



THE HARPER RECORD

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Women's Equality and Human Rights

The Ad-Hoc Coalition for Women's Equality and Human Rights

Yes, I'm ready to support women's human rights and I agree that Canada has more to do to meet its international obligations to women's equality. If elected, I will take concrete and immediate measures, as recommended by the United Nations, to ensure that Canada fully upholds its commitments to women in Canada.

—*Stephen Harper, January 18, 2006.*

DESPITE STEPHEN HARPER'S apparent enthusiasm for women's rights during the election campaign, his government, by September 2006, had committed itself to a course of action that undermines rather than improves women's equality in Canada.

Fall 2006 was a bleak time for women's equality activists, as the government announced significant cuts and changes to the Women's Program of Status of Women Canada. The budget was cut by 43% (\$5 million), 12 of the 16 regional offices of SWC were closed, funding for women's equality research and advocacy was eliminated, and the word "equality" was removed from the Program's mandate. Funding to the Court Challenges Program, which had supported many women's equality legal challenges, was also eliminated.

Thanks to ongoing public education and advocacy by those committed to women's equality, some of these cuts were later reversed. The

Women's Program budget was restored and the word "advocacy" was reinstated in to its mandate.

In the past 12 months, the Women's Program has provided significant financial support, through grants and partnership agreements, for programs and projects across the country, many of them aimed at extremely vulnerable women from marginalized communities. The funding that is now flowing supports important work that will have a direct and positive impact on women's ability to leave violent or abusive relationships, to find appropriate safe housing, and to become employed. However, the offices that were closed in 2006 remain closed, the Women's Program still does not fund women's equality advocacy work in Canada, and the Court Challenges Program did not get its funding reinstated. Without funding for women's equality advocacy work, women's essential inequality remains entrenched in Canadian and Québec culture.

Further, the drastic steps taken in September 2006 have had a significant chilling effect. Some women's equality organizations have closed their doors or have had to cut back on their activities (the National Association of Women and the Law, and the Canadian Research Institute for the Advancement of Women, among others) because their research and/or advocacy work will no longer be funded. This has had a trickle-down effect for women's organizations and others (including politicians) across the country who have for decades relied on these organizations to provide the research and advocacy tools that they use in their work.

Women must work with the challenging reality of a Conservative government. This is a government that supports programs and projects that contribute to women's equality, but does nothing to address the framework of institutional and systemic inequality faced by women in this country.

Are we all equal now?

Long-time activist and social theorist Janine Brodie argues that "despite the persistence of gender inequalities, the idea of gender equality has been progressively erased from Canadian political rhetoric, policy goals and bureaucratic machinery." In her recent article in *Feminist Theory*,

Brodie elaborates how the Harper government has waged the battle over ideas:

In the fall of 2006, the Honourable Beverley Oda, Minister of Canadian Heritage, a catch-all portfolio that includes the Status of Women, confidently informed a House of Commons standing committee that “this government does fundamentally believe that all women are equal.”¹ Oda had been called before the standing committee on the Status of Women to explain why Stephen Harper’s Conservative government’s recent two-billion-dollar “fat trimming” exercise, conducted within the context of a ballooning federal surplus, had been achieved largely at the expense of Canada’s equality-seeking groups, and especially Canadian women....

In the eyes of many observers, the minority Conservative government appeared bent on silencing a diverse range of governmental and non-governmental organizations that had, over the course of a generation, advocated for citizenship equality both in the courts and in the policy process....

“Equality,” Oda explained, “is enshrined in the Charter and there was no need to repeat it in the mission statement of Status of Women Canada.”² Every part of the federal government has to be founded on the belief of equality,” she continued, and thus the government as a whole, rather than designated agencies, was “responsible for the development of policies and programs that address the needs of both men and women.”³...

If we are all equal now, it is because we are all invited to become enfranchised and empowered by the market, to become self-sufficient Canadians and citizen-taxpayers, who neither expect nor tolerate the recognition of systemic barriers or the inefficiencies of collective redress. But this invitation to neoliberal citizenship is also a platform for contestation, reversals, and invention.⁴

How women vote

The gender gap in politics is no secret. Traditionally, women who vote lean left of centre while male voters lean towards the right. The gender gap is especially distinct when considering hot-button political issues.

In 2004, health care was the main issue, especially for women voters. From a list of issues that also included taxes, social welfare programs, the environment, and corruption, 61% of women but only 41% of men chose health care as their priority issue.⁵

In 2006, in the wake of the federal Liberal government's "sponsorship scandal," polls showed that corruption rivalled health as a key issue. This scandal was born of the federal government's sponsorship program, which ran from 1996 until 2004. It was established to highlight federal investment in Québec and reduce support for separatist parties. Illegal activities surrounding the administration of the multi-million-dollar program included misdirecting public funds to advertising firms with Liberal organizers and fundraisers on their payrolls, or firms that donated part of these public funds to the Liberal party of Canada.

Nonetheless, according to the 2006 Canadian Election Study (CES) and surveys conducted by the Institute for Social Research at York University, 47% of women still cited health as their most important political issue, while the percentage of men who did so dropped to 30%.⁶

Men and women traditionally differ on issues mirroring the partisan divide in Canadian federal politics. Women more than men are concerned with tackling issues like poverty, health care, and the public provision of services. Men tend to be more conservative on social issues generally, and are more likely than women to oppose same-sex marriage. More men than women support the death penalty, and men are less likely than women to support gun control.

Women are clearly to the left of men on all of these issues, which may explain why, in polls leading up to the 2006 election, women were more likely to evaluate the Conservative party and Stephen Harper negatively. As the 2006 campaign was coming to a close, one in three women outside Québec, compared to one in four men, named the Conservative party as the party they absolutely would not vote for.⁷

Women juggling full-time (in many cases, underpaid) work and family responsibilities rely more heavily on public services. Women have traditionally been less convinced than men of arguments favouring the market economy over government intervention. Indeed, the increased feminization of poverty means that more women than men must de-

TABLE 1 *Candidates nominated and elected in the 2006 election*

	Bloc Québécois	Conser- vatives	Liberals	NDP	Green Party
Total candidates					
Nominated	75	308	308	308	308
Elected	51	125	101	29	0
Male candidates					
Nominated	52	270	229	200	236
Elected	34	111	80	17	0
Female candidates					
Nominated	23	38	79	108	72
Elected	17	14	21	12	0
Female candidates (%)					
Nominated	30.6%	12.3%	25.6%	35%	23%
Elected	33%	11%	21%	41%	0%

pend on the government to provide supports and service to enable them to better care for their families.

The gender gap was evident in the 2006 election, where voting patterns showed that the women's vote ensured that Stephen Harper and the Conservatives were held to a minority government.

Where are the women?

The United Nations has noted that, for public policy to reflect women's priorities and to see management and organizational change, women elected to public office must reach a critical mass of 30 to 35%.⁸ Canada, a signatory to CEDAW, the Convention to End All Forms of Discrimination Against Women, and the Beijing Platform for Action, has committed to ensuring that women in Canada are better represented in the House of Commons. While women's representation has improved since signing these agreements, the improvement is marginal.

In fact, the 2006 election which brought the Harper government to power saw a slight decrease in the number of women elected to Canadian federal politics. In 2006, only 64 of the 308 elected MPs

(20.7%) were women, compared with 21.1% in the 2004 election. Table 1 presents a breakdown of female representation by political party as of the 2006 election.⁹

Some political parties have agreed to increase their numbers of female candidates and, while they may hold true to that commitment, women are too often nominated in ridings deemed “unwinnable” by the party, while surefire seats are reserved for prominent male candidates.

Following his 2006 election, Stephen Harper appointed six women to cabinet out of a total of 27 positions (about 22%). This is a slight decrease from the previous Liberal government, in which 24% of cabinet positions were filled by women. Both of these statistics are considered unacceptable by United Nations standards.

Pay equity

For taxpayers, however, [pay equity] is a rip-off and it has nothing to do with gender. Both men and women taxpayers will pay additional money to both men and women in the civil service. That’s why the federal government should scrap its ridiculous pay equity law.¹⁰

More than 30 years after the adoption of the *Canadian Human Rights Act*, the average annual earning of Canadian women is only 64% of what men earn.¹¹ Respect for the fair value of women’s work is a very important concern in public opinion, yet it is not being addressed. It is unacceptable that Canada has one of the highest wage gaps among the advanced industrial countries in the Organization for Economic Cooperation and Development (OECD).

Today, women working full year and full-time in Canada earn an average of 70.5 cents for every dollar earned by men. Concretely, this means that women working full-time, full year, earn an average of \$39,200 while men earn an average of \$55,700.¹² If we look at all workers, including part-time workers, the gap is even greater, women earning only 64% as much as men. This wage gap is even greater for Aboriginal women, women of colour, new immigrant women, and women with disabilities. Racialized women make only 64 cents and Aboriginal women an appalling 46 cents for each dollar earned by men.¹³ Even when women

retire, they continue to be victims of wage discrimination, as they will make just 58% of the income made by their male counterparts.

The gap between men's and women's wages narrowed in the 1990s, when women earned 72% of the male dollar, but it is now back to 70.5% — even though women are more educated than ever before. More women than men now go to university or college. Almost half (49%) of women aged 25 to 45 have a post-secondary qualification. Women make up the majority of university graduates, and almost 60% of those with a community college qualification. In several undergraduate fields of study that have traditionally been male-dominated, such as medicine, law, and commerce/business administration, women now outnumber or equal men. It is particularly disturbing that university-educated women face an even larger wage gap than the national average, that women with university educations are now only earning, on average, 68% as much as men.

Women's pay inequity continues even though they are working in greater numbers and for longer hours than ever before. Mothers of young children are working: two-thirds of women with children under the age of 6 are in either part- or full-time paid employment. While women are working for less pay than men in the job market, they continue to take on most of the child care and domestic work for their families. As the population ages, many women also now find themselves providing care to aging parents, including their partner's parents.

Pay equity is a human right protected by the *Canadian Human Rights Act*, the Canadian Charter of Rights and Freedoms equality provisions, and a number of international human rights conventions that Canada has signed. In response to pressures from organized labour and the women's movement, the previous Liberal federal government created the Task Force on Pay Equity, which conducted widespread consultations with key stakeholders, including women's organizations. During the Task Force study, all participants, including employers, unions and women's groups, agreed that a new law requiring positive employer action, clear standards, and an adjudicative body was required. The current complaint-based system, in place for the past 25 years, has proven to be ineffective, time-consuming and costly to both employers and unions.

In May 2004, the Task Force released its final report entitled *Pay Equity: A New Approach to a Fundamental Right*. In this report, the Task Force recommended that the federal government develop and implement a stand-alone, pro-active pay equity law that would include an obligation for employers to review pay practices, identify gender-based wage discrimination gaps, and eliminate pay inequities within a specific time frame.

The Task Force also recommended that, to be effective, pay equity legislation should recognize the discrimination faced by Aboriginal peoples, persons with disabilities and visible minorities, as well as women. It urged that the legislation should protect all employees, unionized or not, and should recognize that pay equity is a non-negotiable human right.

The Task Force also recommended the creation of a new Canadian Pay Equity Commission that would administer the new pay equity law. This Commission would provide education and assistance to employers, unions and employees, review complaints, and conduct investigations and random workplace audits. It would offer advocacy services for unrepresented workers, and would conduct research and issue orders to ensure the law is enforced. The government should provide enough human and financial resources to allow the Commission to effectively administer the pay equity legislation.

The Task Force also recommended that a new Canadian Pay Equity Hearing Tribunal be set up to adjudicate disputes on any issues as they arise in the implementation or maintenance phases of pay equity.

These recommendations of the Task Force have been disregarded by the Conservative government for four years and have not yet been implemented, with women workers paying the highest price for this inaction.

The all-party Standing Committee on the Status of Women has twice recommended that the government introduce pro-active legislation. In its response tabled September 18, 2006, the government ignored both the consensus achieved during the Task Force process and the widespread support for pay equity law reform. Instead it is going back to a system that has proven to be totally inadequate over the last 25 years,

promising to make the current law effective through education, inspections, and mediation.

But education, mediation and compliance inspections have all been components of government policy since the early 1980s. Labour Canada, as it then was, ran this program for years, with no tangible results. Leaving individual women and their unions with only the right to complain has repeatedly proven ineffective, time-consuming, and extremely costly.¹⁴

Fiscal policy and women

Tax cuts

Recent financial policies have made clear the government's key priorities: tax cuts, debt reduction, and shrinking government. All of these erode Canada's revenue base and social safety net. Despite Canada's claims on the international stage that it is committed to a high level of gender-responsive budgeting, recent budgets have allotted paltry amounts to those issues that are traditionally more pertinent to women, such as housing, education, health care, and public transit.

Over a 15-year period, federal governments have chosen to spend \$340 billion on tax cuts, rather than investing in a comprehensive anti-poverty strategy, combating climate change, or strengthening the public health care system.¹⁵ An aggressive tax cut agenda is worrisome to women's equality-seeking groups. Not only does such an agenda fail to reach many low-to-middle-income women, but it also greatly reduces the spending capacity of the government.

The tax expenditures that directly benefit women, such as the Working Income Tax Credit and the Child Care Expense Deduction, have remained virtually stagnant from 2004 to 2008. In contrast, tax credits made available to high-income earners, owners of capital assets, and corporations are rapidly increasing.

Women's incomes typically fall in the two lowest tax brackets for incomes of \$38,000 and less. Nearly 40% of women and 24% of men do not pay taxes at all because their incomes are so low. Delivering policies through the tax system is simply impractical, as it does not target poverty and income inequality. For example, in Budget 2008, 78.8% of

tax expenditures (cuts) go to taxpayers in the top three quintiles, while only 21.2% of tax cuts go to the lowest two quintiles. This lost revenue benefits the higher income groups in which most women are not traditionally represented.

Many would argue that women benefit from the GST tax rate cut from 7% to 6% to 5%. But women, because of their typically lower income levels, generally make less costly purchases and so benefit less from the consumption tax rate cuts. Personal income tax rate cuts also do not tend to benefit women due to their traditionally low income levels and consequent low taxation levels; and cutting the personal income tax rate clearly does nothing to help those 40% of women who earn so little they do not pay taxes at all.

Under the current taxation agenda, low-income individuals, most of them women, will pay a higher income tax rate than do large corporations. Aggressive corporate income tax rate cuts announced in 2008 will undoubtedly shift the overall tax burden to low-income individuals while draining revenues needed to invest in infrastructure and public services.

Pension income-splitting

In 2006, the Conservative government introduced pension income-splitting, which allows a higher pension income earning spouse to transfer tax liability (not income) to the lower earner to lower the family's taxes. This is of grave concern to many women's equality-seeking groups because it clearly discriminates against women and opens the door to full income-splitting.

Full income-splitting and joint taxation is a very discriminatory policy and would cost the public treasury billions of dollars — monies, many would argue, that would be better spent on such services as a national child care program.

The benefits of income-splitting go mainly to higher income men. Unpaid care-givers do not get any direct benefits and could suffer additional financial burdens by appearing to the Canada Revenue Agency to earn more than they actually do, thus making them ineligible for income-tested programs. Income-splitting can also discourage women's paid workforce participation, as the family could lose tax benefits if the

secondary earner increases her income. As with many social and financial policies of this government, income-splitting favours traditional one-income-earner families.

Because recent budgets and the tax cut agenda do little to help women, they do very little to comply with Canada's international commitments. An aggressive tax cut agenda can disadvantage women because it is inaccessible and also depletes revenues for the public programs on which many women rely.

In 1981, Canada ratified the United Nations Convention to End All Forms of Discrimination Against Women (CEDAW). In 1995, the federal government developed a federal plan for gender equality in response to the Beijing Platform for Action. Neither CEDAW nor the federal plan encourages the use of tax cut strategies to eliminate poverty and strengthen women's economic security.

In order to truly address the increasing income gap and the feminization of poverty in Canada, we need a strategy with the key objective of alleviating poverty. The commitments have been made. The infrastructure and analytical support are in place. The key impetus still needed is the political will and a desire to help those who need it most.

Bill C-484

Last March, Bill C-484, the *Unborn Victims of Crime Act*, passed Second Reading in the House of Commons. This bill seeks to amend the Criminal Code to create a separate offence for causing injury to or the death of an "unborn child" when a pregnant woman is the victim of a crime.

On its face, this bill is a compassionate response to the tragic murders of pregnant women. However, it carries with it significant threats to the rights of women while not significantly addressing the issue of violence against women.

Bill C-484 would grant a type of legal personhood to fetuses. This conflicts with section 223(1) of the Criminal Code, which states that fetuses are not persons until they exit from the birth canal alive. The Supreme Court has found that a woman and her fetus are "physically one" person under the law.

This bill is not an effective way to address violence against women, including pregnant women. Spousal violence and pregnancy are already

recognized as aggravating factors in sentencing. Any future legislative reforms intended to respond to violence against women must focus on the woman and not the fetus, if they are to be effective.

By legally separating a pregnant woman from her fetus, this bill creates an adversarial relationship between them, as well as one in which fetal rights are elevated above women's rights. This can — as it has already in the United States — lead to women being prosecuted for perceived misconduct or illegal activity during their pregnancy. If passed, Bill C-484 would set back women's equality rights by decades, in particular a woman's right to control her own body and her own reproductive capacity.

Women have made some gains over the last century. But, with regressive bills like this being brought forward by Conservative MPs, it is evident that those gains are in jeopardy. There is still a long way to go before women's full equality becomes a reality.

Conclusion

Under Stephen Harper's Conservative government, women in Canada are witnessing a steady encroachment on the hard-won and still fragile equality rights for which they have fought long and hard. Canadians, both women and men, expect more than lip service and window-dressing to ensure that substantive equality for women becomes a reality and not simply an election promise.