

P.O. BOX 188
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Toronto,
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DECEMBER 1977
Next meeting: Jan. 10
(see last page)

CURRENT ISSUES

PENSIONS AND BENEFITS

A new OCSW brief will be submitted to the provincial Royal Commission on Pensions, by December 31, 1977. Anne Hill, Joyce Ward, Alexis Clark and Brigid Munsche hope to make a presentation to the Commission on our behalf.

EQUAL PAY FOR WORK OF EQUAL VALUE

This subcommittee is looking into the federal government's implementation of "equal value" concept under the new Human Rights Act, since that mechanism is now being set up. There is no indication yet of willingness on the part of the Ontario government to follow the federal lead by adopting equal pay for work of equal value into provincial labour legislation. To work on this subcommittee contact Wendy Lawrence at 966-3815.

HEALTH AND FAMILY PLANNING

Our subcommittee is preparing a brief to the Honourable Dennis Timbrell, Minister of Health. It will follow up on a previous brief about family planning, and will consider the possibility of a women's health centre as a pilot project. Anyone interested in joining the subcommittee may call Pat Lundie at 445-6778.

SOCIAL SERVICES

In September, the OCSW presented its most recent brief, "The Attachment of Women to Children", to the Hon. Keith Norton, Minister of Community and Social Services. Our representatives were Chaviva Kosek, Ann Pill, Brigid Munsche, Thea Hughes, and Wendy Lawrence.

Daycare--The brief criticized the Ontario Government for providing "not even a minimal commitment" to adequate day care, noting that no new capital funds have been earmarked by the province for centres since 1974. The low level of subsidies is causing middle-income families to withdraw children from centre care which they can no longer afford.

Three goals for day care were suggested: 1) A place for every child who needs one. 2) A cost to parents that is tenable for all families, cost to be based on a sliding scale geared to income. 3) Day care must no longer be treated as a "welfare" service. Instead, it should be seen as a basic service for the long-range benefit of our society.

Among OCSW's recommendations were: 1) establishment of a Day Care Task Force in the Children's Services Division, to facilitate development of services, monitor quality, and direct research; 2) provision immediately of sound financial footing for day care, including a capital fund for municipalities to draw on for expanding services; 3) maintenance of standards via a research centre that can develop demonstration projects; 4) better public information; 5) improved working conditions for day care professionals.

Crisis Intervention Homes--The brief pointed out that the extent of the need for such facilities is not often apparent until such a home is in existence: as with day care, merely not providing facilities does not reduce the need--rather, it leads to unsatisfactory ways of responding to the situation, with high social costs resulting.

The OCSW recommended new legislation more adequate for the needs of women with children, when temporary shelter and support are required. A firmer funding formula must replace the present one based on a "per diem" calculation, and there should be a greater range of community support services for troubled families, including new public initiatives in housing. If the need for new facilities is to be met, there must be financial aid to

SOCIAL SERVICES (continued)

municipalities and groups willing to set up crisis intervention homes. Research is also required, and information should be made widely available to the public.

Canada Pension Plan--OCSW again expressed disapproval of Ontario's stand against the CPP "drop-out" amendment which would remove the penalty for persons leaving the labour force to care for their children at home up to the age of 7. Unfortunately, the Ontario Government has since re-iterated its strong opposition to the amendment, which is thereby vetoed for all Canadian women.

Our brief has attracted wide attention. Thea Hughes was featured in a Globe & Mail article on the problems faced by parents seeking day care, but the Globe elsewhere misrepresented the OCSW's position in a lead editorial and did not bother to print a letter correcting its error. To contact the OCSW Social Services sub-committee, call Chaviva Hosek at 922-9807.

Day Care Update--"Who Cares?" is the second report of a study of private day care arrangements carried out by the Social Planning Council of Metropolitan Toronto and the Community Day Care Coalition, with funding from 3 levels of government. Among its highlights are the following findings:

- 1/3 of families at the lowest income level (under \$5000) have to spend 20% of their total income on day care. Of Metro parents using day care: 11% use centres, 45% use sitters, and 42% use relatives. There is a high level of instability in care by sitters.
 - 1/3 of parents questioned had no day care centre available in their neighbourhood. The majority of parents said there was a need for more centres in their area.
 - Care in a centre is preferred by the majority of parents of pre-school children.
 - The majority of sitters providing care in the sitter's home have 2 or 3 children.
- However, in Metro, there are over 3000 private arrangements which are illegally oversized.

NATIONAL ACTION COMMITTEE ON THE STATUS OF WOMEN--MID-YEAR MEETING

OCSW members were out in force to NAC's semi-annual meeting, held in Toronto in late November. Over 100 other representatives of women's groups from right across Canada attended. The meeting focussed on the federal government's proposed "block funding" to the provinces for the delivery of social services. Panel experts tended to agree that they had misgivings about the ramifications of such an approach to funding social services; they expressed anxiety about whether programs vital to women--day care, for instance--would receive much priority. Workshops allowed delegates to exchange information on fund-raising, resources, political action, and media relations.

For recreation, the NAC participants were escorted on the first feminist bus tour of Toronto, with scripts and guides provided by the Ontario Committee. The tour featured sites of struggles past, present and future, but a light touch prevailed nonetheless. The group wound up at the Ontario Legislature, where MPP Margaret Campbell escorted the NAC women to be photographed seated in triumph in an all-woman legislative assembly. Instead of calling cards, the women left their "40% Off for Women" coupons for the politicians. The closing banquet of the week-end was addressed by Gordon Fairweather, Chairman of the federal Human Rights Commission.

NEWS TIPSEducation--Can You Spot a Trend?

Humber College's Centre for Women closed earlier in the fall. Fortunately, many of its services are being picked up by Humber's Continuing Education Centre....Budgets of the women's programs at the Ontario Institute for Studies in Education have been cut back.A report on Ontario's educational problems by economics professor John Buttrick has warned that graduates at all levels, but especially female post-secondary graduates, likely will be forced to accept poorer jobs than they expected.

Rape

In Toronto, a special team of policemen has been set up to monitor the investigation and prosecution of rape cases. Rape: The Price of Coercive Sexuality, by Lorenne Clark and Debra Lewis (\$5.95, paper) has just been published by the Women's Press. This is the first major Canadian study of rape, together with a theoretical analysis placing its cause ultimately in a society founded on male domination. Clark and Lewis see rape as only the most violent manifestation of prevalent coercive sexuality; they suggest that it can be eliminated through social change.

"Conversation" No Longer "Criminal"

The Ontario Court of Appeal has set a precedent by interpreting the 1975 Family Law Reform Act to deny that either spouse has a "proprietary interest" in the body of the other spouse; one spouse cannot sue the other's lover for "criminal conversation".

Advertising--A study has found that "liberated" ads receive greater audience approval. Women prefer ads which portray them according to contemporary social realities: working in the labor force as well as at home, encouraging family co-operation on household tasks, and making decisions for themselves.

OCSW NEWS FEATUREFAMILY LAW REFORMTHE MANITOBA LESSON

In mid-December 1977, the recently-elected Conservative government of Manitoba passed an act suspending the province's new family law reform legislation before it could be proclaimed. Although the legislation was years in the making and followed a law reform commission study and much public contribution, Premier Lyon called it "rash," and an "intrusion" into the lives of happy marriages where spouses can agree informally that property should be equally shared. (Editor's note: Premier Lyon, meet Mrs. Irene Murdoch.) The women of Manitoba lobbied steadily once the new government's plans became known, but to no avail.

THE ONTARIO CASE

Bill 59, "An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships" received second reading in the Ontario legislature in October 1977, and has been turned over to the Standing Committee on Justice for further hearings. OCSW will be taking yet another brief to the Justice Committee, pointing out the problems that remain in the proposed legislation.

Little has been changed in Bill 59. OCSW still has objections to the narrowly defined concept of "family assets" and to the use of conduct (even if gross and obvious repudiation of the relationship) as a factor in determining the amount of support awarded to a spouse. There is much scope for interpretation by the courts in this legislation. For example, judges will have to decide what constitutes "gross and obvious" misconduct. And while the court may investigate items purchased during the marriage by one spouse and not used jointly by the family, it may decide not. The onus is on the non-owning spouse to apply to the court for a decision about property when her name does not appear on the deed; this will likely mean that a wife must establish a firm connection between her household work and such acquired property.

The suggested proclamation date for this legislation is March 31, 1978. However, because the Justice Committee has a full schedule of other legislation to consider, it will not be holding hearings on family law until at least January.

Many Ontario women are beginning to have doubts about seeing a new family property regime here in the near future. The Manitoba situation gives cause for concern; even if legislation is passed, soon, we have no guarantee it will be proclaimed immediately. OCSW urges members and all women across Ontario, to write now, to the Attorney-General, The Honourable Roy McMurtry at 18 King Street East, 17th Floor, Toronto, Ontario M5C-1C4 to emphasize the need for speedy passage and proclamation of family law reform, with amendments broadening the definition of family assets and removing the factor of conduct in assessing the amount of support.

Briefs and letters should also be submitted to the Justice Committee, Legislative Buildings, Queen's Park, Toronto, Ontario, M7A- A2.

In case any of us have forgotten how long all of this has been going on, Irma Melville of the OCSW family law reform subcommittee has prepared the following ...

HISTORICAL SUMMARY FAMILY LAW REFORM ONTARIO

Abbreviations

Ontario Law Reform Commission - OLRC
 Attorney-General - AG
 Ontario Status of Women Council (prov. govt.) - OSWCouncil
 Advisory Council on Status of Women (fed. govt.) - ACSW
 Ontario Committee on Status of Women - OCSW

1964- OLRC established to promote reform of law and legal institutions.

1970-Royal Commission on Status of Women in Canada recommends amendment by provinces of all property laws to "recognize concept of equal partnership in marriage."

1971-Murdoch vs Murdoch in Alberta - Irene Murdoch is granted \$200 a month in alimony, but her claim for a share of the family ranch is rejected.

1973-June"Equal Opportunity for Women in Ontario: A Plan for Action" a pamphlet, is made available by the Hon. Robert Welch, Provincial Secretary for Social Development. Legal aspects of marriage and divorce reform are mentioned.

1973-October-Supreme Court of Canada rules Irene Murdoch has no financial claim on Alberta farm and decrees her contribution in labour for 25 years is "normal" for a rancher's wife. Ontario AG Dalton Bales is urged to introduce family property law reform legislation.

1974-February-OCSW presents public forum "Do Wives in Ontario Have Property Rights?"

1974-June-Bill 117 "An Act to reform certain Laws upon Marital or Family Relationships" receives first reading. Despite OLRC urging that "co-ownership of matrimonial home should be given immediate, widespread and retrospective effect" the bill says nothing about co-ownership of matrimonial home. It dies on the order paper.

1974-August-AG Robert Welch presents program at St. Lawrence Centre featuring 30 minute discussion film on family property law prepared by his Ministry. Welch states he is eager to receive public reaction to proposed changes before developing appropriate legislative response.

1974-October-AG Welch requests OSWCouncil to state its position whereupon they and the Hon. Margaret Birch, Provincial Secretary Social Development, sponsor "Fair Share" conference in Ontario.

Premier William Davis says administrative attitudes strive to accommodate changes in lifestyles of majority Ontarians. "It's a whole new ball game," says Laura Sabia, Chairwoman of the OSW Council. "For the first time, women will be involved in the reform of the law."

After the conference we are told that "For the first time, women have successfully organized themselves to the point that the Ontario AG has agreed to wait with his proposed new laws until the opinions of Ontario women have been solicited."

OCT.--One series of family property law workshops attracts over 200 women and men whose suggestions for reform are forwarded to AG John Clement.

1975- OCSW women lawyers prepare summary recommendations of OLRC which becomes so popular the pamphlets are later distributed by Ministry of AG. OCSW presents Brief respecting OLRC Family Law Report to AG.

1975-May-Bill 75 "An Act to reform certain Laws founded on Marital or Family Relationships" receives first reading. Changes in the law are minor. AG Clement states "We are deeply involved in examination and review of family property law ... we acknowledge the need for reform, and this act is tangible evidence of our commitment. We believe it should proceed as soon as possible." Bill 75 is proclaimed into legislation on July 10, 1975.

1975-October-OCSW sponsors family property law public meeting.

1975-November-Gallup Poll shows half Canadians favor "no fault divorce."

1976-January-OSW Council presents public forum "Divorce and Support: Should Fault Matter?" OCSW distributes forms petitioning that fault should not be retained as consideration in support cases. Many people sign and forms are forwarded to AG.

1976-March-Ontario reported to be planning to ensure women's share in assets in event of divorce.

1976-May -OCSW prepares brief on family law reform for AG. Bill 85 "An Act to reform the Law respecting Succession to Estates of Deceased Persons" receives first reading.

1976-July-McMurtry tells Upper Canada Law Society "the reform of family law as a whole is a matter to which I have assigned the highest priority." Chatelaine reports in 1974 an unidentified Ontario civil servant was instructed to write a bill to launch the ship of family law reform, which "will then become a submarine and disappear for 5 years." (Bill 75?)

1976-September-Cabinet reported split over family property law reforms. McMurtry says he's giving family law reform highest priority since it is out of date with current social and moral values of 1970's.

1976-October-Bill 140 "An Act to reform the law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships" receives first reading, as does Bill 141 "The Marriage Act, 1976". AG publishes booklet outlining law as it stands and Bill 140 in its entirety. Globe and Mail editorial terms proposed legislation "better, but vague" and article by lawyers Lynn King and Charles Campbell is headlined "Marriage Bill: Too Much Power for Judges?" OLRC issues study paper "A Woman's Name." OCSW is represented on family property law reform panel in Oshawa.

1976-November-House Standing Committee on Justice begins hearings on Bills 85, 140 and 141.

1976-December-OCSW brief to Justice Committee recommends conduct of spouse not be considered by court in hearing support applications - urges minimum marriage age raised from 14 to 16 or ideally 18. Bill 140 creates incentive to shelter assets outside home so they wouldn't be subject to joint sharing on marriage breakdown. Ed Ryan, Consultant to Federal Law Reform Commission, says, "Marriage is a way of ensuring the female sex conducts itself in a way pleasing to the sex that happens to control the economy. Maintenance should be a right, not a gratuity for good behaviour."

Attitudes of opposition lawyer MPP's on Justice Committee appear to be hardening over making conduct by an applicant for support a factor to be considered by court in determining how much is paid. McMurtry says "eliminating spouse's conduct as factor to be considered by court in fixing support payments would be seen as unfair by most people." MPP's stall marriage bill until spring, although AG says he would be delighted to have new laws before Christmas. House prorogues.

Alberta Supreme Court orders Irene Murdoch's husband to pay her \$65,000 or in case of default, one quarter section of the ranch.

1977-February- OCSW represented on North York interagency panel on changes in family law.

1977-March-York University Women's Centre holds panel discussion of new family, marriage, divorce law proposals. National Action Committee at annual meeting, passes motion against fault provision in family law reform. Bill 6 "An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships" receives first reading. It refers to conduct as "an obvious and gross repudiation of the relationship."

1977-May - OSWCouncil states provincial election June 9th means family property law reform will not come to Ontario for some time. 200 Ontario women PC's find Bill 6 necessary but inadequate. OCSW prepares fact sheets posing questions for provincial candidates including family law queries.

1977-October-Bill 85 proposed in 1976 not yet passed. (see May 76) Bill 59, "An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships" receives first reading on October 17, 1977 and goes to House Standing Committee on Justice.

TO BE CONTINUED NO DOUBT

NEWS FROM OTHER GROUPS

NELLIE'S The crunch has come, financially, for the much-needed emergency shelter for women. \$250,000 is required to buy, renovate and equip the home if "Nellie McClung House" is to survive. Among the sponsors are Margaret Atwood, June Callwood, Dr. Bette Stephenson, Margaret Campbell Anne Johnston, Janet Howard and Elizabeth Eayrs. You can reach the funding committee at Nellie's Capital Campaign Headquarters, Eaton's Centre, Box 504, Suite 113, Toronto, Ontario M5B-2H1 or call 598-1450. Donations, offers of volunteer help and fund-raising suggestions are being eagerly sought. What better time is there than the holiday season to give to Nellie's? Let's keep her front door open!

MEMBERS' PERSONAL NOTES

Judge Rosalie Abella has been named Woman of the Year by Toronto B'nai Brith Women. Rose Sheinin is now chairing the U of T Dept. of Microbiology and Parasitology. Cathleen Morrison spoke in French to Francophone Sheridan College women students on the legal status of women in Ontario. Johanna Hickey, Equal Opportunity for Women Office, federal Public Service Commission met with OCSW recently to discuss women's employment issues.

NEXT MEETING

The next general meeting of OCSW will be on TUESDAY evening, JANUARY 10, 1978 at 7:30 p.m. in the NIAGARA ROOM of the MACDONALD BLOCK, Ontario Government Building, on the south-west corner of Bay and Wellesley Streets.

(Go into the MacDonald Block via the Bay St. entrance. You can park in the evening around the corner on Grosvenor Street just to the south.)

MEMBERSHIP IN ONTARIO COMMITTEE ON STATUS OF WOMEN

All memberships in the Ontario Committee on the Status of Women become due on January 1, 1978 with the exception of those paid since September, 1977.

MEMBERSHIP FORM 1978

PLEASE PRINT

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AREA OF INTEREST

My cheque in the amount of \$5.00 is enclosed.

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Please send this form with your cheque, payable to the Ontario Committee on the Status of Women, to :

ONTARIO COMMITTEE ON THE STATUS OF WOMEN
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December, 1977