



CANADIAN
HUMAN RIGHTS
COMMISSION

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CANADIENNE DES
DROITS DE LA PERSONNE

Women's Equality Highs and Lows CASHRA

June 18, 2007

Canada 



Overview

- Milestones in Equality
- Human Rights Framework
- Realities
- Gender and Other grounds of Discrimination
- UN CEDAW Committee Findings
- Employment Equity
- Pay Equity
- Future Challenges



Milestones in Equality

In the 30 years since the adoption of the Canadian Human Rights Act:

- 1981, Canada ratifies CEDAW
- 1985, Equality provisions of Charter come into effect
- 1987, *Action Travail des Femmes*
- 1995, Beijing Declaration and Platform of Action
- 1995, Federal Agenda for Gender Equality –Gender based analysis introduced
- 2004, Establishment of a Parliamentary Standing Committee on Status of Women



Human Rights Framework

- International – Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- National – Charter
- Federal – Canadian Human Rights Act and Employment Equity Act
- Provincial – human rights statutes
- Federal and Provincial - Employment and Labour Laws – Canada Labour Code, Equal Wages Guidelines



Realities

- At every level of education women in Canada earn less on average than men
- Women working full-time earn 71 cents for every dollar men earn
- Wage gap - Canada ranks 38th in world
- Representation in professional and technical occupations – Canada ranks 25th in world
- Women still perform about 2/3 of unpaid work and perform majority of care-giving
- Women make up 50.4% of the population but only 20.8 % of the seats in the House of Commons



Gender and other Grounds Discrimination

- Gender interacts with other factors such as race, family status, age and disability affecting access to economic equality
- Low income rates are highest among female lone parent families, women with disabilities, Aboriginal women, recent immigrants and unattached older women
- Wage Gap is 71% for all women; 64% for women of colour and 46% for Aboriginal women
- Pension gap – 58% for retired women under the Canada/Quebec pension plans



UN CEDAW Committee

Canada has committed itself to take proactive measures to advance women's equality particularly in employment, education, reproductive health, family law, child care and social security.

In January 2004, the UN CEDAW committee called for the federal government to:

- Take proactive measures to remedy the social economic conditions of women especially Aboriginal women and immigrant women.
- Focus on reducing the feminization of poverty.



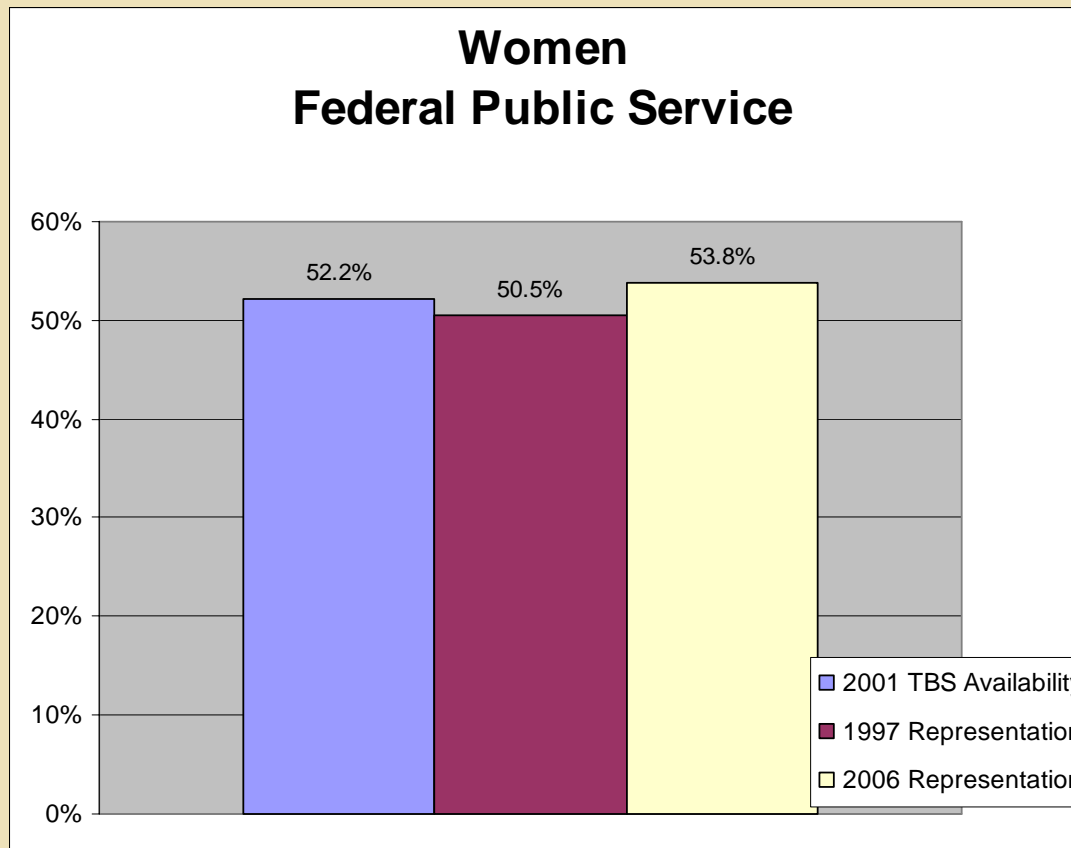
Representation in the Workforce

Employment Equity Act

- Removing barriers and transforming any entrenched workplace practice or policy that has a discriminatory effect on women, persons with disabilities, Aboriginal peoples and visible minorities
- Section 2 – “Correct conditions of disadvantage in employment experienced by women, Aboriginal peoples, visible minorities and persons with disabilities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences

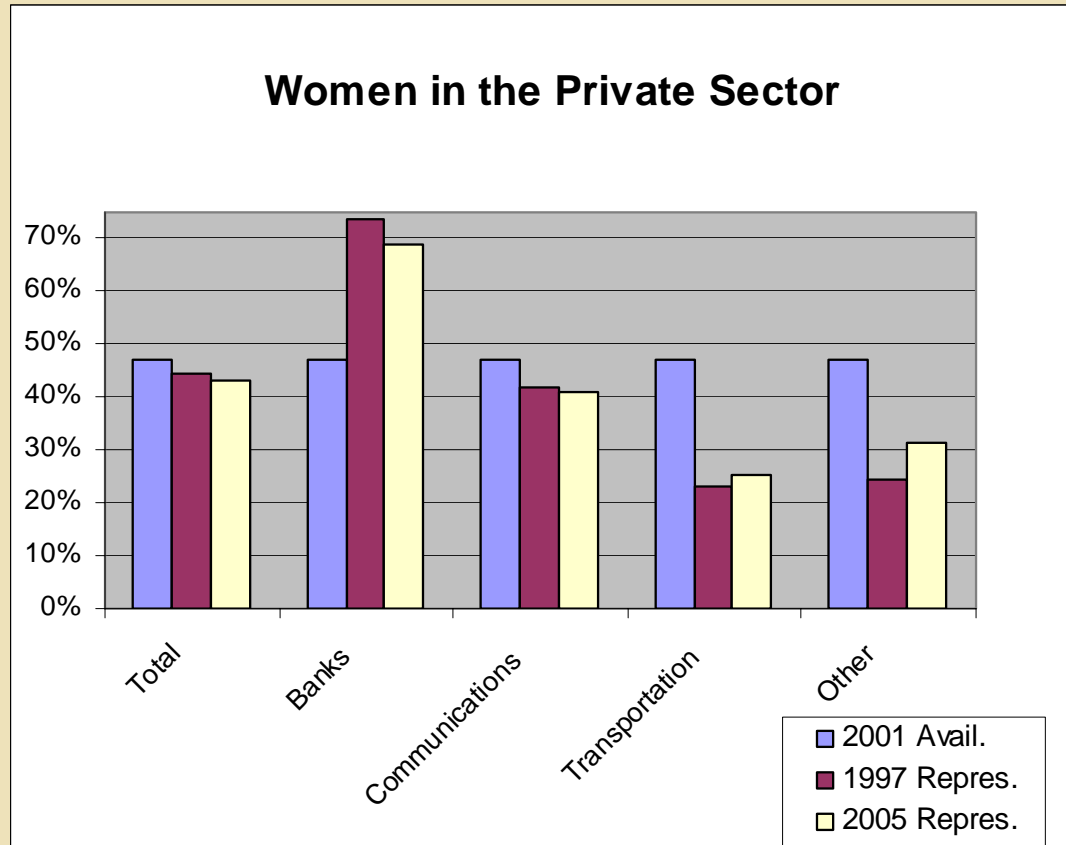


Representation in Public Sector



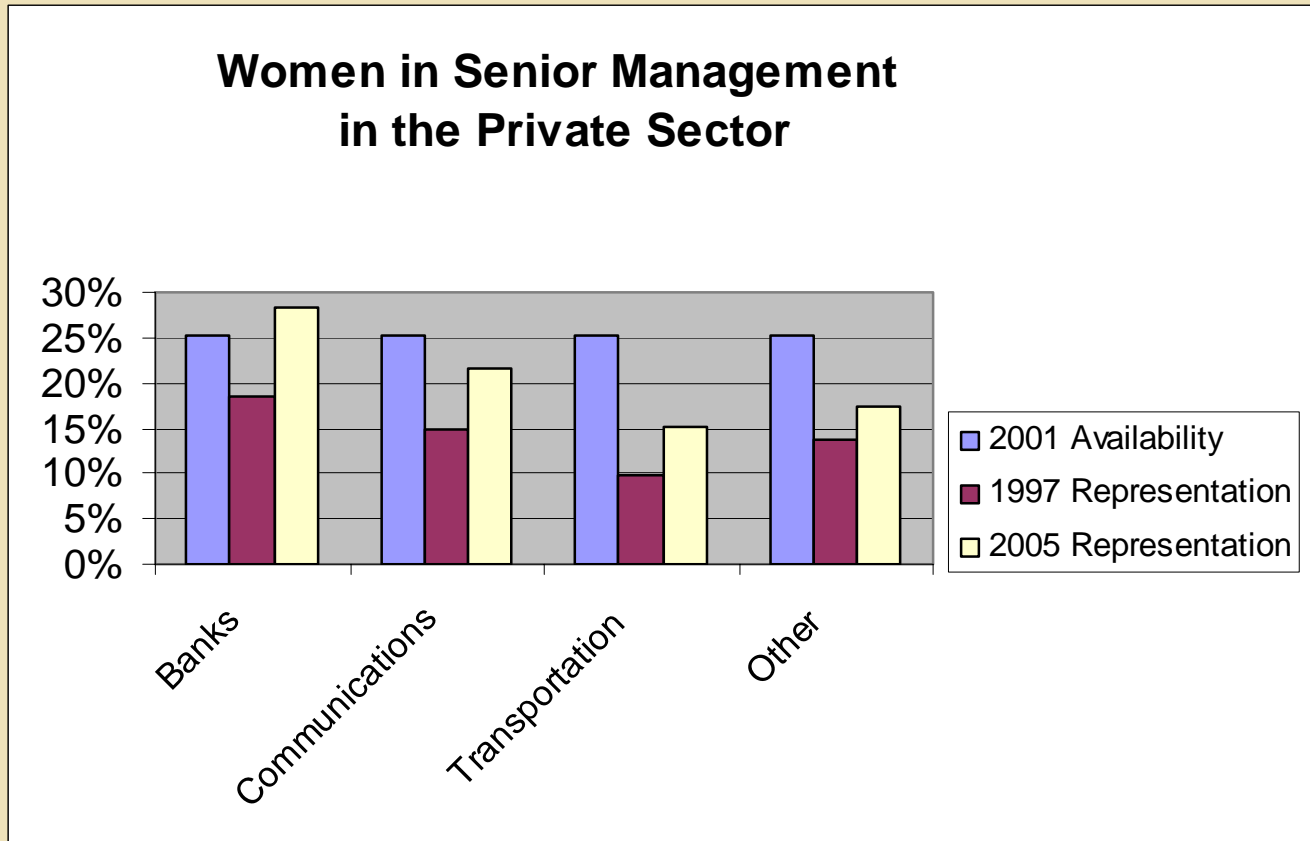


Representation in Private Sector





Representation in Private Sector





Future Challenges

Employment Equity

Short Term

- Review of Employment Equity Act
- Implementation of revised audit process

Long Term

- Research and Analysis
 - effectiveness of the Act and the audit process,
 - whether the Act has had a positive impact on representation of designated groups
 - whether a more in-depth review of Act is needed



Economic Equality

Pay Equity

- Under Section 11 of CHRA, it is a discriminatory practice for employers to establish or maintain different wages for male and female employees doing work of equal value in the same establishment
- Section 11 makes equal pay for work of equal value a human right – meant to address wage gap
- The value of work is determined using a composite of skill, effort, responsibility and working conditions
- Wages mean any form of remuneration



Economic Equality

Pay Equity Experience

- Highly adversarial
- Lack of evidence especially with respect to value of jobs
- Extremely lengthy investigations (up to 20 years)
- Lengthy, expensive litigation with uncertain results
- Several challenges to the legislation



Economic Equality

Pay Equity Task Force

- CHRC submission called for an integrated and proactive approach to pay equity, onus on employers
- In May 2004 Task Force on Pay Equity released a comprehensive report which addressed criticisms of current pay equity legislation.
- Found that wage gap remains entrenched
- 113 recommendations including recommendation for new proactive legislation
- Government response: No, instead increased education, specialized mediation assistance and compliance monitoring, more inspectors, consult CHRC



Future Challenges

Pay Equity

- Develop a new Commission strategy to process pay equity complaints
- Implement new strategy without need for additional resources
- Working with HRSDC to define respective roles and implement its new model for private sector



Future Challenges

Repeal s. 67

- Aboriginal women's groups have consistently called for the elimination of s. 67
- Section 67 has limited ability to file discrimination complaints on issues concerning status, band membership, property and services provided by the band

Federally Sentenced Women's Report

- Follow up on recommendations designed to ensure that correctional services are responsive to the needs of women in areas such as rehabilitation and reintegration, custody and supervision, assessment and classification of need and risk



Conclusion

As we meet the challenges of the present and prepare for the future, the Canadian Human Rights Commission is committed to advancing women's human rights and equality by ensuring that workplace culture and rules accommodate women's diverse realities and promoting the full participation of women in economic, social, cultural and political life.