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## **British Columbia Budget 2023 Consultation**

### **Recommendations of West Coast LEAF to the Select Standing Committee on Finance and Government Services**

**June 24, 2022**

#### **About West Coast LEAF**

West Coast LEAF is a BC-based legal advocacy organization. Our mandate is to use the law to create an equal and just society for all women and people who experience gender-based discrimination. In collaboration with community, we use litigation, law reform, and public legal education to make change. We aim to transform society by achieving access to healthcare; access to justice; economic security; freedom from gender-based violence; justice for those who are criminalized; and the right to parent.

West Coast LEAF recognizes our responsibility to work for the full realization of the rights of Indigenous peoples. In the context of historic and ongoing colonial violence and injustice, West Coast LEAF understands that fulfilling this responsibility requires a deep and continual commitment. We respectfully acknowledge that our office is located in Vancouver on traditional, ancestral, and unceded Coast Salish homelands, including the territories of the xwməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), and sə́lilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations. We understand that many of us are uninvited to these territories. As an organization that includes many settlers, we take responsibility for learning and seeking long-term transformation in our relationships with Indigenous peoples and lands.

#### **Summary of Recommendations:**

1. Increase funding to the Employment Standards Branch (ESB) by at least \$14 million to increase staff, open more regional offices, extend hours, and bolster enforcement activities, particularly, proactive investigations.
2. Make a transformative investment in prevention and family support services for children, youth, families, communities, and Indigenous Nations that centres and

supports child and family well-being and can address structural barriers such as poverty, lack of services and waitlists.

3. Dedicate new funding for legal aid services for child support applications. There is currently very limited funding for child support matters leaving many single parents without access to justice. A lack of access to child support contributes to increasingly feminized poverty and worsens child poverty.

### **Recommendation 1:**

**Increase funding to the Employment Standards Branch (ESB) by at least \$14 million to increase staff, open more regional offices, extend hours, and bolster enforcement activities, particularly, proactive investigations.**

WCL is a member of the BC Employment Standards Coalition (BCESC) and supports the BCESC's recommendation that the ESB's funding be increased by at least \$14 million. The ESB is under-resourced and is failing to carry out its responsibilities under the Employment Standards Act (ESA). In April 2022, the BCESC published the report "[Justice Denied: The Systemic Failure to Enforce BC Employment Standards](#)," which it has provided to each member of this Committee. This report documents major shortcomings at the ESB, such as complaints left unresolved for years, investigations not conducted thoroughly, inadequate staff, and a lack of proactive investigations.

Protecting employment standards is critical to addressing the economic inequality worsened by COVID-19. Women and people who experience marginalization because of their gender are over-represented in low-wage, precarious, and part-time work. Since 2017 progress has been made on expanding rights and benefits that support women and people who are marginalized because of their gender, such as parental leave, pregnancy leave, and leave for those facing domestic or sexual violence, but these rights must be enforced to be meaningful. The ESB's budget must be increased so it can address backlogged complaints, growth in complaints, and reinstate proactive enforcement and investigations into problem industries, such as retail, hospitality, restaurant/food services, and caregiving including homecare, long-term care, and daycare. Women are over-represented in many of these sectors.

To restore ESB staff resources and increase its resources to correspond with the growth in business establishments and employees, and to reinstate proactive enforcement and investigations, the ESB's budget must be increased. Over 80% of private sector workers have no other employment protections than those afforded by the ESA, and these rights cannot languish due to the inadequate resourcing of the ESB.

## **Recommendation 2:**

**Make a transformative investment in prevention and family support services for children, youth, families, communities, and Indigenous Nations that centres and supports child and family well-being and can address structural barriers such as poverty, lack of services and waitlists.**

The MCFD is currently engaged in a “transformation” with prevention and family support services and Indigenous reconciliation as two main goals. The goal of prioritizing prevention cannot be realized unless significant funding is directed to support prevention-based programs.

Funding is needed for community-based prevention programs that are localized, integrated, and wrap-around services which are best placed to understand families’ needs, mobilize resources, and develop solutions that prevent children from being placed in care. Funding must be equitable, sustained, and long term, and cover holistic services as identified by communities, including in-home support, pregnancy support and baby welcoming programs, transition support programming for families after children have been removed or upon being returned home, supports for parents whose children are in care, in-home support immediately as a tool to prevent removal, and cultural programming (see West Coast LEAF’s report: [“Pathways in a Forest: Indigenous Guidance on Prevention-Based Child Welfare”](#)).

Funding must be directed to Indigenous Nations and communities to ensure that they have the resources to support families in accordance with their own traditions and practices, respecting the self-determination of Indigenous Nations and communities. Budget 2023 must build on the federal government’s recent agreement to fund the reform of on-reserve child welfare and make funding commitments that ensure that all Indigenous families across BC have access to community-based prevention services.

We echo the recommendation of The Federation of Community Social Services of BC that Budget 2023 demonstrate a transformative investment in prevention by prioritizing an increase to MCFD’s “Family Support” budget line. Failing to invest in prevention is a false economy when the economic and social costs associated with child apprehension including incarceration and impacts on education, substance use, health and wellness are considered.

### **Recommendation 3:**

**Dedicate new funding for legal aid services for child support applications. There is currently very limited funding for child support matters leaving many single parents without access to justice. A lack of access to child support contributes to increasingly feminized poverty and worsens child poverty.**

Inadequate funding for legal aid to address family law matters is a core access to justice concern. Over a decade ago, legal aid services were gutted, and today, family law legal aid remains severely underfunded. It is critical to close service gaps in family law legal aid to address gender-based violence and access to justice.

While there is a need for investment in legal aid on the whole, investing in access to legal aid for child support matters is one funding priority that would make a tangible difference in the lives of single parent families and especially single mother families. Because of the gendered division of caregiving, access to child support is a critical issue that is central to tackling increasingly feminized poverty as well as child poverty.

BC's current system of limited retainers provides some child support services but is ultimately inadequate to deal with complex matters and cases where child support intersects with family violence. Recently, the Supreme Court of Canada in *Michel v. Graydon* recognized that child support applications can lead to increased risks for women because of a fear of reprisal and violence from the payor parent and because abusive fathers may use child support as a way to continue to exercise control. The Court also recognized the relationship between child support and child poverty and the hardship on children and their caregivers, most of whom are women, when child support goes unpaid.

Providing legal aid funding for child support matters would be a small increase relative to BC's overall budget that would have a substantial social and economic impact on vulnerable families. Organizations from across the justice sector have repeatedly called for increased funding for legal aid in family law which remains urgent as the COVID-19 pandemic has increased the incidents and severity of family violence.