



Policy Impacts on Violence Against Women in Canada: A Review of Literature on Selected Policies

About WomanACT

The Woman Abuse Council of Toronto (WomanACT) is a policy development and planning body that coordinates an efficient and effective approach to preventing and responding to gender-based violence. WomanACT is committed to addressing violence against women and children through coordination, research and policy and education.

Herstory

The Woman Abuse Council of Toronto was created in 1991 under the name Metro Woman Abuse Protocol Project by the office of the Chairman of Metropolitan Toronto. For the first eight years, the organization operated as a community-based coalition under the trusteeship of Jewish Family and Children's Services. In 1999, the name was changed to the Woman Abuse Council of Toronto and the council was incorporated as an independent non-profit organization. In January 2010, the Woman Abuse Council of Toronto adopted a second official name, WomanACT, and was granted charitable status.

Today, the Woman Abuse Council of Toronto is an incorporated, social profit, non-partisan and voluntary membership-based organization with a General Council of 30 members who represent key community agencies and institutions working to provide a community response to woman abuse.

Vision

WomanACT aspires to a coordinated service response where women and their children experience safety, dignity and opportunities.

Mission

WomanACT is a council of organizations dedicated to addressing Violence Against Women and children by promoting a Toronto-wide integrated, coordinated response through leadership, education and community mobilization.

Values

Gender Equity: Promote equal opportunity for women and children by addressing social and economic inequalities.

Inclusion: Support diverse perspectives and approaches to effective system solutions.

Dignity: Respect the fundamental worth and dignity of all women.

Knowledge Sharing: Support catalytic and innovative learning initiatives.

WomanACT
1652 Keele Street, 2nd Floor
Toronto, ON M6M 3W3
<http://www.womanact.ca>

Project Manager: Lieran Docherty

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Introduction

Project Background

Violence against women is a global pandemic that permeates every community. Half of all women in Canada have experienced a form of sexual or physical violence. Violence against women is both a cause and consequence of gender inequality and therefore, to tackle violence against women, we must tackle the root causes of gender inequality.

From a public policy perspective, violence against women will not be solved through a single targeted policy on violence. Public policies shape and create social conditions. Policies can create social conditions that reinforce gender inequality and produce violence against women. Policies can also negatively impact women experiencing violence by limiting women's access to determinants of safety such as housing and income security. Service providers and experts in the violence against women field have continued to bring attention to the impacts of policy on gender equality and violence against women, including the different ways that policies can negatively impact women experiencing violence. This review presents an overview of the impacts of selected federal and provincial policies on violence against women as found in literature.

This literature review is part of WomanACT's project - Supporting a Toronto Region Women Leaders Group for Systems and Policy Advocacy. The aims of the project are to identify policy barriers to women's¹ safety, develop solutions to selected policy issues and advocate for system and policy change. In 2011, WomanACT carried out an initial review of policy impacts on women's safety as a part of the Policies Matter project. The project developed a web-based tool for visualizing the various intersecting policies and practices. This project will build upon the Policies Matter project through updating the gender-based analysis of selected policies and subsequently, the web-based tool. Key activities over the life of the project will include a literature review, consultation on selected policies with key stakeholders, prioritization of policy issues, and developing and implementing advocacy plans to address these issues.

The objectives in undertaking this literature review are to:

- Update the policy review undertaken in the Policy Matters project by WomanACT in 2011;
- Provide a context and entry point to support with policy dialogue and consultation;
- Identify gaps in literature and approaches to policy analysis;
- Inform research and policy activities for the Supporting a Toronto Region Women Leaders Group for Systems and Policy Advocacy project.

¹ The project adopts an inclusive definition to women that recognizes and welcomes non-binary people, genderqueer women and trans women.

Methodology and Scope

The approach to the review of literature consisted of manual searches on Google, government and organizational websites and journal portals.

The geographical scope of the review is confined to Canadian federal policy and Ontario provincial policy although most of the literature located included analysis and comparison of policy outside of this scope.

The key research questions included:

- What are the impacts of the selected policies on violence against women in Canada?
- What are the policy impacts that have a negative impact on women experiencing violence in Canada?
- What are the gaps within literature related to policy impacts on violence against women? What are the common methods of policy analysis and review related to gender equality and violence against women?

Searches were undertaken using the following terms in conjunction with the selected policies: policy impacts, policy barriers, gender equality, gender-based violence, violence against women, women's safety, poverty, housing, and immigration. Consistent with a GBA+ lens, these terms were also searched in conjunction with: Indigenous women, women in rural communities, immigrant women, non-status women, refugee women, LGBTQ2SI, women with disabilities, racialized, socio-economic, age. Each selected policy was searched in conjunction with the above terms and was also reviewed through the provincial and federal legislature websites.

The policies reviewed were selected based on a scope of policies related to housing, poverty and immigration. The literature review is not exhaustive and does not purport to be a complete reflection of all policy impacts on women and violence against women. The policy landscape is always changing and therefore, the policies discussed in this review may have changed since the report was written.

Canada's Approach to Gender Based Analysis

The Government of Canada committed to using Gender Based Analysis Plus (GBA+)² to advance gender equality in Canada in 1995 as part of the ratification of the United Nations' Beijing Platform for Action. Canada is considered a leader in the gender mainstreaming of policy and has seen major transformation in policy in relation to gender equality (Hankivsky, 2008). Despite the federal government's longstanding commitment to support GBA+, the Report of the Auditor General of

² GBA+ is an analytical tool used to assess how diverse groups of women, men and gender-diverse people may experience policies, programs and initiatives. The "plus" in GBA+ acknowledges that GBA goes beyond biological (sex) and socio-cultural (gender) differences and considers other identity factors, including, race, ethnicity, religion, age, and mental or physical disability.

Canada has found the application to be inconsistent and incomplete (Office of the Auditor General of Canada, 2009; Report of the Standing Committee on Public Accounts, 2016).

The 2015 Report of the Auditor General found that the quality of gender based analysis across government departments varies. The report concluded that gender based analyses was often incomplete and lacked information on specific groups of women and men. In addition, the report found that many departments were not developing solutions to address the negative impacts identified by the gender analysis process (Report of the Standing Committee on Public Accounts 2016). The findings of the report prompted the Status of Women in partnership with the Treasury Board and Privy Council to develop an action plan to address the issues.

A 2017 study *Gendering Public Policy or Rationalizing Gender? Strategic Interventions and GBA+ Practice in Canada* looked into the opportunities and challenges around implementing GBA+ within the government. The study conducted interviews with federal-level gender analysts. The study found that many gender analysts find themselves developing strategies to effectively promote gender equality within a bureaucratic environment. These strategies included framing GBA+ work within more accepted policy frameworks such as evidence-based policy making and downplaying the feminist origins of GBA+. Analysts reported that GBA+ is a larger component of planning than it is policy development and that relationships with women's organizations, feminist researchers or activists did not feature in their role as analysts (Scala and Paterson, 2017).

An emerging issue with the shift to a more bureaucratic nature of the GBA+ process is the extent to which it diminishes the role of knowledge from women's organizations (Bush 2001) and disengages civil society partners, especially when civil society's agenda may conflict with the priorities of the government in power (Rankin and Wilcox 2004).

In 2006, the federal government changed the mandate of Status of Women to specifically exclude funding for research and advocacy activities. As a result, many women's organizations were ineligible for funding or shut down. This change in funding priorities sent a strong message at the time on the role of women's organization in policy development and advocacy (McNutt and Béland, 2015; Stinson, 2015).

Despite the focus on the 'plus' in gender based analysis, gender analysis processes used in policy development in Canada continue to lack diversity (Hankivsky, 2008). The lack of intersectionality can be seen in policy developed related to violence against women. Protection from domestic violence is often the primary concern for most majority women in Canada. An analysis of women's experience of gender-based violence often lacks an intersectional lens which can fail to capture the experience of women who may be marginalized based on their gender as well as their race and socio-economic status. Some women may be more likely to experience economic abuse or public violence, including violence from employers or police (Rankin and Vickers, 2001).

In 2016, under a new federal government, the Status of Women Canada reported that once again gender based analysis was a priority to the ministry and restored research and advocacy as a key mandate (Status of Women Canada, 2016).

The important role of non-governmental organizations in gender based analysis is a common theme across literature (Hankivsky, 2008; Rankin and Vickers, 2001; Steinsky-Schwartz, Rowan-Campbell,

and Langevin, 2005) and recognized as a gap in Canada's gender-based analysis practice (McNutt and Béland, 2015). Some literature argues that the key factor for the transformation of policy to address issues of concern to women is the engagement of equality-seeking civil society organizations, mainly women's organizations (Htun and Weldon, 2012).

Selected Policies

Federal

Immigration and Refugee Protection Act

The Immigration and Refugee Protection Act³ (IRPA) is the federal policy that regulates immigration to Canada. The IRPA came into effect in 2002, replacing the Immigration Act that had been in place since 1978.

Under section 94(f) of the IRPA, Immigration, Refugees and Citizenship Canada has a mandate to undertake a gender-based analysis of the policy and report gender-based impacts of the IRPA in its annual report to Parliament.

The *2017 Annual Report to Parliament on Immigration* found that female immigrants have lower employment rates and lower average employment earnings than that of their Canadian-born counterparts. The report also found that female immigrants and refugees are more likely to access social assistance than male immigrants and refugees. Women remain underrepresented among economic applicants despite an increasing rate. In 2016, 42% of economic applicants were female compared to 33% in 2006. The report proposes ongoing monitoring of the identified gender impacts but does not propose solutions to mitigate the negative impacts. The report also speaks to various provisions in place to meet the needs of women experiencing violence, including, repealing Conditional Permanent Residency, new training for immigration officers on tools to assess gendered aspects of applications and new guidelines for the Immigration and Refugee Board of Canada on how to treat women refugee claimants fearing gender-related persecution (Immigration Refugees and Citizenship Canada, 2017).

Literature assessing the gendered impacts of immigration policy in Canada have found gender bias in IRPA guidelines and immigration criteria (Jiwani, 2001). Policies, such as the points system for skilled workers and the Canadian Experience Class, make it easier for men over women to immigrate to Canada (Ending Violence Association of BC, 2010). The nature of some immigration policies, including spousal sponsorship programs and programs that support women to come to Canada as domestic workers, enforce women's dependence on others to maintain their economic security and their immigration status (Oxman-Martinez, Martinez, and Hanley, 2001). Across all routes to permanent residency in Canada, women are more likely to gain permanent residency as a dependent spouse (Bhuyan et al., 2014). This in effect can support the power imbalances between women and men and reinforce women's economic insecurity.

³ [Immigration and Refugee Protection Act](#)

The testimonies from women sponsored in the Family Class Program in the *Sponsorship... For Better or For Worse The Impact of Sponsorship on the Equality Rights of Immigrant Women* research project showed that “sponsorship often creates a demeaning situation that restricts or eliminates [women’s] personal autonomy, endangers their safety and undermines their self-esteem” (Cote, Kerisit and Cote, 2001). Women experiencing violence from a sponsored spouse or family member in the Family Class program are extremely vulnerable due to their precarious status. While immigrant women face similar barriers to fleeing violence as Canadian-born women, these barriers are often exacerbated by economic dependence (Alaggia, Regehr and Rishchynski, 2009), language barriers (Baker and Tibibi, 2017), isolation (Holtmann et al., 2016), lack of knowledge of Canadian policies and laws and fear of deportation (Cote, Kerisit and Cote, 2001). The control given to sponsors by provisions found in immigration policy can lead to further abuse, including sponsors threatening to revoke or withdraw sponsorship (Neufeld, 2009).

A woman fleeing a violent relationship, who has been sponsored under the Family Class, can pursue permanent residency under Humanitarian and Compassionate (H&C) grounds. Currently, within the H&C considerations, there is no self-petition or expedited process for women who have experienced abuse. In addition, a woman fleeing a violent relationship, who has been sponsored under the Family Class, is able to claim social assistance and is eligible for shelter accommodation or subsidized housing. However, in practice, some women are still deemed financially inadmissible for permanent residency because of their reliance on social assistance (Mattoo, 2017; Neufeld, 2009).

In 2017, the government of Canada removed the period of conditional permanent residence that had been added to the IRPA regulations in 2012. This regulation required sponsored Canadian citizens and permanent residents to live with their sponsor for two years in order to maintain their immigration status. The purpose of this regulation was to deter fraudulent applications (Bramadat 2015). Community organizations and advocates argued that the conditional permanent residence forced women into vulnerable and dependent positions and contributed to violence against women (Bhuyan and Bogovic, 2016; Canadian Council for Refugees, 2015; METRAC, 2012).

Within the economic route of immigration, women most often enter Canada as Temporary Foreign Workers under the Canada Caregivers Program. With a high proportion of racialized women in the Canada Caregivers Program, 87% of women in the Caregiver Program are from the Philippines (Goli, 2009), the patterns in immigration policy create deeply gendered and racialized concepts of certain jobs and roles in Canada (Faraday, 2014). In 2014, changes were made to the program including the removal of the ‘live-in’ component. Previously, caregivers were required to physically reside with their employers, resulting in caregivers working additional hours, experiencing a lack privacy and sharing rooms with employer’s children (Galerand, Gallié and Gobeil, 2015). The new legislation also introduced a cap on the number of permanent resident applicants processed through the Canada Caregivers Program, which means a limited and more precarious pathway to permanent residency (Faraday, 2016). Although temporary foreign workers fall under Employment Standards Act, literature shows that these standards are not always followed by employers or enforced. Many women in the caregivers program report abuse and exploitation through a lack of privacy, unpaid labour, physical and sexual violence, control over social relations and excessive hours (Faraday, 2016; Valiani, 2009). New protections were put into place in 2014 to protect temporary foreign workers including a national hotline to report abuse and an increase in penalties for employers who do not comply with workplace standards.

Divorce Act

The Divorce Act⁴ is the federal Act that governs divorce in Canada. Within the Divorce Act, there are no intentional directives around violence against women. Literature shows divorce can put women at greater risk of violence from an abusive partner or spouse and can also put women at financial risk. Although it is a common assumption that violence ends after separation or divorce, women are actually at an increased level of risk from violence during separation and divorce (Jaffe, Dawson and Campbell, 2011). Following divorce, women face greater financial hardship than men (Le Bourdais et al., 2016). Section 15.2 of the Divorce Act, which provides guidance of spousal support orders, states that judges must consider factors including financial disadvantage that results from the marriage breakdown as well as promote financial independence.

Section 16 of the Divorce Act provides direction on custody orders. Under section 16(9) of the Divorce Act, courts are directed to not take into consideration the past conduct of any person unless the conduct is relevant to the ability of that person to act as a parent of a child. Nicholas Bala in *Bringing Canada's Divorce Act into the New Millennium: Enacting a Child-Focused Parenting Law* argues that the omission of domestic violence in the Divorce Act, while it does not prevent people in the justice sector from taking domestic violence into account in decision and arguments, dismisses the importance of domestic violence as a factor to be considered (Bala, 2015).

Section 16(10) of the Act directs courts to apply the principle that children of the marriage should have as much contact with each spouse as is consistent with the best interests of the child. There is concern that this direction can increase the risk of harm for women who are fleeing an abusive partner or spouse, especially at a time of increased risk for women (Bala, 2015; Cross, 2012). Ongoing contact with children can be used as a means for the abuse to continue, including ongoing threats and emotional abuse during contact visits and using child contact to monitor the mother's activities (Neilson, 2001).

Canada Labour Code

The Canada Labour Code⁵ is the federal legislation that deals with collective bargaining, health and safety in the workplace and employment standards. It only applies to workplaces under the federal jurisdiction. The policy mainly defers issues with employment standards to provincial legislation.

The Canada Labour Code defines sexual harassment and requires workplaces to have a policy pertaining to sexual harassment.

In 2017, Bill C-65 was proposed, *An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation*

⁴ [Divorce Act](#)

⁵ [Canada Labour Code](#)

Act, 2017. The bill will apply to federally regulated, parliamentary and government workplaces and would bring parliamentary and political staff under protection of the new provisions.

The key proposed changes related to violence against women in the bill include the requirement of employers to investigate, record and report all incidents of harassment and/or violence. The legislation would also provide employees with a choice of an informal resolution process or neutral third-party investigation. The bill is reflected in the 2018 Federal Budget with \$34.9 million over five years and \$7.4 million ongoing annually to implement the bill (Government of Canada, 2018).

The bill does not mandate specific sanctions for perpetrators of harassment or violence in the workplace or clarify the role of co-workers and bystanders. Experts have stressed the importance of workplace policies that respond to victims, perpetrators, witness and co-workers (PSHSA, 2010; Scott et al., 2017). A study of workplaces across Canada found that 40% of participants were aware of a DV victim and/or perpetrator in their place of work (MacGregor, Wathen and MacQuarrie, 2016). Some fear that unemployment as a consequence for perpetrators of domestic violence will lead to less discussion and/or reporting and in addition, increase risk of domestic violence (Scott et al., 2017).

Bill S7 Zero Tolerance for Barbaric Cultural Practices Act

Bill S7⁶ is an Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code of Canada and to make consequential amendments to other Acts. It was passed in 2015.

Bill S7 amended the Immigration and Refugee Protection Act to specify that a permanent resident or foreign national is inadmissible on grounds of practicing polygamy in Canada. The bill also amended the Civil Marriage Act to provide for the requirement of a minimum age of 16 years for marriage and the criminalization of forced marriage in the Criminal Code of Canada.

The bill received a lot of opposition from agencies serving women and immigrant communities. Organizations stated that the inclusion of the word 'cultural' in the title is misleading and suggests violence against women is a cultural issue instead of a global issue (OCASI, 2015; , 2015). In addition, that the use of the word 'barbaric' amongst the other changes made to legislation targets specific communities and further marginalizes communities, especially immigrant women (UNICEF Canada, 2015).

Bill S7 amended the Immigration and Refugee Protection Act to specify that a permanent resident or foreign national is inadmissible on grounds of practicing polygamy in Canada. Polygamy is already illegal in Canada and Immigration policy also addresses this issue. For example, the sponsorship process in Canada only allows the sponsorship of one spouse. In response to this amendment, critics believe that the change targets immigrant communities (OCASI, 2015) and does not provide protection or options for those victims of abuse in polygamous relationships (METRAC, 2015; SALCO, 2015).

⁶ [Bill S7 Zero Tolerance for Barbaric Cultural Practices Act](#)

Forced marriage, as addressed in this Act, is already in the Criminal Code of Canada under offences such as kidnapping, assault, confinement. Other acts of violence against women have not been separated from the offences existing in the Criminal Code of Canada.

The Act also introduces a wide net in criminalizing those involved in forced marriage which can have a negative impact on young people and families and can prevent those at risk of forced marriage to come forward out of fear of criminal charges against those involved, especially if the people involved are close family members (Anis, Konanur and Mattoo, 2013; UNICEF Canada, 2015).

It's Time: Canada's Strategy to Prevent and Address Gender Based Violence

In June 2017, Canada launched its first federal response to gender-based violence, *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*⁷. The Strategy is based on three pillars: prevention, support for survivors and their families and legal and justice systems. The strategy reaches across departments with investments from Immigration, Refugees and Citizenship Canada, Public Safety Canada and Department of National Defence among others. The 2017 federal budget allocated \$100.9 million over five years, and \$20.7 million per year thereafter (Government of Canada, 2017b). An additional \$86 million over five years was added in the 2018 federal budget (Government of Canada, 2018).

The strategy comes after many years of organizations, advocates and researchers showing the need and asking for a national action plan on violence against women (Canadian Network of Women's Shelters & Transition Houses, 2013; McInturff, 2013). The development of a National Action Plan was also in line with international human rights commitments. In 2007, the United Nations General Assembly adopted a resolution for all states to develop national plans for action against all forms of violence against women by 2015 (United Nations, 2007).

In 2013 the Canadian Network of Women's Shelters & Transition Houses published *The Case for a National Action Plan on Violence against Women in Canada*. The report clearly differentiates between legislation addressing violence against women and a national strategy. The report suggests that legislation is just one component of a National Action Plan in Canada. A national plan should establish a framework of activities that will address root causes, strengthen systems to respond to violence against women and assign accountability and resources. This is in keeping with the UN Handbook for Legislations on Violence against Women which finds legislation most likely to be implemented effectively when accompanied by a national plan or strategy (United Nations, 2010).

The report finds that violence against women programs and initiatives across Canada are often short-term in nature and that policies lack coordination and often conflict with each other, especially across provincial lines. The report states that a National Action Plan on Violence against Women would address these issues through consistency, coordination and through the promotion of a shared understanding of the root causes of violence against women. While the scope of the report did not scan

⁷ [It's Time: Canada's Strategy to Prevent and Address Gender Based Violence](#)

the experience of groups of women, it does call for attention on the unique experiences of Indigenous women.

A key gap identified across literature is the need for data collection, monitoring and evaluation of policies, programs and investments related to violence against women (Canadian Network of Women's Shelters & Transition Houses, 2013; McInturff, 2013). The new national strategy includes an investment into the creation of a Gender-Based Violence Knowledge Centre headed by Status of Women Canada, which aims to facilitate the sharing of research and data. However, the strategy in itself is missing clear targets with timelines and does not set standards for provinces and territories (Oxfam Canada, 2018).

A Place to Call Home: National Housing Strategy

In November 2017, the federal government launched its first ever National Housing Strategy⁸. The National Housing Strategy undertook a gender-based analysis that was made up of consultations, including focus groups with people with lived experience of housing need and homelessness. The strategy also states that a literature review was undertaken as well as data analysis and evaluation of programs (Government of Canada, 2017a). The National Housing Strategy identifies subgroups that more likely to experience housing needs which include survivors of family violence. The National Housing Strategy includes key components related to violence against women and gender equality. These include a commitment to realizing a rights-based approach to housing, an allocation of twenty-five per cent of all investments towards projects that specifically target women and girls, an annual Women's Housing Symposium and increased shelter space.

Across literature, homelessness and violence against women are often depicted as separate and distinct issues. However, within the larger body of research on violence against women, housing is identified as a key barrier to a woman's ability to flee a relationship and family violence is a leading cause of homelessness among women (Aysan Sev'er, 2002; Baker et al., 2010; Bettio et al., 2017; Dumonthier and Dusenbery, 2016). The definition of homelessness found in policy and programs often do not reflect the homelessness experience of women and the different conditions that can leave someone without housing (Baker and Tibibi, 2017; Little, 2015). Women experiencing violence are a large portion of the hidden or relatively homeless (Novac, 2006). The definition of homeless in Canada has failed to include women who seek refuge in second stage housing and those who are unsafe in their own homes (Miller and Du Mont, 2000).

The lack of a federal housing policy in Canada has meant a lack of commitment to housing the most marginalized, contributing to gendered and racialized poverty, particularly amongst abused women (Little, 2015). The lack of available social and affordable housing is a critical barrier to women's safety (YWCA Canada, 2009). Many women fleeing violence do not qualify for or cannot acquire appropriate social housing due to a lack of availability. As a result, many women are left choosing between

⁸ [A Place to Call Home: National Housing Strategy](#)

homelessness or returning to an abuser (Tutty, 2006). The federal government has also withdrawn from the low income private housing market through policy changes (Little, 2015).

Provincial

Legal Aid Services Act

Enacted in 1998, the Legal Aid Services Act⁹ (LASA) has a purpose to promote access to justice throughout Ontario for low-income individuals. The Act also established and directs Legal Aid Ontario to administer the province's legal aid program. Legal Aid Ontario has a provision to provide special services to help people experiencing domestic abuse as well sexual violence complainants. In 2017, Legal Aid Ontario developed a Domestic Violence Strategy.

Women experiencing violence face various barriers to accessing legal services. Despite a decrease in the eligible annual income, the financial eligibility excludes women on low to medium and incomes (Cross, 2012). In some cases, women are told that if it has been greater than three months since they left their abuse, they cannot use domestic violence as a basis to access legal aid (Cross, 2012).

Likewise, the eligibility of Legal Aid in criminal matters also has a 'reasonable likelihood for incarceration' test. For a woman who has been charged in a domestic violence matter they often do not meet the legal aid requirements as they are rarely at risk of being sent to jail and therefore are unable to access legal aid for criminal matters.

One report found that over half of all family law cases across Canada have one or both parties without a lawyer (Birnbaum, Bala and Bertrand, 2012). One study on the experience of survivors in family court found that self-representation is usually because the survivors did not qualify for legal aid or ran out of legal aid during the process (Dragiewicz and DeKeseredy, 2008). The same study found that women faced difficulties when representing themselves including not understanding the system and having to interact directly with their abuser (Dragiewicz and DeKeseredy, 2008). In domestic violence cases where a victim or perpetrator is self-represented there is fear that victims do not get adequate protection or experience fear or intimidation during the process (Birnbaum, Bala and Bertrand, 2012).

One study on the legal needs of Francophone women in Ontario found a need for increased family law services and legal education for the this community (Brunet and Lasseonde, 2012).

A woman experiencing violence may be dealing with several legal matters at the same time, including matters related to family law, criminal law and immigration law. These legal system intersections can be complex and difficult to navigate (Barbra Schlifer Commemorative Clinic, 2011).

Legal Aid Ontario held a consultation as a part of their Domestic Violence strategy and found similar trends as discussed in literature (Legal Aid Ontario, 2015). Within the Ontario Legal Aid Domestic Violence Strategy is a three year plan with proposed action to address the issues, including expansion

⁹ [Legal Aid Services Act](#)

of the financial eligibility to include criminal and immigration matters and increased education for Legal Aid Ontario staff and lawyers on domestic violence (Legal Aid Ontario, 2017).

Ontario Works Act

The Ontario Works Act¹⁰ provides the legislative framework for the provision of employment and financial assistance.

There is a considerable amount of research that shows the complex relationship between violence, social assistance and poverty (Lindhorst, Oxford and Gillmore, 2007; Public Health Agency of Canada, 2008; Tolman and Raphael, 2000).

The report *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System* takes a close look at the impact of social assistance policies on women experiencing violence. The 2004 study which undertook 64 interviews with women survivors on social assistance in Ontario found that low rates of social assistance made it difficult for women to leave abusive situations (Mosher, Evans and Little, 2004). Women reported that social assistance programs in Ontario gave them the sense of walking on eggshells, being under surveillance and feeling demeaned (Mosher, Evans, and Little 2004). The same study also found that most women reported that social assistance rates were inadequate to meet their basic needs, a theme that is common across literature (McCracken and Watson, 2004; Mosher, Evans and Little, 2004; Purdon, 2003).

The asset eligibility threshold for Ontario Works requires women to give up certain assets or savings in order to receive social assistance. As a result, women asking for support or assistance are faced with negative impacts on their financial independence and security (Burnett et al., 2015). Women may have to give up their homes or cars in order to be eligible for social assistance at a time of crisis. For some women, especially women in rural communities, a car is critical for safety and access (Purdon, 2003).

A focus on tackling welfare fraud has become a central objective to social assistance policy reform and in turn, has led to a general belief that benefit fraud is rampant and that receiving social assistance is a suspicious activity (Mosher and Hermer, 2005). Abusers threatened to call welfare alleging fraud as a form of abuse and control is a common experience (Mosher, Evans and Little, 2004). The definition of spouse under the Ontario Works Act and Ontario Disability Support Program Act was changed in 1995. Previously, persons could live together for a three-year period before being deemed as spouses. The definition was changed to recognize spouses as persons who lived together for three months. The current definition does not promote financial independence and control for women (Mosher and Hermer, 2005) and women experiencing abuse can be affected particularly by this regulation (Mosher, Evans and Little, 2004).

A focus on achieving the shortest route to work in the Ontario Works program can mean women accept precarious work instead of focusing on obtaining decent and good work, creating a cycle where people are more likely to return to social assistance (OAITH, 2012). Social assistance programs must also take

¹⁰ [Ontario Works Act](#)

into account barriers to employment faced by marginalized groups including Indigenous people, immigrant and refugees and mothers (Mattoo, 2017).

The eligibility for social assistance is dependent on the woman having immigration or refugee status including refugee, temporary resident, permanent resident or an ongoing H&C application. A woman who has been sponsored and is fleeing violence from a sponsored spouse or partner is eligible for Ontario Works. The reliance on social assistance, however, may deem women financially inadmissible in their immigration application as it may be interpreted as the woman being unable to secure financial independence (Mattoo, 2017).

A recommendation to increase social assistance rates across all provinces was recently made in 2016 by the UN Committee on Economic, Social and Cultural Rights (Committee on Economic Social and Cultural Rights, 2016).

Ontario Disability Support Program Act

Ontario Disability Support Program Act¹¹ establishes a program that provides income and employment supports to persons with disabilities.

The report *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System* analyzes interviews with women who are or have been in abusive relationships and are or have at some point been in receipt of social assistance. Women with disabilities reported that they found the social assistance system inflexible and not responsive to their individual needs. In addition, the report found that women with disabilities reliance on an abusive partner or caregiver was different in nature than for other women (Mosher, Evans and Little, 2004).

Ontario Works and Ontario Disability Support Program policies create a strong distinction between women with disabilities and women without disabilities. As a result, the notion that women without disabilities are expected to fully comply with all workforce expectations and women with disabilities are assumed to be permanently unemployed can be reinforced.

A common theme across literature was the inflexible nature of social assistance programs. For example, social assistance programs do not always recognize the sometimes cyclical nature of some disabilities which can result in less stable work patterns for some people. Out of fear of not being able to access social assistance again once employed, many women with disabilities report staying out of the workforce to ensure income security (Fawcett, 2000).

Employment Standards Act

¹¹ [Ontario Disability Support Program Act](#)

The Employment Standards Act¹²(ESA) provides the minimum standards for most employees working in Ontario. It sets out the rights and responsibilities of employees and employers in most Ontario workplaces.

The 2017 *The Changing Workplaces Review – Final Report: An Agenda for Workplace Rights* considered legislative changes to the Employment Standards Act. A key component of the report pointed to the need to shift to a greater understanding and knowledge of workplace rights, including an increased understanding of workplace standards as rights (Mitchell and Murray, 2017).

The Employment Standards Act provisions do not reflect the changing nature of employment across Ontario, and in particular, the rise of precarious employment (Vosko et al., 2017). Precarious work is gendered and also impacted by immigration status and race (Lambert and McInturff, 2015; Khosla, 2014; Premji et al., 2014; Vosko et al., 2017). As a result, certain groups are more likely to be affected by exemptions and special rules and not covered by all of The Employment Standards Act provisions, including women, young people and non-unionized employees (Vosko et al., 2017). There has also been a high level of non-compliance with The Employment Standards Act mandatory minimum standards in workplaces that employ migrant workers (Faraday, 2016).

The Fair Workplaces, Better Jobs Act, 2017¹³ introduced changes to The Employment Standards Act as well as the Labour Relations Act, including an increase to minimum wage, equal pay regardless of employment status and changes to personal leave with the inclusion of five days of paid leave for survivors of domestic of sexual violence.

The introduction of personal leave for domestic violence was a recommendation made by the inquest into the death of Gillian Hadley (Office of the Chief Coroner Province of Ontario, 2002) and can be found as a promising practice across literature for supporting women in the workplace (UN Women, 2015; United Nations, 2010). Under this new legislation, an employee may take up to ten days of leave and may take up to fifteen weeks of leave each calendar year. The first five days of leave each year is paid with the remaining unpaid. The new legislation also requires employers to put mechanisms in place to protect the confidentiality of records in relation to an employee taking domestic or sexual violence leave.

Occupational Health and Safety Act

The Occupational Health and Safety Act¹⁴ (OHSA) sets out the rights and duties of all parties in the workplace, as well as the procedures for dealing with workplace hazards and for enforcement as needed.

In 2009, Bill 168, Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)¹⁵ imposed new obligations on employers with respect to workplace violence and harassment. This bill was in response to the Coroner's Jury recommendations made in the Lori Dupont

¹² [Employment Standards Act](#)

¹³ [Fair Workplaces, Better Jobs Act, 2017](#)

¹⁴ [Occupational Health and Safety Act](#)

¹⁵ [Occupational Health and Safety Amendment Act \(Violence and Harassment in the Workplace\)](#)

Inquest to review OSHA to include domestic violence, abuse and harassment in the workplace, including emotional and psychological abuse (Office of the Chief Coroner for Ontario, 2007). The Bill also states that if an employer becomes aware of violence in the workplace, they must take every precaution to protect their employee. While the Lori Dupont Inquest highlighted the important role a workplace has in identifying and responding to violence, there is little research available on domestic violence in Canadian workplaces. A 2014 study on domestic violence and the workplace in Canada found that half of those who reported experiencing domestic violence reported that the abuse continued in the workplace, including phone calls from the abuser and stalking (Wathen et al. 2014). Of those experiencing domestic violence, 43% reported that they discussed it with someone at work, with women more likely than men to discuss it at work. People were more likely to discuss their abuse with co-workers than managers (Wathen et al., 2014). The Ontario Domestic Violence Review Committee found that in 2007 in 17% of the cases reviewed, co-workers were aware of the abuse (Office of the Chief Coroner Ontario, 2007).

In 2015, the Ontario government released a provincial action plan *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment*¹⁶ which included a commitment to strengthen OSHA policies relating to sexual violence and harassment in the workplace. The policy commitments included introducing a definition of sexual harassment to OSHA, creating a Code of Practice for employers and the developing a special enforcement team of inspectors trained to address complaints of harassment in the workplace (Government of Ontario, 2015). As a result, Bill 132, *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*¹⁷, was introduced and passed in March 2016. Bill 132 made several changes to OSHA including the expansion of the definition of workplace harassment to include sexual harassment. The Bill requires employers to develop a written program that implements and enforces the workplace harassment policy. In addition, employers must investigate incidents or complaints of workplace harassment. The Bill also enables the Ministry of Labour to order an independent workplace harassment investigation at the employer's expense.

Residential Tenancies Act

The Residential Tenancies Act¹⁸ came into effect in 2007. The purpose of the Act is to provide protection for residential tenants from unlawful rent increases and evictions, to establish a framework for the regulation of residential rents and to balance the rights and responsibilities of residential landlords and tenants.

Census data shows that women-led households are predominantly renters in Canada and racialized women-led households are most likely experience to issues with housing affordability (Novac, Brown and Bourbonnais, 1996).

¹⁶ [It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment](#)

¹⁷ [Sexual Violence and Harassment Action Plan Act \(Supporting Survivors and Challenging Sexual Violence and Harassment\)](#)

¹⁸ [Residential Tenancies Act](#)

The 2006 *Housing Discrimination Against Victims of Domestic Violence* study used experimental design and surveys to investigate landlord discrimination against victims of domestic violence. As a part of the study, researchers called landlords to ask if a rental unit was available using three different situations, one being that the caller was currently staying at a shelter for battered women currently and was seeking accommodation. The study found that landlords were less likely to say the apartment was available if the researcher stated they were staying at a shelter for battered women. Moreover, the landlord was significantly less likely to say the rental unit was available if the researcher stated they were staying at a shelter for battered women and had a child. The study found that landlords were less likely to rent an apartment to a victim of domestic violence because they had concerns about the woman's ability to pay rent and out of concern that the woman may cause issues for other tenants (Barata and Stewart, 2006).

The 2008 *Right at Home: Report on the consultation on human rights and rental housing in Ontario* shed light on the rental housing discrimination. It found that women's experience of housing discrimination is related to their gender as well as other characteristics including race, disability and marital status. According to the report, power imbalances between landlords and low income women tenants results in women in vulnerable situations including landlords requesting sex in exchange for rent and to prevent eviction. The report found that women may have difficulties in accessing rental units after fleeing violence due to bad credit ratings or a lack of landlord references (Ontario Human Rights Commission, 2008).

Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), introduced a change to the Residential Tenancies Act. The change included a decrease in the notice period to end a tenancy for tenants who are survivors of sexual and domestic violence. The policy change was to help reduce the financial cost that may result from ending a lease early and to support survivors to flee abuse. The changes allow a tenant to provide at least twenty-eight days' notice with evidence of domestic or sexual violence. The evidence must consist of either a court order (i.e., a peace bond or restraining order), or a signed and dated statement attesting that they or a child living in the unit have experienced domestic or sexual violence. Previously, sixty days' notice was required.

Housing Services Act

The Housing Services Act¹⁹ came into force in 2012 and replaced the Social Housing Reform Act as Ontario's legislation governing social and rent geared to income housing.

As set out in Regulation 367/11 of the Act, priority access is given to someone experiencing abuse by someone they are living with (or have lived with), or by someone sponsoring them as an immigrant, and from whom they intend to separate permanently. If the applicant is not co-habiting with the abuser at the time of application, they are still eligible within three months of separation or eligible at the service manager's discretion.

Despite the policy's prioritization of those who have experienced abuse, there is a requirement to prove or verify the abuse. The requirement of women to prove abuse reinforces a notion that women are not to

¹⁹ [Housing Services Act](#)

be believed and puts the responsibility on a woman to prove her need, often resulting in women having to tell their stories over and over again (Burnett, 2012). The 2011 article *Leaving ≠ moving: Housing patterns of women who have left an abusive partner* makes the case that not enough is known about the housing patterns of women fleeing abuse to create effective housing policy and programs. Policies often equate leaving a relationship with leaving accommodation when the same article found that more than half of women did not move residence in the same month as they identify as having separated from their abusive partner (Ponic et al., 2011).

The focus on re-housing women who are fleeing violence is only possible with the availability of housing. However, multiple literature speaks to the lack of social housing available in Canada (Burnett et al., 2015; Homes for Women Campaign, 2013; Jategaonkar and Ponic, 2011) which suggests a critical barrier to realizing the priority placed on re-housing women fleeing abuse in the policy.

In September 2016, the Ontario government launched the Portable Housing Benefit to Help Survivors of Domestic Violence, providing survivors with the option to receive a portable housing benefit to go towards a private market rental as opposed to waiting for social housing. The project was launched in twenty-two communities across Ontario (Ministry of Municipal Affairs and Housing, 2016). Violence against Women sector advocates recommended that the pilot be extended to women fleeing violence who are not eligible for the Special Priority Program under the Housing Services Act and provide women with the choice to remain on the social housing list (Mendoza et al., 2017).

Discussion

The literature review shows that while policy change can be slow, some of the policy issues affecting women's safety identified in the Policies Matter project undertaken by WomanACT in 2013 have been addressed. New federal and provincial strategies have been introduced that have also made a commitment to policy reform. The Canadian government has renewed their commitment to Gender-based Analysis of policy development although the impact of this renewed commitment is difficult to measure.

The literature review began by asking: what are the impacts of selected policies on violence against women in Canada? By nature of the varied policies that were selected, the review has identified the multiple policy impacts and intersections and serves as a reminder that social policy issues cannot be analyzed in isolation.

Policy development is not immune to the societal inequalities that exist in Canada. As a result, policies can create and reinforce social conditions that perpetuate inequalities. Policies reinforce social conditions of gender inequality including women's economic insecurity, vulnerability to exploitation and limited access to resources. The literature review has demonstrated that policies can create additional barriers for women fleeing abuse and policies can uphold dangerous attitudes and beliefs around violence against women.

Common Themes

Women are regularly required to prove or verify their abuse in order to obtain support or services.

Policies often require women to attest to or prove their experience of violence in order to acquire a service. This process is different across policies. Some policies require women to show they have reported the abuse to the police while other policies require women to write a statement attesting to the violence they have experienced.

The requirement for a victim of violence to verify or prove abuse in order to access a provision that has been developed for victims of violence has many impacts. It can make it difficult for women to access a policy provision if they do not have the proof that is required. It also reinforces the notion that women are not to be believed. Based on the nature of the required proof, policies can reinforce notions of the type of abuse that is deserving and legitimate.

Policies do not always reflect the gendered experience of immigration, poverty and homelessness.

Policies do not always account for and make provisions for the different experiences women have of immigration, homelessness and poverty. For example, women's homelessness is often very different in nature than that of men. Women are more likely to seek accommodation with family, stay with friends or stay with someone in exchange for sex. The definition of homelessness in policies does not always capture this experience and therefore programs and services do not reflect the experiences and needs of women.

Without an intersectional gender-based analysis of these intersecting policy areas, policies are not addressing the experiences and needs of different communities.

Policies often reproduce conditions of women's economic insecurity and financial dependence.

Women's economic insecurity is a root cause of violence against women and is also a key barrier for women leaving an abusive situation. In the aftermath of violence, a woman's economic security is almost always negatively impacted. Women are more likely to live in poverty and some groups of women experience higher rates of poverty, including Indigenous women, women with disabilities and single mothers.

Policies continue to reinforce women's poverty. For example, some policies require women to give up assets in order to obtain financial support and some policies drive women into precarious employment and insecure housing. No single policy speaks to women's right to remain in their own home when fleeing violence.

Policies can re-victimize women and criminalize the behaviors of women creating safety.

Across the literature, women report that policies that are designed to support women to be safe create more rules and regulations than support or entitlements. A common theme was the process of women having to tell their story time and time again in order to benefit from a policy. Discussions on social policies highlighted a pattern of increased surveillance of those accessing services in an effort to tackle fraud across policies and programs. This policy practice sends the message that receiving support is a suspect activity.

The impact of re-victimization and criminalization can result in women choosing not to access services or support because it can parallel their experiences of violence. It can also reinforce a stigma faced by people in accessing certain services in the community related to immigration, housing or income security.

Key Learnings

Women's movements and organizations play a critical role in policy analysis and advocacy.

Most of the literature located in the review was developed by women's and policy organizations. Literature shows that women's movements and organizations are the primary drivers of violence against women public policy. However, there has been a decrease in resources available for women's organizations, especially funding available for research and advocacy. Women's organizations have the capacity and experience to be central to Canada realizing their commitment to gender-based analysis policy development.

Greater intersectional gender-based analysis of policies is needed to understand policy impacts on different communities.

While the literature review was able to find some research and reports that explored the policy impacts from an intersectional lens, it was limited. To better understand how policies impact different communities, more research is needed into the experiences of Indigenous women, women from the LGBTQ community, young women, women with disabilities and Immigrant women. More disaggregated data on diverse women's experiences of gender-based violence is needed. To be effective and meaningful, policy must reflect and address the specific needs and vulnerabilities of different communities.

More data is needed on gender-based violence in Canada

A common barrier to policy analysis across the literature reviewed was the lack of data available on gender-based violence in Canada. As a result, it isn't yet possible to draw connections between policy and rates of violence. While Gender-based Analysis is a commitment made by Canada, there is little information available on the Gender-based Analysis of federal or provincial policies.

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