

# **“I Believe in Human Rights, Not Women’s Rights”: Women and the Human Rights State, 1969–1984**

*Dominique Clément*

Many of the women’s movement’s greatest achievements have recently come under attack in Canada. Thirty years after its initial creation of human rights–based government commissions, legislation, and institutions in response to women’s rights and liberation movements, the Canadian government in the 1990s eliminated funding for the country’s leading women’s organization, the National Action Committee on the Status of Women. As a result, the financially distressed organization had to discontinue most of its advocacy work and activities. In 2004, the newly elected Conservative government scrapped a CDN\$5 billion daycare program and replaced it with a monthly CDN\$100 tax credit for parents—a pittance of little help to parents fighting for scarce daycare spots. Two years later, the Conservatives continued to undermine women’s hard-won human rights programs by reducing the budget of the Status of Women Canada by nearly 25 percent and eliminating twelve of sixteen regional offices.<sup>1</sup>

Even the most fundamental, arguably gender-neutral underpinnings of Canada’s modern human rights state have suffered from the recent backlash. In 2002, British Columbia made headlines when the government eliminated its provincial Human Rights Commission (HRC), thereby removing a major instrument for promoting human rights in the province. In December 2006 Ontario followed suit,

*Radical History Review*

Issue 101 (Spring 2008) DOI 10.1215/01636545-2007-040

© 2008 by MARHO: The Radical Historians’ Organization, Inc.

significantly reducing the budget of the largest HRC in Canada and delimiting its mandate to education and intervention.

All of these developments are at glaring odds with the realities facing working women throughout Canada. Decades after the implementation of equal-pay legislation, the average full-time female worker in 2006 earned 61 to 84 percent of a male's average wage.<sup>2</sup> Sixty percent of single mothers receive welfare, and women are still disproportionately represented in low-paying professions.<sup>3</sup> In light of this spate of retrenchment, the timing is propitious to evaluate the history and legacy of the human rights state on women's lives and struggles.

Women were at the forefront of early human rights campaigns, and sex discrimination led the agenda of most HRCs in Canada. One of the country's most populous and richest provinces, British Columbia, boasted the most progressive human rights legislation in the country by the 1970s. The province has also historically been the locus of social movement activity and a leader in the women's movement. Feminists in Vancouver launched the birth-control movement in Canada in the 1930s.<sup>4</sup> In 1969 women from British Columbia led the most visible protest against abortion laws in Canadian history: a caravan from Vancouver to Ottawa carried a coffin to symbolize the deaths of women from backstreet abortions. By the 1970s the province had the country's first rape crisis center, the first feminist newspaper, the first national conference of human rights ministers, the first black woman elected to a provincial legislature, the only woman in the federal parliament in 1970, one of the first women's liberation groups in the country, and was the first province to legislate against sex discrimination.

No other jurisdiction in Canada so perfectly combines a widespread and diverse women's movement with a seemingly progressive human rights state. These "firsts," however, belie a more complicated and less successful history of the human rights state. Using British Columbia as a case study, I reveal how activists in the women's movement had divided commitments to human rights strategies for social change during the 1960s and 1970s. I argue that these debates—often between women's rights activists and feminist liberationists over the efficacy of securing human rights—broadly expose the ways in which provincial human rights policy failed to transform gender relations. Unlike women rights activists who pushed for legal reform, feminist liberation organizations labored to frame an agenda that moved beyond a focus on civil and political rights. As a result, feminist liberationists encountered tremendous opposition from the state, which maintained systemic gender and class inequalities. In the end, British Columbia's human rights legislation did not significantly threaten business interests, challenge the dominance of male workers, or alter gendered power relations within the government, even in its most progressive legislative guises.

### Situating Human Rights Discourse

As the philosopher Jack Donnelly notes, human rights, which are the rights one has simply by virtue of being human, are the “highest moral rights, they regulate the fundamental structures and practices of political life, and in ordinary circumstances they take priority over other moral, legal, and political claims.”<sup>5</sup> Life, dignity and the freedom to determine one’s own destiny are elemental human rights principles.

Historically, the language of rights has been associated with *civil* and *political* rights. Civil and political rights inspired bloody revolutions and challenges to monarchical power in Europe and North America. Civil and political rights are central to the operation of a liberal capitalist democratic state and include the rights to property and due process (e.g., fair trial), as well as freedoms of speech, religion, association, and assembly and a free press. The English Bill of Rights (1689), the French Declaration of the Rights of Man and of the Citizen (1789), and the U.S. Bill of Rights (1791) defined rights in these terms. Equality was based in procedural law, not in substantive conditions; in other words, liberal democracies promised one law for citizens, but they did not guarantee that the law would not discriminate among those citizens. Moreover, rights were, from their inception in Western law, gendered. Declarations of liberal-democratic rights, despite drawing on a language of universality, did not favor women, who were excluded from political participation and occupied legal positions inferior to men.<sup>6</sup> Thus Canada was a free and democratic society in the nineteenth century, but one in which women received disparate treatment.

Human rights principles have evolved over time. Reactions to the horrors of World War II, grassroots campaigns against discrimination, and the advent of the modern welfare state inaugurated a new rights era. New and powerful voices emerged at the international level to contest racial discrimination and economic exploitation by European imperialists. Within a generation, countries across the globe implemented policies prohibiting discrimination in the public and private sectors. At the same time, human rights advocates increasingly spoke of *economic*, *social*, and *cultural* rights such as health care, education, work, and abortion (referred to hereafter as social rights).

Despite the proliferation of international human rights campaigns, laws, and treaties, however, such rights have remained highly statist because they are tangibly realized through laws or regulations.<sup>7</sup> As a result, human rights activism has tended to focus on nation-states by primarily seeking to protect individuals against state abuse of human rights or to mobilize the state to protect human rights. For while individuals and groups can make rights claims and such claims have a powerful moral force, they are not *rights* until recognized by the state.<sup>8</sup>

Recognizing this reality, scholars and activists examining the history and legacies of human rights struggles have debated the usefulness of “human rights” as an effective vehicle for social change. Rights critics have forwarded blistering critiques

of human rights discourse. For instance, the Latin American sociologist Maxine Molyneux identifies a disjuncture between human rights principles and the human rights policies deployed by states. She suggests that human rights policies have failed to close the gap between rhetoric and the material realities of women's lives in Latin America. Such policies, Molyneux argues, are a form of Western hegemony designed to camouflage, without extensively minimizing, rising inequality.<sup>9</sup> One of Canada's leading feminist legal scholars, Judy Fudge, has explored how the 1982 Charter of Rights and Freedoms placed women on the defensive, forcing them to adopt the language of equal rights to the detriment of feminist discourses about power.<sup>10</sup> According to Fudge and Harry Glasbeek, "human rights legislation protects people from discrimination on the basis of seemingly ineluctable categories such as sex, disability, race, religion, place of origin, and not on the basis of economic subordination which may be expressed through these legally recognized differences."<sup>11</sup> Yet another critic, the British historian Neil Stammers, suggests that human rights policies hinging on civil and political rights and governing state practices do not appreciably counter human rights abuses, which primarily occur at the substate, social level. Stammers argues that social rights are violated by private economic agencies and that the rights of women are violated by men. A statist approach, then, can be highly misleading if the obligation to deal with human rights abuses lies with agencies that either do not threaten, or are not threatened by, existing power structures.<sup>12</sup>

Rights defenders, on the other hand, posit that human rights discourse can empower victims of oppression.<sup>13</sup> Martha Minow defends human rights as a rhetoric capable of exposing and challenging hierarchies of power.<sup>14</sup> Michael McCann believes that legal-rights advocacy can constitute a strategic tool for combating inequality.<sup>15</sup> Far from embracing a simply legal reformist stance or a rhetorical move, however, scholars such as McCann, Elizabeth Schneider, and Miriam Smith also emphasize the need for dual strategies of political action and mobilization.

This scholarly debate reveals the varied definitions of human rights, as well as the ambiguous use to which human rights discourses are put. Human rights can be expansively or narrowly conceived. The corresponding discourse can serve as one of liberation or one of hegemony. A true test of human rights strategies requires a detailed empirical study that situates the language of human rights in its social and historical context, assesses the impact of human rights instruments, and analyzes the influence of both on social movement activism.

### **The Origins of the Canadian Human Rights State**

A grassroots movement to entrench human rights in provincial legislation and the constitution began in the 1930s.<sup>16</sup> Activists seized on changing attitudes toward race, on new economic realities, and on the growing international human rights movement to push for legislation to protect minorities — particularly Jews and blacks — against discrimination.<sup>17</sup> The province of Saskatchewan paved the way with

a weak but symbolically important statutory Bill of Rights in 1947.<sup>18</sup> Activists and politicians in Ontario, who were inspired by 1940s U.S. antidiscrimination legislation, successfully passed the country’s first Fair Employment Practices legislation in 1951. This was followed soon after by a Female Employees Fair Remuneration Act and a Fair Accommodation Practices Act.<sup>19</sup> Within ten years most other provinces had enacted similar laws.<sup>20</sup> In 1960 the federal government created its own statutory Bill of Rights recognizing Canadians’ rights to speech, a free press, religion, assembly, association, and due process. These tentative legislative forays represented the building blocks of the human rights state. Eventually, however, the human rights state matured with the introduction of prohibitions on overt acts of discrimination and state policies designed to “correct systemic conditions that produce discriminatory results even in the apparent absence of overt prejudicial acts.”<sup>21</sup>

The Joint Public Relations Committee of the Canadian Jewish Congress and the Jewish Labour Committee, an alliance of Jewish groups and organized labor, which led the early campaigns for antidiscrimination laws, did not welcome Ontario’s female Employment Remuneration Act.<sup>22</sup> They did not see women’s rights as a priority, and their lack of interest in “gender discrimination illustrates their acceptance of prevailing ideas about the necessity of differential treatment for women and men in many areas of life.”<sup>23</sup> None of the early antidiscrimination legislation, including proposals for a British Columbia Bill of Rights in the 1950s, incorporated sex discrimination.<sup>24</sup>

Several provinces replaced their narrow antidiscrimination laws with human rights codes in the 1960s. Ontario led the way in 1962 with the first of these expansive statutes prohibiting discrimination in accommodations, services, and employment on numerous grounds—for instance, race, religion, ethnicity, national origin, and age, but still not sex. Neither did it incorporate social rights. As Ruth Frager and Carmela Patrias suggest, the failure to include women’s rights reflected “conventional beliefs about women’s fundamental nature, and, with few exceptions, they were therefore blind to much of the discrimination women faced.”<sup>25</sup>

With its Human Rights Act in 1969, British Columbia became the first Canadian jurisdiction to prohibit sex discrimination. The inclusion of sex discrimination reflected similar developments outside Canada. The European Convention (1950), the U.S. Civil Rights Act (1964), and several international treaties already prohibited sex discrimination (the United Kingdom and Australia passed legislation prohibiting sex discrimination in 1975 and 1984, respectively). Every Canadian jurisdiction had banned sex discrimination by 1977.<sup>26</sup> A Human Rights Commission and a Human Rights Branch enforced the British Columbia Act. The HRC initiated education programs, instigated complaints, and represented complainants before boards of inquiry. The branch adjudicated complaints. Any complaint that it could not informally adjudicate, it sent to a board of inquiry, which either settled or dismissed the complaint.

British Columbia's 1969 act was a landmark achievement at a time when, as the former editor of *Chatelaine* magazine noted, "some men simply assumed sexual harassment was a perk of being boss—whether it involved gross and demeaning comments, nude pictures on the wall, or sleeping privileges. . . . Every single woman I knew had been propositioned at some time, mostly by married men."<sup>27</sup> Five years later, British Columbia replaced the Human Rights Act with a new Human Rights Code that included a unique reasonable cause provision. Instead of limiting the Code to a list of prohibited grounds for discrimination, any form of discrimination had to be justified on the basis of reasonable cause. Women successfully used this provision to fight sexual harassment in the workplace, as well as discrimination on the basis of pregnancy and marital status.<sup>28</sup>

The 1969 act and the 1974 code were important symbolic advances, and yet they were hardly revolutionary. As Molyneux observes, Western human rights norms were based on a "false universalism"; states failed to recognize women's difference as a basis for unequal treatment.<sup>29</sup> Human rights legislation in North America, Europe, and Australia prohibited overt acts of discrimination—an employer, for instance, with a policy of refusing to hire women taxi drivers—but it "did not acknowledge underlying factors such as socialization, family structures, and the like, which effectively excluded women from full and equal participation in the community."<sup>30</sup> When "women's new rights were not accompanied by the conditions that allowed them to be exercised, they meant little in practice."<sup>31</sup> For example, the prohibition on employment discrimination was undermined by limited access to daycare when women were expected to prioritize child rearing over work. Moreover, most "governments sought to interpret their [international] commitments selectively, and many entered clauses of exemption on cultural or religious grounds [including all Muslim countries], effectively rendering their signatures meaningless."<sup>32</sup> An important gulf existed between women's rights claims and how states deployed human rights within their own jurisdictions.

### **Strategies for Change: Women Activists and the Human Rights State**

The prohibitions against sex discrimination coincided with a burgeoning women's movement. The contradictions between the promise of education and the reality of the labor market, as well as changing attitudes toward sexuality and the family, had helped revitalize and radicalize the women's movement. In British Columbia, the female workforce increased 83.9 percent between 1959 and 1968 (the male workforce increased by 30 percent). Still by 1984, 60 percent of all employed women remained trapped in clerical, sales, or service jobs.<sup>33</sup> In 1969 feminists in British Columbia had established only two advocacy groups; by 1974 they could boast more than a hundred. Women organized their own unions and political parties. They opened bookstores, publishing houses, hostels, and transition houses, and held cultural events such as women's music festivals. Women formed a national umbrella

organization in 1971—the National Action Committee on the Status of Women. National conferences were held for the first time by lesbians in 1973 and by rape crisis centers in 1975. By 1979, thirty-nine women centers had opened across Canada, with each province having at least one.<sup>34</sup>

Local (municipal and provincial) advocacy groups have historically played a crucial role in social movements in Canada. The country combines an enormous land mass and a small and culturally diverse population with a decentralized federal system of government. In terms of name recognition, membership, and resources, the Vancouver Status of Women Council (VSW) was the leading women's group in British Columbia. By 1978, the VSW had 780 members, 53 group members, 23 libraries, a half dozen full-time staff, and a budget of over CDN\$90,000.<sup>35</sup> Rosemary Brown, the VSW's first ombudswoman, became the first black woman elected to a legislature in Canada and helped draft the 1974 Human Rights Code.<sup>36</sup>

The VSW, which "dealt only in women's rights" and had as its key objective to "foster public knowledge of the rights and status of women in Canada," was integral to the early human rights state in British Columbia.<sup>37</sup> Throughout the 1970s and 1980s the organization regularly lobbied for amendments to human rights legislation and assigned people to attend all-candidates meetings during elections. Candidates were called on to support more funding for the Human Rights Branch, remove any exemptions for government agencies and educational institutions, provide legal aid for complainants, and ban discrimination on the basis of pregnancy and marital status.<sup>38</sup> The VSW also helped many women file complaints; for instance, the organization initiated the largest equal-pay case in British Columbia history, involving sixty-three dietary workers at the Riverview Hospital. The VSW never stopped attempting to seek restitution through human rights legislation. In 1980, it helped bring a complaint against the University of British Columbia engineering students' newspaper, *Red Rag*. Nadine Allen described the paper as a "pornographic, racist and sexist publication." The paper consistently published articles demeaning women, including one offensive piece in 1982 offering a guide to men who were "pussy whipped" on how to sexually harass and abuse women.<sup>39</sup>

Few other advocacy groups in British Columbia were as intimately connected with the human rights state as the VSW. After the passage of the 1974 code, the minister of labor contacted the VSW asking for names of individuals who could sit on boards of inquiry to adjudicate complaints. Before she was appointed the provincial coordinator on the status of women in 1975, Gene Errington was both the ombudswoman for the VSW and a member of the HRC. Kathleen Ruff, the chair of the Human Rights Branch from 1973 to 1978, had close ties to the VSW as a former president of the Status of Women Action Group.<sup>40</sup> Throughout the late 1970s the VSW campaigned against the Social Credit government's obstinacy in appointing new human rights officers, going so far as to organize a province-wide "day of mourning" on December 10, 1976—International Human Rights Day.<sup>41</sup>

The VSW embraced the human rights state and rights-based strategies for social change. As Miriam Smith suggests, “Rights talk assumes that changing or strengthening the law is in itself a means to [achieve] social change and that legal changes are thus the proper goal of political struggle and organizing. Rights talk thus defines social and political change as legal change.”<sup>42</sup> A study of the VSW’s annual reports, correspondence, and minutes between 1971 and 1984 consistently reveals reformist strategies to promote change. The group worked through the established legal and political system to change legal impediments to women’s equality.<sup>43</sup> The VSW directed most of its energies to developing position papers and briefs for lobbying state agencies, publishing literature to promote a feminist agenda (including the country’s first feminist newspaper, *Kinesis*), applying for government funding to support a library and full-time staff, distributing press releases and participating in conferences, and operating an ombudswoman’s office.<sup>44</sup> Numerous other women’s groups in British Columbia, including the Status of Women Action Group, the New Democratic Party Women’s Rights Committee, the British Columbia Federation of Labour Women’s Committee, the Young Women’s Christian Association, the University of British Columbia Women’s Action Group, and the British Columbia Federation of Women, supported an active human rights state and shared the VSW’s propensity toward state-oriented strategies.<sup>45</sup>

Despite harnessing a reformist strategy, women activists such as those mentioned above knew the limits of the human rights state. Janet Beebe, for instance, emphasized in a VSW report on the status of women that “people who expect [law] to change the status of women in society or alter their socio-economic status are insane . . . . What is necessary is an overall change in the attitude of people and that has to be done through education and through women actually doing their jobs people thought they would never do.”<sup>46</sup> Social entitlements like day care, not human rights legislation, were the VSW’s highest priorities; activists often linked proposed changes to the code with other policies such as education, health care, or pensions.<sup>47</sup> Numerous women’s groups also called for a Ministry of Women’s Rights and lobbied to have sexual harassment, social status, disability, family arrangement, and sexual orientation added to the code.<sup>48</sup>

Some feminists, however, rejected human rights strategies altogether. As the historian Nancy Adamson points out, many Canadian “feminist activists were quite contemptuous of women’s rights feminists, seeing them as women who had ‘sold out’ to the patriarchy.”<sup>49</sup> One of the first books produced by the women’s liberation movement, *Women Unite!* (1972), opens with this distinction: “The philosophy of the women’s rights groups is that civil liberty and equality can be achieved *within* the present system, while the underlying belief of women’s liberation is that oppression can be overcome only through a radical and fundamental change in the structure of our society.”<sup>50</sup>

Inspired by socialism and frustrated at the sexism rampant in student groups

and newspapers at Simon Fraser University, Marcy Toms and a small group of female students formed one of the first women's liberation groups in Canada in 1968. *The Peak*, the male-dominated student newspaper, heralded the Vancouver Women's Caucus's (VWC) first meeting with the headline "Pussy Power Strikes at SFU."<sup>51</sup> The VWC published a newsletter and provided women with abortion information. Its members distributed leaflets to consumers in downtown stores to educate them about discrimination against women workers, organized rallies and protests, and participated in strikes and boycotts led by unions representing women. After the VWC became defunct in 1971–72, many of its members founded Rape Relief, the first rape crisis center in the country. Rape Relief employed similar grassroots strategies including organizing Take Back the Night vigils, harassing rapists with poster campaigns, and sponsoring walkathons.<sup>52</sup>

Organizations such as the VWC derided the human rights state. In 1969, Marcy Cohen, a former student activist and a dedicated VWC member, presented a well-formed critique of the Human Rights Act before a public hearing in 1969. Cohen argued that it was hypocritical for a government that discriminated against women in its own hiring practices to implement human rights legislation. Moreover, the Human Rights Act's prohibition on sexual discrimination included a vague exception for "bona fide occupational requirements." At the very least, according to Cohen, day care and prohibitions on sexist advertising should be added to the act.<sup>53</sup>

Except for a few articles about equal pay, the VWC's newsletter, *The Pedestal*, remained silent on human rights legislation. In fact, the author of an article exploring how the Vancouver General Hospital had succeeded in circumventing an equal-pay ruling in 1971 concluded that equal pay could only be achieved through "strikes, working to rule, or demonstrations outside and inside Commission hearings"—not through human rights legislation.<sup>54</sup> Rape Relief occasionally added its voice to various coalitions calling for changes to the existing human rights legislation, but the issue remained at best marginal to its activities.<sup>55</sup>

Another grassroots feminist organization in British Columbia, Women Against Pornography (WAP), shared VWC's and Rape Relief's skepticism. Pam Blackstone, a key player in WAP into the early 1980s, believed that "censorship legislation is ineffective (by definition and enforcement) in a patriarchy. The state is neither interested in nor receptive to women's concerns."<sup>56</sup> Any support WAP expressed for human rights legislation was meant only to demonstrate the futility of such a strategy.<sup>57</sup>

Social rights, which were not a part of the Canadian government's concept of human rights, constituted a critical component of the feminist agenda. According to feminist liberation groups, civil and political rights, which were primarily concerned with the public realm, did not address women's subordination in the private spheres of home and family or in the economic realm of work. Recognizing social rights,

however, could help address, for instance, women's unpaid labor in the family. And unlike women's rights activists, who dedicated time, energy, and money to attempting to reform human rights legislation, women's liberation organizations such as Rape Relief, the VWC, and WAP focused on grassroots mobilization. The differing strategies within the women's movement raised a critical question, especially for the women liberationists: Was the human rights state—which failed to incorporate or affirm social rights such as health care, social security, or education—worth defending or reforming?

Feminist liberationists faced intense opposition to their expansive human rights agenda. Critics fought against systematizing social rights within the nation-state despite international acceptance of both as human rights. In 1973, the British historian Maurice Cranston raised one of the most often cited critiques against social rights. Cranston argued that social rights were not true human rights because they required state support. Furthermore, he maintained, characterizing the provision of aid as a right was unreasonable and too costly.<sup>58</sup> Two of the leading human rights organizations in the world, Human Rights Watch and Amnesty International, dedicated their work solely to the protection of civil and political rights.<sup>59</sup> Many of the leading figures in the Canadian human rights movement, including Prime Minister Pierre Trudeau (who led the movement for a national bill of rights), refused to endorse entrenching social rights in the constitution for fear that the judiciary would decide economic and social policy. The Royal Commission on the Status of Women, a critical force in stimulating the second-wave women's movement, lacked "an explicit conceptual framework or a shared philosophy, other than its commitment to the 'equal rights' approach."<sup>60</sup> Although numerous treaties contained references to social rights, it was left up to the individual nation-states to interpret and apply these principles. International law also reflected the separation of civil and political rights from social rights—the United Nations (UN) created two separate human rights covenants in 1966: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. At least the UN acknowledged all four categories as legitimately within the purview of human rights.

### **Gender Equality and Canada's Human Rights State**

Male-dominated and politically conservative parties became a powerful obstacle for Canadian female reformists who sought to use the human rights state as a vehicle for gender equality. Soon after the social democratic New Democratic Party's (NDP) election success in 1972, Premier David Barrett responded negatively to his own party's Women's Committee's demands that he form a Ministry of Women's Rights. Barrett announced that he believed "in human rights, not women's rights, because human rights include the rights of both women and men."<sup>61</sup> Barrett's words, far from prophesizing gender equality, reaffirmed unequal power relationships by preserving

the rights of men while simultaneously ignoring the need to remedy the discrimination that women had historically faced. Ultimately, then, women were poorly served by human rights legislation in British Columbia.<sup>62</sup>

The right-wing Social Credit government ruled almost continually from 1952 to 1991 with the brief NDP interregnum from 1972 to 1975. Social Credit's political success rested largely on rural votes and close ties with small and large business owners, a constituency largely unsympathetic to human rights legislation, particularly equal pay. Furthermore, the "Social Credit government was also [a] male government."<sup>63</sup> The proportion of female candidacies in provincial elections fell to 6 percent from a high of 10 percent before Social Credit took office, and less than 20 percent of the women who ran for office in British Columbia during this period did so under the Social Credit banner. When the party returned to office in 1975, the government immediately eliminated the office of the provincial coordinator on the status of women and cut funding to rape crisis centers. Social Credit was, in many respects, ill suited to administer human rights legislation in which the majority of complaints dealt with sex discrimination.

While in office, the Social Credit government created numerous obstacles to the enforcement of human rights legislation, even in its narrowly construed form. The government did not create an independent HRC in 1969 (in contrast to Ontario, which created an independent commission in 1962). Instead, an overworked Industrial Relations Board doubled as the commission, and industrial relations officers (with no training in human rights) were assigned the task of investigating and conciliating complaints. Naturally, human rights were given a low priority. Between 1970 and 1973, the total number of complaints received by the branch for discrimination averaged between 600 and 700 annually (over 50 percent dealt with sex discrimination). Only 30 to 80 cases were investigated each year. Of the 2,345 complaints received between 1970 and 1973, 92 were settled informally by the investigating officers, 6 were withdrawn, 53 were found to be without merit, and only 23 were decided by a board of inquiry.<sup>64</sup> By refusing to finance an infrastructure to promote and respond to violations, the government obstructed enforcement.

After the NDP passed the code in 1974 and hired full-time human rights officers, the number of complaints increased dramatically, from 700 in 1973 to 3,500 in 1976. Human rights officers conducted on average 600 investigations per year. The NDP appointed more boards of inquiry and dismissed a smaller percentage of complaints.<sup>65</sup> The Social Credit government soon ousted the NDP government, however, and once again unapologetically hampered the activities of the branch. For eight years Minister of Labour Allan Williams delayed appointments, was recalcitrant in approving boards of inquiry, reduced the number of investigators, and hired people who had little or no experience in human rights adjudication. Frustrated at the government's obstinacy in defending human rights, the NDP opposition confronted Williams in the legislature in June 1978. In response to criticisms that he

had not appointed a single board of inquiry since August 1977 or replaced commissioners whose term had expired in December 1977, Williams responded: “So what?”<sup>66</sup>

Women also had to contend with patriarchal assumptions about gender roles within the workplace and the family. As Marcy Cohen pointed out in her 1969 HRC brief, the Social Credit government had rightly banned sex discrimination, but it refused to bind the government to the provisions of the Human Rights Act. How could the state promote gender equality when it discriminated against women in its own work practices? In the attorney general’s office, for instance, women were paid less than men. Only a few months before Cohen presented her brief, the Liquor Control Office had demoted a woman who was about to receive a salary similar to male workers.<sup>67</sup> When faced with these criticisms, the HRC chairman, William H. Sands, dismissed the brief and suggested to Cohen that “he felt sorry for her and suggested she look at the legislation to see what is going on.”<sup>68</sup>

In the same year, one of the two leading newspapers in British Columbia, the *Province*, dismissed attempts to ban sexual discrimination in the 1969 Human Rights Act: “There is no way to eliminate such discrimination, outside of blind-folding employers or requiring that female applicants wear veils and walk around in barrels while being interviewed. . . . [Matrimony] is the most important career of all for a woman—the most vital and, hopefully, long-lasting.”<sup>69</sup> At a public meeting ten years later in 1979, the HRC’s nine (male) members proceeded to exchange sarcastic and demeaning remarks about women and lesbians. In fact, one of the HRC’s members had publicly advocated not hiring lesbians in schools because they supposedly preyed on children, and another member had been targeted in at least two human rights complaints.<sup>70</sup>

Patriarchal norms often infused debates about the human rights state in British Columbia, and the conception of human rights as a gender-neutral idiom operated at times to the detriment of gender equality. A leading figure in the human rights movement in British Columbia, Joseph Katz, confidently stated in 1979 that female representation on the HRC was not required because the male members could obtain a woman’s point of view from their wives.<sup>71</sup> Katz was not only an HRC member but also an adviser to the federal secretary of state on human rights policies. Moreover, one of the province’s oldest and most recognized human rights advocacy groups, the British Columbia Civil Liberties Association, promoted a narrow conception of rights: citizens only had a right to be free from excessive governmental intrusion and to legal equality. Civil libertarians presented human rights as a universal idiom but within a narrow framework; in this way, civil liberties associations hampered efforts by feminists to promote a broader conception of rights.<sup>72</sup>

During a television interview in 1984, Minister of Education Jack Heinrich contemptuously dismissed a case initiated a few years earlier by a group of women who had filed a complaint against a local golf course. At the time the complaint was

initiated, Heinrich had been minister of labor, and thus responsible for human rights in British Columbia. The club refused to allow women to play on weekends. According to Heinrich, the complaint was frivolous: men worked, women did not, and men should be allowed to have the course to themselves on certain days. The former minister of labor did not even acknowledge—or perhaps his ignorance revealed how unconcerned about women he was—that 52.7 percent of women in the province worked.<sup>73</sup> Three years later, when the Social Credit government eliminated the Human Rights Code of 1974, the government and media cited the golf case as exemplary of the type of “trivial” complaints filed with the commission.<sup>74</sup>

Despite the numerous government, business, and political obstacles facing victims of discrimination, many women continued to seek restitution for rights violations. But the human rights state was only moderately successful at responding to complaints. In any given year less than 1 percent of the complaints reached a board of inquiry; 40 to 60 percent were informally settled by human rights officers; and 30 to 40 percent of complaints were withdrawn or found to be without merit.<sup>75</sup> Boards of inquiry represented the most powerful weapon available in the human rights state’s arsenal. These bodies could require employers to pay lost wages or rehire a former employee, require people to provide a tenant with accommodation, offer a service, or simply apologize. A study of a sample of twenty boards of inquiry between 1975 and 1979 dealing with sex discrimination reveals how the boards could be used to punish discriminatory acts.<sup>76</sup> Four of the twenty complaints were dismissed. Of the sixteen complaints upheld, two involved providing a service; two employers were ordered to offer the complainant a job; and ten were awarded damages. By any measure this was a successful track record. And yet, of the ten awards, six amounted to simply a few hundred dollars and only four offered close to CDN\$2,000. Generous, perhaps, but a great deal less than the CDN\$5,000 maximum provided under the Code, and small consolation for those who lost their jobs or had their careers derailed.

The numbers also hid the reality of what was a cumbersome and exhausting process. In July 1974, the Lornex Mining Corporation submitted to an order from the HRC to make its campsite accommodations available to its female employees. A few months later, Jean Tharpe, a laboratory technologist, moved into the company’s accommodations only to discover that Lornex had complied with the order by the simple expedient of allowing women to shower and sleep in the same facilities as men. In September Tharpe submitted another complaint against Lornex. The company agreed to deal with the problem, although once again its remedy was evasive. The company added a partition within the bunkhouse to separate Tharpe from the rest of the workers, which her male coworkers promptly ignored because her section offered a faster route to the dining area. Tharpe moved forward with her case, and the board of inquiry ruled in her favor, although it was not appointed until December 1975. After over a year of consistent conflict with her employer, having to go

out of town to shower, and working in a tense working environment, Tharpe was awarded CDN\$250 for her troubles.<sup>77</sup>

In 1983, the Social Credit government proposed to replace the Human Rights Code with a much more regressive law.<sup>78</sup> One day after introducing the legislation, the government dismissed all of its human rights officers; a week later, the cabinet dismissed the entire HRC by order-in-council.<sup>79</sup> Under the newest Human Rights Act the reasonable cause section was removed, the amount of damages a victim could claim were reduced from CDN\$5,000 to CDN\$2,000, and industrial relations officers were once again assigned the task of investigating complaints. The HRC was replaced by a Council of Human Rights, which had no mandate for education and could not represent complainants before boards of inquiry.<sup>80</sup> Whereas the 1974 Human Rights Code was deeply informed by the principles of voluntary conciliation and prevention, the 1984 Human Rights Act focused on confrontation, prosecution, and individual responsibility. With the exception of minister of labor, who had to introduce the legislation, not a single member of the government defended the act in the legislature. Women's groups joined with organized labor, ethnic minorities, and others in a Solidarity Coalition to oppose cuts to social welfare spending and to defend the existing Human Rights Code.<sup>81</sup>

Shelagh Day, the first human rights officer hired in British Columbia, concluded in 1977 that "equal pay legislation which has been in effect in all the Provinces since the 1950's, is clearly not effective in closing the gap between men's and women's earnings."<sup>82</sup> In a survey conducted by Gene Errington for the Women's Research Centre and the Women's Rights Committee of the British Columbia Federation of Labour in 1980, women expressed little faith in the human rights state. The study of approximately two hundred women focused on sexual harassment in the workplace. Of all the possible solutions to harassment at work, legislation was considered the least popular option compared to education and encouraging women to be more assertive in the workplace.<sup>83</sup> In 1983, thirty years after the Equal Pay Act came into force, none other than the HRC concluded that "equal pay legislation simply doesn't work."<sup>84</sup>

The history of the human rights state in British Columbia provides numerous examples of the obstacles facing human rights activists: politicians hostile to human rights legislation; limited resources for investigating complaints; bureaucratic delays; narrowly defined human rights laws; and businesses opposed to accommodation. Victims of racial or age discrimination were no more successful than women in seeking reparations. The statistics for complaints of racial and age discrimination are almost identical to the statistics for sex discrimination: in any given year, on average, half the complaints were settled informally; half were dismissed or withdrawn; and a miniscule proportion reached a board of inquiry. Even in the rare instance when a board of inquiry was called, boards were reluctant to impose fines or award damages.<sup>85</sup>

## Conclusion

In many ways, the experience in British Columbia was unique. There is no doubt that the dominance of a political party hostile to human rights adjudication created exceptional problems. And yet most jurisdictions in Canada incorporated the same fundamental weaknesses apparent in the British Columbia system. In every jurisdiction HRCs were poorly funded and understaffed (Newfoundland had one full-time human rights officer for a province of over half a million people stretched over a vast territory).<sup>86</sup> In a scathing report prepared by the Ontario HRC in 1977 titled *Life Together*, the commission called on the government to hire more staff and fund education programs: "The best legislation in the world is rendered useless if resources are not provided to put it into action." The same report emphasized the need to expand the Code to cover other grounds for discrimination including disability, sexual orientation, criminal record, and political belief. In fact, most provinces had not incorporated these grounds into their respective codes by the 1980s.<sup>87</sup>

In addition, human rights legislation in Canada was poorly designed to deal with systemic inequalities. Systemic inequalities "are endemic to the social, economic, and political order . . . dominant groups, their world views and their interests are entrenched and normalize as unstated standards against which Otherness is (re) marked as different."<sup>88</sup> The adjudication of human rights violations was a complaints-driven process that *reacted* to complaints brought by *individuals*. Only people with the resources and determination to fight an obstinate employer would stay the course to wade through the bureaucratic process. Equal-pay violations were often not filed either as a result of ignorance of the legislation or out of fear of repercussions from an employer.<sup>89</sup> Employers skirted around equal-pay provisions through job classifications and other means; fines were low and unlikely to deter businesses that profited from discriminatory treatment.<sup>90</sup> Collective-rights violations, such as female job ghettos, were invisible to the human rights state; human rights adjudication transformed collective inequalities into individual complaints against an employer. The onus was on people like Jean Tharpe to prove discrimination.

In 1982 the sociologist Daiva Stasiulis forwarded a bitter critique of human rights legislation in Ontario and its failure to properly deal with racial discrimination. Her analysis could easily apply to other human rights legislation passed during this period: "The [Ontario Human Rights] Commission channels racial grievances and anti-racist efforts into a quasi-official body, whose own constraints dictate caution and compromise, rather than the strong advocacy of human and minority rights. Because of its critically limited resources, conciliatory bent, and cumbersome methods of investigation, the organization has not been efficient in achieving even its limited aims of finding solutions for individual cases of discrimination."<sup>91</sup> Stasiulis's assessment reflects concerns raised by many rights critics. A system incapable of dealing with the inequitable distribution of wealth and power which perpetuates inequality, and with no mandate to engage with underlying causes of inequality,

cannot challenge systemic inequalities. Boards of inquiry could not, for instance, impose equal opportunity (affirmative action) programs or engage a complaint on behalf of an entire category of people. The focus on individual complaints prevented the human rights state from addressing patterns of discrimination. Only the Quebec Charter of Rights and Fundamental Freedoms (1975) contained a section on social rights. But the provisions were vague and difficult to enforce; few complaints were received under this section between 1975 and 1984.<sup>92</sup> It is also questionable whether or not the human rights state could have adequately dealt with rights violations by the country's largest employer and provider of services: the government. State agencies are unlikely to use the media for fear of embarrassing the government, particularly if the individuals appointed to lead the agency are chosen by state officials.<sup>93</sup> Finally, the inequities of capitalist democracies were carried forth into the arbitration process. Human rights commissions were designed as neutral arbiters between complainants and the accused. As a result, the powerlessness of minorities that placed them in a position to be discriminated against was replicated before human rights inquiries, where employers and others had an advantage in terms of time, prestige, money, legal advice, and resources to defend themselves. The apparent neutrality of the human rights state reproduced the same inequalities of the society it served.

The human rights state was an integral part of the international human rights movement; however, as Jack Donnelly warns us, the "struggle for human rights will be won or lost at the national level."<sup>94</sup> The Canadian regime shared many of the limitations incorporated in other human rights states across the globe. In Europe, North America, and Australia, for example, HRCs suffered from underfunding and limited staff. None of these regimes purported to deal with women's material inequalities, and they often involved complex, time-consuming procedures for processing individual complaints. A study conducted by the UN in 1995 concluded that among national HRCs across the world, the focus was "primarily with the protection of persons against all forms of discrimination and with the protection of civil and political rights."<sup>95</sup> A few noncommunist states have incorporated social rights into their constitution but, as Cass R. Sunstein points out, "There is real doubt about whether such rights have actually led to more money, food, or shelter for poor people."<sup>96</sup>

Canada was not the only country in which the promise of human rights did not easily translate into gender equality. Take, for instance, the campaign for equal pay. Judicial constructions of civil rights law in the United States rejected equal pay for women in the 1970s and 1980s.<sup>97</sup> Similar resistance emerged in Europe. The British government warned in 1976 that equal-pay litigation could "overturn the economic and social situation in the UK," and the Irish government insisted at the same time that "the costs would constitute a burden on the Irish economy which it would not be in a position to bear."<sup>98</sup> Opponents of equal pay in Australia

denounced the 1984 Sexual Discrimination Act as communist inspired and feared that it would undermine the family and force women into the workforce.<sup>99</sup>

The right to equal pay was eventually recognized in law in all four countries but, as the history of the human rights state in British Columbia demonstrates, employers could easily circumvent equal pay for equal-work provisions.<sup>100</sup> Moreover, equal-pay laws were blind to the effects of individual differences that arose naturally and from social factors: “Formal equality in law raises several problems. . . . Equal treatment can exacerbate the effects of inequalities in natural or social endowments and resources.”<sup>101</sup> The U.S. Equal Pay Act (1963) and the Civil Rights Act (1964), for example, failed to “address the primary problem of institutional discrimination rooted in systematic practices of job segregation that channeled women into undervalued, low paying, and dead end occupations.”<sup>102</sup> Equal pay for work of equal value was eventually adopted in each of these countries to varying degrees. And yet even this achievement proved a questionable success in practice. Few jurisdictions made evaluation techniques mandatory; overtime, bonuses, and incentive schemes were among the many other means of circumventing equal pay. In his study of equal-pay law in the United Kingdom, Richard Townshend-Smith concluded that “the causes of inequality are too deep-rooted to be overcome by legal intervention alone. . . . greater attention needs to be devoted to the underlying social and economic causes of inequality.”<sup>103</sup>

Abstract legal rights have the potential to mobilize a broad range of advocates for social change, but, as Judy Fudge has argued, “the significance of the assertion of a right depends upon the social vision or politics which informs it.”<sup>104</sup> Human rights remain highly statist. Human rights treaties have inspired activists and governments across the world, but it is at the local level that we can honestly evaluate the success of the human rights movement. The struggle for women’s equality in British Columbia reveals the obstacles inherent in defining equality as gender-neutral legal rights enforced by the state. Certainly the human rights state represented an important shift in the political and legal culture of many states as governments and citizens became beholden to a series of fundamental principles including equality between men and women. Yet political and bureaucratic opposition to the enforcement of human rights legislation can create significant obstacles to securing equality. The promise of the Universal Declaration of Human Rights, with its provisions for extensive social rights, was never realized to the same extent as it was concerning civil and political rights. As Catherine MacKinnon argues, issues of concern to women such as pornography, economic power, rape, and sexual assault are not conceived as gender equality or sex discrimination because they are threats facing women, not men: “The whole point of women’s social relegation to inferiority as a gender is that for the most part these things aren’t done to men.”<sup>105</sup> The NDP’s Women’s Rights Committee lamented that their own party implemented virtually no policies for

women while in office. In fact, the committee could only think of one major legislative initiative the NDP introduced for women between 1972 and 1975: the Human Rights Code.<sup>106</sup>

Still, the human rights state did not prove a total failure. “Organizations and individuals,” says Didi Herman, “have proceeded on the law front with the belief that law reflects societal fears and prejudices. . . . progressive law reform signals to bigots, and to those who would discriminate, that such attitudes and behaviours are no longer acceptable.”<sup>107</sup> For a handful of years, thousands of complaints were investigated and informally reconciled under the regime in British Columbia. Some of the conciliation by human rights officers was undoubtedly to the benefit of hundreds, if not thousands, of women facing discrimination. Furthermore, a board of inquiry in 1976 was the first in the country to fine an employer for firing a woman because she was pregnant (albeit only CDN\$40).<sup>108</sup> For some women, the system provided an affirmation of their legitimate demands for equality. The statistics also fail to capture the symbolic value of human rights legislation. Over time the idea of antidiscrimination laws for women, initially mocked by some in the media, became not only accepted but a staple of life in British Columbia and in many states across the world.

### Notes

I extend special thanks to Eric Sager at the University of Victoria and to Veronica Strong-Boag and Bill Black at the University of British Columbia for their feedback on earlier drafts of this essay. I am also indebted to the two readers and the editors of *Radical History Review* for encouraging me to broaden the scope of my analysis. For further study on this topic, please visit [www.HistoryofRights.com](http://www.HistoryofRights.com).

1. *Globe and Mail*, December 1, 2006.
2. The average income is slightly higher for families living in the largest cities. Statistics Canada, “Average Earnings by Sex and Work Pattern,” 2007, [www.statcan.ca](http://www.statcan.ca) (accessed September 15, 2007). See also “Women in Canada” *Daily*, March 7, 2006, [www.statcan.ca/english/dai-quo](http://www.statcan.ca/english/dai-quo).
3. *Globe and Mail*, April 1, 2006; April 8, 2006; April 15, 2006; April 22, 2006.
4. Angus McLaren and Arlene Tigar McLaren, *The Bedroom and the State: The Changing Practices and Politics of Contraception and Abortion in Canada, 1880–1997* (Toronto: Oxford University Press, 1997), 58–59.
5. Jack Donnelly, *Universal Human Rights in Theory and Practice*, 2nd ed. (Ithaca, NY: Cornell University Press, 2003), 1.
6. Micheline R. Ishay provides a brief overview of women’s rights in the context of the French and English revolutions in the seventeenth and eighteenth centuries: Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley: University of California Press, 2004), 109–12.
7. See Joe Foweraker and Todd Landman, *Citizenship Rights and Social Movements: A Comparative and Statistical Analysis* (Oxford: Oxford University Press, 1997); Maxine Molyneux and Sian Lazar, *Doing the Rights Thing: Rights-Based Development and Latin American NGOs* (London: ITDG, 2003).

8. James Walker, *“Race,” Rights, and the Law in the Supreme Court of Canada: Historical Case Studies* (Waterloo, ON: Wilfrid Laurier University Press, 1997), 320–21.
9. Molyneux and Lazar, *Doing the Rights Thing*.
10. Judy Fudge, “The Effect of Entrenching a Bill of Rights upon Political Discourse: Feminist Demands and Sexual Violence in Canada,” *Journal of the Sociology of Law* 17 (1989): 449–50. Also see Catherine MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Cambridge, MA: Harvard University Press, 1987), 35.
11. Judy Fudge and Harry Glasbeek, “The Politics of Rights: A Politics with Little Class,” *Social and Legal Studies* 1 (1992): 61.
12. Fudge, “The Effect of Entrenching a Bill of Rights upon Political Discourse,” 445–63; Neil Stammers, “A Critique of Social Approaches to Human Rights,” *Human Rights Quarterly* 3 (1995): 488–508; Neil Stammers, “Social Movements and the Social Construction of Human Rights,” *Human Rights Quarterly* 4 (1999): 980–1108; Molyneux and Lazar, *Doing the Rights Thing*.
13. For a sample of such debates, see Frances Olsen, “Statutory Rape: A Feminist Critique of Rights Analysis,” *Texas Law Review* 3 (1984): 387–432; Elizabeth M. Schneider, “The Dialectic of Rights and Politics: Perspectives from the Women’s Movement,” *NYU Law Review* 589 (1986): 589–652; Fudge, “The Effect of Entrenching a Bill of Rights upon Political Discourse”; Alan Hunt, “Rights and Social Movements: Counter-hegemonic Strategies,” *Journal of Law and Society* 3 (1990): 309–28; Michael W. McCann, “Legal Mobilization and Social Reform Movements: Notes on Theory and Its Application,” *Studies in Law, Politics, and Society* (1991): 225–54; Miriam Smith, *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971–1995* (Toronto: University of Toronto Press, 1999).
14. Martha Minow, *Making All the Difference: Inclusion, Exclusion, and American Law* (Ithaca, NY: Cornell University Press, 1990), 307.
15. McCann, “Legal Mobilization and Social Reform Movements.”
16. Christopher MacLennan, *Toward the Charter: Canadians and the Demand for a National Bill of Rights, 1929–1960* (Montreal: McGill-Queen’s University Press, 2003).
17. Walker, “Race,” *Rights, and the Law in the Supreme Court of Canada*; James Walker, “The ‘Jewish Phase’ in the Movement for Racial Equality in Canada,” *Canadian Ethnic Studies* 1 (2002): 1–23; Stephanie D. Bangarth, “‘We Are Not Asking You to Open Wide the Gates for Chinese Immigration’: The Committee for the Repeal of the Chinese Immigration Act and Early Human Rights Activism in Canada,” *Canadian Historical Review* 3 (2003): 394–442; Ross Lambertson, *Repression and Resistance: Canadian Human Rights Activists, 1930–1960* (Toronto: University of Toronto Press, 2005).
18. The Saskatchewan Bill of Rights (1947) was a provincial statute that did not provide for an enforcement mechanism, and it was unclear which level of government had jurisdiction over civil liberties. The bill was more a symbol than an effective instrument for defending human rights.
19. Walker, “The ‘Jewish Phase’ in the Movement for Racial Equality in Canada.”
20. Walter Surma Tarnopolsky, *Discrimination and the Law in Canada* (Toronto: De Boo, 1982), 27–28; Dominique Clément, *Canada’s Rights Revolution: Social Movements and Social Change, 1937–1982* (Vancouver: UBC Press, 2008).
21. Walker, “The ‘Jewish Phase’ in the Movement for Racial Equality in Canada,” 1.
22. Ross Lambertson, “The Dresden Story: Racism, Human Rights, and the Jewish Labour Committee of Canada,” *Labour/Le Travail* 47 (2001): 43–82. See also Ruth Frager and Carmela Patrias, “‘This Is Our Country, These Are Our Rights’: Minorities and the Origins of Ontario’s Human Rights Campaigns,” *Canadian Historical Review* 1 (2001): 1–35.

23. Philip Girard, *Bora Laskin: Bringing Law to Life* (Toronto: University of Toronto Press, 2005), 260.
24. *Vancouver Sun*, March 13, 1952; *Vancouver Sun*, October 3, 1953.
25. Ruth A. Frager and Carmela Patrias, *Discounted Labour: Women Workers in Canada, 1870–1939* (Toronto: University of Toronto Press, 2005), 154.
26. Australia's 1984 Sex Discrimination Act was preceded by similar legislation in South Australia (1975), New South Wales (1977), Victoria (1977), and Western Australia (1984).
27. Doris Anderson, *Rebel Daughter: An Autobiography* (Toronto: Key Porter Books, 1996), 173.
28. Human Rights Code of British Columbia Act (1974); Human Rights Commission of British Columbia, *I'm Okay, We're Not So Sure about You: A Report of the BC Human Rights Commission on Extensions to the Code* (Victoria, BC: Human Rights Commission of British Columbia, 1983), 44–45.
29. Maxine Molyneux and Shahra Razavi, *Gender, Justice, Development, and Rights* (New York: United Nations Research Institute for Social Development, 2003), 5–6.
30. Cynthia Williams, "The Changing Nature of Citizen Rights," in *Constitutionalism, Citizenship, and Society in Canada*, ed. Alan Cairns and Williams (Toronto: University of Toronto Press, 1985), 109.
31. Molyneux and Razavi, *Gender, Justice, Development, and Rights*, 6.
32. *Ibid.*
33. Nancy Adamson, *Feminist Organizing for Change: The Contemporary Women's Movement in Canada* (Toronto: University of Toronto Press, 1988), 5–6. British Columbia, "Report of the Women's Bureau," in *Annual Report—Department of Labour* (Victoria, BC: Department of Labour, 1966–75).
34. Adamson, *Feminist Organizing for Change*, chap. 2.
35. Rosemary Brown, *Being Brown: A Very Public Life* (Toronto: Random House, 1989), 98.
36. *Ibid.*, 85–100.
37. Rare Books and Special Collections, University of British Columbia (RBSC UBC), Vancouver Status of Women (VSW) Papers, Grant Application to the Provincial Secretary of BC, April 1, 1977, to March 31, 1978.
38. Several briefs prepared by the VSW dealing with the status of women in British Columbia are available in RBSC UBC, VSW Papers, v.8, f.29; v.13, f.9–11. See also: British Columbia, *Debates of the Legislative Assembly* (1984), 3292; RBSC UBC, VSW Papers, v.6, f.15, day of mourning for the human rights code, December 1976.
39. *Province*, February 29, 1980; *Vancouver Sun*, March 5, 1982; *Red Rag*, February 1982.
40. RBSC UBC, VSW Papers, correspondence between Kathleen Ruff and the VSW, 1971–1972.
41. RBSC UBC, VSW Papers, v.6, f.15, day of mourning for the human rights code, December 1976.
42. Smith, *Lesbian and Gay Rights in Canada*, 75.
43. VSW Correspondence and minutes are available at: RBSC UBC, VSW Papers.
44. One of VSW's key strategies was to train and support full-time ombudswomen to "act as paral-legal counsellors [and] as agents between women and the system." RBSC UBC, VSW Papers, v.5, f.1, VSW Grant Application to the Provincial Secretary of BC, April 1, 1977, to March 31, 1978; Canadian Women's Movement Archives, VSW, Box 124, Annual Report, 1975–1976.
45. RBSC UBC, Rosemary Brown Papers, v.8, f.9, briefs and correspondence by the Vancouver Young Women's Christian Association, British Columbia Federation of Labour Women's Rights Committee, and the University of British Columbia Women's Action Group;

- Canadian Women’s Movement Archives, British Columbia Federation of Women, volumes 5–6, materials on the British Columbia human rights code and commission, 1979; Donald Anderson, “The Development of Human Rights Protections in British Columbia” (MA thesis, University of Victoria, 1986), 69–70.
46. Janet Beebe, *Update on the Status of Women in British Columbia* (Vancouver: Vancouver Status of Women, 1978), 12.
  47. RBSC UBC Solidarity Coalition Papers, v.2, Briefs to the People’s Commission on Social and Economic Policy Alternatives.
  48. RBSC UBC, VSW Papers, v.6, f.15, memorandum by Carol Pfeiffer, December 3, 1976.
  49. Nancy Adamson, “Feminists, Libbers, Lefties, and Radicals: The Emergence of the Women’s Liberation Movement,” in *A Diversity of Women: Ontario, 1945–1980*, ed. Joy Parr (Toronto: University of Toronto Press, 1995), 249.
  50. *Women Unite! An Anthology of the Canadian Women’s Movement* (Toronto: Canadian Women’s Educational Press, 1972), 9.
  51. *Peak*, July 3, 1968.
  52. See Vancouver Rape Relief, [www.rapereliefshelter.bc.ca](http://www.rapereliefshelter.bc.ca) (accessed November 20, 2007).
  53. Simon Fraser University Archives, Frances Wasserlein Papers, f.162–3–3–0–4, Vancouver Women’s Caucus Brief to the Human Rights Commission, December 3, 1969.
  54. *Pedestal*, November 1970.
  55. Rape Relief encouraged feminists to support groups that protested violence against women through confrontation, leafleting, civil disobedience, and other direct-action strategies. Canadian Women’s Movement Archives, Box 373, file Women Against Violence Against Women, policy proposal by Vancouver Rape Relief, n.d.
  56. University of Victoria Archives (UVA), Women against Pornography Papers, v.1, f.9, Women against Pornography Manifesto.
  57. Pam Blackstone to Megan Ellis, September 5, 1983, UVA, Women Against Pornography Papers, v.1, f.6.
  58. Maurice Cranston, *What Is a Human Right?* (New York: Basic Books, 1973).
  59. Gary Teeple, *The Riddle of Human Rights* (New York: Humanity Books, 2005), 103–16.
  60. Monique Begin, “The Royal Commission on the Status of Women in Canada: Twenty Years Later,” in *Challenging Times: The Women’s Movement in Canada and the United States*, ed. Constance Backhouse and David H. Flaherty (Montreal: McGill-Queen’s University Press, 1992), 29.
  61. Brown, *Being Brown*, 131.
  62. One of his own caucus members, and a leading feminist in Canada and British Columbia, Rosemary Brown, suggested that the “depth of his ignorance about women’s condition was profound and equaled only by his belief that the women’s movement was a temporary aberration, a blip in history supported only by a few discontented women.” *Ibid.*, 131.
  63. Jean Barman, *The West beyond the West: A History of British Columbia* (Toronto: University of Toronto Press, 1991), 279.
  64. The number of boards appointed between 1970 and 1982 were as follows: three (1970), one (1971), five (1972), fourteen (1973), ten (1974), twenty-five (1975), four (1976), eight (1977), thirteen (1978), thirty-two (1979), three (1980), twelve (1981), eight (1982). The anomaly, 1979, was a result of intense pressure by women’s groups and other advocacy organizations.
  65. British Columbia, *Annual Reports—Department of Labour* (Victoria, BC: Department of Labour, 1970–84); Human Rights Commission of British Columbia, *Human Rights Are for Everyone (Annual Report of the Human Rights Commission)* (Victoria, BC: Human Rights Commission of British Columbia, 1980–82).
  66. Anderson, “The Development of Human Rights Protections in British Columbia,” 82.

67. *Pedestal*, Fall 1969.
68. *Province*, December 4, 1969.
69. *Province*, March 25, 1969.
70. *Victoria Times Colonist*, April 4, 1979; April 21, 1979; May 2, 1979; Canadian Women's Movement Archives, University of Ottawa, f.377, presentation by the rights of lesbians sub-committee, 1979.
71. British Columbia, *Debates of the Legislative Assembly* (1979), 1787.
72. See Dominique Clément, "An Exercise in Futility? Regionalism, State Funding, and Ideology as Obstacles to the Formation of a National Social Movement Organization in Canada," *BC Studies* 146 (2005): 63–91.
73. British Columbia, *Debates of the Legislative Assembly*, 4463.
74. Bill Black, "Human Rights in British Columbia: Equality Postponed," in *Canadian Human Rights Yearbook, 1984–85*, ed. William Pentney and Daniel Proulx (Toronto: Carswell, 1985), 232.
75. British Columbia, *Annual Reports—Department of Labour*; British Columbia Human Rights Commission, *Human Rights Are for Everyone*.
76. UVA, British Columbia Human Rights Board of Inquiry Collection, AR017, Box 97–159, 1976.
77. UVA, British Columbia Human Rights Board of Inquiry Collection, AR017, Box 97–159, Jean Tharpe v Lornex Mining Corporation, 1976; British Columbia, "Jean Tharpe v. Lornex Mining Corporation," *Labour Relations Bulletin* (July 1976): 85–86.
78. British Columbia Human Rights Act (1984).
79. Black, "Human Rights in British Columbia," 220–21.
80. The Human Rights Commission was reintroduced by the NDP in 1997, but eliminated—again—in 2002 by the Liberal government.
81. The British Columbia Federation of Labour's Women's Committee, the VSW, Nanaimo Women's Resource Centre, and the Status of Women Action Group were among those organizations that lobbied against the amendments. See *Sisterhood* 7 (August 1983); RBSC UBC Solidarity Coalition Papers, v.2, briefs to the People's Commission on Social and Economic Policy Alternatives; British Columbia, *Debates of the Legislative Assembly* (1984), 4471–72; *Vancouver Sun*, November 24, 1984; November 27, 1984; November 29, 1984; December 12, 1984.
82. Shelagh Day, "Recent Developments in Human Rights," *Labour Relations Bulletin* (June 1977): 17.
83. B. Gene Errington, *Sexual Harassment in the Workplace: A Discussion Paper* (Burnaby: British Columbia Federation of Labour, Women's Rights Committee, 1980).
84. British Columbia, *I'm Okay*.
85. British Columbia, *Annual Reports—Department of Labour* (1970–84); British Columbia Human Rights Commission, *Human Rights Are for Everyone*.
86. Dominique Clément, "Searching for Rights in the Age of Activism: The Newfoundland-Labrador Human Rights Association, 1968–1982," *Newfoundland Studies* 2 (2003): 347–72.
87. With the exception of the province of Quebec, which amended its human rights code in 1977, most provinces were slow to acknowledge discrimination on the basis of sexual orientation. Tom Warner, *A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002).
88. Sheila McIntyre, "Studied Ignorance and Privileged Innocence: Keeping Equity Academic," *Canadian Journal of Women and the Law* 1 (2000): 160–62.

89. Day, “Recent Developments in Human Rights,” 17–18.
90. In Nova Scotia, for instance, nineteen cases went to a full board hearing between 1969 and 1992. Only two resulted in monetary damages for pain and suffering, and the highest award was a meager CDN\$100. Tarnopolsky, *Discrimination and the Law in Canada*, 488–90.
91. Daiva Kristina Stasiulis, “Race, Ethnicity, and the State: The Political Structuring of South Asian and West Indian Communal Action in Combating Racism,” (PhD, University of Toronto, 1982), 245.
92. Quebec, Commission des droits de la personne, *Rapport annuel (Annual Report)* (1976–84).
93. Ontario Human Rights Commission, *Life Together: A Report of Human Rights in Ontario* (Toronto: Ontario Human Rights Commission, 1977); Stasiulis, “Race, Ethnicity, and the State,” 271.
94. Jack Donnelly, “Post–Cold War Reflections on the Study of International Human Rights,” in *Ethics and International Affairs: A Reader*, ed. Joel H. Rosenthal (Washington, DC: Georgetown University Press, 1995), 236.
95. United Nations Centre for Human Rights, *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Human Rights Institutions for the Promotion and Protection of Human Rights* (New York: United Nations, 1995).
96. Cass R. Sunstein, “Why Does the American Constitution Lack Social and Economic Guarantees?” in *American Exceptionalism and Human Rights*, ed. Michael Ignatieff (Princeton, NJ: Princeton University Press, 2005), 102. Also see Todd Landman, “Measuring Human Rights: Principle, Practice, and Policy,” *Human Rights Quarterly* 4 (2004): 912.
97. Michael W. McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: Chicago University Press, 1994), 4.
98. Teeple, *The Riddle of Human Rights*, 224n39.
99. Patricia Grimshaw, Nell Musgrove, and Shurlee Swain, “The Australian Labour Movement and Working Mothers in the United Nations’ Decade for Women, 1975–1985,” in *The Time of Their Lives: The Eight Hour Day and Working Life*, ed. Julie Kimber and Peter Love (Melbourne: Australia Society for the Study of Labour History, 2007), 145.
100. Verity Burgmann, *Power and Protest: Movements for Change in Australian Society* (St. Leonards, NSW: Allen and Unwin, 1993), 99.
101. Beth Gaze and Melinda Jones, *Law, Liberty, and Australian Democracy* (Sydney: Law Book Company, 1990), 399.
102. McCann, “Legal Mobilization and Social Reform Movements,” 233.
103. Richard Townshend-Smith, “The Impact of European Law on Equal Pay for Women,” in *The Effect on English Domestic Law of Membership of the European Communities and of Ratification of the European Convention on Human Rights*, ed. M. P. Furmston, Roger Kerridge, and B. E. Sufrin (London: Nijhoff, 1983), 101.
104. Fudge, “The Effect of Entrenching a Bill of Rights upon Political Discourse,” 448.
105. MacKinnon, *Feminism Unmodified*, 41.
106. RBSC UBC, Rosemary Brown Papers, v.1, f.5, NDP Women’s Committee: Herstory and Policy, 1977.
107. Didi Herman, *Rights of Passage: Struggles for Lesbian and Gay Legal Equality* (Toronto: University of Toronto Press, 1994), 4.
108. British Columbia, “*H.W. v. Jack R. Kroff and Riviera Reservations of Canada Ltd.*,” *Labour Relations Bulletin* (July 1976).