
***British Columbia Moves Backwards on
Women's Equality***

**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 5th Report**

January 23, 2003

INTRODUCTION

The B.C. CEDAW Group

1. The B.C. CEDAW Group is a coalition of women's non-governmental organizations that are committed to advancing the equality interests of women and girls. The coalition came together to prepare this submission 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. This submission focuses specifically on the province of British Columbia (B.C.). The Group includes: Aboriginal Women's Action Network, Working Group on Poverty, West Coast Women's Legal Education and Action Fund, Justice for Girls, Vancouver Rape Relief and Women's Shelter, Canadian Association of Sexual Assault Centres (British Columbia and Yukon Region), End Legislated Poverty, Vancouver Committee for Domestic Workers and Caregivers Rights, British Columbia Coalition of Women's Centres, the Vancouver Women's Health Collective, the National Action Committee on the Status of Women (British Columbia Society), and the Women's Working Group of the B.C. Health Coalition. This report is also supported by the Women's Committee of the British Columbia Federation of Labour, the B.C. Government and Service Employees' Union, and the Hospital Employees' Union.

2. The B.C. CEDAW Group has been assisted in the preparation of this submission by The Poverty and Human Rights Project, which is an initiative of the Canadian Human Rights Reporter Inc., in collaboration with the Centre for Feminist Legal Studies at the University of British Columbia. The Poverty and Human Rights Project undertakes research, writing and education on poverty as a human rights issue, and has a particular concern about the poverty of women. Shelagh Day, Margot Young, and Patricia Cochran are owed special thanks for their work on the preparation of this submission.

Review Time Period

3. British Columbia's Fifth Report describes measures that were in effect between 1994 and 1998. *Almost all* of these measures have been changed or abolished since May 2001 when the current provincial government was elected

4. The Committee's review process will not be a credible one if Canada can present its record to the Committee on the basis of programs that no longer exist. The changes that the Government of B.C. has made are more than the usual fine-tuning or improvements to programs that naturally occur between the time reported on and the time of the Committee's examination of a state party. In this case, there is a wholesale withdrawal of programs and protections. Consequently, if the Committee bases its conclusions regarding B.C.'s compliance on the information provided in the Fifth Report, those concluding remarks will be irrelevant to today's situation.

Contravention of the Convention

5. The B.C. CEDAW Group respectfully submits that the Province of British Columbia is failing to fulfill its obligations under the *Convention on the Elimination of All Forms of Discrimination*

Against Women (CEDAW) in two ways. First, the Government of British Columbia is not fulfilling its specific obligations to women and girls, as set out in the Convention. Secondly, the drastic and discriminatory changes to provincial legislation and programs which have been made since May 2001 violate the obligation to “take, in all fields, ... all appropriate measures ... to ensure the full development and advancement of women.” Central to the fulfillment of CEDAW obligations is the understanding that governments will progressively advance women’s exercise and enjoyment of their human rights. However, the Government of British Columbia is moving backwards. It has dismantled the very programs and protections that it points to in the Fifth Report as demonstrating its compliance with CEDAW.

Interpretive Principles

6. The B.C. CEDAW Group endorses the interpretive principles set out in the 2002 Canadian Feminist Alliance for International Action Report to the CEDAW Committee.

Marginalized and Vulnerable Groups of Women and Girls

7. In the following paragraphs we describe the harmful impacts of current government policies in British Columbia. We note that these policies have an especially pernicious effect on those groups of women and girls who are most disadvantaged and most vulnerable. Specifically, elderly women, and women and girls who are Aboriginal, of colour, disabled, lesbian, recent immigrants or refugee claimants, living on low incomes, or living in rural areas experience the harms this document details in particular and intensified ways.

Aboriginal Women

8. Aboriginal women disproportionately live in poverty, with incomes considerably lower than Aboriginal men and non-Aboriginal women. The average annual income of Aboriginal women is \$13,300, compared to \$18,200 for aboriginal men and \$19,350 for non-aboriginal women. In British Columbia, Aboriginal and women and girls are disadvantaged in many intersecting ways that militate against their full development and their equal exercise and enjoyment of their rights.

M. Morris, Fact Sheet “Women and Poverty,” Canadian Institute for the Advancement of Women, online: Canadian Institute for the Advancement of Women < <http://www.criaw-icref.ca/12> > (last modified: March 2002). [Tab 1]

9. 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 control of Aboriginal peoples. Thus, in practical terms both the federal and provincial governments must be held responsible for the legal status and conditions of Aboriginal women and girls and their communities. For example, provincially-provided health, welfare, and education programs are critical to both on- and off-reserve Aboriginal women and girls. Though both levels of government have jurisdiction and obligations, First Nations women continue to be denied assistance, and to receive piece-meal services because of the lack of clarity and the competing interests of federal, provincial and territorial governments regarding their constitutional, moral and financial responsibilities for

providing social programs and 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. [Tab 2]

Canada, *Interim Report: Shaping the Future of Health Care* (Ottawa: Commission on the Future of Health Care in Canada, 2002) (Commissioner: R.J. Romanow. [Tab 3]

Aboriginal Nurses Association of Canada, *Submission to the Romanow Commission on the Future of Health Care in Canada* (November 1, 2001). [Tab 4]

10. In the paragraphs that follow we document recent changes to the judicial and social service systems, including cuts to poverty law legal aid services, the closure of all Native Law Offices, and cuts to welfare rates as well as new restrictions on eligibility for welfare. These changes have particularly harmful effects on Aboriginal women and their communities.

Immigrant and Refugee Women and Women of Colour

11. The changes to British Columbia's social programs and legal protections outlined below also have a particular discriminatory impact on immigrant and refugee women because of their positions in British Columbia society. Scholar Yasmin Jawani states that immigrant women of colour are particularly vulnerable in their interactions with justice and health systems because of their marginalization:

Lack of dominant language skills, [lack of] accreditation of their qualifications, and the prevalence of racism and sexism, contribute to the deskilling of these women and their subsequent ghettoization in occupations that are dangerous and unprotected. As immigrants, they experience the trauma of migration which includes dislocation, role overload, as well as role reversal. The latter occurs as a result of their more rapid employment in the labour force, albeit in occupations that are downwardly mobile and marginalized. The isolation that immigrant women experience has been identified as a key factor contributing to their risk. It is exacerbated by their dependent status on their spouses..., resulting in an unequal power relation and the potential for abuse within the family.

Y. Jawani, "Intersecting Inequalities: Immigrant Women of Colour, Violence and Health-care," (2001), Freda Centre for Research on Violence Against Women and Children, online: Freda Centre for Research on Violence Against Women and Children <<http://www.harbour.sfu.ca/freda/articles/hlth.htm>> (date accessed: 20 October 2002). [Tab 5]

12. Women and girls who belong to racialized groups, whether or not they are immigrants, also experience the consequences of British Columbia's changes to social protections from within a

specific social, political and legal context. In evaluating British Columbia's compliance with CEDAW, it is crucial to consider the social, political and legal context of women and girls of colour, and women and girls of colour who are also immigrant and refugees. Changes to legal aid (see paragraphs 28-34), employment standards (see paragraphs 71-79) and protection from domestic violence (see paragraphs 56-60) have a harsh and disproportionate impact on women and girls who are immigrants, refugees and/or members of racialized groups. The reductions of protections contravene obligations under the Convention.

Background to Canada's Constitutional structure and the nature of obligations under CEDAW

13. Canada is a federal state with separate legislative jurisdictions assigned to the federal government and to the provincial governments. Thus, the federal and provincial governments have constitutionally determined areas of separate lawmaking ability. Each level of government is supreme within its own sphere of legislative authority. The federal government has sole authority to make laws in those areas assigned to it by Canada's Constitution--for example, immigration law, criminal law, aboriginal peoples, and the geographic areas of Canada's three territories. Provincial governments have sole authority to make laws in relation to such things as health, education, and welfare. Municipal governments fall under provincial authority.

14. Some areas of lawmaking have both federal and provincial jurisdictional aspects. Human rights legislation, for example, has been passed by both federal and provincial governments. Federal legislation covers areas that fall within federal jurisdiction--most notably federal government employees. Provincial human rights legislation covers the bulk of employment contexts as well as a wider range of services and facilities. The content of criminal law is within federal jurisdiction while the administration of criminal justice and laws falls within provincial authority.

15. This formal division of powers between the federal and provincial governments can be legitimately circumvented to some extent by the federal government's ability to spend its revenues in areas otherwise formally within provincial jurisdiction and control. Thus a dominant feature of Canadian political history is the exercise of what is called the federal government's "spending power". By stipulating conditions to provincial access to federal money, the federal government has been able to implement national standards in provincial jurisdictional areas such as health, education, social assistance, and legal aid. This means that in some of the areas of provincial jurisdiction that are key to the advancement of women, the federal government has, through the persuasive power of promising funding assistance to the provincial governments, considerable legitimate power to influence policy, programmes, and legislation. Consequently, the federal government, when transferring funds to the provinces, shares political responsibility for decisions about the character of state action so funded. It is essential, therefore, that both federal and provincial governments be questioned and be held accountable for social programs instituted at the provincial level.

16. Provincial governments, of course, retain direct responsibility for the legislation and programs they implement, and for government actions within the provincial sphere of legislative

authority under the Canadian Constitution. It is critical that the CEDAW Committee hold the provinces separately and independently accountable for compliance with CEDAW.

Statistical description of women in British Columbia

17. Like women in other parts of Canada, women in B.C. have higher rates of poverty than men, and lower incomes. They also live in deeper poverty than men.

2002 Canadian Feminist Alliance for International Action Report to the CEDAW Committee [Tab 6]

ARTICLE 2

18. All governments in Canada hold out the *Charter of Rights and Freedoms* as a major vehicle through which CEDAW obligations are fulfilled. However, the Committee should note that in recent litigation under the *Charter* addressing issues of women's equal access to social programs, and the inadequacy of welfare provision for young women and men, the B.C. government has argued in court in favour of interpretations of the *Charter* which would narrow the government's obligations to address women's inequality.

Eldridge v. B.C., [1997] 3 S.C.R. 624. [Tab 7]

Gosselin v. Quebec (Procureur general), [1992] R.J.Q. 1647 (Q.L.) (C.S.). [Tab 8]

Autin (Guardian of) v. British Columbia (Attorney General), 2002 B.C.CA 538 (B.C. Court of Appeal). [Tab 9]

Article 2(c): Legislated Protection Against Sex Discrimination

19. In October 2002, the Legislature of the Province of British Columbia passed legislation that weakens the machinery for administering and enforcing human rights, thereby contravening the obligation in Article 2(c) to establish legal protection of the rights of women on an equal basis with men and to ensure the effective protection of women against any act of discrimination.

20. A fundamental principle underlying human rights legislation in all jurisdictions in Canada is that the elimination of discrimination is in the public interest. Discrimination is understood to be an offense against shared public values of equality and fairness for all individuals and groups. Because of this, the elimination of discrimination has been understood to require a multi-faceted approach, including education and preventive measures as well as the processing and adjudication of complaints. Further, complaints of discrimination have been viewed not as disputes between private parties, but rather as matters in which the community as a whole has a stake.

21. One of the central features of the new legislation is the elimination of the Human Rights Commission. Without the Commission, there is no independent public body with a mandate to protect the public interest in the elimination of discrimination, or to undertake preventive

strategies. There is no independent public body with a mandate to provide education, conduct public hearings, make special reports to the Legislature, deal with systemic discrimination, initiate complaints, investigate complaints, or ensure that complainants receive legal representation at hearings. The human rights system in B.C. has been reduced to a complaint adjudication system only, and complaints have become a private matter between complainants and respondents.

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.legis.gov.bc.ca/37th3rd/3rd_read/gov64-3.htm> (date accessed: 29 December 2002). [Tab 10]

Canadian Human Rights Digest, (October 2002) Vol. 3, No. 7, p. 2 [Tab 11]

British Columbia Ministry of Attorney General, News Release 02:18, “Human Rights Complaints Process Streamlined” (30 May 2002), online: British Columbia Ministry of Attorney General <<http://www.ag.gov.bc.ca/media/2002/0218.htm>> (date accessed: 6 August 2002). [Tab 12]

British Columbia Human Rights Commission website, online: British Columbia Human Rights Commission <<http://www.bchrc.gov.bc.ca/home.htm>> (date accessed: 6 August 2002). [Tab 13]

K. Bolan, “Liberals to Cut Human Rights Commission” *The Vancouver Sun* (30 May 2002), online: PovNet <http://www.povnet.org/articles/bolan_human_rights_commission.htm> (date accessed: 6 August 2002). [Tab 14]

S. Day, “Rolling Back Human Rights in B.C.” (2002) *Canadian Centre for Policy Alternatives* at 10, online: Canadian Centre for Policy Alternatives <http://www.policyalternatives.ca/bc/human_rights_code_brief.pdf> (date accessed: 2 October 2002). [Tab 15]

22. The abolition of the Human Rights Commission impacts directly on British Columbia’s compliance with its legal obligations under CEDAW. Discrimination in B.C. society is experienced predominantly by women, people with disabilities, Aboriginal peoples and visible minorities. Therefore, the elimination of the Commission removes a central institution relied on by women and other vulnerable members of British Columbian society to articulate and defend their right to equality, and to prevent its perpetuation.

Friends of Women and Children in B.C., Report Card, June 15, 2002, Vol. 1 No.3, online: University of British Columbia Centre for Women’s Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCJun02.pdf>> (date accessed: 6 August 2002). [Tab 16]

British Columbia Human Rights Commission, *Remaining Vigilant: Taking Responsibility for Human Rights, 2001-2002 Annual Report*, at 13, online: British Columbia Human Rights Commission
 <<http://www.bchrc.gov.bc.ca/home.htm/docs/AnnualReport0102.pdf>> (date accessed: 6 August 2002). [Tab 17]

23. The adjudicative body, the Human Rights Tribunal, is now the only human rights mechanism. Because the Tribunal is a quasi-judicial body, pre-hearing procedures to facilitate disclosure of documents and discovery of other evidence are likely to be more legalistic, and more difficult for complainants to manage on their own.

24. We note further that while the government claims that these changes have been made in order to provide British Columbians with more direct access to hearings of their human rights complaints, there is little reason to believe that more complaints will receive full hearings, as the Tribunal has the authority to dismiss complaints without hearing, and has not been given an increase in resources to support more hearings. We also note that the barriers to the use of human rights protections by girls have not been removed. Girls can still claim human rights protection only through a guardian *ad litem*.

25. The abolition of the Human Rights Commission removes any statutory obligation on the part of the government to provide legal representation for human rights complainants. In the past, it was the Commission's role to ensure that complainants who could not afford a lawyer received legal representation when their complaints were heard by the Tribunal. While the government of British Columbia has promised to set up a legal clinic so that human rights complainants will continue to receive legal representation as needed, legal services will now be provided under a private contract with the Attorney General. Without the Commission there is no independent public body with a mandate to ensure that adequate legal representation is provided, and, most importantly, there is no statutory obligation to provide it.

S. Day, "Rolling Back Human Rights in B.C." (2002) Canadian Centre for Policy Alternatives at 15, online: Canadian Centre for Policy Alternatives
 <http://www.policyalternatives.ca/bc/human_rights_code_brief.pdf> (date accessed: 2 October 2002). [Tab 15]

26. The new Human Rights legislation also gives the Tribunal the authority to make the mediation of a dispute mandatory. The use of mediation has long been recognized as problematic for women, and can lead to unfair settlements.

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.legis.gov.bc.ca/37th3rd/3rd_read/gov64-3.htm> (date accessed: 29 December 2002). [Tab 10]

British Columbia Ministry of Attorney General, News Release 02:18, "Human Rights Complaints Process Streamlined" (30 May 2002), online: British Columbia Ministry of

Attorney General <<http://www.ag.gov.bc.ca/media/2002/0218.htm>> (date accessed: 6 August 2002). [Tab 12]

27. In sum, a recent paper issued by the B.C. office of the Canadian Centre for Policy Alternatives, states:

So far, the government's approach to the human rights system is consistent with its approach to the province's other watchdogs and advocates, including the Information and Privacy Commissioner, the Mental Health Advocate, landlord and tenants' offices, legal aid, [the Child, Youth and Family Advocate, the Children's Commission] and women's centers. Cuts to these agencies will not make them more "effective," as the government claims. Rather, the cuts make them less able to protect British Columbians when they encounter government policies and actions that are unfair or discriminatory. To diminish the capacity of the human rights system at this moment is all too convenient for the provincial government, because the human rights system is a potential vehicle for contesting cuts to other services on the grounds that they will have a discriminatory impact on already disadvantaged groups.

S. Day, "Human Rights Plunge into the Past" (2002) Canadian Centre for Policy Alternatives, online: Canadian Centre for Policy Alternatives <<http://www.policyalternatives.ca/bc/opinion89.html>> (date accessed: 6 August 2002). [Tab 18]

Articles 2 (d): Legal Aid

28. The government of British Columbia has cut funding for legal aid by 38.8%. It has also specified what the remaining funds are to be used for. Legal aid coverage is now provided only for criminal law matters, *Young Offenders Act* matters, mental health reviews, restraining orders, and child apprehensions. No services are provided for family maintenance or custody disputes, except where there is evidence that violence is involved. Direct services for poverty law matters, that is for landlord/tenant, employment insurance, employment standards, welfare, and disability pension claims or appeals, have been eliminated. Legal services to prisoners have also been drastically reduced.

Legal Services Society, Backgrounder, "Legal Aid Services and Tariffs Summary of Cuts" (25 February 2002), online: Legal Services Society <<http://www.lss.bc.ca>> (date accessed: 6 August 2002). [Tab 19]

29. Until now the legal aid system has provided legal assistance for "a legal problem or situation that threatens the individual's family's physical or mental safety or health, the individual's ability to feed, clothe and provide shelter for himself or herself and the individual's dependents, or the individual's livelihood" (s. 3(2)(d) of the *Legal Services Society Act*). Under this mandate, a legal aid lawyer would provide assistance in a case like this:

A woman and her children are locked out of their apartment because of a small amount of arrears in rent, due to a delay in the receipt of an Employment Insurance cheque. The

landlord has removed all of her belongings and refuses to return them unless she pays the arrears. She has nowhere to go.

30. Until recently an advocate could help this woman to obtain the benefits to which she is entitled and to find immediate shelter for herself and her children. However, this section of the *Legal Services Society Act* has now been repealed, and these services are no longer available.

Legal Services Society Act, S.B.C. c. 30, repealing *Legal Services Society Act*, R.S.B.C. 1996, c. 256, online: British Columbia Ministry of Attorney General http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov45-3.htm (date accessed: 29 December 2002). [Tab 20]

31. Concern about the unfairness of these cuts to legal aid is widespread. The Law Society of British Columbia passed a resolution on May 22, 2002, stating that it had lost confidence in the Attorney General as a result of these cuts to legal aid. Such censure by the Law Society is unprecedented in Canada. Commenting on the elimination of all poverty law services, the President of the Law Society of British Columbia said: “How cynical is it to create legal rights and then deny the poor any means to assert those rights? The government is making a mockery of equality before the law.”

Law Society of British Columbia, Benchers Bulletin, “BC lawyers pass vote of non-confidence in the Attorney General,” resolution passed 22 May 2002, online: Law Society of British Columbia <<http://www.lawsociety.bc.ca>> (date accessed: 6 August 2002). [Tab 21]

Law Society of British Columbia, News Release, “Law Society Condemns Sacking of Legal Society Board” (22 February 2002), online: Law Society of British Columbia <<http://www.lawsociety.bc.ca>> (date accessed: 6 August 2002). [Tab 22]

32. The elimination of poverty law assistance disproportionately affects women, who make up the majority of poor adults. The end to legal aid for poverty law matters will effectively deny legal representation to the most vulnerable women in matters that affect their ability to pay for food and shelter for themselves and their children.

M. Morris, Fact Sheet “Women and Poverty,” Canadian Institute for the Advancement of Women, online: Canadian Institute for the Advancement of Women <<http://www.criaw-icref.ca/12>> (last modified: March 2002). [Tab 1]

33. Also, research shows that women disproportionately need and use legal aid for family law matters. Poor women in British Columbia seeking spousal support or custody of their children, in situations which do not involve documented violence, will now have to make settlements, or enter mediation, or litigate without representation. Further, recent changes in policies regarding the prosecution of spousal assault (see paragraph 57) mean that fewer cases of spousal violence will be documented, narrowing even further the number of women who will have access to legal representation for family law matters.

Legal Services Society, Backgrounder, “Legal Aid Services and Tariffs Summary of Cuts” (25 February 2002), online: Legal Services Society <<http://www.lss.bc.ca>> (date accessed: 6 August 2002). [Tab 20]

L. Addario, “Getting a Foot in the Door: Women, Civil Legal Aid and Access to Justice” (1998) Status of Women Canada, online: Status of Women Canada <<http://www.swc-cfc.gc.ca/publish/research/addario-e.html>> (date accessed: 2 October 2002). [Tab 23]

Friends of Women and Children in B.C., Report Card, May 15, 2002, Vol. 1 No.2, online: University of British Columbia Centre for Women’s Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCMay02.pdf>> (date accessed: 7 August 2002). [Tab 24]

34. Further, the Ministry of the Attorney General has indicated that as part of the new legal aid structures, the Ministry will work with the Legal Services Society to expand the use of mediation, and other alternatives to court processes. 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. Therefore, the context of the dispute must be taken into account before mediation can be considered. 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, as is the case for a woman and her abusive husband or boyfriend, are taken out of the courts and resolved in informal or non-judicial 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.. Similar issues arise with respect to the use of family conferencing to deal with girls’ allegations of physical or sexual abuse in the family when these processes bring together the girl and her abuser. By expanding the use of mediation and family conferencing without reference to the needs of women and girls, the government of British Columbia has taken steps that will deepen and perpetuate gender inequality.

British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations, *Service Plan Summary 2002/03 – 2004/05* at 8, online: British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations <http://www.gov.bc.ca/prem/down/core_review_02/attorney_general.pdf> (last modified: February 2002). [Tab 25]

Research Advisory on the Provincial Cuts and Violence Against Women, “Legal Aid: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bcifv.org/cuts/legal_aid.pdf> (last modified: 10 April 2002). [Tab 26]

Article 2(c): Access to Court

35. Since 2001, the government of British Columbia has closed approximately 1/3 of the courthouses in the province. This brings the number of staffed courthouses down from 68 to 44. The closure of courthouses will affect access to justice for many British Columbians, particularly in rural areas, where people will now have to travel long distances to attend court (see paragraph 61). A report of the Provincial Court of British Columbia states:

A large proportion of the Provincial 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. With judicial services centralized in urban areas, rural women's access to justice is significantly curtailed, and their legal rights and safety put in jeopardy. 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, *Service Plan 2002/03 – 2004/05* at 4, online: British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations <http://www.gov.bc.ca/prem/popt/corereview/srv_pln/ag/AG.pdf> (last modified: February 2002). [Tab 27]

British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations, *Service Plan Summary 2002/03 – 2004/05* at 8, online: British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations <http://www.gov.bc.ca/prem/down/core_review_02/attorney_general.pdf> (last modified: February 2002). [Tab 25]

Provincial Court of British Columbia Judiciary, “Preliminary Assessment of Proposed Courthouse Closures in Provincial Court” (2002) at ii, online: Provincial Court of British Columbia <<http://www.provincialcourt.bc.ca/downloads/pdf/preliminaryassessmentofproposedcourthouseclosuresfeb18.pdf>> (date accessed: 2 October 2002). [Tab 28]

ARTICLE 3

Article 3: Income Assistance and Social Services

36. Income (or social) 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. Without adequate social assistance, women cannot escape violent relationships with partners, nor can they raise their children alone. Without a publicly provided economic support, women cannot count on enjoying sexual autonomy or liberty. They can be trapped in coercive partner or employment relationships, without any means of escape. Adequate social assistance is an essential underpinning for women's equality.

37. The government of British Columbia recently introduced a new B.C. *Employment and Assistance Act* which makes sweeping changes to the social assistance system. This system provides income assistance and some services to eligible low income individuals and families. The changes include: 1) lower rates of income assistance, and 2) new restrictions on eligibility for income assistance.

38. The following changes have been made to welfare rates.

- Support allowances for single "employable" welfare recipients between ages 55 and 64 have been cut by between \$47 and \$98 per month. This amounts to a 20 – 35% cut in the non-shelter portion of social assistance for elderly recipients. Couples in this age group have lost up to 144 dollars per month.
- Welfare benefits for employable single parents have been cut by \$51 a month. The overwhelming majority of the members of this group are single women with children. This reduction in the support portion of social assistance affects families in which approximately 60,000 children live.
- The Family Maintenance Exemption, which previously permitted a single parent who was receiving child support payments from a spouse to keep 100 dollars per month, has been eliminated. All child support paid is now deducted dollar for dollar from income assistance benefits.
- The Earnings Exemption has been eliminated for "employable" recipients. This exemption allowed people on welfare to work and keep \$100 if they were single, or \$200 if they had children or a partner.
- Shelter allowances for families of 3 or more have been reduced by 50 to 75 dollars per month.

Employment and Assistance Act, S.B.C. c. 40, repealing R.S.B.C. 1996, Schedule A, online: British Columbia Ministry of Attorney General
http://www.leg.bc.ca/37th3rd/3rd_read/gov26-3.htm (date accessed: 29 December 2002). [Tab 29]

B.C. Employment and Assistance Act Regulations, R.B.C. 2002, c. 263, s. 27, online: British Columbia Ministry of Human Resources <<http://www.mhr.gov.bc.ca/PUBLICAT/VOL1/Part3/3-3.htm>> (date accessed: 20 October 2002). [Tab 30]

M. Reitsma-Street, “A Policy Analysis of the Proposed B.C. Employment and Assistance Law,” (nd) at 2, online: Studies in Policy and Practice in Health and Social Services, University of Victoria <<http://web.uvic.ca/spp/Views&News/WelfarePolicyAnalysis.htm>> (date accessed: 8 August 2002). [Tab 31]

PovNet website, online: <http://www.povnet.org/resources/WelfareFact_2.pdf> (last modified: 2 July 2002). [Tab 32]

British Columbia Ministry of Human Resources website, online: British Columbia Ministry of Human Resources <<http://www.mhr.gov.bc.ca/factsheets/2002/IArates.htm>> (date accessed: 7 August 2002). [Tab 33]

39. The Social Planning and Research Council of British Columbia in its December 2001 Report on living costs and income assistance in British Columbia concluded that, *before these cuts*, social assistance met only 45 – 65% of the minimum monthly costs of single parent families and single adults for food, clothing, household supplies, personal care, transportation, child care, shelter, and other basic costs.

The December 2002 Report from the Council illustrates that, with current changes in benefit levels and eligibility, the government has made it even harder for welfare recipients to provide for themselves and their families. Families with children have been particularly hard hit by the recent cutbacks. For some single parents (most of whom are single mothers), income has been cut by 25%. The Report notes that:

For each household type, the percentage of living costs met by welfare benefits is lower than it was just one year ago – in large part due to the cuts to support and shelter benefits implemented by the ... government in September 2002.

Social Planning and Research Council of British Columbia, “Holiday Forecast Bleak for BC’s Poor: New SPARC BC report reveals growing gap between BC welfare rates and the cost of living”, Press Release December 20, 2002 <http://www.sparc.bc.ca/research/falling_further_behind_press_release.html> [Tab 34]

M. Goldberg and A. Long, “Falling Behind: A Comparison of Living Costs and Income Assistance Rates in B.C.” (2001) Social Planning and Research Council of Canada at i - iii, 19, online: Social Planning and Research Council of Canada <http://www.sparc.bc.ca/research/falling_behind.pdf> (date accessed: 8 August 8 2002). [Tab 34]

40. The Dietitians of Canada, B.C. Region, released a report in October 2002 stating that the new social assistance rates in B.C. are not adequate to ensure food security.

Dietitians of Canada, B.C. Region, *The Cost of Eating in B.C.*, October 2002, at 8-9, online: PovNet
<http://www.dietitians.ca/news/downloads/cost_of_eating_in_BC_Oct2002.pdf> (date accessed: 29 December 2002). [Tab 35]

41. The people who are affected by the inadequacy of welfare benefits (and the growing gap between welfare benefits and the actual costs of living) are disproportionately women. According to a group of academics at the University of British Columbia, largely as a result of childcare responsibilities, women are more likely than men to rely on social assistance. Of the entire income assistance caseload, 33.6% are single parent families, of which 88.5% are families lead by women. For these single mothers, the new reductions in rates combined with the cancellation of family maintenance and earnings exemptions mean that some have seen a drop in their benefits of as much as \$351 per month. If a single mother has two children, she will also have her shelter allowance reduced.

National Council of Welfare, “Welfare Incomes, 2000 and 2001” (2001), online: National Council of Welfare <http://www.newcnbes.net/htmldocument/reportwelfinc00-01/WI-2000-01-ENG.htm> (date accessed: 7 October 2002). [Tab 36]

Friends of Women and Children in B.C., Report Card, April 15, 2002, Vol. 1 No.1, online: University of British Columbia Centre for Women’s Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCApr02.pdf>> (date accessed: 8 August 2002). [Tab 37]

42. In addition to cuts to income assistance rates, the following changes have been made to eligibility for income assistance.

- Before being able to start the application process, individuals, following their initial contact with the welfare office, are required to undertake a “three-week self-directed job search.” Income assistance benefits are not available during this period. Most people exhaust all other avenues of survival before turning to welfare and appear at welfare offices having no income, assets or other means of support. Many are on the verge of losing their housing. An emergency needs assessment can be requested during this period, but, in practice, few receive it. Moreover, once the three-week-no-benefit period is over, applicants typically wait another approximately three weeks before they receive benefits. In practice, therefore, there is a waiting period of approximately six weeks, during which extremely needy people receive no financial help. The predictable result is severe hardship, including inadequate diet 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.

- Single parents are considered "employable" after their youngest child reaches 3 years of age (down from 7 years of age). Advocacy organizations for children and youth report that this change will affect the parents of approximately 15,000 young children.
- The government has introduced flat time limits for receipt of welfare. "Employable" people without children may only receive welfare for two years during any five year period. Although some discretion is permitted, most needy British Columbians will simply be refused social assistance after two years. No government in Canada has ever before imposed flat time limits on eligibility for social assistance.
- Similarly, "employable" parents (with children older than 3 years), are eligible for full benefits for two out of five years, after which time their support allowance will be cut by 11%.
- 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 3 months to lifetime.
- Young adults (19 and over) are now required to demonstrate that they have lived independent of their parents for two years before they are eligible for welfare.
- Individuals who leave jobs "voluntarily", or are fired for cause, are ineligible for assistance. Advocates are concerned that individuals may be considered ineligible for welfare even if they have left jobs because of sexual harassment, unsafe working conditions, or labour standards violations.

British Columbia Ministry of Human Resources, Fact Sheet "Applying for B.C. Employment and Assistance" (1 April 2002), online: British Columbia Ministry of Human Resources <http://www.mhr.gov.bc.ca/factsheets/2002/April_Initiatives.htm> (date accessed: 8 August 2002). [Tab 38]

British Columbia Ministry of Human Resources, *Service Plan Summary 2002/03 – 2004/05* at 4, online: British Columbia Ministry of Human Resources <http://www.mhr.gov.bc.ca/core_review/human_resources.pdf> (date accessed: 8 August 2002). [Tab 39]

B.C. Employment and Assistance Act Regulations, R.B.C. 2002, c. 263, s. 27, online: British Columbia Ministry of Human Resources <<http://www.mhr.gov.bc.ca/PUBLICAT/VOL1/Part3/3-3.htm>> (date accessed: 20 October 2002). [Tab 30]

Employment and Assistance Act, S.B.C. c. 40, repealing R.S.B.C. 1996, c. 27, online: British Columbia Ministry of Attorney General <http://www.leg.bc.ca/37th3rd/3rd_read/gov26-3.htm> (date accessed: 29 December 2002). [Tab 29]

43. These new eligibility restrictions have discriminatory impacts on women. The three-week waiting period before potential applicants are allowed to apply for welfare forces some destitute women into economic dependency on men, which is often dangerous. Also, it puts women who are experiencing violence in their homes at further risk, since they may be unable to leave when they need to.

Research Advisory on the Provincial Cuts and Violence Against Women, “Social Assistance and Other Social Programs: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence
<http://www.bcifv.org/cuts/social_assistance.pdf> (last modified: 10 April 2002). [Tab 40]

S. Thomas, “Women’s Shelter Prepares for Cuts” *The Vancouver Courier* (27 March 2002), online: Vancouver Rape Relief and Women’s Shelter
<<http://www.rapereliefshelter.bc.ca/issues/cutbacks270302.htm>> (date accessed: 8 August 2002). [Tab 41]

44. The new policy of deeming recipients “employable” when their youngest child is three creates a trap for many mothers. It is extremely difficult, if not impossible, for a single mother to pursue paid employment while looking after a three-year-old child, unless she has access to safe affordable day care. However, recent government measures have made day care less accessible rather than more accessible (see paragraphs 80-85). Thus, poor single mothers face having their social assistance reduced if they do not obtain work, but may also be unable to secure the day care assistance that would make working outside the home a viable option. Thus, due to their primary responsibility for child care, many single mothers will be in even more jeopardized circumstances when their children turn three.

British Columbia Ministry of Human Resources, Fact Sheet “B.C. Employment and Assistance Initiatives, Effective April 10, 2002” (10 April 2002), online: British Columbia Ministry of Human Resources
<http://www.mhr.gov.bc.ca/factsheets/2002/April_Initiatives.htm> (date accessed: 7 August 2002). [Tab 42]

Friends of Women and Children in B.C., Report Card, July 15, 2002, Vol. 1 No.4, online: University of British Columbia Centre for Women’s Studies and Gender Relations
<<http://www.wmst.ubc.ca/RC%20Jul2002.pdf>> (date accessed: 7 August 2002). [Tab 43]

British Columbia Ministry of Human Resources, Fact Sheet “Child Care Subsidy” (9 May 2002), online: British Columbia Ministry of Human Resources
<<http://www.mhr.gov.bc.ca/factsheets/2002/ccsubsidy.htm>> (date accessed: 8 August 2002). [Tab 44]

45. The ineligibility for welfare of those over 19 who have not been out of the family home for two years will affect young women attempting to leave their parents’ home because of abuse or

neglect. Inadequate rates and more stringent conditions for eligibility mean that young women in economic need will be forced to look to other means, such as prostitution, as a source of income. Thus, the B.C. Institute Against Family Violence states that we can anticipate an increase in child prostitution and poverty for young women who are trying to escape violence at home.

M. Reitsma-Street, "A Policy Analysis of the Proposed B.C. Employment and Assistance Law," (nd) at 2, online: Studies in Policy and Practice in Health and Social Services, University of Victoria
 <<http://web.uvic.ca/spp/Views&News/WelfarePolicyAnalysis.htm>> (date accessed: 8 August 2002). [Tab 31]

Research Advisory on the Provincial Cuts and Violence Against Women, "Social Assistance and Other Social Programs: Anticipated Impact on Women who Experience Violence" (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence
 <http://www.bcifv.org/cuts/social_assistance.pdf> (last modified: 10 April 2002). [Tab 40]

46. Further, the offence of welfare fraud (intentional contravention of the conditions of welfare receipt) will have its most punitive effects on women. Legal scholar Errlee Carruthers states that:

The ways in which [welfare] fraud is defined, investigated and prosecuted are by no means ideologically neutral. Rather they embrace and recreate traditional stereotypes about women and their proper role in society." State understandings of "welfare fraud" respond to and perpetuate social stereotypes about the "welfare bum," who is a lazy, deceitful and incompetent cheat. This stereotype particularly stigmatizes single mothers, who are seen as social deviants through their failure to conform to dominant notions of the traditional heterosexual, two-parent family. Thus, low-income single mothers are being punished through welfare rates cuts for a failure to conform to social norms, and then further punished if they try to meet their basic needs and those of their children by engaging in "survival fraud."

Employment and Assistance Act, S.B.C. c. 40, repealing R.S.B.C. 1996, c. 27, online: British Columbia Ministry of Attorney General
 <http://www.leg.bc.ca/37th3rd/3rd_read/gov26-3.htm> (date accessed: 29 December 2002). [Tab 29]

E. Carruthers, "Prosecuting Women for Welfare Fraud in Ontario," (1995) at 261, 11 *Journal of Law and Social Policy* 241. [Tab 45]

47. Single mothers on welfare are also at great risk of losing their children. Canadian expert on child neglect, Karen Swift, points out that state apprehension of children under the category of neglect is often a punitive measure against mothers who live in poverty. Mothers in poverty, especially those who are racialized, are vulnerable to child welfare authorities because they are living under conditions of deprivation imposed by the state -- inadequate food, substandard shelter, inadequate childcare, inadequate clothing, and generally impoverished environments --

that make parenting extremely challenging. Apparently neutral designations like “neglect” obscure the fact that those accused of neglect are almost exclusively poor mothers, a disproportionate number of whom are non-white.

K.J. Swift, *Manufacturing Bad Mothers*. (Toronto: University of Toronto Press, 1995). [Tab 46]

48. According to the Minister for Children and Family Development 70% of children apprehended by the Ministry are from single parent families, and 65% are from single parent families who are on welfare. Further, an alarmingly high number of the children taken into care (CICs) are Aboriginal. Aboriginal children are approximately 40% of the total CIC population, though Aboriginal people are less than 8 % of the provincial population. Also, there has been a 19% increase of total Aboriginal CIC's from March 1999 to March 2001. British Columbia is failing to meet the needs of the single mothers living in poverty, and of single Aboriginal mothers in particular.

Ministry of Children and Family Development website, online:
<http://www.mcf.gov.bc.ca/media_site/breaking_news_hogg_jan18.htm> (date accessed: 29 December 2002). [Tab 47]

British Columbia, Ministry of Children and Family Development, *The Health and Well-Being of Aboriginal Children and Youth in B.C.* June 2002, online: British Columbia Ministry of Children and Family Development <
http://www.mcf.gov.bc.ca/aboriginal/ab_report_june2001.pdf> (date accessed: 29 December 2002). [Tab 48]

R. Buchwitz and L. Stark, *Alternatives to Apprehension: Education, Action and Advocacy*. (October 2001), A report prepared for the Society to Support Family Bonding, Healing and Drug and Alcohol Meeting Support for Women, online: British Columbia Ministry of Child and Family Development
<http://www.mcf.gov.bc.ca/core_review/submissions/rev_bondingsociety2.pdf> (date accessed: 29 December 2002). [Tab 49]

Hon. G. Hogg, *Official Report of the Debates of the Legislative Assembly (Hansard): 2002 Legislative Session: 3rd Session, 37th Parliament* (Tuesday, October 29, 2002). [Tab 50]

49. Further, British Columbia has failed to establish safe housing for girls who are in the care of the state. Girls are abused in state facilities such as foster and group homes which house male residents and employ male staff. Forty-three per cent of foster children experience violence within the foster home setting. To avoid male violence, girls leave state facilities and may end up on the street where they are further abused through prostitution.

Kufeldt, K., J. Baker, L. Bennett and R. Tite, *Looking After Children in Canada: Interim Draft Report*, (St. John's, NF: Memorial University, 1998). [Tab 51]

50. In addition to the drastic cuts and changes to the social assistance scheme, the *Disability Benefits Program Act* which provided income assistance to disabled British Columbians has been repealed and replaced with *Employment and Assistance for Persons with Disabilities Act*. The old legislation provided for two levels of benefits: Disability I and Disability II. Both categories of recipients received higher benefits levels and service provision than other regular categories of income assistance recipients in recognition of the additional costs associated with disability. Under the new legislation, the category of Disability I has been discontinued and persons previously so classified now fall under the general income assistance provisions of the basic statute. These people may qualify for the new designation “persons with persistent multiple barriers to employment.” But many will not. Indeed, up to 25,000 people who previously received Disability I level benefits will now receive regular welfare rates, which do not recognize extra costs associated with disability. Under the new *Act*, the government has established the category of “persons with disabilities.” An initial 19,000 people who were previously categorized as Disability II were notified that they must re-apply for disability benefits and prove that they are disabled according to a new, narrowed definition. (The government has subsequently exempted from review 5,000 of the initial 19,000 recipients.) These British Columbians have disabilities as varied as multiple sclerosis, HIV/AIDS and mental illness and are now required, in conjunction with their family physician, to complete a 23-page in-depth application form. Assessors and community advocates report a wide range of difficulties in completion of the form: lack of available medical assistance, inability of recipients to understand the new review requirements, arbitrary government responses to submitted review applications, as well as extreme stress and fear among disabled persons who fear that their already small benefits will be cut. New definitions of disability are likely to have the affect of disqualifying many women with disabilities who have a higher incidence of “invisible” and less understood disabilities, such as chronic fatigue, fibromyalgia, arthritis and depression.

D. Stewart, “Dozens Rally Against Review of Disabled” *Victoria Times Colonist* (15 December 2002), online: *Victoria Times Colonist* <<http://www.canada.com/search/story.aspx?id=9ebb482a-5570-4fab-a8b8-edf1268c726a>> (date accessed: 29 December 2002). [Tab 52]

British Columbia Coalition of People with Disabilities, website, online: <<http://www.bccpd.bc.ca>> (date accessed: 20 October 2002). [Tab 53]

J. Andersen and M. Birrell and, Response to Letter to the Editor from the Minister of Human Resources (April 2002), online: B.C. Coalition of People with Disabilities <<http://www.bccpd.bc.ca/commalert/newact/coellresp.html>> (date accessed: 8 August 2002). [Tab 54]

Disabled Women’s Action Network of Canada, website, online: Disabled Women’s Action Network of Canada <<http://www.dawncanada.net/national.htm>> (date accessed: 8 August 2002). [Tab 55]

51. In response to the changes made to social assistance programs, on June 13, 2002, the British Columbia Association of Social Workers passed a resolution stating that it had lost confidence in the provincial Minister of Human Resources, who has been a registered social worker for 20

years. The resolution of censure referred to the B.C. Social Work Code of Ethics and Standards of Practice, which calls on social workers to “promote social justice” and to “advocate for the equitable distribution of societal resources.” The resolution further noted, in relation to recent changes to income assistance, that “these punitive cutbacks run counter to Canada’s international legal obligations ... to respect, protect and fulfill the human right to food, clothing and shelter.”

British Columbia Association of Social Workers, Press Release, “B.C.A.S.W. Board Votes to Censure Minister of Human Resources” (13 June 2002), online: British Columbia Association of Social Workers <<http://www.bcasw.org/news.htm#vote>> (date accessed: 13 August 2002). [Tab 56]

Articles 3, 2(d) and 2(e): Elimination Of The Ministry Of Women’s Equality

52. Immediately upon its election in 2001, the new government of British Columbia eliminated the Ministry of Women’s Equality, replacing it with a junior Minister of State for Women’s Services, under the Ministry of Community, Aboriginal and Women’s Services. The elimination of the Ministry contravenes the obligation to take all appropriate measures to ensure the full development and advancement of women, for the purposes of guaranteeing them the exercise and enjoyment of their human rights and fundamental freedoms on a basis of equality with men, as set out in Article 3 of CEDAW. It further contravenes British Columbia’s obligations to refrain from any act or practice of discrimination against women and to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise, as set out in Articles 2(d) and 2(e).

Government of British Columbia, Press Release “New structure for government and cabinet will ensure openness and accountability” (5 June 2001), online: Government of British Columbia <<http://os8150.pb.gov.bc.ca/4dcgi/nritem?4768>> (date accessed: 8 August 2002). [Tab 57]

Research Advisory on the Provincial Cuts and Violence Against Women, “Social Assistance and Other Social Programs: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bc.ifv.org/cuts/social_assistance.pdf> (last modified: 10 April 2002). [Tab 40]

53. In its Fifth Report, British Columbia describes the 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. The Ministry recognizes the diversity of women in British Columbia by ensuring its policies, programs and services are accessible and responsible to the needs of all women.” In contrast, the mandate of the new Ministry of Community, Aboriginal and Women’s Services, which replaces the Ministry of Women’s Equality, is: “to support safe, secure and healthy communities by: establishing appropriate legislative, regulatory and policy frameworks; promoting and protecting provincial interests by funding performance-based services for

communities; and delivering innovative services through e-government and third party service providers.”

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> (date accessed: 8 August 2002). [Tab 58]

British Columbia Ministry of Community, Aboriginal and Women’s Services, website, online: British Columbia Ministry of Community, Aboriginal and Women’s Services
 <<http://www.gov.bc.ca/mcaaws/>> (date accessed: 8 August 2002). [Tab 59]

54. Clearly, gender analysis no longer informs government policy and action. This is evident from the following comments of the junior Minister of State for Women’s Services. She stated that she believed women’s comparative poverty in British Columbia to be solely the result of their own poor choices: “People have choices to make for themselves...[t]he opportunities are exactly equal. A single woman and a single man have exactly the same opportunities, with the same education.” She argued that disparity between men’s and women’s incomes is due to the fact that women choose to work part time: “That’s a choice they have made.”

B. Groeneveld and E. McKay, “Lynn Stephens: Poor choices create inequality” *Langley Advance News* (19 February 2002), online: Langley Advance News
 <<http://www.langleyadvance.com/023102/news/023102nn1.html>> (last modified: 19 February 2002). [Tab 60]

Article 3: Elimination Of Funding For Women’s Centres

55. One hundred percent of the provincial core funding for the 38 women’s centres in British Columbia will be cut by April 1, 2004. The government’s own website describes the 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 counseling, job entry programs, child care services and housing registries.” The B.C. Coalition of Women’s Centres reports 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. In B.C. women’s centres are regionally-based, so that there are women’s centres in remote parts of the province, as well as in the heavily populated south. Some centres are also culture or community-specific. The Downtown Eastside Women’s Centre serves women in Canada’s poorest urban neighbourhood which also has a high population of Aboriginal women. The Philippine Women’s Centre serves women who have come to Canada from the Philippines as immigrants or migrant workers, including a significant number of domestic and home care workers. Since the federal government has already eliminated its core funding for women’s centres, after 2004 many of these centres will be forced to close. Some of the centres may survive on other types of funding – research funding, or fee-for-service funding, for example. But the funding (first federal, and now provincial) that is being removed from women’s centres has been critical in making it possible for women in the province to associate

and organize in order to have a voice in the decision-making processes that affect their lives. The withdrawal of the core funding to women's centres will silence British Columbian women.

British Columbia Ministry of Community, Aboriginal and Women's Services, *Service Plan Summary 2002/03 – 2004/05* at 3, online: British Columbia Ministry of Community, Aboriginal and Women's Services <http://www.gov.bc.ca/prem/down/core_review_02/community_aboriginal_and_women%27s_services.pdf> (date accessed: 8 August 2002). [Tab 61]

British Columbia Ministry of Community, Aboriginal and Women's Services, website, online: British Columbia Ministry of Community, Aboriginal and Women's Services <<http://www.weq.gov.bc.ca/womens-centres/index.stm>> (date accessed: 8 August 2002). [Tab 62]

B.C. Coalition of Women's Centres, Press Release "Woman's life not worth \$5.65 in British Columbia" (28 May 2002), online: B.C. Coalition of Women's Centres <http://www3.telus.net/bcwomen/archives/womanslife_notworth_5_65.html> (date accessed: 8 August 2002). [Tab 63]

Articles 3 and 2(f): Violence Against Women

56. The government of British Columbia has changed its policies regarding the prosecution of domestic violence and has eliminated programs to support victims of domestic violence. These changes will increase women's exposure to violence, and reduce the ability of service and judicial agencies to respond to the needs of women experiencing violence. They also send the message that there is an increased tolerance in the province for women's inequality, up to and including violence against women. We submit, that, by failing to take appropriate and effective measures to overcome gender-based violence, the government's policy and practice with respect to violence against women contravenes Article 1 and Article 2, paragraphs (e) and (f), of CEDAW and clearly contravenes the recommendations outlined in the Committee's *General Recommendation No. 19* (11th session, 1992).

57. On July 31, 2002, the Attorney General of British Columbia released proposed revisions to the province's spousal assault policy. In the past, prosecutors have been required to lay charges in virtually all cases of spousal assault where there is a reasonable likelihood of conviction. The new policy, in effect, directs crown counsel to prosecute fewer cases of spousal assault. The Vancouver Rape Relief Society states that "[w]ithout the explicit direction of the Attorney General to Crown Counsel to prosecute in all cases, wife assault cases will only be heard in rare cases and we fear they will be heard only after serious injury or death." Academics from the University of British Columbia state that "[w]e can anticipate that such a shift in policy will leave more women and children isolated and exposed to further violence." The changes are also opposed by the Vancouver Police Board, which supports officers who say that the new policy will discourage victims from coming forward. In a policy report, the police department said the planned move will decriminalize 'violence when it takes place in the domestic/private sphere' and the diversion option suggested by the government will increase the risk that women in violent relationships face.

British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations, “Crown Counsel Spousal Assault Policy Discussion Paper” (31 July 2002), online: British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations <<http://www.ag.gov.bc.ca/legislation/spousal-assault/discussion.htm>> (date accessed: 12 August 2002). [Tab 64]

British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations, Press Release 02-26 “Changes to Improve Safety for Assaulted Spouses” (31 July 2002), online: British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations <<http://www.ag.gov.bc.ca/media/2002/0226.htm>> (date accessed: 12 August 2002). [Tab 65]

Vancouver Rape Relief and Women’s Shelter, Press Release “Feminists Warn Against Attorney General’s Proposed Abandonment of B.C. Women to Violent Spouses” (4 June 2002), online: Vancouver Rape Relief and Women’s Shelter <http://www.rapereliefshelter.bc.ca/issues/pr_attorney_general.html> (date accessed: 12 August 2002). [Tab 66]

Friends of Women and Children in B.C., Report Card, June 15, 2002, Vol. 1 No.3, online: University of British Columbia Centre for Women’s Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCJun02.pdf>> (date accessed: 12 August 2002). [Tab 16]

G. Richards, “Police board fears A-G's changes will decriminalize spousal assault” *Vancouver Sun* (21 October 2002), online: Kootenay Cuts <<http://www.kootenaycuts.com/archive/?2426>> (date accessed: 29 December 2002). [Tab 67]

Vancouver Police Board, Press Release, “Police Board Opposes Spousal Abuse Changes” (17 October 2002), online: Kootenay Cuts <<http://www.kootenaycuts.com/archive/?2385>> (date accessed: 29 December 2002). [Tab 68]

58. As already noted, new rules surrounding the provision of legal aid for family matters now require that “violence” be present and documented in order for legal aid to be provided. With fewer prosecutions of spousal assault, this documentation will be even more difficult to produce, which means that it will also be harder for women to obtain legal representation when trying to deal with family law disputes, even when they have violent spouses and partners.(see paragraphs 33-34).

59. Services and programs for victims of domestic violence have also been eliminated or cut. The Crown Victim Witness Services program, which provided assistance to Crown counsel who were preparing victims of spousal assault to testify at trial, has been eliminated. The elimination of these victim support services reduces the likelihood of successful prosecutions in domestic

violence cases. The Solicitor General has also announced cuts to 35 of 69 community-based victim services programs, impacting particularly on support services for women and children.

British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations, *Service Plan Summary 2002/03 – 2004/05* at 2, online: British Columbia Ministry of Attorney General and Minister Responsible for Treaty Negotiations <http://www.gov.bc.ca/prem/down/core_review_02/attorney_general.pdf> (last modified: February 2002). [Tab 25]

British Columbia Institute Against Family Violence, Media Release “B.C. Government Cuts Hurt Victims of Violence Against Women” (24 June 2002), online: British Columbia Institute Against Family Violence <<http://www.bcifv.org/hottopics/media/june24.html>> (date accessed: 12 August 2002). [Tab 68]

Research Advisory on the Provincial Cuts and Violence Against Women, “Criminal Law: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bcifv.org/cuts/criminal_law.pdf> (last modified: 10 April 2002). [Tab 70]

60. Aboriginal women are concerned with the provincial government’s movement towards community-based restorative justice models, which divert accused persons away from the courts and into alternative processes. These models are being used particularly to deal with Aboriginal offenders. Though most commentators agree that restorative justice models should not be used in cases where there was violence against women and children, sometimes they are being used in such cases. Aboriginal women need to be centrally involved in the designing of restorative justice models for their communities. Otherwise these models risk exposing women and children, who are the victims of crime, to further harm as victims within the criminal justice system.

W. Stewart, A. Huntley and F. Blaney, “The Implications of Restorative Justice for Aboriginal Women and Children Survivors of Violence: A Comparative Overview of Five Communities in British Columbia,” Prepared for Aboriginal Women’s Action Network, July 2001. [Tab 71]

Article 3: Police Protection For Women

61. Anecdotal evidence from front-line workers in rape crisis shelters and anti-violence counseling services reveals that women who are victims of assault and domestic violence cannot rely on rapid and effective protection from police. This is especially true for Aboriginal women living in rural and remote areas (on reserve). Police sometimes fail to respond to women’s calls for help and are often insensitive and ineffective when they do respond. The result is that police in British Columbia have failed to provide women with adequate protection from violence. This reflects a continuing acceptance by state officials of violence against women, despite policy statements to the contrary.

62. The issue of inadequate police protection is virtually unchanged from 1994, when Mr. Justice Wallace T. Oppal was appointed as a Commissioner of Inquiry into Policing in British Columbia. In his report, he stated:

Women's groups, multicultural associations, native people and gay/lesbians have expressed concern about the manner in which police often treat women and minorities. Of the approximately 1,100 submissions received by this inquiry 26 per cent related to violence against women as an issue. Three full days of hearings were held solely to hear women's concerns;...I also attended women's shelters in Vancouver, Victoria and Burnaby to hear the concerns of women who are the subject of wife assault, sexual assault, and stalking. Some of the complaints that we continue to hear involve police attitudes, reluctance to become involved or recommend charges, failure to take complaints seriously and failure to understand the dynamics of the problem.

The Honourable Mr. Justice Wallace T. Oppal, *Closing the Gap: Policing and the Community*, Commission of Inquiry (Victoria, British Columbia, 1994) at xv. [Tab 72]

63. Racism and poverty deepen the problem of lack of police protection. Since 1983, more than 63 women have gone missing from the Downtown Eastside of Vancouver, British Columbia, which is Canada's poorest urban neighbourhood. There is evidence that, for many years, these disappearances were not adequately acknowledged or investigated by the police and government. Police discounted concerns expressed by women's organizations and by relatives of the missing women that a serial killer was at work, though women continued to disappear. In 2002, a Vancouver area man was charged with 15 counts of first degree murder. More charges are expected. The families of the missing women allege that the disappearances were not dealt with by the police because many of the missing women are prostitutes and drug addicts, and the majority are Aboriginal and poor. The lack of protection available to the most vulnerable women shows the lack of social value accorded to these women, particularly poor Aboriginal women. These women are deprived of adequate social supports, and then left without adequate police protection. They are overpoliced, and criminalized for infringements of the law that are poverty-related, and underpoliced when they need protection from racism, sexual exploitation and violence.

K. Bolan and L. Kines, "Police review missing-women investigation" *The Vancouver Sun* (27 July 2002), online: MissingPeople.net <
http://www.missingpeople.net/vancouver_police_review_missing_women-july_27_2002.htm> (date accessed: 13 August 2002). [Tab 73]

P. Saunders, "The Missing Women of Vancouver" *CBC News Online* (23 May 2002), online: Canadian Broadcasting Corporation <
<http://www.cbc.ca/news/features/bc.missingwomen.html>> (last modified: July 2002). [Tab 74]

MissingPeople.Net, website, online: MissingPeople.Net <
<http://www.missingpeople.net/>> (date accessed: 13 August 2002). [Tab 75]

Vancouver Rape Relief and Women's Shelter, Press Release "Vancouver Rape Relief and Women's Shelter in Solidarity with Native Women on Call for Inquiry into Missing Women" (12 April 2002), online: Vancouver Rape Relief and Women's Shelter <http://www.rapereliefshelter.bc.ca/issues/eastside_women_pr.html> (date accessed: 13 August 2002). [Tab 76]

Article 3: Criminalization of teenage girls in lieu of social programs/services

64. Canada imprisons young people at four times the rate that it imprisons adults and 10-15 times the rate of European countries. Aboriginal girls are grossly over-represented in youth prisons. In the absence of adequate social services British Columbia imprisons teenage girls as a response to poverty, male violence, and addiction. Even before drastic cuts to social services in British Columbia, Canadian criminologists found that a paucity of social services for youth in British Columbia has led to the over-incarceration of teenage girls. Not only are girls incarcerated for poverty-related offences but they are jailed on the sexist premise that girls should have their liberty removed in order to protect them from male violence. According to criminologist Raymond Corrado, who interviewed both incarcerated young women and juvenile justice officials in British Columbia, the primary rationale for sentencing young women to custody, particularly on inconsequential offences such as breach of a probation order, is paternalistic in nature. In other words, young women are incarcerated to protect them from violence, poverty, and addiction on the street. That report states:

...it appears as though the primary rationale for sentencing these females to custody is protective in nature...sentencing recommendations made by youth justice personnel are primarily based on the desire to protect female youth from high risk environments and street-entrenched lifestyles.

Elizabeth Fry Societies, *Submission of the Canadian Association of Elizabeth Fry Societies to The Standing Committee on Justice and Legal Affairs Regarding Bill C-37: An Act to Amend the Young Offenders Act*, online: Elizabeth Fry Societies <<http://www.elizabethfry.ca/yoa.htm>>(date accessed: 29 December 2002). [Tab 77]

R. Corrado et. al, "The incarceration of female young offenders: Protection for whom?" (2000) 42 *Canadian Journal of Criminology* 2 at 189. [Tab 78]

65. Youth prisons in British Columbia are co-educational. Young women are sometimes imprisoned with boys who have assaulted or pimped them. Young women are "patted down" and supervised by male guards. The presence of males within these prisons often makes young women feel unsafe and puts them at risk of violence, especially sexual violence. This results in many incidents of sexual harassment and rape, most of which go unreported. Too many young women explained their reluctance to report sexual and non-sexual assaults as a consequence of their fear that there would be repercussions, such as being held in more isolated conditions. This fear has been reinforced by experience. When a young woman reports a rape or has suddenly ended up impregnated while in custody, the institutional response is rarely to address the issues. Instead, what generally happens is that the young women are subjected to more restrictive and isolated conditions of confinement. Excessively punitive security measures--shackling, solitary

confinement, restriction from programs—are used against teenage girls who are jailed for poverty-related offences, such as theft or mischief.

Elizabeth Fry Societies, “Labelling Young Women as Violent: Vilification of the Most Vulnerable, online: Elizabeth Fry Societies <<http://www.elizabethfry.ca/vilifica/9.htm> > (date accessed: 29 December 2002). [Tab 79]

Article 3: Sexual Exploitation and the *Secure Care Act*

66. Despite a rampant child sex trade in British Columbia, Section 212.4 of the Canadian *Criminal Code*, which prohibits men from paying money to sexually abuse and exploit children in prostitution, is rarely enforced.

J. Rabinovitch, “Considerations on the Age of Consent to Sexual Activity,” Discussion Paper written for the Honourable Landon Pearson, Senator, online: Parliament of Canada <<http://www.sen.parl.gc.ca/lpearson/Age%20of%20Consent.pdf>> (date accessed: 29 December 2002). [Tab 80]

67. Instead of prosecuting men who sexually abuse girls through prostitution, the B.C. government has created a law that will allow them to incarcerate/confine teenage girls who are victimized or “at risk” of victimization. The *Secure Care Act* is inherently discriminatory despite its appearance of gender and race neutrality. Youth apprehended under similar legislation in Alberta were almost exclusively girls. Aboriginal groups argue the law is reminiscent of past racist/colonial measures that authorized wide-scale state apprehension and abuse of Aboriginal children. Under the B.C. *Secure Care Act*, girls can be confined for extended periods (up to 100 days) with no criminal charges. Though the B.C. Government has made amendments to the legislation based on the criticisms of social justice organizations including Aboriginal groups, it remains an extremely punitive and discriminatory law.

Justice for Girls, *Statement of Opposition to the Secure Care Act*, online: Justice for Girls <http://www.justiceforgirls.org/publications/pos_securecareact.html> (date accessed: 29 December 2002). [Tab 81]

ARTICLE 10

Article 10: Education

68. In 2001, tuition fees at public universities in British Columbia were de-regulated; there is no longer any legislation governing fee-setting by these institutions. As a consequence, universities have increased tuition fees from 25-300%. Students can now anticipate graduating with a much larger debt burden. The effect of tuition increases is most detrimental for members of those groups least able to bear high debt burdens, including single mothers, low-income women, and women with reduced labour market opportunities, such as women with disabilities. For young working-class women, for whom education is a less usual choice, the prospect of high debt discourages them. It also erects barriers for women who wish to pursue educational interests,

such as the arts, that may not provide high earnings. Further, new provisions of the social assistance program make all full-time students ineligible for welfare benefits, eliminating a key source of income for some students who are otherwise unable to afford university.

69. Some government-provided education and training programs designed to assist low income people and people on social assistance to obtain better jobs have also been eliminated, including programs such as Summer Works, Skills for Employment and Job Start.

Caledon Institute of Social Policy, “A New Era in British Columbia: A Profile of Budget Cuts Across Social Programs” at 4, online: Caledon Institute of Social Policy <<http://www.caledoninst.org/>> (date accessed: 14 August 2002). [Tab 82]

British Columbia Coalition of Women’s Centres, website, online:<http://www3.telus.net/bcwomen/archives/impact_of_cuts_on_women_mar_02.html> (date accessed: 14 August 2002). [Tab 83]

Employment and Assistance Act, S.B.C. c. 40, repealing R.S.B.C. 1996, c. 27, online: British Columbia Ministry of Attorney General <http://www.leg.bc.ca/37th3rd/3rd_read/gov26-3.htm> (date accessed: 29 December 2002). [Tab 29]

70. Because of the B.C. Government’s budget decisions, 1,966 (full time equivalent) teaching positions in elementary and secondary schools will be cut, 44 schools closed, and support services for special needs children significantly reduced. Children in some rural areas will be forced to bus, sometimes great distances, to schools outside of their communities, and some children with disabilities will be restricted from classrooms due to cuts to special education assistants. Programs and services that address social inequalities in education, such as Gender Equity Programs and Aboriginal Programs (cultural awareness, Aboriginal language, and support service programs), have been cut and are disappearing. Given that drop out rates for young lesbians and Aboriginal girls are already elevated, cuts to these support programs will exacerbate an existing inequality.

British Columbia Teachers’ Federation, “Education Funding: A Brief to the Select Standing Select Standing Committee on Finance and Government Services,” October 2002, online: British Columbia Teachers’ Federation <<http://www.bctf.ca/publications/edfunding/2003brief/2003brief.html>> (date accessed: 29 December 2002). [Tab 84]

ARTICLE 11

Article 11: Employment Rules and Standards

71. In 2001 and 2002, the government of British Columbia made significant changes to the *Employment Standards Act* and its accompanying regulations, changes that will have a negative and discriminatory impact on working women. Specifically, recent changes have introduced a “training wage” below the minimum wage, “negotiated” employee work schedules, reduced

enforcement of labour standards protection, as well as the repeal of pay equity provisions in the B.C. *Human Rights Code*.

72. The changes described in this section are particularly harmful to racialized and disabled women. As legal scholar Nitya Iyer states: “[b]ecause they are heavily overrepresented in the lowest wage sectors, Aboriginal women, women of colour and women with disabilities comprise a ‘marginal’ labour force that is especially vulnerable....” Immigrant women and domestic workers are also a part of this marginal and vulnerable sector of the labour force. These women are particularly reliant on effective public enforcement of employment standards.

N. Iyer, “Some Mothers are Better than Others: A Re-examination of Maternity Benefits,” in S. Boyd ed., *Challenging the Public/Private Divide: Feminism, Law and Public Policy* (Toronto: University of Toronto Press, 1997) 168. [Tab 85]

73. According to new regulations enacted in November 2001, all workers who are new to the labour force will now be paid a \$6 per hour “training wage”, instead of the regular \$8 per hour minimum wage, for the first 500 hours of work. The most obvious impact of this change is on youth. In practice, however, it is likely to affect immigrants as well as women returning to the labour force after interruptions caused by child-bearing and child-caring. Because of women’s work patterns, and because women are disproportionately minimum wage workers, this measure has a gendered impact.

B.C. Reg. 261/2001, online: <<http://www.labour.gov.bc.ca/first-job/regulation.htm>> (date accessed: 20 October 2002). [Tab 86]

Friends of Women and Children in B.C., Report Card, April 15, 2002, Vol. 1 No.1, online: University of British Columbia Centre for Women’s Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCApr02.pdf>> (date accessed: 8 August 2002). [Tab 37]

74. Further, the *Employment Standards Act* itself has been amended to allow employers and employees to negotiate a schedule that maintains a 40-hour work week, but “averaged” over two, three or four weeks. Thus, for example, employers are not required to pay overtime pay if they obtain the agreement of employees to work four 10 hour days or three 13 1/3-hour days in a week, or to work 30 hours one week and 50 hours another. An employee will only be paid overtime if the number of working hours exceeds 160 per month. This new standard will have a gendered impact because women will 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. Overtime rules were designed to protect against economic coercion and exploitation. 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 harshest impact of this change will fall on the most vulnerable women.

British Columbia Ministry of Skills Development and Labour, Press Release “New Employment Standards Increase Workplace Flexibility” (13 May 2002), online: Ministry

of Skills Development and Labour <<http://www.labour.gov.bc.ca/news/2002/2002-005.htm>> (date accessed: 13 August 2002). [Tab 87]

75. The uncertainty created by the new rules will make it even more difficult for women “to combine family obligations with work responsibilities” (CEDAW: Article 11(2)(c)). The government’s claim that this change will help women manage their family lives relies on a false picture of the woman worker, and is a cynical denial of the real conditions under which women work in British Columbia. The worker for whom this “flexibility” will be an advantage is not a woman worker.

Friends of Women and Children in B.C., Report Card, June 15, 2002, Vol. 1 No.3, online: University of British Columbia Centre for Women’s Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCJun02.pdf>> (date accessed: 6 August 2002). [Tab 16]

76. Under the new legislation, the minimum shift has been reduced from 4 hours to 2 hours. Women who are part-time and casual workers can be called out for less work and receive less pay, while still experiencing the same requirement to make child care and other family arrangements and incurring the same transportation cost. This change will further complicate women’s attempts to manage their jobs and their families at the same time. Also, the new legislation reduces employers’ liability for unpaid wages from 2 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 poverty law matters.

British Columbia Ministry of Skills Development and Labour, Press Release “New Employment Standards Increase Workplace Flexibility” (13 May 2002), online: Ministry of Skills Development and Labour <<http://www.labour.gov.bc.ca/news/2002/2002-005.htm>> (date accessed: 13 August 2002). [Tab 87]

77. Under the new *Employment Standards Act*, workers’ complaints about violations of the *Act* must 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. Vulnerable and marginalized women workers have lost an important source of protection. The Employment Standards Branch has also introduced mediation as a 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. If the parties do not agree to mediation, the complaint is sent to adjudication. 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 Ministry of Skills Development and Labour, Press Release “New Employment Standards Increase Workplace Flexibility” (13 May 2002), online: Ministry

of Skills Development and Labour <<http://www.labour.gov.bc.ca/news/2002/2002-005.htm>> (date accessed: 13 August 2002). [Tab 87]

Friends of Women and Children in B.C., Report Card, June 15, 2002, Vol. 1 No.3, online: University of British Columbia Centre for Women's Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCJun02.pdf>> (date accessed: 6 August 2002). [Tab 16]

78. Reduced enforcement of employment standards will have a particular impact on live-in caregivers, almost all of whom are women of colour who have come to Canada under a specific immigration program for domestic workers. These women arrive in Canada as temporary workers and must reside in their employers' homes. They are also only allowed to work for the employer named on their work permit. They are required to complete 24 months of full-time caregiving work within three years of coming to Canada in order to be eligible to apply for permanent resident status in Canada. Due to their temporary status and the live-in requirement, these women are especially vulnerable to abuse and exploitation. Immigrant live-in caregivers will now be expected to attempt to enforce their own rights using the self-help kit, and the Employment Standards Branch will have no obligation to intervene unless they do this. The cuts to Employment Standards personnel also mean less education about employment rights which is particularly detrimental to domestic workers who are isolated, dependent on their employers, and often unaware of their employment rights in Canada. This change will also have a particularly negative affect on agricultural workers, many of whom are women of colour. Their work environment is typically characterized by gross employment standards violations.

79. 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 (commonly referred to as pay equity). The government has conducted a review of pay equity provisions in general. The report of the task force on pay equity documents the need for aggressive action on the part of the B.C. government to address women's pay inequity:

[T]he gender wage gap [in B.C.] has not changed much over the last few years, even when only full-time full year workers are considered, suggesting that systemic barriers continue. In 1997, the wage gap actually widened by almost 1%. Despite some gains in earnings, women continue to represent a much greater percentage of those who earn under \$25,000 (59.7% compared to 42.1% of men) than of those who earn over \$50,000 (7.9% compared to 25.3% of men). The problem does not appear to be solving itself." While general percentages may be less helpful because of variances across industries, the "gender gap" in B.C. ranges from 1% (utilities) to 29% (goods-producing sectors), with the overall gap at 19%.

After repealing the existing pay equity law, the government received the Task Force report in February, 2002, and has not taken any action, thus allowing inequality to persist with regard to men and women's wages.

Ministry of Attorney General, *Working through the Wage Gap: Report of the task force on pay equity* by N. Iyer, (February 28, 2002) at 88-9 and 154, online: Ministry of

Attorney General <http://www.gov.bc.ca/ag/down/working_through_the_wage_gap.pdf> (date accessed: 14 August 2002). [Tab 88]

Article 11(2): Child Care

80. The current British Columbian Government has cut programs and funding for child care services, significantly reducing the ability of women in British Columbia to access high quality, reliable, and affordable child care and day care. The 1984 Royal Commission on Equality of Employment noted that “child care is the ramp that provides equal access to the work force for mothers”. Thus, the recent actions of the government will make it more difficult for women to participate in the labour force and in other areas of public life and will result in women increasingly having to resort to cheaper, unsafe child care arrangements where the adult caregivers are untrained. Without access to affordable childcare, women face increased job insecurity, increased levels of stress, diminished access to educational opportunities, increased polarization based on socio-economic status, reduction in choices with respect to participation in the paid work force, and increased risk of child apprehensions.

Research Advisory on the Provincial Cuts and Violence Against Women, “Social Assistance and Other Social Programs: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bcifv.org/cuts/social_assistance.pdf> (last modified: 10 April 2002). [Tab 40]

Canada, *Report of the Royal Commission on Equality of Employment* (Ottawa: Supply and Services Canada, 1984) (Commissioner: Judge Rosalie Silberman Abella). [Tab 89]

B.C. Coalition of Women’s Centres, Media Release, “Child care cuts – a huge blow to women’s equality in B.C.” (7 November 2002). [Tab 90]

81. The Child Care B.C. Program, which provided before- and after-school care for children from kindergarten to age 12, has been eliminated.

Caledon Institute of Social Policy, “A New Era in British Columbia: A Profile of Budget Cuts Across Social Programs” at 7, online: Caledon Institute of Social Policy <<http://www.caledoninst.org/>> (date accessed: 14 August 2002). [Tab 82]

Research Advisory on the Provincial Cuts and Violence Against Women, “Social Assistance and Other Social Programs: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bcifv.org/cuts/social_assistance.pdf> (last modified: 10 April 2002). [Tab 40]

82. The current government of British Columbia has cancelled a \$16 million universal day care program launched but not implemented by the previous government. The results of the program

cancellations detailed in paragraphs 91 and 92 will be that women will have less flexibility in obtaining work, and thus less flexibility in building financial independence. The consequences of such reductions in ability to access the labour market are particularly severe for women seeking to leave an abusive partner.

Caledon Institute of Social Policy, “A New Era in British Columbia: A Profile of Budget Cuts Across Social Programs” at 7, online: Caledon Institute of Social Policy <<http://www.caledoninst.org/>> (date accessed: 14 August 2002). [Tab 82]

83. Programs providing financial support directly to day care and child care centres have been or will be cut. For example, the British Columbia Ministry of Community, Aboriginal and Women’s Services has eliminated the daycare Contribution and Compensation program which provided salary top-ups to childcare workers with appropriate higher education. The One Stop Access Program, which provides childcare subsidies in the (rural) north of British Columbia will be cut. Upcoming changes in other government funding of childcare (a move to a “per child” system based on enrolment) will mean further cuts of up to 30% in funding to individual daycares. The Ministry of Children and Family Development has reduced supported childcare for developmentally delayed children by 28%.

B.C. Coalition of Women’s Centres, Media Release, “Child care cuts – a huge blow to women’s equality in B.C.” (7 November 2002). [Tab 90]

84. The British Columbian Government will cut, by 2004-05, funding for child care resource and referral services, including Westcoast Resource and Inform, a rural information and resource service. These services provide both assistance to mothers looking for quality child care and training for child care providers. These cuts will significantly decrease community access to assistance to apply for child care subsidies, as well as reducing access to child care information.

Caledon Institute of Social Policy, “A New Era in British Columbia: A Profile of Budget Cuts Across Social Programs” at 7, online: Caledon Institute of Social Policy <<http://www.caledoninst.org/>> (date accessed: 14 August 2002). [Tab 82]

B.C. Coalition of Women’s Centres, Media Release, “Child care cuts – a huge blow to women’s equality in B.C.” (7 November 2002). [Tab 90]

Research Advisory on the Provincial Cuts and Violence Against Women, “Social Assistance and Other Social Programs: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bcifv.org/cuts/social_assistance.pdf > (last modified: 10 April 2002). [Tab 40]

85. Fewer women will be eligible for a childcare subsidy under the Child Care Subsidy Program because the income exemption level has been lowered. In other words many mothers who are working but still living in poverty will not be eligible for childcare subsidies since their incomes will not be low enough to qualify them for assistance. The consequences of these reductions are

that 1) fewer families will be able to access the income-tested child care subsidy, and 2) eligible families will receive fewer dollars to assist with monthly child care fees. As the Coalition of Child Care Advocates B.C. has stated: “Cuts for these families will mean parents choose between quality child care and feeding their kids.” The contradictions and unfairness of government policies are particularly clear in relation to mothers on income assistance, who, once their children turn 3 years old, are obligated to enter the paid labour force, yet are increasingly denied access to the quality child care that is essential to their participation in paid employment.

British Columbia Ministry of Human Resources, Fact Sheet “B.C. Employment and Assistance Initiatives” (1 April 2002), online: British Columbia Ministry of Human Resources <http://www.mhr.gov.bc.ca/factsheets/2002/April_Initiatives.htm> (date accessed: 14 August 2002). [Tab 42]

Coalition of Child Care Advocates B.C., Press Release “Liberals Trade Quality And The Future Of B.C.'s Children To Save A Few Bucks” (21 February 2002), online: Coalition of Child Care Advocates B.C. <http://action.web.ca/home/cccabc/alerts.shtml?sh_itm=a5d0846013699e7e99c7588d221dccb> (date accessed: 14 August 2002). [Tab 91]

Research Advisory on the Provincial Cuts and Violence Against Women, “Social Assistance and Other Social Programs: Anticipated Impact on Women who Experience Violence” (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bcifv.org/cuts/social_assistance.pdf> (last modified: 10 April 2002). [Tab 40]

ARTICLE 12

Article 12: Women’s Health

86. Recent changes to the health care system will disproportionately harm the health and well-being of women. These changes include an increase in the premiums that must be paid to the Medical Services Plan (MSP) in order to access provincial health services, a reduction in the kinds of services that are covered under MSP, restrictions on eligibility for the pharmacare program, restrictions on eligibility for home care, the closure of many residential or long term care facilities – the majority of whose residents are elderly women – the closure of up to 2,000 hospital beds, and the loss of “good” women’s jobs in the health care sector.

British Columbia Ministry of Finance and Ministry of Health Services, News Release “MSP Premiums Increased to Fund Wage Costs” (7 February 2002), online: Government of British Columbia <<http://www.fin.gov.bc.ca/02nr/jt02.htm>> (date accessed: 14 August 2002). [Tab 92]

British Columbia Ministry of Health Services, *Service Plan Summary 2002/03 – 2005/05* at 4, online: British Columbia Ministry of Health Services

<http://www.gov.bc.ca/prem/down/core_review_02/health_services.pdf> (date accessed: 14 August 2002). [Tab 93]

Caledon Institute of Social Policy, “A New Era in British Columbia: A Profile of Budget Cuts Across Social Programs” at 1, online: Caledon Institute of Social Policy <<http://www.caledoninst.org/>> (date accessed: 14 August 2002). [Tab 82]

87. B.C. is one of two provinces in Canada which requires residents to pay a premium to access the public health care system. This premium has recently been substantially increased, placing an extra burden on women living on low and fixed incomes.

British Columbia Ministry of Finance and Ministry of Health Services, News Release “MSP Premiums Increased to Fund Wage Costs” (7 February 2002), online: Government of British Columbia <<http://www.fin.gov.bc.ca/02nr/jt02.htm>> (date accessed: 14 August 2002). [Tab 92]

British Columbia Ministry of Health Services, *Service Plan Summary 2002/03 – 2005/05* at 4, online: British Columbia Ministry of Health Services <http://www.gov.bc.ca/prem/down/core_review_02/health_services.pdf> (date accessed: 14 August 2002). [Tab 93]

88. There has been a substantial increase in the costs associated with prescription drugs. The government has announced that it will be introducing on January 1, 2003 means-testing to determine eligibility for seniors for Pharmacare (the provincial drug benefit program), although recently there was an announcement that means-testing is being re-evaluated. Should the government implement means-testing, the threatened result is that low- and middle-income seniors will pay more for their drugs. 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, will go without medically required drugs.

British Columbia Ministry of Health Services, Pharmacare Newsletter (7 December 2001), online: British Columbia Ministry of Health Services <<http://www.healthservices.gov.bc.ca/pharme/newsletter/01015news.pdf>> (date accessed: 14 August 2002). [Tab 94]

S. Klein, “Envisioning Progressive Health Care Reform” (Speech to the Canadian College of Health Care Executives, B.C. Lower Mainland Chapter) 24 May 2002, online: Canadian Centre for Policy Alternatives <<http://www.policyalternatives.ca/bc/index.html>> (date accessed: 14 August 2002). [Tab 95]

Statistics Canada, “Statistical Report on the Health of Canadians,” (1999), online: http://www.statcan.ca/english/freepub/82-570-XIE/15_29.pdf (date accessed: 20 October 2002). [Tab 96]

89. Some medical services that were covered under the provincial medical health insurance plan are no longer covered. These include regular eye exams, physiotherapy, massage, chiropractic care, podiatry, and naturopathy. 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.

British Columbia Ministry of Health Services, website, online: British Columbia Ministry of Health Services <<http://www.healthservices.gov.bc.ca/msp/infoben/benefits.html>> (date accessed: 20 October 2002). [Tab 97]

90. Twenty-five thousand seniors live in residential care facilities (also referred to as long term care facilities or nursing homes) and three quarters of these seniors have low incomes. The majority are frail elderly women. In April 2002, the provincial government announced that it will close 3,000 residential care beds. As these closures have begun, one consequence has been the separation of spouses who need different levels of care. Eligibility for long term care has been redefined, and only those assessed as having “complex needs” will now get into residential care. Six thousand to eight thousand seniors will no longer be eligible. This appears to be a key way that the government is tackling long waiting lists for residential care. Instead of fulfilling its pre-election promise to build new not-for-profit long-term care beds, the government is now focussed on building “assisted living spaces,” which do not provide the same level of support as residential care, and also shift some costs to individual seniors. Assisted living spaces require individual seniors to pay for their own drugs, medical supplies and equipment, and recreational activities. Assisted living is housing, not health care.

Vancouver Women’s Health Collective, *Her Voice*, Fall 2002, at 2 – 3. [Tab 98]

91. As seniors are being moved out of residential care facilities and into assisted living units, the health authorities across the province have also reduced home care to senior in order to stay within the budgets imposed on them by the provincial government. The Vancouver Coastal Health Authority in October 2002 reduced shopping, cleaning and laundry services to about 5,600 residents in the Lower Mainland. Seven thousand more seniors are being reassessed.

Vancouver Women’s Health Collective, *Her Voice*, Fall 2002, at 3. [Tab 98]

92. Recent cuts and changes to British Columbia’s health care system increasingly privatize health care provision and actual caregiving work: more and more of the costs of health care will be paid for by individuals, families and sometimes employers. Moreover, more and more health-related caregiving work will be done in families and communities by society’s traditional caregivers: women. Thus, women’s health will suffer because of the added stress and the toll of greater caregiving responsibilities.

S. Klein, “Envisioning Progressive Health Care Reform” (Speech to the Canadian College of Health Care Executives, B.C. Lower Mainland Chapter) 24 May 2002, online: Canadian Centre for Policy Alternatives <<http://www.policyalternatives.ca/bc/index.html>> (date accessed: 14 August 2002). [Tab94]

Friends of Women and Children in B.C., Report Card, May 15, 2002, Vol. 1 No.2, online: University of British Columbia Centre for Women's Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCMay02.pdf>> (date accessed: 7 August 2002). [Tab 24]

93. At the end of April, the government announced over 6,500 job cuts in the health care sector, most of which were jobs of service workers such as hospital cooks and cleaners. These workers are members of the Hospital Employees' Union, and eighty-seven per cent of its members are women. The job cuts represent a loss of "good" jobs for women, jobs that are relatively well-paying and unionized. Women who continue to be employed to perform the same type of work are now having their jobs transformed into lower-paying, non-unionized ones.

Caledon Institute of Social Policy, "A New Era in British Columbia: A Profile of Budget Cuts Across Social Programs" at 2, online: Caledon Institute of Social Policy <<http://www.caledoninst.org/>> (date accessed: 14 August 2002). [Tab 82]

Hospital Employees Union, website, online: <<http://www.heu.org>> (date accessed: 14 August 2002). [Tab 99]

Friends of Women and Children in B.C., Report Card, May 15, 2002, Vol. 1 No.2, online: University of British Columbia Centre for Women's Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCMay02.pdf>> (date accessed: 7 August 2002). [Tab 24]

94. 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 have disappeared. The Vancouver/Richmond Health Board, which was one of the 52 community health boards, 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. There is no longer any 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.

British Columbia Ministry of Health Services, *Service Plan Summary 2002/03 – 2005/05* at 6, online: British Columbia Ministry of Health Services <http://www.gov.bc.ca/prem/down/core_review_02/health_services.pdf> (date accessed: 14 August 2002). [Tab 93]

Research Advisory on the Provincial Cuts and Violence Against Women, "Health and Mental Health Services: Anticipated Impact on Women who Experience Violence" (2002), British Columbia Institute Against Family Violence, online: British Columbia

Institute Against Family Violence < http://www.bcifv.org/cuts/mental_health.pdf> (last modified: 10 April 2002). [Tab 100]

ARTICLE 14

Article 14: Rural Women

95. Several recent changes in British Columbia will eliminate rural women's access to vital services, potentially increasing their exposure to violence and removing their access to justice. These changes will have a disproportionate effect on the lives and safety of Aboriginal women, many of whom live in rural and remote areas of the province.

Research Advisory on the Provincial Cuts and Violence Against Women, "Criminal Law: Anticipated Impact on Women who Experience Violence" (2002), British Columbia Institute Against Family Violence, online: British Columbia Institute Against Family Violence <http://www.bcifv.org/cuts/mental_health.pdf> (last modified: 10 April 2002). [Tab 70]

96. As noted above (paragraph 35), 1/3 of the province's courthouses have been closed, largely in rural areas. Rural women will now have to travel long distances to attend court or obtain a court order. Further, the government has proposed a review of financing for police services in communities with a population under 5,000 with a view to requiring rural residents to pay a higher proportion of the costs of local policing. This subjects police services in rural areas to financial pressure, potentially jeopardizing adequate provision of police protection for women who experience family and community violence.

British Columbia Ministry of Public Safety and Solicitor General, website, online: British Columbia Ministry of Public Safety and Solicitor General <<http://www.pssg.gov.bc.ca/legislation/PoliceFinancing/UBCMDiscussionPaper.pdf>> (date accessed: 20 October 2002). [Tab 101]

97. Other government departments have closed their rural offices, including all Community Legal Aid and Native Law Offices. Moreover, after the elimination of their funding, women's centres across the province will be forced to close, even 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 other structural changes suggest that health services will be 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, August 15, 2002, Vol. 1 No.5, online: University of British Columbia Centre for Women's Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCAug02.pdf>> (date accessed: 6 August 2002). [Tab 102]

Friends of Women and Children in B.C., Report Card, September 15, 2002, Vol. 1 No.6, online: University of British Columbia Centre for Women's Studies and Gender Relations <<http://www.wmst.ubc.ca/FWCBCSep02.pdf>> (date accessed: 6 August 2002).
[Tab 103]

CONCLUSION

98. All of the government actions described in the paragraphs above and considered on their own have serious and significant effects on the ability of women in British Columbia to achieve full equality in the political, economic, social, cultural, and civil fields. However, the Committee must consider the collective or cumulative impact of these measures as well. Women whose life opportunities are reduced by economic barriers to education (see paragraphs 68-70) have reduced flexibility and power in the labour market and will tend to end up in the secondary, non-unionized, minimum pay labour sector. These same women will face reduced state protection, because of cuts to employment standards legislation, in combating employer-imposed conditions of work that contravene basic fairness. Should these women also have children, their flexibility to participate fully in the paid labour force will be reduced by cutbacks to government child care services and state tolerance for irregular work schedules with no overtime pay. Many women will, because of conflicts between child care responsibilities and work place structures, be unable to participate in paid employment. In these circumstances, some women will be forced to look to the government for income assistance, only to find that reduced conditions of eligibility and lowered benefit levels may in turn make this source of income unfeasible as well. Some women and girls will be coerced into engaging in prostitution because of the lack of any other economic options. Further structuring this situation is a reduction in access to affordable and quality health care, resulting in deterioration of the health and well-being of these women and their children. The situation just described, in all its detail, will only be worse for those women facing domestic abuse and for those women who are aboriginal, of a racialized group, disabled, immigrants or refugees, or otherwise vulnerable to additional forms of systemic discrimination.