

LEAFlet

Newsletter of West Coast LEAF
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Single Mother's Human Rights and Welfare in B.C.

By Clea Parfitt,

Member of the Single Mother's Human Rights
Project working group, and West Coast LEAF's
Legal Committee

In April 2002, the B.C. Government implemented a series of cuts to the income assistance program in the province. Some took effect immediately, and some cuts are scheduled to come on stream in April 2004. Even before the cuts, anyone receiving social assistance was living well below the poverty line.

A number of the reductions are aimed directly at single parents or will have a disproportionate impact on them. The overwhelming majority (85%) of single parents in B.C. are women. West Coast LEAF and other community partners quickly recognized that the impact of these cuts are deeply influenced by the existing disadvantage that women, and particularly single mothers, experience.

West Coast LEAF, the Poverty and Human Rights Project, and the Community Legal Assistance Society are working together to prepare a human rights complaint. We expect to argue that considered together these cuts discriminate against women and children on the basis of gender and family status, either because they target women and children disproportionately or because this group is particularly vulnerable and the cuts are having a more severe impact on them.

West Coast LEAF is planning to file a representative complaint, along with complainants from individual women who are directly affected by the welfare changes. We believe that it is critical to present both the general picture of the cuts, and the specific

impact of the cuts in individual lives. We are presently in the process of meeting with women and community organizations to identify the specific experiences of women who are subject to the new rules, and to identify women who may be willing to participate as complainants or witnesses.

A key part of the complaint will involve placing before the B.C. Human Rights Tribunal evidence to establish the severe economic and social disadvantage presently faced by single mothers and their children. This evidence will be important in establishing that it is discriminatory to target single parents for cuts in welfare rates, and to do so without any consideration of women's specific needs.

Along with our connecting with single mothers across the province, the Working Group is also determining which areas of evidence might be important to paint this picture, and contacting people who are able to assist us to pull together the existing social and economic research on single mothers. We expect that this evidence will include other changes in the social safety net that are also having a very negative impact on single mothers, such as the changes to the network of childcare subsidies. In addition, the Group continues to build the legal arguments that will be put forward.

Working Group members include Clea Parfitt, Gwen Brodsky, Melina Buckley, Sheila Day, Frances Kelly, Kat Kinch and Alison Brewin. Continued on page 2 with a list of some of the relevant cuts. . .

What single mothers are saying about the cuts to income assistance:

Funny how for educated people they can't do simple math and realize that they are digging us one big hole.

They are stopping women from moving forward – they are losing all of their motivation to find part-time work or seek to increase their education.

I know of a woman who was told that as soon as she starts school she will be cut off income assistance so she decided not to pursue the school option. How does that help single moms!?!?

I can't make my home comfortable to keep my son off the street – there is not enough money for clothes or food and he doesn't go to school because of it. My son doesn't trust the police or hospitals and I can't make a home for him – the cuts are making angry aboriginal kids on the streets.

The elimination of the earnings exemption makes it almost impossible for a single parent trying to get off income assistance to do so...it is pointless to pay a caregiver and go out to work unless one is guaranteed to earn an amount significantly higher than the current amount of assistance – therefore a part-time job that might lead to future independence is not even worth having.

...Single Mother's Human Rights Project continued from page 1

In repealing the *B.C. Benefits Act* and replacing it with the *Employment and Assistance Act*, the government instituted these changes to income assistance for single parents:

It is no longer possible to get immediate social assistance; people must now wait three weeks and undertake a 'job search' ...the expectations of this new program are having a profound and detrimental impact on women.

- A rate cut to single parents of \$51 per month.
- Elimination of the Family Maintenance Exemption of up to \$100 per month. Single parents receiving support payments will now have those payments deducted dollar for dollar from their benefits.
- Elimination of the Earning Exemption of up to \$200 per month for single parents. All earnings will now be deducted dollar for dollar from benefits.
- A cut in shelter allowance to families of 3 or more people of \$50 to \$75 per month.
- A change in the point at which a parent is expected to return to work from when the youngest child is 7 to when the youngest child is 3.
- A 25% reduction in benefits payable after 2 years which will apply to parents after their youngest child is 3.

Other cuts and changes that have had a severe impact on single parents and their children include:

- Three week 'job search' requirement. It is no longer possible to get immediate social assistance; people must now wait three weeks and undertake a 'job search' during that period.
- Cuts to daycare subsidies and programs.
- It is no longer allowable to receive income assistance while at university or college.

• Cuts to family law and poverty law legal aid make it almost impossible to access alternative financial supports single parents may be legally entitled to.

If you have thoughts or suggestions about this case, we would love to hear from you. We also look forward

to any comments you may have about our decision to address these cuts through a complaint to the Human Rights Tribunal.



National LEAF Takes on the Supreme Court of Canada on Social and Economic Rights

In March 2004, the Supreme Court of Canada (SCC) will hear three important cases concerning the obligation of government to pay public benefits under s. 15 of the *Charter*. These cases are: *Auton v. British Columbia*, *Falkiner v. Ontario*, and *Newfoundland v. Newfoundland Association of Public Employees (NAPE)*.

LEAF intervened at the Ontario Court of Appeal and Ontario Court of Justice in *Falkiner*. The case concerns the constitutionality under ss. 7 and 15 of the *Charter* of the loss of welfare benefits by sole support parents who co-reside with a member of the opposite sex (the "spouse in the house rule"). This case will have an important impact in B.C. because a positive result for women would force our government to reconsider many of its actions regarding income assistance programs, women and single mothers.

Auton is the B.C. case that challenges the provincial government's decision not to fund a treatment for autism on the grounds that they can not afford it. LEAF's participation in *Auton* is important because we run the risk of

having our arguments in *Falkiner* looked at in isolation rather than as a new approach to s. 15 of the *Charter*. The SCC may decide that s. 15 does not impose positive obligations on governments to provide benefits, or that violations of s. 15 in such circumstances can be justified under s. 1. Such a decision would be disastrous for women in terms of responding to their needs for health care, social services, and other government funded benefits.

NAPE is a Newfoundland case regarding pay equity. That provincial government there decided to pass legislation in order to avoid a large pay equity payment they had agreed upon with the public sector union. *NAPE* raises the question of whether s. 15 is violated when the government takes away measures that enhance women's equality. The government argues that it is not obliged to provide pay equity under s. 15. LEAF will argue that there is a positive obligation to provide pay equity, and further, that s. 15 is violated when the government rolls back equality enhancing programs. These are crucial questions in this era of government cutbacks that have been borne, to a large extent, by women and other vulnerable groups. LEAF's position is that the government is obliged to take positive steps necessary for women to achieve equality, including social and economic equality, and that once these steps are taken they cannot be undone.

More directly than the other cases, the s. 1 argument in *NAPE* raises the question of whether fiscal concerns may be used to justify *Charter* violations. The reasoning of the Newfoundland Court of Appeal directly challenges the Supreme Court to revisit its only major s. 1 case to date, *R. v. Oakes*, arguing that the current jurisprudence is insufficiently deferential to government and thereby undermines the independence of governments that is a central democratic principle. According to the Newfoundland Court of Appeal, governments must be given wide latitude in the allocation of scarce resources, even if this results in *Charter* violations.

Contact West Coast LEAF or LEAF National if you want to hear more about these important cases.



Equality Breakfast 2004!

Claire L'Heureux-Dubé, former Supreme Court Justice, will be the guest speaker at West Coast LEAF's 17th Annual Equality Breakfast on Friday, March 5, 2004 at the Hyatt Regency Hotel.

This event promises to be the hottest ticket in town so it's not too early to mark your calendar or to book your table. Sponsorship information packages are now available. Contact the office ASAP. Watch for more ticket details in January.

West Coast LEAF announces new opportunities to contribute to Women's Equality

By Chris Basque,
West Coast LEAF Fund Development Coordinator

West Coast LEAF is a strong and vibrant organization because of the generous support of members and donors who give and who believe in what we do. As we grow and strive to respond to the increasing needs of women and communities, we have been working hard to secure a diverse and stable financial future for the organization.

Recent trends in fund development are moving towards more proactive diversification of the funding base for non-profit organizations. This is in response to government funding cutbacks and changes in economic conditions. West Coast LEAF recently developed a strategic plan, which identifies some clear targets for us to add stability to our funding base over the next three years. We hope you will join us as we build for the future to ensure that West Coast LEAF continues to be a strong voice for women in the courts, among policy makers and in your community.

MONTHLY GIVING PROGRAM

Monthly giving plays a significant role in any organization because it provides the means to make strategic decisions about the future. Knowing that ongoing funds are in place means an organization can focus on the work at hand, as well as plan programming for the coming years, and

establish a critical business plan. Automatic withdrawals from a bank account or credit card, or postdated cheques are what we have put in place to make it easy for West Coast LEAF supporters to give monthly.

By making a planned gift to West Coast LEAF you leave a legacy for the women of tomorrow.

PLANNED GIVING

West Coast LEAF is instituting a planned giving program. Planned giving

plays an essential role in ensuring the continuation of an organization. Planned gifts are usually a significant contribution, a lump sum of money that a designated organization receives at one time from a donor. It allows us to secure a concrete financial base that can be sustained over the long term.

With planned giving, the donor does not give up any income. It is a gift that is made in a will and is transferred to the organization from the donor's estate upon her passing. The donor can choose exactly how the funds are to be used. For example, if you have a particular interest or program that you want to support, you can direct the money specifically for that purpose. By making a planned gift to West Coast LEAF you leave a legacy for the women of tomorrow.

If you would like to make a bequest to West Coast LEAF in your will, we would be happy to discuss the many available options with you.

ANOTHER IMPORTANT EVENT:

Nanaimo Breakfast
Saturday February 28, 2004
Dorchester Hotel,
70 Church Street
Featuring former MLA
Darlene Marzari
Doors Open & Brunch Buffet
at 9:30 a.m.
Program begins at 10:00 a.m.

For ticket information contact Signy Madden at (250) 741-8184 or email signy@island.net

THE AFFIDAVIT CAMPAIGN

Recently you received a letter telling you about our affidavit campaign and asking you to make a financial contribution. Thanks to those of you who have responded to our plea to help build a case through this important campaign for the reinstatement of government funds for family law legal aid. If you haven't already done so, please take a moment to give your support to this effort by responding to that letter. Please refer to the June 2003 issue of our newsletter for more information on this campaign (www.westcoastleaf.org) or give us a call any time. Thank you for your support.

If you would like further information about any of these programs, please contact Chris Basque, Fund Development Coordinator, at 604-684-8772 or toll free at 1-866-737-7716.

Thank you!

Donors and members between
September 13th and December 2nd 2003

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LEAF is a national organization committed to promoting women's equality before Canadian courts, government agencies and human rights commissions and to providing public legal education on the issue of equality-rights for women.

West Coast LEAF is sponsored by:



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I would like to assist West Coast LEAF in achieving equality for women by making a tax-deductible donation.

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I prefer to enclose 12 monthly post-dated cheques in the amount of \$ _____ or bill my VISA MASTERCARD

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Please make all cheques payable to West Coast LEAF Association and mail to:
1517 - 409 Granville Street, Vancouver, B.C. V6C 1T2

YES, you *can* make a difference...

- Become a LEAF member
- Make a donation
- Volunteer your time.

Are you interested in volunteering with LEAF? What would be your area of interest?

- Fundraising
- Law Reform
- Legal Case Work
- Public Legal Education
- Speakers Bureau
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- Special Events
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