



# *Mothing in Law:*

## **Defending Women's Rights in 2007 What Women in Canada Need!**



In celebration of Mother's Day, the National Association of the Law brings to Parliament Hill a message on behalf of women across Quebec and the rest of Canada.

### ***For Mothers at Work:***

#### ***Improve Maternity and Parental Benefits for women living outside of Quebec***

- ◆ NAWL recommends that the Federal Government expand the current maternity and parental benefits regime under Employment Insurance.
- ◆ NAWL recommends that the Federal government:
  - ◆ Abolish the two week waiting period;
  - ◆ Increase benefit levels to 70% of regular earnings;
  - ◆ Raise maximum yearly insurable earnings;
  - ◆ Calculate benefits on the basis of the best 12 weeks of income in the qualifying period;
  - ◆ Lower the eligibility requirement to 360 hours;
  - ◆ Respect a distinct entitlement to maternity and parental benefits so that the right to these benefits is not affected by receipt of regular benefits;
  - ◆ Designate benefits for fathers;
  - ◆ Allow a 3 to 5 year reach-back period to qualify for maternity and parental benefits;
  - ◆ Extend coverage to self-employed mothers and fathers.

Bearing and raising children should not impoverish women, as is now too often. Society as a whole benefits in a particular and unique way from childbearing and childrearing. NAWL recommends that the current federal benefit regime be expanded to bring Canada into line with the 2003 recommendation of a United Nations Committee on Discrimination against Women. We recommend that the Federal government contribute directly to financing this much-needed expansion to the current maternity and parental benefit regime.

### ***For Mothers in the Family:***

- ◆ NAWL recommends that the federal Divorce Act be revised to require courts to consider violence against women as a part of the best interests of the child test for custody and access cases.

Mothers who leave abusive or controlling partners need to make arrangements for custody of and access to the children. Violence is an important factor when determining what is in the best interest of the child. Shared custody should not be ordered in cases of violence.

## *Mothering in Law: Defending Women's Rights in 2007*

### **For Mothers and their Citizenship:**

- ◆ NAWL recommends that the government, in consultation with NWAC, adopt legislation and a broad range of programs and policies, that will provide access to housing, matrimonial property rights, security and equality for Aboriginal women living on reserve.

Aboriginal women in Canada have faced decades of discrimination through government policies, including the discriminatory way that matrimonial real property on reserve is applied. Aboriginal women do not enjoy their full citizenship rights, and NAWL strongly recommends positive action from the government to work at ending this discrimination.

- ◆ NAWL recommends that the government provide permanent resident status on arrival in Canada to domestic workers, and that their rights to family reunification be recognized without delay.

Immigrant women working in Canada under the Live-In Caregiver Programme as domestic workers live in highly vulnerable conditions and, while caring for other peoples children, they themselves have to endure years of separation from their own families.

### **On State Obligations to Mothers**

- ◆ NAWL recommends that the federal government adopt Bill C-303, providing standards for a pan-Canadian child care programme to benefit women and their families, and children's development.

Without an adequate child care programme for women across Canada, women are denied equal access to the workforce. A pan-Canadian child care programme must provide quality child care, accessible and universal in order to allow women to have access to their economic and social rights.

- ◆ NAWL recommends that the federal government reverse the changes it has made to the mandate of the Women's Program of Status of Women Canada and put women's equality back on track, by funding research, advocacy and lobbying for women.

The federal government's changes to the Status of Women programme reduce the ability of equality-seeking groups to speak out on behalf of women in Quebec and throughout the rest of Canada.

"To defend the rights of mothers we have to defend the rights of women. All women are perceived to be mothers, whether we have children or not. This leads to restrictions on women's access to non-mother roles, and, because mothering is de-valued, to less power, authority, income and wealth for women. To defend the rights of mothers, we have to defend the rights of women to be mothers and workers/ educators/ scholars/ judges/ public actors, at the same time, and/or at different times over the course of a lifetime. All women, mothers or not, are affected by how mothers are perceived and treated. Mothers are never only mothers. Women need freedom from family, as well as freedom to family. Only when that is a fully realizable choice, without economic or social penalty, will women be liberated. We are not there yet." (May 11, 2007)

- Shelagh Day, Special Advisor on Human Rights for the National Association of Women and the Law