years, Membership totals 7 - 10, mostly law students.

We have conducted seminars on rape as well as a mock rape trial. A film was shown - Visible Women - guest lecturers were brought out, potluck suppers and an introduction wine and cheese party were held. We are also working on legal secretaries' unionization.

The caucus plans to promote more lecturers, seminars, films on topics of current interest to women, particularly women's status, and legislative reforms.

The caucus is funded by the Student Legal Society and also received one grant from the Dept. of Justice for developing public awareness of women's rights and issues.

Great to have a national organization and the most important thing at present is to promote communication links between caucuses and promote solidarity.

Manitoba Caucus Report

We have been organized for three years now. Our energies were first channelled into organizing the 1975 NAWL Conference in Winnipeg. Much enthusiasm was generated in the organization of the Conference and as a result we now have a very solid base for our caucus.

In the 1975-76 school year we organized several socials which were primarily to allow lawyers and students to meet and interact.

In 1974-76 we operated a Women's Legal Advice Clinic at the YWCA. This clinic operated primarily by law students, was intended to be a referral agency. Our intention was to compliment the legal aid clinics already operating within the legal aid system with emphasis on women's rights and issues. However due to poor organization and publicity on our part the advice clinic ceased operations. We hope to reopen this service in the future.

A new executive was elected in March 1976 and as the Law Reform Commission's report on Family Law was finally released we channelled our energies in this direction. We became actively involved in promoting the spirit and intent of the legislation although we have many very specific suggestions as to amendments. Throughout the year 1976-77 we promoted our views on the report and specifically what we felt the legislation should contain, by means of critiques, speaking engagements and meetings with concerned groups.

Along with a number of other womens' groups we formed a united front called the Action Coalition on Family Law. As well as analyzing the proposals and making recommendations we planned an education program including a pamphlet called "Is This Fair?"

This pamphlet was designed to obtain individual's views on certain issues with mail-in postcards accompanying them. We passed out these pamphlets while speaking to groups and explained the reforms and suggested amendments. We specifically made a point of collecting the filled-in pamphlets at the close of each speaking session. We found that the pamphlet, a copy of which follows this article, served a two-fold purpose:

- (a) educational - the pamphlet is readably understandable to all members of the public and addresses itself to issues which we felt many women could easily identify with;

- (b) political pressure - one of our major concerns at this time was to exert sufficient pressure on our MLA's to ensure that the family law proposals saw the light of day and with our suggested amendments.

Individual members of our caucus presented briefs to legislative committees on Family Law and Equal Pay. We were pleasantly surprised to discover how receptive the committee members were. The experience was invaluable as a lesson in lobbying for legislative change. The bill is to be introduced into the legislative session which has just opened. Many of our specific suggestions have been incorporated into the new bill.

Another major activity of our caucus, organized by the education sub-committee is public speaking engagements. Members of our caucus speak to women's groups and to high schools on various topics pertaining to Family Law and Women in the Law. We go to the speaking engagements in teams of two, a women lawyer and a women student. Since last November we have spoken to approximately 30 schools and groups, and have found it to be a most satisfying experience to us and consistent with our view that information on basic family law and womens' rights should be available to all.

We run a speakers' series at the University for all students and we have brought in several speakers and an excellent theatre group which does skits and songs on contemporary womens' issues.

Our present caucus membership is 41 people including law students, lawyers, and lay persons. Our executive consists of 2 co-chairpersons, one law student and one lawyer, as well as a treasurer, secretary, articling rep and a rep from each year at the law school. Our meetings are held off campus at the Law Society premises or in people's homes. We try to get a guest speaker for each general meeting - our latest was a women member of the Human Rights Commission speaking on discrimination in pension plans on the basis of sex. Our experience is that a core group in the caucus is most active. We are hoping to attract more active members to our caucus. We sent 9 members to the NAWL Conference in Ottawa and a member from our caucus, Laurie Allen, was elected to the National Steering Committee as the Representative from the Prairies.

Our present membership fees, which includes the NAWL membership, is \$4.00 for students and \$7.00 for working people. This is liable to change due to a need for more funding. We received \$200 from our Law School Student Council to help with Ottawa expenses. We make some money by selling t-shirts and plan to run a large social soon.

The election of our new executive will be next month.

Saskatoon Caucus Report

At the present time, the Saskatoon caucus consists of 10 members, with 3 elected officers - President, Secretary and Treasurer. The term of these positions is one academic semester. We are presently located at the Saskatoon College of Law, our membership being composed entirely of law students, and we meet regularly every 2 weeks. We are in the process of implementing a major organizational funding and membership drive which would involve moving off campus, holding public meetings, contacting practising women lawyers with the view of having them join our caucus or forming a separate community caucus with close liason between

the 2 caucuses, and undertaking wider community projects. One of our priorities in this "drive" will be locating and topping sources of funding since the funds available to us now are very limited.

In the past, we have organized various public workshops on areas of law of interest to women; we have arranged for speakers at the Saskatoon College of Law; and individual members of our caucus have spoken to public school students and community groups on a variety of topics. Last summer we wrote and published 10,000 copies of a 48-page quite comprehensive informative and reference booklet entitled "Women and the Law in Saskatchewan" for free public distribution and we have worked throughout this academic year at distributing the booklet to agencies, groups and individuals throughout the Province. We hope to establish ongoing summer projects of this sort, with funding obtained from the Saskatchewan Law Foundation. This summer, for example, we are contemplating organizing a series of community workshops on various aspects of the law to be held at the Saskatoon Public Library and/or at the Legal Assistance Clinic. We also expect to continue having workshops and speakers during the academic year.

Edmonton Caucus Report

We presently have a 5-member steering committee (1 paralegal from Grant McEwan Community College, 1 legal binarian with the Legal Resource Centre, 2 U.ofA. Law Students, 1 lawyer) with rotating chair and secretary. We usually meet twice a month and have an average turn-out of 12 - 15 (approximately 25 people have attended at least one meeting this fall). As yet we haven't charged any local membership fees - it's left up to individuals to send their money to the national. The majority of our membership are law students, but we've had an encouraging number of people outside of law, and have made it a policy to hold meetings off-campus (usually in people's homes).

Our situation is unique in that we have a Women's Project at Student Legal Services - they funded an extra delegate to the Ottawa Conference. SLS is funded by the Law Foundation, and the Women's Project fulfills some of the needs met by other NAWL caucuses - public education, briefs, study papers, legal information for women. Many people associated with the Women's Project are involved in NAWL - there's a definite overlapping.

Projects ongoing: As a result of the Ottawa Conference, and various resolutions discussed there, most of our members felt the need to know more about rape law presently on the books, recent amendments and proposals for more radical reform. We're having a two-part seminar on rape in late February/early March. One of our members has been working with the Edmonton Rape Crisis Centre and is giving the presentation for our members.

Our affiliation with other women's groups has been limited - a function of too little time and energy...We have informal affiliation with Options for Women, the rape crisis centre, and the Alberta Status of Women Action Committee. One of our members from Calgary has ties with the Calgary Status of Women Action Committee and a report of the Ottawa Conference will be published in the next issue of their Calgary Women's Newspaper (circulation 4000 Alberta) (we're sure you'll all read it!). We haven't established a good system of communication with the Calgary Caucus yet - we first met them at the Conference and tentatively planned to arrange a meeting of the 2 caucuses for a day in either Edmonton or Calgary.

Contemplated Projects: Two of our members are busy drawing up a draft proposal for funding from the Law Foundation for one or two members to do research over the summer months on Matrimonial Property and/or Women in Prison in Alberta. We plan to submit the proposal in March.

As of now we have no funding - rely on xeroxing from the Legal Resource Centre and use our own cash for stamps, supplies, etc. We have office facilities at the Women's Project Office (at the Law Centre on campus).

We all enjoyed the conference very much - great to meet people from other caucuses and we picked up ideas and enthusiasm. Many congratulations to the Ottawa caucus for doing all the shit-work, the organization - we were very impressed! Hopefully, conferences in the future won't get as bogged down in resolutions, by-laws and constitutional amendments as this one did.

Calgary Caucus Report

The caucus was organized in October of 1976, immediately after the law school at the University of Calgary was opened. There are presently fourteen members not all of whom are lawyers or law students: membership is open to all.

Up to now the caucus has organized several fund raising events, and has been involved in setting objectives and priorities and planning future events. We have no outside funding but are looking into the possibilities of federal/provincial grants. Future plans include researching, writing and publishing a booklet on the laws in Alberta as they affect women; development and presentation of talks for schools and women's groups; liason with women lawyers in Calgary, liason with other women's groups in Calgary.

As we are now a new group just starting up, we went to the national conference in Ottawa in search of some sort of direction. We were disappointed in that there didn't seem to be any national direction, rather a conglomeration of local organizations going in various directions. However, from various local caucuses, we did receive many good ideas and and much encouragement. We feel that NAWL has a lot to offer, but we would like the steering committee to get a bit more organized.

NAWL/AFND

Victoria
Vancouver
Regina
Queen's
Windsor
U. of Toronto

BLACKLIST*

Ottawa U.
Ottawa Community Caucus
Halifax
P.E.I.

* The members of this list have neglected and/or refused and continue to neglect and/or refuse all demands of the Editorial Staff for submissions.

Note to anyone who did not receive a newsletter: You did not receive one because you did not fill out a Purple Membership Application form. To get on the mailing list, and be an official member of NAWL/AFND complete with membership card, Write:

Julia Weller
440 Mount Stephen Avenue
Westmount, P.Q.

P.S. If you did not receive a copy of our newsletter, how are you reading this?

Notice to B.C. and/or Ontario

The Manitoba Caucus has tried a Women's Legal Advice Clinic and failed. We'd really like to hear how your Legal Aid Clinics are structured and working. Please send an article for the next newsletter.

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