

PARALLEL REPORT TO THE SECOND REPORT OF CANADA

To the
U.N. Committee on the Elimination of all Forms
of Discrimination Against Women

January 1990

Report of
The National Action Committee on the Status of Women
(Canada)



PARALLEL REPORT TO THE SECOND REPORT OF CANADA Secretariat NATIONAL Office
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1. Introduction

The National Action Committee on the Status of Women (NACSW) is the largest feminist organization in Canada. It presently includes 573 member groups which in turn represents a total membership of three million Canadians. The composition of the organization is broadly based, including national women's organizations, community based women's action groups, women's centres, service delivery groups, provincial coalitions, women's committees of church groups, unions and all major political parties. Since its inception in 1972 NACSW has been at the heart of the struggle for women's equality in Canada. The membership of NACSW is increasingly concerned about our future as women in Canada and in that 'spirit', we are presenting this Parallel Report to the Committee on the Elimination of All Forms of Discrimination Against Women.

The Canadian government's diminishing commitment to providing financial support to Canadian women's organizations - at both federal and provincial levels - is a serious failure to ensure that discrimination in all its forms will be eliminated in Canada. This failure occurs in conjunction with a lack of recognition by government, industry and media recognition that organized women are expert contributors to social and economic policy and programs. Coincidentally, organizations holding the extreme views of the "anti-feminist movement" have gained financial support from the government and are actually influencing public policy. We are concerned the combined effect of these factors will be expensive litigation and human rights disputes in order to maintain the present position and status of Canadian women.

Canadian women are just beginning to feel the adverse effects of the government's deficit reduction strategies and an export-led economic adjustment plan which privileges the market and proposes that social programs are irresponsible spending. The federal 1989-90 Budget clarified the government's intention to remove itself from its previous role as an intervener in the social, regional and infrastructure gaps and imbalances created by "the market". This Budget has precipitated changes in the economy which will make it easier for some people to become wealthier and which will ensure that many others, including middle class women, women with little education, job skills, women of colour, immigrant women and native women, will find their lives much harder, more violent and poorer.

The government has increased military spending and the militarization of the economy while decreasing social programs. The government has introduced legislation withdrawing its contribution entirely from the Unemployment Insurance program. It has cut back on Official Development Assistance. New measures which tax back pensions and family allowances represent the first erosion of the long-standing Canadian principle of universality in social security. The budget outlines a program of further privatization of both the industrial service and social service sectors, a process which is already destabilizing or eliminating women's jobs, and placing a greater reliance on women's volunteer labour and on unpaid labour in their homes.



In the following summary we intend to highlight those aspects of the Canadian government's actions which specifically relate to the Convention on the Elimination of All Forms of Discrimination. We recognize that some of the material post-dates the period of Canada's Report¹, but have included it to illustrate the direction of certain trends which have been developing over the past 5 - 10 years which are not adequately indicated in the Report.

2. STATISTICAL OVERVIEW

The following statistics are to be considered in addition to those found in Canada's Report. Even taking into account the limitations caused by the difficulties in adequately categorizing ethnic and racial differences in the population, and the fact that Statistics Canada's annual survey of incomes excludes households on reserves, it is evident that this section of the Report is seriously inadequate because of its exclusion of the specific conditions of native women, visible minority women and women with disabilities.

2.1. Social Characteristics

Paragraph 30. In 1989, 3 out of 4 Canadian women in prime child bearing/raising age groups (20 - 45) were in the labour force.² The change in how families support themselves has been dramatic over the past 20 years. In 1961 65% of Canadian families had a male as sole earner supporting a family with children, while in 1985 this figure was 16%.³

2.2 Education

Education and training continue to be the most important factors (after availability of jobs) in determining whether women find 'good jobs'. However, at all levels of education women have higher unemployment or underemployment rates than their male counterparts, and the wage gap exists between men and women at all levels of educational background.⁴

Illiteracy. A high proportion of Canadian women continue to be illiterate (19% in 1985)⁵. While the proportion of young women who have less than a Grade 9 education is relatively low (decreased from 14% to 8% between 1976 and 1981 among women aged 25-34), the percentage of older women who have less than Grade 9 remains high (in 1976 42% of women between ages 55 and 64; in 1981 this figure was 37%).⁶

¹ Department of the Secretary of State of Canada, Convention on the Elimination of All Forms of Discrimination Against Women: Second Report of Canada, January, 1988.

² The Labour Force, Statistics Canada, March 1989.

³ Survey of Consumer Finances, Statistics Canada, 1985.

⁴ Wismer, Susan, OCLOW, 1988 pg 8 - 12, based on Statistics Canada, Women in Canada, 1985, Tables 4, 11, 12, 13.

⁵ Avebury Research, OCLOW 1985, pg. 20, source Statistics Canada, Women in Canada, 1985.

⁶ Avebury Research, OCLOW 1985 pg. 21, source Census of Canada, 1976 and 1981.

Federally Sponsored Training. The number of women enrolled in federally sponsored job training programs has actually declined. Between 1978 and 1984 the percentage of women among General Industrial trainees dropped from 28% to 24%, and the percentage of women among Institutional trainees dropped from 32% to 27%.⁷ Women hold 4% of the seats in apprenticeship programs.⁸ These programs continue to be inaccessible to women for a variety of reasons, including lack of child care, lack of funds, regulations which make it difficult to link training programs with Unemployment Insurance benefits and insufficient information about programs.

2.3 Economic Characteristics

Poverty. There were 1,121,000 children living in poverty in Canada in 1986. This figure has increased 7%, or from 1,077,000 since 1979. Canada has the second highest rate of child poverty among industrialized countries. 35.9% of these children live in families headed by lone-parent mothers.⁹

In 1985, 67.6% of all working native people had an income of under \$15,000.¹⁰ We can expect from these figures that native women's earnings will be particularly low and that lone-parent native women will be able to provide the fewest resources for their children.

Paragraph 44. In 1989 women's participation in the labour force increased to 57% while men's dropped to 75.7%.¹¹

Paragraph 58. The wage gap between male and female unionized workers is lower than between male and female non-unionized workers. Unionized women's wages are higher in both private and public sectors.¹²

Paragraph 60. Native women, disabled women and visible minority women are doubly disadvantaged in the workforce but the gap between men and women of all groups continues to be the most significant.

⁷ Avebury Research, *OCLW*, 1985, pg. 42, based on *Employment and Immigration Annual Statistical Bulletin 1977/78 and 1983/84*.

⁸ *ibid.* pg. 43.

⁹ Ross and Shillington, *The Canadian Fact Book on Poverty 1989*, Canadian Council on Social Development, 1989 pg. 50.

¹⁰ *ibid.* pg. 27, source Statistics Canada, *Census of Canada*, 1986.

¹¹ *The Labour Force*, Statistics Canada, March 1989.

¹² NUPGE, *Canadian Women at Work*, pg. 23, Source Statistics Canada, 1989.

Salary Distribution of Designated Groups¹³

Of full-time employees covered by the Employment Equity Act:

- 77% of all the male employees earned over \$27,500
- 30% of all the female employees earned over \$27,500
- 68% of native men earned over \$27,500
- 23% of native women earned over \$27,500
- 77% of disabled men earned over \$27,500
- 24% of disabled women earned over \$27,500
- 78% of visible minority men earned over \$27,500
- 24% of visible minority women earned over \$27,500

3. MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

In this section our analysis highlights developments where the net effect of government action has been either to increase barriers to all women's full and equal participation, or where it inadequately addresses their removal.

ARTICLE 2: Elimination of Discrimination

Paragraph 75. The Canadian Human Rights Act does not prohibit discrimination on the basis of sexual orientation.

Paragraph 76. Since the introduction of the Meech Lake Constitutional Accord, some Quebec women have been concerned that the Accord be adopted with no revisions, ensuring their participation as a distinct society within Canadian confederation; others have worried that the distinct society clause does not really protect their distinct culture. Some women have been concerned that certain clauses in the Accord could over-ride the equality provisions in the Canadian Charter of Rights and Freedoms; and native women have stated that aboriginal rights are explicitly excluded. Women have also been concerned that the Accord weakens the federal government's capacity to support its cost-shared social programs with the provinces. Recognizing the divisiveness of the Accord, and the power of such constitutional documents, women's groups have called for a democratic process of amending Canada's Constitution which would involve consultation with all sectors of Canadian society.

¹³ Analysis by NUPGE, *Canadian Women At Work*, 1989, source *Annual Report to Parliament, 1988. Under the Employment Equity Act*, Department of Employment and Immigration, 1989.

Paragraph 82. While blatant, legislative discrimination on the basis of sex has been removed from the Indian Act, discrimination continues in the process of women's reinstatement as Status Indians. Most people applying for reinstatement are women and their children. By 1989 there had been 107,259 applicants for reinstatement, 49,769 registrations and 15,655 denials.¹⁴

- The high rate of denials has been attributed in large part to the documentary requirements for registration.¹⁵ The process presently requires documentary proof of parentage, documents which do not exist for many native people. In many cases the birth records of native people were kept by churches, Indian agents and boarding schools, and many of these institutions and their records no longer exist. For a number of reasons, including the unwillingness of native parents to accept baptisms in the church, many births were not recorded. Other records are inaccurate due to the inability or refusal of bureaucrats to recognize and record Indian names.

- A reinstated person is less able to transmit status and membership to her/his children than is a person who never lost her/his status because status only applies to the first generation of children (unless they in turn marry a status Indian).

- The legal effect of the 1983 Supreme Court ruling, *Martin v Chapman* is continued discrimination against "illegitimate" female children. The court ruled that an "illegitimate" male offspring of a status man and a non-status woman was eligible for registration under the old Act; therefore, he would be recognized as a 6(1) Indian under the new Act. A female "illegitimate" child of the same union, was not eligible under the old Act; therefore, she would be registered as a 6(2) Indian. Consequently, unlike her brother, she would have only conditional band membership, and would not be able to pass status on to her children unless their father had status.¹⁶

In 1985 the Department of Indian Affairs and Northern Development (DIAND) projected that 65,000 people would be eligible to apply for status, 52,000 would apply, and that 5,200 (10%) would apply to return on the reserves. Assuming that the average status Indian family size was 4.5 people, the housing unit projection rate was 1200 units. The actual rates of application are considerably higher, and suggest that at least 12,000 housing units will be needed.

Indian women are among the poorest women in this country. They suffer from chronic under-education and unemployment. Very few have access to the capital that would allow them to be subsidized for housing on a reserve. Without the provision of financial support for reinstatement, DIAND maintains a situation which is discriminatory to Status women.

The removal of the discriminatory provisions in the Indian Act addressed only one aspect of systemic discrimination against native women in Canada. A strong web of supportive legislation and social, economic and education programs needs to be instituted to address their situation. For instance, in 1986 the Supreme Court of Canada ruled that provincial laws do not apply on

¹⁴ Department of Indian Affairs and Northern Development, 1989.

¹⁵ Government of Canada, Standing Committee on Registration Procedures, *Committee Report*, August 1988.

¹⁶ Native Women's Association, *Guide to Bill C-31*, 1986.

reserves. The Indian Act does not provide specific regulations for division of reserve property upon separation, leaving most Indian women with no legal rights to occupy their family home, keep household goods, or bar an abusive partner. In practice Band Councils may assist a woman, however she has no legal rights on which to depend. Because reserve housing is so often in critically short supply, a woman may have to take her children off the reserve in order to find shelter for them.

ARTICLE 4.1: Temporary Special Measures

Paragraph 85: Provision for Federal Female Offenders. The majority of women are still centrally incarcerated in the antiquated Prison for Women in Kingston. While some program options have been improved, there still exist in total less than those available for men, and those that are available are stereotyped. There have also been some improvements in the availability of psychological services; however, as of December, 1989, there was a 7 month waiting list for incest survivors to see a single feminist counsellor engaged to provide such services. Family visits for offenders at the Prison are rare, since most are thousands of miles from their homes, and no funds are available to support such visits. The Women in Conflict with the Law initiative expired in 1987-88, and advocates have seen little federal will to implement any similar new programming.

Paragraph 88. An Act Respecting Employment Equity, Bill C-62 provides for analysis and reports on the progress of employers in increasing the representation of designated groups in the labour force, but requires no plans to be submitted. Moreover, the only attempt at enforcement comes from an equally weak provision of the Bill allowing persons who have been discriminated against to request a Human Rights Commission review. The limited progress is revealed in the 1989 Annual Report on the Act, which records as "positive changes" increases in labour force representation—of women from 40.90 per cent to 42.12 per cent of aboriginal peoples from .66 per cent to .73 per cent—increases so minimal that we argue that they would have occurred without any Temporary Special Measures.¹⁷

ARTICLE 6: Exploitation of Prostitution of Women

Paragraph 103. The major finding of the current Review of Bill C-49 on Prostitution is that prostitution has not been eliminated or reduced, but only displaced to areas which expose prostitutes to more dangers. Moreover, a federal study by the Solicitor General of police statistics in 10 Canadian cities (to be released in early 1990) reveals that in 8 of those cities, at least 60-70 per cent of charges were against prostitutes, rather than against their customers. A challenge under Section 15 of the Charter on the constitutionality of Bill C-49 is currently being heard by the Supreme Court.

¹⁷ Department of Employment and Immigration, *Employment Equity Annual Report, 1989*, p. 5.

ARTICLE 7: Women in Politics and Public Life

Paragraph 111. In its 1987 response to the Women's Program Review, Fairness in Funding, the federal Secretary of State reported the government's belief that "the current funding level should be maintained. There are emerging groups and priorities which the Women's Program should be addressing and the government agrees with the overall goal of expanding the Program's sphere of activity..."¹⁸ Contrary to its own recommendation, the government in its 1989 federal Budget cut the Women's Program by 15 per cent, from \$13 million to \$11.2 million.¹⁹ This current level of support for non-governmental women's organizations represents 0.0009% of the total budget. Canada has based some of its international reputation for the progressiveness of its women's 'mechanisms' on this program. The cut in funding raises concerns about the government's commitment to these mechanisms.

ARTICLE 11.1(c): Free Choice of Profession

Limitations in education opportunities and the re-structuring of the Canadian economy and therefore the job market, make a "free choice of profession" virtually impossible for many Canadian women.

Education Policy

Paragraph 126. Two major shifts in federal government job training strategies have occurred since the late 1970's. The first was the National Training Act which shifted the rationale for training away from the needs and aspirations of individual workers to the needs of employers. This has been replaced by the Canadian Jobs Strategy. The focus of this program is to "privatize" the responsibility for job-related training and to provide funding incentives to employers for training employees in employer-relevant areas."²⁰ One of the effects of this has been that women continue to be selected to train for traditionally female occupations.²¹

Access to training and education for immigrant or aboriginal women who do not have a working knowledge of English or French is very difficult. The present policy of Canada Employment and Immigration is to provide subsidized language training seats for the primary wage earner in a family. This consistently excludes and disadvantages women, and is currently being challenged by women's organizations in the courts under Section 15 of the Charter.

The rate of poverty among lone-parent mothers with dependent children was 56 per cent in 1986 (compared to an average rate of 23 per cent for lone-parent fathers), and it has not changed since 1973. The big differences between poor and non-poor lone parent mothers are in

¹⁸ Department of the Secretary of State of Canada, Response to the Standing Committee on Secretary of State: Fairness in Funding, Report on the Women's Program, Supply and Services, Ottawa, page 3.

¹⁹ In the same year the government approved a budget of \$15 million in advertising for its new Goods and Services Tax, and disbursed loans of \$17 million to owners of strip clubs.

²⁰ Avebury Research, CLOW 1985, pg.131.

²¹ Boothby, D, Women Re-entering the Labour Force and Training Programs, 1986.

age and educational attainment.²² If Canada cannot provide these young (in many cases adolescent) mothers with both the means to pursue their own educational goals and a supportive environment in which to raise their children, the future for these families is bleak.

Structural Changes in the Economy: Services

The Service sector currently provides 80% of Canadian women's jobs. Changes in the trade and regulation of services, particularly the Canada - U.S. Free Trade Agreement, have raised concerns that the existing trend to privatize and to purchase services in the U.S. will increase, causing job loss and economic uncertainty for Canadian women. In 1977, 12% of Canadian data processing occurred in the U.S.; by 1981 it had increased to 21%, and was estimated at 25% in 1985.²³ Between 1987 and 1989 the Canadian Labour Congress recorded over 57,000 job losses related to the Free Trade Agreement. The majority of these jobs are in the manufacturing sector, however "We believe that a similar process is going on in the services sector, where almost 70 per cent of Canadians are employed...Also the indirect job loss from shutdown and downsizing in many cases is two or three times the direct job loss...In reality, the figure is probably in the vicinity of two hundred thousand"²⁴.

As indicated in the Report, paragraph 51, bookkeeper/accounting clerks and secretary/stenographers may have experienced the highest rate of growth from 1971-1981, and in fact continue to maintain a higher than average growth. However, dramatic changes took place between 1981-1986.

	Growth Rate 1971-1981	Growth Rate 1981-1986	% of Total Growth 1981	% of Total Growth 1986
Secretary/ Steno.	+33.5%	+15.4%	21.8%	23.9%
Bookkeeper/ Accounting	+143.6%	+3.3%	19.5%	27.9%

Labour Canada reports that the sharp decline in the rate of growth of clerical jobs in the past decade is related to two major factors. The first is reorganization of white collar work which is mainly due to the introduction of office automation technologies. This has led employers to expand their use of contractual workers while reducing their core clerical workforce.

Another major factor in the reduction of the clerical workforce is the politically motivated desire of the government to reduce its personnel. Since many of the gains toward economic equality were won in the public sector, including the best protection for part-time and casual clerical employees, this decline in public employees will have important repercussions on the economic status of women.

²² Ross and Shillington, *The Canadian Fact Book on Poverty 1989*, CCSD, pg. 93-94.

²³ Marjorie Cohen, *Free Trade and the Future of Women's Work*, 1987.

²⁴ CLC, 1989, pg. 1.

Only 46.5% of clerical workers work full-time full year. The average salary of a full-time full year clerical worker is \$18,173.00 per year while the average salary of a part-time part-year clerical worker is \$7,319.00. In 1986, 1,001,340 women clerical workers (over one half of the women clerical workers) worked part-time or part-year and therefore earned salaries that were below the national poverty line.²⁵

The restructuring of office technologies, the public sector person year cutbacks and the Free Trade Agreement have left women unemployed and underemployed and have forced many to work in the lower paying jobs of the service sector such as sales and the fast food/tourist industry. Unless reversed, this trend can only contribute to the pauperization of women.

Structural Changes in the Economy: Manufacturing

Many of the jobs lost due to trade adjustments have been in the industrial sectors which employ the largest proportion of women: textiles, leather, food processing and electronics. Many of the women employed in these industries are immigrant women or women in single industry towns. Many of these displaced women workers have little access to re-training, are not easily re-located and either have become long-term unemployed or are taking lower paid jobs in the service sector.

Eighty percent of women in manufacturing are employed in the garment industry. One hundred and fifty thousand of these jobs are concentrated in south-central Ontario. The average wage is \$8.50/hour which is higher than the minimum wage but lower than the average industrial wage. A high proportion of the women in these jobs are immigrant and visible minority women. Most of the plants are not unionized and the lack of enforcement of the Employment Standards Act means that women have little protection. A recent inquiry into Garment Factory Closings in Toronto examined plant closures which have deprived women of wages, severance pay, vacation pay and where "closing" has simply meant moving equipment to a new location.

ARTICLE 11.1(d): Equal Pay

The Canadian government has been promising implementation of the equal pay for work of equal value principle in the federal public service but has failed to do so. A recent case of a federal bargaining unit of hospital service workers, predominantly women, went on strike to obtain equal pay for work of equal value in their collective agreement with the government. The government legislated this group back to work and refused to honour its commitment to integrate equal rates of pay in the federal public service.

²⁵ Statistics Canada, census data, 1986.

ARTICLE 11.1(e): Social Benefits**ARTICLE 11.2(a) and 11.2(b) Protection from Loss of Employment or Benefits on the Basis of Maternity**

Paragraph 136: The government has proposed amendments to the Unemployment Insurance (U.I.) program which will increase parental benefits. However this measure is included in legislation which will greatly weaken the U.I. system and may eventually destroy it as a national program guaranteeing both U.I. and parental benefits. The proposed changes would provide 15 weeks of "maternity benefits", plus an additional 10 weeks of "parental benefits" which could be claimed by either parent.²⁶ The two week waiting period would remain, and parental benefits will remain at 60%, the lowest rate among industrialized countries.

The U.I. program continues to exclude from coverage large numbers of part-time workers most of whom are women, imposes harsh eligibility requirements for "new entrants" or "re-entrants" most of whom are women, and includes stricter eligibility requirements for parental and illness benefits than for regular benefits. The legislation also provides for total withdrawal of government contributions to the U.I. fund and would use employer and employee contributions for purposes not related to income replacement.

ARTICLE 11.2(c): Child Care

Paragraph 140. According to the National Day Care Information Centre of the National Department of Health and Welfare, in 1987 only 12% of Canadian children under 13 had access to licensed child care - the same proportion as in 1977.²⁷ Advocates unanimously agreed that the Federal Bill C-144, An Act Respecting Child Care, introduced in 1987 and shelved following the 1988 election, if implemented, would not have resulted in any improvement in access to quality child care.

ARTICLE 12: Health Care

Paragraph 146. In 1987 the Supreme Court of Canada ruled Canada's previous criminal code legislation on abortion unconstitutional, stating that: "Forcing a woman, by threat of criminal sanction to carry a foetus to term unless she meets certain criteria unrelated to her own priorities and aspirations, is a profound interference with a woman's body and thus an infringement of the security of the person."

This fall the government proposed a new Act Respecting Abortion, Bill C-43 which will re-criminalize abortion. The Act makes abortion a doctor's decision under threat of criminal sanction. It says that abortion is a criminal offence unless "a medical practitioner...is of the opinion that, if the abortion were not induced, the health or life of the female person would be likely to be threatened." The Bill explicitly excludes the broad definition of health used by the World Health Organization. Women can be charged for self-induced abortions or for misrepresenting their situation to a doctor. The liability of doctors to criminal charges and third

²⁶ The government introduced this amendment only after the Supreme Court found that the previous law was found to be discriminatory.

²⁷ National Council of Welfare, *Child Care, A Better Alternative*, 1988, pg. 4.

party interventions will not encourage medical practitioners to providing safe abortions. The Bill does nothing to improve access to abortion and will in effect restrict access further in the very areas where it is already difficult. This will continue to disadvantage northern, rural, poor, immigrant and young women without information who already have trouble finding services in Canada.

Women in Canada have fought to establish the principle that abortion is a woman's right, a personal and private decision. The Supreme Court and 74% of Canadians agree with this position.

ARTICLE 14: Rural Women

With one of the lowest population densities in the world, an accessible communications system and a national transportation policy are essential to the development of a Canadian national identity. Over the past five years cumulative reductions in government support for and privatization of public postal services, broadcast media and transportation systems have dealt serious blows to women living outside of the main centres of population. The effect of isolation is further compounded by the increased pressure on weak regional economies, loss of women's jobs in rural post offices, increased distances that the elderly and disabled must travel to pick up their mail and the loss of passenger rail services to most communities.

ARTICLE 16: Women and Families

Paragraph 157. Despite some efforts made by the federal government and some provinces to respond to the problem of family violence in the past five years the majority of shelters in this country turn away as many women as they welcome. Several regions in this country provide no shelters for battered women and their children. In one year there were 120,000 reported cases of child abuse in Canada. The recent massacre of 14 young women engineering students in Montreal has made Canadians painfully aware of the need for serious, well-financed programs to end the cultural acceptance of women as targets of male violence.

The lack of financial resources is the major drawback in providing services for battered women. With cuts of \$5 billion projected over the next five years, and specific cuts to provincial transfer payments projected for the next budget, it is likely the amounts allotted by government for shelter will result in a real decline of services. Without consultation with communities and a firm commitment for sustained financial support at all levels of government, the services offered to battered women and their children will become increasingly inadequate.

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