



National Association of Women and the Law Association nationale Femmes et Droit

Rebuilding Feminist Law Reform Capacity: Substantive Equality in the Law Making Process

Speaking Notes of

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to the

Standing Committee on Finance (FINA)

Regarding the Subject Matter of Bill C—86, *A second Act to implement certain provisions of the budget
tales in Parliament on February 27, 2018 and other measures*

Room 325, Wellington Building, 197 Sparks Street, Ottawa Ontario

November 6, 2018, 10:15-11:45 a.m.

- Good morning.
- Thank you for this opportunity to speak on the Subject Matter of Bill C-86 on behalf of the National Association of Women and the Law (NAWL).
- NAWL is an incorporated not-for-profit feminist organization that promotes the equality rights of women in Canada through legal education, research, and law reform advocacy.
- We work on our own and in collaboration with other women's and equality-seeking organizations to impact public policy on a wide range of issues.
- I will begin my comments by congratulating the Government for prioritizing action to advance women's rights and gender equality in Bill C-86, particularly in relation to Division 18 which establishes the Department of Women and Gender Equality, The Pay Equity Act included in Division 14, and the Canadian Gender Budgeting Act included as Division 9.
- After decades of advocacy calling for proactive pay equity measures, we welcome the pay equity legislation including in C-86.
- We reiterate that pay equity is a human right, and that the Government has international and domestic obligations to eliminate the pay equity gap.
- As NAWL is a member of the Pay Equity Coalition that you heard from earlier this morning, and we support the positions taken by the Coalition, I will focus my comments this morning on the establishment of the Department of Women and Gender Equality.
- We welcome the decision to create a full Department for Women and Gender Equality. Feminist groups have been calling for the elevation of Status of Women Canada to a full department for decades.
- We applaud the decision to include a strong preamble that highlights Canada's international and domestic obligations to respect, protect and fulfil the rights of all women in Canada.

- The retention of women as the primary focus of this elevated department is an important recognition of the ongoing impacts of historic and systemic sex based discrimination that women in Canada continue to experience in all aspects of our lives. We applaud the explicit adoption in this Act of an intersectional feminist analysis and approach to advancing substantive gender equality for women in all our diversity.
- I now want to turn to two key points about: i) the importance of ensuring that there will be adequate and appropriate funding guaranteed to ensure the full implementation of the gender equality components included in Bill C-86, which includes the funding of independent women's groups, and ii) the need to ensure meaningful consultation with feminist groups in the law making process.
- As members of this Committee will know, after the change in the mandate of Status of Women that was introduced by the previous federal government, NAWL and many other feminist and equality seeking groups were defunded and many including NAWL were forced to close our operations.
- These were very challenging times for feminist and equality-seeking groups who faced defunding, prohibitions on advocacy, and challenges to their charitable status. Many feminist and equality-seeking organizations faced similar fiscal and organizational challenges and the landscape of feminist and social justice work was eroded significantly, with severe consequences for women and equality including the dismantling of significant achievements and knowledge. I emphasize these not just because history is important, but also because the impacts of these cuts were deep, and are ongoing.
- We are just beginning to recover and rebuild our capacities and networks but this will take time and investment, and I emphasize the need for investment, as many organizations including NAWL remain underfunded. We cannot yet meet the demands for our feminist legal expertise and don't yet have the resources required to help rebuild those feminist law reform capacities in other groups or to rebuild our coalitions.

- We are very appreciative of the project funding that SWC is now providing, and the new capacity building funds that have just been opened up for women's groups. However, these do not and cannot replace the need for the restoration of core funding to independent women's groups.
- We urge the Department of Women and Gender Equality to include core funding in its funding modalities as was recommended by the 2005 report of the FEWO committee; Funding Through the Women's Program: Women's Groups speak out.
- We also note that the new Department of Women and Gender Equality must receive additional funding to implement its expanded mandate. This is not just a change in name, this new department has an expanded mandate and will need to be adequately resourced.
- These gaps in funding and capacity that women's groups continue to experience, when coupled with incredibly short timelines for engagement, make it nearly impossible for many women's groups to meaningfully engage with law making, including in relation to Bill C-86.
- For example, Bill C-86 was tabled on Monday October 29th. We received an invitation on the afternoon of Friday afternoon, November 2nd, to appear before this Committee today, on the morning of Tuesday November 6th. We had one week to prepare feminist analysis of an incredibly complex and multifaceted Bill, and one full working day of notice of the invitation to appear before this Committee. This would have been insufficient time even if the legislation to enact the new department had been tabled on its own, rather than part of this huge omnibus bill.
- On the issue of meaningful consultation, we are also advocating for the establishment and funding of an independent advisory body comprised of groups that lead on critical women's rights and gender equality issues, to provide advice and feedback to the Department of Women and Gender Equality.

- In conclusion, it has been a pleasure for NAWL to appear before the FINA committee again after more than a decade.
- We look forward to this committee recommending the reinstatement of core funding for equality seeking women's groups, and to an expansion of the timeframes and mechanisms provided for meaningful engagement by feminist groups in important the law making process such as this one.

Thank you