

Women in British Columbia

HUMAN RIGHTS UNDER ATTACK

THE POVERTY AND HUMAN RIGHTS CENTRE
SUBMISSION TO THE
UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
on the occasion of the Consideration of Canada's Fourth and Fifth Reports on the
Implementation of the *International Covenant on Economic, Social and Cultural Rights*

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**the POVERTY and
HUMAN RIGHTS
PROJECT**

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I. The Poverty and Human Rights Centre

1. This Report on the province of British Columbia's compliance with the United Nations *International Covenant on Economic, Social and Cultural Rights* has been prepared by the Poverty and Human Rights Centre (PHRC), <http://www.povertyandhumanrights.org/>.
2. The mandate of the Poverty and Human Rights Centre (PHRC) is to promote compliance with Canada's human rights commitments. The PHRC does its work through research, analysis, and public education. The Centre collaborates with community groups, scholars, lawyers, and students.

II. Introduction

3. The purpose of this submission is to provide the United Nations Committee on Economic, Social and Cultural Rights (CESCR) with information necessary to conduct a full and informed review of British Columbia's compliance with its obligations under the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). More specifically, the following paragraphs describe the harmful impacts of current government policies in the province of British Columbia. We note that these policies have had and continue to have an especially pernicious effect on those groups of women and girls who are most disadvantaged and most vulnerable. Specifically, elderly women, and women and girls who are Aboriginal, of colour, disabled, lesbian, recent immigrants or refugee claimants, living on low incomes, or living in rural areas experience in particular and intensified ways the harms this document reports.

Background on the Canadian Federal System: The Importance of Provincial Accountability

4. Canada is a federal state with two levels of government: federal and provincial. Each level has a constitutionally determined area of separate and distinctive lawmaking ability and each level is supreme within its own legislative jurisdiction. And, therefore, each government within Canada is individually, and collectively, responsible to observe obligations under the *Covenant*. Thus, the provincial government of British Columbia is directly obligated under the *Covenant* for British Columbia legislation, programmes, and government actions. It is critical that the CESCR hold provinces separately and independently accountable for compliance with the *Covenant*, as many of the rights guaranteed by the *Covenant* are dependant upon action within provincial jurisdiction.

Continuity of Review

5. Many of the issues discussed in this submission have also been the subjects of past reviews before the CESCR. Indeed, many of these issues have already garnered expressions of concern by CESCR with Committee recommendations to Canadian governments to address the identified problems. The BC government has not responded to this record. It is critical that the Committee call the government to account for its neglect of both its obligations under the *Covenant* and the commentary generated by the Committee's periodic review process. Absent this continuity of accountability, the review process runs the risk of political irrelevance within Canada.

Regressive Measures

6. Article 2 of the *Covenant* commits each State Party to undertake to take steps, to the maximum of its available resources, to achieve progressively full realization of the rights recognized in the *Covenant*.
7. The Poverty and Human Rights Centre respectfully submits that the Province of British Columbia is failing to fulfill its obligations under the *Covenant* in two ways:
 - (i) First, the Government of British Columbia is not fulfilling its specific obligations, as set out in the *Covenant*, to the maximum of its available resources;
 - (ii) Secondly, the drastic and discriminatory changes to provincial legislation and programs that have been made since May 2001 violate the principle of progressive advancement of economic, social and cultural rights. The Government of British Columbia is moving backwards. It has dismantled programs and protections previously in place that were critical to the realization and recognition of *Covenant* rights within the province.
8. In its General Comment No. 3 on Article 2 the Committee wrote that:

...any deliberately retrogressive measures [away from the goal of full realization of rights under the *Covenant*] would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the *Covenant* and in the context of the full use of the maximum available resources.

The nature of States parties obligations, *General comment No. 3*, para. 9: . 14/12/90, online:
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument) (date accessed: 27 March 2006).
9. The Poverty and Human Rights Centre submits that the Government of British Columbia has deliberately instituted a number of significant regressive actions. Such

actions have cut deeply into *Covenant* rights within the province, as the submissions that follow detail. During the period under review, the Government of British Columbia made drastic cuts to social programmes and to social and labour protections. While some of these changes are detailed in this report, there are many more of relevance to the issue of regressive action. A longer list of regressive changes is attached to this document in Appendix A. The changes detailed in this report, and those set out in Appendix A, have had the harshest effects on those groups in the BC population who are already the most disadvantaged: women, single mothers, Aboriginal peoples, elderly women and men, people with disabilities, people of colour, recent immigrants and refugee claimants. The Government of British Columbia's multi-pronged strategy to diminish BC's social safety net brings the province into clear contravention of the *International Covenant on Economic, Social and Cultural Rights*, as the following documentation shows.

10. The Poverty and Human Rights Centre, on behalf of a coalition of British Columbia NGOs, contacted the Committee in February 2002 because of grave concerns at that time regarding decisions of the Government of British Columbia that were having the effect of rolling back many social benefits and protections. In response, the Committee Chair, Virginia Dandan, assured the Poverty and Human Rights Centre that British Columbia's actions would be given close examination at the time of Canada's 4th and 5th periodic reports.

The Poverty and Human Rights Centre requests that the Committee pay urgent attention to the diminishment of the enjoyment of basic human rights in the Province of British Columbia.

The Province of British Columbia: Steady Growth and Budget Surpluses

11. In its recent February 2006 budget, the government of British Columbia forecast economic growth of 3.3 per cent in the next year and surpluses of \$600 million in 2006/07, \$400 million in 2007/08, and \$150 million in 2008/09. On top of these projected surpluses, the government also included forecast allowances of \$850 million in 2006/07, \$550 million in 2007/08, and \$400 million in 2008/09. The BC Office of the Canadian Centre for Policy Alternatives estimates considerably larger surpluses—\$2.9 billion in 2006/07 and \$3.9 billion in 2007/08—claiming that the BC government consistently underestimates its available revenues at budget time. Indeed, the past four BC budgets have understated the province's budget position by a combined total of \$7.9 billion. Budget surpluses in 2004/05 and 2005/05 were between \$2 billion and \$3 billion each year.

Balanced Budget 2006: Growing With Confidence, Backgrounder, Government of BC, online: <http://www.bcbudget.gov.bc.ca/2006/backgrounder/default.htm> (date accessed: 27 March 2006).

CCPA BC Solutions Budget 2006, online: http://www.policyalternatives.ca/documents/BC_Office_Pubs/bc_2006/solutions_budget_2006.pdf (date accessed: 12 March 2006).

III. Issues

Article 2(2) – Non-discrimination

Discrimination Against Women

12. The matters discussed in this submission all raise issues of substantive infringement of specific rights elaborated in the *Covenant*. In addition, these government actions disproportionately negatively impact women and, as such, are also discriminatory on the basis of sex, contrary to Articles 2 and 3 of the *Covenant*.
13. In 2003, the Committee on the Elimination of Discrimination Against Women in its Concluding Observations from Canada's fifth periodic review expressed concern about recent changes and cuts to the following British Columbia programmes: legal aid; welfare assistance and eligibility rules; the elimination of the Ministry of Women's Equality; the abolition of the independent Human Rights Committee; closing a number of courthouses in the province; and cuts to funding for support programmes for victims of domestic violence—noting the disproportionate negative impact on women, in particular, aboriginal women. The Committee urged the government of British Columbia to analyse these recent legal and other measures as to their negative impact on women and to amend the measures, where necessary. The Attorney General of British Columbia refused to do this.

Report of the Committee on the Elimination of Discrimination against Women, Twenty-eighth session (13-31 January 2003) and Twenty-ninth session (30 June-18 July 2003), Fifty-eighth Session Supplement No. 38 (A/58/38), at para. 357, online: <http://daccessdds.un.org/doc/UNDOC/GEN/N03/468/20/PDF/N0346820.pdf?OpenElement> (date accessed, 13 March 2006).

Letter from the Hon. Geoff Plant, Attorney General of British Columbia, to the BC CEDAW Group (17 November 2003), (on file with The Poverty and Human Rights Centre.)

The government of BC should reverse recent regressive measures that have a discriminatory impact on women, in particular the most vulnerable groups of women, such as aboriginal women, immigrant women, disabled women and single mothers.

Issue #5 Fifth Periodic Report: Access to Justice

Restrictive Constitutional Interpretation

14. All governments in Canada hold out the *Canadian Charter of Rights and Freedoms* as a significant means by which Canada's international human rights obligations are fulfilled. However, in recent litigation under the *Charter* addressing issues of women's and girl's access to social programmes, the inadequacy of welfare provision for both women and men, and the importance of collective bargaining for unions with disproportionate female membership, the BC government has argued before the Supreme Court of Canada for extremely narrow and formalistic interpretations of the *Charter*. For example, in *Gosselin v. Quebec (Attorney General)*, a case dealing with differential welfare benefits based on age, the BC government argued that security of the person under section 7 of the *Charter* does not obligate the government to address economic deprivation nor does it establish a right to social assistance. Moreover, the government argued that it would be inappropriate to use Article 11.1 of the *ICESCR* to give such an expansive reading to the *Charter*.

Factum of the Intervenor, The Attorney General of British Columbia, *Gosselin v. Quebec (Attorney General)*, (2002), Court File No. 27418 (on file with The Poverty and Human Rights Centre.)

15. In its 1998 Concluding Observations on Canada's third periodic review, CESCR noted with concern that provincial governments: "have urged upon their courts... an interpretation of the Charter which would deny any protection of Covenant rights and consequently leave the complainants without the basic necessities of life and without any legal remedy." As already detailed, this restrictive approach to *Charter* rights continues despite CESCR concerns.

Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.31, 4 December 1998, *Concluding observations of the Committee on Economic, Social and Cultural Rights: CANADA*, online: http://www.pch.gc.ca/progs/pdp-hrp/docs/cesc/cescconc_e.cfm (date accessed: 2 April 2006), para. 14.

16. Moreover, recent Supreme Court of Canada jurisprudence has adopted a very restrictive understanding of the extent to which social and economic rights are protected under the *Charter*. Again, CESCR noted in its 1998 Concluding Observations on Canada that

provincial courts in Canada have “routinely opted for an interpretation of the *Charter* which excludes protection of the right to an adequate standard of living and other *Covenant* rights”. This situation has not changed, and this observation is applicable to the Supreme Court of Canada itself.

Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.31, 4 December 1998, *Concluding observations of the Committee on Economic, Social and Cultural Rights: CANADA*, online: http://www.pch.gc.ca/progs/pdp-hrp/docs/cesc/cescconc_e.cfm (date accessed: 2 April 2006), para. 14.

Eldridge v. British Columbia, [1997] 3 S.C.R. 624.

Gosselin v. Québec (Procureur general), [2005] 1 S.C.R. 238.

Auton (Guardian of) v. BC (Attorney General), [2004] 3 S.C.R. 657.

17. Indeed, Louise Arbour, currently United Nations High Commissioner for Human Rights and formerly a justice on the Supreme Court of Canada, has noted, in this context, Canadian governments’ and courts’:

... very hesitant recognition and selective implementation of some of [Canada’s] international human rights obligations. But sixty years of disclaiming or belittling the equal status of socio-economic rights as enforceable human rights, fundamental to the equal worth and dignity of all Canadians, rings hollow and disingenuous in the light of international and comparative experience.

Louise Arbour, United Nations High Commissioner for Human Rights, LaFontaine-Baldwin Symposium 2005 Lecture, Le Capitole, Quebec City, March 4, 2005, online: <http://www.lafontaine-baldwin.com/speeches/2005> (date accessed: 2 April 2006).

The government of BC must ensure that the constitutional interpretation it urges upon courts is consistent with the government’s human rights obligations under ICESCR.

Legal Aid Denied

18. There are profound and well-documented deficiencies in current provincial provision of legal aid. In 2002, the government of British Columbia drastically reduced the availability of legal aid, with budget cuts of 38.8 per cent. The cuts have had a severe impact on rural communities where 60 legal aid offices have closed, replaced by seven regional centres with two satellite offices. Legal aid coverage was also severely cut. No legal aid services at all are currently provided for family maintenance or custody disputes, except where there is evidence that violence is involved. As well, direct services for poverty law matters, that is, for landlord/tenant, employment insurance,

employment standards, welfare, and disability pension claims or appeals, have been eliminated. Representation in these matters is critical for effective mobilization and implementation of social and economic rights. But legal aid in British Columbia now is almost entirely available for criminal law services only.

Legal Services Society, Background, “Legal Aid Services and Tariffs Summary of Cuts” (25 February 2002), online: Legal Services Society <http://www.lss.bc.ca> (date accessed: 6 August 2002).

19. These funding and service cuts disproportionately affect women, who make up the majority of poor adults and family law litigants. Studies show that criminal law legal aid is used mainly by men, whereas civil law legal aid, especially family law legal aid, is used mainly by women. Thus, these legal aid changes effectively deny legal representation to the most vulnerable women in matters that affect their ability to pay for food and shelter for themselves and their children, to escape violent spouses, and to seek spousal support and custody of their children.

“Women Pay the Price of Legal Aid Cuts,” *BC Issues: A snapshot of recent provincial policy changes*, CCPA-BC, Issue #1 September 2004, online: <http://www.policyalternatives.ca/index.cfm?act=news&call=964&do=article&pA=BB736455> (date accessed: 3 April 2006).

Legal Aid Denied: Women and the Cuts to Legal Services in BC, Alison Brewin with Lindsay Stephens, Canadian Centre for Policy Alternatives, September 2004, online: <http://www.policyalternatives.ca/index.cfm?act=news&do=Article&call=905&pA=BB736455&type=2,3,4,5,6,7> (date accessed: 3 April 3, 2006).

20. Widespread concern about the current lack of access to the justice system in British Columbia led the Law Society of British Columbia to pass an unprecedented resolution stating that it had lost confidence in the Attorney General as a result of the legal aid cuts. Commenting specifically on the elimination of poverty law services, the President of the Law Society of British Columbia said: “How cynical is it to create legal rights and then deny the poor any means to assert those rights? The government is making a mockery of equality before the law.”

Law Society of British Columbia, *Benchers’ Bulletin*, “BC lawyers pass vote of non-confidence in the Attorney General,” resolution passed 22 May 2002, online: <http://www.lawsociety.bc.ca> (date accessed: 4 April 2006).

Law Society of British Columbia, News Release, “Law Society Condemns Sacking of Legal Society Board,” 22 February 2002, online: <http://www.lawsociety.bc.ca> (date accessed: 4 April 2006).

21. The Canadian Bar Association (CBA) has launched a test case to challenge BC.’s legal aid cutbacks and to establish a constitutional right to civil legal aid in Canada. The

President of the BC branch of the CBA has noted that: “Time and again, we have seen how cuts to civil legal aid target people who are already disadvantaged – women and children in family law cases and low-income Canadians, especially those from racial minorities, and those in poverty law disputes.”

The Canadian Bar Association, *CBA Announces Legal Team to Lead Court Challenge on Constitutional Right to Legal Aid*, February 19, 2005, online: CBA http://www.cba.org/CBA/News/2005_Releases/2005-02-19_lacounsel.aspx (date accessed: 27 May 2005).

22. In 1998 CESCR commented upon, with concern, the absence of adequate civil legal aid in Canada, recommending that provinces work to ensure that legal aid for non-criminal matters is available at levels that ensure an adequate standard of living. In clear disregard of these concerns, the BC government subsequently instituted these cuts to funding along with the virtual elimination of civil legal aid (except in limited family law situations). These are regressive measures that have further imperiled access to social and economic rights already observed to be in jeopardy in 1998 by CESCR.

Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.31, 4 December 1998, *Concluding observations of the Committee on Economic, Social and Cultural Rights: CANADA*, online: http://www.pch.gc.ca/progs/pdp-hrp/docs/cesc/cescconc_e.cfm (date accessed: 2 April 2006), paras. 16, 42.

The government must ensure that full and meaningful access to legal aid is available for BC women, in particular, for family and poverty law. The provincial government needs to do this in cooperation with the federal government to establish national standards for legal aid in these areas, consistent with the *Canadian Charter of Rights and Freedoms* and international human rights.

Article 7 – The right to just and favourable conditions of work

Issue #17 Fourth Periodic Report: Minimum Wage and New Employee Wage

23. BC’s minimum wage has not been increased since 2001. Yet, full time work at the provincial minimum wage level does not guarantee an income above Statistics Canada’s LICO, as the following illustration demonstrates.

A single mother with one child under 7, living in Vancouver, earning the provincial minimum wage of \$8.00 and working a 40 hour week, earns \$16, 640 in a year. Income from government transfer programmes, based on 2004-5 figures (specifically, a BC Family Bonus of \$1,332, the Canada Child Tax Benefit of \$1,447 and the federal GST credit of \$684 for this family in 2005), would add another \$3,463 to this family's annual income. The total income of \$20,103 is considerably less than (about 78 percent of) the before-tax 2005 Statistics Canada LICO of \$25,867 for this family type and location.

Poverty Lines, Canadian Council on Social Development, May 2005, online: http://www.ccsd.ca/factsheets/fs_lico04_bt.htm (date accessed 4: April 2006).

Canada Revenue Agency, Child and Family Benefits Online Calculator, online: <http://www.cra-arc.gc.ca/benefits/calculator/menu-e.html>, (date accessed: 4 April 2006).

24. The current minimum wage level ensures that BC has large numbers of individuals working full-time for an income that keeps them in poverty, well below Statistics Canada LICO.
25. The inadequacy of provincial minimum wage provisions disproportionately affects young people, women, new immigrants, and visible minorities, since these groups make up most of the minimum wage labour force. In particular, there is a distinctive and disadvantaging effect on women: 64% of minimum wage workers are women. Women disproportionately work in the secondary sector of the paid labour market, a sector that is typically not unionized, with poor benefits, and irregular, often part-time hours.

National Council of Welfare Reports, *Income for Living?* (Spring 2004) at 16, 33, 43, and 53, online: NCW http://www.ncwcnbes.net/htmldocument/reportIFL/IFL_e.pdf (date accessed: 8 July 2004).

Raising the Floor: The Social and Economic Benefits of Minimum Wages in Canada, Michael Goldberg and David Green (September 1999), The Canadian Centre for Policy Alternatives-BC Office, online: http://www.policyalternatives.ca/documents/BC_Office_Pubs/raising_floor.pdf, (date accessed: 4 April 2006).

Infoline, Minimum Wage and Economic Hardship, 18 January 2002, online: BC Stats <http://www.bcstats.gov.bc.ca/releases/info2002/in0203.pdf> (date accessed: 13 March 2006).

26. In BC, recent changes to the provincial *Employment Standards Act* disadvantage young or new workers by permitting employers to pay new employees \$6.00/hour, instead of the standard minimum wage of \$8.00, for the first 500 hours of work. This 25 per cent

wage gap for new employees' minimum wage earnings is the greatest in any jurisdiction in Canada, and does not track expertise or skill at the job necessarily. It does, however, track discriminatorily along the lines of age, sex, family status, race, and immigrant status. And, the "entry" wage of \$6.00 now exacerbates the poverty of minimum wage earners.

John Irwin, Stephen McBride, and Tanya Strubin, *Child and Youth Employment Standards*, (Ottawa: The Canadian Centre for Policy Alternatives, September 2005), online:
<http://www.policyalternatives.ca/Reports/2005/09/ReportsStudies1186/index.cfm?pa=CF69F1AA> (date accessed: 11 April 2006).

"Race for the Bottom", Jim Sinclair, BCFed., *Creative Resistance*, August 15, 2002, online: <http://www.creativeresistance.ca/awareness/2002-aug05-race-for-the-bottom-jim-sinclair.htm> (date accessed: 4 April 2006).

The BC government must repeal the lower new worker minimum wage, and raise the minimum wage to a level that puts all persons and families earning minimum wages above the poverty line.

Issue #39 Fourth Periodic Report: Impact of Privatization in the Health System

27. The government of British Columbia has initiated the most extensive privatization of health care services in Canadian history. As of April 2005, 8,500 public sector jobs have been eliminated in order to contract out the work. The new private sectors jobs are low paid, with poor benefits, increased workload, and poor training. There is no job security and substandard sick time.
28. Such extensive contracting out of these traditional public sector jobs is devastating for a large sector of the provincial female work force. Workers who perform these jobs are typically women. Many are immigrant women of colour and they are disproportionately single mothers. These women are a vulnerable group with limited employment options, and the eliminated public sector jobs were one of the few sources of "good" jobs available to them. Degradation of these jobs exploits the fact that the workers affected by these changes are women, doing "women's work", and that many are immigrants of colour. The government's privatization strategy in this sector reinforces historical patterns of sexist and racist exploitation.
29. Studies show that the working conditions these women now face in these newly privatized jobs are "unacceptably harsh". The workload is described by these women as hectic and stressful, with high rates of physical and emotional stress. The workplace experience is disempowering and isolating, affecting the care they are able to deliver to patients and the quality of their work.

30. Contracting out effectively wiped out more than 30 years of pay-equity gains, hard fought for by the unions representing these workers, for British Columbian women in housekeeping jobs in the healthcare sector. Pay rates for the resulting private sector jobs are lower by more than 40 per cent than the prior public jobs. Research has demonstrated that many of the women in the new privatized jobs earn a poverty wage. Privatized wage rates for, say, a woman with two children doing hospital cleaning work is as low as 44 per cent of the 2003 LICO of \$30,744 per year. Women in these jobs say that they are living hand-to-mouth, looking for a second job, and having trouble paying their rent.
31. The Government of British Columbia's privatization initiatives, such as the ones in the health care sector, deepen an already disturbing trend towards greater social and economic insecurity for women.

The Pains Of Privatization: How Contracting Out Hurts Health Support Workers, Their Families, And Health Care, Jane Stinson, Nancy Pollak and Marcy Cohen, April 2005, Canadian Centre for Policy Alternatives, online:

<http://www.policyalternatives.ca/index.cfm?act=news&call=1088&do=article&pA=BB736455> (date accessed: 3 April 2006).

"A return to wage discrimination: Pay equity losses through the privatization of health care," Marjorie Cohen, and Marcy Cohen, (Vancouver: Canadian Centre for Policy Alternative – BC Office, April 2004), online:

<http://www.policyalternatives.ca/index.cfm?act=news&do=Article&call=42&pA=F4FB3E9D&type=1> (date accessed: 11 April 2006).

Article 8 – Trade union rights

Issue #21: Collective Bargaining Rights in British Columbia

32. The Government of British Columbia has shown repeated disregard for the trade union rights of workers in the province. Since the current government came to power in 2001, it has introduced several pieces of legislation to end strikes and enforce contract terms. For example, the *Health Services Continuation Act* forced health professionals and nurses to end lawful job action. The *Skills Development and Labour Statutes Amendment Act* made education an essential service so that striking would be illegal. Both the *Health Care Services Collective Agreements Act* and the *Education Service Collective Agreement Act* imposed the employers' last offer as the contracts for nurses and teachers.

Bill 2, *Health Services Continuation Act*, 1st Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia http://www.legis.gov.bc.ca/37th1st/1st_read/gov02-1.htm (date accessed: 24 June 2004).

Bill 15, *Health Care Services Collective Agreements Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia http://www.legis.gov.bc.ca/37th2nd/1st_read/gov15-1.htm (date accessed: 24 June 2004).

Bill 18, *Skills Development and Labour Statutes Amendment Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia http://www.legis.gov.bc.ca/37th2nd/1st_read/gov18-1.htm (date accessed: 24 June 2004).

Bill 27, *Education Service Collective Agreement Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia http://www.legis.gov.bc.ca/37th2nd/1st_read/gov27-1.htm (date accessed: 24 June 2004).

34. On January 28, 2002, the government of British Columbia passed Bill 29, creating the *Health and Social Services Delivery Improvement Act*. Bill 29 applies to non-clinical services performed by health care workers (primarily members of the Hospital Employees' Union but also the BC Government and Service Employees' Union) and voids a number of provisions of existing collective agreements that apply to unionized workers in the health care sector. Prior to the adoption of Bill 29, nearly all employers in the health sector and community social services sector were covered by collective agreements. The Act unilaterally altered existing collective agreements between employers and unions representing approximately 100,000 workers in the health and community social service sectors. The legislation removed negotiated employment security protections and contracting-out protections, substituting language that permitted employers to lay off the existing workforce with minimum notice and to avoid the rights of laid off union members to become re-employed with the new employer (known as successorship). As a result, the legislation left health care employers free to restructure the workplace with an entirely new non-unionized workforce paid at significantly lower rates and with far fewer benefits. The result is significant government interference with health care workers' ability to join, establish and maintain a trade union association and with essential aspects of collective bargaining.
35. The impact is disproportionately felt by female and vulnerable workers. Bill 29 applies to the health and social services sectors, the most heavily female dominated sectors of the public service. As illustration, 85 per cent of Health Employees' Union members are women, 90 per cent of BC Government Employees' Union workers in the community sub-sector are women. Women are among those most in need of labour protections that collective bargaining regimes offer. Moreover, 27 per cent of the health care sector's

members are immigrants. Fifty-seven per cent are over age forty-five and these groups also generally suffer from disadvantage and discrimination in employment.

36. The importance of enforceable collective agreements and trade union activity to these workers is made clear by the consequences of the new legislation. Bill 29 paved the way for the contracting out of key hospital support jobs, consequently facilitating the largest mass firing of women workers in Canadian history: 8,500 public sector jobs were eliminated, 85 per cent of which were held by women. The result is the creation of a two-tier workforce in BC's health care system. As detailed in the previous section, wages in the contracted-out areas plunged from almost \$18 an hour to \$9.50. The newly-private workforce is also characterized by fewer benefits, reduced hours of work, heavier workloads, poorer training, and no job security.
37. In a March 2003 ruling the International Labour Organization expressed concerns about the legislation in terms of the United Nations Convention #87, Freedom of Association and Protection of the Right to Organize Convention (1948). The ILO noted with concern that the introduction of the legislation was not preceded, as it should have been, by full and detailed consultations with the appropriate organizations of workers and employers.
38. Bill 29 has been challenged in the courts as contrary to section 2(d) (freedom of association) and section 15(1) (equality rights) of the *Canadian Charter of Rights and Freedoms*. Appeal of the BC Court of Appeal decision denying these challenges in the case of *Health Services and Support-Facilities Subsector Bargaining Assn. v. British Columbia* was recently argued in the Supreme Court of Canada. The BC government in its legal arguments asserted that section 2(d) does not provide protection for collective bargaining and the right to strike and that section 15(1) was not violated because of the need to introduce "market discipline" into the health care labour sector.

Health and Social Services Delivery Improvement Act, S.BC 2002 c.2.

The Hidden Costs of Health Care Wage Cuts In BC, Marc Lee and Marcy Cohen, April 2005, The Canadian Centre for Policy Alternatives, online:
<http://www.policyalternatives.ca/index.cfm?act=news&call=1089&do=article&pA=BB736455> (date accessed: 3 April 2006).

International Labour Office, Governing Body, GB.286/11 (Part I), 286th Session, Geneva, March 2003, *330th Report of the Committee on Freedom of Association*, paras. 302, 305.

Health Services and Support-Facilities Subsector Bargaining Assn. v. British Columbia, 2004 BCCA 377, 243 D.L.R. (4th) 175.

The Pains Of Privatization: How Contracting Out Hurts Health Support Workers, Their Families, And Health Care, Jane Stinson, Nancy Pollak and Marcy Cohen, April 2005, Canadian Centre for Policy Alternatives, online:
<http://www.policyalternatives.ca/index.cfm?act=news&call=1088&do=article&pA=BB736455> (date accessed: 3 April 2006).

39. The International Labour Organization's Committee on Freedom of Association (ILO) found that this type of legislation violates the *Convention on Freedom of Association and Protection of the Right to Organize*. The Committee admonished the BC government for resorting to such extreme measures in its union dealings and expressed grave concern about the many detrimental effects of imposing legislative restrictions on collective bargaining. The ILO recommended that BC amend (or in some cases repeal) the offending legislation to bring the province within the scope of its international obligations. Further, the Committee stressed that the BC government is required to take its I.L.O. obligations more seriously, as "all governments are obliged to respect fully the commitments undertaken by ratification of ILO Conventions."

Convention on Freedom of Association and Protection of the Right to Organize (C87), 1948, online: International Labour Organization
<http://www.ilo.org/ilolex/english/convdisp1.htm> (date accessed: 16 June 2004).

I.L.O. Case(s) No(s). 2166, 2173, 2180, 2196, Report No. 330 (Canada): Complaints against the Government of Canada concerning the Province of British Columbia, at paras. 288 and 304, online: International Labour Organization
<http://www.ilo.org/ilolex/english/newcountryframeE.htm> (date accessed: 16 June 2004).

40. Despite the ILO's stern reminder about BC's international human rights commitments, the BC government maintained its position in a more recent labour dispute, when members of the Hospital Employees' Union (H.E.U.) were legislated back to work with a universal wage rollback of 15 per cent after a three-day strike. The H.E.U. was engaging in the collective bargaining process in the hope of undoing some of the damage inflicted by the *Health and Social Services Delivery Improvement Act* (one of the Bills condemned by the I.L.O. for violating workers' rights), which effectively removed all statutory and collective agreement protections against contracting out.
41. The government's attack on health-care workers provides a precedent that will have far-reaching repercussions. When public sector wages and working conditions deteriorate significantly, it sets an example for the private sector. If the government reduces women's wages, it is a signal to the private sector that they can do the same.

Bill 29, *Health and Social Services Delivery Improvement Act*, 2d Sess., 37th Parl., British Columbia, 2001, online: Legislative Assembly of British Columbia

http://www.legis.gov.bc.ca/37th2nd/1st_read/gov29-1.htm (date accessed: 24 June 2004).

Russ Francis “Contracting out Health Support: Documents Raise Doubts” *The Tyee* (21 May 2004), online: The Tyee, http://thetyee.ca/News/2004/05/17/Contracting_out_Health_Support_Documents_Raise_Doubts/ (date accessed: 25 May 2004).

Marjorie Griffin Cohen “IWA Health Care Deal Betrays Women Workers” *The Tyee* (29 April 2004), online: The Tyee, <http://www.thetyee.ca/Views/current/IWA+Health+Care.htm> (date accessed: 19 May 2004).

42. The Poverty and Human Rights Centre submits that these legislative actions illustrate the precarious state of workers’ rights in the province, including rights guaranteed by the *Covenant*.

The government of British Columbia should act on the recommendations of the ILO, ensuring procedural and substantive respect for collective bargaining and the right to strike as essential aspects of the right to trade unions under the ICESCR.

Article 9 – The right to income assistance

Cutbacks to Social Assistance and the Impact on Women

43. In 2002, the provincial government of British Columbia has restructured and cutback provincial social assistance, instituting a number of regressive changes to eligibility and benefit provision.
44. For instance, welfare income for single mother-led families, already below Statistics Canada’s LICO lines, was significantly reduced. This was the result of, first, a cut in welfare benefits. The basic support portion of the social assistance benefit was cut. For instance, support rates for single-parent families were reduced by \$43 a month. The vast majority of these are single mothers-led families, the largest group of families receiving social assistance. On top of this, shelter allowances for families of 3 or more were reduced. Reductions range from \$55 to \$75 a month. Second, single mothers are no longer allowed to keep a monthly \$100 of child support and up to \$200 of earnings exemptions for these same families have been eliminated. These changes mean that, for some families (disproportionately single mother-led families), benefit levels have been drastically reduced. For example, a single mother-led family with two children could see a reduction of almost \$400, or 25 per cent. As well, crisis grants for individuals

have now been limited to a maximum of \$20 per month for food and \$100 per year for clothing. The limits for families are \$400 per year for clothing and one month's shelter allowance per year. Also, BC continues to claw back the National Child Benefit Supplement from families on social assistance, dollar for dollar. The result is benefit levels even further below Statistics Canada's LICOs and on-going unaddressed financial crises for recipients.

Seth Klein and Andrea Long, *A Bad Time to be Poor: Analyzing BC's New Welfare Policies* (Spring 2003) Canadian Centre for Policy Alternatives at 20, online: CCPA http://www.policyalternatives.ca/documents/BC_Office_Pubs/welfare.pdf (date accessed: 4 May 2005).

45. Individuals who live on income assistance in British Columbia survive at a level far below an adequate standard of living, indeed far below all measures of the "poverty line". Greater reliance on food banks, a rise in food insecurity, and increased homelessness has accompanied the government's changes to welfare legislation.

G. Creese and V. Strong-Boag, "Losing Ground: The Effects of Government Cutbacks on Women in British Columbia, 2001-2005," March 8, 2005, online: <http://www3.telus.net/bcwomen/archives/rep-iwd-reese-strong+boag-losing+ground+report.pdf> (date accessed: 07 April 2006).

46. The government has introduced, as well, a number of changes to welfare rules, including the following.

- Employable single parents are expected to work when their youngest child reaches the age of three, rather than the age of seven as had previously been the case. Full day public education begins at age six. In April 2002, approximately 8,900 single parents families had status changes from "temporarily excused from work" to "expected to work" as a result of this change. The majority of these are single mothers. Once considered "expected to work", single mothers suffer a reduction in their benefit level if they do not take available work, regardless of child care responsibilities. Parents who do not follow their employment plan (created for them by the government, often without consultation with the client) can be cut off welfare entirely, leaving families with children destitute.
- Before being able to start the application process, individuals, following their initial contact with the welfare office, are required to undertake a "three-week self-directed job search", during which income assistance benefits are not available. There are exceptions (some instituted as the result of an investigation by the provincial Ombudsman) but the bulk of applicants face this requirement regardless of resources available to them. Moreover, once the job search period is over, applicants typically wait another two to three weeks before they receive benefits. In practice, therefore, there is a waiting period of approximately five to six weeks, during which extremely needy people receive no financial help. Parents with children three years or older are

not exempted from the three week work search agreement unless able to prove “emergency need.” This waiting period causes severe hardship, including food insecurity and loss of housing.

- Most income assistance applicants without children must now show that they have been in the paid workforce for two consecutive years in order to be eligible for income assistance. They must demonstrate that they have worked 840 hours per year in each of those two years, or earned \$7,000 per year.
- The government introduced flat time limits for receipt of welfare. “Employable” people without children may only receive welfare for two years during any five-year period. In response to strong criticism from the public, the government introduced a series of exemptions that lessen the impact of this time limit. However, as long as it remains on the books, this arbitrary time limit is the only one of its kind in Canada.
- Some people with disabilities are now covered by the same legislation as general welfare recipients, a change that ignores the unique needs of people with disabilities. It has also caused great anxiety that claimants will be deemed “employable”, thus losing their eligibility, even though performing regular work is not possible for them.
- In addition to any civil or criminal penalty imposed by the courts, those found guilty of welfare “fraud” (which may include failure to report a gift) are now banned from receiving income assistance for periods ranging from 3 months to lifetime.
- Young adults (19 and over) are now required to demonstrate that they have lived independently of their parents for two years before they are eligible for welfare. This places vulnerable youth at risk.
- Children whose parents receive welfare can be required to seek employment as soon as they reach age 16. This requirement can be made a condition of their family’s receipt of social assistance, such that the family is penalized by \$100 if the youth fails to comply. Thus, while other youths are encouraged to concentrate on their education, youths who rely on social assistance are pressured to seek paid employment.
- Individuals who leave jobs “voluntarily” or are fired for cause are ineligible, with limited exceptions, for assistance. Advocates are concerned that individuals are usually considered ineligible for welfare even if they have left jobs because of sexual harassment, unsafe working conditions, or labour standards violations because of the difficulty of establishing such claims. The government’s first assumption is that the individual is at fault.

BC Employment and Assistance Act S.BC. 2002, c. 40, s. 8, online: Ministry of Management Services http://www.qp.gov.bc.ca/statreg/stat/E/02040_01.htm (date accessed: 4 May 2005).

BC. Reg. 263/2002, s. 3, 29, and 27 online: Ministry of Management Services
http://www.qp.gov.bc.ca/statreg/reg/E/263_2002.htm (date accessed: 4 May 2005).

Employment and Assistance Appeal Tribunal of the Province of British Columbia,
Basis for Appeal to the Tribunal, online: Employment and Assistance Appeal Tribunal
of the Province of British Columbia
http://www.gov.bc.ca/eaat/popt/basis_for_appeal.htm (date accessed: 4 May 2005).

47. The changes to social assistance made by the Government of British Columbia have had a debilitating effect on the groups in British Columbia who are already most vulnerable to poverty and social exclusion. These groups include Aboriginal people, women, single mothers, people of colour, recent immigrants, refugee claimants, people with disabilities, youth, and children. The majority of persons reliant on social assistance are women.
48. The Government of British Columbia sought to justify its new welfare scheme, as well as cuts to other social services and protections, on the grounds that it was facing a “structural” deficit. However, at the same time that it cut social spending, the Government also cut taxes, reducing its revenue base. And, now, after two years of budget surpluses and anticipating at least three more, the government can no longer point to this same justification.
49. In any case, introducing measures that imperil the rights of the most disadvantaged people to food, shelter, clothing, and access to justice is not defensible as a deficit-cutting strategy. By slashing social expenditure in the way that it did, the government of British Columbia did not pay sufficient attention to the adverse consequences for the enjoyment of economic, social and cultural rights by the BC population as a whole, and by vulnerable groups, such as women, in particular.

Issue #10 Fifth Periodic Report: Detrimental Impact of Cuts

50. In June 2002, The BC Association of Social Workers passed a motion censuring the Minister responsible for income assistance for these changes, stating that the new legislative changes would:
 - ...reduce financial assistance, reduce eligibility for assistance and refuse assistance to others and in doing so, inflict harm on individuals and families, increase poverty, inequality and health risks, and deny an adequate standard of living for those whom the Ministry is committed to assist.

BC Association of Social Workers, (2002), *Press Release: BC Social Workers Vote to Censure Minister of Human Resources*, Murray Coell, Vancouver.
51. Recent research demonstrates that this has in fact been the case. First, the process of seeking income assistance (welfare) has become so restrictive and difficult to navigate that many of the very people most in need of help are being systematically excluded

from receipt of benefits. Second, benefit provision levels are so inadequate that there is widespread housing, food and social insecurity among welfare recipients. In 2003, for example, 78.6 per cent of all BC food bank recipients were on income assistance.

Denied Assistance: Closing the Front Door on Welfare in BC, Bruce Wallace, Seth Klein, and Marge Reitsma-Street (Vancouver Island Public Interest Research Group and the Canadian Centre for Policy Alternatives, 2006), online: www.policyalternatives.ca (date accessed: 27 March 2006).

Losing Ground: The Effects of Government Cutbacks on Women in British Columbia, 2001 – 2005, Gillian Creese & Veronica Strong-Boag, March 2005, a report prepared for the BC Coalition of Women's Centres, et al, online: <http://www3.telus.net/bcwomen/archives/rep-iwd-reese-strong+boag-losing+ground+report.pdf> (date accessed: 27 March 2006).

52. These cuts have had a disproportionate negative impact on women. For example, one third of welfare recipients are single parents, 88.5 percent of who are single mothers. Gendered negative impacts include the following:

(i) women are forced to turn to the sex trade for survival. Two recent studies report accounts of women put at increasing risk of being trapped in the sex trade because of income assistance delays and denials;

(ii) women are forced to remain in or return to abusive relationships;

(iii) women's poverty rates—particularly the poverty of especially vulnerable women—have remained unacceptably high, both in terms of numbers of women living in poverty and the depth of poverty in which these women and their families live;

(iv) women who are single mothers are unable to chose the balance of stay-at-home mothering and paid work that best suits their and their children's needs.

Human Rights Denied: Single Mothers on Social Assistance in British Columbia, Gwen Brodsky, et. al., 2005, Poverty and Human Rights Centre, online: <http://www.povertyandhumanrights.org/docs/denied.pdf> (date accessed: 28 March 2006).

Losing Ground: The Effects of Government Cutbacks on Women in British Columbia, 2001 – 2005, Gillian Creese & Veronica Strong-Boag, March 2005, a report prepared for the BC Coalition of Women's Centres, et al, online: <http://www3.telus.net/bcwomen/archives/rep-iwd-reese-strong+boag-losing+ground+report.pdf> (date accessed: 27 March 2006) at 17 and 6.

Denied Assistance: Closing the Front Door on Welfare in BC, Bruce Wallace, Seth Klein, and Marge Reitsma-Street (Vancouver Island Public Interest Research Group and the

Canadian Centre for Policy Alternatives, 2006), online: www.policyalternatives.ca (date accessed: 27 March 2006).

Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System, Janet Mosher, April 5, 2004, online: <http://dawn.thot.net/walking-on-eggshells.htm> (date accessed: 7 April 2006).

52. First Call BC, a coalition focused on child poverty, has stated that it has uncovered through Freedom of Information requests “that virtually no research went into the changes.” Thus, the government has been willfully negligent as to the discriminatory and destructive impact of these changes.

The 2005 British Columbia Budget: Time for Profound Changes, First Call, The BC Child and Youth Advocacy Coalition, (2004), online: <http://www.firstcallbc.org/documents/whatsnew/Pre-Budget%20provincial%20submission%20Oct%202004.pdf> (date accessed: 11 April 2006) at 4.

53. The BC Association of Social Workers has just called for an in-depth public review of welfare legislation, policies and practices, citing the harmful impacts of the unprecedented welfare reforms that began in 2002. The President of the Association made the statement that the government continues to “carry out their broad social experiment with little accountability or consultation.”

“Time to ‘Open the Door’ to our Human Rights Obligations, says BC Association of Social Workers,” March 27, 2006, *Media Release re Welfare Policy*, BC Association of Social Workers, online: <http://www.bcasw.org/Content/News%20and%20Media/News%20Archive.asp?ItemID=20815> (date accessed: 4 April 2006).

The government of BC must raise welfare rates to a standard of adequacy, drop eligibility rules that bar persons in need from receiving welfare, and establish rules and policies that will provide women in need, particularly single mothers, with supports that foster their security and autonomy.

Article 10 – Protection of the family, mothers and children

Issue #26 Fourth Periodic Report: Core Funding to Women's Centres

54. One hundred percent of the provincial core funding for the 38 women's centres in British Columbia was cut on April 1, 2004. The government's own website describes the

role of these centres: “Women’s centres respond to the needs of their communities through a variety of services, such as information and referral, support groups, crisis counseling, job entry programs, child care services and housing registries.”

56. The BC Coalition of Women’s Centres reported that in 2001, women’s centres provided these and other services to 300,569 women, or 16% of all women and girls in the province. The majority of the women served were experiencing violence and/or living in poverty.
57. In BC women’s centres are regionally-based, so that there are women’s centres in remote parts of the province, as well as in the heavily populated south. Some centres are also culture- or community-specific. The Downtown Eastside Women’s Centre serves women in Canada’s poorest urban neighbourhood, which also has a high population of Aboriginal women. The Philippine Women’s Centre serves women who have come to Canada from the Philippines as immigrants or migrant workers, including a significant number of domestic and home care workers.
58. Some of the centres may survive a while longer on other types of funding – research funding, or fee-for-service funding, for example. But the funding that has been removed from women’s centres had been critical to empowering women in the province to associate and organize in order to have a voice in the decision-making processes that affect their lives. The withdrawal of the core funding to women’s centres silences British Columbian women.

British Columbia Ministry of Community, Aboriginal and Women’s Services, *Service Plan Summary 2002/03 – 2004/05* at 3, online: British Columbia Ministry of Community, Aboriginal and Women’s Services, online:
http://www.gov.bc.ca/prem/down/core_review_02/community_aboriginal_and_women%27s_services.pdf (date accessed: 8 August 2002).

British Columbia Ministry of Community, Aboriginal and Women’s Services, website, online: British Columbia Ministry of Community, Aboriginal and Women’s Services, <http://www.weq.gov.bc.ca/womens-centres/index.stm> (date accessed: 8 August 2002).

BC Coalition of Women’s Centres, Press Release “Woman’s life not worth \$5.65 in British Columbia” (28 May 2002), online: BC. Coalition of Women’s Centres http://www3.telus.net/bcwomen/archives/womanslife_notworth_5_65.html (date accessed: 8 August 2002).

The government of BC must restore full and adequate funding to women’s centres across the province and ensure that women in all regions of the province have adequate access to a women’s centre.

Issue # 27 Fourth Periodic Report: Apprehension of Children by the State

59. It continues to be the case that disproportionately Aboriginal children and children from families on income assistance are taken into state custody. For example, in British Columbia, there were 9,115 children in care as of December 31, 2004. Of those, 4,375 or 48 per cent were Aboriginal and 3,740 or 41 per cent were from families known to be in receipt of income assistance as of the same date. An Aboriginal child today is 9.5 times more likely to be in care than a non-Aboriginal child, and almost half the children in care in the province today are Aboriginal.

Canada's Responses, List of issues to be taken up in connection with the consideration of the fourth periodic report of CANADA concerning the rights referred to in articles 1-15 of the *International Covenant on Economic, Social and Cultural Rights* (E/C.12/4/Add.15) (online: http://www.ohchr.org/english/bodies/cescr/docs/HR.CESCR.NONE.2006.CAN_En.pdf date, date accessed 14 April 2006.)

BC Children and Youth Review, Honourable Ted Hughes OC, QC, LL.D. (Hon.) An Independent Review of BC's Child Protection System, April 7, 2006, Submitted to the Minister of Children and Family Development, by the Honourable Ted Hughes.

60. In a government commissioned report just released (April 2006), a retired judge condemned British Columbia's child protection system calling it, in effect, an unstable mess because of budget cuts and a revolving door of senior leadership. Budget cuts, part of the larger pattern of social programme retrenchment introduced in 2001, have, the report asserts, decimated the child protection system. Specifically, the report's author states that he is disheartened "by the everincreasing numbers of Aboriginal children being taken into care, especially when that means removal not only from their families but from their communities as well," noting "the poverty, substance abuse, limited economic opportunities, substandard housing and other challenges facing Aboriginal families."

BC Children and Youth Review, Honourable Ted Hughes OC, QC, LL.D. (Hon.), An Independent Review of BC's Child Protection System, April 7, 2006, Submitted to the Minister of Children and Family Development, by the Honourable Ted Hughes.

Article 11 – The right to an adequate standard of living

Issue # 11 Fifth Periodic Report: Poverty Rates On the Increase in BC

61. There has been no coherent poverty reduction strategy generated by the government of BC. And, the extent and depth of poverty remains stubbornly high. While poverty rates, reflecting economic cycles, are down in other parts of Canada, BC has been anomalous

in that poverty rates have risen in this province, despite the vigor of BC's economy. Indeed, in 2004 BC had the highest general poverty rate for families in the country at 10.3 per cent.

“Income of Canadians, 2004,” Thursday, March 30, 2006, *The Daily*, Statistics Canada, online: <http://www.statcan.ca/Daily/English/060330/d060330a.htm> (date accessed 6 April 2006).

62. Dramatic cuts in poverty rates require dramatic and purposeful action by governments. Addressing the persistent poverty of distinctive vulnerable groups equally requires focused action by governments. This is not happening in British Columbia.

Issue #29 and #32 Fourth Periodic Report: Increase in BC Women's Poverty

63. Like women in other parts of Canada, women in BC have higher rates of poverty than men, and lower incomes. They also live in deeper poverty than men and are more vulnerable to becoming poor. Single mothers, senior women, Aboriginal women, visible minority women, immigrant women and disabled women are particularly vulnerable to poverty. Single mother-led families have the highest rate of poverty among family types in Canada.
64. Latest available data show British Columbia with one of the highest rates in Canada of poverty for single mother-led families: at 49.1 per cent after tax in 2004, the rate is considerably higher than in Canada generally (35.6 per cent in Canada) and has been rising in the last years. Indeed, the situation of these BC women and their children deteriorated from 2001 – 2004. Thus, unlike in Canada generally, the low-income rate of single-mother led families in BC has risen since 2001. These BC women also have one of the deepest levels of poverty among single mother-led families in Canada, on average, after tax, \$7,300 below Statistics Canada's LICO in 2004, an increase from \$6,200 in 2001. The situation in BC has worsened dramatically since Canada's last periodic review under *ICESCR*.

Statistics Canada CANSIM Table 202-0804, Families and Low-Income by Economic Family Type, for 2004 (available from Statistics Canada).

Statistics Canada Statistics Canada, *Income Trends in Canada*, 2003.

Poverty Profile 2001, National Council of Welfare, 2005, online: <http://www.ncwcnbes.net/> (date accessed: 28 March 2006).

“Family Income”, *The Daily*, May 12, 2005, online: <http://www.statcan.ca/Daily/English/050512/d050512a.htm> (date accessed: 27 March 2006).

65. Factors contributing to women's poverty in British Columbia include: inadequate social assistance rates and tightened eligibility rules; women's greater likelihood of performing unpaid caregiving duties for children, the sick, and the elderly; lack of affordable and accessible childcare; the sex-based wage gap and failure to implement equal pay for work of equal value; occupational segregation and women's greater likelihood of holding non-standard jobs, with no benefits or job security; and recent cuts to female-dominated public sector jobs, such as health and education services, that have resulted in disproportionate job loss and wage reduction for women.

Nitya. Iyer, *Working through the Wage Gap: Report of the task force on pay equity* (28 February 2002) Ministry of Attorney General at 88-9 and 154, online: http://www.ag.gov.bc.ca/public/working_through_the_wage_gap.pdf (date accessed 2 April 2006).

Women's Employment in BC: Effects of Government Downsizing and Employment Policy Changes, 2001-2004, Canadian Centre for Policy Alternatives, Sylvia Fuller and Lindsay Stephens, December 2004.

Aboriginal women

66. Aboriginal women disproportionately live in poverty, with incomes considerably lower than Aboriginal men and non-Aboriginal women. In British Columbia, Aboriginal women and girls are disadvantaged in many intersecting ways that militate against their full development and their equal exercise and enjoyment of their rights.
67. Although jurisdiction over "Indians and lands reserved for Indians: is formally assigned to the federal government within Canadian constitutional division of powers, federal legislation (s. 88 of the federal *Indian Act*) allows for substantial provincial legislative authority over Aboriginal peoples. Thus, in practical terms, both the federal and provincial governments must be held responsible for the legal status and conditions of Aboriginal women and girls and their communities. For example, provincially-provided health, welfare, and education programmes are critical to both on- and off-reserve Aboriginal women and girls.

The government of BC must develop a coherent and effective poverty reduction strategy, in consultation with groups representing low-income and economically vulnerable individuals in the province. A poverty reduction strategy must pay particular attention to persistent pockets of poverty—such as the poverty of single-mother led families, aboriginal women, immigrant women and disabled women—and to the depth and duration of poverty among these groups. This must include taking steps to redress the current regressive actions negatively impacting these groups.

Issue #30 Fourth Periodic Report: Income Assistance Rates as a Percentage of the LICO Line

68. Current BC social assistance rates do not allow recipients to live above the LICO line. In fact, there is a large disparity between LICO rates and corresponding provincial income assistance rates. The following illustrations demonstrate this.

For a single person in a city of 500,000 or more, such as Vancouver, the 2005 before-tax LICO line is \$20,778. Income assistance rates under the BC Employment and Assistance Act for the same individual amount to \$510/month (\$325 for shelter, and \$185 for living expenses), totaling \$6,120 per year. Thus, for this group of individuals, BC's social assistance benefit rate is roughly 30 percent of Statistics Canada's LICO. For a single mother with two children, also in Vancouver, income assistance benefits amount to \$1,127/month (\$555 for shelter, \$325 for living expenses, plus \$123.50 per child) totaling \$13,524 per year. The Statistics Canada LICO is \$31,801. Thus, income assistance benefits represent roughly 43% percent of the LICO.

Seth Klein and Andrea Long, *A Bad Time to be Poor: Analyzing BC's New Welfare Policies* (Spring 2003) Canadian Centre for Policy Alternatives at 20, online: CCPA http://www.policyalternatives.ca/documents/BC_Office_Pubs/welfare.pdf (date accessed: 4 May 2005).

National Council of Welfare, Fact Sheet, *Welfare Incomes 2004* (Spring 2005), online: <http://www.ncwcnbes.net/htmldocument/reportWelfareIncomes2004/FactsheetENG/Factsheet2ENG.pdf> (date accessed: 16 March 2006).

BC Ministry of Employment and Income Assistance, BC Employment and Assistance Rate Tables, (Income Assistance, Effective January 1, 2005), online: <http://www.mhr.gov.bc.ca/mhr/ia.htm> (date accessed: 13 March 2006).

69. Income assistance rates thus ensure that recipients remain in poverty, well below the LICO lines. Experts estimate that social assistance benefits in British Columbia meet only 44-60% of minimum living costs. Safe housing and a healthy diet are just two of the serious concerns posed by this large discrepancy in estimated cost of living and actual income assistance benefit levels. The shelter rate does not provide safe housing; only 19 per cent of rooms for rent in the Downtown Eastside of Vancouver, the lowest income area in Vancouver, rent for \$325 or less. As well, welfare rates are not high enough for people to eat a healthy diet; a family of four on welfare will not have ANY money left to spend on food if they pay average amounts for rent and other daily living costs.

Jean Swanson, *Time to Up Welfare Payments* 2005-12-26, online:
<http://theyee.ca/Views/2005/12/26/WelfarePayments> (date accessed: 16 March 2006).

Dieticians of Canada, *Individual and Household Food Insecurity in Canada: Position of the Dieticians of Canada* (November, 2005), online: http://cafb-acba.ca/documents/Food_Insecurity_DC_Position.pdf (date accessed: 21 March 2006)

G. Creese and V. Strong-Boag, *Losing Ground: The Effects of Government Cutbacks on Women in British Columbia, 2001-2005*, March 8, 2005, online:
<http://www3.telus.net/bcwomen/archives/rep-iwd-reese-strong+boag-losing+ground+report.pdf> (date accessed: 07 April 2006).

Andrea Long and Michael Goldberg, *Falling Further Behind: A Comparison of Living Costs and Employment and Assistance Rates in British Columbia* (2002) Social Planning and Research Council of British Columbia at ii, online: SPARC BC
http://www.sparc.bc.ca/resources_publications/left_behind (date accessed: 4 May 2005).

70. This problem is only getting worse. A lower percentage of minimum living costs are now covered in BC than were in 2002. Again, the BC government's actions in this area have regressively undermined observation of ICESCR protections in the province.

Michael Goldberg and Kari Wolanski, *Left Behind: A Comparison of Living Costs and Employment Assistance Rates in British Columbia*, December 2005, SPARC BC, online:
http://www.sparc.bc.ca/index.php?option=com_docman&task=doc_details&gid=129&catid=98&Itemid=130 (date accessed: 13 March 2006).

The government of British Columbia must ensure that income assistance rates provide recipients with incomes at least at the level of Statistics Canada LICO lines.

Issue #36 Fourth Periodic Report: Housing

71. Recent studies demonstrate that homelessness is on the rise in British Columbia. In the Greater Vancouver Region, homelessness has more than doubled since 2002, up from 1049 visible homeless persons to 2112. More and more homeless persons are finding themselves on the street; in 2002, 719 were in shelters and 330 were living on the streets, while in 2005 1007 are in shelters and 1105 are on the street. In 2001, over 126,000 people in 56,000 households in Greater Vancouver were at risk of homelessness; experts believe recent volatility in the housing markets has driven those rates up, though concrete data is not yet available. Those who are at risk for homelessness are predominantly women, Aboriginal people, seniors, immigrants, lone parents (predominantly mothers) and persons with a disability.

Greater Vancouver Regional District, *Growing Homelessness in Greater Vancouver*, and April 28, 2005, online: Greater Vancouver Regional District <http://www.gvrd.bc.ca/homelessness/pdfs/NewsRelease-GrowingHomelessness-April2005.pdf> (date accessed: 15 June 2005).

Greater Vancouver Regional District, *Homeless Count 2005: Preliminary Results*, online: Greater Vancouver Regional District, <http://www.gvrd.bc.ca/homelessness/> (date accessed: 15 June 2005).

The government of British Columbia must ensure that income assistance rates provide incomes that allow recipients to obtain adequate housing.

IV. SUMMARY OF RECOMMENDATIONS

1. The Poverty and Human Rights Centre requests that the Committee pay urgent attention to the diminishment of the enjoyment of basic human rights in the Province of British Columbia.
2. The government of BC should reverse recent regressive measures that have a discriminatory impact on women, in particular, the most vulnerable groups of women, such as aboriginal women, immigrant women, disabled women and single mothers.
3. The government of BC must ensure that the constitutional interpretation it urges upon courts is consistent with the government's human rights obligations under *ICESCR*.
4. The government must ensure that full and meaningful access to legal aid is available for BC women, in particular, for family and poverty law. The provincial government needs to do this in cooperation with the federal government to establish national standards for legal aid in these areas, consistent with the *Canadian Charter of Rights and Freedoms* and international human rights.
5. The BC government must repeal the lower new worker minimum wage, and raise the minimum wage to a level that puts all persons and families earning minimum wages above the poverty line.
6. The government of British Columbia should act on the recommendations of the ILO, ensuring procedural and substantive respect for collective bargaining and the right to strike as essential aspects of the right to trade unions under the *ICESCR*.
7. The government of BC must raise welfare rates to a standard of adequacy, drop eligibility rules that bar persons in need from receiving welfare, and establish rules and policies that will provide women in need, particularly single mothers, with supports that foster their security and autonomy.
8. The government of BC must restore full and adequate funding to women's centres across the province and ensure that women in all regions of the province have adequate access to a women's centre.
9. The government of BC must develop a coherent and effective poverty reduction strategy, in consultation with groups representing low-income and economically

vulnerable individuals in the province. A poverty reduction strategy must pay particular attention to persistent pockets of poverty—such as the poverty of single-mother led families, aboriginal women, immigrant women and disabled women—and to the depth and duration of poverty among these groups. This must include taking steps to redress the current regressive actions negatively impacting these groups.

10. The government of British Columbia must ensure that income assistance rates provide recipients with incomes at least at the level of Statistics Canada LICO lines.
11. The government of British Columbia must ensure that income assistance rates provide incomes that allow recipients to obtain adequate housing.

Appendix A.

Cuts and Changes in British Columbia – Retrogressive Measures

Between 2001 and 2004, the Government of British Columbia cut and changed social programs and services in a massive way. The range of cuts and changes include:

- cuts to social assistance benefits (shelter and support allowances);
- elimination of exemptions which allowed social assistance recipients to keep some money from maintenance payments and employment;
- change to definition of “employable” welfare recipients to include single parents whose youngest child is three years old (down from seven years old);
- introduction of welfare time limits, providing that “employable” welfare recipients are only eligible for assistance for two years out of five;
- introduction of new restrictions on eligibility for social assistance, including a narrower definition of disability;
- weakened tenants’ rights protections and enforcement;
- a 38 % reduction in the legal aid budget;
- elimination of legal aid for family maintenance or custody disputes, unless there is evidence of violence;
- elimination of direct services for poverty law matters, including landlord/tenant, employment insurance, employment standards, welfare, and disability pension claims or appeals;
- closure of all Native and Community Law Offices;
- cuts to acute care beds;
- closure of 3,300 beds in long-term care facilities;
- cuts to cancer, maternity and pediatric services;
- reduction in night-time operation of emergency rooms;
- cuts to psychiatric and mental health beds;
- cuts to home support for seniors;
- increase in medical insurance premiums;
- delisting of certain procedures and services including eye exams, and physiotherapy;
- increase in Pharmacare deductibles;
- cuts in prescription drug coverage;
- reduced availability of home support for the elderly and for people with disabilities;

- introduction of a training wage lower than minimum wage for new entrants to the labour force for the first 500 hours of work;
- reduced minimum shift (2 hours rather than 4) and “flexibilized” overtime (“averaging agreements” permit employers not to pay overtime until a worker has worked 160 hours in a month);
- reduced regulation of child labour — children between the ages of 12 and 15 can work up to 20 hours a week at unlimited times (other than during school hours) and doing unlimited types of work, as long as the employer has one parent’s consent – (previously the Ministry of Labour’s consent was required);
- reduced enforcement of labour standards with fewer Employment Standards Officers and requirement to use self-help kits;
- reduced workers’ compensation benefits;
- exclusion of agricultural workers from rules governing hours of work, overtime, and statutory holiday pay;
- repeal of the ‘equal pay for work of equal value’ requirement in the *Human Rights Code*;
- introduction of legislation forcing health professionals and nurses to end lawful job action;
- introduction of legislation making education an essential service so that teachers cannot legally strike;
- imposition of the employers’ last offer as the contracts for nurses and teachers;
- introduction of legislation that permitted health and social services employers to disregard collective agreements, including job security provisions (causing a 44% decrease in wages for hospital housekeeping staff - mostly women and mostly immigrant and visible minority women - and the loss of 8,500 unionized jobs);
- cancellation of youth employment programs;
- elimination of the Ministry of Women’s Equality;
- elimination of the Human Rights Commission;
- elimination of the Children’s Commission;
- elimination of the Children’s Advocate;
- change to the province’s spousal assault policy, directing crown counsel to prosecute fewer cases of spousal assault;
- cuts to victim assistance services;
- deregulation of university tuition fees, resulting in large increases in fees and student debt;
- cuts to direct services to elementary and high school students, particularly the most disadvantaged students, because of cuts to per pupil funding;

- cancellation of a planned universal daycare program;
- cancellation of the before-and after-school childcare program;
- phase-out of B.C. Seniors' Supplement;
- phase-out of funding for Meals on Wheels;
- elimination of multicultural programs;
- elimination of core funding for 37 women's centres;
- closure of twenty-four court houses, fifty schools, five probation offices, thirty-six human resources offices, sixty legal aid offices, and ten apprenticeship offices.

This is not a complete list.

B.C. CEDAW Group, "British Columbia Moves Backwards on Women's Equality", 2003, http://www.fafia-afai.org/images/pdf/BC_CEDAW_report_012103.pdf; Caledon Institute of Social Policy, 2002, *A New Era in British Columbia: A Profile of Budget Cuts across Social Programs*, <http://www.caledoninst.org>.