

# WHY DO WE NEED TO CHANGE THE LAW ON PENSION EQUALITY?

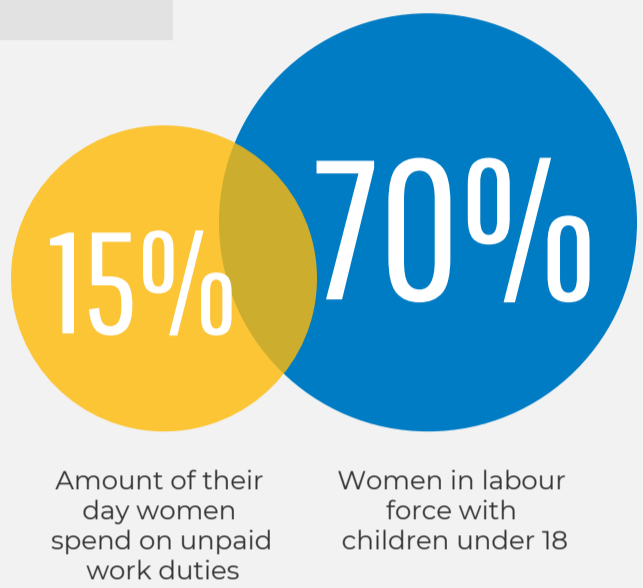
LEAF is intervening in *Fraser et al v Canada (Attorney General)* at the Supreme Court of Canada on December 12, 2019. Three former RCMP officers took a job share arrangement so they could work reduced hours while raising family. These women were denied the right to buy back their pension. Meanwhile those who took full-time unpaid leave were permitted to buy back their pension.

Why does pension equality matter to women in Canada?

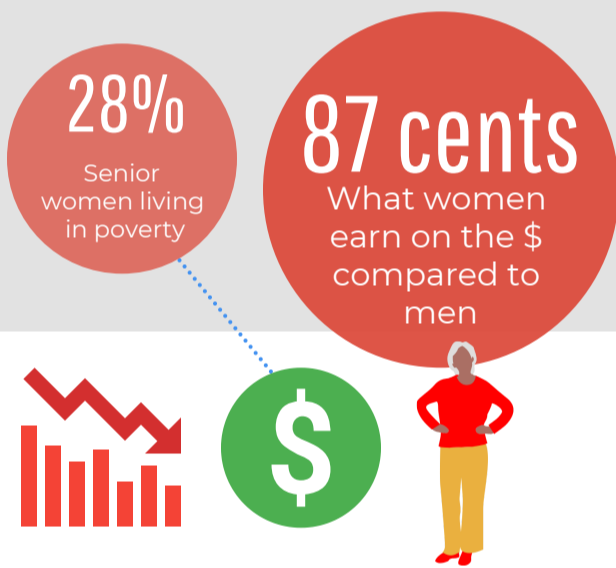


## Gendered caregiving and family responsibilities

Women in Canada are most often the ones who hold the majority of responsibilities in the home, including child care, cooking, cleaning, grocery shopping and more. They are also often trying to juggle a job on top of this. Job-sharing options are often helpful ways to manage a 'balance' between all of these competing demands, especially when children are small. Supporting women to work gives the economy a boost.



## Poverty in retirement



Pensions are relied on to survive in retirement and live with dignity. The overall poverty of senior women is a culmination of the inequities that exist throughout their lives, including the gendered wage gap. "Canadian women also face gender risk: the risk that their retirement incomes will be lower simply because they are women", Elizabeth Shilton.

Pension plans were built in an era where men, who were unencumbered with family responsibilities, made up the majority of the workforce.

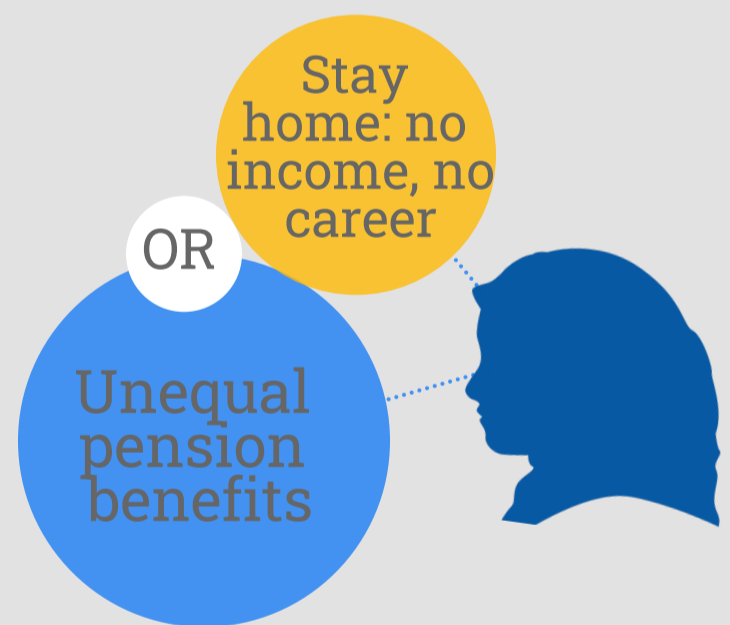
## Why do women have to choose between parenthood or financial security?

## Two Bad Choices

These women were made to choose between taking a full-time unpaid leave and losing income and career opportunities or taking the job-share arrangement and not being able to buy back their pension, to help them plan for their retirement.

At the time of retirement, these women who job shared will have worked more hours than those who took leave without pay and yet will earn less in their retirement.

Women should be able to make reasonable choices about how they wish to parent and achieve this difficult balance.



## The Work-Life 'Balance'

These women tried to find a happy medium between competing demands of raising their children and earning an income, not to mention their desires to advance in their careers. These are challenges which men do not typically have to face.



## Substantive Equality in a Nutshell



Our courts must consider the broader social disadvantage and discrimination that women face. We want to be sure that courts are thinking about the unique circumstances that women are in and that they do not compare them to men, who have different life situations.



Women's Legal Education and Action Fund  
Fonds d'action et d'éducation juridiques pour les femmes

Read our Factum: [https://www.leaf.ca/wp-content/uploads/2019/11/38505-Factum-of-the-Intervener-Womens-Legal-Education-and-Action-Fund-Inc.-LEAF\\_Suitable-for-Posting.pdf](https://www.leaf.ca/wp-content/uploads/2019/11/38505-Factum-of-the-Intervener-Womens-Legal-Education-and-Action-Fund-Inc.-LEAF_Suitable-for-Posting.pdf)

\*Statistics were obtained from:

<https://www150.statcan.gc.ca/n1/pub/71-222-x/2008001/sectionb/b-mothers-meres-eng.htm>  
<https://www.thecanadianencyclopedia.ca/en/article/women-in-the-labour-force>