

**Submission
to
THE RIGHT HONOURABLE STEPHEN HARPER
PRIME MINISTER OF CANADA**

By



**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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**Working towards improving economic, political, social and
employment conditions for women in Canada**

"Women working for working women"

September 2010

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INTRODUCTION

In 1930, BPW Canada was a founding member of the International Federation of Business and Professional Women's Clubs, which has grown to include clubs in more than 100 countries around the world. BPW International, the recognized voice of gainfully employed women in all professions and occupations, promotes equal opportunities and status for women. As a non-governmental organization (NGO), BPW International has Category I Consultative Status at the United Nations.

The Canadian Federation of Business and Professional Women's Clubs (BPW Canada) is an equality-seeking group working towards improving economic, political, social and employment conditions for women. We are "**Women working for Working Women**". Our membership includes women from a variety of professions and occupations, including women entrepreneurs, in clubs across Canada. BPW Canada develops the professional and leadership potential of women through education, awareness, advocacy and mentoring within a supportive network.

For 80 years, we have been advocating for just and equal status of women in all levels of society and have played a significant role in achieving advancement for women. For more information on our achievements, please visit our website at www.bpwcanada.com.

Currently, local BPW Clubs across Canada offer a range of opportunities and activities for members based on the four pillars of our Membership Model: Awareness, Advocacy and Action on women's issues; Leadership skills and career advancement; Supportive networking; and Personal development.

The 42nd Biennial Convention and Annual General Meeting (AGM) was held in Barrie, Ontario in June 2010. Our Conventions and Annual General Meetings are where our policy is decided. Resolutions contained in this document were initiated at the club level, researched and formulated, and brought to the AGM where they were discussed and debated. Once accepted, resolutions become part of the official policy of BPW Canada.

The issues raised by BPW Canada are issues of concern to our society as a whole. We look forward to the opportunity to meet with our federal government representatives to present our resolutions and our concerns in more detail.



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RESOLUTION #1

Combating Human Trafficking in Canada

THEREFORE BE IT RESOLVED that BPW Canada urges the Government of Canada to work with the provinces to develop an integrated National action plan to combat trafficking in persons in general and in particular to provide funding for the following services for victims and those providing victim assistance:

1. A 24/7 hotline, toll free phone number that is staffed with multilingual workers, trained in the issues of human trafficking which victims call for immediate, round-the-clock assistance. The number is to be widely advertised and accompanied by an awareness and promotional campaign in ethnic and main-stream media.
2. Safe houses or shelters specifically for trafficked victims where they can be fed and clothed and receive or be referred to necessary services, such as therapy and health care.
3. A separate toll free number for police officers, Non-Government Organizations, front-line health workers and anyone who encounters human trafficked victims to call for immediate, 24-hour assistance.
4. An official network of agencies working together to provide needed services and integrated police human trafficking task force that seeks victims and tracks perpetrators.

FURTHER BE IT RESOLVED that BPW Canada urges the Government of Canada to take the matter seriously and establish a goal to eliminate human trafficking by amending the *Criminal Code of Canada* by 1) making it illegal to purchase sex, and by 2) establishing a minimum sentence of 10 years, therefore, giving enforcement officers the tools to charge individuals who engage in the procurement of illicit sex.

Rationale

In November 2005, Bill C-49 was passed to amend the *Criminal Code*¹ to specifically prohibit trafficking in persons in Canada. Previously, in 2002, the *Immigration and Refugee Protection Act*² brought Canada's first anti-trafficking legislation into force. Section 118 states: "No person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion" and are liable on conviction by way of indictment to a fine of not more than \$1,000,000 or life imprisonment or both.¹

Bill C-49 added to this legislation by focusing on immigration and making trafficking in persons a criminal offence. The bill contains: 1) global prohibition of the recruitment, transport, transfer, receipt, concealment or harbouring of a person or the exercise of control, direction or influence over the movements of a person, for the purpose of exploitation; 2) prohibition of a person benefiting economically from trafficking; and 3) prohibition of withholding or destroying of identity, immigration or travel documents to facilitate trafficking in persons.

Bill C-49 ensures that trafficking may form the basis of a warrant to intercept private communications, to take bodily samples for DNA analysis, to permit inclusion of the

offender in the sex offender registry and to expand the ability to seek restitution to victims who are subjected to bodily or psychological harm.

The minimum sentence in the USA is 10 years; India, seven years; Thailand, five years; and **Canada, zero years**. Canada's criminal code provides a mandatory minimum sentence of five years for living off the avails of a child prostitute. Why is trafficking a minor any different?

Victims ranging from ages four and up are raped anywhere from 10-40 times a day. Humans are the second most trafficked "product" in the black market. According to the RCMP, 800 to 1200 people are trafficked in and through Canada every year. The impact of trafficking on Canada is estimated at between \$120 and \$400 million per year. In Canada, a girl can be sold for \$15,000, and earn more than \$40,000 a year for her owner.

A Niagara man convicted of human trafficking last year made more than \$350,000 off a young 15-year-old girl by sexually exploiting her over a two-year period. His prison sentence was **three years** for the offense of human trafficking with a credit of 404 days time served.

Trafficked women and over two million children world-wide are stripped of rights, dignity, self-respect, peace, security, hope – everything that gives joy. The total market value of illicit human trafficking is estimated to be in excess of \$32 billion (U.N.).⁴

Sources:

¹Criminal Code of Canada, Bill C-49

(http://www2.parl.gc.ca/Sites/LOP/LegislativeSummaries/Bills_Is.asp?Parl=38&Ses=1&Is=C49)

²Immigration and Refugee Protection Act (IRPA)

<http://www.canlii.org/en/ca/laws/stat/sc-2001-c-27/latest/sc-2001-c-27.html>

³ *Organized Crime Impact Study*, by Samuel D. Porteus [1998] published by Solicitor General of Canada, Ottawa

⁴Canada Fights Human Trafficking (<http://canadafightshumantrafficking.com/index.html>)

RESOLUTION #2

Sisters in Spirit, Native Women's Association of Canada

THEREFORE BE IT RESOLVED that BPW Canada urges the Government of Canada to provide the requested funding a minimum of \$1 million per year, as promised, for the Sisters in Spirit five-year mandate, to continue their work as set out in the Sisters in Spirit Initiative, Issue Paper, prepared by Native Women's Association of Canada for the National Aboriginal Women's Summit, June 20-22, 2007 in Corner Brook, NL,

AND FURTHER BE IT RESOLVED that BPW Canada urges the Government of Canada to commit resources (police personnel and funds) to find the missing women in Canada, and in particular the Aboriginal women as identified by the Sisters in Spirit in their research.

Rationale

In 2004, the *Sisters in Spirit* Campaign was launched by the Native Women's Association of Canada (NWAC) to raise public awareness of the alarmingly high rates of violence against Aboriginal women and girls in Canada.¹

The following is a quote from the November 2008 UN Committee on the Elimination of Discrimination against Women (CEDAW): "[The Committee] remains concerned that hundreds of cases involving aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished."² (UN Asks Canada to Report Back on Poverty and Murdered Aboriginal Women.)

In 2005, the NWAC signed a five-year contribution agreement with the government of Canada. Through the *Sisters in Spirit* (SIS) initiative, NWAC has collaborated with other Aboriginal women's organizations and the federal government to improve the human rights of Aboriginal women and address the violence facing Aboriginal women, and in particular the high rates of missing and murdered Aboriginal women in Canada. The SIS overall goal is to reduce the risks and increase the safety and security of all Canadian Aboriginal women and girls. The expected outcome is to increase gender equality and improve the participation of Aboriginal women in the economic, social, cultural and political realms of Canadian society.¹ The objectives of SIS were to:

- Increase public knowledge regarding racialized, sexualized violence occurring against Canadian Aboriginal women and girls;
- Increase public understanding of the impacts of racialized, sexualized violence against Aboriginal women and girls;
- Dispel the myths about missing and murdered Aboriginal women and girls by presenting the realities of racialized, sexualized violence.¹

NWAC aims to accurately describe the number of Aboriginal women and girls who are missing or who have been murdered in Canada and explore the root causes surrounding these incidents. SIS policies include strategies to work nationally and internationally on issues relating to improving the human rights of Aboriginal women and girls. This will address the underlying factors contributing to the racialized, sexualized violence against Aboriginal women and girls. SIS education and awareness activities aim to increase

public understanding and knowledge of the impact of violence against Aboriginal women and girls

Funding will run out next year, meaning that their efforts to improve the lives of Aboriginal families and communities will have to be abandoned. Organizers, with the support of Liberal MP Anita Neville, the federal Liberal critic for women's issues, have called on the Status of Women Minister to renew the government's financial commitment to the group.

Accomplishments of Sisters in Spirit:

1. SIS was instrumental in involving The Brothers In Spirit – a group of men who believe they have a responsibility and role to play in stopping the violence.
2. SIS has conducted research to determine the root causes, circumstances and trends surrounding the incidents of missing and murdered Aboriginal women and from that has developed a Strategic Policy Strategy to deal with the results.
3. Developed educational resources and made them available to the community on their website.

Sources:

¹ Sisters in Spirit Initiative, An Issue Paper, prepared by Native Women's Association of Canada for the National Aboriginal Women's Summit, June 20-22, 2007 in Corner Brook, NL

² Turtle Island Native Network's Forum <http://www.turtleisland.org/discussion/viewtopic.php?f=10&t=6401>

³ Sisters In Spirit – Background, Native Women's Association of Canada
www.nwac-hq.org/en/background.html

RESOLUTION #3

Employment Insurance Compassionate Care Benefits

THEREFORE BE IT RESOLVED that BPW Canada urges the Government of Canada to extend benefits under the Employment Insurance Compassionate Care Program to 15 weeks and to also include caregivers of family members who are in need of care due to a serious condition or illness whether or not they are expected to recover.

Rationale

Many people in Canada face the daunting task of caring for a seriously ill loved one for many months at a time. Some care for a seriously ill child or adolescent while others care for an elderly loved one.

Many of these children/adolescents are in active treatment for a condition such as cancer. We know that out of the 1300 children and youth who developed cancer in 2009, only 170 will die.¹ The remainder will undergo various treatments, sometimes for months. Because of the physical and emotional needs of the child/adolescent during this time, many families choose to have one parent remain at home to provide support. In the majority of cases, the mother stays home.

With the reduction in the family income from two incomes to one, the family then faces additional stress: financial stress. Families are under enough pressure when a child/adolescent is ill, and do not need this additional burden. Having financial support

through the Employment Insurance Caregiver Benefit would alleviate this facet of their stress.

In addition, many families find themselves in the position of caring for their adult family members and needing to attend to their care as they experience serious health issues. A Health Canada survey (2002)² indicates that nearly 4% of adult Canadians provide care for a family member with a physical or mental disability or who is chronically ill or frail. Caregivers who are 35-64 are usually caring for a parent. Often, considerable support is required for their emotional support as well as physical needs.

About one half of all respondents feel that they have no choice but to care for the family member. They respond that either no one else is available (35%) or there is a lack of home care services (25%).³ About three quarters of all caregivers are women.

Having financial support through the Employment Insurance Caregiver Benefit would also benefit these caregivers as they assist their loved ones through the medical system or through changes in their lives such as a move to assisted accommodation or declining mental or physical abilities.

Care giving continues to be a task that willingly or unwillingly largely falls to women. Since the participation of women in the labour force has greatly increased over the years, this care giving now also comes with a quantifiable economic cost through lost wages or salary. The Employment Insurance Caregiver Benefit could help to alleviate this burden.

Sources:

¹ Cancer Statistics 2009, Canadian Cancer Society, Public Health Agency of Canada, Statistics Canada, Provincial/Territorial Cancer Registries.

² Health Canada, National Profile of Family Caregivers in Canada – 2002: Final Report.
<http://www.hc-sc.gc.ca/hcs-sss/pubs/home-domicile/2002-caregiv-interven/det-anal-eng.php>

³ Health Canada, National Profile of Family Caregivers in Canada – 2002: Final Report.
<http://www.hc-sc.gc.ca/hcs-sss/pubs/home-domicile/2002-caregiv-interven/det-anal-eng.php>

RESOLUTION #4

Strengthening the Canadian Human Rights Commission

THEREFORE BE IT RESOLVED that BPW Canada urges the Government of Canada to reaffirm its commitment to human rights and maintain existing language to section 13 (1) of the Canadian Human Rights Act governing the Canadian Human Rights Commission.

FURTHER BE IT RESOLVED that BPW Canada urges the Government of Canada to provide adequate resources (staffing and funding) to the Canadian Human Rights Commission to fulfill all aspects of its mandate, including the mandate to accept complaints regarding speech that incites hatred and contempt pursuant to section 13(1) of the Canadian Human Rights Act which prohibits hate speech.

Rationale

Since late 2007, the media have been reporting extensively on a series of human rights complaints filed by Muslims – in both individual and representative capacities - against Rogers Publishing Inc., the publisher of *Maclean's* magazine, and more broadly on human rights commissions and the work they do. The original complaints were aimed at a controversial series of articles about Muslims, written by US-based columnist Mark Steyn in *Maclean's* magazine that allegedly attacked Muslims as a group, and used stereotypes of Muslims as violent and terrorists. The cases were brought under a provision of the Canadian Human Rights Act, section 13, which prohibits hate speech. Section 13 has been declared constitutional by the Supreme Court of Canada since 1990.

Until the *Maclean's* cases, virtually all section 13 Canadian Human Rights Act (CHRA) complaints had been brought against neo-Nazis and white supremacists. The *Maclean's* cases were the first against “mainstream” media and the first brought by Muslims in Canada.

Although the complaints were dismissed, there was a media outcry: right-wing bloggers and extremists began a campaign to repeal s. 13 CHRA and comparable provisions in provincial commissions. Many Canadian media joined in and went farther, calling for abolition of human rights commissions and/or tribunals altogether. There has been a continued stream of invective levelled against human rights commissions and their officials, as well as those who work with them to support victims of discrimination.

In November 2008, the Conservative Party of Canada's *Policy Document* affirmed its intention to repeal all the powers of the CHRC to prevent the spread of hate speech through telephonic means and through the Internet. In 2009, two committees of the House of Commons, namely the Standing Committee on Foreign Affairs and International Development (the “Subcommittee”) and subsequently the Justice and Human Rights Committee conducted “hearings” into the CHRC and more specifically have called into question the legitimacy of s. 13 of the Act.

Sources:

¹ Canadian Human Rights Act R.S., 1985, c. H-6.

² Canadian Human Rights Commission, Special Report to Parliament: “Freedom of Expression and Freedom from Hate in the Internet Age” June 2009. http://www.chrc-ccdp.ca/publications/srp_2009_rsp/toc_tdm-en.asp

³ *Canada (Human Rights Commission) v. Taylor*, [1990] 3 S.C.R. 892

⁴ Conservative Party of Canada, *Policy Declaration* (as am. by delegates to the National Convention). <http://www.conservative.ca/media/2008-PolicyDeclaration-e.pdf> November 15, 2008

⁵ Bailey, Jane, “Democracy suffers when equality is threatened” *Ottawa Citizen*, December 11, 2008.

⁶ H. Siddiqui, Media aren’t the best friends of human rights” *Toronto Star*, November 1 2009. <http://www.thestar.com/comment/article/719022>

⁷ Yalden, Maxwell, *Transforming Rights: Reflections from the Front Lines* (University of Toronto Press: Toronto, 2009). [javascript:jumpToAnchor\('%23PostComment'\)](http://www.thestar.com/comment/article/719022)

RESOLUTION #5

Reaffirmation of Pay Equity

THEREFORE BE IT RESOLVED that BPW Canada reaffirms its Resolution 2009-06 and continues to urge the Government of Canada to repeal the *Public Service Equitable Compensation Act 2009*.

FURTHER BE IT RESOLVED that BPW Canada reaffirms its Resolution 2009-06 and continues to urge the Government of Canada to implement the recommendations of the 2004 Federal Pay Equity Task Force.

Rationale

The right of equal pay for work of equal value was introduced in federal human rights legislation in 1977 to address the systemic discrimination of “market pay.” Historically, the market has devalued work that is done by women. Conservative economists argue that, contrary to extensive evidence, the market, if left unregulated, will resolve wage and other financial inequities. According to the World Economic Forum, women in Canada still only make \$0.75 for every dollar earned by men for similar work. The Public Sector Equitable Compensation Act 2009 (the Act) was assented to on March 12, 2009 but is not yet in force.

The Act transfers responsibility for complaints about pay equity in the public sector from the Canadian Human Rights Commission to the Public Service Labour Relations Board. The new legislation effectively treats pay equity as if it is not a human right. In the unionized context, the process for obtaining pay equity is as an outcome to the bargaining process, even though employers cannot contract out their human rights obligations.

The complaint system under the Canadian Human Rights Act has proven slow and unwieldy, which is why in 2004 a Pay Equity Task Force was appointed, which made recommendation for a new proactive pay equity system with a Pay Equity Commission and Tribunal. If these recommendations had been implemented, there would have been an efficient and effective mechanism for resolving pay equity issues. However, the changes in the new Act, which effectively change the basic considerations of pay equity by subjecting it to market forces and making it part of the bargaining process, are serious concerns.

Sources:

¹ Wherry, Aaron. "Is this the quiet end to pay equity?" Maclean's. March 2, 2009.

² Public Service Alliance of Canada. <http://www.psac.com/home-e.shtml>

³ Letter to Prime Minister Harper RE: *Public Sector Equitable Compensation Act*, February 23, 2009. Available at: www.uswa4120.ca/whatsnew/documents/payequityletterfinal2009.doc

⁴ Ad Hoc Coalition for Women's Equality and Human Rights. <http://www.womensequality.ca/action.html>

⁵ Armstrong, Pat. "Pay Equity Lessons from Canada." Paper prepared for the New Zealand Conference on Pay and Employment Equity for Women, Victoria University of Wellington, June 28-29, 2004. Available at: <http://www.google.ca/search?q=PAY+EQUITY+LESSONS+FROM+CANADA+Pat+Armstrong&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-GB:official&client=firefox-a> (Accessed April 2009).

⁶ The Canadian Human Rights Act. (R.S., 1985, c. H-6) <http://laws.justice.gc.ca/en/showdoc/cs/H-6//en?page=1> (Accessed April 2009)

⁷ *Pay Equity A New Approach to a Fundamental Right*. Final Report Pay Equity Commission. Ottawa: Department of Justice, 2004.

<http://www.collectionscanada.gc.ca/webarchives/20071115062515/http://www.justice.gc.ca/en/payeqsal/index.html> (Accessed April 2009).

⁸ World Economic Forum. 2009 Global Gender Gap Report. <http://www.weforum.org/pdf/gendergap/report2009.pdf>

RESOLUTION #6

Skin Cancer Prevention

THEREFORE BE IT RESOLVED that BPW Canada urges the Minister of Consumer and Corporate Affairs and any other related departments of the Government of Canada to pass legislation which makes Health Canada's "Guidelines for Tanning Salon Owners, Operators and Users" mandatory and bans artificial ultraviolet radiation tanning for those under 18 years of age, and

FURTHER BE IT RESOLVED that BPW Canada urges the Minister of Consumer and Corporate Affairs and any other related departments of the Government of Canada to support James Bezan's private member's bill C-497 for larger, more specific warning signs to be placed in clear view of each bed clearly outlining the health risks of artificial tanning.

Rationale

In July 2009, the International Agency for Research on Cancer (IARC) officially labeled tanning beds and ultraviolet radiation as human carcinogens.¹ Tanning equipment emits ultraviolet radiation (UVR) – most often both UVB and UVA rays. UVR from tanning equipment has a similar mix of UVA and UVB as the sun, but may be up to five times stronger than the mid-day sun.² IARC found people under 30 who use tanning devices have a 75% increased chance of developing melanoma. Melanoma is the most serious and potentially fatal form of skin cancer.³ For Ontarians aged 15–29 years of age, melanoma skin cancer is the most common and preventable form of cancer.⁴

¹ Canadian Health and Travel News:

<http://www.healthquotes.ca/blog/2009/07/30/Tanning+Beds+And+Cancer+Risks.aspx>

² Preventing Cancer Through Healthy Public Policy: Reducing Exposure to Ultraviolet Radiation: July 2009 Key Facts

³ Canadian Health and Travel News:

<http://www.healthquotes.ca/blog/2009/07/30/Tanning+Beds+And+Cancer+Risks.aspx>

⁴ Preventing Cancer Through Healthy Public Policy: Reducing Exposure to Ultraviolet Radiation: July 2009 Key Facts:

A 2008 US National Cancer Institute study found the annual rate of melanoma since 1980 in young women has risen by 50%.⁵ A 2006 Canadian Cancer Society study found nearly 65% of grade 7 -12 students surveyed used a tanning bed at least once, 20% more females than males used tanning beds, and tanning bed usage increases with age (especially for females in gr. 11 and 12).⁶ An Ipsos Reid Survey found 80% of Ontarians believe the Ontario government needs to act on the World Health Organization's (WHO) recommendation to make it illegal for persons under the age of 18 to use any form of artificial ultraviolet radiation tanning equipment.⁷

Health Canada's "Guidelines for Tanning Salon Owners, Operators and Users" are **voluntary guidelines** that outline the risks of tanning and appropriate practices that should be followed.⁸ A Canadian Cancer Society study⁹ found that 60% of the salons visited did not comply with the Health Canada's voluntary guidelines.¹⁰ The Canadian Dermatology Association's "Indoor Tanning is Out" campaign states prevention is key because melanoma is the third most common form of cancer in young Canadian women (second most common cancer in young Ontarians aged 15-34) and is mostly preventable.¹¹

New Brunswick's legislation 92-12 represents the only provincial legislation banning tanning to people under 18 years of age. However it requires voluntary compliance.¹² On June 12, 2008, Ontario's private member's bill, Bill 83: Skin Cancer Prevention Act, received second reading. It proposes regulations for the tanning industry such as prohibiting the selling or supplying of tanning services or ultra violet light treatments to persons under the age of 19 unless these treatments are prescribed by authorized medical professionals.¹³ On February 4, 2010, James Bezan, Member of Parliament for Selkirk-Interlake, Manitoba announced a Private Members' Bill to address this topic.¹⁴ Passing of these bills would also help to alleviate the annual \$55 – 65 million cost skin cancer represents in Canada.¹⁵

⁵ Canadian Health and Travel News:

<http://www.healthquotes.ca/blog/2009/07/30/Tanning+Beds+And+Cancer+Risks.aspx>

⁶ Sun Bed Usage and Attitudes Among Students in Ontario Grades 7 to 12 Youthography - Summary Results:

http://www.cancer.ca/~media/CCS/Ontario/Files%20List/liste%20de%20fichiers/pdf/Youthography%20survey_1856550887.ashx

⁷ Artificial ultraviolet radiation tanning Budget Extract – with 2009 changes

⁸ Preventing Cancer Through Healthy Public Policy: Reducing Exposure to Ultraviolet Radiation: July 2009 Key Facts

⁹ Artificial ultraviolet radiation tanning Budget Extract – with 2009 changes

¹⁰ Artificial ultraviolet radiation tanning Facility Study – Media Backgrounder,

<http://www.cancer.ca/Ontario/About%20us/Media%20centre/OD-Media%20releases/~media/CCS/Ontario/Files%20List/English%20files%20heading/pdf%20not%20in%20publications%20section/Media%20release%20-%20Backgrounder%20-%20Artificial%20Tanning%20Facility%20Study.ashx>

¹¹ The Canadian Dermatology Association: <http://www.dermatology.ca/indoortanning/index.html>

¹² Cancer society wants N.B. tanning age ban explained: <http://www.cbc.ca/canada/new-brunswick/story/2009/07/30/nb-cancer-tanning-beds-558.html>

¹³ Legislative Assembly of Ontario website:

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=2024&detailPage=bills_detail_status&Intranet=

¹⁴ http://www.dermatology.ca/media/news/2010-02-04-TanningPR_e.pdf

¹⁵ Artificial ultraviolet radiation tanning Budget Extract – with 2009 changes