

United Nations Commission on the Status of Women  
c/o Division for the Advancement of Women  
Department of Economic and Social Affairs  
United Nations  
DC2, 12th floor, New York, New York, 10017

New York City, March 5 2009

**Re: Urgent notice of forthcoming communication**

The Canadian government is poised to adopt the *Budget Implementation Act 2009* currently being debated in Third reading before the House of Commons. This bill will, in both substance and process, entrench existing patterns of female inequality, and have a profoundly discriminatory impact on Canadian women. This legislative reform is being rushed through the Canadian Parliament without regard to basic democratic principles, and without regard to the norms and standards that have been adopted by the international human rights community. In addition, this reform is being implemented in a context where the federal government has in the last three years adopted several measures that constitute an attack against women's rights. For these reasons, we wish to put the Commission on notice that we intend to urgently send a communication to the Commission on the Status of Women regarding Canada's current practice of systemic discrimination against women.

This "omnibus" legislation was initially presented to the House of Commons on February 6, 2009. The Bill is more than 500 pages long, and it would amend or implement over 40 different laws<sup>1</sup>. However, several reforms proposed in this bill

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<sup>1</sup> Such as, for example;  
Income Tax Act  
Budget Implementation Act 2008  
Employment Insurance Act  
Financial Administration Act  
Canada Deposit Insurance Corporation Act  
Access to Information Act  
Canadian Payments Act  
Financial Administration Act  
Export Development Act  
Business Development Bank of Canada Act  
Canada Small Business Financing Act  
Bank Act  
Cooperative Credit Associations Act  
Financial Consumer Agency of Canada Act  
Green Shield Canada Act  
Insurance Companies Act  
Trust and Loan Companies Act

quite simply have no budgetary ramifications: for example, federal government spokespersons have admitted that they have not estimated the costs or savings related to the new pay equity regime for the federal public sector that is being introduced by this bill. There was no significant consultation with trade unions, women's groups and other civil society actors before introducing these reforms. In addition, the gender-based impact of these reforms were not taken into account, and the imperatives of gender budgeting were simply set aside.

Despite the complexities of the Budget Implementation Act, the government allowed for only one day of hearings on the bill in parliamentary committee, on February 23, 2009. It is now pressing Parliament to adopt this bill in the next few days. Budget bills fall into the category of "confidence" matters and thus all aspects of this bill will be subject to a vote of "confidence" even though the proposed new pay equity regime has no place in a budget bill. All this amounts to a seriously flawed process, and it demonstrates that basic democratic principles are being trampled by the federal government.

In its substance, this Bill represents a systemic attack against women's equality rights. Here are a few of the reasons why:

- Despite the fact that in December 2008, a UNICEF report card on early childhood education and child care ranked Canada last among 25 developed nations, and despite a very large consensus that the 2009 federal budget should provide a substantial amount of money for childcare, the January 27 budget was silent on childcare.

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Canadian Securities Regulation Regime Transition Office Act  
 Navigable Waters Protection Act  
 Financial Administration Act  
 Canada Council for the Arts Act  
 Canada Employment Insurance Financing Board Act  
 Canada Post Corporation Act  
 Canadian Dairy Commission Act  
 Canadian Race Relations Foundation Act  
 Public Sector Pension Investment Board Act  
 Federal-Provincial Fiscal Arrangements Act  
 Expenditure Restraint Act  
 Public Sector Equitable Compensation Act  
 Canadian Human Rights Act  
 Public Service Labour Relations Act  
 Competition Act  
 Competition Tribunal Act  
 Criminal Code  
 Shipping Conferences Exemption Act, 1987  
 Investment Canada Act  
 Canada Transportation Act  
 Air Canada Public Participation Act

- The changes to employment insurance (EI) policies that are contained in Budget 2009 will not benefit most working women. Indeed, less than 33% of unemployed women qualify for EI, because of the high number of hours of work that are required in most regions of the country. These rules exclude most part-time and atypical workers. And even when women do manage to work a sufficient number of hours to qualify for EI, they often earn so little that they can't actually make ends meet on EI benefits
- The federal budget does not address the needs of women who are Aboriginal, racialized or have disabilities. While the budget does provide Aboriginal-specific investment, it doesn't come close to either fulfilling the pledge outlined in the Kelowna Accord that was cancelled in 2006, or meeting the demand for education funding, clean water, healthcare or housing in Aboriginal communities. The funds provided for the recognition of foreign credentials are unlikely to make any significant improvement to immigrant women's access to jobs nor will they help to combat the racism and discrimination faced by racialized immigrant women. Other than a small investment in housing for persons with disabilities, this budget completely ignores persons with disabilities.
- The proposed *Public Sector Equitable Compensation Act* will restrict the scope of pay equity in the federal public sector, and it will deny women employed in this sector the right to submit pay equity complaints to the Canadian Human Rights Commission. The bill transforms pay equity into an "equitable compensation issue" that must be discussed at the bargaining table, without any legislative direction to force the employer to negotiate with the union and implement a gender-neutral job evaluation plan, the foundation of determining wage rates. If pay equity is not achieved during the bargaining process, workers can file individual complaints with the Public Service Staff Relations Board, but must do so without the help of their union. This legislation calls for a fine of \$50,000 to be levied against any union that assists or encourages its members to file a pay equity complaint or helps them do so. As a group of almost 100 human rights academics and experts have written about this new federal legislation: "the *Public Sector Equitable Compensation Act* is not compatible with Canada's obligations under international human rights law, as it undermines, rather than fulfilling, the commitment to eliminating sex discrimination from pay practices, and does not provide women federal public servants with effective access to a remedy if their rights are violated."

The *Budget Implementation Act* is being imposed in a context where, for the last three years, the Canadian government has been systematically chipping away at women's rights and introducing laws and policies that will disadvantage women. For example, in the spring of 2006, the federal government cancelled bilateral

agreements with the provinces and territories to fund childcare and replaced them with a “universal” taxable benefit that is barely enough to cover the costs of an occasional babysitter. In the fall of 2006, it announced major cuts to Status of Women Canada, closed regional offices, abolished the independent Status of Women research fund and changed the funding policies of the Women’s Program. This struck a severe blow to the women’s movement and reduced its ability to conduct research and promote legislative reforms to achieve women’s equality. In addition, the government cancelled all federal funding for the Court Challenges Program.

In November 2008, the UN made public its observations and recommendations regarding the Government of Canada’s failure to meet its commitments under the *Convention on the Elimination of All Forms of Discrimination Against Women*. As was the case in 2003, the CEDAW Committee believes Canada is not doing enough to respect and promote women’s equality. In 2009, during the Universal Periodic Review of Canada by a Working Group of the Human Rights Council, several countries recommended that Canada “take the necessary measures to end discrimination against women in workplaces and implement ILO and CESCR recommendations to ensure equal remuneration for work of equal value in public and private sectors.”

The Public Service Alliance of Canada and the other trade unions and women’s groups who have signed this letter are extremely concerned about Canada’s retreat from its previous human rights commitments, and by its recent policies that represent a serious attack against women’s equality rights. We consider that this form of governance is in itself a systemic discrimination against women and we will, in a very near future be calling on the Commission to examine this situation in more detail.

Yours truly,

Patty Ducharme,  
National Vice-President, Public Service Alliance of Canada

Robyn Benson,  
Regional Executive Vice-President, Responsible for Women’s Issues, PSAC

*and the following organizations:*

Action Canada for Population and Development  
Alliance du personnel professionnel et technique de la santé et des services sociaux  
Association féminine d’éducation et d’action sociale  
British Columbia Federation of Labour  
Canadian Auto Workers  
Canadian Federation of Business & Professional Women's Clubs  
Canadian Federation of Nurses Unions

Canadian Federation of University Women  
Canadian Labour Congress  
Canadian Teachers' Federation  
Canadian Union of Postal Workers  
Canadian Union of Public Employees  
Centrale des syndicats du Québec  
Confédération des syndicats nationaux  
Centre de documentation sur l'éducation des adultes et la condition féminine  
Child Care Advocacy Association of Canada  
Communications, Energy and Paper Workers  
DisAbled Women's Network Canada  
Elementary Teachers' Federation of Ontario  
Fédération de ressources d'hébergement pour femmes violentées et en difficulté du Québec  
Fédération des associations de famille monoparentales et recomposées du Québec  
Fédération des femmes au Québec  
Fédération des travailleurs et des travailleuses du Québec  
Fédération interprofessionnelle de la santé du Québec  
Feminist Alliance for International Action  
Girls Action Foundation  
Le Réseau des lesbiennes du Québec  
Le Réseau des Tables régionales de groupes de femmes du Québec  
L'R des centres de femmes du Québec  
National Association of Women and the  
NB Coalition for Pay Equity  
Ontario Coalition for Better Child Care  
Ontario Federation of Labour  
Ontario Secondary School Teachers' Federation  
Regroupement provincial des maisons d'hébergement et de transition pour femmes  
Regroupement québécois des CALACS  
Saskatchewan Federation of Labour  
Syndicat de la Fonction publique du Québec  
Syndicat de professionnelles et professionnels du gouvernement du Québec  
Table de concertation des groupes de femmes du Bas Saint-Laurent