

JOB CUTS HURT WOMEN

Public services and the Harper agenda



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And we're fighting back!

The Conservative government's policies are threatening our human rights, our jobs and our security. Women are hit particularly hard by this slash-and-burn mentality and it will get worse in the years to come. But PSAC women are fighting back!

An absurd choice

The Harper government has announced billions in cuts to the federal public service. The Conservatives want to bring the deficit down to zero and plan to cut up to 10 per cent from government departments to do it. The government has set a Canadian precedent by offering senior managers cash incentives of up to \$15,000 pegged on how much they find to cut in their departments.

The government is asking people to choose between a strong economy and strong public services. That's absurd. Canadians want both. We all deserve a say because public services touch everyone, helping to safeguard our health and safety, protecting the environment and contributing to local economies.



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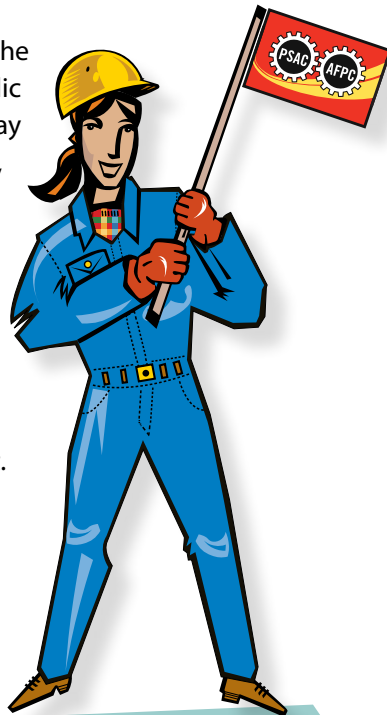
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Why is the government doing this?

The Harper government claims that it is making drastic cuts in an effort to pay down the deficit. But would you pay off your mortgage if it meant not feeding your kids? Eliminating the deficit quickly may sound like a great idea too, but not at the expense of public services Canadians need.

And that's especially true when it comes to services for the most vulnerable, such as seniors trying to get their pensions or those unfortunate enough to find themselves out of a job.

Since being elected in 2006, the Harper government has cut public funding for child care, attacked pay equity in the federal public service, dismantled the long gun registry and eliminated funding for women's groups that advocate for and defend women's rights. These cuts will directly weaken the government's capacity to protect public health, public safety and the environment.



Harper's bad track record

Since being elected in 2006, the Harper Conservatives have systematically attacked women's rights:

- ✘ Their first order of business was to eliminate child care funding agreements and destroy the potential for a national child care program.
- ✘ The government shut down 12 of 16 Status of Women Canada regional offices and prevented women's groups from applying for funding for research or advocacy.
- ✘ The Conservatives abolished the Court Challenges Program and led vicious attacks against human rights institutions, such as the Canadian Human Rights Commission and Rights and Democracy.
- ✘ The government barred federal public sector workers from filing pay equity complaints before the Canadian Human Rights Commission.
- ✘ Harper and his MPs have promised to eliminate the gun registry, despite the fact that it has been proven to reduce homicide and prevent violence against women.

Women will be harshly affected

More than half of public sector workers are women, representing 84 per cent of administrative staff in federal workplaces. This means that jobs cuts in the federal public sector will disproportionately impact women:

- ✘ **They lose good paying jobs.** Federal public sector jobs pay an average of 10 per cent more than private sector jobs, thanks to the successful pay equity struggles that were led by PSAC.
- ✘ **They lose decent pensions and benefits.** In the public sector, two thirds of women have pensions, as opposed to only one third in the private sector. Extended health and maternity benefits are also more generous in the public sector.
- ✘ **They are left vulnerable to harassment.** Job insecurity makes women more vulnerable to discrimination and mistreatment.
- ✘ **They lose the union advantage.** There are much lower rates of unionization in the private sector. When women lose public sector jobs, they often lose union protection.

Colbey's Story

I was quite devastated when the [government] announced on August 19 their intention to close the EI call centre in Vancouver. It is incredibly demoralizing to watch my co-workers literally "fleeing" the workplace. The term [employees] are going wherever they can to get a promise of work to the end of March 2012 – even for less money.

I have watched our numbers decrease over the past two years – [our employer] has not replaced any of the indeterminate staff who have retired or been deployed to other business lines or department, or left the public service altogether. Our numbers have been reduced by more than 60 per cent since 2009 and we have lost many skilled and valuable members.

Everyday I have to attempt to explain to our frustrated, desperate and amazingly patient clients, why it is that they are waiting weeks and months beyond the legislated time frame to receive the benefits to which they are entitled.

– A PSAC member working at Service Canada in Vancouver



The impact on women at home

Cuts to public services and programs mean that women will have to do more free work. They will have to compensate – without pay – for lost public services and support systems such as elder care.

When women lose good jobs in the public service, they must often fall back on precarious, contractual, part-time or minimum wage work. Many women lose income and become more dependent on their spouses or family. This trend will be reinforced by Harper government's fiscal policies: income splitting makes having women stay at home make "economic sense." Men will get tax deductions while women work for free at home. Given all of the cuts in public services and programs, women will have a big job on their hands!¹

When women are poorer, they also become more vulnerable to abuse, violence and sexual exploitation both at work and at home. Economic dependency makes women less able to leave abusive situations. The lack of affordable housing makes it impossible or incredibly risky.

¹ Of course, some men will choose to stay at home and care for children and family. But the reality is that because of how the labour market is currently structured, it is women who will be more likely to "choose" to stay home, or work part-time, as they do now.

Cuts impact rural women

The importance of *Enabling Rural Women's Economic Empowerment* is being discussed this year by the United Nations Commission on the Status of Women.

PSAC, along with the Canadian Labour Congress is raising the issue of protecting public services, providing decent work and promoting human rights for rural women across the country, including those in Aboriginal communities.

This is an important issue, since Canada is mainly a "rural" country, with 90 per cent of our land mass considered geographically rural. Just over 20 per cent of the population lives in rural and small towns. Rural women have lower labour force participation rates and a higher likelihood of being poor and certain groups such as Aboriginal women and elderly women are particularly disadvantaged. Improving public services and programs in regard to health care, child care, education, public transportation and housing are particularly important for rural women.

Job cuts and privatization in areas such as environmental protection, the Coast Guard, and the dismantling of the Wheat Board are simply not ways to "empower" rural women.



Job cuts hurt equity

Thanks to the federal Employment Equity Act, women from historically disadvantaged groups are more equitably represented in the federal public service than in the private sector, even though the situation is still not fully satisfactory.

Working in the federal public sector also usually means better protection against racism than what can be found in the private sector. The same is true with disability related issues. Institutional policies and mechanisms are in place to deal with these issues and unions are there to help women from equity groups defend their human rights.

Job cuts and privatization hit women of colour, those with disabilities as well as women from immigrant and Aboriginal communities the hardest. These women are often the last hired and the first to be let go. They are also more likely to be term workers, with no job security.

PSAC is working hard to protect all of our members, and to make sure that employment equity is well defended in “workforce adjustment” measures.



Shocking disregard for Aboriginal women

Violence against Aboriginal women and girls is a national tragedy that has been decried both in Canada and by the United Nations. Despite several calls over the years for a national action plan against violence against Aboriginal women, the Harper government has done nothing.

On December 12, 2011, the Standing Committee on the Status of Women released its report entitled *Ending Violence Against Aboriginal Women and Girls: A New Beginning*. The report from the Conservative-dominated committee demonstrates a shocking disregard for the plight of Aboriginal women, and a refusal to even acknowledge the facts and data on violence against Aboriginal women.

The report fails to provide any recommendations that would effectively address the persistent violence, inequality and human rights violations endured by Aboriginal women. It miserably fails to rise beyond short term and partial solutions. This constitutes a most inadequate response to the ongoing human rights scandal of racism, discrimination and violence against Aboriginal women and girls.



Racist and sexist law reform

The government's amendments to the *Criminal Code* will drastically increase the number of people who will be arrested and ruthlessly punished by long, mandatory sentences. Aboriginal women, racially visible and low income women, youth and women with mental health issues will be severely affected by these draconian measures. Billions of dollars will be pumped into prisons and criminal law systems, instead of being invested in important social programs and quality public services. Aboriginal children in particular need schools and social services, housing and health care, not more jails.

The Harper government has also introduced new rules for those seeking refugee status in Canada, potentially removing the basic human rights of whole groups of refugees and making family reunification more difficult. Sponsorship rules have been changed in ways that will make more women's status precarious.



Attacks against workers' rights

The Conservative government is engaged in a full blown attack against unions and workers' rights. In 2009, the government unilaterally imposed wage rollbacks on some of PSAC's bargaining units – a clear violation of collective bargaining rights. And in 2011, the government ruthlessly bullied locked-out Canada Post workers with threats of back-to-work legislation, mandating arbitration that was clearly biased in favour of the employer. In media interviews in January 2012, the Conservatives signaled that their next target will be public sector pensions.

Fighting back

The government is asking people to choose between a strong economy and strong public services. That's absurd. Strong public services are an essential part of a strong economy. In reality, the Harper government is sacrificing public security and the public good, to give even more generous tax cuts to corporations. As of January 2012, corporations will be receiving more than 13 billion dollars a year in tax breaks from the Harper Conservatives.

Does this make sense to you?

We invite you to talk with women in your union and in the general public about how the Harper government's policies are affecting you and discuss how you can make a difference.

Let the government know what you think of their attacks against our jobs and against federal public services.

Together, let's challenge these bad policies, and demand better choices.

Let them know that PSAC women are fighting back!

For more information and in-depth analysis on some of the issues raised in this booklet, visit the Women's Program section on the PSAC website: psac-afpc.com.

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And we're fighting back!

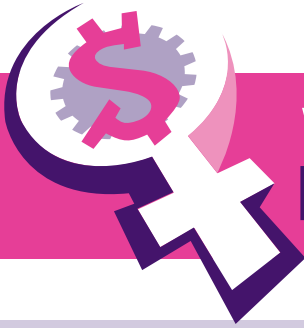


Workshop Task Sheet #1

Impacts



- Take a few minutes to read the document that has been assigned to your table
- Help each other clarify any questions after reading the text
- How would you summarize the issue that is discussed in the text?
- Discuss:
 - How does these impact PSAC women?
 - What does this mean for women's equality?
- Summarize your responses to these questions
- Prepare a presentation to the group, in 5 minutes or less, summarizing the issue, and addressing its impact on women's equality.



WOMEN'S RIGHTS ARE NOT NEGOTIABLE FIGHT FOR PAY EQUITY !

"I think this shows the true sentiment behind the government that wrote this piece of legislation. This isn't about improving pay equity, access to pay equity, or speeding up the pay equity process. It's about stifling the rights of women who work for the federal public sector – their human rights, their ability to access equal pay for work of equal value. It targets unions that have had success in fighting the Government of Canada on behalf of their members."

– Patty Ducharme,
PSAC National Executive Vice-President

Resisting the attack Defending our rights

The Harper government has been systematically chipping away at women's rights since taking power in 2006. It cancelled the agreements with the provinces to fund childcare, it abolished funding for the Court Challenges Program, it shut down 12 of 16 regional offices of Status of Women Canada and it stopped the Women's Program from funding research or advocacy on women's rights.

More recently, it has capped wage increases and stripped federal public sector workers of their fundamental right to pay equity. *The Public Sector Equitable Compensation Act* (PSECA) was rammed through Parliament by the Conservative government this winter, and adopted on March 12, 2009. It was passed as part of Bill C-10, the *Budget Implementation Act*: however, pay equity is a human right, and it should never have been addressed in a budget bill.

The provisions in the PSECA radically transform the law on pay equity for the federal public sector. PSAC members, 62% of whom are women, will be very hard hit by this new law. The government's callous disregard for human rights is an outrage and we are fighting back!

PSECA spells the end of pay equity in the federal public sector

The Public Sector Equitable Compensation Act restricts the substance and the application of pay equity in the public sector

The legislation makes it more difficult to claim pay equity by increasing to 70% the number of women workers who must be in a job group for it to be considered "female predominant".

It also redefines the criteria used to evaluate whether or not jobs are of "equal" value, by adding a reference to "market forces".

"The [2004] task force report explicitly recommended that the process for achieving pay equity be separated from the process for negotiating collective agreements. The new legislation makes unions and employers jointly responsible for negotiating equitable compensation despite the fact that unions have no control over whether federal money is spent fairly on compensating women working in the public service."

– Susan Russell, Executive Director,
Canadian Federation of University Women

“Under the current PSECA regime, there is no remedy for women, particularly the most vulnerable and most marginalized women. The information that is required to advance a pay equity claim is very complex, requires expert assistance, and is also generally not available to workers. It’s exclusively within the hands of the employer...”

– Joanna Birenbaum,
Women’s Legal Education and Action Fund

Pay equity can be bargained away

The new law transforms pay equity into an “equitable compensation issue” that must be dealt with at the bargaining table. Pay equity is a fundamental human right that should not be vulnerable to being traded away at a bargaining table.

In addition, the process is stacked against women ever achieving pay equity. There is:

- no obligation on the employer to proactively review its pay practices and to provide the union with the relevant information;
- no obligation to proceed with a joint pay equity assessment;
- no clear definition of the new terms and expressions that are introduced with this Act, such as “equitable compensation”;
- no time limit to provide equitable compensation.

Women are compelled to file complaints alone, without the support of their union

Under this new legislation, if pay equity is not achieved through the bargaining process, individual workers are permitted to file a complaint with the Public Service Labour Relations Board, but without their union’s support.

In fact, this law imposes a \$50,000 fine on any union that would encourage or assist their own members in filing a pay equity complaint!

Access to the Canadian Human Rights Commission is prohibited

This new law removes the right of public sector workers to claim protection under sections 7, 10 and 11 of the Canadian Human Rights Act.

It prohibits public sector workers from filing complaints for pay equity violations with the Canadian Human Rights Commission.

It has specifically targeted public sector workers, since other federally-regulated workers are not covered by these provisions.

“...the inequality between the government and one individual...who wants to bring a complaint against the federal government, which is the employer, is immeasurable.”

– Joanna Birenbaum

“Quite frankly, I think this law is mean-spirited... It’s penalizing women through their pay cheques.”

– Barb Byers,
Executive Vice-President,
Canadian Labour Congress

(Quotations are taken from presentations made to the House of Commons Committee on the Status of Women in May and June, 2009.)

PSECA violates PSAC members' constitutional rights

The downgrading of pay equity as outlined in this new law is a violation of the constitutional Charter equality rights of working women that are guaranteed in section 15 of the *Canadian Charter of Rights and Freedoms*.

"In LEAF'S view, the PSECA is not consistent with Canada's statutory, constitutional, and international commitments and obligations to women's substantive equality.this legislation would seem to be one in a series of regressive measures that have included funding cuts to Status of Women Canada and the elimination of the Court Challenges Program. These measures all detrimentally affect women's access to justice and the ability to advocate for and enforce their statutory and constitutional equality rights."

– Joanna Birenbaum

It violates women's equality rights

The Act introduces a new mechanism to address "equitable compensation" in the public sector that will actually restrict the capacity of women to claim and to obtain pay equity.

For example, the introduction of the "market forces" criteria to evaluate whether work is of equal value undermines the ability of women to receive pay equity, because "market forces" have historically and consistently undervalued women's work!

Some workers will be entirely excluded from accessing the new equitable compensation mechanism, since workers who belong to a job group comprised of between 55-69% women are no longer considered to be members of a "female-predominant group". These women will be denied the right to participate in any process to address the issue of wage discrimination.

By requiring unions and employers to negotiate pay equity

at the bargaining table, the Act undermines the established principle that human rights cannot be traded against other terms and conditions of employment or waived by agreement. This effectively eviscerates the right to pay equity.

In addition, the PSECA goes against the rights of all women to pay equity as required by international human rights law, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the International Labour Organization's Convention 100 on equal remuneration for work of equal value.

It violates the rights of freedom of association and freedom of expression

The prohibitions contained in the new law against union assistance or encouragement in filing a pay equity complaint, constitute a violation of the right to freedom of association that is guaranteed in section 2 of the Charter.



"... pay equity is actually one of the key factors in getting off the poverty treadmill and getting women to economic independence."

– Susan Russell

This prohibition completely restricts the ability of unions and their members to take collective action, and it violates the right of workers to be represented by their unions in important matters that relate to their working conditions.

It precludes the unions from accomplishing their most basic duties, that is: fully representing their members on issues relating to their working conditions, such as wage discrimination.

The prohibition also prevents the unions from expressing any views and advising the workers on anything that might assist or encourage them to file complaints regarding pay equity. This undermines the constitutional right of unions to express opinions and give advice to their members on matters that bear on their members' rights as workers.

It [PSECA] is clearly about a minimization of a key equality right for women, a right that is internationally recognized and that decades have been spent trying to advance. This statute individualizes a problem that is systemic in origin. The result is that it quite clearly mocks and denies decades of hard work done to achieve labour market equality for women.

— Margot Young,
Associate Professor of Law,
University of British Columbia

“When I chaired the commission that developed the Quebec Pay Equity Act, the President of the Conseil du patronat du Québec came to meet us during our hearings. He told me that, as long as he had anything to do with it, this legislation would not pass. But the legislation did pass... When I give training sessions to corporate managers of human resources—I have given them in 300 or 400 different firms—they tell me that, thanks to this legislation, their compensation system is more coherent, their business is better managed and has a better reputation, and is thus better able to attract talented people with the right skills... So, the impact is extremely positive in terms of their competitiveness.”

— Marie-Thérèse Chicha,
Professeure titulaire, Faculté des arts et de sciences - École de relations industrielles,
Université de Montréal and member of the
Federal Pay Equity Task Force



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PSAC and our members are fighting back

The PSAC considers that the *Public Sector Equitable Compensation Act* imposes limits on working women's constitutional rights that are simply not justifiable in a free and democratic society.

We have initiated legal procedures to challenge this discriminatory and unfair legislation in court.

We have also filed a “Communication with the United Nations Commission on the Status of Women against the federal government. The PSAC received the support of 40 important trade unions, women's groups and human rights groups across Canada and in Québec in March 2009, when we initiated our communication with the UNCSW.

We have appeared before the House of Commons Standing Committee on the Status of Women, as well as the Senate Standing Committee on Human Rights. We asked these MPs and Senators to strongly condemn the *Public Sector Equitable Compensation Act* and to recommend its repeal. We have

asked that it be replaced with a truly proactive federal pay equity law, as proposed by the Pay Equity Task Force in its report released in 2004, entitled *Pay Equity: A Fundamental Human Right*. In May, 2009 the Commons Standing Committee on the Status of Women agreed with our recommendations, and the government must now respond and explain why it refuses to implement a truly proactive federal pay equity law.

PSAC members are sending e-mail, phoning or writing to and meeting with their MPs, asking them to pledge to repeal the *Public Sector Equitable Compensation Act* and replace it with a real proactive pay equity law, based on the recommendations of the federal Pay Equity Task Force.

Members are engaged in ongoing work in our regions to elect progressive MPs in future federal elections who are prepared to take these actions and to respect human, women's and workers' rights.



Conservative government threats to Public Service workplace child care

In the 1980's, the PSAC pushed Treasury Board to provide space for workplace child care centers in the federal public service. In 1989, a letter of agreement was signed with Treasury Board that provided the basis for the Workplace Daycare Policy that was officially adopted in 1991. This policy resulted in the creation of a dozen quality child care centers across the country. Unfortunately, the policy is now under attack, and the federal government has announced its intention to abolish it in a near future.

Historical background

In 1986, the House of Commons Special Committee on Child care tabled its report, and recommended that the government "consider the establishment of a significant number of new child care centres in appropriate federal buildings over the next few years". A year later, the federal government tabled the *National Strategy on Childcare*, in response to this report. To the great disappointment of PSAC members, the federal strategy did not include any

recommendations for workplace child care.

PSAC fights for workplace child care

On December 3, 1987, the PSAC issued a press release entitled "PSAC hits Epp over lack of workplace child care". We stated:

"By moving to establish workplace child care in the federal public service, Mr. Epp could have set a powerful example for the private sector and proved its seriousness about this pressing issue".

The pressure that PSAC put on this issue resulted in a commitment by Treasury Board that it would support the creation of workplace child care centers. Indeed, a letter of intent on Work Place Daycare in the Federal Public Service was sent to the PSAC by Treasury Board President Robert de Cotret in 1989. A commitment was made by the

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employer to fit-up workplace daycare centres in federal buildings where there was a proven demand and viability for a centre, and when specific departments agreed to provide some space and rental support.

A Policy in 1991

After much discussion between PSAC and the federal employer, and after a positive report from the National Joint Council Ad Hoc Committee on Day Care, the *Policy on Workplace Day Care Centres* was officially adopted by Treasury Board on June 20, 1991.

This policy provided for the creation of 10 new workplace centres by 1996, to be created on a first come, first served basis. The policy provided a maximum \$400,000 start-up budget for a non-profit child care centre. It also provided a full rent subsidy if 70% of child care center's spaces were taken by children of parents working in the public service. As of the mid 1990s, there were a dozen workplace child care centres. However, it seems that the drastic budget cuts that were imposed in 1994 and 1995 by the Paul Martin budget halted the development of new centers.

PSAC tries to improve the Policy

At the bargaining table, the PSAC proposed a new article on child care for

the 1997 negotiations with Treasury Board. We requested that the 1989 letter of understanding be included in the collective agreements. In addition, we proposed improvements to the Workplace Daycare Policy. We asked that:

- 100% of the start-up costs be covered;
- employees should have some time off to set up the child care centre;
- the employer should subsidize child care spaces; and
- the employer pay for the cost of the security clearances of all child care centres workers.

Unfortunately, we were not successful in getting Treasury Board support for this proposal.

An evaluation of the workplace child care centres concluded that the centres were offering quality services, and that they “contribute to recruitment and retention of employees”. Despite this positive evaluation, Treasury Board issued a “Proposal to rescind the policy” in September 2006. The main reason invoked to abolish the policy was the availability of “privately-run” day care centres.

Policy now under threat

While Treasury Board is proposing to add a few references to child care in a

HANDOUT # 4

future “Workplace Policy”, no obligations would be placed on departments to help set up child care centers. On the contrary, the draft policy provides that managers can only support the creation of a workplace child care center if they can demonstrate a “sound business case” for these centers.

PSAC parents have a lot at stake. Under the existing policies, the child care centres must be “non-profit”. That means that no one has a financial interest in exploiting child care workers, or saving money on the backs of children. In addition, these centers must be accessible to children with disabilities, and accommodate their needs. Finally, the current policy requires that centers take into account the official languages needs of Francophone (and Anglophone) children, and staff is required to be bilingual in the National Capital Region, Montréal, Moncton, Sudbury and a few other locations.

While this new policy has not yet been adopted and the Workplace Daycare Policy is still the official Treasury Board policy, departments and staff seem to be getting the message that this government is not interested in supporting working parents. At least one child care center - the Tupper Tots Center in Ottawa - has lost its rental

support, and will be forced to leave its fully subsidized premises.

PSAC fights back!

In early 2013, President Robyn Benson wrote to Treasury Board to express PSAC’s opposition to this change of policy, and to explain our concerns with the Tupper Tots situation in Ottawa. In response, Treasury Board wrote that the new policy will “allow the continuation of new daycare centres and provide for the possibility of additional day care centres”.

Clearly, PSAC members must be ready to defend these important services.

Women's Equality: 16 Reasons to Stop Harper and the Conservatives

1. Our Rights At Risk

Since 2006, Stephen Harper's Conservative government has been steadily cutting back women's gains and women's rights. In the name of fighting the deficit, Harper's government has cut federal programs and services, including EI and security for seniors. His cuts to social transfers to the provinces have weakened social programs that benefit women – health, education, social welfare and housing. These cuts would not have been necessary if the federal government had not chosen to cut the GST and corporate taxes.

DID YOU KNOW? The Parliamentary Budget Officer estimates that the cost of cutting the corporate tax rate from 18% in 2010 to 15% in 2012 cost Canadians \$11.5 billion in lost revenue between 2011 and 2014. That \$11.5 billion could have funded a national pharmacare program, or a national child care program, or other critical public services for Canadians.

2. Attacking Unions Means Attacking Women

Unions have a track record of making life better for women. Studies show that women who are members of a union in Canada earn 39 percent more than non-unionized women. They are twice as likely to have pensions, and they have better benefits, human rights protections and job security. But the Conservative government's attacks on unions are harming women – through back-to-work legislation, legislated wage rollbacks and Private Members bills that single out unions for financial disclosure. The elimination of automatic dues check-off, and threats to the Rand formula could be next. These attacks will erode women's working conditions, and the capacity of the labour movement to defend their rights.

3. Women Are ALL Affected

The Conservative government has severely cut federal programs and services that directly touch Canadians, and women in particular, in areas such as environmental protection, income security for seniors, food inspection, employment insurance, services for veterans. With these cuts, tens of

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thousands of good jobs for women have been eliminated. Job cuts severely hurt women of colour, those with disabilities as well as women from immigrant and Aboriginal communities. These women are often the last hired and the first to be let go. They are also more likely to be term workers, with little or no job security.

DID YOU KNOW? As of May 31st 2013, over 21,000 PSAC members in 58 departments had received notices that they could lose their job.

4. Child Careless

In the May 2006 budget – Harper’s first – the planned National Child Care Program was eliminated and related bilateral agreements with the provinces were cancelled. Instead, in the name of giving parents better “choices”, a \$100-monthly taxable allowance for pre-school children was institute, an amount that barely covers hiring the occasional babysitter. At the same time, thousands of live-in caregivers, mainly from the Philippines and the Caribbean, are particularly vulnerable because immigration regulations require them to live with and work for the employer named on their work permit.

DID YOU KNOW? In December, 2008, UNICEF ranked Canada last among 25 developed nations on early childhood education and child care. The lack of affordable child care in Canada has also been criticized by the [Organization for Economic Co-Operation and Development](#) and the [UN Committee on the Rights of the Child](#).

5. Silencing Women In Government And Beyond

In 2006, the Conservatives cut Status of Women Canada’s budget by 37 percent and closed 12 of its 16 regional offices. They also eliminated funding to women’s groups doing research, advocacy, and lobbying, and opened up funding to religious and for-profit organizations. Progressive women’s organizations – including the Canadian Research Institute for the Advancement of Women (CRIA), the Child Care Advocacy Association of Canada, the Feminist Alliance for International Action (FAFIA) and the National Association of Women and the Law (NAWL) – were decimated. Sadly, with the infamous “enemies list,” the women’s groups that have survived are concerned that speaking out could jeopardize their future funding

6. Legal Rights Wronged

In 2006, the Conservative government eliminated funding for the Court

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Challenges Program, which for years had provided financial support for women, women's groups and others to bring equality cases to court. This meant that Harper and the Conservatives were deliberately undercutting women's ability to challenge discriminatory laws using Article 15 of the *Canadian Charter of Rights and Freedoms*.

7. Apologies Are Not Enough

The Conservative government may have apologized to Aboriginal Peoples for the legacy of residential schools, but actions speak louder than words. One of Harper's first decisions as Prime Minister was to cancel the historic Kelowna Accord, which promised \$5 billion to improve shockingly low Aboriginal education, employment, and living standards. Over several decades, the high rates of violence against Aboriginal women have become a national tragedy, as has the lack of government action to prevent it. Lack of decent housing, jobs, and adequate social programs have forced women to leave their reserves, and all too many have gone missing or been murdered. In 2010, the Conservatives cut funding for the Sisters in Spirit database project which kept track of these women – our "Stolen Sisters". Harper's government still refuses to respond to the call for a

national inquiry into the missing and murdered Aboriginal women.

DID YOU KNOW? In 2008, the [UN Committee for the Elimination of all forms of Discrimination Against Women](#) (CEDAW) demanded that Canada take immediate action to protect Aboriginal women's rights. In 2011, former Auditor General Sheila Fraser noted that federal inaction had failed Aboriginal women and their communities.

8. Aborting Promises

Before he became Prime Minister, Harper promised his government wouldn't re-open the abortion issue, but Conservative backbenchers have introduced a series of Private Members Bills that attempted to do just that – including the 2008 *Unborn Victims of Crime Act* (Bill C-484). Another bill purported "to protect the conscience rights of Canada's health-care workers," so they would never be "forced to participate against their will in procedures such as abortions". More recently, **MP Stephen Woodworth tabled Motion 312** to study whether a foetus should have legal rights before birth. And **MP Mark Warawa's motion regarding sex-selective abortions – to "condemn discrimination against females occurring through sex-selective pregnancy termination"**

would have been another attempt to control women's bodies. None of these have been successful, but we must remain vigilant.

DID YOU KNOW? Canadian maternal health policy now denies funding for abortion services in the developing world, despite the deaths and injuries caused by the lack of such services.

9. Gaps Not Gains

In 2012, Statistics Canada noted the Canadian gender pay gap was the fifth largest among the 34 OECD countries. Women working full-time, full-year earn only 70 per cent of what men earn. Recent studies indicate when the gap is calculated on the basis of hourly work, it is smaller at 23 per cent less, but still significant. Almost one third (27 per cent) of women worked part-time compared to 12 per cent of men, often because they simply lack access to child care services, or because they must care for a family member who is sick or elderly. Mothers who take parental leave face a consistent pay gap of three per cent for every year they did not work, for the rest of their lives. Finally, 8.1 per cent of women live in households with moderate or severe food insecurity. Lone parent households have the highest – 22.1 per cent – rate of food insecurity and 82 per cent are headed by women.

10. Pay In-Equity

Stephen Harper has actually called pay equity “a rip off.” His government has refused to adopt a proactive pay equity law, in spite of the recommendations of the federal Pay Equity Task Force in 2004. But worse, Bill C-10, the 2009 budget implementation legislation, contained measures that seriously undermine the pay equity rights of federal public sector workers and the rights of their unions to defend this human right. The *Public Sector Equity Compensation Act* (PSECA) prohibits public sector workers from filing pay equity complaints with the Canadian Human Rights Commission. It provides for a special mechanism to bargain pay equity, when we know that employers have always refused to acknowledge the pay gap between men and women. It also redefines the criteria to evaluate if work is of “equal value”, by taking into account its worth on the free market. This is ironic, since the main purpose of pay equity is to correct the discriminatory bias against women in the free market!

DID YOU KNOW? A \$50,000 fine will now be imposed on any trade union daring to help its members file complaints with the Public Service Labour Relations Board.

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11. Income In-Security

The Conservative government has changed the Employment Insurance (EI) system for the worse for women. The benefit period has been extended from 45 to 50 weeks, but because fewer than 33 per cent of unemployed women actually qualify for EI (because of the high number of hours worked needed to qualify), these changes are of little benefit. Even when women do qualify, their EI payments are so low – 55 per cent of minimum wage – that they often can't feed their children AND pay the rent. Recent changes to EI now force unemployed workers to accept "suitable employment" within 100 km of their home. The closure of Service Canada centres has also restricted access to EI benefits.

The March 2012 federal budget contained a change in the age to qualify for Old Age Security (OAS) from 65 to 67. This will have a harsh impact on women, since only 30 per cent of women employed in the private sector have some kind of pension.

12. No Data, No Inequality!

When the Conservative government eliminated the compulsory long-form census, it also removed the questions on unpaid work from the voluntary replacement survey. This means that the government will not be collecting data on how much more unpaid work

women do than men – in the home looking after children, cooking, cleaning, attending to aging parents, doing volunteer work. In addition, with funding cuts to Statistics Canada and related organizations, other crucial statistics used to develop programs and policies that benefit women will no longer be available. This lack of data will make it harder to argue that policies and programs are necessary to redress women's social and economic inequality.

DID YOU KNOW? Internal government memos have instructed officials to stop using terms, such as gender-based violence and gender equality. Instead, they must use "the equality of men and women." This has minimized awareness and understanding of the inequality and discrimination faced by women, as well as other forms of discrimination based on sexual orientation and identity.

13. Slipping Backwards On Violence

In 2010-2011, Status of Women Canada spent just over \$10 million on violence against women – an inadequate response to a serious problem directly affecting about one in six Canadian women. Advocates have called on the Conservative government to work with the provinces and territories to develop

HANDOUT # 5

a national strategy and action plan to combat violence against women. Former Status of Women Minister Rona Ambrose had stated she did not see the need for such an action plan.

DID YOU KNOW? A Department of Justice study revealed that spousal violence alone costs the economy \$4.8 billion a year in missed work, medical services, policing, and justice. A recent study by the Canadian Centre for Policy Alternatives estimates the combined cost of adult sexual assault and intimate partner violence is \$334 per person per year in Canada—which puts the cost of these crimes on par with the cost of the use of illegal drugs in Canada or the cost of smoking. Federal public spending to address violence against women, on the other hand, amounted to \$2.77 per person for the 2011-2012 fiscal year.

14. Women With Disabilities? Forgotten

The general rates of abuse, violence, and neglect for women with disabilities are as high as 90 per cent, according to some studies. The elimination of the mandatory long-form census and the Participation and Activity Limitation Survey (PALS) data has ruined the statistical profile experts were beginning to build. Core funding for national disability organizations no longer has a

“protected envelope,” meaning there is more competition for less money. Calls for a national strategy on disability, along with increased investments in disability-related supports, the alleviation of poverty among people with disabilities, supports to increase labour-force participation, and new initiatives to promote access, inclusion, and full citizenship for all Canadians with disabilities are being ignored.

DID YOU KNOW? The Conservative government signed and ratified the UN Convention on the Rights of Persons with Disabilities, but there are no signs that they are implementing its recommendations in spite of their obligations. They have avoided signing the Optional Protocol which would allow Canadians to file complaints under the Convention – meaning there is no real commitment to the Convention or the people it is supposed to protect.

15. Ignoring Women’s Health

In 2012, the Harper government cut funding for the Women’s Health Contribution Program effective March 31, 2013. This affected six health research programs and eliminated the British Columbia Centre of Excellence for Women’s Health (BCCEWH), Le Réseau québécois d’action pour la santé des femmes, the Canadian Women’s Health Network, the Atlantic

HANDOUT # 5

Centre of Excellence for Women's Health, the Prairie Women's Health Centre of Excellence, and the National Network on Environments and Women's Health. **Assisted Human**

Reproduction Canada was also eliminated in 2012, as well as the National Council on Welfare which indirectly dealt with health issues.

16. The Political Glass Ceiling

Although Harper always has women sitting around him in the House of Commons, the July 2013 International Parliamentary Union ranked Canada 45th when it comes to equality in national parliaments. Only 30 per cent of Harper's Senate appointees are women. The percentage of women appointed to Canada's more than 200 federal tribunals, boards, agencies, and Crown corporations has dropped from 37 per cent before he took power in 2006 to 32.5 per cent since 2006).

The Conservative caucus is a mere 17 per cent female compared to more than 40 per cent for the NDP. Even Harper's recently touted advancement of women during his Cabinet shuffle was mainly window-dressing. There are now 27 men and 12 women in his cabinet of 39 (one of the largest in Canadian history), but the main decision-making power remains in the hands of men – including Jim Flaherty (Finance), Tony Clement

(Treasury Board), John Baird (Foreign Affairs), Jason Kenney (Human Resources and Social Development), and James Moore (Industry).

DID YOU KNOW?

The UN Annual Human Development Index for 2012 revealed that inequality in Canada has been growing. We had dropped to 15th place, behind such countries as Iceland, Denmark, and Slovenia.

According to the World Economic Forum's seventh annual gender gap ranking, we dropped three spots to 21st – behind the Philippines, Latvia, Cuba, and Nicaragua. The rankings were based on data relating to economic equality, access to education, political participation, and access to health care. And Canada really lags behind other countries when it comes to women's involvement in politics: Canada stands in 38th place, behind the UK, Ecuador, and Sri Lanka.

The Harper government's offensive against the trade union movement

by Andrée Côtéⁱ

Canada ranks among the worst performing countries in terms of the number of complaints received by the International Labour Organization for violations of the right to freedom of association. According to the International Trade Union Confederation, more complaints have reportedly been filed against Canada than any other industrialized country.

In its *Report on the Violation of Trade Union Rights in 2011*, the Confederation noted that, in Canada, government tampering with worker rights “is becoming a norm with anti-union practices on the rise. Heading a new majority-led Parliament in Canada, the Conservative Harper Government has taken the lead in attacking freedom of association and Collective Bargainingⁱⁱ ».

Right in its first mandate, the Harper government wasted no time launching an offensive against the trade union movement. As part of its first omnibus budget in 2009 (Bill C-10), it introduced *the Expenditure Restraint Act* which went on to state that “despite any collective agreement, arbitral award or terms and conditions of employment to the contrary,” no salary increases payable to workers in the federal Public Service and Crown Corporations between 2008 and 2011 shall exceed 1.5% a year.

The Public Service Alliance of Canada (PSAC) and other unions challenged the constitutionality of this legislation, pleading that it undermines the freedom of association guaranteed by article 2d) of the *Canadian Charter of Rights and Freedoms*. According to the case law, the freedom of association comprises the right of workers to negotiate their

HANDOUT # 6

working conditions with the employer, and these negotiations must be conducted in “good faith”. Once negotiated, the collective agreement is the “law” binding the parties, a legal contract that must be honoured. It is the very basis of our relative “industrial” peace. The *Expenditure Restraint Act*, therefore, is a frontal attack on the right of unionized employees to negotiate collective agreements.

In an action taken by the *Association des réalisateurs de Radio-Canada*, the Quebec Superior Court ruled in favour of the Canadian Union of Public Employees. It determined that by setting aside working conditions that have been duly negotiated, the *Expenditure Restraint Act* constitutes a denial of the right to freedom of associationⁱⁱⁱ. The Court rejected arguments put forth by the Government of Canada, which stated that this measure was justifiable, and declared the legislation inoperative.

Other challenges, however, did not enjoy the same success. Last year, the Ontario Court of Appeal refused to strike down a law in a challenge brought by the federal Association of Justice

Counsel^{iv}. We will definitely have to wait for a Supreme Court of Canada ruling to find out the fate of this particular legislation.

The *Public Sector Equitable Compensation Act*^v is yet one more slap in the face for the trade union movement as it denies federal public servants the right to complain to the Canadian Human Rights Commission for violations of their right to pay equity. They will now have to rely on the collective bargaining process and convince their union to give priority to compensation equity at the bargaining table....could this come at the expense of determined benefit pension plans, for example? The federal government is implying that the unions are the ones hindering pay equity, in spite of the fact PSAC had to carry on its battle in the courts for more than 15 years before it won its case against Treasury Board in 1999. Now that it has been excised from the field of human rights, pay equity going forward will have to be evaluated based on “market forces”, the very origin of wage discrimination in the first place.

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Under the terms of this new legislation, if pay equity is not achieved through the bargaining process, workers can complain personally to the Public Service Staff Relations Board. However, they will have to do so on their own, without the support of their union, since the Act calls for a fine of \$50,000 to unions that encourage or assist their own members in formulating pay equity complaints! However, advising, representing and defending our members is the very essence of union activity and freedom of association. PSAC challenged the constitutionality of the Act, pleading that it not only violates freedom of association but also the right to equality pursuant to article 15 of the Charter.

A few weeks after winning a majority on May 3, 2011, the Harper government trained its sights on Canada Post. Their workers staged rotating strikes over a few days to protest changes to disability benefits and the introduction of wage disparity clauses and a determined benefit pension plan for new employees. They were locked out by the employer and had to return to work following special back-to-work legislation passed on June 27, 2011. This law not only

imposed a wage increase less than that initially offered by the employer, but compelled the parties to submit a “final” comprehensive offer to the arbitrator. The arbitrator had to pick one of the two offers, with no compromises or negotiation. It is generally agreed that this procedure favours the employer, especially since the arbitrator appointed by the Conservative government in this case was found to be too partial by the Federal Court to continue on in that role.

A few months later in September 2011, the federal government threatened to table special legislation to force Air Canada flight attendants to return to work. In the spring of 2012, Air Canada pilots were legislated back to work, as were Canadian Pacific workers. These are serious violations of the right of association, because the right to strike is said to be “associative by nature” and that it is specifically protected by ILO Convention 87.

These various infringements of the right of association must be analyzed in light of the attacks the Harper government is waging on the union movement, the women’s movement and human rights groups. For example, private member’s

HANDOUT # 6

bill C-377 would force unions to disclose all expenses exceeding \$5,000, which would provide employers with useful information during negotiations and right-wing groups to challenge the support unions would provide to progressive causes. Moreover, Conservative MP Pierre Poilievre intends to table a bill to abolish the Rand Formula and to implement a right to work plan inspired by anti-union reforms that have swept the U.S. in the last decade. Allowing workers to choose whether they want to pay union dues, in particular, could deal yet another severe blow to the union movement. The Rand Formula has allowed unions to achieve financial security, independence and relative stability.

The Harper government has also abolished all subsidies to the defence of women's rights and feminist research, which severely weakens the ability of the women's movement to criticize the government's discriminatory legislation and practices. The abolition of the Court Challenges Program deprives these groups of financing they need to challenge these policies. This very government describes persons who

peacefully protest the destruction of our environmental protection system as "terrorists". In addition, it must assume the lion's share of the responsibility for the brutal political repression of social unrest at the G-20 summit in Toronto. In short, the Harper regime is governing with total illegitimacy to muzzle any opposition to its neoliberal policy. What we are seeing here is a veritable executive coup d'État that is thwarting our most fundamental rights. At a time when provinces should be voicing their indignation, several follow suit and come up with highly imaginative ways of undermining the rights of unions. It is more important than ever for us to band together and work as a coalition.

ⁱ Women's Program Officer at the Public Service Alliance of Canada. This article was originally published in French, in the Bulletin de la Ligue des droits et libertés, Fall 2012, under the title "Offensive du gouvernement Harper contre le mouvement syndical".

ⁱⁱ <http://survey.ituc-csi.org/Canada.html>

ⁱⁱⁱ *Association des réalisateurs c. PG Canada*, Cour supérieure du Québec, 11 juillet 2012 (Dossier 500-17-050958-092)

^{iv} *Association of Justice Counsel c. Canada*, 2012 CAO 530 (CanLII).

^v This legislation has only been enacted in part, since the regulations have not yet been passed into law.

Workshop Task Sheet #2

Do you really understand Your Prime Minister?



“There already are millions of child-care experts in this country. Their names are mom and dad.”

Stephen Harper, Defending the elimination of federal funding for child care and the introduction of the Conservatives \$100 a month child care allowance

“Now 'pay equity' has everything to do with pay and nothing to do with equity. It's based on the vague notion of 'equal pay for work of equal value,' which is not the same as equal pay for the same job. For taxpayers, however, it's a rip-off.”

National Citizen's Coalition Overview, Fall 1998

“I believe that all taxes are bad.”

TV.ca news, December 2005

“Kyoto is essentially a socialist scheme to suck money out of wealth-producing nations.”

The Star, 1/30/07

“I've always been clear. I support the traditional definition of marriage.”

- What is the message here?
- Is this fiscally conservative or socially conservative or both?
- What concerns, questions, and/or emotions does this message raise for you?