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Submissions of West Coast LEAF

British Columbia Budget 2022 Consultation Select Standing Committee on Finance and Government Services

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British Columbia Budget 2022 Consultations

About West Coast LEAF

West Coast LEAF is a BC-based legal advocacy organization. Our mandate is to use the law to create an equal and just society for all women and people who experience gender-based discrimination. In collaboration with community, we use litigation, law reform, and public legal education to make change. We aim to transform society by achieving access to healthcare; access to justice; economic security; freedom from gender-based violence; justice for those who are criminalized; and the right to parent.

West Coast LEAF recognizes our responsibility to work for the full realization of the rights of Indigenous peoples. In the context of historic and ongoing colonial violence and injustice, West Coast LEAF understands that fulfilling this responsibility requires a deep and continual commitment. We respectfully acknowledge that our office is located in Vancouver on traditional, ancestral, and unceded Coast Salish homelands, including the territories of the xwməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), and səłilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations. We understand that many of us are uninvited to these territories. As an organization that includes many settlers, we take responsibility for learning and seeking long-term transformation in our relationships with Indigenous peoples and lands.

Introduction:

After two decades of funding cuts to the anti-violence sector, West Coast LEAF welcomes the BC government's renewed funding in 2021 for grants supporting community-based sexual assault services.¹ While this funding is a step forward, BC's 2021 budget missed an opportunity to comprehensively address gender-based violence by leveraging and building on the federal funding commitments on gender equality and gender-based violence as set out in Canada's 2021 budget.² In addition, over two years after the report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG Inquiry), families, advocates, and community service agencies have also not seen funding commitments from the province to address the Calls for Justice.

BC's 2021 budget was also a missed opportunity to rebuild crumbling provincial systems that have been gutted or allowed to languish over many decades and to address worsening gender inequality during these challenging times. In December 2020, West Coast LEAF published a [COVID-19 BC Gender Equality Report Card](#), which graded the province's action and inaction in six areas: access to justice, economic security, freedom from gender-based violence, health care, justice for those who are criminalized, and the rights of parents, children, and youth. Dialogues with community partners revealed

¹ West Coast LEAF, COVID-19 BC Gender Equality Report Card (December 2020), p. 16 <<http://www.westcoastleaf.org/wp-content/uploads/2020/12/West-Coast-LEAF-COVID-report-card-Dec-7-web-final.pdf>>; BC Gov News, "More funding to support sexual assault survivors, dated May 28, 2021 <<https://news.gov.bc.ca/releases/2021PSSG0045-001030>>

² YWCA Canada, "Crunching the Numbers: YWCA Canada's Take on the Federal Budget 2021," dated April 22, 2021 <<https://ywcacanada.ca/news/crunching-the-numbers-ywca-canadas-take-on-the-federal-budget-2021/>>

deep concerns about barriers to accessing justice and legal aid, the economic hardship resulting from closures in feminized sectors such as accommodation, food services, retail and social services during the pandemic, the economic hardship of caregiving that is disproportionately assumed by women, and the financial devastation facing sex workers in the pandemic.

With the 2022 Budget, women and people who are marginalized based on their gender cannot afford to see the provincial government take a cautious and incremental approach to funding economic and social supports yet again. This upcoming budget must not be about simply recovering from the pandemic to return to the status quo; rather, the pandemic has highlighted the limits of the social and economic safety net and shown that some provincial systems are failing. Accordingly, we ask that the Committee include in its recommendations that the province make the following urgent funding commitments:

1. Review and enhance financial supports to kinship caregivers
2. Allocate funds to concretely implementing the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls
3. Fund free prescription contraception
4. Provide sustained core-funding for transition houses and anti-violence services
5. Allocate funding to legal aid to improve access to justice in family law matters

The Committee's Approach to Gender-Budgeting:

Three years ago, the BC government committed to taking a gender-based approach to its budget process through the Gender-Based Analysis Plus (GBA+) model.³ The commitment to ensuring all budget decisions are reviewed through a GBA+ approach is also set out in Premier Horgan's Mandate Letter to Parliamentary Secretary for Gender Equity, Grace Lore.⁴ In addition, Call for Justice 1.3 of the MMIWG Inquiry must frame this Committee's work. Call for Justice 1.3 asks that all governments prioritize and resource the measures required to eliminate the social, cultural, and political marginalization of Indigenous women, girls, and 2SLGBTQIA people when developing budgets and determining government activities and priorities.

The application of gender-based frameworks in budget decision-making across Canada and BC is in its early stages.⁵ A sustained commitment is necessary to ensure that an intersectional gender analysis in budget processes is robust. The Organisation for Economic Co-operation and Development (OECD) has commented on "gender-budgeting" and cautioned that: "Most fundamentally, gender budgeting should not be adopted as a bureaucratic compliance exercise, but should be intrinsically linked with the substance of policy development in each domain of public policy, and should be

³ Cameron, Anna and Tedds, Lindsay M. (2020): *Gender-based analysis plus (GBA+) and Intersectionality: Overview, an enhanced framework, and B.C. Case Study*, p. 13 <https://mpr.aub.uni-muenchen.de/105936/1/MPPRA_paper_105936.pdf> [Cameron and Tedds]

⁴ Office of the Premier, Letter to Grace Lore, MLA, Parliamentary Secretary for Gender Equity, dated November 26, 2020 <<https://news.gov.bc.ca/files/FIN-Lore-mandate.pdf>>

⁵ Cameron and Tedds, *supra* note 3, p. 14

capable of demonstrating impacts in terms of informing resource re-prioritisation and re-allocation decisions.”⁶ This Committee should assess how the gender analysis is currently being applied in this consultation, the analytical quality of the current GBA+ approach in its decision-making, and also identify what tools are needed to ensure that the GBA+ approach to budget recommendations is substantive and capable of generating impactful changes in policy, analysis, and administrative processes.

We urge this Committee to follow through on the province’s commitment to taking a gendered approach to budgeting in developing its recommendations by assessing the impact of resource allocations on women and particularly Indigenous and racialized women, Two-Spirit people, intersex people, gender non-conforming people, trans people of all genders (not only women), and people with non-binary gender identities.

Detailed Recommendations:

1. Review and enhance financial supports to kinship caregivers

There are more than 13,000 children and youth living in kinship families in BC.⁷⁸ Many are grandparents or older single women who are caring for children while also living on a fixed income or in poverty themselves. As the Parent Support Services of BC (PSS) has noted in its submissions, the opioid health crisis and other socio-economic factors are leading to growing numbers of kinship care families in the province. At least 39% of kinship care families live below the poverty line, while many others are facing risk of poverty and are using their savings to raise children.⁹ Kinship caregivers are critical to preventing children from being placed in government care, and yet many of these caregivers receive inadequate or no assistance from the province.

Increased financial support for kinship caregivers is important to addressing the over-representation of Indigenous children in government care as well as childhood poverty. The forced removal of Indigenous children throughout Canada’s colonial history through residential schools and the Sixties Scoop is continuing today in the current child welfare system which separates Indigenous children from their families and communities under the guise of protecting them. In our 2019 report, [Pathways in a Forest: Indigenous Guidance on Prevention-Based Child Welfare](#), families involved in the child welfare system identified the importance of Indigenous conceptions of family and kinship, which differ from western conceptions, as well as the traditional role of

⁶ OECD Public Governance and Territorial Development Directorate, “Gender Budgeting in OECD countries,” OECD Journal on Budgeting Volume 2016/3, p. 4 <<https://www.oecd.org/gender/Gender-Budgeting-in-OECD-countries.pdf>>

⁷ A kinship caregiver is a person with a family, community, cultural, or other connection to a child who is the principal caregiver to that child, with no parent in the home. Kinship caregivers include grandparents, aunts, cousins, or other extended family or community members who care for children.

⁸ Parent Support Services Society of BC, “Submission for the Development of a Poverty Reduction Strategy for BC,” dated March 2018, p. 2 <<https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/initiatives-plans-strategies/poverty-reduction-strategy/submissions/parent-support-services-society-of-bc.pdf>> [PSS: Kinship Families]

⁹ PSS: Kinship Families, *supra* note 8, p. 2

kinship and family networks in child-rearing as being central to the well-being of Indigenous families.¹⁰

Kinship care families also experience many systemic barriers in accessing existing financial supports such as the Extended Family Program (EFP). The eligibility criteria for the EFP excludes kinship caregivers who are granted a guardianship order despite the financial hardship these families are experiencing. Only a fraction of children living in formal or informal kinship care arrangements are benefiting from the EFP.¹¹ These families also face barriers accessing the supports they are eligible for. In June 2021, [West Coast LEAF wrote to the Minister of Finance](#) to report the wrongful denial of the one-time BC Recovery Benefit to many kinship care families who were deemed ineligible by the staff administering the benefit. We asked the province to immediately rectify the inconsistent and unfair delivery of the benefit and to provide training and guidance to staff to remove the service delivery barriers experienced by kinship caregivers.

To support kinship caregivers and address the barriers they face in accessing support, we ask the Committee to recommend that the province:

- Fund a low-barrier universal kinship care benefit available to all children living in kinship care¹²
- Review and enhance supports to ensure consistency in financial supports and access to benefits such as the Canada Child Benefit (CCB) to all kinship caregivers for the dependents in their care.¹³

We also support the following recommendations by PSS, which are outlined in their submissions to the Committee:

- Increase the Child in the Home of a Relative rates such that they are in line with the increased maintenance rates for kinship caregivers receiving EFP benefits
- Make administrative changes to ensure that kinship caregivers with court orders granting custody or parenting time have access to the CCB and Canada Child Disability Benefit (CDB)
- Adjust the funding categories in the Shelter Aid for Elderly Renters (SAFER) program to reflect the reality that many older people are raising children in kinship caregiving families.¹⁴

¹⁰ West Coast LEAF, “Pathways in a Forest: Indigenous Guidance on Prevention-Based Child Welfare” (September 2019), p. 15 <<http://www.westcoastleaf.org/wp-content/uploads/2021/03/West-Coast-LEAF-Pathways-in-a-Forest-web-Sept-17-2019-002-Online-Version-2021-compressed4.pdf>> [WCL: Pathways in a Forest]

¹¹ WCL: Pathways in a Forest, *supra* note 10, p. 79

¹² WCL: Pathways in a Forest, *supra* note 10, p. 80

¹³ WCL: Pathways in a Forest, *supra* note 10, p. 80

¹⁴ See: Budget 2022 Consultation Submissions of the Parent Support Services of BC (September 2021)

2. Allocate funds towards concretely implementing the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls

Over two years after the report of the MMIWG Inquiry was released, families, advocates, and community service agencies are left wondering how the province will address the Calls for Justice directed at provincial and territorial governments. We urge this Committee to recommend that the Calls for Justice of the MMIWG Inquiry are prioritized in Budget 2022, as it did in its report on the budget consultations in 2021. We urge this Committee to go further and recommend that the provincial government commit resources to a comprehensive strategy to implement the Calls for Justice.

Many of the Calls for Justice require sufficient and sustainable funding, including:

- 1.8: Specific and long-term funding to create, deliver, and disseminate prevention programs, education, and awareness campaigns designed for Indigenous communities and families related to violence prevention and combatting lateral violence. Core and sustainable funding, as opposed to program funding for Indigenous women's and 2SLGBTQQIA people's organizations.
- 3.2: Adequate, stable, equitable, and ongoing funding for Indigenous-centered and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, and 2SLGBTQQIA people.
- 3.4: Immediate and necessary resources, including funding and support, for the establishment of sustainable, permanent, no-barrier, preventative, accessible, holistic, wraparound services, including mobile trauma and addictions recovery teams.
- 4.3: Support programs and services for Indigenous women, girls, and 2SLGBTQQIA people in the sex industry to promote their safety and security with stable and long-term funding for these programs and services.
- 4.4: Supports and resources for educational, training, and employment opportunities for all Indigenous women, girls, and 2SLGBTQQIA people.
- 4.7: Long-term sustainable funding of Indigenous-led low-barrier shelters, safe spaces, transition homes, second stage housing, and services.
- 4.8: Adequate plans and funding for safe and affordable transit and transportation services and infrastructure in remote or rural communities.
- 5.13: Expand and adequately resource legal aid programs to ensure access to justice and meaningful participation in the justice system, as well as access to legal services to defend and assert human rights and Indigenous rights.
- 12.5: Financial supports and resources be provided so that family or community members of children of missing and murdered Indigenous

women, girls, and 2SLGBTQQA people are capable of caring for the children left behind.

In our presentation to the Committee, we highlighted Call for Justice 4.8, which asks all governments to plan and fund safe and affordable transit and transportation services and infrastructure in remote or rural communities, as one of the Calls that could be addressed with concrete action and funding in the upcoming budget. We recognize that the province has made efforts to address transportation through multi-year funding for northern BC transit.¹⁵ However, the available transit options still suffer from gaps in available routes and an extremely limited schedules, which can lead to overnight stays for travel between some communities and consequently lengthy and costly trips. The BC Society of Transition Houses (BCSTH), through its [Transportation Project](#) aiming to embed a gender-based approach in transportation planning, will be testing collaborative strategies to create a safer, more inclusive transportation system in rural and remote communities in BC.¹⁶ The project's initial findings show that the transportation needs of women experiencing or at risk of violence in rural communities is not being met.¹⁷ Accordingly, we encourage this Committee to recommend that further resources be allocated to planning and funding transportation solutions that address the human and economic security concerns identified in the Calls for Justice and the specific gendered safety and mobility needs of people in remote communities.

3. Fund free prescription contraception

We recommend that Budget 2022 follow through on the government's 2020 election promise to provide universal coverage for prescription contraception which was also affirmed in the Premier's Mandate Letter to Health Minister Adrian Dix.¹⁸ In its budget consultation report last year, this Committee recommended that free prescription contraception for all people be resourced by the province.¹⁹ We ask that the Committee advance this recommendation once again with an emphasis on the need for universal coverage for all prescription contraception methods.

AccessBC has found that costs remain a significant barrier to people accessing contraception. An intrauterine device (IUD) can cost between \$75 and \$380, oral contraceptive pills can cost \$20 per month, and hormone injections can cost as much as \$180 per year.²⁰ These costs are barriers to reproductive freedom and limit access to healthcare options. The impact is greater for women and gender diverse people who are

¹⁵ BC Gov News, "Funding provides long-term certainty for northern transportation services," dated June 11, 2021 <<https://news.gov.bc.ca/releases/2021TRAN0087-001146>>

¹⁶ BC Society of Transition Houses, *Transportation Project: Embedding a Gender-Based Approach into Northern and Rural Transportation Systems* <<https://bcsth.ca/projects/bcsth-transportation-project/>> [BCSTH: Transportation Project]

¹⁷ BCSTH Transportation Project, *supra* note 16 [Report on initial findings pending publication]

¹⁸ Office of the Premier, Letter to Honourable Adrian Dix, Minister of Health, dated November 26, 2020, p. 4 <<https://news.gov.bc.ca/files/HLTH-Dix-mandate.pdf>>

¹⁹ Report on the Budget 2021 Consultation, V. 1, p. 69 <https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/5th-session/fgs/Reports/Budget%202021%20Consultation%20Report_Volume%20I.pdf> [2021 Report on the Budget]

²⁰ AccessBC, "About the Issue," accessed September 25, 2021 <<https://www.accessbc.org/background>>

more likely to experience social and economic marginalization now worsened by the pandemic. The Committee should uphold this important recommendation in the coming budget not only because free contraception advances reproductive rights and gender equality; it also improves health outcomes and reduces costs to the health care system.²¹

4. Provide sustained core-funding for transition houses and anti-violence programs

West Coast LEAF supports the recommendations of the BC Society of Transition Houses (BCSTH), and its member transition houses (many of whom have participated in this consultation process) that the upcoming budget make investments in core funding for transition houses and anti-violence programs. Transitional housing is designated an essential service in BC during the COVID-19 pandemic.²² We ask the Committee to recommend that transitional houses and community services providing anti-violence support be allocated sustainable, coordinated, and adequate core funding to meet their operational needs, as well as yearly increases in accordance with standard-of-living costs. This funding must evolve with the needs of those being supported.²³

Core funding will allow programs to offer full-time employment to address staffing challenges, wait-lists for services, and the recruitment and retention of skilled staff who are experts on gender-based violence. As the Victoria Women's Transition House Society has outlined in its submissions, a core funding model is more appropriate to the range and impact of anti-violence services.²⁴ Because core funding is not tied to specific project deliverables, it will allow transition houses and anti-violence services to increase the stability of services and allow these services the flexibility to adapt to circumstances such as pandemic. We urge the Committee to review and consider the funding proposals and models submitted by the BCSTH and its member organizations across BC.

In addition, we emphasize the recommendation of the Urban Native Youth Association in the 2021 budget consultation process that dedicated funding be provided to trans and Two-Spirit-led sexual violence prevention and treatment services.²⁵ This Committee recommended appropriate, specialized, and trauma-informed care programs be established for Indigenous and Two-Spirit survivors in its 2021 report on the budget consultations and recognized that strong programs are user-led.²⁶ We ask the Committee once again recommend that the province fund appropriate and safe access to Indigenous, Two-Spirit, and trans-led emergency, counselling, and health care services

²¹ AccessBC, *supra* note 20

²² BC Gov News, "Province takes unprecedented steps to support COVID-19 response", Backgrounder: List of essential services in B.C. during COVID-19 pandemic, dated March 26, 2020 <<https://news.gov.bc.ca/releases/2020PSSG0020-000568>>

²³ Draft Transcript of the Select Standing Committee on Finance and Government Services, dated Thursday, September 2, 2021 <<https://www.leg.bc.ca/documents-data/committees-transcripts/20210902am-Finance-Victoria-Blues>> [Draft Transcript of Committee Hearing]

²⁴ Draft Transcript of Committee Hearing, *supra* note 23; Budget 2022 Consultation Submissions of the Victoria Women's Transition House Society (September 2021), p. 9

²⁵ 2021 Budget Submissions of the Urban Native Youth Association, dated June 26, 2020 [UNYA: 2021 Submissions]

²⁶ 2021 Report on the Budget, *supra* note 19, pp. 88-89.

for survivors, and address the scarcity of trans-inclusive anti-violence programs and supports in remote communities.²⁷

5. Allocate funding to legal aid to improve access to justice in family law matters

Inadequate funding for legal aid to address family violence remains a core access to justice concern in this province. More than a decade ago, legal aid services were gutted, cut by 40% overall and by 60% for family law.²⁸ Today, family law legal aid in BC remains severely underfunded. West Coast LEAF has long advocated for renewed investments in legal aid, and through successive reports and submissions, has detailed the state of civil legal aid in BC and the impact of underfunding on gender equality. Investments in civil legal aid pay dividends, as they reduce the overall costs associated with the administration of justice, and the social and economic costs borne by people who must navigate court process to secure protection from family violence. Closing service gaps in family law legal aid is essential to addressing both gender-based violence and access to justice.

This Committee has heard from numerous organizations from across the justice sector, including Rise Women’s Legal Center (“Rise”), the Canadian Bar Association-BC Branch, the Law Society of British Columbia, and Battered Women’s Support Services, all of whom have called for increased funding for legal aid services.²⁹ We urge the Committee to adopt this recommendation, as well as the specific recommendation of Rise, that legal aid ensure full and comprehensive representation services if individuals, or their children are at risk of family violence.³⁰

Conclusion:

In these submissions, we ask the Committee to ground their work in a gender-based analysis and the Calls for Justice which demands robust investments in gender equity. We have offered five recommendations for systemic investments that will address the social and economic hardships experienced by women and gender diverse people. The pandemic has been a stark reminder that the status quo was not working. Budget 2022 is a historic opportunity to address decades of service cuts and systemic underfunding of social and economic supports that have disproportionately impacted women and 2SLGBTQQIA people in the province, especially where marginalization is experienced based on multiple, intersecting grounds. It is also an opportunity to action commitments to gender equity that carry us forward to reimagining what is possible instead of merely returning to what was. For Budget 2022, we urge this Committee to recommend comprehensive and sustained investments in neglected – yet essential – caregivers, community organizations, and legal services.

²⁷ UNYA 2021 Submissions, *supra* note 25

²⁸ West Coast LEAF, “Legal aid test case: What legal aid means for women and their families,” accessed September 25, 2021 <<http://www.westcoastleaf.org/our-work/legal-aid-test-case/>>

²⁹ Draft Transcript of Committee Hearing, *supra* note 23

³⁰ Draft Transcript of Committee Hearing, *supra* note 23