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## **Standing Committee on the Status of Women**

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**EVIDENCE**

**Thursday, June 9, 2005**

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**Chair**

**Ms. Anita Neville**

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## Standing Committee on the Status of Women

Thursday, June 9, 2005

• (1520)

[English]

**The Chair (Ms. Anita Neville (Winnipeg South Centre, Lib.)):** Order, please.

We'll begin now, please.

I'd like to welcome Ms. Ray-Ellis. Thank you for coming. Welcome to the committee.

We are doing a study on the potential of extending benefits to self-employed workers, and we would like to hear your thoughts.

Ms. Ray-Ellis.

**Ms. Soma Ray-Ellis (Member, Women Entrepreneurs of Canada):** Thank you.

I'm an employment lawyer by background, and I'm representing Women Entrepreneurs of Canada as their legal adviser. I want to thank this committee for inviting us and giving us the opportunity to make our submissions.

Under current Employment Insurance Act legislation, all persons in insurable employment are potentially eligible to receive benefits. However, self-employed workers are not, with the exception of fishermen and fisherwomen and hairdressers. Given that self-employment has grown faster among women than among men in the past quarter century, an increasing number of women are excluded from EI parental coverage. Women Entrepreneurs of Canada is concerned about the implications of this on its members.

In comparison with other countries, women in Canada make up a larger share of the self-employed population. There's some suggestion that we may have the largest share. Canadian women entrepreneurs contribute in excess of \$18 billion to the Canadian economy every year. According to Statistics Canada, there are more than 821,000 women entrepreneurs in Canada. Self-employment among women rose from 8.6% of workers in 1976 to 11.5% in 2002. Since 1976, the average annual growth rate of self-employment for women has been 5.3%, compared with 2.2% for men. The number of women entrepreneurs grew by 8% between 1996 and 2001, compared with a 0.6% increase for men. Between 1981 and 2001, the number of women entrepreneurs in Canada increased 208%, compared with a 38% increase for men.

I think you're getting the gist of where we're going with this. This is obviously of great concern to women's groups, including Women Entrepreneurs of Canada.

One-third of self-employed Canadians in 2002 were women. The likelihood of self-employment in women increases with age, and most are between the ages of 35 and 54. The statistics would say that a large majority, over 70%, became self-employed by choice. But as an employment lawyer, I can tell you that if you look at the fact that women are increasingly becoming self-employed between the ages of 34 to 54, there's something else going on. It is not directly connected to what this committee is looking at. It is something, however, that I want to bring to the fore—systemic gender discrimination, a poisoned work environment when women return to work after maternity leave. As an employment lawyer, a partner, and the head of employment group at Patterson McDougall in Toronto, I see increasingly a great number of professional women who are finding that they cannot work in organizations. I realize that you're not dealing with this issue, but it is important. So I'll just leave that with you.

Back to self-employed and parental leave issues, in 2002 women entrepreneurs held ownership in 45% of Canadian small and medium enterprises, 31% of knowledge-based industries, and 31% of manufacturing firms. Average earnings for women who are self-employed or work for their own account are lower than for employed women. Furthermore, only 17% of self-employed women make more than \$30,000 a year, compared to 42% of men. There seems to be a povertization in this area, along with a lack of benefits, despite the fact that women entrepreneurs contribute a lot of money to the Canadian economy.

Several countries are committed to ensuring that all parents are eligible for parental and maternity benefits, regardless of their employment status. For example, Sweden provides for a universal social insurance benefit, to which all parents are entitled when giving birth or adopting a child. Norway, Iceland, Finland, Luxembourg, Germany, Austria, and The Netherlands are examples of countries that provide a cash benefit to parents, with no labour force attachment or loss of income.

• (1525)

Denmark also provides maternity cash benefits for self-employed women. They're calculated on the basis of earnings from the occupational activity of the self-employed person, with a maximum set amount.

As you're all very well aware, closer to home the Quebec National Assembly passed legislation on May 25, 2001, that among other things extended maternity and parental benefits to self-employed individuals, to be given to people living in Quebec.

Even though Quebec remains the only province in Canada extending maternity and paternity benefits to self-employed individuals, other provinces have taken steps to extend maternity benefits to selected groups of self-employed individuals. For example, the Ontario Medical Association negotiated an agreement with the Ontario government in July 2000 wherein the Ministry of Health would fund maternity benefits for female doctors who are considered to be self-employed. Manitoba, British Columbia, and Nova Scotia have taken similar steps to cover maternity and parental leave for self-employed doctors in their provinces.

As you can tell from the direction of the information I'm giving you, our position is quite simple. Given an increase in non-standard employment among women, a substantial contribution by women entrepreneurs to the Canadian economy, and the current restrictive regime of employment insurance, positive steps need to be taken to ensure that self-employed women are not excluded from maternity or parental benefits. This would be consistent with international developments in the sphere of social programs and services, as well as the Canadian commitment to equality.

Being a lawyer, I have to report something to do with the law. The Canadian Bar Association has called for the federal government to extend maternity and parental leave benefits to self-employed individuals, particularly women, by adopting legislation similar to Quebec's Bill 140. You probably all know more about it than I do. There are three models there. The three models for extending maternity and parental protection to the self-employed are discussed as follows: one, a public employment insurance scheme; two, a private voluntary insurance model; and three, the self-funded schemes. The latter fall within two categories: one, association-created plans in which members all contribute; or two, the individual personal savings route, represented through personal savings or tax-sheltered plans.

We have not done, because we didn't have enough time to do it, a complete survey of where our members would all stand—there are over 1,000 members in our database, and it's a networking group—but the consensus seems to be a preference for a choice process; in other words a voluntary process, not necessarily public employment insurance where you are required to pay in. There seems to be a preference that you go with option two or option three in relation to the Canadian Bar Association's recommendations.

Women Entrepreneurs of Canada's position is that we would like this government to make amendments to take steps that allow women entrepreneurs to be included, and we want that inclusion to be a matter of choice in terms of how you pay for it.

That's the end of my submission.

•(1530)

**The Chair:** Thank you.

Mrs. Smith.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Thank you so much, Soma, for your presentation. It was very useful. I was a woman entrepreneur myself. In fact, I was nominated in 1999 for that particular award in our province. I know the kinds of challenges that self-employed women go through.

I would like to have your input and your guidance in one aspect. When we're talking about expanding employment insurance to cover parental leave and maternity benefits for self-employed women entrepreneurs, there were five recommendations that the Women Entrepreneurs of Canada made to the Prime Minister's task force on women entrepreneurs. I find it very useful. Those recommendations are strong recommendations, but I am wondering if there has been any discussion on...?

When you go into a self-employed business, sometimes it takes two or three years for a woman to actually make a profit in her business. It takes three to five years to get that establishment to the point of making a profit they can show on their ledger sheets.

Now, let's say a woman has started a business and she's only a year or two into her business. She becomes pregnant and has a baby. First, are there any guidelines as to the length of time that woman entrepreneur has actually spent in establishing her business? Sometimes women establish a business without formally giving it a name and having it registered. I know one woman in particular who spent five years before she actually made it a formal business.

When they do that, let's say that after a year or two she becomes pregnant. Are there any guidelines as to, first, the length of time they are in the business, and second, the amount of money they may have earned or the time they pay into EI before they actually get it?

These are the nuts and bolts, really, of the whole program. This is the point at which many people and many organizations get hung up. I wonder how much study has been put into this aspect of it. Could you make some recommendations or give us some ideas on this issue?

**Ms. Soma Ray-Ellis:** I think that it's an excellent question. I think we have not spent a lot of time trying to get to the nuts and bolts. I think we've been focused on where we stand. Also, we just found out last week about this process.

What I can do is take these questions back, do a survey, and give it back to the committee. I can give you my thoughts, but I don't know if they would be the thoughts of the 1,000-plus women out there throughout Canada. If that would be all right with the committee, I could undertake to send that in. I think that would then be a better way of responding to you for any other question you have, in talking about the details.

**The Chair:** Go ahead. You have lots of time.

**Mrs. Joy Smith:** Yes.

I think it is absolutely excellent to do that. I thank you for your insightful comments in that regard. In moving forward in something like this, it's very important that we have those nuts and bolts and examine those questions. Basically, here this afternoon we don't know if those considerations have been put into place up until this point—or are you aware of any specific studies or seminars or input from women entrepreneurs on this issue I'm talking about?

**Ms. Soma Ray-Ellis:** Having researched it, I have not found anything dealing with that kind of specific question, but it seems obvious that you need to hear those kinds of things. We have not gone that far. I think asking our members to respond would be the proper way to deal with it.

**Mrs. Joy Smith:** Further, in the workforce, self-employed people—you know, it's amazing. Your stats show today, here at committee, the increasing number of women entrepreneurs in the workforce—people who want to have whatever business it is in their homes or someplace else; they could be self-employed.

The other aspect of it is specific health benefits. Has there been any specific kind of conclusion? For instance, is there anything related to benefits for vision or benefits for pharmaceuticals? If you were working on a company payroll, a provincial or federal payroll, as a schoolteacher, or as a police officer, the kinds of benefits you would normally get are built in. My question is whether there is any discussion of this kind going on at this time. Have any conclusions been made to encourage women entrepreneurs, and to reassure them that if they do become self-employed, they do have the health benefits—the vision, the dental, whatever?

• (1535)

**Ms. Soma Ray-Ellis:** What I have noticed—and it's really by observation—is that the spouses of a lot of women who become self-employed tend to work for a company, and they seem to be covered through another process. It is not being discussed as a key issue right now, probably because they're getting coverage through other ways, but you can't assume that.

Since I'm going to be doing a survey, would you like me to add the question of whether this is a key concern of these women in terms of getting benefits, and what percentage of them have benefit coverage? Would that question accurately reflect what you'd want answered?

**Mrs. Joy Smith:** I think it has to be scripted a little differently to be quite clear. I don't think it's a matter... Many women entrepreneurs are not married. There are single-parent moms; there are people who are just new—young women who want to start their own business. What we're starting to talk about is self-employed workers, at whatever station in life they happen to be—married, unmarried, whatever. I think what we seem to be looking at on this committee are those kinds of benefits that support self-employed workers, and how that might work to encourage entrepreneurship.

I go back again to your statistics looking at self-employed workers all across this country. I saw some very up-to-date stats about a week and a half ago, and mine were a little higher; yours have said it's grown by 26%. I was looking at my province; I guess you were looking nationally, and that might be the difference in these stats. I think the number of self-employed women is growing at a very fast rate, so this is the kind of question I would like you to attach, whether or not they're married.

**Ms. Soma Ray-Ellis:** Yes. I didn't mean to make a sexist comment. I just wanted to give you insight into what we talk about. We get together once a month. We have a meeting, and benefits are on the table, as well as networking and getting business, getting your name out there. Benefits in terms of parental leave have been on the table. We haven't moved, at least in our organization, to discuss health care benefits in detail, so I apologize if it sounded as if I was suggesting that all the women are somehow married to people who have benefits.

**The Chair:** We'll move on to the next question now, from Madame Brunelle.

[Translation]

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Good day, Madam.

You stated that 7 per cent of self-employed women earn over \$30,000 annually. Clearly, the income of women who run their own business is not very high. If a proposal for a parental benefits scheme was made, would women entrepreneurs agree to pay both the employer's and the employee's share of the insurance costs? Would an obligation such as this prevent them from participating in this type of benefits scheme?

[English]

**Ms. Soma Ray-Ellis:** The interpretation didn't make sense to me. It said that because more than 17% of women entrepreneurs make more than \$30,000, it means there are CEOs who make more money and they pay the contributions. That's how it was interpreted. That didn't make any sense to me.

• (1540)

[Translation]

**Ms. Paule Brunelle:** You noted in your presentation that only 7 per cent of self-employed women earned more than \$30,000 a year.

[English]

**Ms. Soma Ray-Ellis:** It's 17%.

[Translation]

**Ms. Paule Brunelle:** I see.

However, the question remains. If, under a parental benefits program, women who run their own business were required to pay both the employer and the employee share of the cost in order to be eligible for this paid leave, do you think they would refuse to sign on if they felt it was too expensive or their income was simply too low to take on an additional expense?

[English]

**Ms. Soma Ray-Ellis:** I think that's a very insightful question. That's why I said to you that when I did a preliminary review with our members, they didn't want anything that is forced. When I presented to them some of the Canadian Bar Association's approach to this, they told me they wanted a process in which they have choice—one they can choose to pay into, but not be forced to.

I think your question is probably the reason they feel that way. It may make their business not viable, certainly in the early years. It goes back to the question that came before you, that it sometimes takes several years to start up a business and get it going on your own—so, yes, absolutely.

[Translation]

**Ms. Paule Brunelle:** You also stated that the majority of women who run their own business are between the ages of 35 and 54. In your opinion, are we talking here about women who have already had children? If that's the case, parental or maternity leave is not as interesting an option for them.

[English]

**Ms. Soma Ray-Ellis:** I don't know what the stats are on women having children, but I know that an increasing number of professional women—doctors, lawyers, accountants—are having children after 35.

It's often a career suicide move. If you have it sooner...unless you're established, it's very difficult. To put yourself in.... I'm 40 and I just had my second child, as an example of somebody.

I don't think it's irrelevant. Maybe it is for those over 45, but I think for women 35 to 45, parental leave is still a very real issue—even increasingly so, as women tend to have children later in life.

[Translation]

**Ms. Paule Brunelle:** You mentioned that some women were not able to work in large companies. Could you elaborate on that statement? Why is that so? Does it have anything to do with working conditions? Please explain what you meant by this.

[English]

**Ms. Soma Ray-Ellis:** A culture of discrimination still persists in the workplace, despite human rights legislation, despite a lot of our attempts to change how people view mothers.

I see the way it typically tends to happen over and over again in a variety of organizations. The majority of my practice is representing large national or multinational companies, and invariably, as soon as women with good track records, with excellent reviews, go on maternity leave, I get a request about how we don't need them anymore; we're downsizing, we're reorganizing, or they've become bad. Then, of course, once I start getting into the evidence, it's not there.

I've been practising for 15 years. After you see it over and over and over again, and once you talk to your colleagues, you come to the conclusion that it's not about the individual woman.

Even in terms of the legal profession, often there are neutral rules. For example, in terms of business development moneys, they say you can have 3 percent of your billings towards business development—or 4 percent, or 5 percent; it doesn't matter—but if you've taken half the year off, or four months—the majority of us can't take a year off; we can't afford it from a business perspective, never mind a financial perspective—well, all of a sudden, that doesn't work. It may appear to be a neutral rule, but you're not getting sufficient funds to do the business development to bring the money and the clients in.

Often meetings are set at times when you have to be home with your children, or they just don't invite you to things. They don't invite you to key meetings; they just sort of ignore you. All of those things, as you're all aware, affect your ability to perform.

We've done nothing about it in the sense that human rights legislation in the provinces doesn't cover self-employed women. The legislation deals with employees, so there's a gap, and the gap is dealt with by a professional body. For example, the Law Society of Upper Canada would get a complaint from a lawyer under the rules of professional conduct. Well, I can tell you that if you file a complaint against a law firm under those rules dealing with these issues, you will not work in a downtown Toronto law firm.

That's just the reality—and you don't have the choice to go to some other body that would be a lot more welcoming, a body that would have the expertise and the knowledge base to deal with these things.

• (1545)

**The Chair:** Thank you.

We may come back to this, but we're on a scheduled time allotment for each questioner.

Next is Mr. Powers.

**Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.):** Thank you very much.

In your comments you talked about choice on how you pay for it. Perhaps you can expand upon that. There's some reference with regard to the ability to pay premiums in order to ensure there's access to the parental benefit, or there's a reference to perhaps a private policy. Perhaps that may be what you are alluding to. Could you build on your comment about something that needs to be looked at?

**Ms. Soma Ray-Ellis:** As I say, I'm happy to take these questions back, because I didn't have enough time to do a comprehensive survey on where the members stand, but there seems to be a greater support for a private voluntary insurance model, as opposed to requiring self-employed workers to pay  $x$  percent premium to be covered for parental benefits and not having a choice.

Does that make...?

**Mr. Russ Powers:** I think the options are some ways not clear. I think in some cases they create major problems—either one point or the other—so I think your point of further investigation is perhaps—

**Ms. Soma Ray-Ellis:** Would you do me a favour? Would you phrase the question you want me to ask? I think this is probably very important.

What would you like me to put to the members?

**Mr. Russ Powers:** We'll phrase the question for you to put to your members.

You indicated you have, I would consider, a substantial representation of the women entrepreneurs. I am going to let you deviate for just one second. We're here to talk about the parental benefits. You've alluded to some of the other potential benefits, and my honourable colleague here touched on them. In your own investigation, what were some of the things identified among yourselves, particularly for the Women Entrepreneurs of Canada, as areas that are challenges for you to do your job as a woman entrepreneur while continuing to maintain a quality of life?

**Ms. Soma Ray-Ellis:** Are you referring to things like maternity leave along with parental, or are you talking about practising...being a self-employed woman? When you ask what some of the challenges are, I...

**Mr. Russ Powers:** No. I think I'm talking more about additional benefits that are worthy of consideration, and perhaps either maintenance or enhancement, particularly in view of your situation.

**Ms. Soma Ray-Ellis:** I think we look at maternity and parental benefits together—not having just parental benefits, but rather maternal and parental benefits as a package of rights. We have not looked at health care in terms of eyeglasses or anything of that nature, and that's a question I'll put to them—but as women, in our minds maternal and parental benefits are joined.

• (1550)

**Mr. Russ Powers:** Going further, you talked about how part of the survey that you'll do is with regard to cases in which a partner does indeed have the benefit—that is, the ability to extend it into the family benefits. Then it's not an immediate need, but very clearly there are individuals who don't have that. I guess the question is how they get it. Is there a requirement for them to ensure that they've bought private coverage in order to do it—to take advantage of the event, to gain the advantages available to them through provincial or territorial coverage?

Perhaps we can help you with the crafting of the questions. The challenge for us is that we've got a time limitation as to when this committee reports back, so you may very well be doing your analysis while we're in the process of reporting, but I think doing the analysis will be invaluable for us in our further discussions.

**Ms. Soma Ray-Ellis:** What is your time limit—yesterday?

**Mr. Russ Powers:** Probably yesterday.

**The Chair:** Thank you very much.

Next is Ms. Crowder.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Thank you.

Thank you for your presentation.

I want to come back for one moment to a couple of things you talked about. One is that I understood you to say only 17% of self-employed women make more than \$30,000 a year; as well, we've had a couple of questions around the three different options and whether it's publicly funded or self-funded.

I think part of the dilemma we're facing is that many women who make less than \$30,000 a year, particularly if they're the sole support in their family, couldn't afford to pay into any system, self-funded or otherwise.

I wonder if your organization has looked at something that wasn't an employment-insurance-based system—you know, some other social support that recognized maternal and parental benefits may not be directly tied to employment. Have you considered that?

**Ms. Soma Ray-Ellis:** Do you mean in the sense that government should be supporting women who are contributing to society because they're having children—the Quebec-based approach?

**Ms. Jean Crowder:** Yes.

**Ms. Soma Ray-Ellis:** I'm very handicapped, in that I've only had a few days to prepare for this. These are very good questions, and the only way to deal with them.... I can tell you that my position would be yes, but I also have this very heavy choice-choice-choice approach to premiums. Largely because of the question, the concern, on whether people can pay the premiums, we never got to the point about considering a different approach to this process. I would say yes, but if I could throw that into....

**Ms. Jean Crowder:** Into the mix, yes.

You commented earlier about the povertization of self-employed women. My observation is that self-employment has often been sold as a panacea that is going to deal with women's issues around poverty. That's often not the case. I think your numbers—that only around 17% make more than \$30,000—are frightening.

• (1555)

**Ms. Soma Ray-Ellis:** It is frightening.

**Ms. Jean Crowder:** If you live in a large urban area like Vancouver, it's a challenge to live on less than \$30,000.

I want to come back to something that's a little outside the scope of what we're talking about directly in terms of benefits, but you have raised some very important issues. This committee has often struggled as well with the question of why we haven't been able to make the changes in women's equality that we've been talking about for many years. We've seen the reports and we've done the studies and all of those kinds of things. What strikes me is there are some subtleties. It was easier sometimes for us to deal with discrimination that was right in our faces. When people say you can't come to work because you're pregnant, you can deal with that, but when it is the subtleties that are happening....

How many law firms actually have women partners? Very few.

**Ms. Soma Ray-Ellis:** That's right. Women constitute 60% of the graduating class; by the time you come to partnership, it's only 25%. They're dropping out of the profession, and part of it is there is no accommodation. There is no room for us once we have children. Again, the statistics and the experiences are frightening among Canada's most educated and most empowered group of women—and it is the subtleties. When I first started practising law 15 years ago, I had a manager in a law firm—a management community partner—tell me that if I slept with him, I'd get hired back.

That doesn't happen as much any more. It doesn't happen to me because I wrote a book and nobody harasses me any more, but what happens now is the subtleties, as you said. You're not invited to the golf games. You're not invited to the backdoor meetings. How do you say you're discriminated against if you don't even know what's not happening? You don't even know what is happening, and you don't know that you're missing out. That's the level we've moved to, but the effect is still startling.

**Ms. Jean Crowder:** We see it in Parliament. There are only 65 women out of 308 members. Somebody has come up with the really bright idea, which I think would be wonderful, that we take a picture in the House of Commons with only the women in their seats. We'd have to get permission from the Speaker, but wouldn't that be a telling picture—only 65 seats out of 308 in the House for women? I wish I had thought of the idea, but somebody else thought of it. It does speak to the challenges we have.

Am I out of time?

**The Chair:** You have two more minutes.

**Ms. Jean Crowder:** Has your organization had any conversation around dealing with some of these subtleties?

**Ms. Soma Ray-Ellis:** No, for the most part it hasn't. I'm having the benefit of representing organizations and then women who come to me saying they're being discriminated against in organizations; the base of women entrepreneurs is often women working by themselves or with other women. They are not making a lot of money necessarily, but there isn't anybody coming to them, as a general experience, to say they will not give them the business because they are women.

**Ms. Jean Crowder:** No, of course not. If they did, it would be easy to deal with.

A study done by the Federation of Canadian Municipalities, with which you may be familiar, looked at the barriers to women's involvement in municipal processes. It wasn't just at the political level. It was throughout the municipal process—not as employees, but engaging in the municipal process. The barriers were so vast and so complex that it leaves you struggling with where to start—from timing of meetings, to structure, to notice—

**Ms. Soma Ray-Ellis:** To information being passed on.

**Ms. Jean Crowder:** Yes, and lack of child care. It goes on and on.

Do you have any suggestions?

**Ms. Soma Ray-Ellis:** Just one easy thing would be to include self-employed women in the human rights legislation of the provinces. That wouldn't take very much at all. Why are they not included? Just one paragraph of human rights legislation, or in the definitions section where it deals with employment contracts and housing, could include self-employed "people"; it doesn't even have to be self-employed "women".

**Ms. Jean Crowder:** That's a great suggestion.

**Ms. Soma Ray-Ellis:** It's cheap, it's easy, and it would deal with this.

**Ms. Jean Crowder:** Great. Thank you.

**The Chair:** Thank you very much.

Ms. Guergis.

**Ms. Helena Guergis (Simcoe—Grey, CPC):** Thanks very much for being here today. We appreciate it. I'd like to thank you for all the good work you're doing.

I am a former small business owner myself, raised in a small business family. I had my business for close to six and a half years before I went on to work for Ontario's Minister of Finance, in policy. So I fully understand a lot of the challenges that small business people are faced with on a daily basis.

I think it's very encouraging and very positive to see so many women going into small business, and I have often said that we need to find what those positive reasons are. Surely there must be some positive reasons as to why women head in that direction. I really appreciate your commenting on the negative side of things, and showing us that perhaps it is a poisoned work environment that is leading them in that direction. I recognize that, and I think it's a very sorry state of affairs to see it happening anywhere. I do not support it, and I think we should do anything we possibly can to prevent that from happening.

I think the benefits we're talking about here for self-employed people are a very good idea. I think they would be very helpful for anyone in small business, particularly women, and women who are single parents.

I have a couple of questions here. First, can you describe how self-employed women currently balance the first months of their parenthood with their work? Do you have information on that?

• (1600)

**Ms. Soma Ray-Ellis:** I don't, actually.

**Ms. Helena Guergis:** That's fine. You can do something at a later date.

I think probably all of us around the table would agree to having Ms. Ray-Ellis come back again. I think that would be a great idea.

**Ms. Soma Ray-Ellis:** So you want a descriptive understanding, or stories of how...?

**Ms. Helena Guergis:** How they balance it, how they balance the first few months of their parenthood with their work.

**Ms. Soma Ray-Ellis:** I can quickly tell you of my experience. As a partner in a law firm, I had a caesarean. The first month, nobody bothered me. After that, for the remaining three months when I stayed home, I called work pretty much every day. That was my balancing. I went in once a week, sometimes twice a week.

I suspect that's what's going on, that you never really have a break. When you are in charge of a business and you have clients, you can't really take that time off.

But I will get you better stories, more interesting stories.

**Ms. Helena Guergis:** I'd appreciate that.

We also have an issue going on right now with child care, where the Liberal government has a proposal and the Conservatives have counteracted that thinking, saying we should have more choice. If you have an opportunity to look at that impasse and to comment, that would be very helpful as well.

Another question that has been provided here is around the fact that currently employment insurance premiums are shared between the employers and the employees. Do you think self-employed workers should be required to actually pay both those fees? Why or why not?

**Ms. Soma Ray-Ellis:** I'll put that in my survey.

**Ms. Helena Guergis:** Okay.

**Ms. Soma Ray-Ellis:** I have so many questions here. Would it not be more beneficial to you if you provided me with...?

I mean, I want to give you the answers you're looking for. I've made some notes, but if it wouldn't be too much trouble, would it make more sense to...?

**The Chair:** Ms. Ray-Ellis, if you're going to go through the bother of surveying your 1,000-person membership, then I think we could certainly provide you with some questions through our researcher. Members of the committee could provide questions to her, and then we'll send those to you.

**Ms. Soma Ray-Ellis:** That would be great. Thank you.

**Ms. Helena Guergis:** One of the other questions I have is around the advantages of maternity and parental benefits under EI versus private insurance for self-employed. What are the differences between them? Self-employed workers can purchase their own insurance. In terms of the differences between the EI program and what can be purchased, are there advantages for them to be under the EI program?

**Ms. Soma Ray-Ellis:** I'm writing that one down too.

**Ms. Helena Guergis:** Okay.

I have one last comment. I just want to tell you that as a young professional in the Conservative Party, I feel very comfortable. My leader, Stephen Harper, is not only a mentor to me, but he has also gone out of his way to include me, to ask me for advice, to promote me, and to give me the opportunity to participate, at any given time, in any serious discussion we have.

**The Chair:** This is a little out of order. It's done now, and I'm trying to be polite, but it's very much out of order in terms of the issues we're trying to deal with here today.

Ms. Torsney.

**Hon. Paddy Torsney (Burlington, Lib.):** Thank you.

I gather you have a thousand members in your organization.

**Ms. Soma Ray-Ellis:** We have a network database of over a thousand members, yes.

**Hon. Paddy Torsney:** So it's organized through an e-mail system?

**Ms. Soma Ray-Ellis:** Yes.

**Hon. Paddy Torsney:** Okay. That will be helpful for the survey process.

Most of the women are practising law, or it's a whole *mélange*?

**Ms. Soma Ray-Ellis:** It's a *mélange*, yes.

**Hon. Paddy Torsney:** Of your group of women who are members, is that where the 17% figure comes from, or is that using some of the other national statistics?

**Ms. Soma Ray-Ellis:** The national statistics.

**Hon. Paddy Torsney:** Okay. But in your group of women, what would it be?

•(1605)

**Ms. Soma Ray-Ellis:** I think we would probably, in large part, be part of that 17% that makes more than.... I was quite shocked to see that number.

**Hon. Paddy Torsney:** Don't take this the wrong way; I meant that I thought you were part of a more privileged group. Privileged, you made it happen, whatever—you are some of the luckier women in the country who are self-employed.

**Ms. Soma Ray-Ellis:** I think we are.

**Hon. Paddy Torsney:** So I'm not wrong.

**Ms. Soma Ray-Ellis:** We have time to go to a meeting, pay for it, appear here. It's a worldwide connection of almost 64,000 women. I've attended some of the meetings in other countries, and I think we are definitely part of that 17%.

**Hon. Paddy Torsney:** What does it cost to join the organization?

**Ms. Soma Ray-Ellis:** Just over \$100 per year. It's not expensive.

**Hon. Paddy Torsney:** And then each dinner meeting—or is it a dinner meeting?

**Ms. Soma Ray-Ellis:** The dinner meeting is about \$50.

**Hon. Paddy Torsney:** Each time?

**Ms. Soma Ray-Ellis:** Each time. You're paying all the time.

**Hon. Paddy Torsney:** It's a great organization, and it will provide some very valuable information to us as we move forward. Certainly when the department is figuring out how to model this, your particular group will have perhaps different needs, but important needs, in terms of setting up the system.

As you know, EI provides benefits other than just parental leave and maternity leave. It provides sickness leave for a few weeks. It provides compassionate leave. Those are some of the things that self-employed people might be more interested in as a group, depending on their age category. Of course, the women and men who are more interested in the parental and maternity benefits are those who think they're going to be reaping some reward.

**Ms. Soma Ray-Ellis:** Right.

**Hon. Paddy Torsney:** As you talk to entrepreneurs about whether they want access to that and whether they want the income support should the business fail, some say they don't want the income support because it takes away the need to be more successful, and others say it would be helpful, especially for sickness benefits, where I think it's 15 weeks. So we're dealing with different issues.

I think some of the issues that you mentioned in terms of... I used to be a consultant, and yes, you can't leave your clients for six months for maternity leave. But as more men started taking parental leave, it evened out the workplace. So hopefully we can get a lot of young male lawyers...because that's where you get the change.

**Ms. Soma Ray-Ellis:** It's not happening.

**Hon. Paddy Torsney:** Has anyone in your firm taken it?

**Ms. Soma Ray-Ellis:** I don't want to prejudice our firm, but I can just tell you that in the practice, it's not happening.

**Hon. Paddy Torsney:** No?

**Ms. Soma Ray-Ellis:** It's frowned upon.

**Hon. Paddy Torsney:** We need to—

**Ms. Soma Ray-Ellis:** We need to get them going.

**Hon. Paddy Torsney:** Yes, because then people don't look at a young woman only and think, "Well, she's going to be out for a while, she wants to have a family". *He* wants to have a family. We should think of them as equals.

**Ms. Soma Ray-Ellis:** That's right.

**Hon. Paddy Torsney:** That's where you get some change. The company I worked for did have that, and the guys at the top were very interested in it, so it was a bit easier.

**Ms. Soma Ray-Ellis:** Right. I think accounting firms and consulting firms are much ahead of law firms in terms of the culture of work-life balance. I think we just discovered it recently. Meanwhile, accountants and consultants were at least talking about it, and they were talking about it a decade ago.

**Hon. Paddy Torsney:** We need some courageous leaders at the top of that field to push for it, because that's where it is.

You mentioned human rights laws and entrepreneurs, but of course those are provincial, and we can't change provincial laws. So you'll have to keep lobbying them for it.

**Ms. Soma Ray-Ellis:** But all of you are highly connected, influential members of society.

**Hon. Paddy Torsney:** We'd like to think so.

But that's something that could be on the federal-provincial-territorial agenda.

**Ms. Soma Ray-Ellis:** I'll tell you something; I wrote a book, called the *Federal Equity Manual*, that has human rights, pay equity, and employment equity for federally regulated employers. I'm not doing anything on employment equity. I have to keep revising the book, but not much is happening.

You could do something about that.

**Hon. Paddy Torsney:** We're working on that. After we finish meeting with you, that is part of what we're working on.

**The Chair:** You have to wind up, Ms. Torsney.

**Hon. Paddy Torsney:** Okay.

When you and Julie Cool, our researcher, sit down and get some of that information from your members, I think it would be helpful to figure out what are some of the other benefits. The only other benefits would be regular EI-type benefits. As I came in, someone was asking about drug plans and stuff, but that's not something the federal government has anything to do with. Eyeglass protection—none of that. Sickness, parental, maternity, training—those are part of the benefits of EI. Those are things that could be part of the income replacement package we could look at.

But it would be helpful to get that feedback, recognizing that they're a particularly successful group of women.

**The Chair:** Thank you.

Madame Brunelle again.

[*Translation*]

**Ms. Paule Brunelle:** Having been a member for ten years of the association of business women in my region of la Mauricie in Quebec, I'm well acquainted with business women and women entrepreneurs. Running a company is very time-consuming. Persons who own their own business are reluctant to take even a few days off for fear of losing their customers or losing their edge. One clearly has to wonder, as my colleague did, how women entrepreneurs who have children manage to pull it off.

The issue you raised, namely reconciling work with family, is the biggest challenge that women will face over the next decade or two.

Not surprisingly, we don't have all of the answers to these questions today. It's a given that women will always be the ones who bear children. Since women are now in the labour force and in many cases, will receive a higher education and become tomorrow's leaders, it's critical that we find some concrete solutions to help them balance work and family.

I really didn't have a question for you, but I do have a comment. I invite you to reflect with us on how women entrepreneurs, who are among the busiest, most overworked women in society, actually do manage to balance work and family life. Perhaps this will lead to some possible solutions for the next 20 years so that women can have children and a family and at the same time flourish and be business leaders.

Without question employment discrimination is a compelling subject, one that warrants close consideration. It would surely be a fascinating issue for our committee to explore, Madam Chair.

• (1610)

[*English*]

**The Chair:** I agree. Thank you.

I would just remind committee members that we're scheduled to conclude this part of the meeting at 4:15 so that we can review the draft of the pay equity report.

I have Ms. Crowder and Mr. St. Amand, and Mrs. Smith wants to ask another question as well. I'm going to ask you if you could be shorter and crisper in questions and comments.

**Ms. Jean Crowder:** I don't have any additional questions. I just think the information presented today really requires us to do more work, and I would welcome an opportunity to have Ms. Ray-Ellis back at some later point. Some really key issues have been raised, and I just think we need more information.

**The Chair:** Thank you.

Mr. St. Amand.

**Mr. Lloyd St. Amand (Brant, Lib.):** I do have one question, and I will tersely word it.

Is it a condition of membership in your organization that the only occupation or pursuit be the self-employment endeavour? And by that I mean, on weekends a schoolteacher decides—hypothetically—to run a little winery business with her husband. There's nothing to preclude her, I presume, from being part of your organization?

**Ms. Soma Ray-Ellis:** No.

**Mr. Lloyd St. Amand:** Would you agree that skews a little bit the 17% earning more than \$30,000? From that employment that's all they earn, but for all we know, they could be earning....

**Ms. Soma Ray-Ellis:** For these statistics, I don't know what the questionnaire asked, but I would think the questionnaire would ask, "If you are only self-employed, how much do you make?" That's how you would get around your scenario, where you're employed at one place full-time and then you have a self-employment business part-time. But I don't think that's what the stats are getting at.

**The Chair:** Mrs. Smith, go ahead.

**Mrs. Joy Smith:** Very quickly, I really want to thank you. I want to comment that I didn't think you were making any sexist remarks at all. And what I was trying to do was assist you in the kinds of questioning that maybe you needed to hear, to help us out a little bit better. But it was an extremely good, extremely strong presentation.

Thank you.

**The Chair:** I would make the quick comment—I have questions, but not now—that I found your comments really very disturbing in terms of the discrimination, the very subtle discrimination, in the workforce. What I find most alarming about it is that you indicate that it is forcing women to leave their professional lives—or in your experience it is—perhaps jeopardizing themselves economically. Apart from all of the other issues related to discrimination, it certainly has an economic impact, and that's of considerable concern.

You're speaking in your experience as a lawyer. Have you consulted with other professional groups as part of your work with the organization?

•(1615)

**Ms. Soma Ray-Ellis:** Not through the organization, but rather as a lawyer representing multinational companies, representing women professionals. I do a lot of human rights work, and in this area I see a lot of it. People speak to me confidentially. The Canadian Bar Association is also recognizing that there's a real problem in the profession in terms of how women are not becoming partners. They're leaving the profession.

You know, I co-drafted the rules of practice for the human rights board of inquiry, and I still get discriminated against. People know I do this, they know I've written a book, and I still face all these things when they know I'm going to step all over them. So if they're doing it to me, they're doing it to others. I see it all the time, over and over again. It is very alarming.

The numbers are there. I can pull them up for you. As I said, women constitute 60%, and they're graduating at the top of their class, but they're not becoming partners and they're not staying in the profession.

**The Chair:** What I'm hearing is that your remarks go beyond the legal profession.

**Ms. Soma Ray-Ellis:** Yes.

**The Chair:** You raise a very important issue for us. Thank you.

I'm sorry if we seem to be rushing you, but we're scheduled for a one-and-a-half-hour meeting today, and we do have another topic that we have to address. I thank you very much for coming. I think you've heard that the members of the committee are interested in having you back, and we will be calling you again. Thanks.

*[Proceedings continue in camera]*





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