

Women and the *Canadian Human Rights Act*:
A Collection of Policy Research Reports

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Status of Women Canada is committed to ensuring that all research produced through the Policy Research Fund adheres to high methodological, ethical and professional standards. The research must also make a unique, value-added contribution to current policy debates, and be useful to policy makers, researchers, women's organizations, communities and others interested in the policy process. Each paper is anonymously reviewed by specialists in the field, and comments are solicited on:

- the accuracy, completeness and timeliness of the information presented;
- the extent to which the analysis and recommendations are supported by the methodology used and the data collected; and
- the original contribution that the report would make to existing work on this subject, and its usefulness to equality-seeking organizations, advocacy communities, government policy makers, researchers and other target audiences.

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PREFACE

Status of Women Canada's Policy Research Fund was instituted in 1996 to support independent, nationally relevant policy research on gender equality issues. Public consultations held in 1996 on the structure and priorities of the Policy Research Fund identified the need to fund both long-term emerging issues and urgent issues. Urgent issues are defined as those currently on the public policy agenda, where time is of the essence, the gender dimension may not be adequately debated and there is an opportunity to effect change by participating in the policy process.

Women and the *Canadian Human Rights Act* was identified as an urgent issue by the External Committee to the Policy Research Fund in response to the announcement by the Honourable Anne McLellan, Minister of Justice, on April 8, 1999 of a review of human rights protection in Canada. The Minister appointed a review panel and asked that the panel report to her with recommendations for improving the *Canadian Human Rights Act* (CHRA) by April 8, 2000. The review panel is scheduled to begin a series of consultations with employers, labour organizations, equality advocacy groups, federal government departments and other interested parties in September 1999.

Given the need to ensure a gender perspective in the public debate, an urgent call for research proposals on **Women and the CHRA** was issued in June 1999. The proposals were assessed by Status of Women Canada and external reviewers, and the following four research projects were selected for funding.

- ◆ **Should the CHRA Mirror the Charter?** by Donna Greschner and Mark Prescott. This report looks at whether the CHRA should contain an open-ended clause, one that would prohibit discrimination on grounds other than those specifically listed in the Act. The report analyzes three approaches: an unreasonable cause provision, a group membership approach and, finally, a version amending the CHRA to mirror s. 15 of the *Canadian Charter of Rights and Freedoms*. The report concludes that an open-ended list would cause more problems than it solves.

- ◆ **Women's Substantive Equality and the Protection of Social and Economic Rights under the *Canadian Human Rights Act*** by Martha Jackman and Bruce Porter. This report examines the issue of whether, and how, social and economic rights can be effectively protected under the *Canadian Human Rights Act*. The report reviews the specific findings and recommendations of UN treaty-monitoring bodies, examining this issue from a domestic perspective and considering how new social and economic rights guarantees under the CHRA should be formulated. The report concludes that recognizing social and economic rights in the CHRA is necessary, not only to bring Canada into compliance with its international human rights obligations, but to ensure federal human rights law promotes the dignity and substantive equality of all women.

- ◆ **Women's Economic Inequality and the *Canadian Human Rights Act* by Shelagh Day and Gwen Brodsky.** One proposal under consideration during the current review of the CHRA is adding the ground social condition to the list of prohibited grounds of discrimination, which will provide protection from discrimination occurring because of the negative stereotyping of people with low incomes. However, this report argues that its addition will not address the poverty and economic inequality that are manifestations of long-standing discrimination based on sex, race and disability. The report concludes that the CHRA needs to be reframed so it explicitly recognizes group disadvantage, including the persistent group disadvantage of women, and makes specific commitments to the elimination of women's social and economic disadvantage.

- ◆ **Sexual Harassment Complaints and the Canadian Human Rights Commission by Sandy Welsh, Myrna Dawson and Elizabeth Griffiths.** An analysis of 453 sexual harassment complaints filed by women against both corporate and individual respondents between 1978 and 1993 is presented in this report. This study examines dispositions, remedies, length of time to case resolution and the amount of monetary compensation awarded in sexual harassment complaints reported to the CHRC. The report suggests that improvements regarding time to case resolution and ease of reporting without repercussions should be important components of future policy agendas promoting the status of women in Canada.

The objective of Status of Women Canada's Policy Research Fund is to enhance public debate on gender equality issues and contribute to the ability of individuals and organizations to participate more effectively in the policy development process. We believe that good policy research leads to good policies. We thank all the authors and reviewers for their contribution to this objective.

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