

## **Brief to the House of Commons Standing Committee on the Status of Women**

### **Study on women's economic security in Canada**

October 3, 2017

#### **Introduction**

The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

The CEDAW Committee consists of 23 experts on women's rights who are elected for a term of four years by States parties among their nationals and who serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

Countries who have become party to the treaty are obliged to submit periodic reports to the Committee on measures taken to ensure that the rights of the Convention are implemented. During its sessions, the Committee considers each State party report and addresses its concerns and recommendations to the State party in the form of concluding observations.

In accordance with the Optional Protocol to the Convention, the Committee is also mandated to: (1) receive communications from individuals or groups of individuals submitting claims of violations of rights protected under the Convention and (2) initiate inquiries into situations of grave or systematic violations of women's rights. These procedures are optional and are only available when the State concerned has accepted them by ratifying the said Optional Protocol.

The Committee also formulates general recommendations which are directed to States parties and shed light on articles or themes addressed by the Convention.

#### **Implementation of the Committee's concluding observations**

During its 65<sup>th</sup> session (24 October – 18 November 2016), the Committee considered the eighth and ninth periodic reports of Canada and raised a number of concerns during the dialogue with the Canadian delegation which are directly related to the work of the Standing Committee and its study on women's economic security:

- With respect the economic empowerment of women, the Committee noted the development of a national poverty reduction strategy and a national housing strategy. Nevertheless, it expressed its concern about the fact that women continue to experience significant levels of poverty, homelessness and hunger in the State party, especially indigenous women, Afro-Canadian women, women of immigrant origin, women with disabilities, older women and single mothers. It also expressed concern about the current severe housing shortage, in particular in indigenous communities, and the high cost of rent and the impact thereof on women, especially low-income women with families.
- Regarding the issue of employment, the Committee expressed its concern about the persistent gender wage gap, in both the public and private sectors, which adversely affects women's career development and pension benefits, the lack of effective legislation on the principle of equal pay for work of equal value at the federal level, even in the public sector, given that the

Public Sector Equitable Compensation Act (2009) has delivered no results, and the lack of such legislation in the private sector in most provinces and territories, as repeatedly noted by ILO. It was also concerned about (a) the continuing horizontal and vertical occupational segregation and the concentration of women in part-time and low-paid jobs, which is often due to their parallel traditional child raising and caretaking responsibilities, as well as the low representation of women in managerial positions in companies; (b) the lack of affordable childcare facilities and the low use of parental leave by fathers; (c) the limited access by indigenous, Afro-Canadian, migrant, refugee and asylum-seeking women, as well as women with disabilities, to the labour market; and (d) the practice of issuing employer-specific closed work permits, which makes it challenging for migrant workers, including caregivers, to leave abusive employment situations;

- The Committee also addressed the root causes of violence and discrimination against indigenous women and expressed concern about the fact that indigenous women continue to suffer from multiple forms of discrimination, in particular with regard to their access to employment, housing, education and health care, and continue to live in poverty in the State party, as reflected by high poverty rates, poor health, inadequate housing, lack of access to safe water and low school-completion rates. It further noted with concern the low participation of indigenous women in the labour market, in particular in senior or decision-making positions, their disproportionately high unemployment rates and their lower pay compared with men and non-indigenous women, as well as the lack of a coherent plan or strategy to improve the socioeconomic conditions of indigenous communities, in particular indigenous women, in order to combat the root cause of their vulnerability to violence.
- In terms of access to justice (which is key to ensure the protection of women's economic and social rights), the Committee expressed its concern that (a) financial support for civil legal aid programmes has considerably diminished in the past 20 years and has become increasingly restricted, affecting women in particular, as they are the primary users of civil legal aid; (b) income tests for eligibility limit civil legal aid to women living well below the poverty line, consequently denying low-income women access to legal representation and services, and that (c) Information is lacking on whether the newly reinstated Court Challenges Program, which provided funding for equality test cases, will be expanded to cover claims under section 7 of the Canadian Charter of Rights and Freedoms (1982) so as to include economic and social equality issues relating to poverty, whether it will fund equality rights challenges to provincial, territorial and federal laws and whether it will preserve its community-based structure.
- With regard to marriage and family relations, the Committee noted with concern that the recently adopted Family Homes on Reserves and Matrimonial Interests or Rights Act does not apply to the First Nations reserves that have enacted their own First Nations matrimonial real property laws under that Act or under the First Nations Land Management Act (1999).

Accordingly, the Committee formulated a number of recommendations directed at the State party that could be read as a roadmap to further empower women and enhance their economic security:

- 1) Ensure that the national poverty reduction strategy and the national housing strategy protect the rights of all women, with a focus on the most disadvantaged and vulnerable groups, by integrating a human rights-based and gender-based approach;**

- 2) **Actively engage First Nations women in water systems management and regulation on reserves in order to assist populations that are at risk as a result of poor water and sanitation conditions;**
- 3) **Increase the amounts of transfer payments to provinces and territories, earmark sufficient funds specifically for social assistance and make transfer payments to provinces and territories conditional on setting their social assistance rates at levels that are sufficient to ensure an adequate standard of living and to prevent the discriminatory effects of inadequate incomes for women;**
- 4) **Intensify its efforts to provide sufficient numbers of affordable childcare facilities and affordable and adequate housing options, including in indigenous communities, with priority being given to low-income women;**
- 5) **Take all measures necessary to narrow the wage gap, including by repealing the Public Sector Equitable Compensation Act, adopting legislation in the federal jurisdiction and in all provincial and territorial jurisdictions on the principle of equal pay for work of equal value and increasing the minimum wage, which many women disproportionately receive;**
- 6) **Adopt effective measures, including skills training and incentives for women to work in non-traditional professions, and temporary special measures to achieve substantive equality of women and men in the labour market and eliminate occupational segregation, both horizontal and vertical, in the public and private sectors, and adopt quotas to enhance the representation of women in managerial positions in companies;**
- 7) **Create more opportunities for women to gain access to full-time employment, including by adopting a rights-based national childcare framework in order to provide sufficient and adequate childcare facilities, and strengthen incentives for men to exercise their right to parental leave;**
- 8) **Take into account the needs of disadvantaged groups of women, especially indigenous, Afro-Canadian, migrant, refugee and asylum-seeking women, as well as women with disabilities, and consider the use of targeted measures, including temporary special measures, to create further employment opportunities for women belonging to such groups;**
- 9) **Discontinue the use of closed work permits in the Temporary Foreign Workers Program, thereby enabling women migrant domestic workers to freely change employers and thus improving their working and living conditions and reducing the risk of abuse, ensure that women migrant domestic workers who are victims of rights violations have effective access to justice, including legal aid, and take steps to facilitate access to permanent residency permits for women migrant domestic workers;**
- 10) **Develop a specific and integrated plan for addressing the particular socioeconomic conditions affecting indigenous women, both on and off reserves, including poverty, poor health, inadequate housing, low school-completion rates, low employment rates, low income and high rates of violence, and take effective and proactive measures, including campaigns to raise awareness within indigenous communities about women's human rights and to combat patriarchal attitudes and gender stereotypes;**

- 11) **Promote and apply the principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples and ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO);**
- 12) **Increase funding for civil legal aid, and specifically earmark funds for civil law legal aid in the Canada Social Transfer, in order to ensure that women have access to adequate legal aid in all jurisdictions, in particular women who are victims of violence, indigenous women and women with disabilities;**
- 13) **Review criteria applied in income tests for eligibility to ensure access to civil legal aid, especially in the area of family law, for all women without sufficient means;**
- 14) **Expand the mandate of the Court Challenges Program to include cases in provincial and territorial jurisdiction, as well as those under section 7 of the Canadian Charter of Rights and Freedoms, and retain the Program's community-based structure;**
- 15) **Adopt guidelines or minimum standards that should be incorporated by First Nations to ensure women's matrimonial property rights.**

In line with its follow-up procedure, the Committee requested the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 21 (a), (b), (d) and 27 (a) of the concluding observations, which are related to the strengthening of the national machinery for the advancement of women and the development of a coordinated plan for the overseeing of the implementation of the outstanding 37 recommendations issued by the Committee in its inquiry report, respectively.

The State party was also invited to submit its tenth periodic report in November 2020.

More information on the issues addressed by the Committee during the dialogue with the State party and in its concluding observations can be found in the following reports:

- Submission of Canada without poverty to the CEDAW Committee, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fCAN%2f25381&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fCAN%2f25381&Lang=en)
- Submission of the Canadian Feminist Alliance for International Action (FAFIA), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fCAN%2f25417&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fCAN%2f25417&Lang=en), p.1-13
- Summary of Key Women's Human Rights Issues & Questions for Canada, p.12-13 and 26-31
- Submission of the Canadian Human Rights Commission, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fCAN%2f25373&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fIFN%2fCAN%2f25373&Lang=en)
- Submission of YWCA to the House of Commons Standing Committee on the Status of Women
- Submission of the Canadian Women's Foundation to the House of Commons Standing Committee on the Status of Women

**Women's economic security in Canada as compared to other OECD countries:**

- Indigenous peoples in Canada experience the highest levels of poverty: 36% of First Nations women, 23% of Métis and Inuit women, 33% of women with disabilities, 20% of immigrant women, 28% of racialized women and 21% of single mothers live in poverty. Women who must rely on social assistance are worse off than in previous decades because welfare incomes have not been adjusted for inflation. In many cases, rates are 20% lower than in the past. With one exception, there is no welfare rate in any jurisdiction for any household type that meets the poverty line.
- Comparing women and men who work full-time, full-year, women take home 18.6% less, on average, than men, regardless of women's level of education. For women with children, racialized women, women with disabilities, and Indigenous women, the gender pay gap is even wider. The pay gap between men and women in Canada is the 8<sup>th</sup> largest gender wage gap among OECD countries, and this gender wage gap has changed little since 1977. The World Economic Forum ranks Canada's wage equality in 27th place. In comparison, the gender pay gap is 3.3% in Belgium, 5.8% in Denmark, 6.1% in New Zealand, 7.1% in Norway, 9.9% in France and Iceland, 13.4% in Sweden, 14.3% in Australia, 16.8% in the UK, 17.1% in Germany and 18.1% in the US (OECD figures); the gender gap in self-employed earnings is also very high in Canada (40.7%), as compared to Norway (14.9%), Iceland (26.4%) or Finland (26.8%);
- Women represent 61.2% of the labour force in Canada, whereas they are 51.6% in average in the OECD countries. Women represent 51.7% of the workforce in France, 54.7% in Germany, 56.7% in the US, 57.6% in the UK, 59% in Australia, 63.7% in Finland and in New Zealand, 68.3% in Norway, 69.5% in Sweden and 79.3% in Iceland;
- The female unemployment rate in Canada is 6.3% (7.5% for men). In comparison, it is 4.1% in Iceland and Norway, 4.2% in Germany, 5.2% in the US, 5.3% in the UK, 6.1% in Australia, 6.3% in New Zealand, 7.2% in Sweden, 8.8% in Finland, 9.9% in France, 23.5% in Spain and 28.9% in Greece;
- Women's share of persons employed in part-time employment is 26.4% in Canada (12.1% for men), while it is 25.9% (9.5%) in average in the OECD countries, 37.4% (9.3%) in Germany, 38% (14.2% for men) in Australia, 37.7% (11.9%) in the UK, 32.7% (11.2%) in New Zealand, 22.3% (6.9%) in France, 27.6% (12.1%) in Norway, 25.8% (15%) in Denmark, 23.7% (11.3%) in Iceland, 18% (10.6%) in Sweden, 17.4% (8.4%) in the US and 16.4% (10.6%) in Finland;
- In Canada, only 6.1% of employed women are managers (10% of employed men). They are 8.9% (13.3%) in Australia, 2.2% (4.1%) in Finland, 2.8% (6%) in Germany, 4.6% (9.3%) in France, 4.6% (6.4%) in Sweden, 5.9% (9.3%) in Norway, 7.6% (11.2%) in Iceland, 8.1% (13%) in the UK and 14.6% (16.9%) in the US;
- Female share of seats on boards of the largest publicly listed companies in Canada is 19.4%. It is 20% in average in the OECD zone, but 22.5% in New Zealand, 23.1% in Australia, 27% in Germany, Denmark and the UK, 30% in Finland and Italy, 36% in Sweden, 37% in France, 41% in Norway, 44% in Iceland;
- Canada recorded no week of paid father-specific leave in 2016, while the OECD average is 8 weeks. Australia and Denmark have two weeks, Finland and Germany have 9 weeks, Norway has 10 weeks, Iceland has 13 weeks, Sweden has 14 weeks, France has 28 weeks;
- In Canada, 49.5% of women have access to money to start a business (59.1% of men). In France, there are 16.9%, 27.6% in Finland, 31.8% in Germany, 35.7% in Denmark, 41.3% in

Australia and Sweden, and 46.3% in New Zealand<sup>1</sup>;

- In terms of childcare facilities, Canada has made little progress since the 2008 review, with national investment at 25% of the OECD's recommended benchmark. Many working mothers spend three to four months of their gross annual salary to pay for the high costs of child care, and the subsidy programs in place to assist low income women are inadequate. There is a shortage of high quality, regulated child care spaces in Canada with spaces for approximately 25% of children under 12 in 2014. (see Summary of Key Women's Human Rights Issues & Questions for Canada).

---

<sup>1</sup> All the figures above can be found on the OECD website, <http://www.oecd.org/statistics/datalab/gender-data-portal.htm>