

# The B.C. CEDAW Group

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April 9, 2003

The Honourable Lynn Stephens  
Minister of State for Women's Equality  
Province of British Columbia  
Parliament Buildings, Room 322  
P.O. Box 9056  
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Victoria, B.C.  
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Dear Ms. Stephens,

We write to you on an urgent matter - the rights of women and girls in the Province of British Columbia.

As you know, on February 26, 2003 the United Nations Committee on the Elimination of Discrimination against Women released its Concluding Comments following its review of Canada's 5<sup>th</sup> Report under the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. Since Canada's ratification of this international human rights treaty in 1981, all levels of government, including the Government of British Columbia, are obligated to comply with its terms.

In its Concluding Comments, the Committee expressed a high level of concern about Canada's failure to eliminate discrimination against women, and the Committee singled out the Government of British Columbia for specific criticism. At paragraph 35, the Committee states:

The Committee is concerned about a number of recent changes in British Columbia which have a disproportionately negative impact on women, in particular Aboriginal women. Among these changes are: the cut in funds for legal aid and welfare assistance, including changes in eligibility rules; ...the incorporation of the Ministry of Women's Equality under the Ministry of Community, Aboriginal and Women's Services; the abolition of the independent Human Rights Commission; the closing of a number of courthouses; and the proposed changes regarding the prosecution of domestic violence as well as the cut in support programmes for victims of domestic violence.

At paragraph 36, the Committee recommended that “British Columbia... analyse its recent legal and other measures as to their negative impact on women and... amend the measures, where necessary” (para. 36).

We also note that the CEDAW Committee states additional specific concern “about the persistent systematic discrimination faced by Aboriginal women in all aspects of their lives” including in employment, education and in the criminal justice system, and urges the acceleration of “efforts to eliminate *de jure* and *de facto* discrimination against Aboriginal women...” (paragraphs 37 and 38).

Since these Concluding Comments were released, we have noted responses from you in the media which cause us concern. You have been quoted as saying that the CEDAW Committee’s criticism is “completely unfounded” (AdvanceNews, March 18, 2003). To support that claim you have stated that that the Government of British Columbia has committed 330 million dollars over the next 3 years to provide training and job-placement for people on social assistance, and increased child-care spaces to 70,000 from 45,000. You also indicate that your government continues to offer legal-aid services to people in need, and maintains a 33.2 million budget for transition houses and counselling for women and children who experience or witness abuse (The Province, March 14, 2003).

However, these statements leave much out. The Government of British Columbia has substantially cut the welfare incomes of the poorest women, made family law legal aid unavailable except in situations of violence, reduced access to safe affordable child care, made health services more inaccessible for low income elderly women, and it plans to eliminate 100% of the core funding for the province’s women’s centres in B.C. in April 2004.

Single mothers on welfare in British Columbia, who comprise about 30% of the social assistance caseload, have had their support allowances cut by up to 351 dollars per month through a combination of a direct cut to the support portion of their welfare (51 dollars) and the elimination of the family maintenance exemption, which permitted recipients to keep up to 100 dollars a month if they received child support payments from a spouse, and the employment earnings exemption, which permitted them to keep up to 200 dollars of any earned income. In addition, if they have two children or more, single mothers have had their shelter allowance reduced by \$45 to \$75 per month, depending on family size. Both the Social Planning and Research Council of British Columbia and the Dieticians of Canada, B.C. Region, indicate that current welfare rates are inadequate to meet basic needs for food, clothing and shelter.

A growing body of research confirms that the quality of care that children receive during their first six years affects them throughout their lives. High quality care, including adequate economic and social supports, positively influence children's health and learning, and preclude the need for expensive interventions later in their lives. In light of this, degrading the conditions of poor single mothers and their children, and subjecting them to increased stress and anxiety because they have insufficient income to meet basic human needs, is particularly short-sighted, in addition to being contrary to B.C.’s legal undertakings to advance the equality of women.

You indicate that your policies are designed to help women on welfare attain long-term employment. If that is the case, these policies surely need re-examination. The single most important measure that will help women to enter and remain in the workforce, whether they are welfare recipients or not, is stable, affordable, high quality child care. Women on welfare are now considered “employable” when their youngest child is three. If these women are to enter the workforce, they need child care for their pre-school age children.

But spending on regulated child care will be reduced by approximately 30% (over \$50 million) by March 31, 2004. Though you have stated that the government has increased support for child care spaces to 70,000 from 45,000, the media accounts do not explain that the total budget for operating funds for child care spaces has been reduced and that these reduced dollars have been spread across more spaces. No new spaces have been developed. Nor are funds targeted to keeping fees affordable, or to maintaining reasonable salaries for child care workers.

The fact is that the child care subsidy in the province has been seriously eroded, and over 10,000 families have either lost their subsidy or had it seriously decreased. Adjustments to the subsidy program that were promised in the 2003/04 budget will not replace the original budget cuts. Regulated child care has been put out of the reach of many low and middle income families. This sets all women with children back rather than advancing them, and certainly decreases the chance of women on welfare entering and staying in employment.

The new welfare eligibility rules also deny welfare to women who are enrolled in post-secondary institutions, despite the fact that women’s ability to be economically independent and to obtain work that will permit them to support themselves and their children is greatly enhanced by higher education. Again, if the government is honestly interested in helping women obtain “long-term employment”, this policy is short-sighted and counter-productive.

In addition, women who enter the workforce now face poorer conditions. With the introduction of the training wage, young single mothers and girls with no previous job experience will be paid 6 dollars per hour for their first 500 hours of work. They cannot support children on a training wage. Nor can they, in fact, adequately support children on B.C.’s 8 dollar minimum wage, even if they work full-time. The National Council of Welfare in its report *The Cost of Poverty* notes that “for lone-parent mothers, it is virtually an impossibility to raise children on a low wage job....”

Further, should women run into trouble at work – for example, an employer who refuses to pay wages for hours worked - workers are now expected to deal with labour standards violations on their own, using a self-help kit, before they can receive any assistance from an Employment Standards Officer. For many women and girls, for example, immigrant women, who may not have English as a first language, and who are among the most marginalized members of the workforce, this requirement is patently unreasonable.

The *Employment Standards Act* has also 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. An employee will only be paid overtime if the number of

working hours exceeds 160 per month. Women can be pressured by employers to accept irregular work hours, and are required to negotiate on their own for hours that fit their family's schedule and their responsibilities. Low income, non-unionized workers, the majority of whom are women, and many of whom are women of colour and women who are recent immigrants, cannot negotiate individually on a footing of equality with their employers regarding conditions of work.

The government has also announced that it will cut 5,000 service jobs in the health care sector. Most of these are the jobs of hospital cooks, laundry workers, and cleaners; most of them are the jobs of women. The government claims that these hospital workers are being overpaid, and that, if the jobs are privatized, wage rates will be appropriately rationalized. In fact this means that these women will be returned to discriminatory rates of pay, rates which undervalue the work that they perform because it is "women's work." For thousands of women the clock will be set back, and their jobs will revert to non-unionized ones, with discriminatory wage rates attached.

It seems clear that the 330 million dollars allocated for training and job placement programs for people receiving social assistance cannot adequately overcome the negative effects for women of other government policies, such as lack of access for the poorest women to post-secondary education, reduced access to quality child care, inadequate labour standards protections, and an acceptance of sex discrimination in market-set wage rates for "women's work."

You state that the Province "will continue to offer legal-aid services to people in need." However, this is not borne out by the facts. The government of British Columbia has cut funding for legal aid by 38.8%. It has also specified that the remaining funds are to be used 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. It is well-known that men are the major users of criminal legal aid, and women are the major users of family law legal aid. When family law legal aid is cut to the bone, as it has been in this province, women are the direct losers. Family law legal aid and poverty law legal aid is the legal aid that women need.

While we are pleased that, so far, the 33 million dollar budget for women's shelters and transition houses has been maintained, we are concerned that you may believe that keeping this budget in place is enough, by itself, to ensure safety for battered women. Rather, the fact is that cuts to other services and programs, including welfare, have increased the obstacles faced by battered women who are seeking to remove themselves from violent relationships. Cuts to other services and programs have also increased the pressure on transition house workers, because there are fewer supporting services and advocates available to assist vulnerable women and children seeking safe alternatives.

There are also other problems with cuts and changes in anti-violence programs and policies. On July 31, 2002, the Attorney General of British Columbia released proposed revisions to the province's violence against women in relationships policy. In the past,

prosecutors have been required to lay charges in virtually all cases of male violence against women where there is a reasonable likelihood of conviction. The new policy, in effect, directs crown counsel to prosecute in fewer cases. This shift in policy is likely to leave more women and children isolated, and exposed to further violence. We note that the changes are opposed by the Vancouver Police Board, which supports officers who say that the new policy will discourage victims from coming forward.

Other services and programs for victims of domestic violence have also been eliminated or cut. Of particular concern is the Crown Victim Witness Services program, which provided assistance to Crown counsel who were preparing victims of spousal assault to testify at trial. The elimination of this program 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, and this diminishes available support services for women and children.

Recent changes to the health care system also create a hardship for women, particularly elderly women, many of whom live on low incomes. Among the changes that have accessibility, and other, implications for women are the increase in the premiums that must be paid to the Medical Services Plan (MSP) in order to access provincial health services, a reduction in both the number of treatments and kinds of services that are covered under MSP (such as chiropractic, massage therapy, naturopathy, non-surgical podiatry, and physiotherapy), restrictions on eligibility for home care, and the closure of many residential or long term care facilities – the majority of whose residents are elderly women. Moreover, cuts to jobs in the health care sector, reduced home care, and the closure of hospitals shifts more unpaid care-giving work back to individual women, increasing their stress, and constraining their capacity to participate in paid work.

In addition, the Government of British Columbia has decided to de-fund women's centres as of April 1, 2004. Women's centres, especially in rural and Northern communities, provide vital lifelines for women. They offer a safe drop-in space, and essential services, such as legal clinics and support groups for single mothers and women who are victims of violence, food programs, and housing advocacy. Because of the complex, unequal and more vulnerable lives that women still lead in British Columbia, they need the support and information that these centres provide.

In light of these many changes and cuts, as well as others not mentioned in this letter, it is not legitimate to characterize the Concluding Comments of the United Nations CEDAW Committee as “unfounded.” Indeed, the Comments are diplomatic, and the recommendation that the Province review the effects of its policies on women is an extremely reasonable one.

Finally, we are concerned that in the media you have characterized the B.C. CEDAW Group as “politically motivated” (AdvanceNews, March 18, 2003). You also state that we “went to the UN specifically in an attempt to bring disrepute to B.C.” (AdvanceNews, March 18, 2003). Neither statement is true. The B.C. CEDAW Group is a coalition of twelve B.C.-based non-governmental organizations. The B.C. CEDAW Group has no affiliation with any political party, provincial or national. Our primary concern is the compliance of all levels of government in Canada with the terms of the international

*Convention on the Elimination of All Forms of Discrimination against Women.* We have no desire to bring disrepute to B.C. Indeed, our dearest wish is to see B.C. bring honour to itself because it takes seriously its human rights commitments to women. We certainly take these commitments seriously and we hope that you will too.

Now we ask that you, as the Minister of State for Women's Equality, reconsider this matter, and support an immediate and full response to the United Nations CEDAW Committee's observations and recommendation. We understand an appropriate response to the recommendation of this international body to involve at least the following two things:

- 1) that you take steps, with your Cabinet colleagues, to implement the thorough review that is necessary to ensure that your government is fulfilling its obligations under international human rights law to the women and girls of British Columbia, including, in particular, Aboriginal women and girls. A credible review of the impact of recent provincial policy, funding, and legislative changes on women will require an independent and open process, conducted in such a way that representatives of women's non-governmental organizations can participate fully. The review process must conclude with a public report of the process and its findings;
- 2) that you halt the implementation of any further cuts to programs, services, or funding until this review of policies and legislation is completed.

We have also written to the Premier, Gordon Campbell, to the Attorney-General, Geoff Plant, to the Minister of Community, Aboriginal and Women's Services, George Abbott, and to the Minister of Health, Colin Hansen, to make these requests.

We look forward to a quick reply from you, as we consider this matter to be extremely important. Should you wish further information, please contact Shelagh Day at 604-872-0750 (telephone) or 604-874-6661 (fax).

Sincerely,

Faye Blaney, Aboriginal Women's Action Network  
Christina Davidson, Working Group on Poverty  
Audrey Johnson, West Coast Women's Legal Education and Action Fund  
Annabel Webb and Joanna Czapska, Justice for Girls  
Suzanne Jay, Vancouver Rape Relief and Women's Shelter  
Lee Lakeman, Canadian Association of Sexual Assault Centres (B.C. and Yukon Region)  
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Cenen Bagon, Vancouver Committee for Domestic Workers and Caregivers Rights  
Michelle Dodds, B.C. Coalition of Women's Centres  
Caryn Duncan, Vancouver Women's Health Collective  
Bev Meslo, National Action Committee on the Status of Women (B.C. Society)  
Terrie Hendrickson, Women's Working Group of the B.C. Health Coalition

On behalf of the B.C. CEDAW Group

cc. The Honourable Gordon Campbell, Premier, Province of British Columbia  
The Honourable Geoff Plant, Attorney General, Province of British Columbia  
The Honourable George Abbott, Minister of Community, Aboriginal and Women's  
Services, Province of British Columbia  
The Honourable Colin Hansen, Minister of Health, Province of British Columbia,  
The Honourable Sheila Copps, Minister of Canadian Heritage, Government of Canada  
The Honourable Stephane Dion, Minister of Intergovernmental Affairs, Government of  
Canada  
The Honourable Jean Augustine, Minister of State for the Status of Women, Government  
of Canada