

**SUBMISSION**

to

**THE RIGHT HONOURABLE PAUL MARTIN**

**Prime Minister of Canada**

By



**The Canadian Federation of Business and Professional Women's Clubs  
La Fédération Canadienne des Clubs de Femmes de Carrières Commerciales et Professionnelles**

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

*"Women working for working women."*

**October 2005**



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## Introduction

In 1930, BPW Canada was a founding member of an international network of Business and Professional Women's groups that has grown to include more than 108 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 Consultative status Category 1 with the United Nations Economic and Social Council (ECOSOC).

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 the country.

For 75 years, we have been advocating for equality in the workplace, and have played a significant role in achieving advancement for women.

Currently, we have 46 local clubs of BPW members across Canada, in eight provinces. Our groups range in size from 10 to 68 members, and excellent leadership training programs are offered in the communities that we serve. Our members bring a wealth of experience to our discussions and deliberations. Our policies are a direct result of a process which includes the voice of all working women. We bring perspective to our position and our policies.

We were pleased to have participated as a witness on the panel "Women and Work" to present to the new Standing Committee on the Status of Women on December 7, 2004.

BPW Canada is pleased to present this submission covering the resolutions passed at our Annual General Meeting held in Hamilton, Ontario on August 20, 2005. The delegates from across the country, who belong to clubs in our Federation, considered, discussed and approved these resolutions.

Issues raised by BPW are not just women's issues. They are issues of concern to our society at large as we move closer towards an equality-based society. We look forward to the opportunity to meet with members of the federal government to present our resolutions and concerns in more detail. We have much to contribute to the future of Canada as we build the future together.



## **Resolution #2005/1**

Presented by BPW North Toronto, ON

### **INDIAN ACT**

BPW CANADA strongly urges the Government of Canada to amend the Indian Act to make it mandatory that, upon divorce, the marital property of couples living on an Indian reserve be divided equally between the partners in the marriage; and

FURTHER BPW CANADA urges the Government of Canada to repeal Part IV Sec. 67 of the Canadian Human Rights Act, which exempts status Indians registered under the Indian Act from the Canadian Humans Rights legislation.

### **RÉSOLUTION n° 1 pour 2005**

#### **Loi sur les Indiens**

proposée par BPW North Toronto

**IL EST ALORS RÉSOLU QUE** BPW Canada prie fortement le gouvernement du Canada d'amender la Loi sur les Indiens afin qu'il devienne obligatoire, lors d'un divorce, de partager également entre les partenaires les biens matrimoniaux des couples qui résident dans une réserve.

**IL EST ÉGALEMENT RÉSOLU QUE** BPW Canada prie le gouvernement du Canada d'abroger la Partie IV, section 67, de la Loi canadienne sur les droits de la personne, qui exempte les Indiens de plein droit inscrits en vertu de la Loi sur les Indiens.

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### **RATIONALE AND REFERENCES**

Aboriginal women have a much lower standard of living than other women in Canada. The Indian Act contains no provisions for marital breakdown or separation of property upon marital breakdown. Although there are men on reserves who will voluntarily split the family assets with their ex-wives, there are no guarantees that they will do so voluntarily and most family property on the reserves is registered solely in the name of the man. If the man refuses to divide the assets voluntarily, the woman has no recourse but to either file suit in the courts for division of property or have the property division adjudicated by the band council. If the band council decides in favour of the man, then the woman and her children (if she has custody) are forced to leave the reserve.

It is time to remove provisions in the Indian Act that allow such inequities in the division of property in the event of a divorce or separation.



## Resolution #2005/2

Presented by BPW London, ON

### ***RECRUITMENT OF FOREIGN NURSES***

**BPW CANADA** urges the Government of Canada to establish guidelines through our immigration policies to prohibit the unfair and unethical “poaching” of professional nursing staff from developing countries.

FURTHER **BPW CANADA** urges the Government of Canada to encourage provincial governments to address the impending nursing shortage by funding the development of more nursing faculties and the expansion in nursing programs to pre-1990 seat capacity.

AND FURTHER **BPW CANADA** urges the Government of Canada to provide bursaries to attract women from disadvantaged and marginalized groups within our society into nursing programs to ensure culturally appropriate nursing care can be provided to enhance the health of all groups in our country.

### **RÉSOLUTION n° 2 pour 2005**

#### ***Recrutement d’infirmières étrangères***

proposée par BPW London

**IL EST ALORS RÉSOLU QUE** les Clubs de femmes de carrières commerciales et professionnelles prient le gouvernement du Canada d’établir des lignes directrices à même ses politiques d’immigration pour interdire le maraudage inéquitable et déloyal du personnel infirmier professionnel des pays en développement.

**IL EST ÉGALEMENT RÉSOLU QUE** les Clubs de femmes de carrières commerciales et professionnelles pressent le gouvernement du Canada d’encourager les gouvernements provinciaux à s’attaquer à l’imminente pénurie d’infirmières en finançant le développement d’autres facultés de sciences infirmières et l’expansion des programmes de sciences infirmières pour que le nombre d’étudiantes regagne celui qui prévalait avant 1990.

**IL EST ENFIN RÉSOLU QUE** les Clubs de femmes de carrières commerciales et professionnelles du Canada prient le gouvernement du Canada d’offrir des bourses pour attirer dans le domaine les femmes de groupes désavantagés et marginalisés de notre société et ainsi s’assurer que des soins infirmiers culturellement appropriés pourront être offerts pour améliorer l’état de santé de tous les groupes qui composent notre pays.



## **RATIONALE AND REFERENCES**

The nursing population in Canada is aging and heading towards retirement, while at the same time there is a strong applicant pool available for nursing programs. However, the Government of Canada has not financially supported the ongoing training and replacement of nurses in the workforce and is instead pursuing the development of bridging programs for foreign-trained nurses to enter Canada and practice in our health care system.

As part of a worldwide trend, hospitals from developed countries are recruiting nurses from developing countries, leaving these countries' hospitals in critical shortage and leading to a gap in nursing skills to address global health problems in countries where they often originate. Developing nations can ill afford the high cost of training nursing staff only to have that staff enticed away by countries that could afford the cost of training but instead choose to poach nurses from these developing countries.

The Canadian Nurses Association (CNA) states that private for-profit agencies have increasingly become involved in the search for nursing personnel. Recently, aggressive international recruitment is on the increase. The number of foreign-educated nurses applying for RN registration in Canada is increasing rapidly, as reported by provincial/territorial RN regulatory bodies.

The Director of Nursing at the University of Western Ontario advised that bridging programs are being prepared at Canadian Universities to receive foreign nurses entering Canada. Although every person should have the freedom to migrate to other countries if they choose, immigration should not be used in place of training Canadians for Canadian jobs.

The British Columbia Nurses Union states that Canada should ensure that we educate enough Canadians to become nurses. Currently, BC's post-secondary schools graduate only half the number of nurses needed each year. BC must pay globally competitive wages to retain the nurses this country needs, attract back those who have left, and attract new people to the profession.

The Canadian Nursing Association believes that to provide the best possible patient outcomes, nurses must provide culturally competent care. Several educational programs are providing dedicated seats for minorities. Government is responsible to promote a climate of diversity and acceptance, to fight racism and to ensure that health care systems promote culturally competent care. Government is also responsible to provide funding to enable the provision of culturally competent health services.

The Canadian population has a greater variety of cultures than ever before. The proportion of the population with a mother tongue other than English or French rose by 12.5 per cent, with Chinese having grown to become the third most common mother tongue as well as having growth in Islam, Hinduism, Sikhism and Buddhism. Not only has the patient population grown diverse but also the pool of applicants so that educational systems can draw from a variety of cultures within the Canadian population and not necessarily through immigration.

<http://www.cbsnews.com/stories/2003/01/17/60minutes/main536999.shtml>

<http://www.icn.ch/psrecruit01.htm>

<http://www.usd.edu/med/nursing/care/care.cfm>



## Resolution #2005/3

Presented by BPW London, ON

### ***PURIFICATION AND PROTECTION OF DRINKING WATER***

**BPW CANADA** urges the Government of Canada to implement all the recommendations on matters of federal jurisdiction from the Report of the Walkerton (O'Connor) Inquiry.

FURTHER **BPW CANADA** urges the Government of Canada to exert all possible influence on the Provincial and Territorial Governments to adopt and implement the recommendations from the Report of the Walkerton (O'Connor) Inquiry.

#### RÉSOLUTION n° 3 pour 2005

#### ***Purification et protection de l'eau potable***

proposée par BPW London

**IL EST ALORS RÉSOLU QUE** BPW Canada prie le gouvernement du Canada de mettre en œuvre toutes les recommandations de compétence fédérale émises dans le Rapport de la commission d'enquête sur Walkerton.

**IL EST ENFIN RÉSOLU QUE** BPW Canada prie le gouvernement du Canada de presser les gouvernements provinciaux et territoriaux d'adopter et de mettre en œuvre les recommandations émises dans le Rapport de la commission d'enquête sur Walkerton.

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### **RATIONALE AND REFERENCES**

The Walkerton tragedy, which killed seven people and made thousands of others seriously ill – leaving some with permanent health problems – was a national scandal and an international embarrassment for Canada, the world's richest country in terms of fresh water resources.

It is even more tragic and astonishing that, several years later, the recommendations of the public enquiry into the Walkerton tragedy have not yet been implemented. The recommendations cover the source protection, standard treatment, distribution, and monitoring of our water supplies, including First Nations' water supplies. The recently publicized scandalous conditions at the Kashechewan Reserve, which are unfortunately not exceptional, are further evidence of inept and uncoordinated government action – or inaction.

We recognize that women are traditionally the care givers of the family and any illness due to contaminated water creates an extra burden for women; that women tend to take the greater share of household duties and, as the most frequent "end-users" of domestic water, are at a greater risk if the water is contaminated; and that women in rural environments have an even greater risk due to the nature of the rural isolation in dealing with contaminated water and the illness it causes.



Therefore **BPW CANADA**, as a founding member of BPW International, supports the “Women for Water and Water for Women” program, and the implementation of the principles that:

- Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels; and
- Women must play a central part on the provision, management and safeguarding of water.





## Resolution #2005/4

Presented by BPW Penticton, BC and BPW Selkirk, MB

### **ISLAMIC LAW (Shari'a)**

**BPW CANADA** urges the Government of Canada to ensure:

- 1) That all legally binding procedures and agreements in matters of federal jurisdiction are and will remain based on secular Canadian law and will uphold the Canadian Charter of Rights and Freedoms;
- 2) That the laws, procedures and agreements that undermine, nullify or displace equality rights or jeopardize human rights not be upheld or enforceable under Canadian law; and
- 3) That alternative proceedings such as arbitration or agreements arising out of religious or other law must be subject to review by the courts on the merits based on secular Canadian law whether or not such alternative proceedings or agreements were consensual, open, private or recorded.

FURTHER **BPW CANADA** urges the Government of Canada to undertake a gender equity analysis of all existing or proposed laws or procedures that validate or enforce agreements made under religious or other laws, or any law that validates agreements that purport to be consensual and waive equality or human rights.

### **RÉSOLUTION n° 4 pour 2005**

#### **Loi musulmane (Shari'a)**

proposée par BPW Penticton et BPW Selkirk

**IL EST ALORS RÉSOLU QUE** la Fédération canadienne des clubs de femmes de carrières commerciales et professionnelles (BPW Canada) prie le gouvernement du Canada de revoir et d'amender la Loi de 1991 sur l'arbitrage et d'édicter la législation afin de s'assurer que :

1. toutes les procédures et tous les accords juridiques ayant force obligatoire en matière de droit familial, civil et criminel sont et demeurent fondés sur le droit canadien séculier et perpétuent la Charte canadienne des droits et libertés; et
2. les lois, les procédures et les accords qui minent, annulent ou supplantent les droits à l'égalité ou qui mettent en péril les droits de la personne ne sont ni perpétués ni exécutoires en vertu des lois canadiennes; et
3. toute procédure de rechange (arbitrage ou accords) découlant d'une loi religieuse ou autre subisse un examen de la cour sur le fond même du droit canadien séculier, que ladite procédure soit consensuelle, ouverte, privée ou enregistrée.



**IL EST ENFIN RÉSOLU QUE** BPW Canada prie le gouvernement du Canada et les organismes BPW provinciaux de presser le gouvernement de chaque province d'entreprendre une analyse par sexe de toutes les lois et les procédures en vigueur ou proposées qui valident ou exécutent les accords conclus en vertu de lois religieuses ou autres, de même que toute loi qui valide les accords qui se prétendent consensuels ou qui renoncent aux droits à l'égalité et aux droits de la personne.

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## **RATIONALE AND REFERENCES**

This resolution was passed before the recent decision of the Government of Ontario concerning the use of Shari'a Law and other faith-based arbitration in the settlement of marriage and family law matters. The concern was that, if such agreements were arbitrarily upheld by the Courts in one province, a precedent would be created that might then be followed by others. Notwithstanding the decisions of provincial or territorial governments, BPW CANADA calls upon the Government of Canada to safeguard, wherever and however necessary, the absolute priority of the Canadian Charter of Rights and Freedoms with respect to such matters.

It would be unconscionable that in Canada an arbitration procedure chaired by a religious leader or scholar who is committed to other than equal sharing and gender equality in the resolution of family and civil matters should be validated by the Courts. For example, Muslim family law is part of Islamic Law or *Shari'a*; it is not standardized but open to interpretation. The rights of women vary greatly in different Muslim nations and cultures, and some interpretations of *Shari'a* law have come to light that are contrary to the principles of gender equality embodied in the Canadian Charter of Rights and Freedoms, The United Nations Declaration of Human Rights, and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

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