

“Canadian Women’s Movements”

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The Royal Commission on the Status of Women in 1967 and the patriation of the constitution and introduction of the Charter of Rights and Freedoms in 1981 are important moments in the Canadian women’s movement, wherein distinct women’s groups articulated unique -- and sometimes competing -- claims to rights and equality.

Prime Minister Lester B. Pearson established the Royal Commission on the Status of Women in 1967, acquiescing to the demands of women’s groups to address issues such as violence against women, access to childcare, the division of labour, access to birth control and abortion, political representation, and equal pay for equal work. The documentary *Status Quo: The Unfinished Business of Feminism* includes real footage from the Royal Commission on the Status of Women’s hearings, wherein English, French, Indigenous, and racialized women testified to their particular experiences of oppression. On a symbolic level, the RCSW represented an acknowledgement that women are, in fact, a political group with claims to equality, representation, and rights. On a material level, the RCSW propelled the development and institutionalization of a more organized network of women’s organizations both within and outside of state institutions. The commission released its report in 1970, making 167 recommendations for achieving women’s equality. Women’s groups mobilized to pressure the federal government to enact the recommendations. Within the state, the federal government created a ministry responsible for The Status of Women, today called the Department for Women and Gender Equality (WAGE). Outside of state institutions, as a result of grassroots efforts, the women’s movement established “Status of Women Committees” and a national coalition: the National Action Committee on the Status of Women (NAC). In Quebec, where women were active in the Quebec sovereignty movement, women mobilized under the banner of the *Federation des Femmes du Quebec*. While many of the report’s recommendations have been fulfilled, some -- including a publicly funded national child care program -- remain unfulfilled.

The organizations and networks created as a result of the RCSW were crucial in the early 1980s, when women mobilized to ensure their rights would be protected in the *Charter of Rights and Freedoms*. Until 1982, the constitution -- the *British North America Act (1867)* -- was an act of the British parliament. It was Prime Minister Pierre Elliot Trudeau’s goal to bring the constitution home to Canada, and entrench within it constitutionally guaranteed individual rights. The provincial premiers -- with the exception of the premiers of Ontario and New

Brunswick -- were wary of Trudeau's plan to entrench individual rights. They feared this would make provinces subordinate to federal laws about rights and freedoms.

When Prime Minister Trudeau and the ten provincial premiers met to negotiate the new constitution, women's groups organized to ensure that 11 white men would not make decisions about the future of the country -- and their own rights -- without their input. Women wanted to ensure that the Charter would apply to men and women equally, negotiating the inclusion of section 28, which states, "Notwithstanding anything else in this Charter, the rights and freedoms in it are guaranteed equally to male and female persons." The provincial premiers also negotiated a notwithstanding clause, however. Section 33 - the Charter's other notwithstanding clause -- allows provincial governments to override the Charter, passing laws without regard to sections 2 and 7-15 of the Charter. This was a concession made by the federal government to appease the premiers who were fearful of a concentration of power in the federal government. When the provincial premiers and the federal government reached a deal in November 1981, they neglected to consider women's rights, agreeing that section 28 -- the sexual equality clause -- would be subject to section 33, the notwithstanding clause. This meant that the provinces would be able to enact legislation notwithstanding -- or with disregard for -- sexual equality. Former Minister of the Status of Women, Judith Erola, learned of this betrayal on a cabinet meeting and in an act of insubordination uncharacteristic of a cabinet minister, she told the Prime Minister that he had betrayed half of the population. Not permitted to criticize her own government in public, she worked from within to reverse this decision, ensuring that no clause could override the sexual equality provision. Meanwhile a grassroots network mobilized outside of the formal institutions of government to pressure the provincial premiers to change their minds -- and women won. Once again, women demonstrated that their demands warranted political recognition.

While white English-speaking women mobilized for sexual equality, Indigenous women were engaged in intense struggles not only to challenge patriarchy, but to defend their inherent sovereignty as Indigenous peoples. When Trudeau sought to negotiate a new constitutional deal, he did not consult Indigenous peoples. In response, George Manuel chartered the Constitution Express - a movement of Indigenous leaders and activists which departed from the West Coast to Ottawa, then Westminster, and finally the United Nations to demand that Canada enshrine Indigenous rights and sovereignty in the Charter. Meanwhile, Indigenous women mounted a successful movement to reform the *Indian Act*, which institutionalized the patriarchal idea that a woman naturally took on the identity of her husband. Until 1985, the *Indian Act* specified that if a status-Indian woman married a non-status man, she and her descendants would lose their status. Because of this rule, generations of Indigenous women and their children lost their connections to their communities and land base. Sandra Lovelace Nicholas's successful legal challenge in *Lovelace v. Canada* resulted in Bill C-31, which removed this provision. Yet, to this day, Indigenous women and their children continue to deal with the after effects of this law. In Joyce Green's words:

"By defining 'Indian' consistently with colonial patriarchal social assumptions, and then

bureaucratizing and enforcing this definition, the federal government stripped generations of women of their status as Indians under the Indian Act, simultaneously depriving them of their right to live in their communities, raise their children in their cultures, and participate in the social, economic, and political life of their communities” (43)

Considering French, English, and Indigenous women’s unique divisions within the women’s movement in Canada among French, demonstrates the intense fractures and divisions within the women’s movement. In fact, perhaps we should use the plural -- women’s movements -- instead of collapsing diverse women’s movements under a single umbrella term. Women’s movements are diverse, made up of distinct ideological perspectives, distinct understandings of gender, and distinct experiences with systems of oppression based on gender, race, colonialism, class, homophobia, transphobia, and disability.