

SUBMISSION

Presented to

THE RIGHT HONOURABLE PAUL MARTIN

Prime Minister of Canada



BPW CANADA

**THE CANADIAN FEDERATION OF
BUSINESS AND PROFESSIONAL WOMEN'S CLUBS**

**LA FEDERATION CANADIENNE DES CLUBS
DE FEMMES DE CARRIERES
COMMERCIALES ET PROFESSIONNELLES**



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BPW Canada

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BPW CANADA

**The Canadian Federation of Business and Professional Women's Clubs
La Fédération Canadienne des Clubs de Femmes de Carrière**

INTRODUCTION

Since 1930, the Canadian Federation of Business and Professional Women's Club (BPW Canada) has worked to elevate the economic and social status of working women in Canada. Our membership is made up of women who are employed or have been employed in the workplace; in the professions, in traditional and non-traditional work and in business ownership including home based enterprises. Our Organization encourages and supports female students and young women to become involved with BPW, as their voices are important in addressing the needs of the working women of the future.

BPW Canada is a member of BPW International, one of the world's most influential organizations - the only organization that focuses primarily on issues affecting working women worldwide. BPW is a non-partisan and non-sectarian network of women who share common objectives for all women.

BPW Canada is pleased to present this submission covering the resolutions passed at the Annual General Meeting held in Richmond, B.C. on July 12th, 2003. The delegates from our clubs across the country that comprise our federation, considered, discussed and approved these resolutions.

BPW Canada was incorporated on June 7th, 1930. For over seventy years, BPW Canada members have worked with the government and agencies at all levels to:

- Improve the economic, employment and social conditions of working women.
- Stimulate interest in federal, provincial and municipal affairs.
- Encourage women to participate in the business of government at all levels.
- Assist women and girls to acquire education in preparation for employment.

In the past, BPW Canada has been accorded the privilege of meeting with the Prime Minister and other members of Cabinet to present and discuss its submission. We hope we will have the privilege to meet with several members of the Government in 2004 at their earliest convenience.

Jill Worobec, President, BPW Canada

Barbara Hall, Secretary Treasurer

Doris Hall, Resolutions Chair

SUMMARY

Equal Pay for Work of Equal Value was proclaimed by the General Assembly of the United Nations in 1948 under the *Universal Declaration of Human Rights* which states in Article 23(2) that “Everyone, without discrimination, has the right to equal pay for equal work”. Similar declarations have been ratified over the years since then, such as *Equal Remuneration Convention* in 1951, *Equal Remuneration Convention* in 1951 and ratified in 1972, *Equal Wages Guidelines* in 1978, 1982 and 1986. Canada joined consensus with other UN countries in signing the *Beijing Platform for Action* in 1995 which indicates that governments need to take steps to implement the principle of equal remuneration for equal value.

It is important to remind this government that in 1979 the United Nations adopted the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, which states that women have a right to equal remuneration for work of equal value. Canada ratified *CEDAW* in 1981.

As well in 1995, Canada signed the *Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development* which indicates that the governments should safeguard and promote respect for basic workers’ rights, including equal remuneration for men and women for work of equal value. And in 2000, Canada signed the *Further Actions and Initiatives to Implement the Beijing Declaration and Platform for Action*, which indicates that governments need to initiate positive measures to promote equal pay for work of equal value.

Canada has continued to join other UN countries in signing on to further initiatives for social development as set out in the *Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development* and in 2001 the Government of Canada established the Pay Equity Task Force to review pay equity legislation at the federal level with a view to ensuring clarity in the way pay equity is implemented in the modern workplace.

Raising the Age of Protection for Children and Youth from Sexual Exploitation by reversing the decision of the Mulroney government which reduced the age of consent for sex in the Criminal Code to 14. Thousands of Canadian children are exploited each year, thanks to federal legislation that allows children as young as 14 to have sex. This means that in Canada, an adult can legally have sex with 14-year old children. The situation has deteriorated to the point that Canada has established an international reputation as a sex tourism “hot spot”.

The Canada Family Act Coalition in 2001 launched a nationwide campaign to raise the age of consent for sex from 14 to 16. In addition, BPW Canada in 2001 requested that the government re-examine and evaluate the impact and enforcement of the various provisions

of the Criminal Code dealing with the sex trade industry to address the problem of importation, exploitation and indoctrination of girls and young women in the sex trade. Because the age of consent in Canada was lowered to 14, it is a safe place for trafficking young females for the purpose of the sex trade. As long as the age of consent remains at such a young age, parents and law enforcement agencies are unable to curb this outrageous exploitation. An international report on child sexual abuse warns that Canada has become a venue for the sexual exploitation of children. As a follow-up to a 1996 World Conference on the Sexual Exploitation of Children held in Sweden, a survey of 124 nations revealed that Canada's performance lagged well behind many other industrialized and developing nations in protecting its children from sexual exploitation.

Legislation

Equal Pay for Work of Equal Value

The Canadian Federation of Business and Professional Women's Clubs (BPW Canada) has been an advocate of equal pay for work of equal value since its incorporation in 1930, and as far back as the 1950s, its efforts have been recorded in Briefs to the Government of Canada. Over the years, BPW Canada has made continuous efforts to dialogue with the government to have its concerns heard and to ensure that these issues for working women are considered when legislation on Pay Equity is drafted. However, when we review Statistics Canada's Survey of Consumer Finances and Survey of Labour Income Dynamics, it is frustrating to find that as of this date it reveals that among full-time, full-year workers, the average female-male wage gap in real dollars decreased from 31.3% in 1990 to 27.8% in 1998, but then increased to 30.1% in 1999, demonstrating that in 1999 for every \$100 earned by men, women still earned \$30 less.

In this Brief, we wish to bring your attention to some of our more recent resolutions on equal pay. The resolutions we are bringing forward in this document are issues on pay equity which have not been dealt with adequately to date. We would remind you that the "right to equal pay for equal work" was proclaimed and adopted by the General assembly of the United Nations back in 1948, and yet there is still a huge gap between wages of men and women. In 2000, Canada joined with other UN countries in signing on to *Further actions and initiatives to implement the Beijing Declaration and Platform for Action*, which indicates that governments need to initiate positive measures to promote equal pay for work of equal value.

Further as a long-time consistent and persistent supporter of equal pay for work of equal value, BPW Canada has made a further presentation to the Pay Equity Task Force consultation panel in Toronto in June 2002, and submitted a supplementary paper to the Pay Equity Task Force in Ottawa in January 2003.

THEREFORE BPW CANADA further demonstrates and reinforces its commitment to equality in the workplace by urging the Government of Canada to act upon the following issues of pay equity:

1. 1990/12 (Reaffirm 1992/15) – Equal Pay For Work of Equal Value and Pay Equity Canadian Human Rights Act

"That BPW Canada urges the Government of Canada to legislate immediately, proactive PAY EQUITY programs throughout the federal public sector and by federally regulated employers, using as a starting point the requirements of its own Regulations which apply to the implementation of the EQUAL PAY for Equal Work provisions of the Canadian Human Rights code.

2. 1988/11 – Free Trade

“THAT BPW Canada strongly urges the Federal Government and in particular, the Ministers of International Trade and Finance, the Secretary of State and the Employment and Immigration Commission to:

- a) Be vigilant in monitoring and assessing the impact of the free trade arrangement on Canadian women to ensure the arrangement does not adversely affect the employment status and opportunities of Canadian women or those legislation and social programs such as EQUAL PAY and AFFIRMATIVE ACTION which positively benefit Canadian women.
- b) Consult and assist Canadian women to develop and establish economic goals and priorities which would form part of the basis of economic policy in Canada.
- c) Ensure that prospective job loss caused by the arrangements in such labour intensive industries as clothing, textiles and electrical products, manufacturing, which employ a large proportion of females is countered with ready access to alternative employment opportunities and retraining programs, opportunities for relocation and adjustment assistance programs fostering adjustment to new working conditions, and is countered also by ensuring strict adherence to the ten year phase-in provision in these industries; and
- d) Provide training programs and ensure employment opportunities for women in the area of predicted job growth under the arrangement, such as the service sector.”

3. 1986/24 – Affirmative Action – Visible Minority Women

“THAT BPW Canada urges the Government of Canada as a priority in the implementation of the Employment Equity Act to ensure employment equity for women of visible minority.”

4. 1995/01 – Apprenticeships / Skilled Occupations

“THAT BPW Canada urges the Federal Government through education and Canada Employment Centres to encourage employers to implement employment equity for women in apprenticeship trades.

THAT BPW Canada urges the Federal Government through education to promote the public perception of skilled occupations for women as attractive career opportunities by portraying skilled occupations as the essential and financially rewarding careers they are and by portraying women in skilled occupations.”

5. 1990/07 – Employment Equity Act

“THAT BPW Canada urges the Government of Canada:

- a) To ensure that the Canadian Human Rights commission has sufficient resources to effectively perform their mandate under the Employment Equity Act.
- b) To develop stronger incentives for eligible employers to implement employment equity programs in their workplaces; and to immediately amend the Employment Equity Act, 1986 to require:
 - (i) That the plan of goals and the timetable which the employer must prepare each year so as to implement employment equity, according to Section 5(1) of the Act, shall be incorporated in the annual reports required to be made under Section 6 of the Act, and

- (ii) That these employers' plans for the implementation of employment equity be monitored by the designated agency, ie: the Canadian Human Rights Commission, and the goals and timetables assessed at the same time as the Commission reviews the results reported in the occupational and salary data reports required under Section 6 of the Act.

6. 1992/16 – Employment Equity Act

“THAT BPW Canada urges the Government of Canada to:

1. Strengthen and broaden the covenants of the Legislated Employment Equity Program.
2. Provide a legislative base including enforcement capabilities for the Federal Contractors' Programs.
3. Provide a legislative base including enforcement capabilities for Departments within the Government of Canada.
4. Provide supporting services and programs to assist in meeting the goals of employment equity as outlined in the paper “A Matter of Fairness” which was recently submitted to the Government.”

7. 1992/17 – Employment Equity Act

“THAT BPW Canada urges the Government of Canada to amend the Employment Equity Act as follows:

1. To compel each employer covered by the Act to set up plans, set goals and prepare a timetable by forecasts based on past years of operation, projected vacancies and availability of qualified designated group members in the employable population in the geographic region, and to report each year.
2. To make sure that revisions to the Act contain methods of monitoring and enforcing the development and implementation of the Employment Equity plans and programs, and that there be sanctions and penalties of sufficient severity to ensure respect of the law, with specified minimum penalty and rewards and recognition.
3. To create a commission of Employment Equity to be responsible for the implementation of the revised Act and there be two parts to this Commission:
The Employment Equity Office whose responsibility would be to issue publicity to inform the public, the employers and the employees of their rights and responsibilities under the law; to monitor, report and enforce the implementation of this Act, and
The Employment Equity Hearings Tribunal which would resolve employment equity disputes between employers and employees which cannot be settled either in the workplace or by the Employment Equity Office; the recommendations of this Tribunal should be binding.”

Implementation of Recommendations of 2003 Pay Equity Task Force Report

AND FURTHER THAT BPW Canada urges the Government of Canada to develop and/or amend relevant legislation to implement the recommendations in the 2003 Pay Equity Task Force Report prepared for the Minister of Justice and the Minister of Labour.

Sources:

BPW Canada paper presented to Pay Equity Task Force June 20, 2002

BPW Canada paper submitted to Pay Equity Task Force January 30, 2003

Website: www.payequityreview.gc.ca

*Pay Equity Task Force, Review of Section 11 of the *Canadian Human Rights Act* and the *Equal Wages Guidelines, 1986, DISCUSSION PAPER*, January 2002 – Annex E “History of Pay Equity in Canada: International Commitments, Government Legislation and Policies” pp 37-42

Pay Equity Task Force, *PAY EQUITY: SOME BASICS*, March 2002

Pay Equity Task Force, *RESEARCH AGENDA*, January 2002

Statistics Canada Survey of Consumer Finances and Survey of Labour Income Dynamics

Statistics Canada Report “*The persistent gap: New Evidence on the Canadian Gender Wage Gap*”

Raising the Age of Protection for Children and Youth From Sexual Exploitation

The Criminal Code currently allows the defense of “consent” for very serious crimes against young people, but young people of the age of consent (14) are rarely mature enough to recognize the potential for exploitation in such situations and require the protection of the law. The central issue is the restriction of the privileges of adults with respect to young people and the assignment of responsibility for behavior to adults. Abusers must be held accountable for these serious crimes of sexual exploitation.

Any change to raise the age of consent from 14 to 16 years of age must be reflected in the sections of the Criminal Code of Canada dealing with pornography. Exceptions can be incorporated in the law which protect youths who are exploring their sexuality, limiting this protection to partners whose ages are within a peer relationship.

The Canada Family Action Coalition (CFAC) launched a national citizen action campaign last year to raise the age of sexual consent to 18. CFAC believes that Canadian parents value their children and want them protected from sex predators. Canadians of every political stripe have supported CFAC’s campaign. Thousands of letters, telephone messages and emails have been forwarded to the government demanding that the age of consent be increased, yet the government has not budged on its position.

Adults can legally prey on and have sex with children in Canada. Since the age of consent was reduced, the incidence of young boys and girls being exploited by adult sexual predators has increased according to Brian Rushfeldt, CFAC Executive Director in September 2001. The federal Justice Department agreed to raise the age of consent in the fall of 2000 but no action has been taken to date. Until this government takes action, Canada will continue to be a “hot spot for sex tourism” and an attractive destination to pedophiles.

One of the arguments for not raising the age of consent is that it would criminalize youth who engage in sex with each other. There is already a clause in the criminal code that protects youths against criminal charges if they are less than three years apart in age. The purpose of raising the age of consent is to protect children from adult sex predators. It would not affect youths who are close in age that engage in sexual activity.

The current Age of Consent Law means that adults of any age can prey on vulnerable boys or girls who are as young as 14 years old. Police and social service agencies are hindered in offering protection to girls and boys as young as 14 who are coerced into sex with older teens and adults. Certain cultural “elite” and radicals are pushing for even more liberalization of the laws to allow adults to have sex with children even younger than 14. As a result, there have been significant increase in crimes of sexual nature perpetrated against children. Child pornography and other forms of child sexual abuse are becoming much more prevalent across Canada. Worse, society is becoming desensitized to the idea of

adults having sex with those much younger than themselves. This law makes it easier for recruiters and predators. It also makes it difficult to rescue children from dangerous situations. Sexual corruption of the young will inevitably lead to greater crime, violence, disease, poverty and severe emotional and mental health problems, especially for young women who may become pregnant and be faced with the additional difficulties and stress of motherhood.

THEREFORE BPW Canada urges the Government of Canada to:

1. Amend section 150.0 of the Criminal Code of Canada pertaining to the age of consent to sexual activity to reflect the age of 16 as the age of consent, rather than the current age of 14;
2. Amend all sections of the Criminal Code of Canada pertaining with pornography and prostitution to reflect the aforementioned change to the age of consent; and
3. Include an explicit exemption to prohibitions of sexual activity based on the age of consent to sexual activity for 14 to 16 year olds exploring their sexuality, provided their ages are within a peer relationship.