

**Report on Canada to the United Nations Committee on
Economic, Social and Cultural Rights**

The Right to an Adequate Standard of Living in Hamilton

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1 Introduction

1.1 *Purpose of the Report*

- 1.1.1 Many in our community read the concluding observations of the Committee on Economic Social & Cultural Rights (“the UN Committee”) from 1998 with great interest. Many of the subjects of concern, suggestions, and recommendations raised by the UN Committee relate directly to critical issues that we face in our community, and that are faced in communities across Canada. In particular, with regard to the guarantee of an “adequate standard of living” as found in Article 11 of the Covenant on Economic, Social, and Cultural Rights (“the Covenant”), little has been done to improve conditions for the most vulnerable in our community since the UN Committee's last report.
- 1.1.2 This report is authored by the Human Rights Committee of the Income Security Working Group, an organization dedicated to eliminating poverty in Hamilton, Ontario, Canada. The Report will present and briefly analyze factual evidence regarding Canada’s compliance with Article 11 of the Covenant. We will focus on Article 11 as this is the principal area of concern and expertise for our Human Rights Committee, and the factual evidence will primarily reflect local realities in our community, for similar reasons. Wherever possible the report will try to identify appropriate means for addressing a subject of concern, and possibilities for local, provincial and national cooperation in that regard.
- 1.1.3 As a statement of purpose, we sincerely hope that this report assists the UN Committee in assessing the degree to which Canada is conforming with its obligations under the Covenant, by providing the CESCR with a perspective that is decidedly community-based and localised. Since our community has been experiencing crises with regard to homelessness, poverty, and food security for a number of years, there exists a great deal of local research in these areas. This report engages that local research to shed light on some of the critical work needed to be done to ensure an adequate standard of living for individuals and families in our community, and by extension, across Canada.

1.2 *Structure of the Report*

- 1.2.1 After providing a brief introduction to Hamilton, the Report is divided into 6 sections. The sections of the report roughly correspond to the areas of concern raised by UN Committee in 1998 that are within the mandate and expertise of our Human Rights Committee. The 6 areas of this report are:
- Levels of Social Assistance;
 - The National Child Benefit Supplement;
 - Housing and Homelessness;
 - Unemployment Insurance Benefits;

- Minimum Wage; and,
- Vulnerable Groups.

1.3 *A Brief Introduction to Hamilton, Ontario, Canada*

- 1.3.1 Hamilton is located in the south of the Province of Ontario, on the south-western tip of Lake Ontario, one of Canada’s Great Lakes. We are situated directly on the Niagara Escarpment, which has been designated a World Biosphere Reserve by the United Nations Educational, Scientific and Cultural Organization.
- 1.3.2 Historically, Hamilton was known as a working-class city, due to the heavy industries which employed a large proportion of the population. To this day, Hamilton is often referred to as “the Steel City” due to the fact that we remain home to two of Canada’s largest steel manufacturers. Today, Hamilton’s largest employers also include the health sector and the education sector. However, labour market trends have resulted in a proliferation of part-time, contract and temporary employment opportunities, often with no employee benefits.¹
- 1.3.3 Hamilton has a population of approximately 500,000.² Since 2001, Hamilton has been tied with Toronto for the highest poverty rate in Ontario, with a low-income cut-off (“LICO”) rate of 20%.³ By comparison, the national LICO rate (as at 2000) was 15.6%.⁴ Disturbingly, from 1995 through 2000 there has been an increasing polarization of income in Hamilton. During the period, the after-tax income of families in the bottom 5% of income decreased by approximately 21.4%, while the after tax income of the top 5% of families increased by a corresponding 21.2%.⁵ It is against this background that Canada’s compliance with the right to an adequate standard of living must be considered.

¹ Fraser, Mark (2004), *Incomes and Poverty in Hamilton*, Social Planning & Research Council of Hamilton, November 2004, page 20

² Statistics Canada (2002), *Population Dwelling Counts, for Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2001 and 1996* (Cat. No. 93F0050XCB2001001), Ottawa: Minister of Industry.

³ *Ibid.*, page 8

⁴ Garnett Picot and Feng Hou (2003), “The rise in low-income rates among immigrants in Canada,” *Analytical Studies Branch Research Paper*, no. 198, Ottawa: Statistics Canada, 2003 published in Citizenship and Immigration Canada, *The Monitor*, Fall 2004, <http://www.cic.gc.ca/english/monitor/issue07/06-feature.html> (accessed December 1, 2005)

⁵ Statistics Canada Labour Force Survey, 1996-2001, information provided by Mark Fraser of the Social Planning & Research Council of Hamilton (personal communication, November 25, 2005)

2. Levels of Social Assistance

2.1 *The Issue*

2.1.1 In 1998, the UN Committee expressed concern that the 21.6% cuts to Ontario Works social assistance rates were having a “significantly adverse impact on vulnerable groups, causing increases in already high levels of homelessness and hunger”.⁶ In addition the UN Committee expressed concern that social assistance rates and other income measures “have clearly not been adequate to cover rental costs of the poor”⁷ and that the aforementioned cuts to social assistance rates may have forced large numbers of people from their homes.⁸

2.2 *The Facts*

2.2.1 Many people in Hamilton depend on provincial social assistance programs for survival. As of September 2005, Hamilton has approximately 24,000 persons attempting to subsist on the Ontario Works (“OW”) social assistance program, the primary provincial social security program for individuals and families.⁹ Less than 4000 of these individuals are single person beneficiaries, the rest are families.¹⁰ This represents well over 10,000 children on this program.¹¹ Hamilton also has approximately 19,494 individuals on the Ontario Disability Support Program¹² (“ODSP”), the primary provincial social security program for the disabled, and 2,766 of those are children.¹³

2.2.2 Given the numbers on social assistance, it is imperative that social assistance rates provide an adequate standard of living. Yet social assistance rates still fall far below the LICO poverty line. For instance, a single person on Ontario Works receives \$6,432 annually, amounting to only 38% of the poverty line.¹⁴ Families fare little better. A single parent receives \$13,272 annually from Ontario Works (62% of the poverty line), while benefit rates for couple families with 2 children amount to only 55% of the poverty line”.¹⁵

2.2.3 We include below a table from the most recent report on local poverty from the Social Planning and Research Council of Hamilton, showing the troubling

⁶ United Nations Committee on Economic, Social and Cultural Rights (UNCESCR) (1998) *Concluding Observations: Canada. 10/12/98*, paragraph 21

⁷ Ibid, paragraph 25

⁸ Ibid, paragraph 27

⁹ The City of Hamilton (personal communication, October 18, 2005).

¹⁰ Ibid

¹¹ Ibid.

¹² Ministry of Community and Social Services (personal communication, November 1, 2005).

¹³ Ibid.

¹⁴ Fraser, supra note 1, page 17

¹⁵ Ibid.

inadequacy of Ontario Works social assistance rates when compared with the costs of securing housing and the costs of food:¹⁶

Household Type	Monthly Income Security Benefits	Monthly Cost Of Healthy Food Basket	Average Monthly Rent	Remainder
Single Male (25 to 49 yrs)	\$536	\$187	\$508 (bachelor apt.)	-\$159
Lone Parent Female (25 to 49 yrs.), with one male child (10 to 12)	\$1,106	\$212	\$751 (2 bdrm. apt.)	\$143
Family of four – Man and Woman (25 to 49 yrs.), with two children, girl (10 to 12), and boy (7 to 9)	\$1,452	\$514	\$900 (3 bdrm. Apt.)	\$38

Source: Monthly Ontario Works benefit rates – City of Hamilton Public Health & Community Services Department, 2004

Source: Cost of a nutritious food basket – City of Hamilton Public Health & Community Services Department, 2004

Source: Average Monthly rents for Hamilton – Canadian Mortgage and Housing Corporation, 2004¹⁷

Source: National Child Benefit & Child Tax Credit rates – Government of Canada, 2004

2.2.4 The rates of social assistance provided to cover housing costs are sorely inadequate. The maximum shelter allowance portion of OW and ODSP social assistance rates represents the maximum amount that a person or family is eligible to receive for housing. The shelter allowance portion of OW is nowhere near the average cost of rent in Hamilton. As a result, people on social assistance are paying much more in rent than the maximum they can receive to cover their shelter costs

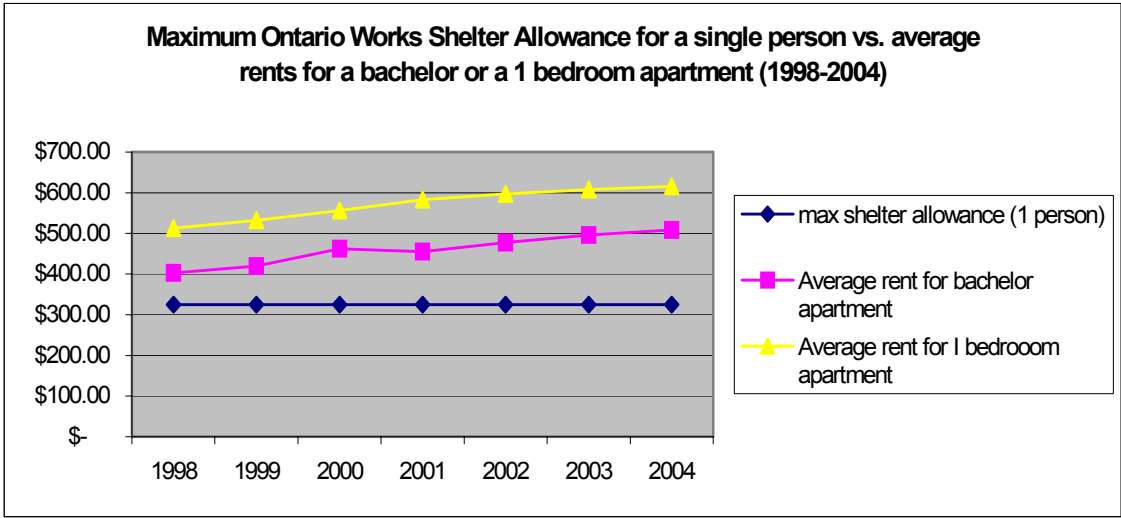
2.2.5 The following tables¹⁸ show the woefully increasing disparities between market rents and the maximum shelter allowance portion of Ontario Works benefits. In 2004, the maximum shelter allowance was \$325 for a single person, yet the average rent for a bachelor was \$508, representing a \$183 shortfall every month. In 2005, the shelter allowance for a single person was increased to \$335, yet this still amounts to a huge shortfall every month. Furthermore, the average cost of a one bedroom apartment in 2004 was \$616 per month, almost double the maximum shelter allowance rate a single person was entitled to receive. In Hamilton, 46% of single person households live in poverty.¹⁹

¹⁶ Fraser, supra note 1, at page 18. The table has been modified to reflect a 2 bedroom apartment for a single-parent family with one child and a three bedroom apartment for a two-parent family with two children (boy and girl). If the apartment sizes had remained a 1 bedroom apartment for the single parent, one child family and a two bedroom apartment for the two parent, two child family, then the remainders would be \$278 and \$187 respectively.

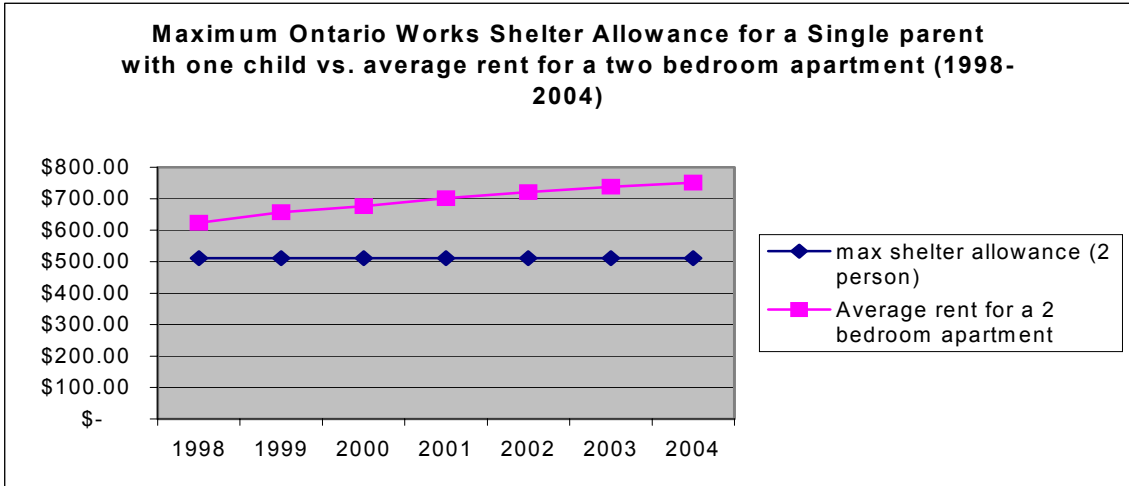
¹⁷ The table has been updated to reflect the 2004 CMHC average market rents for consistency (the original used 2003 rents).

¹⁸ Tables are taken from the Homelessness Initiative Campaign for Adequate Welfare (“HICFAW”) (2003) *A Portrait of Poverty: Living on Social Assistance in Hamilton*, Social Planning & Research Council of Hamilton, September 2003, pages 17-18.

¹⁹ Fraser, supra note 1, page 8

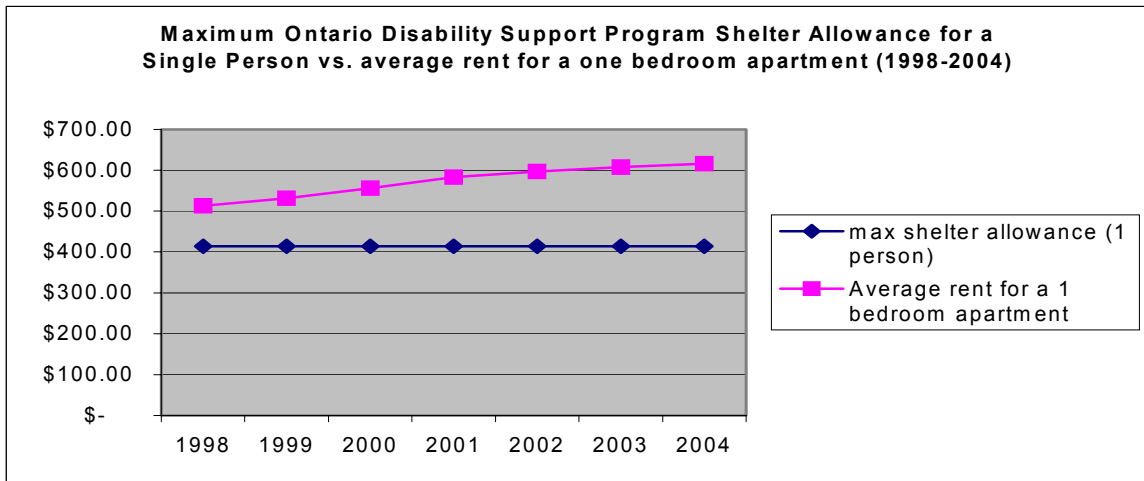


2.2.6 Similar shortfalls exist for single parents. For a single parent with one child, the maximum shelter allowance was \$511 in 2004, while the average rent for a two-bedroom apartment was \$751, representing a \$240 shortfall every month. Although the shelter allowance for a single parent with one child was raised to \$527 in 2005, this still represents a \$224 shortfall every month.



2.2.7 The shelter allowance provided under the Ontario Disability Support Program is also below average rents. For a single person receiving ODSP benefits, the maximum shelter allowance was \$414 in 2004, while the average rent for a one bedroom was \$616 representing a \$202 shortfall every month. Again, the ODSP shelter allowance for a single person has been raised to \$427 which remains woefully inadequate. The situation for disabled renters who require modified

units is exacerbated by the lack of available accessible units and the fact that these units occasionally rent at a level above average rents.



2.2.8 Despite overwhelming evidence that Ontario Works social assistance rates fall below subsistence levels, there was no increase in rates after the 1995 cuts until 2004 when the Ontario provincial government increased the rates by 3%. Unfortunately, this means that assistance levels still fall below levels that are needed for individuals and families to meet their most basic needs, even when those needs are defined in the most conservative manner. Since the 21.6% cuts in 1995, the cost of living has increased approximately 25% (probably more for social assistance recipients due to extraordinary increases in average rents over that time). This means that a family on social assistance would need at least an approximate 37% increase in benefits just to get back to the pre-1995 levels.

2.3 *Appropriate Means for Realizing the Right / Possibilities for Cooperation*

2.3.1 The Government of Canada, in partnership with the Government of Ontario and the City of Hamilton, must develop an intelligent system of social assistance. An intelligent social assistance system is a system in which the level of benefits is at least correlated with the costs of subsistence goods in the local community, and where policies and procedures for the delivery of those programs are continually analyzed and readjusted in order to ensure that the goals of the programs are being delivered effectively and efficiently. All levels of government should embrace the enormous amount of local research that has been done in this area, and work with local community groups, benefit recipients, front-line staff, and municipalities, to develop and monitor an intelligent social assistance system.

3. National Child Benefit Supplement

3.1 *The Issue*

3.1.1 In 1998, the UN Committee expressed concerns that the National Child Benefit Supplement (NCBS), which was intended to be given to all children of low-income families, was in fact only being given to children of working poor parents in some provinces.²⁰ The UN Committee recommended that the NCBS be amended to prohibit provinces deducting the benefit from those on social assistance.²¹

3.2 *The Facts*

3.2.1 The Ontario Provincial Government continues to claw back the NCBS from those on social assistance, classifying the benefit as “unearned income” for people who are on OW or ODSP. On this basis, the family’s social assistance is reduced by the amount of the NCBS every month, thereby taking away assistance from the families in the community who need it most. Unfortunately, the federal government continues to explicitly allow and support the clawback.²²

3.2.2 The claw back of the NCBS has a particularly harsh effect on families in Hamilton, a city in which 16% of families live below the poverty line.²³ According to 2001 census data, one in four children under the age of 12 in Hamilton live in poverty.²⁴ The figures for lone parent families are even more distressing, with 81% of female-led lone parent families with children below age 6, and 71% with children between 6-9, living below the poverty line.²⁵ Most of these families rely on social assistance for survival, with over 10,448 children in Hamilton being raised on OW²⁶ and 2,766 children on ODSP.²⁷ With the clawback of the NCBS, these families are denied over \$100 in additional income per child per month, forcing them to rely on food banks and increasing the risk of homelessness, poor health and social isolation.

3.3 *Appropriate Means for Realizing the Right / Possibilities for Cooperation*

3.3.1 This situation has a straightforward solution: end the NCBS clawback. In 2003, as part of their election campaign, the current Provincial Governing Party undertook to end the NCBS clawback, but have taken no steps to implement this promise, other than agreeing not to clawback a recent increase in the NCBS given

²⁰ UNCESCR, supra note 5, paragraph 22

²¹ Ibid., paragraph 44

²² Provincial/Territorial Council on Social Policy Renewal, Report #2: Progress Report to Premiers, Ottawa, July, 1997, page 8

²³ Fraser, supra note 1, page 8

²⁴ Ibid. page 15

²⁵ Ibid., page 12

²⁶ Ibid., page 19

²⁷ The City of Hamilton and the Ministry of Community and Social Services, supra notes 9 and 12

by the Federal Government. At a municipal level, the Hamilton City Council has already called on the Provincial Government to end the clawback. Accordingly, what is needed is an immediate end of the clawback by the Province and an allocation of funds from general revenues for those programs currently being funded by the clawback. The Provincial Government and local municipalities, in consultation with the public, need to evaluate the future of these programs in light of the end of the clawback, while at the federal level, the National Government should take action to prohibit provinces from clawing back the NCBS. Together, these measures would represent a significant contribution towards ending child poverty in Hamilton, Ontario and Canada.

4. Housing and Homelessness

4.1 *The Issue*

4.1.1 In 1998, the UN Committee expressed concern that “such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada’s 10 largest cities have now declared homelessness a national disaster”²⁸. The UN Committee also expressed alarm at the increase in the number of tenant paying greater than 50% of their income toward rent.²⁹

4.2 *The Facts*

4.2.1 A disturbingly high proportion of tenants continue to pay greater than 50% of their income toward housing, with 14,200 renter households in Hamilton paying more than 50% of their gross income toward rent.³⁰ In addition, 29,105 renter households in Hamilton pay greater than 30% of their gross income toward rent.³¹ The Canada Mortgage and Housing Corporation defines this as the level above which rent is unaffordable.³² The story becomes more disturbing when one looks at the former City of Hamilton, which does not include the outlying suburban and rural areas that were amalgamated into the City in 2000. Within the former City of Hamilton, the number of renter household paying greater than 50% of their gross income toward rent has increased from 7,040 households in 1981 to 12,875 households in 2001.³³ This represents an 83% increase. The story is not much better when these statistics are shown as percentages (thereby taking into account population increases) as the following table shows:

²⁸ UNCESCR, supra note 5, paragraph 24

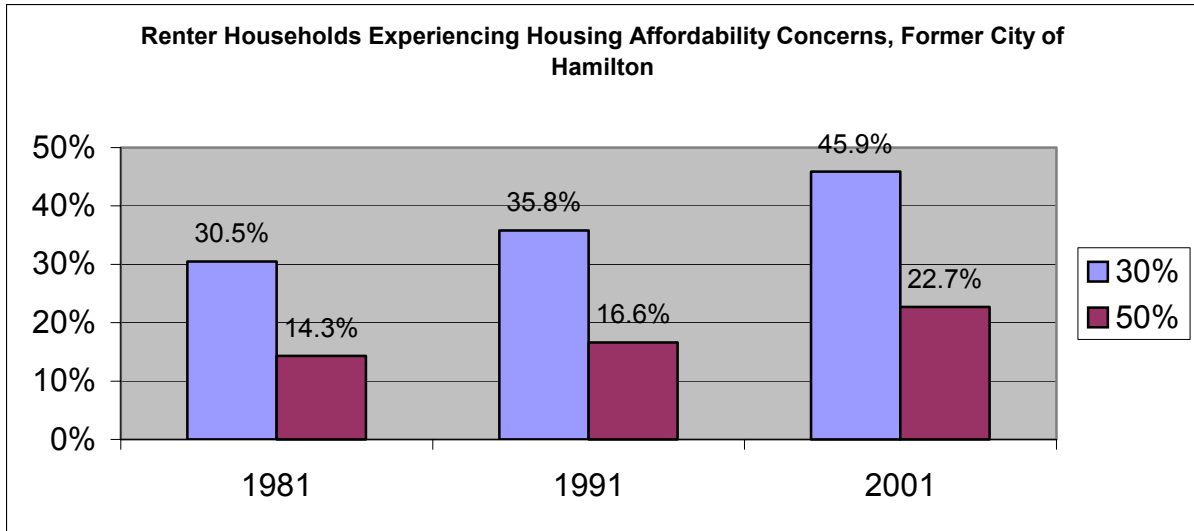
²⁹ Ibid., paragraph 25

³⁰ The City of Hamilton (2004), *Keys to the Home: A Housing Strategy for Hamilton*, Public Health and Community Services Department, City Of Hamilton, October, 2004, page 28

³¹ Ibid.

³² Canada Mortgage and Housing Corporation, quoted in The City of Hamilton (2004), *ibid.*, at page 24

³³ Ibid., page 29



Source: Keys to the Home: A Housing Strategy for Hamilton, Public Health & Community Services Department, City of Hamilton, October, 2004

- 4.2.2 This situation is compounded by the lack of any increase in rental housing stock in Hamilton since 1998. Between 1998 and 2003, there were less than 200 private rental housing starts (i.e. dwelling units on which construction has begun)³⁴, and this does not take into account the rental units that were removed from the market. Furthermore, there were no social housing starts in the City of Hamilton between 1997 and 2003.³⁵ While there have recently been some social housing starts, the numbers are far below the 400 rent-geared-to-income units that are needed each year to meet future demand.³⁶
- 4.2.3 Given the high numbers on social assistance and the lack of rental housing, there are enormous numbers of individuals and families waiting for social housing units in Hamilton. The number of households on the waiting list for social housing in Hamilton increased from 4,016 in 1998 to 7,914 in 2003.³⁷ This is a 97% increase in just 5 years.
- 4.2.4 As discussed above in paragraphs 2.2.4 – 2.2.8, the shelter allowance portion of social assistance rates is not set with any consideration of the actual cost of housing, and, as a result, is woefully inadequate. Furthermore, an individual or family is not eligible for a shelter allowance unless they have rent or mortgage payments and can produce receipts. This means that individuals and families living on social assistance do not receive a shelter allowance if they are homeless.
- 4.2.5 The lack of rental housing and social housing, combined with inadequate social assistance and shelter allowance rates, has led to high numbers of people resorting to emergency housing. Since 1998, the numbers of persons accessing emergency

³⁴ Ibid., page 41

³⁵ Ibid., page 41

³⁶ Ibid., page 59

³⁷ Ibid., page 44

shelters have increased significantly. Between 1998 and 2002 there was a 130 % increase in the number of persons staying in Hamilton's shelters on the night of the shelter survey³⁸ and women's shelters have been at capacity since the Social Planning and Research Council of Hamilton began surveying shelters in 1998.³⁹ More recently, the City of Hamilton, with financial assistance from the Government of Canada, has increased the number of emergency shelter beds in the city. However, emergency shelters are not housing.

- 4.2.6 This increasing reliance on emergency shelter is a direct result of the combined effect of the lack of affordable housing and inadequate social assistance rates. When rents are high, and getting higher, and social assistance rates are low and staying low, it is not surprising that many people fall behind in rent, which in turn leads to eviction and homelessness. 84% of applications for eviction made to the Ontario Rental Housing Tribunal ("ORHT") between June 1998 and December 2001 were for arrears of rent.⁴⁰ Disturbingly, about 58% of eviction applications during that same period resulted in a default order to evict, without the tenant respondent having presented their position at a mediation or hearing.⁴¹ The ORHT does not release Hamilton specific statistics, however, at the Southern Ontario regional ORHT office, which serves Hamilton and other local municipalities, there were over 8000 landlord application to evict in 2004. Over 5000 of those applications resulted in default orders. During that same period, only 775 tenant applications were filed.⁴²
- 4.2.7 The plight of the homeless is aggravated by serious health concerns. One local study found that the rates for chronic health conditions amongst the homeless were much higher than the general population, that many persons were not getting adequate nutrition, and there were significant barriers to accessing health care services for those experiencing, or at risk of, homelessness.⁴³ In addition, approximately 24% of survey participants reported a diagnosed mental health problem.⁴⁴

³⁸ Wingard, Jeff, McCormack, Cindy Sue & Neigh, Scott (2003), *Progress Report on Homelessness*, Social Planning & Research Council, May 2003, page 6 (Please note that these numbers have remained relatively stable since that time, although they remain more than double the 1998 rate.)

³⁹ Ibid., page 8

⁴⁰ Advocacy Centre for Tenants Ontario (ACTO), *Submission to the Ombudsman Ontario Concerning the Failure of the Tenant Protection Act and the Rules and Procedures of the Ontario Rental Housing Tribunal to meet Ombudsman Fairness Standards*, Toronto, June, 2002, page 4

⁴¹ Ibid., page 9

⁴² Ontario Rental Housing Tribunal (2005), *Ontario Rental Housing Tribunal Workload Report, Southern Regional Office*, 01Jan2004 – 31Dec2004, provided by the Advocacy Centre for Tenants Ontario

⁴³ Thomas, Helen, Semogas, Dyanne & Gordon, Jackie (2004), *Health and Homelessness: Health Needs Assessment and Recommendations for Improving the Health of Those Experiencing Homelessness in Hamilton*, Government of Canada Supporting Communities Partnership Initiative, April 2004, pages ii-iv

⁴⁴ Ibid.

4.3 *Appropriate Means for Realizing the Right / Possibilities for Cooperation*

- 4.3.1 The Government of Canada has recently announced a national housing program. However, the program was stalled for a couple of years due to the failure of the previous provincial government to provide matching dollars for the program, leaving a program that provides too few dollars per unit to build housing. Recently, the Government of Canada has increased their financial commitment to this program and the Government of Ontario has provided some matching funds. However, the program only requires that rents be slightly less than average rents, which is unaffordable for many individuals and families in our community. Our community needs new investment in rent-geared-to-income housing.
- 4.3.2 Further, the Government of Canada, the Government of Ontario, and the City of Hamilton, must develop and administer all social services with an eye toward the prevention of homelessness. It is commonly accepted that the vast majority of individuals and families who become homeless have some contact with government social services. Those social service programs should be responsive to the needs of individuals and families who are experiencing homelessness, or are in danger of experiencing homelessness. The first steps will be for all levels of government to re-invest in rent-geared-to-income housing and social assistance programs that are related to the actual cost of goods in the community. The City of Hamilton is well placed to contribute to these initiatives, with over 14,000 social housing units in Hamilton under municipal administration.⁴⁵

5. Unemployment Insurance Benefits

5.1 *The Issue*

- 5.1.1 In 1998, the UN Committee expressed concerns about the newly introduced restrictions on unemployment insurance benefits, the lowering of benefits, reductions to the length of time for which benefits are paid, and increasingly restricted access to benefits for part-time workers.⁴⁶

5.2 *The Facts*

- 5.2.1 Hamilton's unemployment rate as of 2004 was 6.3%⁴⁷, compared to the provincial rate of 6.1%.⁴⁸ However, not all of those who are unemployed receive employment insurance. Generally, a worker in Hamilton will need to have worked at least 665 hours in the last 52 weeks in order to qualify for regular

⁴⁵ The City of Hamilton, *supra* note 25, p. 42

⁴⁶ UNCESCR, *supra* note 5, paragraph 20

⁴⁷ Statistics Canada, "Labour force characteristics, population 15 years and older, by census metropolitan areas", CANSIM, table [282-0053](#) and Catalogue no [71-001-PIB](#), <http://www40.statcan.ca/101/cst01/labor35.htm> (accessed December 1, 2005)

⁴⁸ Statistics Canada, "Labour force characteristics, unadjusted, by province (monthly) (Quebec, Ontario, Manitoba)", CANSIM, table [282-0001](#) and Catalogue no. [71-001-XIE](#), <http://www40.statcan.ca/101/cst01/lfss02b.htm> (accessed December 1, 2005)

- benefits. This means that, despite paying into the employment insurance program, many unemployed workers, especially women, youth, part time, seasonal and contract workers, are often denied access to employment benefits. In Hamilton, the percentage of unemployed workers receiving benefits has declined significantly. In 1990, about 54% of unemployed workers were receiving benefits, while in 2001 only 23% of Hamilton's unemployed workers received benefits.⁴⁹
- 5.2.2 In addition to tightening eligibility, the benefit rates have been lowered. The maximum weekly entitlement for Employment Insurance benefits was lowered by approximately 8% from \$448 to \$413 in 1996. The benefit rate has decreased from 60% of average insured earnings prior to 1993, to 55% of average insured earnings currently.⁵⁰
- 5.2.3 These requirements affect vulnerable groups more severely, as unemployed youth, immigrants, visible minority workers and women are more likely to have had part time minimum wage jobs, making it difficult to accrue the hours needed to file a claim. This situation increases the risk of homelessness among these groups, as unemployed workers end up on social assistance at rates far below subsistence level. One area of particular concern is the rate of women who receive EI benefits. In Hamilton, only 19% of unemployed women received coverage in 2001, down from 25% in 1997, while 27% of unemployed men received benefits in 2001, down from 30% in 1997. This represents a 25% decline in the percentage of unemployed women receiving benefits in Hamilton between 1997 and 2001.⁵¹
- 5.2.4 As the number of people who qualify for EI continues to diminish, the EI program itself has a surplus in the billions of dollars. During the year ended March 2004, the surplus in the employment insurance account grew by \$2 billion to reach \$46 billion.⁵² This surplus has not stayed in the program to enhance the benefits to unemployed workers but instead has been used by the government to pay down the deficit.
- 5.3 *Appropriate Means for Realizing the Right / Possibilities for Cooperation***
- 5.3.1 The eligibility requirements for EI need to be amended to accommodate the kind of work that exists today, specifically, part time and minimum wage positions. The current number of hours needed to be eligible for EI coverage ranges from 420 to 910 depending on where you live and what type of benefits are needed. Many unions, including the Canadian Labour Congress, have called on the

⁴⁹ Canadian Labour Congress, *Falling Unemployment Insurance Protection for Canada's Unemployed*, Ottawa, March, 2003, at p. 79

⁵⁰ Black, Jill & Shillington, Richard (2005) *Employment Insurance: Research Summary for the Task Force for Modernizing Income Security for Working Age Adults*, October 6, 2005, at pp. 9-10

⁵¹ *Ibid.*, page 80

⁵² Office of the Auditor General of Canada, Report of the Auditor General of Canada to the House of Commons, Ottawa, November, 2004, Chapter 8 "Other Audit Observations", page 3

government to lower this rate to a standard 360 hours across Canada making the program more accessible for part time workers.⁵³

- 5.3.2 Qualifying for EI should be flexible for those who have been in the labour force for a longer time. The program should take in the number of years a person worked, not just the months before losing employment. In addition, weekly benefits should be no lower than two-thirds of the best twelve weeks of earnings.

6. Minimum Wage

6.1 The Issue

- 6.1.1 In 1998, the UN Committee expressed concern that the minimum wage was not sufficient to provide an adequate standard of living for workers or their families.⁵⁴

6.2 The Facts

- 6.2.1 Minimum wage was introduced to ensure that anyone working would not be poor. However, the annual income of a person living in Hamilton working full time (35 hours per week) and earning the Ontario minimum wage of \$7.50 an hour, still falls thousands of dollars below the poverty line.⁵⁵ In fact, half of the families in Canada who are living below the poverty line have someone working 35 hours or more per week.⁵⁶ Contrary to popular misconceptions, research shows that the majority of minimum wage workers are not teenagers. Rather, the majority of minimum wage workers nationally are women (64%) and are 19 years or older (61%), where the minimum wage is defined as a wage within 25 cents of the statutory minimum wage in each province.⁵⁷
- 6.2.2 Furthermore, a national study recently found that there are 27,000 single parents working at minimum wage rates with at least one child to support, and 31,000 minimum wage workers who had a spouse who was not employed, also with at least one child to support.⁵⁸ This means that over 50,000 families in Canada are attempting to support a family on an employment income that is hardly sufficient to support an individual.

⁵³ Canadian Labour Congress, *Analysis of the Report of the House of Commons Standing Committee on Human Resources, Skills Development, Social Development and the Status of Person with Disabilities, "Restoring Financial Governance and Accessibility in the Employment Insurance Program"*, Ottawa, January, 2005, page 1

⁵⁴ UNCESCR, supra note 6, paragraph 32

⁵⁵ Schenk, Christopher (2001), *From Poverty to a Living Wage*, CSJ Foundation for Research and Education, Ontario Federation of Labour, Toronto, November 2001, page 12

⁵⁶ National Anti-Poverty Organization (2005) NAPO Fact Sheet, "Make the Minimum Wage a Living Wage", page 1, http://www.napo-onap.ca/livingwage/Living%20Wage%20Fact%20Sheet_EN.pdf (accessed December 1, 2005)

⁵⁷ Schenck, supra note 55, at pp. 4-5, using 1999 data.

⁵⁸ Sussman, Deborah and Tabi, Martin (2004), "Minimum Wage Workers", in *Perspectives*, March 2004, Statistics Canada – Catalogue No. 75-001-XIE, page 12

6.2.3 The government of Canada now employs two different measures of poverty, the Low-Income Cut-Off (a relative measure of poverty) and the Market-Basket Measure (an absolute measure of poverty). However, minimum wage rates continue to fall below both poverty lines for most family sizes and compositions.⁵⁹

6.3 *Appropriate Means for Realizing the Right / Possibilities for Cooperation*

6.3.1 Action remedying this state of affairs needs to be taken at both the Federal and the Provincial levels. The federal government should reinstate a federal minimum wage, set it initially \$10.00 an hour and adjust it annually for inflation.⁶⁰ In addition, Provincial and Territorial governments should adjust their minimum wage levels to \$10.00 per hour. Ongoing analysis and changes to the minimum wage should occur in consultation with workers, municipalities, unions, and agencies.

7. Food Security

7.1 *The Issue*

7.1.1 In 1998, the UN Committee expressed concerns over the dramatic increase in the number of food banks in Canada and their inability to meet the needs of the hungry poor.⁶¹

7.2 *The Facts*

7.2.1 Since that time, reliance on food banks throughout Canada, and in Hamilton in particular, has only increased. In Hamilton there are over 17,000 people per month who access local food banks that are part of the emergency food system. Alarming, 43% of those accessing food banks are children and 58% of those accessing food banks are families.⁶² And the numbers continue to increase. Between 2002 and 2003 alone, the number of people accessing food banks in Hamilton increased by 15%.⁶³

7.2.2 These figures reflect not just reliance on food banks, but real hunger in the Hamilton community. In a survey of over 300 food bank users in Hamilton, 81%

⁵⁹ Goldberg, Michael and Green, David (1999) *Raising the Floor: The Social and Economic Benefits of Minimum Wages in Canada*, Canadian Centre for Policy Alternatives, September 1999, page 22

⁶⁰ \$10 per hour is rate called for by most social organizations, including the National Anti-Poverty Organization (supra note 50) and the Income Security Advocacy Centre in its submission to the Federal Labour Standards Review Committee in September 2005, http://www.flis-ntf.gc.ca/en/sub_fb_17.asp (accessed December 1, 2005)

⁶¹ UNCESCR, supra note 5, paragraph 33. The UNCESCR has also specifically raised food security in its 'List of Issues', [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.Q.CAN.2.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.Q.CAN.2.En?OpenDocument) (accessed December 1, 2005)

⁶² Pike, Deirdre (2005) *Hamilton Emergency Food System Assessment Phase* : Hamilton: Social Planning and Research Council, p. 1

⁶³ Foodshare (2002) quoted in Wingard et. al., supra note 33, page 38

of parents admitted they go without food, often or sometimes, so that their children can eat.⁶⁴ The survey also found that more than 1/3 of children in families who access food banks do not have enough to eat at some time in the month.⁶⁵ In 2004, almost 75% of foodbank users were in receipt of Ontario Works or Ontario Disability Support Program social assistance benefits.⁶⁶

7.2.3 But these figures only hint at magnitude of the problem. They do not include, for example, the numbers of people who access meal programs, which is substantial, with 48,500 meals served at programs in Hamilton in the month of March 2002 alone.⁶⁷ Nor do the figures show those who the food banks are unable to help, with most food banks only allowing families to access the food bank once in any given month. What the figures do reveal, however, is an increasing institutionalization of food banks and an ambivalence from both the federal and provincial governments towards the right to adequate food.

7.3 *Appropriate Means for Realizing the Right / Possibilities for Cooperation*

7.3.1 People rely on food banks when they have insufficient income to afford food. Therefore, any discussion of how to respect the right to food security must focus on incomes. In order to support an individual or a family in Canada today, incomes must be tied to the cost of living. This means not only increasing social assistance rates⁶⁸ and minimum wage levels, but also linking both to the actual cost of living and the consumer price index. This is the first step towards helping people afford adequate and healthy supplies of food.

8. Vulnerable Groups

8.1 *The Issue*

8.1.1 In its concluding observation in its last report on Canada, the UN Committee also noted with concern the situation of disadvantaged and vulnerable groups in Canada.⁶⁹ In particular, it raised concerns about:

- social and economic deprivation among Aboriginal people;
- the harsh impact on women escaping domestic violence of cuts to social assistance, the unavailability of affordable housing and widespread discrimination in housing;
- the disproportionately high levels of homelessness, poverty and unemployment among youth; and

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ From Hungercount 2004, Hamilton Foodshare. 58% of foodbank users were on Ontario works while 15% were on ODSP. 6% had no income at all. Information provided in personal communication from Jeff Wingard of the Social Planning & Research Council, 25Jan06.

⁶⁷ Ibid.

⁶⁸ 75% of all food bank users in Hamilton are on either OW or ODSP: HICFAW, supra note 15, page 24

⁶⁹ UNCESCR, supra note 6, paragraphs 16, 17, 18, 23, 28, 29, 35, 36 and 37.

- the cuts in services and restrictive eligibility rules for people with disabilities.

8.2 The Facts

- 8.2.1 These groups continue to experience social and economic hardship in Hamilton, and throughout Canada. Due to limited expertise in this area, this Report does not extensively discuss the situation of these groups in Hamilton. However, it is important to note that these groups continue to remain in a situation of adversity.
- 8.2.2 The most telling statistics are local poverty rates. While the poverty rate for the total population in Hamilton is 20%, 44% of people with aboriginal status live in poverty, while recent immigrants fare even worse, with 52% in poverty.⁷⁰ In addition, 37% of individuals with visible minority status, 30% of those with a disability, and 29% of seniors (75 years plus), also live in poverty.⁷¹
- 8.2.3 Poverty is also felt disproportionately by women in certain vulnerable groups. For instance, while the poverty rate for male-led single parent families with children aged 6 and under is 37%, the corresponding poverty rate for female-led single parent families with children aged 6 and under is 81%. The poverty rate for men aged 75 and over is 18%, while the poverty rate for women of that age is 36%. The poverty rate for the general population in Hamilton is 20%.⁷²
- 8.2.4 Issues of housing affect these groups particularly harshly. For instance, while Aboriginal people make up only 2% of the Hamilton population, they make up an estimated 20% of the homeless population.⁷³ Women, meanwhile, continue to be turned away each night from women's shelters due to high demand and the numbers being turned away are increasing. One shelter, Mary's Place, experienced a 33% increase in turnaways from 2001 to 2002, turning away a total of 1437 women in 2002 (an average of 4 per night).⁷⁴ People with physical disabilities also face an ongoing inadequate supply of affordable and accessible housing.⁷⁵
- 8.2.5** In the its 1998 Concluding observations on Canada, the Committee expressed concern that "20% of the population in Canada is functionally illiterate". In Hamilton 60% of adults need some help with basic reading and writing. This is higher than the national average of 47%. This can cause severe problems for individuals and families dealing with income maintenance programs that often send out complicated correspondence. In addition, this likely also results in evictions since those persons who have trouble understanding forms would be

⁷⁰ Fraser, supra note 1, page 15

⁷¹ Ibid., page 15

⁷² statistics provide in personal communication with Jeff Wingard, Social Planning & Research Council, 25Jan06.

⁷³ Wingard et. al., supra note 33, page v

⁷⁴ Ibid., page 8

⁷⁵ Neigh, Scott (2002), *An Assessment of Housing Need Among People with Disabilities in Hamilton*, Social Planning & Research Council of Hamilton, Hamilton, 2002

more likely to file a dispute to an eviction application, thus resulting in a default order to evict (see 4.2.6)⁷⁶.

8.3 *Appropriate Means for Realizing the Right / Possibilities for Cooperation*

8.3.1 The measures needed to improve the position of these groups are complex. They are often the victims of systemic racism, sexism, ableism and other forms of oppression. A lack of language or knowledge of services can also contribute to their troubles. This Report does not propose solutions to their situation, but simply seeks to draw attention to their plight to remind Canada of its obligation to ensure an adequate standard of living for all.

9. Concluding Comments

9.1 We hope that this report assists the Committee on Economic, Social and Cultural Rights in assessing the degree to which Canada is conforming with its obligations under the Covenant on Economic, Social & Cultural Rights. We have endeavored to provide the UN Committee with a local, community-based perspective that is fact-based.

9.2 Unfortunately, as this Report has shown, the right to an adequate standard of living is not being acknowledged or protected by either the Provincial or Federal Governments. Currently, we have social assistance rates that fall far below subsistence levels of income, and those rates remain arbitrary numbers with no relation to the actual cost of basic necessities. While efforts have been made to respond locally to the homelessness crisis, we are nowhere close to providing the numbers of rent-geared-to-income units that are required, and the Ontario Rental Housing Tribunal continues to evict many thousands of tenants for arrears of rent, many without a hearing. The number of unemployed workers who qualify for employment insurance benefits locally has declined to alarming levels, particularly for women. The minimum wage falls below poverty levels, meaning that even those workers working full-time or more may not be able to pull their family out of poverty. Not surprisingly, local individuals and families who cannot afford to feed themselves must turn to food-banks and meal programs in numbers that has not been seen since the Great Depression.

9.3 Unfortunately, this poverty is being experienced disproportionately by many already vulnerable groups, including, but not limited to: women, seniors, newcomers, aboriginal persons, persons with disabilities, and visible minorities.

9.4 The Human Rights Committee of the Income Security Working Group hopes that the Committee on Economic, Social & Cultural Rights will consider the facts provided in this Report and use those facts to call upon Canada to take immediate measures to ensure an adequate standard of living for all in our communities.

⁷⁶ supra note 40, 41 and 42