



Canadian Response to the COVID-19 Pandemic

Brief by

Women's Legal Education and Action Fund (LEAF)¹

To the Standing Committee on Industry, Science and Technology

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Ensuring Women Are Not Left Behind in the Canadian Response to the COVID-19 Pandemic

LEAF is pleased to have the opportunity to submit a brief to the Standing Committee on Industry, Science and Technology on the Canadian response to the COVID-19 pandemic.

About the Women's Legal Education and Action Fund (LEAF)

Founded in 1985, LEAF is a leading national organization dedicated to strengthening equality rights in Canada. LEAF has extensive expertise and experience in promoting and protecting women's substantive equality. LEAF uses litigation, law reform work, and public education to advance the rights of women and girls in Canada, including those who experience multiple and distinct forms of discrimination on the basis of sex, gender, marital or family status, race, sexual orientation, disability, Indigenous ancestry, and socio-economic status.

1. Introduction:

This submission discusses the need to work with gender equality-seeking organizations, such as LEAF, to ensure that Canada's pandemic recovery plan includes and supports those who have been hardest hit by COVID-19: women. The government must provide targeted and sustained financial support for organizations like LEAF to participate in this important work.

There is ample evidence that COVID-19 has had gendered impacts in industry and enterprise, in particular on women living at multiple intersections of oppression. As such, the policy response to COVID-19 must be driven by a gender-based analysis plus (GBA+) framework and a feminist recovery plan. Some of the government responses to date, enacted on an urgent basis to address immediate crises, have left out women, particularly those living with multiple marginalization (such as precarious immigration status), many of whom work in the most impacted industries.

As an organization with 35 years of experience in identifying legal and policy responses that would best promote the equality interests of women and girls, LEAF is uniquely positioned to help propose pandemic recovery plans that centre the equality rights of women.

Despite the need for an intersectional feminist response to the pandemic, the organizations best equipped to provide this response are struggling to operate. The non-profit sector has been hit hard by the pandemic, and organizations that do not provide frontline services have received little in emergency benefit funding.

In order to ensure that organizations like LEAF are available to provide their input on how to most appropriately build a feminist recovery process, the government must provide such organizations with targeted and sustained financial support.

1. COVID-19 has had gendered impacts in industry and enterprise.

While the pandemic has had significant and extensive impacts on industry and enterprise in Canada generally, its impacts have had particularly negative consequences for women. More women have been infected by COVID-19 than men, likely due at least in part to their concentration on the frontlines in high risk professions. Women have also borne a disproportionate number of the job losses as the economy has shut down, due in part to their concentration in certain sectors such as retail and hospitality, as well as the need to step into caregiving roles as schools and daycares have closed. Women living at multiple intersections of oppression – including racialized women or new immigrants – comprise the majority of women working in frontline and service industries, and have therefore been particularly impacted. When women are excluded from industry and enterprise due to the pandemic, the country's economy suffers. As Angel Gurría, the secretary-general of the Organisation for Economic Co-operation and Development once said, "Women are the most underutilized economic asset in the world's economy."²

In Canada, more women have been infected with, and died from, COVID-19 than men. As of May 15, 2020, 57% of confirmed cases in Ontario were women; in Quebec, women comprised 60% of confirmed cases. Moreover, women make up 55% of people who have died from COVID-19.³ One factor contributing to the fact that women make up the majority of COVID-19 infections and deaths may be that there are more women in long-term care homes, where infection and death rates have been high.⁴

The overrepresentation of women – especially racialized women – in frontline and high-risk industries also likely helps explain why a higher percentage of women have been infected with COVID-19. Long-term care homes are primarily staffed by women, many of whom are racialized and/or new to Canada.⁵ Those working in long-term care have struggled to get appropriate access to personal protective

² See Harvard Business Review, "Women and the Economics of Equality", online: (2013) Harvard Business Review <<https://hbr.org/2013/04/women-and-the-economics-of-equality>>.

³ Olivia Bowden, "More Canadian women have COVID-19 and are dying as a result. Here's some possible reasons why" *Global News* (17 May 2020), online: Global News <<https://globalnews.ca/news/6920505/more-women-have-coronavirus/>>.

⁴ Canadian Centre for Policy Alternatives, *Re-imagining Long-term Residential Care in the COVID-19 Crisis*, by Pat Armstrong et al., (Canadian Centre for Policy Alternatives, April 2020) at 7 <<https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2020/04/Reimagining%20residential%20care%20COVID%20crisis.pdf>>.

⁵ Canadian Centre for Policy Alternatives, *Re-imagining Long-term Residential Care in the COVID-19 Crisis*, by Pat Armstrong et al., (Canadian Centre for Policy Alternatives, April 2020) at 7 <<https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2020/04/Reimagining%20residential%20care%20COVID%20crisis.pdf>>.

equipment.⁶ Women represent 92% of nurses, 90% of personal support workers,⁷ and 84% of cashiers;⁸ and more generally, they represent 56% of those employed in the 5 Cs jobs: care work, cashiering, cleaning, clerical, and catering.⁹ Racialized women are over-represented in these industries.¹⁰

These service professions tend to be under-compensated, with inadequate benefits (including sick days). The inability to take paid leave deters workers from staying home when they feel sick, which is dangerous from a public health perspective during a pandemic. Moreover, these jobs typically cannot be done from home, forcing individuals to choose between losing their income or risking their health (as well as that of their families).¹¹

While women have been on the frontlines of the pandemic, they also have been disproportionately impacted by job losses. 63% of the jobs lost in Canada due to COVID-19 have been positions held by women.¹² Within this group, community advocates report that racialized women have lost their jobs at an even higher rate.¹³ Finally, 80% of workers in nonprofits and charities are women. Most of these

⁶ See, for example, concerns raised about access to PPE in Ontario LTC homes: Shawn Jeffords and Allison Jones, "Ontario wants to change PPE directive for long-term care workers, CUPE says" *Global News* (8 May 2020), online: Global News,

<<https://globalnews.ca/news/6920822/ontario-ppe-personal-protective-equipment-long-term-care-cupe/>>.

⁷ Katherine Scott, "COVID-19 crisis response must address gender faultlines" *Behind the Numbers* (20 March 2020), online: Behind the Numbers <<http://behindthenumbers.ca/2020/03/20/covid-19-crisis-response-must-address-gender-faultlines/>>.

⁸ Kendra Coulter, Angella MacEwen & Sheetal Rawal, "The Gender Wage Gap in Ontario's Retail Sector: Devaluing Women's Work and Women Workers" (2016) at 4, online: <<https://revolutionizingretail.files.wordpress.com/2012/06/the-gender-wage-gap-in-ontarios-retail-sector-devaluing-womens-work-and-women-workers.pdf>>.

⁹ Katherine Scott, "COVID-19 crisis response must address gender faultlines" *Behind the Numbers* (20 March 2020), online: Behind the Numbers <<http://behindthenumbers.ca/2020/03/20/covid-19-crisis-response-must-address-gender-faultlines/>>; see also Canadian Women's Foundation, "The Facts: Women and Pandemics", online: Canadian Women's Foundation <<https://canadianwomen.org/the-facts/women-and-pandemics/>>.

¹⁰ Eddy S. Ng & Suzanne Gagnon, "Employment Gaps and Underemployment for Racialized Groups and Immigrants in Canada: Current Findings and Future Directions", *SkillsNext* 2020 (January 2020) at 8, online: <<https://fsc-ccf.ca/wp-content/uploads/2020/01/EmploymentGaps-Immigrants-PPF-JAN2020-EN.pdf>>.

¹¹ Katherine Scott, "COVID-19 crisis response must address gender faultlines" *Behind the Numbers* (20 March 2020), online: Behind the Numbers <<http://behindthenumbers.ca/2020/03/20/covid-19-crisis-response-must-address-gender-faultlines/>>.

¹² Katherine Scott, "Women bearing the brunt of economic losses: One in five has been laid off or had hours cut" *Behind the Numbers* (10 April 2020), online: Behind the Numbers <<http://behindthenumbers.ca/2020/04/10/women-bearing-the-brunt-of-economic-losses-one-in-five-has-been-laid-off-or-had-hours-cut/>>;

Shelly Hagan, "Canada's job pain to deepen with losses beyond service sector" *Bloomberg News* (7 May 2020), online: Bloomberg News <<https://www.bnnbloomberg.ca/canada-s-job-pain-to-deepen-with-losses-beyond-service-sector-1.1432741>>.

¹³ Shalini Konanur (delivered at the Canadian Labour Congress Webinar Women, Work and COVID-19: Impact - Response - Recovery, 14 May 2020), online: <https://vimeo.com/418628825/0ea6a51e93>.

organizations' work is considered care work, much of which is carried out by racialized, immigrant, and Indigenous women. Women and children are a large portion of the people that they serve.¹⁴

In addition to the occupational segregation that has led to women – particularly racialized women – disproportionately bearing the risk of contracting COVID-19 and losing their jobs, women have had to take on increased caregiving roles. Women already disproportionately bore the burden of caregiving before the pandemic.¹⁵ With childcare centres and schools closed and long-term care homes becoming hot spots for COVID-19, women are now taking on even more caregiving responsibilities. This is impacting their ability to participate in the workforce.¹⁶

Women are also at an increased risk of intimate-partner violence due to physical distancing rules and public health advice to stay home.¹⁷ In addition to the obvious impacts on women's physical and mental health, intimate-partner violence interferes with women's ability to participate in the workforce. Domestic violence complaints to police have jumped by 22% since March 2020, with "serious" domestic violence incidents having increased significantly since January as compared to the same timeframe last year.¹⁸ The Nova Scotia shooter is one of the most dramatic examples of this, but certainly not the only one.

¹⁴ The Canadian Women's Foundation et al., *Resetting Normal: Funding a Thriving Women's Sector* (May 2020) at 3 <<https://canadianwomen.org/wp-content/uploads/2020/05/Resetting-Normal-Report-Womens-Sector.pdf>>.

¹⁵ "Infographic: Women, Caregiving and Work in Canada" (28 March 2017), online: The Vanier Institute of the Family <<https://vanierinstitute.ca/infographic-women-caregiving-work-canada/>>.

¹⁶ Katherine Scott, "Women bearing the brunt of economic losses: One in five has been laid off or had hours cut" *Behind the Numbers* (10 April 2020), online: Behind the Numbers <<http://behindthenumbers.ca/2020/04/10/women-bearing-the-brunt-of-economic-losses-one-in-five-has-been-laid-off-or-had-hours-cut/>> ("As stark as they are, the unemployment figures don't include those who have left the labour market altogether and are now at home caring for children or others who are ill with no prospect of immediate return").

¹⁷ Perlita Stroh, "COVID-19 isolation measures increase risk for those in abusive relationships" *CBC News* (29 March 2020), online: CBC News <<https://www.cbc.ca/news/canada/covid-isolation-risks-abusive-relationships-1.5510551>>.

¹⁸ Adrian Humphreys, "Crime in a time of COVID-19: How the pandemic is changing criminality in our neighbourhoods" *National Post* (3 April 2020), online: National Post <<https://nationalpost.com/news/crime-in-a-time-of-covid-19-how-the-pandemic-is-changing-criminality-in-our-neighbourhoods>>.

Finally, women living in precarious housing situations have also been acutely affected by the pandemic; this significantly undermines their ability to be economic actors.¹⁹

Although we will not know the full impact of this pandemic on women for some time, Statistics Canada's labour force data from May 2020 indicate that women and newcomers are already being left behind in the economic recovery. The data show that though working hours decreased for all workers with children under 18 in May, women with children under 18 had a much greater decrease in hours worked than their male counterparts.²⁰ This is a "long-standing trend" of differences in parental absences from work that has persisted into COVID. The data also show that recent immigrants to Canada (who have been in Canada for 5 years or less) experienced no employment rebound in May 2020.²¹

Analysts and activists in the non-profit sector are now warning that the short-term crisis might extend well beyond the pandemic if some of the sectors that are dominated by women do not recover.²²

2. Existing government responses to the pandemic have left out some women, particularly those living with multiple marginalization.

While the federal government has provided much-needed funding to many through its Canada Emergency Response Benefit (CERB), the absence of an intersectional gender lens in government

¹⁹ Health care professionals and advocates have stressed that shelters pose an extremely high risk for COVID outbreaks due to crowding, poor ventilation, low cleaning standards, being understaffed and serving a population with chronic health conditions: see Shanifa Nasser, "'Like a petri dish': Advocates worry Toronto's homeless shelters are ill-prepared for COVID-19" *CBC News* (11 March 2020), online: CBC News, <https://www.cbc.ca/news/canada/toronto/homeless-coronavirus-canada-toronto-covid19-1.5492322>) This has increased the negative impacts for underserved populations. For example, the Native Women's Shelter of Montreal had to close down after a COVID-19 outbreak. The Executive Director of the shelter said that the outbreak may have been prevented if the public health authorities responded to her calls for help earlier, when their first worker tested positive: see Anne Leclair, "Native Women's Shelter of Montreal closes after COVID-19 outbreak" *Global News* (18 May 2020), online: Global News <<https://globalnews.ca/news/6957369/native-womens-shelter-of-montreal-closes-after-covid-19-outbreak/>>. The Red Door Family Shelter in Toronto noted that governments have supported temporary measures, but haven't put much thought into long term housing solutions: see Alastair Sharp, "A spike in domestic violence happening in Toronto due to COVID-19 experts say" *National Observer* (28 April 2020), online: National Observer.

²⁰ Statistics Canada, *Labour Force Survey, May 2020*, Catalogue No 11-001-X (Ottawa: Statistics Canada, 2020) <<https://www150.statcan.gc.ca/n1/daily-quotidien/200605/dq200605a-eng.htm?HPA=1>> accessed 5 June 2020.

²¹ Statistics Canada, *Labour Force Survey, May 2020*, Catalogue No 11-001-X (Ottawa: Statistics Canada, 2020) <<https://www150.statcan.gc.ca/n1/daily-quotidien/200605/dq200605a-eng.htm?HPA=1>> accessed 5 June 2020

²² For example, Katherine Scott recently made the point that many childcare services may shut down permanently, because they are non-profits and do not have the funds to weather this crisis. If childcare services do not re-open, women will not be able to go back to work. Katherine Scott (delivered at the Canadian Labour Congress Webinar Women, Work and COVID-19: Impact - Response - Recovery, 14 May 2020), online: <https://vimeo.com/418628825/0ea6a51e93>.

responses has left women behind – in particular, women in the labour market who are racialized and/or have precarious immigration status.

Because accessing CERB requires a valid social insurance number, those who are not legally eligible to work cannot access CERB directly.²³ We have heard that gaps in responses such as this have forced some women of colour to accept jobs that are underpaid and unsafe.²⁴

While allowing those who are eligible to receive CERB to sponsor ineligible family members may seem helpful, it risks keeping women in unsafe relationships who only qualify for CERB through their spouses. This is especially so given that the federal government has provided no assurance to women with precarious immigration status that their cases will not be funneled to Canada Border Services Agency should they seek safety in a domestic violence shelter.²⁵

Those earning between \$1000 and \$2000 are not eligible for CERB, which excludes many workers in the gendered and racialized labour force from eligibility, unless they stop working altogether. The employees falling into this category include personal support workers whose positions, for example in nursing and long-term care homes, are often part-time. Because of CERB eligibility requirements, these workers often reduce their hours even further.²⁶

Some provincial reopening plans have failed to consider the realities of caregiving, which are mostly borne by women. This will further undermine women's socio-economic security. By way of example, Ontario's plans for reopening include allowing daycares to open but with a reduced capacity for children and increased infectious screening and cleaning requirements. The government has not announced any plans to protect daycare workers – many of whom are racialized women – from risks of potential exposure to the virus. The government has also provided no specifics as to how the increased workload for daycare workers will be funded, especially given the reduced revenue that will come from operating with fewer children. It seems likely that these costs will be downloaded to parents. Many parents found daycare fees were already too high prior to the pandemic, and this may make them entirely unaffordable.²⁷ Without affordable access to childcare, women with children will be further marginalized and may be pushed out of the workforce altogether.

²³ Government of Canada, "Questions and Answers on the Canada Emergency Response Benefit", online: Government of Canada, <<https://www.canada.ca/en/services/benefits/ei/cerb-application/questions.html#eligibility>>.

²⁴ Shalini Konanur, Executive Director and Lawyer of the South Asian Legal Clinic of Ontario, spoke about a group of women in Ontario who are being paid \$4.00 per hour because they do not qualify for supports. See Shalini Konanur (delivered at the Canadian Labour Congress Webinar Women, Work and COVID-19: Impact - Response - Recovery, 14 May 2020), online: <https://vimeo.com/418628825/0ea6a51e93>.

²⁵ *Ibid.*

²⁶ Katherine Scott (delivered at the Canadian Labour Congress Webinar Women, Work and COVID-19: Impact - Response - Recovery, 14 May 2020), online: <https://vimeo.com/418628825/0ea6a51e93>.

²⁷ Chris Herhalt, "All Ontario childcare centres can reopen on June 12" CP24 (9 June 2020), online: CP24.com, <<https://www.cp24.com/news/all-ontario-childcare-centres-can-reopen-on-june-12-1.4975719>>.

Finally, the absence of a national action plan for gender-based violence in Canada – already sorely needed prior to the COVID-19 pandemic – exacerbates the gaps and inconsistencies in gender-based violence prevention services across the country.²⁸ Freedom from violence is a necessary condition for women to be able to participate freely and meaningfully in the economy and industry. The government has a responsibility to implement a national action plan so that women can contribute to Canada's economy and industry without fearing for their safety.

3. Gender equality organizations like LEAF are uniquely positioned to propose feminist recovery plans for the pandemic that will ensure women are not left behind in the recovery.

It is essential that the government's economic recovery plan be developed using the gender-based analysis plus (GBA+) that is supposed to inform all federal policy making. Such an approach should give due consideration to how the pandemic has uniquely affected women, and racialized women in particular, due to pre-existing systemic sexism and racism in the labour market. Simply put, the current situation needs a feminist recovery plan to respond to the gendered impacts of the pandemic.

A successful feminist recovery plan requires participation and input from those who are directly impacted, as well as from organizations that advocate for systemic reform based on the views of those directly impacted. For 35 years, LEAF has played a critical role in advocating for the substantive equality rights of women and girls, including in relation to employment benefits and constitutional rights to pay equity.²⁹

As an organization with 35 years of experience in identifying legal and policy responses that would best promote the equality interests of women and girls, LEAF is uniquely positioned to propose pandemic recovery plans that will ensure women are not left behind.

4. Organizations like LEAF require sustained financial support from the government to continue its work and to participate in developing needed feminist recovery plans.

At the same time as an intersectional feminist response to the pandemic is needed, the organizations equipped to provide this response are struggling to operate. The non-profit sector has seen "staggering"

²⁸ Canadian Labour Congress, "Canada's unions renew call for National Action Plan on Violence Against Women and Girls" (29 April 2020), online: Canadian Labour Congress < <https://canadianlabour.ca/canadas-unions-renew-call-for-national-action-plan/> >.

²⁹ For example, in 2019, LEAF appeared at the Supreme Court of Canada in a case concerning unequal access to pension benefits for female RCMP officers: *Fraser v Canada (Attorney General)*, decision forthcoming. LEAF has also intervened before appellate courts to address gaps in pregnancy and parenting benefits, as well as to advocate for interpretations and applications of "family status" in employment human rights law in a way that acknowledges women's unequal share of family care responsibilities: *Johnstone v Canada (Attorney General)*, 2014 FCA 110.

decreases in revenue as a result of COVID-19.³⁰ In its report on COVID-19 and the charity sector, Imagine Canada writes that

[c]harities across the sector are reporting revenues down markedly, with significant layoffs in progress – and more on the horizon. The size and scope of these shifts is beyond anything that we have seen before, far exceeding what we saw in the 2008/2009 financial downturn and with such broad effects even the most diversified revenue bases are seriously affected.³¹

While funding has been made available to frontline or service organizations, such as shelters and sexual assault centres,³² a decision that LEAF applauds, a feminist recovery will require the survival of both direct service and broader advocacy organizations. The presence of organizations such as LEAF, with a mandate to fight for the equality rights of women and girls, is critical and linked to ensuring that any pandemic recovery plans be done with an intersectional feminist lens so no one gets left behind. Organizations like LEAF must be at the table to help produce high-quality research and analysis on gender equality and to propose economic and industrial policy reforms with an intersectional feminist analysis at the forefront.

In order to ensure that gender equality organizations have capacity to provide their input on a recovery process that accounts for the experiences of women and others who experience gender discrimination, they require targeted and sustained financial support from government.

Funding to support gender equality organizations during this time should be unrestricted so that non-profit organizations can flexibly and autonomously direct the funding to where it is needed most. Government funding for gender equality organizations like LEAF is ordinarily projects-based, meaning that organizations bear the responsibility of proposing projects. This projects-based model limits organizations from being able to shift priorities after securing funding, which poses serious operational challenges during the pandemic.

Finally, the funding for gender equality organizations should extend beyond the pandemic, so that they can continue to play a role in implementing a feminist recovery plan. A recovery plan is a long-term project that requires continuous monitoring and resources.

³⁰ Imagine Canada, “Sector Monitor: Charities & the COVID-19 Pandemic” (May 2020) at 8, online: <https://imaginecanada.ca/sites/default/files/COVID-19%20Sector%20Monitor%20Report%20ENGLISH_0.pdf>.

³¹ Imagine Canada, “Sector Monitor: Charities & the COVID-19 Pandemic” (May 2020) at 1, online: <https://imaginecanada.ca/sites/default/files/COVID-19%20Sector%20Monitor%20Report%20ENGLISH_0.pdf>.

³² Government of Canada, “Supporting women’s shelters and sexual assault centres during COVID-19” (last modified 5 June 2020), online: Government of Canada, <<https://cfc-swc.gc.ca/fun-fin/shelters-refuges-en.html>>.