

# **Inaction and Non-compliance: BRITISH COLUMBIA'S APPROACH TO WOMEN'S INEQUALITY**

SUBMISSION OF THE B.C. CEDAW GROUP  
TO THE UNITED NATIONS COMMITTEE ON  
THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN  
on the occasion of the Committee's review of Canada's 6th & 7th Reports

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**the POVERTY and  
HUMAN RIGHTS  
CENTRE**

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The BC CEDAW Group is a coalition of women's non-governmental and non-profit British Columbia organizations that are committed to advancing the equality interests of women and girls. The coalition first came together in 2002 to prepare a submission on the province of British Columbia to the United Nations Committee on the Elimination of Discrimination against Women, on the occasion of the Committee's review of Canada's Fifth Report under the United Nations *Convention on the Elimination of All Forms of Discrimination against Women*.

The BC CEDAW Group re-formed in 2008 to prepare this submission for the review of Canada's Sixth and Seventh Reports under the United Nations *Convention on the Elimination of All Forms of Discrimination against Women*.

**The 2008 BC CEDAW Group includes:**

The Poverty and Human Rights Centre ([www.povertyandhumanrights.org](http://www.povertyandhumanrights.org));

Aboriginal Women's Action Network;

Coalition of Child Care Advocates of BC ([www.cccabc.bc.ca](http://www.cccabc.bc.ca));

Hospital Employees' Union ([www.heu.org](http://www.heu.org));

Justice for Girls ([www.justiceforgirls.org](http://www.justiceforgirls.org));

Womens Housing Equality Network (Canada) ([www.equalityrights.org/NWG/index.html](http://www.equalityrights.org/NWG/index.html));

North Shore Women's Centre ([www.northshorewomen.ca](http://www.northshorewomen.ca));

Vancouver Committee for Domestic Workers and Caregivers Rights;

Vancouver Rape Relief and Shelter ([www.rapereliefshelter.bc.ca](http://www.rapereliefshelter.bc.ca));

Vancouver Women's Health Collective ([www.womenshealthcollective.ca/](http://www.womenshealthcollective.ca/));

West Coast LEAF ([www.westcoastleaf.org](http://www.westcoastleaf.org)).

# INTRODUCTION

The purpose of this submission is to provide the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) with information necessary to conduct a full and informed review of British Columbia's compliance with its obligations under the *Convention on the Elimination of All Forms of Discrimination against Women*.

The effects on women's equality in British Columbia (BC) of the many government policies and program changes described in this report have been organized under separate headings according to the articles of the Convention. Of course, the impact of these various policies and programs on women in BC is cumulative, rather than a set of discrete harms. The negative consequences of government breaches of the *Convention* overlap and intersect in the lives of British Columbian women, and particularly in the lives of those women already most vulnerable and marginalized. The constituent parts of this submission must therefore be read with these intersections in mind in order to grasp the full extent of the damage done to women's equality in British Columbia by government action and inaction during the reporting period.

## Background on the Canadian Federal System

It is appropriate, and essential, that the Committee examine both the central government's and the regional government's compliance with Canada's obligations under the *Convention*. This submission documents the Government of British Columbia's failure to implement its responsibilities under the *Convention*, but the underlying message is also one of shared provincial and federal responsibility for Canada's lapses in compliance with the guarantees of the *Convention*.

Canada is a federal state with government power distributed between two levels of government: federal (central) and provincial (regional). Each level has a constitutionally determined area of separate and distinctive lawmaking ability and each level is supreme within its own legislative jurisdiction. Neither level is subordinate to the other. For example, the federal government has sole jurisdiction to make laws in the areas of immigration law and substantive criminal law, while areas such as health, education, and welfare programmes are considered to lie primarily within the jurisdiction of the provincial governments. Consequently, each level of government has separate and distinctive responsibilities under the *Convention*.

However, the federal government may transfer federal monies to provincial or territorial governments, with any conditions the federal government chooses attached to the use of such funds. This federal government "spending power" thus allows for federal spending, and influence, in areas of provincial jurisdiction. By so stipulating conditions for provincial access to federal money, the federal government has historically been able to leverage the implementation of national standards in areas such as health, social assistance, and legal aid.

This means that in areas of provincial jurisdiction that are key to the advancement of women, the federal government has considerable legitimate power to influence policy, programmes, and legislation.

The legitimacy of the spending power is supported both jurisprudentially in case law and textually in section 36 of the *Constitution Act*, 1982. Section 36 expresses a constitutional commitment that federal and provincial governments will work together to promote “equal opportunities for the well-being of Canadians” and to provide “essential public services of reasonable quality to all Canadians”.

Consequently, the federal government, when transferring funds to the provinces, shares political responsibility for decisions about the character of provincial state action funded with these federal monies. Thus, it is essential that United Nations treaty bodies’ reviews of Canada question and hold both federal and provincial governments accountable for social programs instituted at the provincial level.

In 2003, the CEDAW’s Concluding Observations on Canada’s Fifth Review included a recommendation that the federal government make necessary changes to fiscal arrangements “so that national standards of a sufficient level are re-established and women will no longer be negatively affected in a disproportionate way in different parts of the State party’s territory.” Our submission documents some of these negative effects on the women of British Columbia.

To date, no changes have been made by the federal government to comply with this CEDAW recommendation.

*Report of the Committee on the Elimination of Discrimination against Women, Twenty-eighth session (13-31 January 2003) and Twenty-ninth session (30 June-18 July 2003), Fifty-eighth Session Supplement No. 38 (A/58/38), at para. 352, online: <[http://www.fafia-afai.org/images/CEDAW\\_UNrecs\\_to\\_Canada\\_2003.pdf](http://www.fafia-afai.org/images/CEDAW_UNrecs_to_Canada_2003.pdf)> (date accessed: 6 June 2008).*

## **A Wealthy Province with Growing Poverty**

### **Fiscal Health**

British Columbia has the fiscal capacity to address many of the issues raised in this report. The provincial budget for 2008 is the fifth consecutive balanced budget for the province. BC has the lowest unemployment rate in decades (3.2%), and economic growth reported at 3% for 2007 and forecasted to remain high through 2012. BC also boasts budget surpluses in the hundreds of millions of dollars, and the 2008 budget includes over \$400 million in tax cuts over three years.

Despite the vigour of BC's economy, the Government of BC is not using its wealth to address pressing social problems, such as poverty and homelessness, and has failed to make needed strategic investments in the future wellbeing of vulnerable British Columbians.

In contrast, significant resources are being expended on Vancouver's upcoming 2010 Olympic Games. The estimated total cost of this event is \$3 billion, with almost half of that amount coming from the provincial government. Promises that the Games would be "socially sustainable", including promises to protect rental housing stock and provide an affordable housing "legacy", have been broken. The negative impacts of the Games, including the loss of affordable housing and increased policing of the poor, have been documented in a 2007 report by local NGO's to the Centre on Housing Rights and Evictions in Geneva, Switzerland.

British Columbia Ministry of Finance. *Budget and Fiscal Plan: 2008/09 - 2010/11* (February 19, 2008), online: Government of BC [http://www.bcbudget.gov.bc.ca/2008/bfp/2008\\_Budget\\_Fiscal\\_Plan.pdf](http://www.bcbudget.gov.bc.ca/2008/bfp/2008_Budget_Fiscal_Plan.pdf) (date accessed: 9 June 2008): 1-6.

Seth Klein and Marc Lee, *Towards a More Democratic and Credible BC Budget, submission to the Select Standing Committee on Finance and Government Services, Legislative Assembly of BC* (21 September 2008), online: Canadian Centre for Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/bc\\_2007/2008\\_bc\\_budget\\_submission.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2007/2008_bc_budget_submission.pdf) (date accessed: 22 July 2008).

David Eby, *Still Waiting at the Altar: Vancouver 2010's on-again, off-again, relationship with social sustainability*, Prepared for the June 14/15, 2007 COHRE Expert Workshop on Protecting and Promoting Housing Rights in the Context of Mega Events, Geneva, Switzerland, online: Pivot Legal Society, <http://www.pivotlegal.org/pdfs/EbyJune2007.pdf> (date accessed 25 July 2008).

## High Poverty Rates

While poverty rates, reflecting economic cycles, are down in other parts of Canada, BC's poverty rates over the same period have risen. The current provincial government's spending priorities have had a dramatic impact on those most vulnerable to poverty, a group which disproportionately includes lone mothers, Aboriginal women, women of colour, women with disabilities, and elderly women. More specifically:

- In 2004 BC had the highest general poverty rate for families in the country at 10.3%;
- The gap between rich and poor individuals increased by 8.7% between 2001 and 2005 in Metro Vancouver, BC's largest city, with the average income of the richest 10% of individuals now 10.3 times that of the poorest 10% (\$145,800 compared to \$14,100). This discrepancy worsened more in Vancouver than in any other Canadian city;



- The gap between rich and poor households is even greater. The income ratio gap between the richest and poorest 10% of households increased from 10 to 1 in 1993, to 14 to 1 in 2005;
- British Columbia has one of the highest rates in Canada of poverty for lone mother-led families: at 49.1% after tax in 2004, the rate is considerably higher than in Canada generally (35.6% in Canada);
- Unlike in Canada generally, poverty among lone mothers rose 15.8 percentage points between 2000 and 2004; in Vancouver, it rose a staggering 24 percentage points;
- These BC women also have one of the deepest levels of poverty among lone-mother-led families in Canada, on average, after tax, \$7,300 below Statistics Canada's unofficial poverty line (Low-Income Cut-Off)<sup>1</sup> in 2004, an increase from \$6,200 in 2001;
- The incidence of poverty has risen from 50% for all lone-parent families, to 60% in families headed by a person of colour or an aboriginal parent, and 70% in families headed by a recent immigrant.

“Income of Canadians, 2004,” *The Daily* (March 30, 2006), online: Statistics Canada, <http://www.statcan.ca/Daily/English/060330/d060330a.htm> (date accessed: 19 June 2008).

BC Campaign 2000, 2007 Poverty Report Card, Fact Sheet # 6, online: First Call BC, <http://www.firstcallbc.org/pdfs/EconomicEquality/3-2007%20report%20cards.pdf> (date accessed: 19 June 2008).

Factors contributing to women's poverty in British Columbia include:

- inadequate income assistance rates and tightened eligibility rules;
- women's greater likelihood of performing unpaid care-giving duties for children, the sick, and the elderly;
- lack of affordable and accessible childcare;
- the sex-based wage gap and failure to implement equal pay for work of equal value;
- occupational segregation and women's greater likelihood of holding non-standard jobs, with no benefits or job security; and

1 Statistics Canada's Low Income Cut Offs (LICOs) define a low-income household as one which spends a disproportionate amount of its income on food, shelter, and clothing. LICOs vary by the size of the family unit and the population of the area of residence, and are updated annually by Statistics Canada using the Consumer Price Index. LICO is based on income after government transfer payments but before federal, provincial or territorial income taxes are deducted.

- recent cuts to female-dominated public sector jobs, such as health and education services, that have resulted in disproportionate job loss and wage reduction for women.

Vancouver Foundation, *Metro Vancouver's Vital Signs 2007*, online: Vancouver Foundation, <[http://www.gvrd.bc.ca/sustainability/pdfs/VitalSigns2007\\_breakfast\\_presentation.pdf](http://www.gvrd.bc.ca/sustainability/pdfs/VitalSigns2007_breakfast_presentation.pdf)> (date accessed: 19 June 2008).

National Council of Welfare, *Poverty Profile 2005*, online: NCW, <http://www.ncwcnbes.net/en/research/poverty-pauvrete.html> (date accessed: 12 July 2008).

Jane Pulkingham, "Bucking the National Trend: The Campbell Cuts and Poverty Among Lone Mother in BC," *SPARC BC News*, (Summer 2006), online: SPARC, <http://www.sparc.bc.ca/sparcnews> (date accessed: 24 June 2008): 26-27.

Sylvia Fuller and Lindsay Stephens, *Women's Employment in BC: Effects of Government Downsizing and Employment Policy Changes, 2001-2004* (December 2004), online: Canadian Centre for Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/women\\_employment\\_bc.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/women_employment_bc.pdf) (date accessed: 21 June 2008).

## Aboriginal Women in British Columbia

The situation of Aboriginal women deserves special mention and as such is highlighted as a key provincial concern in this introductory section of the BC CEDAW Group report. Aboriginal women experience disadvantage in many intersecting ways, all of which militate against Aboriginal women's equal exercise and enjoyment of the rights guaranteed under the Convention.

Aboriginal women in BC face discrimination on three fronts: as women within their home communities due to the patriarchal effects of colonialism within Band Councils (local Aboriginal governments), as women in mainstream society, and as Aboriginals in mainstream society. Aboriginal women disproportionately live in poverty, with incomes considerably lower than Aboriginal men and non-Aboriginal women. Aboriginal women in BC also face unacceptably high risks of violence. Aboriginal women in BC face high rates of child apprehension and systemic discrimination within the criminal justice and social welfare systems.

Although jurisdiction over "Indians and lands reserved for Indians" is formally assigned to the federal government within the Canadian constitutional division of powers, federal legislation (s. 88 of the federal *Indian Act*) allows for substantial provincial legislative control over Aboriginal peoples. Thus, in practical terms, both the federal and provincial governments are responsible for the legal status and conditions of Aboriginal women and girls and their communities. Thus, it is critical that provincial governments be held accountable for the social and economic circumstances of Aboriginal women. For example,

provincially-provided health, welfare, and education programs are critical to both on-and off-reserve Aboriginal women and girls.

This jurisdictional situation reinforces and perpetuates the barriers to social and economic welfare faced by Aboriginal women. Aboriginal women continue to be denied essential forms of assistance and to receive piece-meal services because of the lack of clarity about legislative jurisdiction and the competing interests of federal, provincial and territorial governments regarding governments' constitutional, moral and financial responsibilities for providing social services to Aboriginal peoples. This issue was first identified over 35 years ago, yet little has been done to ameliorate the situation

H.B. Hawthorne, ed., *A Survey of the Contemporary Indians of Canada: A Report of the Economic, Political, Education Needs and Policies*. Vol. 1 and 2 (Ottawa: Canadian Department of Indian and Northern Development, 1966) at 253.

Amnesty International, *Stolen Sisters: Discrimination and Violence against Indigenous Women in Canada* (October 2004), online: AI, <http://www.amnesty.org/en/library/asset/AMR20/001/2004/en/dom-AMR200012004en.pdf> (date accessed: 7 July 2008).

**RECOMMENDATION** That the Government of British Columbia take action to address the pervasive discrimination faced by Aboriginal women in the province. For example, it is recommended that Aboriginal Women's Justice Centres be established at the regional levels in urban and rural communities to address systemic discrimination within the legal system and to provide assistance to Aboriginal women engaged with the family justice, child welfare, social welfare, and criminal justice systems.

### **Repeated Calls for British Columbia's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women**

The recommendations made to Canada by the UN CEDAW in 2003 included several that were directed at BC. Specifically, the Committee wrote:

The Committee is concerned about a number of recent changes in British Columbia which have a disproportionately negative impact on women, in particular aboriginal women. Among these changes are:

- a cut in funds for legal aid and welfare assistance, including changes in eligibility rules;
- a cut in welfare assistance;

- the incorporation of the Ministry of Women's Equality under the Ministry of Community, Aboriginal and Women's Services;
- the abolition of the independent Human Rights Commission;
- the closing of a number of courthouses;
- and the proposed changes regarding the prosecution of domestic violence as well as a cut in support programmes for victims of domestic violence.

The Committee, through the State party, urges the government of British Columbia to analyse its recent legal and other measures as to their negative impact on women and to amend the measures, where necessary.

No provincial mechanism has been put in place to communicate and respond to these Committee concerns and recommendations.

After Canada's 2003 CEDAW review, the BC CEDAW Group wrote to each Member of the BC Legislature and engaged in extensive lobbying efforts to see these recommendations implemented. Only one government official agreed to meet with the Group, the then Attorney General, Geoff Plant. Mr. Plant refused to comply with the CEDAW recommendations.

Now, five years later, despite the clearly articulated concerns of the CEDAW Committee and the lobbying of the BC CEDAW Group, the following is still true:

- funding and eligibility for legal aid and welfare remain lower than 2002 levels;
- the Ministry of Community, Aboriginal and Women's Services has been completely de-gendered, becoming the Ministry of Community Services;
- the abolition of the Human Rights Commission has resulted in fewer hearings and reduced legal representation for women seeking redress from discriminatory practices;
- the closure of rural courthouses has reduced access to justice for rural women;
- the Crown charging policy in cases of violence against women in relationships has been relaxed, allowing for greater discretion in prosecutions and the use of alternatives to incarceration for offenders. Funding for victim services has not been restored.

*Report of the Committee on the Elimination of Discrimination against Women, Twenty-eighth session (13-31 January 2003) and Twenty-ninth session (30 June-18 July 2003), Fifty-eighth Session Supplement No. 38 (A/58/38), at paras. 359-360, online: <[http://www.fafia-afai.org/images/CEDAW\\_UNrecs\\_to\\_Canada\\_2003.pdf](http://www.fafia-afai.org/images/CEDAW_UNrecs_to_Canada_2003.pdf)> (date accessed, 6 June 2008).*

Letter from the Hon. Geoff Plant, Attorney General of British Columbia, to the BC CEDAW Group (17 November 2003), (on file with The Poverty and Human Rights Centre.)

We urge the Committee to hold all Canadian governments individually and collectively responsible to their obligations under the *Convention*. Further, these governments, British Columbia included, bear an obligation to respond to Committee recommendations proceeding from periodic reviews. If provincial governments fail to take note of and to implement treaty obligations and Committee recommendations, the review process risks becoming legally and politically irrelevant in Canada. Equally, there must be a domestic mechanism in place for ensuring provincial government accountability under the *Convention* and the periodic review process.

**RECOMMENDATION** That the Government of British Columbia address the 2003 CEDAW recommendations and all applicable 2008 recommendations through a legislative committee, which, in cooperation with women's groups, is required to report back to the CEDAW committee within 18 months.

## ARTICLE 2: ANTI-DISCRIMINATION MEASURES

### Article 2: Restrictive Constitutional Interpretation

Section 15 of the *Canadian Charter of Rights and Freedoms* guarantees equality before and under the law, equal protection and equal benefit of the law without discrimination based on sex. Section 7 guarantees rights to life, liberty, and security of the person for every individual, and section 28 guarantees *Charter* rights equally to male and female persons.

*Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c.11. Online: Department of Justice Canada, <http://laws.justice.gc.ca/en/charter/> (date accessed: 19 June 2008).

Canadian governments hold out the *Charter* as a major vehicle through which Canada's CEDAW obligations are fulfilled, and the Supreme Court of Canada has repeatedly affirmed that the *Charter* includes a right to substantive and not merely formal equality. However, in recent litigation, the Government of BC has argued for extremely formalistic and restrictive interpretations of the *Charter* that would narrow the government's obligations to address women's inequality. These arguments show a lack of respect for *Charter* values and undermine the *Charter's* usefulness as a tool to address women's inequality in Canada.

For example, in the 2004 *N.A.P.E.* case, the BC Government intervened before the Supreme Court of Canada in order to argue that the *Charter* imposes no obligation on governments to remedy structural pay equity problems and that government spending could not be constitutionally mandated.

*Newfoundland (Treasury Board) v. N.A.P.E.*, [2004] 3 S.C.R. 381 [N.A.P.E.]. Online: Supreme Court of Canada, <http://scc.lexum.umontreal.ca/en/2004/2004scc66/2004scc66.html> (date accessed: 18 June 2008).

Gwen Brodsky, “The Subversion of Human Rights by Governments in Canada” in Young, Boyd, Brodsky, and Day, eds., *Poverty: Rights, Social Citizenship, and Legal Activism* (Vancouver: UBC Press, 2007).

The Canadian Bar Association recently challenged the constitutionality of British Columbia’s legal aid scheme (alleging sex discrimination under section 15 and breaches of obligations under the *Convention*, among other claims). In their Statement of Defence, the BC Government insisted that the courts had no power to impose legal responsibility on government to fund a legal aid scheme consistent with the *Charter*. In the same Statement, the BC Government argued that International Human Rights “are not enforceable in Canadian law” and therefore irrelevant to this case.

*The Canadian Bar Association v. HMTQ et al.*, 2008 BCCA 92, online: BC Court of Appeal Reasons for Judgement, <http://www.courts/gov/bc/ca/Jdb-txt/CA/08/00/2008BCCA0092err4.htm> (date accessed: 17 June 2008).

British Columbia Ministry of Attorney General, *Canadian Bar Association v. HMTQ et al.*, Statement of Defence at paras. 51 and 55 (October 2005), online: Canadian Bar Association, [http://www.cba.org/CBA/Advocacy/pdf/statement\\_crown.pdf](http://www.cba.org/CBA/Advocacy/pdf/statement_crown.pdf) (date accessed: 12 July 2008).

Cases have addressed issues such as the inadequacies of welfare and health benefits, which involved unequal risks of harm for women and girls. Another case addressed the importance of collective bargaining for unions with disproportionate female membership. In each of these cases the BC government refused to acknowledge its obligation to promote substantive equality for women, instead arguing for a restrictive interpretation of *Charter* rights that would perpetuate the vulnerability of the claimants.

*Gosselin v. Québec (Procureur general)*, [2002] 4 S.C.R. 429. Online: Supreme Court of Canada, <http://scc.lexum.umontreal.ca/en/2002/2002scc84/2002scc84.html> (date accessed: 17 June 2008).

*Auton (Guardian of) v. BC (Attorney General)*, [2004] 3 S.C.R. 657. Online: Supreme Court of Canada, <http://scc.lexum.umontreal.ca/en/2004/2004scc78/2004scc78.html> (date accessed: 17 June 2008).

*Health Services and Support-Facilities Subsector Bargaining Association v. British Columbia*, 2007 SCC 27. Online: Supreme Court of Canada, <http://scc.lexum.umontreal.ca/en/2007/2007scc27/2007scc27.html> (date accessed: 17 June 2008).

In a recent article, lawyer and human rights expert Gwen Brodsky documents the “efforts of governments [including the Government of BC] to subvert constitutional human rights” in *Charter* litigation. According to Brodsky:

Lack of funding for access and hostile, rights-reducing argumentation are not the only means by which governments attempt to block the application of *Charter* rights...government lawyers also bring motions and make other procedural manoeuvres that can render litigation unaffordable, even if partial public funding is available.

Gwen Brodsky, “The Subversion of Human Rights by Governments in Canada” in Young, Boyd, Brodsky, and Day, eds., *Poverty: Rights, Social Citizenship, and Legal Activism* (Vancouver: UBC Press, 2007): 356, 363.

**RECOMMENDATION** That the Government of British Columbia uphold *Charter* values when involved in *Charter* litigation and conduct itself in a manner that promotes and protects women’s *Charter* right to substantive equality, in accordance with Canada’s obligations under international human rights law.

## **Article 2: Elimination of the Human Rights Commission**

In October 2002, the British Columbia Legislature eliminated the Human Rights Commission, weakening the machinery for administering and enforcing anti-discrimination laws in the province. These laws protect women from discrimination in employment, services, and housing.

Without the Commission, there is no independent public body to represent the public interest in the elimination of discrimination, to deal with systemic discrimination, or to undertake preventive strategies in accordance with the Paris principles. The human rights system in BC has been reduced to a complaint adjudication system only and complaints have become a private matter between complainants and respondents rather than matters in which the community as a whole has a stake.

The Government claimed the changes would provide more direct access to hearings of their human rights complaints. This has not been the case. The new legislation gives the Tribunal the power to dismiss complaints, defer cases, and promote mediation and mandatory settlement conferences as alternatives to formal hearings. The use of mediation has long been recognized as problematic for women, and can lead to unfair settlements. Unlike



formal hearings, mediated settlements are not published, which makes it difficult to track discrimination issues and how they are being resolved.

- In 2006-2007, less than 7% of total cases closed by the Tribunal received a hearing (76 of 1109).
- In 2006-2007, 44% of total cases closed by the Tribunal were settled informally (488 of 1109).

Because the Tribunal is a quasi-judicial body, pre-hearing procedures are legalistic and difficult for complainants to manage on their own. The 2002 legislation also removed any statutory obligation on the part of the government to provide legal representation for human rights complainants. The Government of BC has provided some funding to not-for-profit agencies that provide a free Human Rights Clinic for human rights complainants, but the Clinic remains significantly under-resourced and high numbers of unrepresented parties persist.

- In 2006-2007 the Tribunal conducted 76 hearings, 45 (60%) of which involved unrepresented complainants and 26 (34%) of which involved unrepresented respondents.
- In 100% of the 31 hearings in 2006-2007 in which only one party had legal representation, the represented party was successful in either having their complaint justified (25 cases) or having the complaint against them dismissed (6 cases).
- The Human Rights Clinic provided counsel for 13 complainants in 2006-2007, 10 of which were successful.

*Human Rights Code Amendment Act*, S.B.C. c. 62, amending R.S.B.C. 1996, c. 210, online: British Columbia Ministry of Attorney General [http://www.leg.bc.ca/37th3rd/3rd\\_read/gov64-3.htm](http://www.leg.bc.ca/37th3rd/3rd_read/gov64-3.htm) (date accessed: 17 June 2008).

British Columbia Ministry of Attorney General, News Release 02:18, *Human Rights Complaints Process Streamlined* (30 May 2002), online: BCMAG, <http://www2.news.gov.bc.ca/archive/2001-2005/2002AG0003-000018.htm> (date accessed: 17 June 2008).

BC Human Rights Tribunal: *Annual Report 2006-2007*. Online: BCHRT, [http://www.bchrt.bc.ca/annual\\_reports/Annual\\_Report\\_2006-2007.pdf](http://www.bchrt.bc.ca/annual_reports/Annual_Report_2006-2007.pdf) (date accessed: 19 June 2008): 17.

Shelagh Day, *Rolling Back Human Rights in B.C.* (2002), online: Canadian Centre for Policy Alternatives [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/human\\_rights\\_code\\_brief.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/human_rights_code_brief.pdf) (date accessed: 17 June 2008): 15, 22.

[Paris Principles] Office of the High Commissioner for Human Rights, *Fact Sheet No. 19, National Institutions for the Promotion and Protection of Human Rights* (April 1993),



online: OHCHR, <http://www.unhchr.ch/html/menu6/2/fs19.htm#annex> (date accessed: 22 July 2008).

**RECOMMENDATIONS** That the Government of British Columbia establish a Human Rights Commission, according to the Paris principles, which is responsible for public education, conducting inquiries, initiating complaints, public reporting, and providing systemic oversight of human rights complaints;

That the Government of British Columbia ensure that there is adequate legal representation for human rights complainants.

## **Article 2: Elimination of the Ministry of Women's Equality**

The Government of British Columbia has reduced its accountability to women by gradually erasing women's issues from the public agenda. Evidence of this erosion is the elimination of any ministry devoted solely, or even primarily, to promoting women's equality in BC.

In its Fifth Report to CEDAW, British Columbia described the former Ministry of Women's Equality (MWE) as:

Canada's first and only free-standing ministry dedicated to advancing equality for women. MWE consults, researches, advocates and educates on equality for women, particularly in the areas of economic equality, ending violence against women, and women's health and social justice.

This free-standing ministry was abolished in 2002. Some of its responsibilities were folded into a new Ministry of Community, Aboriginal and Women's Services which became the Ministry of Community Services in 2005. In 2008 the women's portfolio was again shifted, this time to the Ministry of Healthy Living and Sport. This constant shuffling and de-emphasizing of women's issues is evidence of the current lack of government support for women in BC.

Canada, *Convention on the Elimination of All Forms of Discrimination against Women: Fifth Report of Canada* (2002), online: Canadian Heritage [http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw5/index\\_e.cfm](http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw5/index_e.cfm) (date accessed: 19 June 2008).

British Columbia Ministry of Community Services, *2006/07 Service Plan Report*, online: [http://www.bcbudget.gov.bc.ca/Annual\\_Reports/2006\\_2007/cs/cs.pdf](http://www.bcbudget.gov.bc.ca/Annual_Reports/2006_2007/cs/cs.pdf) (date accessed: 19 June 2008):11.

According to a 2008 report:

Since 2001, gender has become nearly invisible on official websites and planning documents. The vital "Gender Lens" appraisal that the former Ministry of Women's

Equality tried to apply to public life is gone, along with the Ministry itself. The elimination of the Minister's Advisory Council on Women's Health, the Women's Health Bureau, the Human Rights Commission, much Legal Aid, and the Seniors' Advocate has devastated reporting and research on equality issues. Ministries and ministers focus narrowly on labour force participation, sidestepping essentials like affordable childcare, educational upgrading and good wages.

The lack of gender analysis by the BC Government stands in stark contrast to Canada's demands on foreign governments to conduct similar analyses (see paragraphs 42 to 45 of Canada's sixth and seventh reports to the CEDAW). The governments of Canada should be held to the same standard that Canada requires of others.

Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

K. Teghtsoonian and L. Chappell, "The Rise and Decline of Women's Policy Machinery in British Columbia and New South Wales: A Cautionary Tales," *International Political Science Review* 29:1 (2008): 36.

**RECOMMENDATION** That the Government of British Columbia re-establish a free-standing Ministry of Women's Equality with an adequate budget to ensure consistent gender analysis of public policy and advancement of the interests of women at the provincial level.

## Article 2: Reductions in Legal Aid

In 2002, the Government of British Columbia drastically reduced the availability of legal aid in the province. For example:

- legal aid funding was cut by 38.8%;
- sixty rural legal aid offices were closed and replaced by seven regional centres with two satellite offices;
- legal aid coverage was severely cut, including all legal aid for poverty law issues such as landlord/tenant disputes, employment insurance, welfare, and employment standards;
- family law legal aid was likewise eliminated except for situations involving state-identifiable domestic violence. This requirement is particularly onerous for women marginalized by race. Immigrant women to Canada, for example, may not have raised their experience of domestic violence prior to marriage breakdown in an effort to protect their cultural community;

- though eligibility was expanded in 2006 to include “significant custody, access, and financial security matters”, the increase in funding represents only 12% of what was cut in 2002. In addition, the number of hours of representation available for each case is limited. Women are pressured into mediation and reliance on services from community advocates without legal training. Family law services that have been developed since the cuts continue to be piece-meal and summary in nature.

Criminal law legal aid is used mainly by men, whereas civil law legal aid, especially for family law matters, is used mainly by women. Thus, these legal aid changes have a disproportionate impact on women, effectively denying legal representation to the most vulnerable women in matters that affect their ability to pay for food and shelter for themselves and their children, to escape violent spouses, and to seek spousal support and custody of their children.

Alison Brewin and Lindsay Stephens, *Legal Aid Denied: Women and the Cuts to Legal Services in BC* (September 2004), online: Canadian Centre for Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/legal\\_services.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/legal_services.pdf) (date accessed: 19 June 2008).

Legal Services Society, News Release: *Legal Aid to give more help to more families* (October 30, 2006), online: LSS, <http://www.lss.bc.ca/assets/media/newsReleases/archive/2006/Legal-aid-to-give-more-help-to-more-families.pdf> (date accessed: 19 June 2008).

BC Coalition of Women’s Centres. Media Advisory: *BC Liberals attempt to boost votes* (February 1, 2005), online: BCCWC, [http://www3.telus.net/bcwomen/archives/liberals\\_boost\\_votes\\_feb\\_05.html](http://www3.telus.net/bcwomen/archives/liberals_boost_votes_feb_05.html) (date accessed: 19 June 2008).

In 2005, the Canadian Bar Association (CBA) launched a test case in the BC Supreme Court to challenge BC’s cuts to legal aid and to establish a constitutional right to civil legal aid in Canada. The Court denied the CBA’s claim based on two preliminary arguments: first, it held that the CBA lacked standing to challenge the legal aid scheme. Second, it held that the statement of claim disclosed no reasonable cause of action and could therefore be struck at the outset. The CBA appealed the decision to the British Columbia Court of Appeal, which upheld the lower court’s decision on the second ground. Leave to appeal to the Supreme Court of Canada was denied.

The CBA case is another example of the BC Government’s hostile approach to *Charter* litigation. It also demonstrates the BC Government’s refusal to acknowledge the key connection between civil legal aid, particularly for family and poverty law, and women’s access to justice.

Canadian Bar Association, *The Canadian Bar Association v. Her Majesty the Queen in Right of the Province of British Columbia, The Attorney General of Canada, and Legal*

*Services Society: Statement of Claim* (June 2005), online: CBA, [http://www.cba.org/CBA/News/pdf/statement\\_legalaid\\_jun05.pdf](http://www.cba.org/CBA/News/pdf/statement_legalaid_jun05.pdf) (date accessed: 17 June 2008).

*The Canadian Bar Association v. HMTQ et al.*, 2006 BCSC 1342. Online: BC Supreme Court Reasons for Judgement, <http://www.courts.gov.bc.ca/jdb-txt/sc/06/13/2006bcsc1342err1.htm> (date accessed: 17 June 2008).

*The Canadian Bar Association v. HMTQ et al.*, 2008 BCCA 92. Online: BC Court of Appeal Reasons for Judgement, <http://www.courts/gov/bc/ca/Jdb-txt/CA/08/00/2008BCCA0092err4.htm> (date accessed: 17 June 2008).

**RECOMMENDATIONS** That the Government of British Columbia ensure full and meaningful access to legal aid and legal representation for BC women, in particular, for family and poverty law. The provincial and federal governments must cooperate to establish national standards for legal aid in these areas, consistent with the *Canadian Charter of Rights and Freedoms* and international human rights;

That the Government of British Columbia ensure adequate legal assistance for women victims of crime, for witnesses in cases of violence against women, and for intervening equality-seeking women's groups.

## ARTICLE 3: ADVANCEMENT OF WOMEN

### Article 3: Elimination of Funding for Women's Centres

One hundred percent of provincial core funding for all women's centres in British Columbia was cut on April 1, 2004. The BC Government's own website described the key role of these centres: "Women's centres respond to the needs of their communities through a variety of services, such as information and referral, support groups, crisis counselling, job entry programs, child care services and housing registries." Some women's centres also provide basic necessities such as food and clothing.

The BC Coalition of Women's Centres reported that, in 2001, women's centres provided these and other services to 300,569 women, or 16% of all women and girls in the province. The majority of the women served were experiencing violence and/or living in poverty. The funding that has been removed from women's centres had been critical to empowering women in the province to associate and organize in order to have a voice in the decision-making processes that affect their lives.

Since 2004, Women's Centres have had to cut or adjust their programs in response to the reduced funding. Indeed, a number of Women's Centres have had to close outright. The Coalition of Women's Centres itself is no longer in existence. The withdrawal of core funding to women's centres has contributed to the political and social marginalization of British Columbian women and denied essential local services for those women, especially vulnerable to violence and economic insecurity.

British Columbia Ministry of Community, Aboriginal and Women's Services, *Service Plan Summary 2002/03 – 2004/05*, online: Government of British Columbia, <http://www.bcbudget.gov.bc.ca/2002/sp/caaws.pdf> (date accessed: 19 June 2008): 3.

BC Coalition of Women's Centres, Press Release: *Women's Life Not Worth \$5.65 in British Columbia* (28 May 2002), online: BCCWC, [http://www3.telus.net/bcwomen/archives/womanslife\\_notworth\\_5\\_65.html](http://www3.telus.net/bcwomen/archives/womanslife_notworth_5_65.html) (date accessed: 19 June 2008).

**RECOMMENDATION** That the government of British Columbia provide stable, core operating funding to women's centres across the province and ensure that women in all regions of the province have adequate access to a women's centre.

## Article 3: Violence Against Women

### Police Protection of Women

In British Columbia in 2005:

- There were 10,273 incidents of spousal assault reported to police;
- 74% involved a male offender; 16% involved a female offender;
- Most victims were female between 25 and 35 years of age;
- More than two-thirds of the accused charged had a prior criminal record for a previous violent offence.

Repeatedly, the BC criminal justice system has failed to protect women experiencing violence, even when those women seek protection. The following recent incidents illustrate this:

On September 4, 2007, Peter Hyun Joon Lee killed his wife, Sunny Yong Sun Park, his small son, his wife's parents, and himself in Oak Bay, BC. Lee had been arrested one month prior to the killings after deliberately crashing a car and causing serious injury to his wife. He was charged with aggravated assault and operating a vehicle in a dangerous way then released on bail with conditions that he stay away from his wife and the family home. A coroner's

inquest revealed police interviews with Park after the crash in which she told Victoria police about her husband's anger, his previous violent attacks against her, and his fixation with knives. During her police interview, Park predicted that her husband "would kill everyone". Despite these clear warnings, Lee was released on bail.

On April 6, 2008, in Merritt, BC, the three children of Darcie Clarke — Kaitlyne, 10, Max, 8, and Cordon, 5 — were murdered. Their father, Allan Dwayne Schoenborn, has been charged with three counts of first-degree murder. Schoenborn had been released on bail just days before the deaths. In the week prior, Schoenborn had been arrested twice, first for breaching a restraining order resulting from a threat of violence against Clarke the previous August and again for uttering threats (against a principal and another student) at his children's school. According to the Chief Judge of the BC Provincial Court, the justice of the peace who released Schoenborn at the bail hearing had no reason to believe he was a threat to his family, and that he had specifically asked police during the bail hearing if there was "friction" between Schoenborn and his wife, and the answer was no.

On October 19, 2006, in Port Coquitlam, BC, Gurjeet Ghuman was shot twice in the head by her estranged husband as she dropped off her daughter. Her ex-husband had been charged with assaulting her. She identified in the media that things began to "unravel" once she sought a divorce from her husband that summer. Gurjeet survived but is now blind.

In 2003, Sherry Heron and her mother, Anna Adams, were murdered at Mission Memorial Hospital by Sherry's estranged husband. Sherry had a restraining order in place while she was in the hospital.

In 2002, in Quatsino, BC, Sonya Handel's 6 children were drugged, strangled, shot and left to die in their burning home by their father Jay Handel. Crown identified that Mr. Handel was unable to deal with his wife's demands for a divorce.

Statistics Canada, *Family Violence in Canada: A Statistical Profile* (2006), online: Statistics Canada, <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2006000.pdf> (date accessed: 12 July 2008).

BC Association of Specialized Victim Assistance and Counseling Programs, *End Violence Together For the Dignity of Every Woman* Fact Sheet, online: BCASVACP, <http://www.endingviolence.org/files/uploads/VAWIRFactSheet.pdf> (date accessed 12 July 2008).

CBCNews.ca, *Sunny Park feared being killed, newly released video shows* (1 May 2008), online: CBCNews.ca, <http://www.cbc.ca/canada/british-columbia/story/2008/05/01/bc-oak-bay-video-released.html?ref=rss> (date accessed: 20 June 2008).



CBCNews.ca, *Judge defends release of suspect prior to Merritt killings* (8 April 2008), online: CBCNews.ca, <http://www.cbc.ca/canada/british-columbia/story/2008/04/08/bc-merritt-suspect-released.html> (date accessed: 20 June 2008).

In these cases, the criminal justice system failed to adequately protect women and their families from known threats of violence. These women were in touch with the police and had made every effort to use the justice system to protect themselves, yet their stories ended in preventable tragedies.

Women in BC who are victims of assault and domestic violence must be able to rely on rapid and effective protection from police. This is especially true for Aboriginal women living in rural and remote areas (on reserve). These women's marginalization makes it less likely that they will seek police protection, due to fears of child apprehension and systemic racism. It is essential, therefore, that when women do take the difficult step of seeking help, police provide the protection they need.

A recent report has identified several systemic factors currently affecting police protection of women in BC, including:

- the failure of the justice system to respond in a timely manner to threats of violence;
- a lack of interpreters and services available in immigrant women's own language, including police services;
- a lack of resources and training to deal with victims or offenders with mental health issues;
- a lack of system accountability, including,
  - a lack of adherence on behalf of the police to their responsibilities under the provincial pro-arrest *Violence against Women in Relationships Policy*, and
  - a lack of enforcement of breaches of protection orders.

The report also notes that the police data collection system in BC (PRIME) does not currently allow for a straightforward method for coding and tracking cases of spousal violence, inhibiting information-sharing within and between sectors of the justice system.

Linda Light, et al., *Keeping Women Safe: Eight Critical Components of an Effective Justice Response to Domestic Violence* (April 16, 2008), online: BC Association of Specialized Victim Assistance and Counselling Programs, <http://www.endingviolence.org/files/uploads/KeepingWomenSafe0416.pdf> (date accessed: 19 June 2008): 18-19.

Ministry of Public Safety and Solicitor General, *Violence Against Women in Relationships Policy*, (March 2004), online: MPSSG, [http://www.pssg.gov.bc.ca/victim\\_services/publications/policy/vawir.pdf](http://www.pssg.gov.bc.ca/victim_services/publications/policy/vawir.pdf) (date accessed: 22 July 2008).

For women engaged in family law matters such as custody and access disputes, the current lack of coordination between the BC criminal and family justice systems presents a further threat. For example, women are currently being discouraged by family lawyers and judges from mentioning their spouse's violence during custody and access hearings, even if the violence has resulted in criminal charges. As a result, a woman may be ordered to provide an abusive spouse with access to her children, leaving her with the choice between exposing herself to a risk of violence and being charged with breaching a court order. It is essential that women in violent relationships can rely on coordinated justice system efforts to ensure the safety of them and their children.

West Coast LEAF, *Submission to the Family Relations Act Review* (September 2007), online: West Coast LEAF, <http://www.westcoastleaf.org/userfiles/file/Submission%20FRA%20WCLEAF%202007%20-%20FINAL.pdf> (date accessed: 22 July 2008).

**RECOMMENDATIONS** That the Government of British Columbia ensure that all women experiencing violence in BC receive timely protection from police, and receive translation services if they need them so that they can understand and communicate with police;

### Crown Charging Policies

In 2003, the BC Government relaxed what had previously been a strong pro-charge, pro-arrest domestic violence policy. Crown counsel now have greater discretion about whether to charge in cases of domestic violence, and can divert offenders into "Alternative Measures" programs. These alternative options range from pre-charge diversions (resulting in no criminal record), to counselling or mediation programs as alternatives to incarceration.

BC Ministry of Attorney General, *Crown Counsel Policy Manual: Spouse Assault* (May, 2003), online: BCMAG, [http://www.pssg.gov.bc.ca/victim\\_services/publications/policy/SPO\\_1\\_SpouseAssault.pdf](http://www.pssg.gov.bc.ca/victim_services/publications/policy/SPO_1_SpouseAssault.pdf) (date accessed: 10 June 2008).

This relaxation of the pro-charging policy has been widely criticized by women's advocates as a move backwards for victims of violence. Fewer prosecutions provide less documentation for women seeking protection orders or legal aid, and act as a disincentive for police to arrest offenders. The use of Alternative Measures can provide an ongoing opportunity for abuse and control of victims. In addition, the relaxed charging policy and use of alternatives to incarceration send the message that domestic violence is no longer being treated by British Columbian society as a serious crime.



It is vital that offenders be held accountable by the criminal justice system through appropriate and consistent sentencing and consistently enforced protection orders.

Linda Light, et al., *Keeping Women Safe: Eight Critical Components of an Effective Justice Response to Domestic Violence* (April 16, 2008), online: BC Association of Specialized Victim Assistance and Counselling Programs, <http://www.endingviolence.org/files/uploads/KeepingWomenSafe0416.pdf> (date accessed: 19 June 2008): 38-39.

BC Institute Against Family Violence, *Position Statement: The proposed amendments to the Crown counsel pro-charge policy* (September 2002), online: BCIFV, <http://www.bcifv.org/hottopics/position/position1.shtml> (date accessed: 10 June 2008).

Vancouver Rape Relief & Women's Shelter, *Feminists Warn against Attorney General's Proposed Abandonment of BC Women to Violent Spouses* (June 2002), online: VRR, [http://www.rapereliefshelter.bc.ca/issues/pr\\_attorney\\_general.html](http://www.rapereliefshelter.bc.ca/issues/pr_attorney_general.html) (date accessed: 12 July 2008).

**RECOMMENDATIONS** That the Government of British Columbia affirm and enforce a policy which treats violence against women as a serious criminal matter; that violent offenders be charged consistently and not diverted to civil procedures or criminal protection orders;

That the Government of British Columbia direct Crown prosecutors to uphold the *Charter* rights of women who experience violence to equal protection of the law.

### Victim Services

Another damaging blow for women who experience violence in BC has been dramatic budget cuts for community-based victim's services, which have limited women's access to emergency counselling and other essential support services.

The 2002 budget cuts included cuts to 35 of 69 community-based victim services programs, and the Crown Victim Witness Services program. The 2005 inauguration of 43 new Outreach Programs (for a total of 54) to counsel and assist women and dependent children and educate communities begins to redress past government cuts. However, the most effective services for women have yet to have sufficient funding restoration, so gaps continue, and current funding is insufficient to meet the needs of women who experience violence in BC.

According to one community-based victim service provider: "Community support systems such as women's centres, transition houses, and counselling programs are struggling to keep

up with demand and women who do access these services are often told that there is a wait list or not any space available in the transition house or shelter.”

Women Against Violence Against Women Rape Crisis Centre, Press Release: *Call to Action to Eradicate Violence Against All Women* (2 November 2006), online: WAVAW, [http://www.wavaw.ca/media/indo\\_canadian\\_forum\\_110206.pdf](http://www.wavaw.ca/media/indo_canadian_forum_110206.pdf) (date accessed: 20 June 2008).

**RECOMMENDATION** That the Government of British Columbia provide funding to community-based women’s organizations for transition housing, counselling, and other support services for women who experience violence.

### Violence Against Aboriginal Women

Aboriginal women are particularly at risk of violence, and are therefore disproportionately affected by inadequate police protection, changes in charging policies, and the lack of victim support services. Several high-profile situations have recently highlighted the extreme levels of violence against Aboriginal women in British Columbia.

- Since 1983, over 60 women, at least 16 of them Aboriginal, have gone missing from Vancouver’s Downtown Eastside. The Vancouver Police and RCMP did not get involved until 1999, by which time 31 women had been reported missing. Police and city officials long denied that there was any pattern to the disappearances or that women in the area were in any particular danger.
- In 2002-2003, Vancouver man Robert Pickton was charged with first-degree murder in the deaths of 26 of the women missing from Vancouver’s Downtown Eastside. In December, 2007, Pickton was convicted of second-degree murder on six counts.
- From 1969 to 2007, police believe that 18 girls and women, the vast majority of whom were Aboriginal, have been killed or gone missing along Highway 16 in Northern British Columbia, now known as the “Highway of Tears”.
- In 2004, a former BC Provincial Court judge, David William Ramsey, was convicted of raping four Aboriginal girls, aged 12, 14, 15, and 16, whose criminal and family law cases he had presided over in court. Ramsey was sentenced to seven years in prison.

Amnesty International, *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada* (October 2004), online: AI, <http://www.amnesty.org/en/library/asset/AMR20/001/2004/en/dom-AMR200012004en.pdf> (date accessed: 7 July 2008).

Native Women’s Association of Canada. *Violence Against Aboriginal Women and Girls*. An Issue Paper Prepared for the National Aboriginal Women’s Summit (June 20-22,

2007), online: NWAC, <http://www.nwac-hq.org/en/documents/nwac-vaaw.pdf> (date accessed: 7 July 2008).

*List of Women on “Highway of Tears” doubles* (12 October 2007), online: CTV.ca, [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20071012/highway\\_oftears\\_071012/20071012/](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20071012/highway_oftears_071012/20071012/) (date accessed: 7 July 2008).

Violence against Aboriginal women has been normalized through generations of abuse and internalized oppression. BC’s colonial history is at the root of the interlocking forces of discrimination based on race, sex, and class faced by Aboriginal women. This normalized, inter-generational violence is a most pernicious legacy of colonialism, and it contributes to Aboriginal women’s feelings of resignation, that things always have been and always will be this way.

According to the Aboriginal Women’s Action Network:

Violence against Aboriginal women is overwhelming, and the majority of us have been affected either directly or indirectly, by myriad forms of violence: emotional, verbal, physical, battering, rape, childhood sexual abuse, and the prostitution and trafficking of Aboriginal women and girls. Violence both on-reserve and off-reserve shares many more striking commonalities than differences: geographic containment, severe levels of violence, coercive silencing, and confidentiality issues.

Aboriginal women are held captive on every front, and we are forced to bear the burden of these problems that arise out of our colonial experience by psychological abuse which has been imprinted onto our psyches, telling us that it is all our fault, all the time. When we do garner the courage to speak out about the violence we have endured, it is done at great risk and at great cost. Ostracization and fear of speaking out is our common experience across the province. We are socially stigmatized and we are retaliated against by our communities. The abuse is so severe that we feel forced to leave our communities. Yet often leaving is no safer an option.

When sexual assaults happen, there is no help from our communities and no transportation to get away. There is often a lack of support from other women or from older generations. Somehow there is this feeling that this internalized structure of domination enacted upon one another within the marginalized group will bring about a kind of liberation from the oppressive conditions of our lives. We are, in fact, repeating what has been done to us and we are failing to recognize our internalized patterns of violence.

Aboriginal women are particularly concerned with the provincial government’s movement towards Alternative Measures, which divert accused persons away from the courts. Community-based “Restorative Justice” models are being used increasingly to deal with Aboriginal offenders, including in cases of violence against women. Aboriginal

women are very concerned about the structure and process of “Restorative Justice”. Questions such as “restorative for whom?” or “justice for whom?” are being asked by Aboriginal women in BC. Aboriginal women’s groups assert that Restorative Justice programs serve to hide pervasive patriarchal and paternalistic attitudes that disadvantage Aboriginal women by diverting cases of violence against women into private, informal, and individualized resolution mechanisms. These programs assume that women and men are on equal footing and fail to accommodate the power imbalance in operation between women and men. The result is that the systemic disadvantage of Aboriginal women in their communities remains invisible.

Angela Cameron, “Stopping the Violence: Canadian feminist debates on restorative justice and intimate violence” (2006) 10(1) *Theoretical Criminology* 49.

Statistics Canada, *A Review of Research on Criminal Victimization and First Nations Métis’ and Inuit Peoples 1990-2001*, online: Department of Justice, [http://justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06\\_vic1/toc-tdm.html](http://justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06_vic1/toc-tdm.html) (date accessed: 24 July 2008).

Wendy Stewart, Audrey Huntley, and Faye Blaney, *The Implications of Restorative Justice for Aboriginal Women and Children Survivors of Violence: A Comparative Overview of Five Communities in British Columbia* (July 2001), from the Aboriginal Women’s Action Network’s “Aboriginal Women, Violence, and the Law Participatory Action Research Project.

**RECOMMENDATIONS** That the Government of British Columbia develop a plan to address violence against Aboriginal women, including the investment of more resources and infrastructure to address systemic forms of discrimination;

That the Government of British Columbia create a toll-free phone number specifically for Aboriginal women who are experiencing or who have experienced violence;

That Robert Pickton be tried for the outstanding 20 murder charges against him;

That Alternative Measures and Restorative Justice programs not be used in cases of violence against Aboriginal women, and that the wishes of the women in such cases be taken into consideration by Crown Counsel.

## Exit Programs for Aboriginal Women in Prostitution

It is essential that concerted efforts be made to help the most vulnerable street prostituted women, of which a significant number are young Aboriginal women. These women disproportionately struggle with addiction, homelessness, and chronic, often life-threatening health problems.

Aboriginal women in prostitution lack the resources that would enable them to address these issues and create opportunities for their future well-being. Necessary yet currently inadequate resources include treatment beds in detoxification programs, recovery centres designed to give Aboriginal women culturally appropriate treatment for long-term recovery, education concerning the origins of violence against Aboriginal women, consciousness-raising campaigns and funding for educational initiatives towards ending the continuing oppression of Aboriginal women through prostitution, greater availability of comprehensive medical services, job training, and adequate housing for Aboriginal women and their families.

**RECOMMENDATION** That the Government of British Columbia invest in exit programs for Aboriginal women in prostitution, including funding for treatment and recovery programs, education, housing, and culturally appropriate support services.

## Article 3: Use of Mediation in Family Law

Mediation and other alternatives to court are increasingly being used to resolve family law matters in British Columbia. The new legal aid regime enforces the trend toward mediation: only in “emergency situations” can parties avoid attempting to reach a negotiated settlement before getting legal aid, and legal aid lawyers will only represent clients in court “when all other efforts to resolve have been exhausted”. The BC government, as part of a major review of BC’s *Family Relations Act*, is considering a proposal to introduce mandatory mediation for all family law matters.

Legal Services Society, News Release: *Legal Aid to give more help to more families* (October 30, 2006), online: LSS, <http://www.lss.bc.ca/assets/media/newsReleases/archive/2006/Legal-aid-to-give-more-help-to-more-families.pdf> (date accessed: 19 June 2008).

British Columbia Ministry of Attorney General, *Family Relations Act Review Chapter 9: Family Violence Discussion Paper* (April 2007) online: BCMAG, Justice Services Branch <http://www.ag.gov.bc.ca/legislation/pdf/Chapter9-FamilyViolence.pdf> (date access: 20 June 2008).

This is problematic. While mediation can be a useful tool in resolving disputes, research has shown that when there is an imbalance in the power of the two parties, unfair “resolutions” can result. In particular, mediation is not appropriate for resolving family law matters involving abuse. When mediation is used in this context, the potential for intimidation makes a fair settlement unlikely, and the continued contact between the parties increases the risk of further violence. Further, when legal disputes involving unequal parties are taken out of the courts and resolved in informal settings, those unequal relationships can be perpetuated. Women will find themselves in increasingly weakened positions when there is no court to uphold their legal rights and no public scrutiny of settlements. These problems will become even more dramatic when women are expected to participate in mediation or other informal processes without legal representation or support.

Vancouver and Lower Mainland Multicultural Family Support Services Society, “Submission of the VLMMFSS to the Ministry of Attorney General *Family Relations Act* review” (September 2007).

West Coast Legal Education and Action Fund, “Submission of West Coast LEAF to the Ministry of Attorney General *Family Relations Act* Review” (September 2007).

**RECOMMENDATIONS** That the Government of British Columbia not introduce mandatory mediation into the resolution of family law matters;

That the Government of British Columbia ensure that women engaged in family law disputes have access to adequate legal representation.

## ARTICLE 7: POLITICAL AND PUBLIC LIFE

### Article 7: Under-Representation of Women

Women make up 52% of the Canadian population but are under-represented in political office. Women are best represented at the municipal level. For example, in January 2008, Victoria’s ten-person City Council included five women; Vancouver’s counted five (of ten); Kelowna’s reported two (of eight) and a female mayor; Prince George’s had three (of eight), and Kamloops’s, two (of eight).

The provincial level is significantly less representative, with only 17 women in a 79 member BC legislature. Five of 23 members of the Cabinet were women, including the Deputy Premier and one female Cabinet Minister of Chinese descent. The remainder, with one exception, are white men. The Leader of the Opposition is a woman. In Ottawa, nine of 35 Members of Parliament from British Columbia are women.



Some 92 years after the first women were granted the provincial franchise in BC (1916) and 90 years after federal enfranchisement (1918) - although First Nations and those of Asian descent waited until after WWII - democracy clearly remains flawed. Formal political life still frequently goes without women at the table.

Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

**RECOMMENDATIONS** That the Government of British Columbia institute and support programs that promote women’s full participation in the electoral process. These could include active recruitment of and support for women candidates, offering family-friendly work environments, and public awareness campaigns;

That all political parties in British Columbia commit to increasing their number of women candidates, and that they put in place affirmative action programs to help realize those commitments.

# ARTICLE 10: EDUCATION

## Article 10: Post-Secondary Tuition Increases

In 2001, tuition fees at public post-secondary institutions in British Columbia were de-regulated, resulting in an 84% increase in tuition fees between 1999 and 2005. Though re-regulated in 2005, there have been no subsequent reductions. From 2002 to 2007, tuition fees in BC increased at a higher rate than any other province and in 2007 fees in BC were 14% higher than the national average.

Rising tuition fees have worked to cement socio-economic barriers to educational access, which disproportionately exclude women from post-secondary schooling. Nearly two-thirds (64%) of women university graduates coming from less privileged families reported that financial barriers stood in the way of their post-secondary education. In contrast, financial barriers were acknowledged by only 36% of men with similar family backgrounds, and by 49% (female) and 51% (male) of graduates with university educated parents.

Rising fees have also meant that more and more women are being forced to borrow record sums to finance their time within the post-secondary system. Average student debt is currently the highest in BC history. In 2007, 60% of BC’s provincial student loans went to female full-time students, reflecting women’s lower wages before, during, and after their course of study.

*Key Facts about Women in B.C.* (February 2007), online: Government of BC, [http://www.mediaroom.gov.bc.ca/For\\_the\\_Record/key\\_facts\\_about\\_women\\_in\\_BC.htm](http://www.mediaroom.gov.bc.ca/For_the_Record/key_facts_about_women_in_BC.htm) (date accessed: 20 June 2008).

Andres and Adamuti-Trache, "University Attainment, Student Loans, and Adult Course Activities," 21, 26, 34-35 as cited in Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

Canadian Federation of Students British Columbia, *Membership Advisory* (February 2007), online: CFSBC, <http://www.cfs.bc.ca/mysql/Mem%20Adv-2007%20bc%20budget.pdf> (date accessed: 25 July 2008).

**RECOMMENDATIONS** That the Government of British Columbia enact province-wide legislation regulating fee-setting by colleges and universities;

That the Government of British Columbia ensure equal access to post-secondary education for economically vulnerable women by providing a generous grants program.

## **Article 10: Restricted Access to Adult Education**

In 2002, along with ending the tuition-freeze, the BC government:

- ended the policy of tuition-free Adult Basic Education at colleges and institutes;
- changed the rules so that people on income assistance (welfare) can no longer attend post-secondary education (recipients, with the exception of those with recognized disabilities, are now required to leave income assistance and apply for student loans);
- eliminated designated funding for students on welfare, which had previously been provided to colleges and other institutions.

There is a well-documented link between poverty and education. For many of the poorest women in BC, particularly lone mothers, government support for continuing education is essential if they are to make a lasting shift out of poverty. A 2006 study of the changes listed above reported that graduating from a recognized post-secondary institution is a transformative event for many students on welfare who are then able to leave income assistance and support themselves and their children. Lone mothers in particular relied on government programs prior to 2002 to enable their return to education.



College staff in the 2006 study described a bleak picture: without the targeted funds and income support, there were no services geared toward low-income students. The only remaining formal support available to some students facing financial difficulties was the Adult Basic Education Student Assistance Plan; however, it covers only tuition costs, not application fees, assessment fees, books or childcare. In 2006 there had been a drastic decline in the number of low income students in upgrading or English as a Second Language programs. Many students who had not yet completed their studies were forced out and pushed into low wage jobs.

Noticeably absent after the cuts were lone mothers. One participant reported that after the changes, “there are fewer moms...no more single moms.” Another study participant pointed out that “when childcare was withdrawn we noticed single moms dropped to half time and then entirely.”

S. Butterwick & C. White, *A Path Out of Poverty: Helping BC Income Assistance Recipients Upgrade their Education* (1 Feb. 2006), online: Canadian Centre for Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/bc\\_2006/path\\_out\\_of\\_poverty.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2006/path_out_of_poverty.pdf) (date accessed: 20 June 2008).

**RECOMMENDATIONS** That the BC Government change welfare rules so that income assistance recipients can participate in postsecondary education;

That the BC Government restore and increase designated funding to post-secondary institutions to support income assistance recipients;

That the BC Government restore tuition-free Adult Basic Education in BC’s public post-secondary institutions.

## ARTICLE 11: EMPLOYMENT

### Article 11: Inadequate Minimum Wage

BC’s minimum wage has not been increased since 2001. Yet, full time work at the provincial minimum wage level does not guarantee an income above Statistics Canada’s Low-Income-Cut-Offs, as the following illustration demonstrates:

A lone mother with one child under 7 years of age, living in Vancouver, earning the provincial minimum wage of \$8.00 and working a 40 hour week, earns \$16,640 in a year. Income from government transfer programmes, based on 2005 figures (specifically, a BC Family Bonus of \$1,332, the Canada Child Tax Benefit of \$1,447 and the federal GST credit of \$684), would add another \$3,463 to this family’s annual

income. The total income of \$20,103 is considerably less than (about 78% of) the before-tax 2005 Statistics Canada LICO of \$25,867 for this family type and location.

Canadian Council on Social Development Poverty Lines, (May 2005), online: CCSD, [http://www.ccsd.ca/factsheets/fs\\_lico04\\_bt.htm](http://www.ccsd.ca/factsheets/fs_lico04_bt.htm) (date accessed: 21 June 2008).

Canada Revenue Agency, *Child and Family Benefits Online Calculator*, online: CRA <http://www.cra-arc.gc.ca/benefits/calculator/menu-e.html> (date accessed: 21 June 2008).

The inadequacy of provincial minimum wage provisions disproportionately affects women: 64% of minimum wage workers are women. Women disproportionately work in the secondary sector of the paid labour market, a sector that is typically not unionized, with poor benefits, and irregular, often part-time hours.

Michael Goldberg and David Green, *Income for Living?* (Spring 2004), online: National Council of Welfare, <http://www.ncwcnbes.net/documents/researchpublications/OtherPublications/2004Report-IncomeForLiving/ReportENG.pdf> (date accessed: 21 June 2008): 16, 33, 43, 53.

*Raising the Floor: The Social and Economic Benefits of Minimum Wages in Canada*, (September 1999), The Canadian Centre for Policy Alternatives, online: [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/raising\\_floor.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/raising_floor.pdf) (date accessed: 21 June 2008).

Changes made in 2002 to BC's *Employment Standards Act* disadvantage young or new workers by permitting employers to pay new employees \$6.00/hour, instead of the standard minimum wage of \$8.00, for the first 500 hours of work. This 25% wage gap for new employees' minimum wage earnings is the greatest in any jurisdiction in Canada, and does not track expertise or skill at the job necessarily. Women who enter or re-enter the labour market after interruptions caused by child-bearing and child-caring are considered new workers and receive this reduced rate. Thus, the new "entry" wage of \$6.00 now exacerbates the poverty of minimum wage earners.

John Irwin, Stephen McBride, and Tanya Strubin, *Child and Youth Employment Standards* (September 2005), online: Canadian Centre for Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/bc\\_2005/child\\_youth\\_employment.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2005/child_youth_employment.pdf) (date accessed: 21 June 2008).

Jim Sinclair, "Race for the Bottom", *Creative Resistance* (August 2002), online: BC Federation of Labour, <http://www.creativeresistance.ca/awareness/2002-aug05-race-for-the-bottomjim-sinclair.htm> (date accessed: 4 April 2006).

**RECOMMENDATION** That the Government of British Columbia repeal the lower new worker minimum wage, and raise the minimum wage to a level that puts all persons earning minimum wages above the poverty line.

## Article 11: Employment Standards

The *Employment Standards Act* was also amended in 2002 in the following ways, all of which reduce protection for working women and will make it more difficult for women to balance work and family obligations. The harshest impact of these changes will fall on the most vulnerable women such as lone mothers, poor women, and recent immigrants.

- Employers and employees can now “negotiate” a 40-hour work week averaged over two, three or four weeks. An employee will only be paid overtime if the number of working hours exceeds 160 per month, and women can no longer insist that each week of work is only 40 hours of regular work. Women can now be subject to employer pressure to accept irregular work hours, and required to negotiate on their own for hours that fit their family’s schedule and their responsibilities. Low income, non-unionized workers, the majority of whom are women, cannot negotiate individually on a footing of equality with their employers regarding conditions of work.
- The minimum work shift has been reduced from 4 hours to 2 hours. Part-time and casual workers, disproportionately women, can now be called out for less work and thus receive less pay, while still having to arrange child care and pay for transportation.
- Employers’ continuing liability for unpaid wages has been reduced from two years to six months. An employee’s only means of recovering more than six months of unpaid wages is through the court system, which is more costly and less accessible, particularly now that legal aid is no longer available for these claims.
- Workers’ complaints about violations of the *Act* must now be first dealt with using a “self-help kit,” which directs the worker to approach her employer on her own. The Employment Standards Branch will only become involved after this process has been attempted. Moreover, the number of Employment Standards Officers available to undertake enforcement work has been reduced significantly.
- The Employment Standards Branch has introduced mediation as the main way to resolve disputes. If the self-help kit does not work, the parties are offered mediation by an Employment Standards Officer (with minimal training in cross-cultural conflict resolution) to settle their cases. For vulnerable groups of employees, mediation with their employers will not provide a successful means of enforcing their rights unless the mediators are well-trained and employees are provided with adequate supports and advocates.

British Columbia *Employment Standards Act*, R.S.B.C. 1996 c. 113, online: BC Ministry of Labour and Citizen's Services, [http://www.qp.gov.bc.ca/statreg/stat/E/96113\\_01.htm#section16](http://www.qp.gov.bc.ca/statreg/stat/E/96113_01.htm#section16) (date accessed: 20 June 2008).

**RECOMMENDATIONS** That the Government of British Columbia re-instate a 40-hour work week, increase the minimum shift from two to four hours, and increase employer liability for unpaid wages to two years;

That the Government of British Columbia replace self-help kits with increased numbers of Employment Standards Officers available to support and educate employees and to help enforce employment contracts, particularly for domestic workers and other women vulnerable to exploitation by employers.

### Immigrant and Temporary Foreign Workers

Reduced enforcement of employment standards has a particular impact on vulnerable groups of immigrant women, including domestic workers and farmworkers. This group includes domestic workers who have come to Canada under the Live-In Caregiver Program (LICP), mostly women from the Philippines. The majority of immigrant farmworkers in BC are Indo-Canadian women in their fifties with little or no English language skills.

Live-In Caregivers are required under the federal LICP to reside in their employers' homes. This requirement makes these women extremely vulnerable to abuse and exploitation due to their isolation, dependence on their employers, and lack of knowledge of their rights as employees in Canada. Cuts to provincial Employment Standards personnel and the elimination of the Human Rights Commission mean there is less education about employment and human rights for these women. In addition, the reduction in resources means less rigorous enforcement of employment contracts.

Immigrant women farmworkers in BC are likewise threatened by reductions in provincial employment standards. In addition to the changes listed above, in 2003 farmworkers who are paid hourly were excluded from entitlements to statutory holidays and annual vacations, and minimum piece rates for farmworkers were reduced. These workers work extremely long hours for inadequate wages in frequently unsafe environments. Despite this, safety inspections and enforcement have decreased dramatically: the average annual number of inspection reports in the agriculture sector has decreased 63% since 2002.

David Fairey et al., *Cultivating Farmworker Rights: Ending the Exploitation of Immigrant and Migrant Farmworkers in BC* (June 2008), online: Canadian Centre for

Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/bc\\_2008/bc\\_farmworkers\\_full.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2008/bc_farmworkers_full.pdf) (date accessed: 12 July 2008).

**RECOMMENDATIONS** That the Government of British Columbia fund community agencies to provide workers' rights education and advocacy for particularly vulnerable groups of women workers;

That the Government of British Columbia subject employers of domestic workers and farmworkers to full employment standards and health and safety regulations, and ensure their compliance through increased inspections and adequate enforcement mechanisms.

## Article 11: The Gendered Wage Gap

British Columbia does not have pay equity legislation.

In 2002, the Government of British Columbia repealed the sections of the B.C. *Human Rights Code* that prohibited paying women less than men for work of equal value. The government has conducted a review of pay equity provisions in general, and the 2002 report of the task force on pay equity documented the need for aggressive government action to address women's pay inequity in BC. The BC Government has done nothing.

Nitya, Iyer, *Working through the Wage Gap: Report of the task force on pay equity* (28 February 2002), online: Ministry of Attorney General, [http://www.ag.gov.bc.ca/public/working\\_through\\_the\\_wage\\_gap.pdf](http://www.ag.gov.bc.ca/public/working_through_the_wage_gap.pdf) (date accessed: 20 June 2008).

**RECOMMENDATION** That the Government of British Columbia enact and enforce legislation which requires equal pay for work of equal value.

## Article 11: Collective Bargaining Rights

The Government of British Columbia has shown repeated disregard for trade union rights that are essential to the protection of vulnerable women workers in the province. Since the current government came to power in 2001, it introduced several pieces of legislation to end strikes and unilaterally rewrote contract terms. For example, the *Health Services Continuation Act* forced health professionals and nurses to end lawful job action. The *Skills Development and Labour Statutes Amendment Act* made education an essential service so that striking would be illegal. Both the *Health Care Services Collective Agreements Act* and the *Education Service Collective Agreement Act* circumvented lawful renegotiation and imposed the employers' last offer as the contracts for nurses and teachers.

Bill 2, *Health Services Continuation Act*, 1st Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia [http://www.leg.bc.ca/37th1st/1st\\_read/gov02-1.htm](http://www.leg.bc.ca/37th1st/1st_read/gov02-1.htm) (date accessed: 14 August 2008).

Bill 15, *Health Care Services Collective Agreements Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia [http://www.leg.bc.ca/37th2nd/1st\\_read/gov15-1.htm](http://www.leg.bc.ca/37th2nd/1st_read/gov15-1.htm) (date accessed: 14 August 2008).

Bill 18, *Skills Development and Labour Statutes Amendment Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia [http://www.leg.bc.ca/37th2nd/1st\\_read/gov18-1.htm](http://www.leg.bc.ca/37th2nd/1st_read/gov18-1.htm) (date accessed: 14 August 2008).

Bill 27, *Education Service Collective Agreement Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia [http://www.leg.bc.ca/37th2nd/1st\\_read/gov27-1.htm](http://www.leg.bc.ca/37th2nd/1st_read/gov27-1.htm) (date accessed: 14 August 2008).

On January 28, 2002, the Government of British Columbia passed Bill 29, the *Health and Social Services Delivery Improvement Act*. This Act applies to the health and social services sectors, the most heavily female dominated sectors of the public service. As illustration, 85% of Hospital Employees' Union members are women, 90% of BC Government Employees' Union workers in the community sub-sector are women.

Bill 29 paved the way for the contracting out of key hospital support jobs, facilitating the largest mass firing of women workers in Canadian history: 8,500 public sector jobs were eliminated, 85% of which were held by women. The result has been the creation of a two-tier workforce in BC's health care system. Wages in the contracted-out areas plunged from almost \$18 an hour to \$9.50 increasing to \$13.05 as most workers were re-organized and are coming to the end of three-year collective agreements.

In a March 2003 ruling the International Labour Organization noted with concern that the introduction of the legislation was not preceded, as it should have been, by full and detailed consultations with the appropriate organizations of workers and employers. The Committee admonished the BC Government for resorting to such extreme measures in its union dealings and expressed grave concern about the many detrimental effects of imposing legislative restrictions on collective bargaining.

In June, 2007, the Supreme Court of Canada found key sections of Bill 29 to be violations of the freedom of association provision in the *Canadian Charter of Rights and Freedoms*. This ruling followed a four-year legal challenge launched by several provincial bargaining associations, a challenge that was heavily contested by the BC Government.

The Court did not specify a remedy for the violation, leaving the government, the Health Employers Association of BC and the affected unions to negotiate compensation for workers



whose jobs were privatized and to determine a process of meaningful consultation in future cases where employers propose to contract out public services.

In April, 2008 the BC Government passed legislation, which removed the unconstitutional sections of Bill 29. As a result, unions must now be consulted and given the opportunity to recommend alternatives to contracting out, including in cases where currently contracted-out services are re-tendered. Laid-off workers will also have the right to apply for a job vacancy in another region of the province. This new legislation did not, however, reverse any of the privatization undertaken in the years prior to the court ruling.

The effects of the large-scale privatization of support services continue to be felt by the approximately 3,500 hospital workers now employed by large multinational contractors. The workforce continues to be dominated by women, many of whom are also new immigrants. Although modest pay increases have been achieved over the past four years, workers are living in regions that have some of the highest costs of living in the country, leading many to take on two or more jobs to support themselves and their families. This privatized workforce continues to be characterized by fewer benefits, reduced hours of work, heavier workloads, poorer training, and no pension or meaningful long-term disability plans.

Health authorities – the government agencies that contract hospital support service companies – do nothing to ensure that employees of contractors are able to maintain a decent standard of living and have access to safe working conditions. A “living wage rate” for the region is in the process of being calculated by First Call, a province-wide child and youth advocacy coalition and the research organization, the Canadian Centre for Policy Alternatives. The rate is expected to be anywhere from three to four dollars an hour higher than the current rate of pay for private sector hospital support service workers.

Bill 29, *Health and Social Services Delivery Improvement Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia, [http://www.leg.bc.ca/37th2nd/1st\\_read/gov29-1.htm](http://www.leg.bc.ca/37th2nd/1st_read/gov29-1.htm) (date accessed: 21 June 2008).

I.L.O. Case(s) No(s). 2166, 2173, 2180, 2196, Report No. 330 (Canada): Complaints against the Government of Canada concerning the Province of British Columbia, at paras. 288 and 304, online: International Labour Organization <http://www.ilo.org/ilolex/english/newcountryframeE.htm> (date accessed: 14 August 2008).

*Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia*, 2007 SCC 27, online: Supreme Court of Canada Judgments, <http://csc.lexum.umontreal.ca/en/2007/2007scc27/2007scc27.html> (date accessed: 12 July 2008).

*The Hidden Costs of Health Care Wage Cuts In BC*, Marc Lee and Marcy Cohen, April 2005, The Canadian Centre for Policy Alternatives, online: [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/bc\\_2005/hidden\\_costs.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2005/hidden_costs.pdf) (date accessed: 21 June 2008).

Jane Stinson, Nancy Pollak and Marcy Cohen, *The Pains Of Privatization: How Contracting Out Hurts Health Support Workers, Their Families, And Health Care* (April 2005), online: Canadian Centre for Policy Alternatives, <http://www.policyalternatives.ca/index.cfm?act=news&call=1100&do=article&pA=BB736455> (date accessed: 14 August 2008).

**RECOMMENDATIONS** That the Government of British Columbia respect and facilitate collective bargaining, paying special attention to the equality rights of women workers;

That the Government of British Columbia and its regional health authorities implement policies to ensure that private companies who receive public contracts from government agencies provide living wages for their predominantly female workers and ensure safe working conditions for their employees.

### **Article 11: Reduced Access to Childcare**

British Columbia is currently experiencing a severe shortage of childcare spaces. A recent survey of childcare in the Cowichan Valley (a region of Vancouver Island, off the west coast of British Columbia) documented a “critical lack of licensed childcare spaces in the Cowichan Region with enough spaces to serve only 48% of the estimated 4,862 children under the age of 12 who need childcare”. The situation for children under three years of age is most critical; only 165 spaces (16% of the spaces needed) exist. These figures are representative of shortages in all regions. In fact, overall in BC only 14% of children under 12 had access to a regulated child care space in 2006.

A 2007 survey of parents and caregivers from the West Kootenays (a region in the interior of BC) demonstrates ongoing concerns with child care. Respondents from small communities in the province’s “heartland” described long waiting lists, poor accommodation and hours of operation, and over-stressed and inadequate numbers of staff, even as they also testified to the dedication and support children received in good daycare arrangements that allowed parents to earn a living without worry. As the survey further revealed, reductions, freezes or caps in funds for provincial childcare operations, the Child Care Resource and Referral Programs, and major childcare capital expenses, plus a problematic subsidy application process (through toll-free phone lines) have ensured closures and longer waiting lists.

Social Planning Cowichan, *Child Care in the Cowichan Valley Region* (October 2007):  
7.



Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

Lack of spaces is directly related to inadequate funding of childcare services and programs. The current Liberal government cut provincial child care funding during their first term in office; families lost all or part of their monthly subsidies, wage top-ups for staff were eliminated, and a \$7 a day cap on the cost of before and after school care was abolished. Subsequent federal child care transfers were used to replace the provincial contribution, rather than augment and improve child care services.

With a significant Federal Government commitment to universal daycare in 2005, the Early Learning and Child Care (ELCC) Agreement was signed between BC and Ottawa in September of that year. The ELCC was to provide \$633 million for improved access to quality, affordable childcare spaces over five years. Some badly needed funding became available, but the entire allotment did not find its way into the BC childcare system. Despite the growing crisis in childcare and the obvious need for ongoing operating funding, BC spent \$95 million of the federal child care transfers in 2006/7 on a series of one-time only grants that included booster seats, healthy baby DVD's, home visiting and parenting programs and research on children at risk.

When the current Federal government assumed office, however, the ELCC was cancelled, ending the most significant federal child care transfer. In response, BC announced new cuts, oddly couched as "increases in childcare funding rates"; Childcare Operating Fund rates for all children under 6 were reduced, leaving many childcare centres in dire straits. Six months later, the result included the loss of 150 licensed childcare spaces, including losing 23% of all Group Day Care spaces for infants and toddlers, and the closure of 14 licensed centres in the Greater Victoria area, for example. Far from providing a solution to the childcare crisis, the current provincial government has undermined both the future of the province's children and the equality rights of mothers.

For low income women, the cost of childcare is an additional barrier that the BC Government has failed to address adequately. Funding for the Child Care Subsidy Program, which in 2005/06 helped 22,600 children from low and moderate-income families, has remained relatively stagnant.

Child Care Advocacy Forum, *Provincial Child Care Funding Rates are Still Going Down: Setting the Record Straight* (July 2007), online: CCAF, <http://www.advocacyforum.bc.ca/srs/srs1.html> (date accessed: 6 February 2008).

British Columbia Ministry of Children and Family Development, *BC's Early Years Annual Report 2006/7*, online: BCMCFD, [http://www.mcf.gov.bc.ca/early\\_childhood/pdf/eecd\\_annual\\_06\\_07.pdf](http://www.mcf.gov.bc.ca/early_childhood/pdf/eecd_annual_06_07.pdf) (date accessed 11 July 2008): 38-50.

Partnership in Learning and Advocacy for Young Children, *Child Care Information Action Project Update: Greater Victoria* (31 January 2008).

K. Banting, *The Social Condition in British Columbia*, BC Progress Board, (2006): 16.

Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

Recruitment and retention of qualified early childhood educators has reached crisis proportions. In a 2007 survey of employers, 90% of respondents (296 of 329) reported difficulty recruiting trained staff. The key reason cited was low wages and lack of benefits (75%).

The BC Government took a small step in addressing this crisis in 2008 with two initiatives aimed at attracting more staff, overwhelmingly female, into the low wage employment of Early Childhood Education.

1. In December 2007, the province's Minister of State for Child Care announced that up to \$2,500 would be available toward BC student loans for graduates in 2007 and 2008 who completed one and two years of employment in the licensed childcare sector.
2. In January 2008, the Early Childhood Educator Incentive Grants Program promised financial rewards to up to 100 early childhood educators who returned to the licensed childcare sector.

However, these short-term, limited incentives are inadequate to meet BC's long-term needs for qualified early childhood educators.

Another provincial promise involved the much-heralded Strong-Start program that began in 2007 even as the province's Childcare and Referral Resource Groups, leading advocates for early childhood education, faced massive cuts in state funding. Strong-Start programs are free, half-day drop-in programs for pre-school children and their caregivers. The 2008 budget includes funding for the addition of 316 Strong-Start centres by 2010 to the existing 84.

Early assessment already, however, suggests shortcomings with the Strong-Start programs.

- Though Strong-Start programs were initially funded with federal child care transfer payments, children must attend with a parent or caregiver. Therefore, these programs do not meet the child care needs of mothers in the paid labour market.
- Because they generally offer substantially better wages, at \$25 hour (for four hours per day), than the average in the childcare sector, Strong-Start contributes to the staffing woes of full-time childcare operations which cannot match the hourly rate.

- Because Strong-Start employees work only part-time with temporary contracts, they do not have the same capacity as full time, long term workers at other facilities to problem-solve or advocate for improvements to BC's childcare system.

First Call: BC Child and Youth Advocacy Coalition, *Results of Early Childhood Education Staffing Survey* (November 2007), online: First Call, <http://www.firstcallbc.org/pdfs/EarlyChildhood/1-staffing%20survey.pdf> (date accessed: 11 July 2008).

British Columbia Ministry of Children and Family Development & Ministry of Advanced Education, Press Release: *New Incentive Programs for Early Childhood Educators*, (21 December 2007).

British Columbia Ministry of Finance. Budget and Fiscal Plan: 2008/09 - 2010/11 (February 19, 2008), online: BCMF, [http://www.bcbudget.gov.bc.ca/2008/bfp/2008\\_Budget\\_Fiscal\\_Plan.pdf](http://www.bcbudget.gov.bc.ca/2008/bfp/2008_Budget_Fiscal_Plan.pdf) (date accessed: 9 June 2008): 5.

British Columbia Ministry of Education, *Evaluation of Strong-Start BC. School-based (Preschool) Family Drop-in Centres*. (September 2007), online: BCME, [http://www.earlylearning.ubc.ca/documents/2007/strongstart\\_2007-09-30.pdf](http://www.earlylearning.ubc.ca/documents/2007/strongstart_2007-09-30.pdf) (date accessed: 10 June 2008)

Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

In short, since 2001, the child care situation in BC has not measurably improved and remains inadequate. BC has cut its own contribution to the annual child care budget by \$46 million. Federal transfers first replaced provincial spending then frequently were spent on initiatives that did not build and sustain regulated child care spaces on an ongoing basis. As a result, parent fees have increased, waitlists have grown, and wages for trained staff have remained stagnant overall,

Specifically, between 2001 and 2006, while the federal government transferred a total of \$145 million under agreements that required BC to improve access to quality, affordable child care services:

- parent fees, the key indicator of affordability, increased by \$672/year on average for preschool-aged children (from \$5,928 to \$6,600);
- wages for trained staff, one of the key indicators of quality, hardly changed. In 2001, a child care teacher earned on average \$13.28/hour; by 2005/06 senior caregivers earned on average \$15/hour and caregivers earned only \$12.58/hour. Other quality indicators, such as staff: child ratios, did not change during this time;

- percent of children under 12 for whom there is a regulated child care space, the key indicator of access, grew by only 2% (from 12% to 14%).

Martha Friendly et al., *Early Childhood Education and Care in Canada 2001* (December 2002), online: Child Care Canada, <http://www.childcarecanada.org/ECEC2001/index.html> (date accessed: 14 August 2008).

Martha Friendly et al., *Early Childhood Education and Care in Canada 2006* (June 2007), online: Child Care Canada, <http://www.childcarecanada.org/ECEC2006/index.html> (date accessed: 11 July 2008)

Human Early Learning Partnership, *Financial Fact Sheet #2: An Update on Public Funding for Child Care Services in BC* (June 2007), online: <http://www.earlylearning.ubc.ca/documents/2007/ELCCRU%20R%20&%20P%20Highlights%20June%202007.pdf> (date accessed: 11 July 2008).

**RECOMMENDATION** That the government of BC, with or without federal funding support, develop and implement a five year plan to build a community-based, publicly funded, non-profit child care system. This system must be affordable, available and accessible for women and their families, particularly those in the labour force, and backed by provincial legislation that provides universal entitlement to quality early learning and care opportunities for children.

## ARTICLE 12: WOMEN'S HEALTH

### Article 12: Increased Costs and Reduced Services

During this reporting period, several changes have been made to the provincial health care regime which have resulted in women receiving less care for a greater cost.

#### Health Care Premiums

- Effective January 1, 2009, BC will be the only province in Canada which requires residents to pay a flat-rate health care premium to access the public health care system, referred to as the Medical Services Plan (MSP) premium.
- These MSP premiums increased 50% on May 1st, 2002, placing an extra burden on women living on low and fixed incomes. A single woman in BC who makes \$28,000 or more per year pays \$54 a month in MSP premiums, or \$648 for the year. A family of three with a combined income of \$28,000 or more per year pays \$1,296, a \$432 increase over 2002.

- The 2005 BC budget acknowledged the negative impact of premium increases by reducing or eliminating premiums for a further 215,000 people. Despite this, the vast majority of British Columbians, 71.3%, pay the full MSP premium.

### **Reduced MSP Services**

- While MSP premiums have increased, services covered by the Medical Services Plan have been reduced. British Columbians who do not have an extended benefits plan are now paying 100% of the cost of eye examinations, physiotherapy, chiropractic care, massage therapy, podiatry, and visits to a naturopath. Diseases and injuries that women are more prone to are often treated by these medical treatments and complementary services. Requiring payment reduces access to them for women, and particularly elderly women.
- Women on income assistance have had access to physiotherapy, chiropractic care, massage therapy, podiatry, etc. severely reduced to a total of 10 visits a year for all of these health services. Prior to 2002, women on income assistance could access 12 visits for each service, per year.

### **Pharmacare**

- In 2002, the BC government increased deductibles under the Pharmacare plan further shifting drug costs on to individuals. For example, if a family's net annual income is \$30,000, then the deductible is 3% of family income.
- Further changes to the Pharmacare plan in May 2003 eliminated universality and introduced income testing. The so-called "Fair" Pharmacare plan resulted in a funding reduction of \$90 million. This shift will have a particular impact on low-income senior women, women with disabilities and those with chronic diseases.
- The 2003 changes to Pharmacare eliminated a separate plan for seniors and eliminated lower deductibles for seniors. The plan now combines seniors with the majority of people and links how much a person pays for her drugs to her income. About 50% of expenditures under Pharmacare are for drugs for seniors. Studies have shown that when the cost of drugs is increased, fewer people take the medications prescribed to them, meaning that low income people, and particularly elderly women, go without medically required drugs.

### **Reduced Community Consultation and Gender Analysis**

- In 2001, the government abolished 52 community health boards, replacing them with 5 regional health authorities, and one provincial health authority. With this change, the mechanisms for community input ended.
- The Vancouver/Richmond Health Board, which was one of the 52 community health boards operating in 2001, had seven community health committees. These committees

represented underserved populations, and provided an opportunity for representatives of these groups to be involved in health planning. These committees included a Women's Committee, and committees focussed on the needs and concerns of Aboriginal people, children and youth, people with disabilities, lesbians and gay men, people with mental health issues, multicultural communities and seniors. All of these committees were eliminated in 2001.

- Since 2001, there has been no mechanism for community consultation or for the provision of guidance to the health authorities on women's health issues, such as violence against women or women's mental health.
- The BC Ministry of Health's 2006/07-2008/09 Service Plan notably fails to address women's particular health needs or issues and does not disaggregate data by gender. Exercises in supposed public consultation such as the provincial government's Conversation on Health (2007), at a cost of \$10 million, appear equally indifferent to the particular circumstances of women and their health in BC.

Vancouver Women's Health Collective, *Women and Health Care in BC: A Gendered Perspective* (May 2006), online: VWHC, <http://www.womenshealthcollective.ca/PDF/women&health%20titbit.pdf> (date accessed: 20 June 2008).

Women's Health Community Advisory Committee, *Conversation on Women's Health*, submission to the BC Conversation on Health (31 July 2007), online: Vancouver Women's Health Collective, <http://www.womenshealthcollective.ca/PDF/Conversations%20on%20women%27s%20health.pdf> (date accessed: 22 July 2008).

British Columbia Ministry of Health, "What is Fair PharmaCare" January 2008, online: BCMH, <http://www.hlth.gov.bc.ca/pharme/plani/planiinfo.html#A> (date accessed: 11 June 2008).

British Columbia Ministry of Health, Service Plan Summary 2006/7-2008/9 (February 2006), online: BCMH, <http://www.bcbudget.gov.bc.ca/2006/sp/hlth/hlth.pdf> (date accessed: 20 June 2008).

**RECOMMENDATION** That the Government of British Columbia eliminate Medical Services Plan premiums, restore health services covered by the MSP to pre-2002 levels, ensure women's full participation in shaping health care policy, services, and programs in the province, and implement mechanisms to ensure gender analysis of health care.



## Article 12: Cuts to Residential Care for Senior Women

In 2001/02, 25,000 BC seniors lived in residential care facilities (also known as long-term care or nursing homes). The vast majority of those in residential care are women, and 75% are low income. From May 2001 to May 2004, 1,890 long-term beds were closed, while the number of BC seniors over 75 years old increased by more than 10%. In addition to closing residential care beds, the government has also severely restricted access to residential care. An estimated 6,000 - 8,000 seniors, many of whom are women who used to be eligible for residential care, are no longer eligible.

Just prior to the May 2005 election, the provincial government disclosed that it would not meet its 2001 election promise to build 5,000 new not-for-profit residential care beds by 2005. In fact, only 170 new residential care beds were added to the system between 2001 and 2005. The government shifted its goal, promising 5,000 new beds by 2008, of which 3,500 will be assisted living units.

Seniors who live in assisted living complexes are supposed to be able to direct their own care, but require some assistance with daily tasks. Assisted living requires that individuals pay up to 70% of their after-tax income for basic accommodation and support services which include utilities, building maintenance, hospitality services (two meals a day), weekly housekeeping, recreational activities and some personal support. Additional care and services are available for a fee. These seniors must also pay for their drugs, and medical supplies and equipment. Assisted living is defined as housing not facility care. This substitution of assisted living for residential beds does not meet the needs of the large numbers of seniors who need residential care. Each assisted living bed costs government between \$11,000 and \$15,000 a year, while a residential bed costs up to \$70,000 a year.

Vancouver Women's Health Collective, *Women and Health Care in BC: A Gendered Perspective* (May 2006), online: VWHC, <http://www.womenshealthcollective.ca/PDF/women&health%20titbit.pdf> (date accessed: 20 June 2008).

**RECOMMENDATION** That the Government of British Columbia stop substituting housing for health care, restore 2001 eligibility guidelines for residential care, and provide funding for new residential care beds to meet the needs of BC's growing population of senior women.

## Article 12: Cuts to Home Care

At the same time that the provincial government is pushing assisted living, the health authorities across the province have been reducing home support services. The majority of seniors relying on home care and support are women. Home support workers help seniors, the chronically ill, and people with disabilities to live with dignity and independence in their



home. They help with the tasks of daily living such as getting dressed, bathing, shopping, cleaning, and laundry services.

The number of people receiving home support in BC dropped by 24% between 2000 and 2005, and the number of hours dropped by 12%. Only those with the highest level of need now receive home support. In October 2002, the Vancouver Coastal Health Authority (VCHA) began reducing home support services for about 5,600 residents in the Lower Mainland. The VCHA also subjected 7,000 seniors to a case-by-case reassessment for home support services. About 80% of these seniors had already been judged by professionals to need the services, and have had their home support reduced. The health authorities are now focusing home care on meeting direct health care needs such as the services provided by registered nurses, physiotherapists, and occupational therapists.

Cuts to home support also force women, who are society's traditional caregivers, to take on more care of aging and chronically ill family members and friends in need. This results in greater stress in women's day-to-day lives, more family stress and strain, and for women who choose between paid and unpaid work, fewer hours of paid work. This means even lower pensions for women, when they retire.

As one scholarly assessment put it: "The fact that home support is income-tested rather than universal and therefore serves a very low income and marginalized population with little political clout, may partly explain why the dramatic cuts to this sector have received so little attention in the media and in the policy debates." In short, recurring failures of provincial home support are effectively disenfranchising the elderly and those with disabilities.

Marcy Cohen et al., *From Support to Isolation: The High Cost of BC's Declining Home Support Services* (June 2006), online: Canadian Centre for Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/bc\\_2006/support\\_to\\_isolation.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2006/support_to_isolation.pdf) (date accessed: 20 June 2008).

Vancouver Women's Health Collective, *Women and Health Care in BC: A Gendered Perspective* (May 2006), online: VWHC, <http://www.womenshealthcollective.ca/PDF/women&health%20titbit.pdf> (date accessed: 20 June 2008).

M. J. Hollander, N.L. Chappell, M. J. Prince, and E. Shapiro, "Providing Care and Support for an Aging Population: Briefing Notes on Key Policy Issues," *Healthcare Quarterly*, 10: 3 (2007): 34-45.

**RECOMMENDATION** That the Government of British Columbia restore funding for home support services in the province to at least 2002 levels.

# ARTICLE 13: ECONOMIC AND SOCIAL LIFE

## Article 13: Income Assistance

Income assistance is a key social program for women. Because more women than men are poor, because their employment is more marginal and less well-paid, and because they have greater responsibilities for child care, more women are likely, at one time in their lives or another, to need publicly-provided income assistance. For example, one third of welfare recipients are lone parents, 88.5% of who are lone mothers. Without adequate income assistance, women cannot escape violent relationships with partners, are forced into prostitution, cannot they raise their children alone. They can be trapped in coercive partner or employment relationships, without any means of escape. Adequate income assistance is an essential underpinning for women's equality.

### Cuts to Income Assistance Rates

In 2002, the Government of British Columbia restructured and cutback provincial income assistance (welfare), instituting a number of regressive changes to eligibility and cuts to welfare rates:

- In 2006, a single person in BC received \$510 per month; a lone parent with one child \$969. Taking inflation into account, these rates are lower than the benefits recipients received in 1994.
- In 2007 shelter allowances were raised by \$50, plus an additional \$50 for lone parents and single adults. In most cases these new rates remain lower than pre-2002 rates.
- Since the 2002 changes, lone mothers are no longer allowed to keep a monthly \$100 of child support and up to \$200 of earnings exemptions. BC is the only Canadian jurisdiction that does not allow most welfare recipients to retain any earnings. The elimination of earnings exemptions means that employable welfare recipients in BC have no legal way of supplementing their meagre welfare income with employment or other earnings through, for example, part-time or temporary work.
- Crisis grants for individuals also have been limited to a maximum of \$20 per month for food and \$100 per year for clothing. The limits for families are \$400 per year for clothing and one month's shelter allowance per year.
- BC continues to claw back the National Child Benefit Supplement from families on income assistance, dollar for dollar. The result is benefit levels even further below Statistics Canada's LICOs and on-going unaddressed financial crises for recipients.
- The magnitude of cuts to income assistance benefits in BC between 1997 and 2005 for employable lone mothers is greater than that observed in any other province in the country. In BC, total welfare incomes declined by 13.6% for employable lone parents with

one child over this period, a pace that far exceeds that witnessed in Ontario (-10.8%) or Alberta (-4.1%). In 2005 constant dollars, welfare incomes for a lone parent with one child in BC stood at \$13,948 (compared to \$12,326 in Alberta and \$14,451 in Ontario), which is just 54% of the poverty line (and 43% of estimated average income).

Comparing lone parent families in 16 OECD countries, BC ranks 15 out of 16 (only ahead of the United States) in disposable income after paying for housing. Lone mothers in Norway and Austria had over \$1,500 in disposable income after paying for accommodation; lone mothers in BC had only \$414.

National Council on Welfare, *Welfare Incomes 2005*, online: NCW, [http://www.ncwcnbes.net/documents/researchpublications/ResearchProjects/WelfareIncomes/2005Report\\_Summer2006/Factsheets/Factsheet01ENG.pdf](http://www.ncwcnbes.net/documents/researchpublications/ResearchProjects/WelfareIncomes/2005Report_Summer2006/Factsheets/Factsheet01ENG.pdf) (date accessed: 9 July 2008).

Seth Klein and Jane Pulkingham, *Living on Welfare in BC. Experiences of Longer-term "Expected to Work" Recipients* (2008), online: Canadian Centre for Policy Alternatives, [http://www.policyalternatives.ca/documents/BC\\_Office\\_Pubs/bc\\_2008/bc\\_LoW\\_full\\_web.pdf](http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2008/bc_LoW_full_web.pdf)(date accessed: 6 August 2008): 65.

Paul Kershaw, "Measuring Up: Family Benefits in British Columbia and Alberta in International Perspective", *IRPP Choices*, 13:2 (March 2007): 33.

Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

## Restrictive Welfare Rules

The government also introduced a number of changes to welfare rules, including the following.

- Employable lone parents are expected to work when their youngest child reaches the age of three, rather than the age of seven as had previously been the case. Full day public education begins at age six. In April 2002, approximately 8,900 lone parent families had status changes from "temporarily excused from work" to "expected to work" as a result of this change. The majority of these are lone mothers. Once considered "expected to work", lone mothers suffer a reduction in their benefit level if they do not take available work, regardless of child care responsibilities. Parents who do not follow their employment plan (created for them by the government, often without consultation with the client) can be cut off welfare entirely, leaving families with children destitute.

- Before receiving income assistance, individuals are required to undertake a “three-week self-directed job search”. There are exceptions, but the bulk of applicants face this requirement regardless of the lack of any resources available to them. Once the job search period is over, applicants typically wait another two to three weeks before they receive benefits. Parents with children three years or older are not exempted from the three week work search agreement unless able to prove “emergency need.” This waiting period causes severe hardship, including food insecurity and loss of housing.
- Most income assistance applicants without children must now show that they have been in the paid workforce for two consecutive years in order to be eligible for income assistance. They must demonstrate that they have worked 840 hours per year in each of those two years, or earned \$7,000 per year.
- The government introduced flat time limits for receipt of welfare. “Employable” people without children may only receive welfare for two years during any five-year period. In response to strong criticism from the public, the government introduced a series of exemptions that lessen the impact of this time limit. However, as long as it remains on the books, this arbitrary time limit is the only one of its kind in Canada.
- In addition to any civil or criminal penalty imposed by the courts, those found guilty of welfare “fraud” (which may include failure to report a gift) are now banned from receiving income assistance for periods ranging from three months to lifetime.
- Young adults (19 and over) are now required to demonstrate that they have lived independently of their parents for two years before they are eligible for welfare. This places vulnerable girls at risk.
- Children whose parents receive welfare can be required to seek employment as soon as they reach age 16. This requirement can be made a condition of their family’s receipt of income assistance, such that the family is penalized by \$100 if the youth fails to comply. Thus, while other youths are encouraged to concentrate on their education, youths who rely on income assistance are pressured to seek paid employment.
- Individuals who leave jobs “voluntarily” or are fired for cause are ineligible for assistance, with limited exceptions. Individuals may be considered ineligible for welfare even if they have left jobs because of sexual harassment, unsafe working conditions, or labour standards violations. The government’s first assumption is that the individual is at fault.

*BC Employment and Assistance Act* S.B.C. 2002, c. 40, s. 8, online: Ministry of Management Services, [http://www.qp.gov.bc.ca/statreg/stat/E/02040\\_01.htm](http://www.qp.gov.bc.ca/statreg/stat/E/02040_01.htm) (date accessed: 6 August 2008).

BC. Reg. 263/2002, s. 3, 29, and 27 online: Ministry of Management Services, [http://www.qp.gov.bc.ca/statreg/reg/E/263\\_2002.htm](http://www.qp.gov.bc.ca/statreg/reg/E/263_2002.htm) (date accessed: 6 August 2008).

Employment and Assistance Appeal Tribunal of the Province of British Columbia, *Basis for Appeal to the Tribunal*, online: EAATBC, [http://www.gov.bc.ca/eaat/popt/basis\\_for\\_appeal.htm](http://www.gov.bc.ca/eaat/popt/basis_for_appeal.htm) (date accessed: 6 August 2008).

## Consequences for Women

These cuts have had a disproportionate negative impact on women. Negative impacts include the following:

- The process of seeking income assistance (welfare) has become so restrictive and difficult to navigate that many women most in need of help are being systematically excluded from receipt of benefits;
- Benefit provision levels are so inadequate that there is widespread food, housing, and social insecurity among welfare recipients. The Dietitians of Canada have pointed out that it is impossible to maintain a healthy diet on income assistance in BC;
- One outcome of inadequate incomes for income assistance recipients is reliance on food banks. Nearly 2% of the BC population (over 76,000 people) used a Food Bank in March 2007: almost half (42%) were on social assistance; 21.5% were on disability income support, and 11.5% were employed;
- Women are forced to turn to prostitution for survival. Two recent studies report accounts of women put at increasing risk of being trapped in prostitution because of income assistance delays and denials;
- Women are forced to remain in or return to abusive relationships;
- Women who are lone mothers are unable to choose the balance of stay-at-home mothering and paid work that best suits their and their children's needs.

*Gwen Brodsky, et. al, Human Rights Denied: lone mothers on income assistance in British Columbia* (2005), online: Poverty and Human Rights Centre, <http://www.povertyandhumanrights.org/docs/denied.pdf> (date accessed: 6 August 2008).

Gillian Creese and Veronica Strong-Boag, *Losing Ground: The Effects of Government Cutbacks on Women in British Columbia, 2001 – 2005* (March 2005), a report prepared for the BC Coalition of Women's Centres: 6, 17.

Bruce Wallace, Seth Klein, and Marge Reitsma-Street, *Denied Assistance: Closing the Front Door on Welfare in BC*, (2006), online: Canadian Centre for Policy Alternatives, <http://www.policyalternatives.ca/Reports/2006/03/ReportsStudies1321/index.cfm?pa=BB736455> (date accessed: 30 June 2008).

The Dietitians of Canada, *The Cost of Eating in BC 2007* (2007), online: DOC, [http://www.dietitians.ca/news/frm\\_resource/imageserver.asp?id=245&document\\_type=document&popup=true&contentid=3026](http://www.dietitians.ca/news/frm_resource/imageserver.asp?id=245&document_type=document&popup=true&contentid=3026) (date accessed: 6 August 2008): 3.

The Canadian Association of Food Banks, *Hunger Count 2007* (2007), online: CAFB, <http://www.cafb-acba.ca/documents/HungerCount2007.pdf> (date accessed: 6 August 2008): 21.

The number of people receiving assistance in BC dropped dramatically during this reporting period. Between 1995 and 2007, the number of welfare recipients declined by 62% in BC, a drop that is even more marked than that observed for Canada as a whole. The decline in the welfare rolls in BC, from 9.8 to 3.2% of the population, occurred exclusively in the “Temporary Assistance” income assistance caseload, where the numbers receiving assistance declined by 83%. Beneficiaries receiving temporary assistance are those who are deemed to be employable and expected to work.

In contrast, the number of recipients of income assistance disability benefits (those who are not expected to work) increased by 184%. Income assistance disability recipients now make up the majority (54%) of welfare recipients; by comparison, they made up just 7% of recipients in the mid-1990s. Women make up approximately 54% of the temporary assistance, and 48% of the disability income assistance caseload in BC today.

For lone mothers, while increased employment opportunities explains a small portion of the decline in income assistance participation, declining welfare rolls are primarily the result of changes to welfare benefits that have made welfare less accessible and attractive. And while the government claims that work is better than welfare and declining welfare rolls are a success story, poverty rates in the province for lone mothers tell a very different story. BC's poverty rates for lone mothers remain higher than the national average by a wide margin and continue to rise.

Jane Pulkingham, *Income Assistance Memo*, author's calculations based on data retrieved from the Ministry of Housing and Social Development, 2008, BC Employment and Income Assistance Summary Report. Online: [http://www.eia.gov.bc.ca/research/08/06\\_May2008.pdf](http://www.eia.gov.bc.ca/research/08/06_May2008.pdf) (date accessed: 18 July 2008). (Memo on file, the Poverty and Human Rights Centre.)

Jane Pulkingham, “Bucking the National Trend: The Campbell Cuts and Poverty Among Lone Mother in BC,” *SPARC BC News*, (Summer 2006), online: SPARC, <http://www.sparc.bc.ca/sparcnews> (date accessed: 24 June 2008): 26-28.



**RECOMMENDATIONS** That the government of BC raise income assistance rates to levels that permit recipients to have full participation in the social and economic life of BC, drop eligibility rules that bar persons in need from receiving income assistance, and establish rules and policies that will provide women in need, particularly lone mothers, with supports that foster their security and autonomy;

That the government of BC develop a coherent plan to address and eliminate poverty, in consultation with groups representing low-income and economically vulnerable individuals in the province. This plan must pay particular attention to groups with high and persistent rates of poverty – such as the poverty of lone-mother-led families, Aboriginal women, immigrant women and disabled women – and to the depth and duration of poverty among these groups.

### **Article 13: Child Apprehension**

In 2004, there were 9,115 children in care in BC and 3,740 (41%) of child apprehensions were from families known to be in receipt of income assistance. Physical harm or abuse only accounts for about 10% of child apprehensions. Rather, apprehensions are generally the result of a mother's struggle with poverty, addiction, mental health issues or family violence. Low provincial income assistance rates, a lack of affordable housing, costly public transit and the lack of a universal child care program all negatively affect the ability of poor women to care for their children. Mothers living in poverty are also subject to a high degree of scrutiny, leading to stress, fear and distrust. This makes some mothers reluctant to reach out for help in times of need. The relative poverty and lack of social supports for Aboriginal women, lone mothers, women with disabilities and victims of domestic violence has resulted in the disproportionate representation of these groups in the child protection system.

Of these vulnerable groups, Aboriginal women are the most clearly over-represented in the system. More than half of children currently in care in BC are Aboriginal. An Aboriginal child today is 10 times more likely to be apprehended than a non-Aboriginal child, and less than 16% of apprehended Aboriginal children are placed with an Aboriginal caregiver. The current situation is the result of discrimination against Aboriginal women by government social workers and the child welfare system and highlights the need for the recruitment of Aboriginal workers within these systems in order to address systemic discrimination. There is also a need for ongoing anti-racism and cultural sensitivity training for non-Aboriginal social workers and others who work within the child welfare system with Aboriginal peoples.



In a 2006 government-commissioned report, a retired judge condemned BC's child protection system, calling it an unstable mess that had been decimated by budget cuts since 2001. The government's lack of commitment to providing publicly funded services has severely undermined the ability of the Ministry of Children and Family Development to take a preventative approach to child protection issues, resulting in high rates of child apprehension. Approaches to protecting children remain individualistic, crisis driven and devoid of a real commitment to supporting universal public programs that would reduce poverty and the social and economic stresses on mothers struggling to raise their children.

BC Children and Youth Review, *An Independent Review of BC's Child Protection System* (April 7, 2006), submitted to the Minister of Children and Family Development by the Honourable Ted Hughes O.C., Q.C., LLD.

D. Bennett and L. Sadrehashemi, *Broken Promises: Parents Speak about B.C.'s Child Welfare System* (2008), online: Pivot Legal Society, <http://www.pivotlegal.org/pdfs/BrokenPromises.pdf> (accessed 19 June 2008).

Provincial refusal to address the desperate situation of youngsters who "age" out of the foster care system at 19 ensures the continuation of disadvantage into adulthood. According to Mary Ellen Turpel-Lafond, BC's Representative for Children and Youth:

Most children leave care at age 19 without graduating from high school. They enter the adult world with few supports. Given all the difficulties they have struggled through as children and youth, it is unrealistic to expect them to not need supports to achieve success as they enter adulthood. It is imperative that these children receive social, emotional and financial supports to continue their education in a post-secondary setting as they "age out" of care.

Young women in state care are four times as likely as those not in care to get pregnant. Premature pregnancies often compromise hopes for further schooling. Girls in care are also more likely to suffer from anorexia and depression. In addition, abuse and racism are serious issues within the foster care system, and the system response to violence against girls is inadequate. Unlike the majority of the province's 19-year-olds, who are likely to cope with soaring housing and educational costs and demands for education by staying in their parents' home, this is not an option for former foster children. As a result, they are much more likely to become involved in the criminal justice system: 74% of girls and boys incarcerated have been in state care. Girls, whose wages are lower and who are particularly vulnerable to violence and exploitation, may well find themselves trading sex for housing.

Mary Ellen Turpel-Lafond, *Health and Well-Being of Children in Care in BC: Educational Experience and Outcomes* (May 2007), online: BC Representative for Children and Youth, <http://www.rcybc.ca/Groups/Our%20Reports/educational%20outcomes%20of%20cic.pdf> (date accessed: 22 July 2008).

D. Rutman, C. Hubberstey and A. Feduniw, with assistance from E. Brown, *When Youth Age Out of Care – Where to from There? Final Report Based on a Three Year Longitudinal Study* (School of Social Work, University of Victoria, September 2007).

Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

The McCreary Centre Society, *Time Out II: A Profile of BC Youth in Custody* (2005), online: MCS, [http://www.mcs.bc.ca/pdf/time\\_out\\_2.pdf](http://www.mcs.bc.ca/pdf/time_out_2.pdf) (date accessed:14 August 2008):26.

**RECOMMENDATIONS** That alternatives to child apprehension should be strongly encouraged and given priority, and more funds should be allocated toward support services for mothers and for girls who “age out” of foster care;

That the Government of British Columbia make funding available to support the development of culturally appropriate services and resources for Aboriginal mothers, for example, Aboriginal Women’s Justice Centres mandated with assisting individual women as well as addressing systemic discrimination against Aboriginal mothers involved in the child protection system.

## Article 13: Housing

### Background

The cost of living increases in Vancouver have made British Columbia’s largest city unliveable for many, particularly those with the fewest means. Rental market increases have catered to investors but have failed to meet the needs of the poorest residents of the city. Gentrification, combined with an influx of foreign investment on the eve of the 2010 Olympics, has caused rental market rates to soar and has forced many poor tenants out of their homes. Low income tenants have to double up with friends or family, or decrease their standard of living and relocate to the Downtown East side, a community of last resort. Homelessness is growing and the disproportionate poverty of lone mothers, young girls, women of colour, aboriginal women, immigrant women, women with disabilities and women leaving abusive partners make these groups especially vulnerable.

### Homelessness

Attempts at measuring the size of the homelessness problem in Vancouver have been undertaken:

- The most recent “homeless count” in Greater Vancouver found 2, 592 people on March 11 of 2008. This number is more than double those counted in 2002 (1,121);
- 26% of those experiencing absolute homelessness counted in 2005 were women;
- Nearly one-third of the homeless were Aboriginal (though only 2% of the total population of Greater Vancouver are Aboriginal), and 35% of these were women;
- Perhaps most distressingly, 40 families, mostly lone mothers, and 74 children were enumerated, nearly one-third of these children were living on the street;
- According to a one-day survey snapshot, taken on 14 April 2004, of the 6,109 women and children residing in emergency shelters across Canada, about 5,000 had escaped an abusive situation representing about three-quarters of all women residing in shelters;
- A 2004 study has shown that the death rate for homeless women is ten times that of women who are housed.

Homeless count figures are just the tip of the iceberg where women’s homelessness is concerned. Women will do almost anything to stay off the streets and out of shelters to avoid violence and the apprehension of their children. As a result, women tend not to show up in homelessness counts in proportion to their experiences of homelessness because women who are homeless often “couch surf” with family or friends, live in compromising situations with men, or continue to reside with an abusive partner, all mechanisms to avoid the streets and shelters.

*Metro Vancouver Homeless Count Figures 2008: Preliminary Numbers.* Online: Greater Vancouver Regional District, <http://www.gvrd.bc.ca/homelessness/pdfs/2008HomelessCountPreliminaryFS-April.pdf> (date accessed: 9 June 2008).

*On Our Streets and in our Shelters: Results of the 2005 Greater Vancouver Homeless Count,* (September 2005), online: Greater Vancouver Regional District, <http://www.gvrd.bc.ca/homelessness/pdfs/HomelessCount2005Final.pdf> (date accessed: 19 June 2008): 2.

Cheung and Hwang, “Risk of death among homeless women: a cohort study and review of the literature” (April 2004), *Canadian Medical Association Journal* at 1243.

## Homelessness and Poverty

In Vancouver, women’s homelessness must be understood as occurring as a result of the intersection between women’s poverty and the changing housing market.

A single employable women on welfare with three children in Vancouver is given a monthly welfare maximum shelter allowance of \$700, and \$400 to cover the costs of food, transportation, health, recreation, and any unforeseen emergencies that arise for the month.

These rates are not adjusted for increases in the cost of living, which results in falling welfare incomes year after year. This decline is, of course, further exacerbated by the government reductions in welfare rates documented above. The inadequacy of income assistance in meeting housing needs is demonstrated by the fact that 45% of the homeless receive some income assistance.

Low welfare rates and the low minimum wage have collided with gentrification and rapidly rising house prices to make accommodation in Vancouver increasingly unaffordable and unobtainable for poor women. Housing costs in BC are much higher than the national average (5.7 times the median household income compared to 4.1 nationally), and even higher in the Vancouver area (7.2 times the median income). Rental rates are similarly higher and vacancy rates lower. Market housing is simply unaffordable to anyone on low income.

The relationship between poverty and women's homelessness is particularly acute for older women in Vancouver, whose rates of homelessness are of increasing concern. Because women's work is typically in the service industry, part-time and poorly paid, with no pensions or other benefits, older women find themselves in financial straits, with homelessness a real threat. This is compounded by the stress of age-related health problems.

Of course the tension between women's poverty and the increasing costs of housing is only exacerbated by the demise of public housing across the province. This can be traced to the federal government's cancellation of funding for non-profit and co-op housing in 1993, made worse by the current provincial government's cancellation of the Homes BC program in 2001. Although both levels of government have recently made new commitments to social housing, these commitments fall significantly below current needs. Plans for new social housing and SRO (single resident occupancy) units in the City of Vancouver, where the affordable housing crisis is most serious, will not even replace units lost to redevelopment. Between 2003 and 2005, 99 SRO units were created while 415 disappeared; between 2005 and 2006 the disparity was 82 to 400.

Vancouver Foundation, *Metro Vancouver's Vital Signs 2007*, (2007), online: VF, <http://www.vancouverfoundationvitalsigns.ca/> (date accessed: 22 July 2008): 4-12.

Social Planning and Research Council of BC, *In the Proper Hands: SPARC BC Research on Homelessness and Affordable Housing* (2007), online: SPARC BC, <http://www.sparc.bc.ca/resources-and-publications/category/45/affordable-housing-a-homelessness> (date accessed: 22 July 2008): 3.

David Eby et al., *Cracks in the Foundation: Solving the Housing Crisis in Canada's Poorest Neighbourhood*, (2006), online: Pivot Legal Society, <http://www.pivotlegal.org/pdfs/CracksinFoundation.pdf> (date accessed: 22 July 2008).

Gillian Creese and Veronica Strong-Boag, *Still Waiting for Justice: Provincial policies and gender inequality in BC 2001-2008*. A report prepared for The British Columbia Federation of Labour (March 2008).

## Housing and Legislation

The housing market in Vancouver is largely characterized as a “landlords’ market”. Residential tenancy legislation, though supposedly designed to protect the interests of both tenants and landlords, has failed to meet the needs of tenants in Vancouver. Particularly vulnerable renters in Vancouver, including low income women, have been forced to decrease their living standards becoming accustomed to insect and rodent infestation and living with the constant threat of eviction.

The current government has made cuts to the residential tenancy branch offices throughout British Columbia, including branches in Surrey, Kelowna, Vancouver, and Nanaimo. In a 2006 report conducted by the Pivot Legal Society, tenants reported 2-3 hour waits at residential tenancy offices for small tasks such as filing of applications, and often tenants are turned away for lack of capacity and long wait times. Low income women battling the stress of work and keeping families together have little time to deal with the stress of navigating through the legal and bureaucratic loop holes of the Residential Tenancy regime. This has resulted in women tenants not being able to access their rights under the *Residential Tenancy Act*.

David Eby et al., *Cracks in the Foundation: Solving the Housing Crisis in Canada’s Poorest Neighbourhood*, (2006), online: Pivot Legal Society, <http://www.pivotlegal.org/pdfs/CracksinFoundation.pdf> (date accessed: 22 July 2008): v-vi.

## Conclusion - Housing

For women experiencing poverty, securing safe, affordable, housing is the highest priority. Without safe, secure, affordable housing, women are exposed to unacceptable risks of violence, of poor health, and of losing their children to child welfare authorities. The resources required to provide foster care for children would be better spent on providing adequate housing and support services to their mothers.

In October 2007, United Nations Special Rapporteur Mr. Miloon Kothari, conducted a mission to Canada to examine the status of realization of the right to adequate housing, particularly focusing on women and other vulnerable groups and the possible impact of the 2010 Olympic Games on the housing situation in Vancouver. Mr. Kothari confirmed the deep and devastating impact of Canada’s national housing crisis and its disproportionate impact on women and other groups particularly vulnerable to poverty.

Press Release: *United Nations Expert on Adequate Housing Calls for Immediate Attention to Tackle National Housing Crisis in Canada* (November 2007), online: United

Nations, <http://www.unhchr.ch/hurricane/hurricane.nsf/0/90995D69CE8153C3C1257387004F40B5?opendocument> (date accessed: 19 June 2008).

**RECOMMENDATIONS** That the Government of British Columbia commit stable and long-term funding and programmes to realize a comprehensive provincial housing strategy;

That particular funding be directed to women from racialized communities, Aboriginal women, victims of domestic violence, elderly women, and youth. This might include: developing more social housing units, establishing or increasing rent supplement programs, developing creative means of ensuring children are not apprehended by state authorities because of a woman's poverty and inadequate housing;

That the Government of British Columbia ensure that income assistance rates are set at realistic levels that reflect the actual costs of adequate and safe housing.

## **ARTICLE 14: RURAL WOMEN**

### **Article 14: Rural Access to Courts**

Since 2001, the Government of British Columbia has closed approximately one third of the courthouses in the province. This brings the number of staffed courthouses down from 68 to 44. The closure of courthouses has affected access to justice for many rural women, who now have to travel long distances to attend court.

A report of the Provincial Court of British Columbia states:

A large proportion of the Court's work involves matters of an urgent or emergent nature, such as child apprehensions, restraining orders, applications for peace bonds ...[often no-contact or restraining orders]...domestic violence cases, and young offender matters. Such matters require accommodation within a tight or legislatively mandated time frame, so Court and Registry accessibility is of paramount importance.

Thus, lack of access to courthouses has a very specific impact on rural women and on Aboriginal women living in rural and remote areas who experience violence in their homes, because they will have to wait longer and travel farther in order to obtain court orders to protect themselves and their children. Further, because of the closures, rural women and girls and Aboriginal women and girls living in rural and remote areas who have been



charged with an offence are held in holding cells further away from their own communities, for longer periods, and in harsher conditions.

British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations, *Media Release Regarding Court Closures* (February 2002), online: British Columbia Provincial Court, <http://www.provincialcourt.bc.ca/downloads/pdf/mediarelease-feb18.pdf> (date accessed: 14 July 2008).

### **Article 14: Rural Access to Government Services**

Other government departments have closed their rural offices, including Community Legal Aid and Native Law Offices. As noted above, women’s centres across the province have lost their funding and been forced to close or scale down their services. These changes are particularly harmful in towns where that centre offers the only services related to women’s health and safety. Further, hospitals in rural areas have been closed, and health services are becoming increasingly centralized in urban centres. Because rural women and girls now have to travel increased distances to receive emergency and non-emergency services, including assault and rape-related care, and pregnancy and childbirth-related services, they and their children incur increased risks.

Friends of Women and Children in B.C., *Report Card*, Vol. 4 No. 2 (February 2005), online: University of British Columbia Centre for Women’s Studies and Gender Relations [http://www.wmst.ubc.ca/pdf\\_files/fwcbcRep/FWCBCFeb05.pdf](http://www.wmst.ubc.ca/pdf_files/fwcbcRep/FWCBCFeb05.pdf) (date accessed: 14 July 2008).

Friends of Women and Children in B.C., *Report Card*, Vol. 1 No.6 (September 2002), online: University of British Columbia Centre for Women’s Studies and Gender Relations [http://www.wmst.ubc.ca/pdf\\_files/fwcbcRep/FWCBCSep02.pdf](http://www.wmst.ubc.ca/pdf_files/fwcbcRep/FWCBCSep02.pdf) (date accessed: 14 July 2008).

**RECOMMENDATION** That the Government of British Columbia ensure that essential courthouse and government services are available to women living in rural British Columbia.

### **CONCLUSION**

The cumulative effect of the policies discussed in this report is that women in British Columbia are marginalized and politically disempowered, that women in the province face increasing social and economic deprivation, and that issues of women’s equality are erased from the political agenda.



Obvious examples are the explicit refusal of the Government of BC to comply with the Committee's 2003 recommendations, the elimination of the Ministry of Women's Equality, and dramatic cuts to programs and services essential for women's well-being, such as social assistance, child care, women's centres, legal aid, housing, and support for survivors of violence against women. These policy decisions are part of a broad ideological shift that permeates every aspect of British Columbian society. This shift is characterized by indifference toward women's inequality. The negative effects of this shift are cumulative and go beyond the specific harms detailed in this report; they threaten to render women's inequality, unchanging and invisible in the province.

The current BC Government perpetuates and condones lack of concern over women's social, economic, and political inequality and disadvantage. This is in direct contravention of Article 5 of the *Convention*, which obligates the Government of BC to take all appropriate measures to modify social and cultural patterns in order to eliminate prejudice and stereotyping of women. The BC CEDAW Group asks that the Committee hold the Government of British Columbia accountable not only for each of the specific breaches of the *Convention* outlined in this report, but also for its failure to put into place programmes and policies that have the goals of changing cultural attitudes and social patterns that foster, minimize or ignore women's inequality in British Columbia.

## Appendix I: List of Recommendations

### Aboriginal Women in British Columbia

#### RECOMMENDATION:

That the Government of British Columbia take action to address the pervasive discrimination faced by Aboriginal women in the province. For example, it is recommended that Aboriginal Women's Justice Centres be established at the regional levels in urban and rural communities to address systemic discrimination within the legal system and to provide assistance to Aboriginal women engaged with the family justice, child welfare, social welfare, and criminal justice systems.

### Repeated Calls for British Columbia's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women

#### RECOMMENDATION:

That the Government of British Columbia address the 2003 CEDAW recommendations and all applicable 2008 recommendations through a legislative committee, which, in cooperation with women's groups, is required to report back to the CEDAW committee within 18 months.

## ARTICLE 2: ANTI-DISCRIMINATION MEASURES

### Article 2: Restrictive Constitutional Interpretation

#### RECOMMENDATION:

That the Government of British Columbia uphold *Charter* values when involved in *Charter* litigation and conduct itself in a manner that promotes and protects women's *Charter* right to substantive equality, in accordance with Canada's obligations under international human rights law.

### Article 2: Elimination of the Human Rights Commission

#### RECOMMENDATIONS:

That the Government of British Columbia establish a Human Rights Commission, according to the Paris principles, which is responsible for public education, conducting inquiries, initiating complaints, public reporting, and providing systemic oversight of human rights complaints;

That the Government of British Columbia ensure that there is adequate legal representation for human rights complainants.

## Article 2: Elimination of the Ministry of Women's Equality

### RECOMMENDATION:

That the Government of British Columbia re-establish a free-standing Ministry of Women's Equality with an adequate budget to ensure consistent gender analysis of public policy and advancement of the interests of women at the provincial level.

## Article 2: Reductions in Legal Aid

### RECOMMENDATIONS:

That the Government of British Columbia ensure full and meaningful access to legal aid and legal representation for BC women, in particular, for family and poverty law. The provincial and federal governments must cooperate to establish national standards for legal aid in these areas, consistent with the *Canadian Charter of Rights and Freedoms* and international human rights;

That the Government of British Columbia ensure adequate legal assistance for women victims of crime, for witnesses in cases of violence against women, and for intervening equality-seeking women's groups.

## ARTICLE 3: ADVANCEMENT OF WOMEN

### Article 3: Elimination of Funding for Women's Centres

#### RECOMMENDATION:

That the government of British Columbia provide stable, core operating funding to women's centres across the province and ensure that women in all regions of the province have adequate access to a women's centre.

### Article 3: Violence Against Women

#### *Police Protection of Women*

#### RECOMMENDATIONS:

That the Government of British Columbia ensure that all women experiencing violence in BC receive timely protection from police, and receive translation services if they need them so that they can understand and communicate with police.

That police in British Columbia receive specialized training and monitoring to ensure adherence to the provincial *Violence Against Women in Relationships Policy*.

## **Crown Charging Policies**

### RECOMMENDATIONS:

That the Government of British Columbia affirm and enforce a policy which treats violence against women as a serious criminal matter; that violent offenders be charged consistently and not diverted to civil procedures or criminal protection orders;

That the Government of British Columbia direct Crown prosecutors to uphold the *Charter* rights of women who experience violence to equal protection of the law.

## **Victim Services**

### RECOMMENDATION:

That the Government of British Columbia provide funding to community-based women's organizations for transition housing, counselling, and other support services for women who experience violence.

## **Violence Against Aboriginal Women**

### RECOMMENDATIONS:

That the Government of British Columbia develop a plan to address violence against Aboriginal women, including the investment of more resources and infrastructure to address systemic forms of discrimination;

That the Government of British Columbia create a toll-free phone number specifically for Aboriginal women who are experiencing or who have experienced violence;

That Robert Pickton be tried for the outstanding 20 murder charges against him;

That Alternative Measures and Restorative Justice programs not be used in cases of violence against Aboriginal women, and that the wishes of the women in such cases be taken into consideration by Crown Counsel.

## **Exit Programs for Aboriginal Women in Prostitution**

### RECOMMENDATION:

That the Government of British Columbia invest in exit programs for Aboriginal women in prostitution, including funding for treatment and recovery programs, education, housing, and culturally appropriate support services.

### **Article 3: Use of Mediation in Family Law**

#### RECOMMENDATIONS:

That the Government of British Columbia not introduce mandatory mediation into the resolution of family law matters;

That the Government of British Columbia ensure that women engaged in family law disputes have access to adequate legal representation.

## **ARTICLE 7: POLITICAL AND PUBLIC LIFE**

### **Article 7: Under-Representation of Women**

#### RECOMMENDATIONS:

That the Government of British Columbia institute and support programs that promote women's full participation in the electoral process. These could include active recruitment of and support for women candidates, offering family-friendly work environments, and public awareness campaigns;

That all political parties in British Columbia commit to increasing their number of women candidates, and that they put in place affirmative action programs to help realize those commitments.

## **ARTICLE 10: EDUCATION**

### **Article 10: Post-Secondary Tuition Increases**

#### RECOMMENDATIONS:

That the Government of British Columbia enact province-wide legislation regulating fee-setting by colleges and universities;

That the Government of British Columbia ensure equal access to post-secondary education for economically vulnerable women by providing a generous grants program.

### **Article 10: Restricted Access to Adult Education**

#### RECOMMENDATIONS:

That the BC Government change welfare rules so that income assistance recipients can participate in postsecondary education;

That the BC Government restore and increase designated funding to post-secondary institutions to support income assistance recipients;

That the BC Government restore tuition-free Adult Basic Education in BC's public post-secondary institutions.

## **ARTICLE 11: EMPLOYMENT**

### **Article 11: Inadequate Minimum Wage**

#### RECOMMENDATION:

That the Government of British Columbia repeal the lower new worker minimum wage, and raise the minimum wage to a level that puts all persons earning minimum wages above the poverty line.

### **Article 11: Employment Standards**

#### RECOMMENDATIONS:

That the Government of British Columbia re-instate a 40-hour work week, increase the minimum shift from two to four hours, and increase employer liability for unpaid wages to two years;

That the Government of British Columbia replace self-help kits with increased numbers of Employment Standards Officers available to support and educate employees and to help enforce employment contracts, particularly for domestic workers and other women vulnerable to exploitation by employers.

### **Immigrant and Temporary Foreign Workers**

#### RECOMMENDATIONS:

That the Government of British Columbia fund community agencies to provide workers' rights education and advocacy for particularly vulnerable groups of women workers;

That the Government of British Columbia subject employers of domestic workers and farmworkers to full employment standards and health and safety regulations, and ensure their compliance through increased inspections and adequate enforcement mechanisms.

### **Article 11: The Gendered Wage Gap**

#### RECOMMENDATION:

That the Government of British Columbia enact and enforce legislation which requires equal pay for work of equal value.

### **Article 11: Collective Bargaining Rights**

#### RECOMMENDATIONS:

That the Government of British Columbia respect and facilitate collective bargaining, paying special attention to the equality rights of women workers;

That the Government of British Columbia and its regional health authorities implement policies to ensure that private companies who receive public contracts from government agencies provide living wages for their predominantly female workers and ensure safe working conditions for their employees.

### **Article 11: Reduced Access to Childcare**

#### RECOMMENDATION:

That the government of BC, with or without federal funding support, develop and implement a five year plan to build a community-based, publicly funded, non-profit child care system. This system must be affordable, available and accessible for women and their families, particularly those in the labour force, and backed by provincial legislation that provides universal entitlement to quality early learning and care opportunities for children.

## **ARTICLE 12: WOMEN'S HEALTH**

### **Article 12: Increased Costs and Reduced Services**

#### RECOMMENDATION:

That the Government of British Columbia eliminate Medical Services Plan premiums, restore health services covered by the MSP to pre-2002 levels, ensure women's full participation in shaping health care policy, services, and programs in the province, and implement mechanisms to ensure gender analysis of health care.

### **Article 12: Cuts to Residential Care for Senior Women**

#### RECOMMENDATION:

That the Government of British Columbia stop substituting housing for health care, restore 2001 eligibility guidelines for residential care, and provide funding for new residential care beds to meet the needs of BC's growing population of senior women.

### **Article 12: Cuts to Home Care**

#### RECOMMENDATION:

That the Government of British Columbia restore funding for home support services in the province to at least 2002 levels.



## **ARTICLE 13: ECONOMIC AND SOCIAL LIFE**

### **Article 13: Income Assistance**

#### RECOMMENDATIONS:

That the government of BC raise income assistance rates to levels that permit recipients to have full participation in the social and economic life of BC, drop eligibility rules that bar persons in need from receiving income assistance, and establish rules and policies that will provide women in need, particularly lone mothers, with supports that foster their security and autonomy;

That the government of BC develop a coherent plan to address and eliminate poverty, in consultation with groups representing low-income and economically vulnerable individuals in the province. This plan must pay particular attention to groups with high and persistent rates of poverty—such as the poverty of lone-mother-led families, Aboriginal women, immigrant women and disabled women—and to the depth and duration of poverty among these groups.

### **Article 13: Child Apprehension**

#### RECOMMENDATIONS:

That alternatives to an apprehension should be strongly encouraged and given priority, and more funds should be allocated toward support services for mothers and for girls who “age out” of foster care;

That the Government of British Columbia make funding available to support the development of culturally appropriate services and resources for Aboriginal mothers. For example, the establishment of Aboriginal Women’s Justice Centres mandated with assisting individual women as well as addressing systemic discrimination against Aboriginal mothers involved in the child protection system.

### **Article 13: Housing**

#### RECOMMENDATIONS:

That the Government of British Columbia commit stable and long-term funding and programmes to realize a comprehensive provincial housing strategy;

That particular funding is directed to women from racialized communities, Aboriginal women, victims of domestic violence, elderly women, and youth. This might include: developing more social housing units, establishing or increasing rent supplement programs, developing creative means of ensuring children are not apprehended by state authorities because of a woman’s poverty and inadequate housing;

That the Government of British Columbia ensure that income assistance rates are set at realistic levels that reflect the actual costs of adequate and safe housing.

## **ARTICLE 14: RURAL WOMEN**

### RECOMMENDATION:

That the Government of British Columbia ensure that essential courthouse and government services are available to women living in rural British Columbia.

# Appendix II: Pay Equity in Canada

JURISDICTION	TYPE OF LEGISLATION	APPLICATION & ENFORCEMENT
Federal	Pay equity applying to public and private sectors Canadian Human Rights Act (s. 11) Equal Wages Guidelines 1986	Private and public sectors All federal sector employers – public and private, male & female employees employed in same establishment. Enforced by the Cdn Human Rights Commission.
Newfoundland & Labrador	No pay equity legislation Some administrative pay equity programs for some public service employees.	Public sector - Pay equity agreements have been negotiated that apply to the direct employees of the Government of Newfoundland and Labrador, some groups of health care workers, employees of Newfoundland Hydro, and library workers.
	Equal pay for same or similar work Human Rights Code (s. 11)	Private sector and public sectors HRC applies to public & private sector employers. Enforced by Nfld & Labrador Human Rights Commission
PEI	Pay equity legislation applying to public sector only Pay Equity Act (s. 7)	Public sector PEA applies to Government of Prince Edward Island, specified agencies of the government, University of Prince Edward Island and Holland College; and to a nursing home. Enforced by Pay Equity Bureau & Commissioner of Pay Equity
	Equal pay for same or similar work Human Rights Act (s. 7)	Private and public sectors HRA applies to public & private sectors; enforced by PEI Human Rights Commission

Nova Scotia	Pay equity legislation applying to public sector only N.S. Pay Equity Act	Public sector PEA applies to specified employers & employees of the public sector (civil service, corrections employees, highway workers, & employees of the Victoria General Hospital and Nova Scotia Hospital who are not part of the civil service; hospitals, school boards and specified Crown corporations; and universities, municipalities & municipal enterprises [s. 4]). Administered by the Pay Equity Commission.
	Equal pay for same or similar work Labour Standards Code (s. 57)	Private and public sectors LSC applies to public & private sectors. Enforced by Minister of Environments and Labour & the Labour Standards Division
New Brunswick	Pay equity legislation applying to public sector only N.B. Pay Equity Act	Public sector Applies only to a certain part of the public service (see Part I of Schedule I to the Public Service Labour Relations Act; includes government departments, the Civil Service Commission and other specified commissions and corporations (ss. 1(1) and 3)). Enforced by Pay Equity Bureau.
	Equal pay for same or similar work Employment Standards Act	Private and public sectors ESA applies to private & public sectors. Enforced by Employment Standards Bureau
Quebec	Pay equity legislation applying to all employers Quebec Pay Equity Act	Private and public sectors PEA applies to every employer in the public or private sector who employs at least 10 employees (s. 4) Enforced by the Pay Equity Commission.
	Equal pay for work of equivalent value Charter of human rights and freedoms (s. 19)	Charter applies to employers of all sectors. Enforced by the Commission de l'équité salariale, with a possible recourse to the Labour Court.

Ontario	<p>Pay equity legislation applying to all employers Ontario Pay Equity Act applying to public and private sectors</p>	<p>Private and public sectors Applies to the public sector &amp; to all employers in the private sector who employ 10 or more employees (s. 3(2)). PEA enforced by the Pay Equity Commission; adjudication is conducted by the Pay Equity Hearings Tribunal.</p>
	<p>Equal pay for same or similar work Employment Standards Act, 2000, s. 42(1) Ontario Human Rights Code, s. 5</p>	<p>ESA applies to public &amp; private sectors. Enforced by the Ministry of Labour, through its Employment Standards Program.</p>
Manitoba	<p>Pay equity legislation applying to public sector only  Manitoba Pay Equity Act</p>	<p>Public sector PEA applies only to provincial public sector (civil service, MB government and all government entities); does not cover municipal governments or independent boards &amp; commissions, including public schools – ss. 1, 3. Enforced by MB Labour &amp; Immigration, Conciliation, Mediation &amp; Pay Equity Services.</p>
	<p>Equal pay for same or similar work  Employment Standards Code (s. 37.1(1)) Manitoba Human Rights Code</p>	<p>Private and public sectors ESC &amp; HRC apply to public &amp; private sectors. ESC enforced by the Employment Standards Branch, under the MB Labour and Immigration. HRC enforced by Human Rights Commission</p>
Saskatchewan	<p>No pay equity legislation  Equal Pay for Work of Equal Value and Pay Equity Policy Framework</p>	<p>Public sector Policy framework applies to the public sector, &amp; includes Crown corporations, Treasury Board agencies, boards &amp; commissions, the Sask. Institute of Applied Science and Technology, regional colleges &amp; the health care sector.</p>
	<p>Equal pay for same or similar work Labour Standards Act (s. 17(1))</p>	<p>Private and public sectors LSA applies to public &amp; private sectors. Enforced by Saskatchewan Labour Standards</p>

Alberta	No pay equity legislation	
	Equal pay for same or similar work Human Rights, Citizenship and Multiculturalism Act (s. 6(1))	Private and public sectors HRCMA applies to public & private sectors. Enforced by the Alberta Human Rights & Citizenship Commission
British Columbia	No pay equity legislation (pay equity provision in Human Rights Code repealed 2002).	
	Equal pay legislation Human Rights Code (s. 12(1))	Private and public sectors HRC applies to public & private sectors. Enforced by the BC Human Rights Tribunal
Nunavut	No pay equity The Government of Nunavut is currently drafting a new Public Services Act that will include pay equity provisions No equal pay legislation The Human Rights Act prohibits discrimination against an individual or class of individuals with respect to “employment or a term or condition of employment on the ground of sex (among other grounds), regardless of whether that term or condition exists prior or subsequent to employment” (s. 9(1)(b))	
Northwest Territories	Some pay equity provisions in Public Service Act	
	Equal pay for same or similar work Human Rights Act (s. 9(1))	Private and public sectors HRA applies to public & private sectors. Enforced by the NWT Human Rights Commission
Yukon Territory	Pay equity legislation applying to public sector only Human Rights Act (s. 15(1))	Public sector HRA applies to public sector, including municipalities & their corporations, boards, & commissions. Enforced by Yukon Territory Human Rights Commission.
	Equal pay for same or similar work Employment Standards Act (s. 44)	Private sector ESA applies to the private sector. Enforced by the Director of Employment Standards & the Employment Standards Board