

WOMEN'S RESEARCH CENTRE

November 24, 1980

The Clerk of the Special Joint Committee
on the Constitution
Committees and Private Legislation Branch
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Sir:

The Minister Responsible for the Status of Women, the Honourable Lloyd Axworthy, wrote to advise us of the meetings of the Special Joint Committee on the Constitution and invited us to appear as witnesses to present a brief to the Committee.

We are writing to you to request a place on the Committee's agenda. We understand that only two organizations - both national women's organizations - have appeared before the Committee to date to put forward women's concerns related to the Constitution. We are certain the Committee would benefit from hearing directly the concerns of western Canadian women. The Women's Research Centre and Vancouver Status of Women are prepared to present these concerns.

Mr. Axworthy's letter did not indicate how travel expenses of groups such as ours would be covered. Clearly, we would require reimbursement of travel expenses (the cost of air fare alone from Vancouver to Ottawa for two representatives would be close to \$1,000). Please advise us of the procedures we are to follow with regard to travel expenses.

We await your notification regarding the date and time at which we can appear before the committee.

Thank you for your attention.

Sincerely,

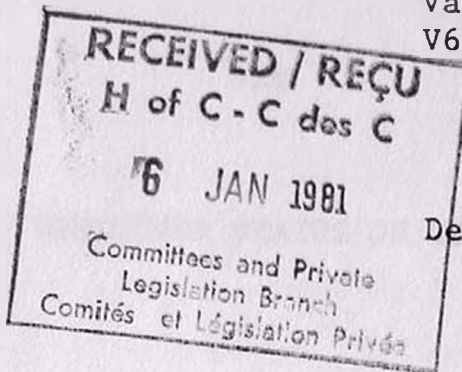
Jan Barnsley
Co-ordinator

cc: Lloyd Axworthy
Margaret Mitchell

201 - 517 East Broadway, Vancouver, B.C. V5T 1X4
(604) 879-1219

Women's Research Centre
201 - 517 East Broadway
Vancouver, B.C.
V5T 1X4

Vancouver Status of Women
1090 West 7th Avenue
Vancouver, B.C.
V6H 1B3

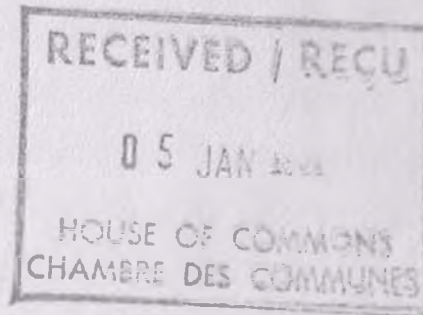


December 22, 1980

S. Joyal
DÉPUTÉ
HOCHELAGA-MAISONNEUVE

M

M. Richard Prigent
Clerk of the Special Joint Committee
on the Constitution
House of Commons
Ottawa, Ontario
K1A 0A6



Dear Sir:

Enclosed please find one copy of a joint presentation by the Vancouver Status of Women and the Women's Research Centre to the Special Joint Committee on the Constitution. We understand that you will circulate our brief to all members of the Committee.

However, as you know, we have requested a place on the Committee's agenda. To date we have received from you no reply, other than an acknowledgement of our letter (dated December 1, 1980). We remain hopeful that you will advise us shortly of the date and time at which we can appear before the Committee to make our presentation.

per Jan Barnsley

Jan Barnsley
Co-ordinator
Women's Research Centre

Margaret Cunningham

Margaret Cunningham
Executive member
Vancouver Status of Women

Enclosure

cc: The Hon. Harry Hays
Serge Joyal, M.P.
P. Bélisle
Pauline Jewett, M.P.
Walter McLean, M.P.
The Hon. Lloyd Axworthy

WOMEN'S RESEARCH CENTRE

and

VANCOUVER STATUS OF WOMEN

joint presentation to the

SENATE

HOUSE OF COMMONS

SPECIAL JOINT COMMITTEE ON THE CONSTITUTION OF CANADA

Introduction:

This submission to your Committee was drawn up jointly by staff and executive members of Vancouver Status of Women and the Women's Research Centre.

The Vancouver Status of Women was founded in 1971 to implement the recommendations of the Royal Commission on the Status of Women, 1970. It is the largest and oldest feminist organization in British Columbia, with membership throughout the province. We are a member of both the British Columbia Federation of Women, an umbrella group of about 50 women's organizations, and the National Action Committee on the Status of Women.

The Women's Research Centre has been in full time operation in Vancouver since 1977. We work closely with women who do not normally have access to research facilities, to collect information relevant to their needs and to help develop their skills in doing research. With them we undertake research projects and reports and make the resulting information available to women in their communities. Our work has addressed issues of national importance, including economic development, the conditions of immigrant women and domestic workers, sexual harassment in the workplace and the laws, policies and practices relating to wife assault.

The Vancouver Status of Women and the Women's Research Centre support the presentations to this Special Joint Committee of the National Action Committee on the Status of Women and the Canadian Advisory Council on the Status of Women and their detailed critiques of the proposed Charter of Rights and Freedoms. Like the two aforementioned national women's organizations we have focussed our presentation on the Charter. By now it must be clear to this Committee that many Canadian women and men find the proposed Charter of Rights and Freedoms unacceptable - both for what it says, and what it doesn't say. We recommend to you seven rights which we believe are essential to the dignity and well-being of all Canadians, including Canadian women. Therefore, we contend, these seven rights must be included in the Charter in addition to those rights outlined on pages 1 to 30 of the Proposed Resolution.

In considering the rights we are advancing in this presentation, it is important for the Committee to be reminded of a common tendency in our society to overlook the fact that women have distinct and special needs. Often, women's needs are considered only in relation to the needs of other citizens, and so become invisible.

Our presentation reflects the United Nations' "International Covenants

on Human Rights." These affirm that everyone has the right to the enjoyment of the highest attainable standard of physical and mental health; to education; and to freedom from fear. Everyone includes women.

In addition to putting forward additional rights to be included in the Charter, we also offer an additional recommendation and supporting arguments with regard to the presentation by the National Action Committee on the Status of Women. These are provided in an appendix to our brief.

THE RIGHT TO ADEQUATE HOUSING AND THE RIGHT TO A SUFFICIENT STANDARD OF LIVING - AS DEFINED BY THE STATISTICS CANADA POVERTY LINE.

In 1978 the poverty line for a family of 4 in a large city was \$4,844; in a rural area, \$3,500. For a family of 2, in a large city, it was \$1,854; in a rural area, \$1,347.

Millions of Canadians live on the welfare family with two children receive this minimum income. In Montreal, families struggle with an income 50% below the poverty line, and this with an unemployment rate for women of 12.6% (for men) at the end of 1978. This, of course, does not include those women who have given up looking for work, and consequently are not registered.

The Old Age Security payments plus guaranteed income supplements do not meet the poverty level for unmarried senior citizens.

The guaranteed annual income for all adults could provide a safety net for the excluded homeless, who could receive the cheque in their own name with a corresponding deduction from the spouse's income through income tax. The corresponding legislation is now before the committee of the House of Commons. It is a major step towards the elimination of the welfare state. In only the provinces, Manitoba, is the law required to give the wife a separate bank account to be used as she decides.

This right, supported by existing legislation, would also provide a safety net for the unemployed and the disabled. It would also provide a safety net for the elderly and the young.

SEVEN RIGHTS TO BE INCLUDED IN THE CHARTER:

RIGHT #1. All women have the right to control over their reproductive lives.

Freedom of choice is fundamental to the health of the individual. Women who are taking on the twenty year responsibility of raising a child must have the right to decide when, and at what intervals they will bear children, and how many they will have.

RIGHT #2. Every adult person has the right to a guaranteed annual income sufficient to meet a minimum adequate standard of living - as defined by the Statistics Canada poverty line.

In 1978 the poverty line for a single person in a large city was \$4,844; in a rural area, \$3,500. For a family of 4, in a large city, it was \$10,654; in a rural area, \$7,747.

Nowhere in Canada does the welfare family with two children receive this minimum decent income. In Montreal, families struggle with an income 40% below the poverty line. And this with an unemployment rate for women of 9% (6.6% for men), at one point in 1980. This, of course, does not include those women who have given up looking for work, and consequently are not registered.

The Old Age Security payments plus guaranteed income supplements do not meet the poverty level for unmarried senior citizens.

The guaranteed annual income for all adults could provide a salary to the dependent homemaker, who could receive the cheque in her/his own name with a corresponding deduction from the spouse's income through income tax, given the enabling legislation. We now have the anomalous situation of the husband being able to claim married exemption with no guarantee of money going to the wife. In only one province, Manitoba, is the husband required to give his wife a reasonable cash allowance to be spent as she decides.

This right, supported by enabling legislation, would also permit a homemaker to contribute to the Canada Pension Plan, thus avoiding the present unjust, inequitable situation, where a widower over 65 years of age continues to receive 100% of the C.P.P. whereas a widow, over 65, who has been previously a dependent homemaker, has the C.P.P. payments cut to 50%.

RIGHT #3. The right to equal pay for work of equal value.

We know that women work because it is an economic necessity. Half of all adult women are working outside the home, and they make 38% of men's wages.

The objection may be made - "but the man is the principal breadwinner." What are the facts? Sixty-one per cent of women who work outside the home are single, divorced, separated or married to men making less than \$10,000 a year. In spite of the dramatic rise in the number of women working outside the home in the last ten years, the numbers of them in low-paying clerical, sales and service jobs is increasing. Between 1971 and 1979, the number of women in service occupations increased from 45% to 54%; and in clerical occupations, from 68% to 77%.

Women in Canadian society are socially and economically dependent on men as women have been traditionally in western societies. It is no accident. Women are kept in the worst jobs, the lowest paid jobs, as a result of women's socially ascribed responsibility for maintaining the family and employers' understandable desire to maintain a docile and cheap labour force. In addition, families traditionally invest less in a girl's education because it will bring a lower return in the labour force.

So, we have the existing situation whereby women who participate in the labour force are found in job ghettos - positions that have been defined as "women's work" - that are likely to be non-unionized and where they are much more subject to lay-off at short notice. Thirty-four per cent of women in the labour force are in clerical positions, 18% in service, 11% in sales and only 5% in managerial or administrative posts. Even fewer women are to be found in technical or skilled trades. Women's wages relative to men's are steadily declining; for example, the wage gap was \$2,700 in 1965, and \$6,000 in 1975. And this when approximately 400,000 women are looking for work, according to recent estimates.

Ironically these accelerating trends, we've referred to above, are taking place at a time when the average single woman spends 48 years working outside the home; the woman with one child, 38 years; and the woman with two children, 34 years. How many women realize that, due to necessity, they will probably stay at home with their children for only 7 years (or less, if these trends continue)?

Why is this tradition not being altered, but reinforced at present - with the wage gap widening, and the numbers of women in job ghettos increasing? Equal pay legislation, enacted in every province in the 50's, has proved to be easy for employers to work around. Why? One reason may be that employers are able to save billions of dollars by this practice (estimated at \$7 billion in one year).

The consequence is the maintenance of a secondary class of persons forced to continue in their relationship of economic dependence.

RIGHT #4. Every person shall have the right to equal access to adequate health care.

The constitutional protection would ensure that "Medicare" is not dismantled, despite those doctors who feel their incomes are too low - and this at a time when doctors again lead all other occupational groups as the highest income earners. Also, at a time when the three largest urban areas of Canada have a doctor surplus, while many rural areas, especially in the Atlantic provinces and in the north, are without doctors.

RIGHT #5. Either parent is guaranteed the right to parental leave of one year without loss of salary and with return to the same or equivalent position.

RIGHT #6. All children have the right to equal access to "quality" free child care (day care).

The benefits of group child care are obvious. For those children who are fortunate enough to experience it, group child care is their initial encounter with the formal educational process. Therefore, governments must ensure, in their traditionally accepted responsibility for education, the provision of equal access to quality, free child care.

Single mothers with children form the group most disadvantaged by the serious lack of day care centres. Many of them are forced to stay at home on welfare, well below the poverty line, or to go to work at poorly paid jobs and make private, often unsatisfactory, arrangements for this care - by

non-professionals, also underpaid. Day care facts haven't caught up with the 80's. Between 1969 and 1979 women joined the work force at a dramatically accelerating rate, and as we have seen, the majority did so for real economic need. However, in British Columbia today, only one child in ten has access to a licensed or approved day care centre. The great majority of these centres in Vancouver, Victoria and the Lower Mainland have long waiting lists, despite average fees of \$180 to \$200 per month per child.

RIGHT #7. All persons have the fundamental right to protection from physical assault, including within the family.

This right to protection is not questioned outside of the family. However, we are aware that husbands assault their wives in approximately one family in ten. It is clear that wife assault has tragic and horrifying physical and emotional consequences for women. It is equally clear that women's attempts to get help and to change their situations are thwarted by policies and practices of institutions and agencies that deny the consequences and realities of wife battering and instead blame the victims. They reinforce women's imprisonment in the privacy of the family as an institution. Lack of protection in cases of wife assault is a major short-coming of law enforcement and legal services in Canada.

Conclusion:

In our brief we have put forward seven rights we believe must be considered in addition to those outlined in the Proposed Resolution.

In conclusion we must speak to the process of Constitutional review and debate regarding the entrenchment of a Charter of Rights.

We wish you to note our support for the growing numbers of organizations and individuals who wish to speak to this Committee. We have been particularly inspired by the work and commitment of the Indian people who brought the Constitution Express across this country to demand the entrenchment of their aboriginal and treaty rights.

It must be clear to the Special Joint Committee that what we and so many others are seeking is some sign of democracy, indeed, integrity, in this most historic and important process. The process to date has been flawed. We support the efforts of those such as the People's Law School in British Columbia who have requested a six months' extension to the work of this Committee, in order to hold public hearings across Canada. The government has held such hearings in the past, for example, with regard to the Royal Commission on Bilingualism and Biculturalism, and the Royal Commission on the Status of Women. However, now, as the Government of Canada wants the people of this country to accept a Charter of Rights and Freedoms, short sighted political interest has taken precedence - thus, making a mockery of the whole concept of citizens' rights.

This Special Joint Committee has a unique and critical responsibility to redress this situation, to rectify the process. The Committee must ensure that the necessary time is provided to afford an opportunity for the citizens of Canada to make known their views and concerns on this crucial issue.

APPENDIX

As stated in our introduction, we support in full the presentation of the National Action Committee on the Status of Women of November 20, 1980, to your Committee. This presentation is appended herewith to our brief.

We have an additional recommendation and two supporting arguments, for each of which we indicate the relevant page, section and number of their document.

Page 2. Part 1, Section 1.

We would add, following recommendation B, the following:

"All persons have the right not to be conscripted or drafted into the armed forces.

Each person shall be guaranteed the right to conscientious objection to military service."

Page 4. Part 1, Section 15(2).

Our supporting argument concerning affirmative action is:

Affirmative Action for women should apply to all governments and all employers under their jurisdiction. The goal is to make up for past discrimination. The strategy should be to identify, train, hire and promote qualified women. To make the program demonstrably effective it must have a timetable, prescribed rates of progress, and a completion date, at which time the employers show that they have met an agreed upon target.

Page 6. Part 1, Sections 24 and 25.

We support the entrenchment of aboriginal and treaty rights for native peoples.

In particular, we support the right of native women to remain status members of their hereditary band when they marry outside it; a right already accorded to native men. Five thousand women lost their status between 1965 and 1976, and four thousand non-native women gained native rights through marriage, surely an unsupportable anomaly of the Indian Act.