S U B M I S S I O N

to the

GOVERNMENT OF CANADA

by

THE NATIONAL AD HOC ACTION COMMITTEE

ON THE STATUS OF WOMEN IN CANADA

February 1972

Chairman
Mrs. Laura Sabia
29 Edgedale Road
St. Catharines, Ontario.

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Mr. Prime Minister, one year has passed since the Report of the Royal Commission on the Status of Women in Canada was released on December 7, 1970. This submission is in response to that Report on behalf of the women of Canada who initiated the Royal Commission and on behalf of many more thousands of women in Canada who since that time have joined the ranks of those concerned with the status of women everywhere.

The National Ad Hoc Action Committee on the Status of Women consists of representatives of forty-one national organizations (listed in Appendix A). Most of these organizations presented briefs to the Royal Commission. This Committee has been established to act as a co-ordinating agency to channel the views of the member organizations to the Government and its various departments concerned with the implementation of the Commission's recommendations.

The women of Canada are becoming increasingly aware that their role as females in present day society is undergoing radical and continuing change. A significant number have determined to try to control the rate, if not the degree, of change. For many Canadian women, especially the younger ones, self-determination of their identity as persons has become a national cause.

Upon the initiative of a very few women, in 1966, the decision was taken to amass the greatest possible support of the women in

Canada for an investigation of their status. Thirty-two national women's organizations agreed to join forces and, through the Committee for the Equality of Women in Canada, to demand a Royal Commission on the Status of Women in Canada. This was granted in 1967. The hearings and studies took three years to complete.

When the Report was finally issued in December 1970, the first printing was quickly sold out. At once, women began to take stock of the 167 recommendations in the Report. The Committee for the Equality of Women in Canada, dormant while awaiting the Report, called together again its members, and newly-formed women's liberation groups. Forty-one groups are now registered with the co-ordinating body which is named The National Ad Hoc Action Committee on the Status of Women in Canada.

The women of Canada have begun an action which will not be allowed to subside. Where studies are required, we shall undertake them; where education is necessary, we shall promote it; where legislation is needed, we shall demand it. We propose to take responsibility for effecting change in the status of women in Canada. We believe that improvement in the status of women can most effectively come about through initiatives taken by women themselves and supported by government. Therefore, in this Submission we wish:

1. to report agreements reached by members of the Ad Hoc Committee with reference to the Royal Commission's recommendations, and

2. to propose a national convention or conference of the women of Canada in April 1972 which shall be an accounting or stock-taking of the

progress made in the implementation, federally and provincially, of the Report of the Royal Commission.

The recommendations submitted relate to ten areas which are of vital concern to the women of Canada. These areas of concern are as follows:

1. Day Care
2. Family Planning: Contraception, Abortion
3. Divorce
4. Immigration
5. Citizenship
6. Women under Criminal Law: Prostitution, Vagrancy
7. Appointment of Women to Boards and Commissions
8. Equal Pay and I.L.O. Convention #100
9. Inclusion of "Sex" and "Marital Status" in Human Rights Codes and Commissions
10. Federal Status of Women Council

These recommendations arise out of the findings of the member organizations comprising the Ad Hoc Committee. They are the consensus of the combined membership of approximately two million Canadian women.

I. DAY CARE

Although the members of the National Ad Hoc Action Committee are in full agreement that "expansion of day-care centres in its broadest and deepest concept be a matter of priority consideration" and that certain recommendations in the Royal Commission Report are valid, further legislation must be considered in terms of the

family and its needs, especially in terms of the child.

In the words of child care specialist, Barbara Chisholm: "I believe that further consideration of day care should not be undertaken within the context of the Report, or as an indication of implementation except in terms of specific recommendations. This is because the focus of the Report is, rightly, on women. Day care, while inseparable from that focus as one of its aspects, has many more. Perhaps its most important focus is not the mother and her needs, but the child and its needs. And perhaps all of those can only be planned effectively in terms of the Canadian family and its needs. These needs are formulated in the principle adopted by the Commission that 'the care of children is a responsibility to be shared by the mother, the father and society'.

"Present federal departmental organization appears to suggest that such an issue - the family and its needs - belongs to no specific department. Meetings to consider a pattern of jurisdictional co-ordination, and to devise some models for this, are needed. A broad thrust of federal government involvement in day care at a variety of societal levels (not just those served by 'welfare' programmes) is essential. Issues to be co-ordinated include health, education, housing, urban and rural development, youth and young adult life styles, patterns of subsidy and consistency in the philosophy and purpose of guidelines and regulations."

RE RECOMMENDATIONS

Recommendations 115 through 120 deal specifically with day care. We agree with the Report that Canada is far behind in provision of services for pre-school children and that government must assume the major responsibility for providing a network of day-

care centres, including consultant and other services, and also, that government must assume all costs not met by fees. The daily rate must cover such items as physical care and supervision of the child, feeding, ensuring adequate rest and safe activity, teaching, providing necessary play and educational equipment and providing competent personnel to do this in a location for which costs must be met of telephone, light, water, heat, insurance, upkeep and repairs, furniture, etc.

Specifically

No. 115 - YES, fees to parents should be set on a sliding scale based on their means, in order to ensure that clients are drawn from all levels of society, and that day care is lifted out of the context of poverty.

No. 116 - YES, provinces should pay not less than 80% of the provincial-municipal shared costs of day-care. (This pattern exists in Ontario.) Cost-sharing must be established in every province to encourage and enable local initiative. Such cost-sharing must include capital construction, renovation and site acquisition costs. The formula for cost-sharing should be extended to the private and voluntary sectors as well, and not restricted to municipalities.

No. 117 - YES, the National Housing Act should be amended to permit loans for day-care centre construction, and their inclusion in housing developments and universities. It will be a marked step in development when permits to build multi-family dwellings of any design require day-care centre designs as part of the overall blueprint. This proposal is one which, along with #118 and #120, potentially involves more than one

115. We recommend that fees for the care of children in day-care centres be fixed on a sliding scale based on the means of the parents. (paragraph 167)

116. We recommend that the provinces, where they do not already do so, pay not less than 80 per cent of the provincial-municipal contribution to day-care centres. (paragraph 170)

117. We recommend that the National Housing Act be amended to (a) permit the making of loans for the construction, purchase and renovation of buildings for day-care centres, and (b) permit the inclusion of space for day-care centres in housing developments, including university buildings, for which loans are made under the Act. (paragraph 173)

118. We recommend that the federal government immediately take steps to enter into agreement with the provinces leading to the adoption of a national Day-Care Act under which federal funds would be made available on a cost-sharing basis for the building and running of day-care centres meeting specified minimum standards, the federal government to (a) pay half the operating costs; (b) during an initial seven-year period, pay 70 per cent of capital costs; and (c) make similar arrangements for the Yukon and Northwest Territories. (paragraph 181)

119. We recommend that each province and territory establish a Child-Care Board to be responsible for the establishment and supervision of day-care centres and other child-care programmes, which will (a) plan a network of centres (as to location, type, etc.), (b) set and enforce standards and regulations, (c) provide information and consultants, (d) promote the establishment of new day-care services, and (e) approve plans for future day-care services. (paragraph 187)

federal department in day-care development. The administrative issues involved need much study and clarification.

No. 118 - YES and NO, "that the federal government take steps to pass a National Day-Care Act".

Yes; ---- there is a need for national federal guidelines and national federal leadership, but there are other issues involved: the question of provincial jurisdiction in such matters; the question of terms of reference for such an Act, in view of the Canada Assistance Plan, for example. However, an argument against such an Act at present comes from the question of context - should day-care develop as a single, separately-viewed service, or should it not be part, but only part, of a larger approach, namely, what services to families must be provided?

No; ---- no way seems clear, under present arrangement, whereby any single federal department could assume the full mandate for development of day-care services. None seems to have broad enough terms of reference to encompass the many levels of society and life styles to which the day-care issue relates.

No. 119 - YES, each province should establish a Child Care Board to be responsible for the development and supervision of day-care services within its area. Standards and regulations are essential to child care development. Suggestions should be made as to the composition of these Boards, whether laymen, civil servants, parents, volunteers, etc.

No. 120 - It is a question whether the Department of National Health and Welfare should offer an extension of their advisory

120. We recommend that the Department of National Health and Welfare offer an extension of advisory services to the provinces and territories through the establishment of a unit for consultation on child-care services. (paragraph 188)

121. We recommend that birth control information be available to everyone. (paragraph 217)

122. We recommend that the Department of National Health and Welfare (a) prepare and offer birth control information free of charge to provincial and territorial authorities, associations, organizations and individuals, and (b) give financial assistance through National Health grants and National Welfare grants to train health and welfare workers in family planning techniques. (paragraph 218)

76. We recommend that, where they have not already done so, the provinces and the territories set up courses in family life education, including sex education, which begin in

services to the provinces with respect to day care. Such activity, at present available within the context of the Canada Assistance Plan, would imply either a considerable broadening of the terms of reference of that plan, or an offering of such consultation services outside the scope of CAP, and at the request of individuals and groups. Further consideration is necessary here.

II. FAMILY PLANNING

1. Contraception

The Committee endorses Recommendations #121 and #122 regarding contraception and urges acceptance of the principles that contraceptive knowledge offered to adults without pressure does not violate religious convictions, and voluntary sterilization is a matter for medical discretion.

Further, we believe that the Department of National Health and Welfare should promote a positive attitude to contraception as an essential part of responsible sexual behaviour. Such promotion might be accomplished by the use of the media, including press, films, radio and television.

We also recommend that the Department of National Health and Welfare prepare booklets on contraceptive methods in the languages of the major immigrant groups and that these booklets should be distributed with other information about Canada at points of entry as well as in ethnic communities.

The Committee also endorses Recommendations #76 and #123 as consistent with the principle stated above and urges the federal

kindergarten and continue through elementary and secondary schools, and which are taught to girls and boys in the same classroom. (paragraph 96)

123. We recommend that provincial Departments of Health (a) organize family planning clinics in each public health unit to ensure that everyone has access to information, medical assistance, and birth control devices and drugs as needed, and (b) provide mobile clinics where they are needed particularly in remote areas. (paragraph 219)

government to co-operate whenever possible with provincial governments in the immediate implementation of effective measures to ensure widespread services for counselling and clinics and education, both in public school systems and in the training of staff personnel who would conduct those services.

2. Abortion

The Committee endorses the Separate Statement (page 429) by Commissioner Elsie Gregory MacGill, "... abortion should no longer be regarded as a criminal offense but as a private medical matter between patient and doctor."

We recommend that:

(i) all sections in the Criminal Code dealing with abortion be repealed;

(ii) abortion should be a private matter between a woman and her physician;

(iii) abortion should be equally available to all Canadian women regardless of their economic, social or geographical circumstances;

(iv) abortion should continue to be regarded as an undesirable method of birth control;

(v) every effort should be made to provide early terminations of unwanted pregnancies;

(vi) pre- and post-abortion counselling services should be provided;

(vii) no one should be obliged to be involved in such procedures if these violate his or her conscience;

(viii) women should be protected against unqualified abortionists and inadequate facilities.

126. We recommend that the Criminal Code be amended to permit abortion by a qualified medical practitioner on the sole request of any woman who has been pregnant for 12 weeks or less. (paragraph 242)

127. We recommend that the Criminal Code be amended to permit abortion by a qualified practitioner at the request of a woman pregnant for more than 12 weeks if the doctor is convinced that the continuation of the pregnancy would endanger the physical or mental health of the woman, or if there is a substantial risk that if the child were born, it would be greatly handicapped, either mentally or physically. (paragraph 243)

113. We recommend that the Divorce Act be amended so that the three-year separation period provided in section 4 (1)(e)(i) be reduced to one year. (paragraph 135)

The protection mentioned in (viii) above would be afforded by the enactment of new legislation by the federal government, providing severe penalties for (a) people who perform abortions who are not qualified and licensed to do so and (b) people who perform abortions in facilities other than those approved by the provincial Minister of Health for that purpose.

We recommend that such legislation should enable the medical profession to use specially trained para-medical personnel to perform routine abortions and that it should permit the development of clinics where local needs are not met by hospitals. Such clinics would be expected to provide the counselling mentioned in (vi) above.

We reject Recommendations #126 and #127 as inconsistent with the definition of abortion given by the Canadian Medical Association and by the Society of Obstetricians and Gynaecologists as termination of pregnancy up to 20 weeks of gestation.

III. DIVORCE

We commend the government for its revision of the Divorce Act in 1968, broadening the grounds for divorce, but believe the waiting period for divorce, when all means of reconciliation have failed, should be reduced from three years to one year.

Experience and research indicate that, by the time one or both partners in a marriage separate and have lived apart for one year, virtually all possibilities of a restoration of the marriage relationship have been exhausted and there is nothing to be gained by requiring a delay of two more years before a divorce may be granted. Rather, the hurt which produced the separation is pro-

longed, the financial arrangements for the support of the children are delayed, and both children and parents are prevented from making a fresh start.

Since a high percentage of desertions and applications for divorce come from women, and in most cases women are left with the responsibility of the children, they carry a very heavy financial burden as well as the personal and emotional demands of being both father and mother.

Many applications for divorce are by mutual consent rather than because of fault on the part of one partner. In either instance, a year is sufficient time to work for a reconciliation, and delay beyond that time is frequently damaging to all concerned.

Therefore, we recommend that the Divorce Act be amended so that the three-year separation period provided in Section (1)(e)(i) be reduced to one year.

IV. IMMIGRATION

Although the Immigration Act and Regulations contain no provisions that differentiate between the sexes, it is fairly common practice when a husband and wife both seek admission as independent applicants to consider only the husband's application presumably on the assumption that he will be the wage-earner and the wife should be admitted only as a dependent, if the husband is able to establish himself and support her, regardless of the fact that, in some cases, she may be better qualified than her husband to become successfully established.

Therefore, we support the recommendation of the Commission that

143. We recommend that the Immigration Division of the federal Department of Manpower and Immigration review its policies and practices to ensure that the right of a wife to be an independent applicant for admission to Canada is always respected and that wives are made fully aware of this right. (paragraph 6)

144. We recommend that the federal Immigration Act and Regulations be amended by the elimination of the term "head of a family" wherever it appears in the legislation and by the substitution of the exact meaning which is intended in each case. (paragraph 7)

145. We recommend that the Canadian Citizenship Act be amended to provide for the automatic resumption of Canadian citizenship by women who lost it because they married aliens before January 1, 1947. (paragraph 16)

the Immigration Division of the Federal Department of Manpower and Immigration review its policies and practices to ensure that the right of a wife to be an independent applicant for admission to Canada is always respected and that wives are made fully aware of this right.

Furthermore, the Act provides that "When a deportation order is made against the head of a family, all dependent members of the family may be included in such an order and deported under it". Although the sex of the person is not specified, the "head of the family" is all too commonly considered to be the husband. Because a deportation order has serious effects on all family members, we recommend:

1) that the spouse of the wrongdoer, male or female, shall not be assumed to be dependent as is presently set forth in Section 37(1) of the Act; and
2) that each member of the family involved in deportation proceedings shall be held <u>individually</u> responsible rather than <u>collectively</u> responsible and shall have some individual freedom of choice in the matter of being compelled to depart from the country.

V. <u>CITIZENSHIP</u>

Recommendations #145 to #149 in the Report pertain to Citizenship. We strongly support Recommendations #146 to #149. We take exception to Recommendation #145 which calls for <u>automatic</u> resumption of Canadian citizenship by women who lost it because they married aliens before January 1, 1947. Women who became aliens by reason of the <u>Naturalization Act</u> prior to 1947 may have acquired

146. We recommend that the Canadian Citizenship Act be amended so that there is no difference between the residence requirements for the acquisition of Canadian citizenship by an alien husband and an alien wife of a Canadian citizen. (paragraph 18)

147. We recommend that sections 4 and 5 of the Canadian Citizenship Act be amended to provide that a child born outside Canada is a natural-born Canadian if either of his parents is a Canadian citizen. (paragraph 20)

148. We recommend that the Canadian Citizenship Act be amended so that either citizen-parent may apply for the naturalized citizenship of a minor child. (paragraph 22)

certain rights in other countries. In the event of conflict or other international tension, they might not wish to be categorized as Canadian citizens. Children's status, too, may be affected. Therefore, the conferring of citizenship should result only from an overt request of the individual rather than automatic action. The 1949 amendment to the Canadian Citizenship Act provides that a woman who lost her citizenship by marriage prior to 1947 may become reinstated as a Canadian citizen by making application to the Secretary of State who may, in his discretion, grant her a certificate of citizenship. We recommend that in any new citizenship legislation to be presented to Parliament the right of appeal to the Courts from the Minister's decision should be provided for. Furthermore, an educational campaign should be initiated to inform the women thus affected of their right to apply for restoration of citizenship as now provided for in the Citizenship Act.

We support Recommendation #146 which would ensure equality of residence requirements for an alien husband and an alien wife of a Canadian citizen. Current legislation discriminates against aliens on the basis of sex: the alien wife of a Canadian citizen may be granted citizenship after only one year's residence in Canada; the alien husband must be resident for the usual five-year period. We recommend that a possible three-year period of residence be required for both parties.

We support Recommendation #147 which would ensure the rights of a child born outside Canada to natural born Canadian citizenship if either of the parents is a Canadian citizen; Recommendation #148 which would ensure the right of a minor child of a naturalized Canadian to Canadian citizenship on application of either citizen-

149. We recommend that section 11 (2) of the Canadian Citizenship Act be amended so that, in the case of joint adoption, the child may be granted Canadian citizenship if either of the adopting parents is a Canadian citizen. (paragraph 23)

150. We recommend that section 164 (1)(c) of the Criminal Code be repealed. (paragraph 27)

151. We recommend that section 164 (1)(a) of the Criminal Code be repealed. (paragraph 32)

Section 164 Criminal Code

1) Everyone commits vagrancy who (a) not having any apparent means of support is found wandering abroad, or trespassing and does not, when required, justify his presence in the place where he is found; (c) being a common prostitute or night walker is found in a public place and does not, when required, give a good account of herself.

parent; and Recommendation #149 which would ensure in the case of a joint adoption, the right of a child to Canadian citizenship if either of the adopting parents is a Canadian citizen.

VI. WOMEN UNDER CRIMINAL LAW

We strongly support Recommendations #150 and #151 which call for repeal of Section 164 (1)(c) and Section 164 (1)(a) now #175(1)(2) and (3) of the Criminal Code. R.S.C. 1970. c. 34.

1. Prostitution

We are concerned about the use of vagrancy in the criminal law in order to regulate the activity of women prostitutes. We recommend that Section 164 (1)(c) be repealed for the following reasons:

(i) It is inappropriate for the law to be used as a regulator of morals. Experience has shown that the law is ineffectual when it attempts to do so.

(ii) This opens the door to the arbitrary application of the law by the police, to the setting of traps, and to other highly dubious practices.

(iii) This law discriminates in three significant ways;

a) While a man and woman are normally involved in this offence, the wording of the Act is such that the woman only is charged.

b) There are men who are involved in homosexual prostitution but this Act, as far as we have been able to ascertain, is applied to women only.

c) Prostitution is practised within many sections of the community, from the night walker, through the usually more affluent call girl, to the mistress of a wealthy man. The law is normally applied

only to the night walker.

We would recommend that prostitution be dealt with as a health and social problem, not as a criminal offence.

2. Vagrancy

Section 164 (1)(a)

This section makes it a criminal offence for anyone, male or female, found wandering without any visible means of support - an equation of poverty with crime. This is totally unacceptable to us.

We are particularly concerned about the consequences of enforcing this law as it affects young women. A young person who leaves home, without adequate support, may be trying to break away from an unhealthy, unhappy home situation. It may be that she is going through an unhappy, disturbed adolescent period in which she is trying to find out who she is and where she belongs. An arrest and trial may well convince her that she is "no good" and belongs with the so-called "criminal group" even though she may not be found guilty. If she is found guilty, she now carries the added burden of having a criminal record.

We support the suggestion in the Ouimet Report that Canadian society should be "developing alternate social resources for women, particularly for young women who are without lodging or visible means of support under health or welfare, rather than correctional auspices".

VII. APPOINTMENT OF WOMEN TO BOARDS AND COMMISSIONS

In the Canadian economy, women are the greatest untapped source of much needed brainpower. In Canadian political life, they are

veritably in a vacuum. Fifty years after achieving the vote, we still have today only one woman in Parliament. The situation in the ten provincial legislatures is little better. Only in the municipalities is there some degree of satisfaction. We are well aware that running for public office is the responsibility of women themselves. However, the federal government should give leadership in this most important area by appointing more women to federal Boards, Commissions, Corporations, Councils and Advisory Committees. In a survey of 93 national Boards, in 1968, only 6.3% of the appointees were women. Women's organizations, year after year, have presented Briefs to the government urging the need to appoint women in these areas. Furthermore, they have frequently submitted names of suitably qualified women for appointment. We are convinced that qualified women are available. It remains for the government to take immediate action to appoint more women. Women will no longer be satisfied with token appointments. The appointment of only <u>one</u> woman to the recently established Canada Development Corporation is not adequate. The national economic and political loss from the under-utilization of women's skills and abilities can no longer be tolerated.

We categorically reject Recommendation #138 that two qualified women from each province be summoned to the Senate. This perpetuates another form of tokenism, nor is it an equitable way to ensure the appointment of highly qualified people. We emphasize the importance of highly qualified appointees who would make a worthwhile contribution to the deliberations of the Senate.

Similarly, while we strongly support Recommendation #140, we again stress the importance of high qualifications, including legal

5. We recommend that a federal-provincial conference on labour legislation affecting women in Canada be called to prepare for Canada's ratification of the International Labour Organization Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention #100). (paragraph 218)

6. We recommend that the Yukon Territorial Council adopt legislation prohibiting different pay rates based on sex. (paragraph 221)

7. We recommend that the federal Female Employees Equal Pay Act be amended to apply to all employees of the Government of Canada. (paragraph 226)

8. We recommend that the federal Female Employees Equal Pay Act, the federal Fair Wages and Hours of Work Regulations and equal pay legislation of provinces and territories require that (a) the concept of skill, effort and responsibility be used as objective factors in determining what is equal work, with the understanding that pay rates thus established will be subject to such factors as seniority provisions; (b) an employee who feels aggrieved as a result of an alleged violation of the relevant legislation, or a party acting on her behalf, be able to refer the grievance to the agency designated for that purpose by the government administering the legislation; (c) the onus of investigating violations of the legislations be placed in the hands of the agency administering the equal pay legislation which will be free to investigate, whether or not complaints have been laid; (d) to the extent possible, the anonymity of the complainant be maintained; (e) provision be made for authority to render a decision on whether or not the terms of the legislation have been

training and experience. We commend the Government for the recent appointments of Madame Réjane Colas to the Quebec Superior Court and Miss Mabel Van Camp to the Supreme Court of Ontario. However, may we point out that there are some 900 judges and magistrates in Canada of whom only 16 are women. No woman has ever sat on the Supreme Court of Canada or on any of the provincial Courts of Appeal. We trust that the Government of Canada will show its good faith by naming more women judges to all courts within its jurisdiction.

VIII. EQUAL PAY FOR EQUAL WORK, AND I.L.O. CONVENTION #100

The Committee endorses Recommendations #5 through #11 which deal with the principle of equal pay for equal work.

Canada, as far back as 1918, has recognized the principle of equal pay for equal work. However, although most jurisdictions in Canada have had equal pay legislation on the statute books for well over a decade, in actual practice women still earn less than their male counterparts in any job category one wishes to study. Examples of wage differentials from one-third and up may be found in occupations ranging all the way from factory hands to university professors.

The principle of equal pay for equal work is incorporated in the International Labour Organization's Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention #100). Recommendation #5 calls for co-operation with the provinces to enable Canada to ratify this Convention. More than 20 years have elapsed since this Convention was adopted

violated, to specify action to be taken and to prosecute if the orders are not followed; (f) where someone has presented the aggrieved employee's case on her behalf and the aggrieved employee is unsatisfied with the decision, she have the opportunity to present her case herself to the person or persons rendering the decision who may change the decision; (g) the employee's employment status be in no way adversely affected by application of the law to her case; (h) where the law has been violated, the employee be compensated for any losses in pay, vacation and other fringe benefits; (i) unions and employee organizations, as well as employers and employer organizations, be subject to this law; (j) penalties be sufficiently heavy to be an effective deterrent; and (k) the legislation specify that it is applicable to part-time as well as to full-time workers. (paragraph 239)

9. We recommend that the minimum wage legislation of Prince Edward Island, Nova Scotia and Newfoundland be amended to require the same minimum wages for women and men. (paragraph 240)

10. We recommend that British Columbia adopt a Minimum Wage Act applicable to both sexes that will require the same minimum wages for women and men and will contain no sex differences in the occupations covered. (paragraph 241)

11. We recommend that the pay rates for nurses, dietitians, home economists, librarians and social workers employed by the federal government be set by comparing these professions with other professions in terms of the value of the work and the skill and training involved. (paragraph 252)

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* British Columbia, Human Rights Act, 1969; Alberta, The Alberta Labour Act, 1957; Saskatchewan, The Labour Standards Act, 1969; Manitoba, The Equal Pay Act, 1956; Ontario, The Employment Standards Act, 1968; New Brunswick, Female Employees Fair Remuneration Act, 1961; Nova Scotia, Equal Pay Act, 1969; Prince Edward Island, Human Rights Code, 1968; Newfoundland, The Newfoundland Human Rights Code, 1969.

and yet it has never been ratified by Canada. The excuse has always been that since this is a matter involving federal-provincial jurisdictions and several of the provinces have never introduced equal pay for equal work legislation, the federal government could not ratify the I.L.O. Convention. This excuse is no longer valid.

* In 1972, all but one of the ten provinces do have this legislation on the statute books, and in the tenth province, Quebec, the principle is implied in the definition of "discrimination", which includes sex, in the Employment Discrimination Act, 1964. Therefore, the federal government could and should pursue this matter which, we understand, was introduced at the federal-provincial meetings in April 1971. We urge the Government of Canada to take vigorous and immediate follow-up action with the provinces so that Canada can ratify I.L.O. Convention #100 without further delay.

Clearly, the principle of equal pay is not an easy one to implement. While improvements have been made in equal pay legislation in five provinces and also in the new federal legislation, in which the former Female Employees Equal Pay Act (1956) became part of the stronger provisions in the Canada Labour (Standards) Code, 1971, there is still a lack of sensitivity to and awareness of existing legislation. The principle of equal pay is not yet reflected in actual wages and salaries across the country.

The key to effective legislation is enforcement at all levels. Legislation provides the tools with which to rectify inequality in wages where men and women work together but the law is merely a tool -- and only a useful tool if it is properly used. The mere passage of the law will not of itself correct society's failure over the years to pay no more than lip service to the principle of equal

British Columbia, Human Rights Act, 1969; Alberta, The Human Rights Act, 1971; Manitoba, The Human Rights Act, 1970; Ontario, The Women's Equal Employment Opportunity Act, 1970; Quebec, An Act Respecting Discrimination in Employment, 1964; New Brunswick, Human Rights Code, 1971; Newfoundland, The Newfoundland Human Rights Code, 1969.

18. We recommend to the provinces and territories that protective labour legislation be applicable to both sexes. (paragraph 295)

pay for equal work nor will it right injustices unless women are educated to their rights under the law and are firm in their determination to obtain them. So while we recommend that all helpful legislation should be implemented we recognize that attitudes cannot be legislated. We reiterate the Commission's statement that "laws can give women equal rights on the job but only a radical change in attitudes of society can give them equal opportunities in employment and promotion".

Attitudes appear to be changing in some areas. When the Royal Commission was appointed, and even up to 1969, there was only one law on the statute books of one jurisdiction in Canada which forbade discrimination in employment on the grounds of sex. It is a significant development that within a year of the publication of the Report such provisions are in the laws of seven provinces. Commendably, too, the federal government has included a clause prohibiting discrimination on the grounds of sex in the recently enacted Unemployment Insurance Act.

We do not recommend special or protective legislation for women; it has the effect of restricting their job opportunities. Therefore, we support Recommendation #18 which recommends "to the provinces and territories that protective labour legislation be applicable to both sexes" when protective measures are necessary.

IX. INCLUSION OF "SEX" AND "MARITAL STATUS" IN HUMAN RIGHTS CODES AND COMMISSIONS

The submission to the Government of Canada asking for a Royal Commission on the Status of Women was based upon the Universal Declaration of Human Rights (1948) which includes "sex" among

165. We recommend that federal, provincial and territorial Human Rights Commissions be set up that would (a) be directly responsible to Parliament, provincial legislatures or territorial councils, (b) have power to investigate the administration of human rights legislation as well as the power to enforce the law by laying charges and prosecuting offenders, (c) include within the organization for a period of seven to ten years a division dealing specifically with the protection of women's rights, and (d) suggest changes in human rights legislation and promote widespread respect for human rights. (paragraph 7)

the anti-discrimination areas. The 1960 Canadian Bill of Rights also includes provisions against discrimination "by reason of race, national origin, colour, religion, or sex". Furthermore, Canada as a member state of the United Nations supported the Declaration on the Elimination of Discrimination Against Women, which was adopted by the United Nations General Assembly, November 7,1967.

In support of Recommendation #165 of the Report of the Commission, we recommend that:

1) The Federal Government take immediate steps to establish a Human Rights Commission, which would be directly responsible to Parliament, with powers to investigate the administration of human rights legislation and enforce the law by laying charges and prosecuting offenders.
2) The Federal Government use its powers and influence to impress upon those jurisdictions (provincial and territorial) that do not presently have human rights legislation which includes the words "sex" or "marital status", the urgent need to enact legislation and establish human rights commissions.

Furthermore, we recommend that all existing legislation pertaining to discriminatory practices be amended to include "marital status" as well as "sex" among prohibited areas of discrimination. The law should ensure that the way to equal opportunity will not be closed to women solely on grounds of sex or marital status.

X. FEDERAL STATUS OF WOMEN COUNCIL

Whereas the National Ad Hoc Action Committee has agreed that an Advisory Body is desirable to perform the functions outlined in

166. We recommend that a federal Status of Women Council, directly responsible to Parliament, be established to (a) advise on matters pertaining to women and report annually to Parliament on the progress being made in improving the status of women in Canada, (b) undertake research on matters relevant to the status of women and suggest research topics that can be carried out by governments, private business, universities, and voluntary associations, (c) establish programmes to correct attitudes and prejudices adversely affecting the status of women, (d) propose legislation, policies and practices to improve the status of women, and (e) systematically consult with women bureaux or similar provincial organizations, and with voluntary associations particularly concerned with the problems of women. (paragraph 17)

Recommendation #166, the nature of such a Council, its composition and selection are matters which the Committee wishes to consider further, and for this purpose has set up a subcommittee to study and report to the national conference in April. We would hope to explore the feasibility of the Ad Hoc Action Committee itself, either experimenting with or functioning for a trial period as an advisory body to governments, receiving and reporting priority issues concerning the status of women. One of our greatest concerns is that such a body should be able to function free of the pressures that operate in the adversary system of partisan politics. We would like to explore the most co-operative and supportive techniques for effecting change.

Respectfully submitted,

(Mrs.) Laura Sabia,
Chairman,
The National Ad Hoc Action
Committee on the Status of Women

NOTE: Some of the organizations are still considering one or more of the issues.

APPENDIX "A"

Anglican Church Women

Association for the Repeal of Canadian Abortion Laws

B'nai B'rith Women, District 22

B'nai B'rith Women's Council

Canadian Association of Hospital Auxiliaries

Canadian Committee on the Status of Women

Canadian Federation of Business and Professional Women

Canadian Federation of Labour

Canadian Federation of University Women

Canadian Home Economics Association

Canadian Labour Congress

Canadian Union of Public Employees

Elizabeth Fry Society of Toronto

Family Planning Federation of Toronto

Federated Women's Institutes of Canada

Federation of Medical Women of Canada

Federation of Women Teachers' Associations of Ontario

Manitoba Action Committee on the Status of Women

National Chapter of I.O.D.E.

National Council of Jewish Women of Canada

National Council of Women of Canada

N.D.P. Committee for Participation of Women in Politics

New Feminists

OMEP (Canadian Committee on Early Childhood)

Ontario Women's Abortion Law Repeal Coalition

Progressive Conservative Women's Association of Canada

Saint Joan's Alliance

Single Parents' Association (Social Action Committee)

Ukrainian Women's Organization of Canada

Ukrainian Women's Association of Canada

Unitarian Universalist Women's Federation

United Church Women

United Nations Association

Voice of Women

Women's Canadian Temperance Union

Women's Coalition

Women's Liberal Federation of Canada

Women's Liberation

Young Women's Christian Association

Zonta International