

HOLDING BRITISH COLUMBIA ACCOUNTABLE:

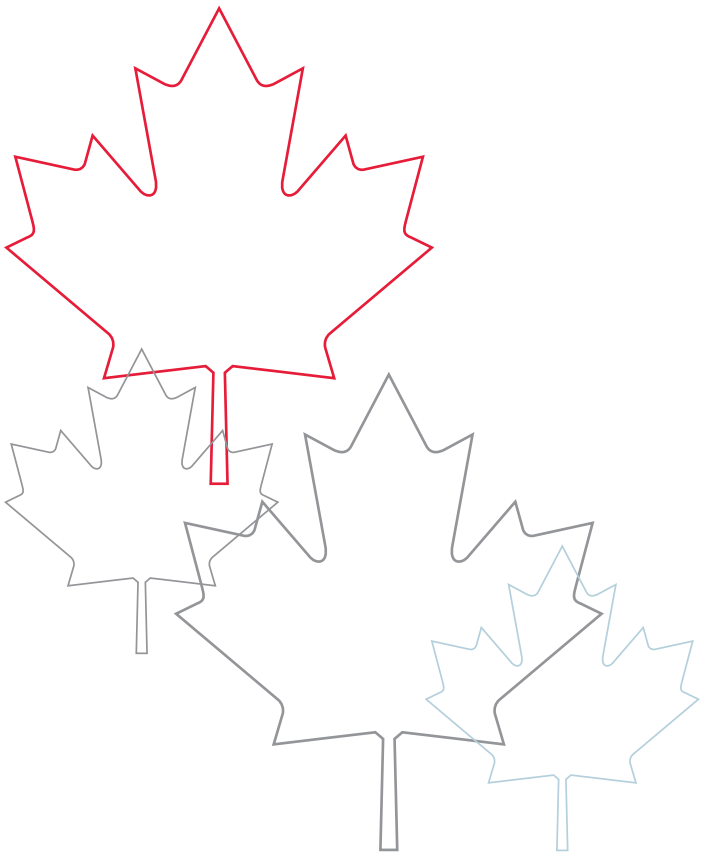
*Women's Economic, Social and
Cultural Rights*



BC CEDAW GROUP

Submission to the Committee on Economic, Social and Cultural Rights
on the occasion of its consideration of Canada's 6th Periodic Report
at its 57 Session (22 Feb 2016 - 04 Mar 2016)

Submitted February 1, 2016



SUMMARY of Recommendations

I - General Information — Access to Human Rights Justice

HUMAN RIGHTS ENFORCEMENT IN BC

Recommendation: That the Government of British Columbia immediately establish a human rights commission, with powers to promote human rights, educate the public, be a public voice for human rights, engage in inquiries and studies into systemic discrimination, report to Government on compliance with international human rights instruments, and initiate complaints.

Recommendation: That the Government of British Columbia provide adequate funding to support legal representation and legal advice for those who have experienced discrimination in the Province of British Columbia so that effective legal remedies for violations of rights are available to all.

(II) CUTS TO LEGAL AID

Recommendation: That the Government of British Columbia immediately provide new, sustained and adequate funding for poverty law legal aid and for legal aid for family law matters, and ensure that legal aid is available to those who need it by raising financial thresholds for qualification.

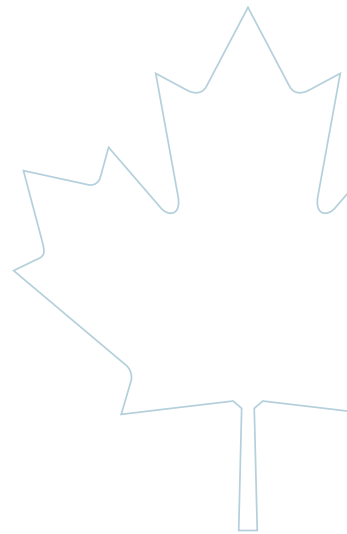
II – Issues Relating to General Provisions of the Covenant

Article 2, Paragraph 1

Maximum Available Resources

AUSTERITY MEASURES

Recommendation: That the Government of British Columbia strike a Fair Tax Commission to objectively review the BC



taxation system, including through a gender lens, and develop recommendations for meeting provincial revenue needs in an equitable way. The Commission should include a public engagement component, engaging with men and women from all walks of life and parts of the province about the services they want and how we can pay for them fairly.

Article 3

SPECIFIC OBLIGATIONS TO WOMEN

Recommendation: That the Government of British Columbia reinstate the necessary government agencies and advisory bodies that can ensure that government policies, laws and expenditures respect, protect and fulfill the rights of women, promote equality for women and provide funding support for women's non-governmental organizations in the province.

Articles 3 & 10

Violence against Women

WIFE ASSAULT IN BC

Recommendation: That the Government of British Columbia immediately develop a provincial anti-violence plan, in consultation with women's anti-violence organizations, to address: 1) the failed police response to violence against women; and 2) economic and social policy omissions and failures that make women vulnerable to violence and less able to escape it, including inadequate social assistance rates, inadequate housing, and inadequate access to justice.

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS IN BRITISH COLUMBIA

Recommendation: That the Government of British Columbia fully implement the MWCI, IACHR and CEDAW recommendations and establish an implementation mechanism that is independent, participatory and accountable to the public, to Indigenous women and to Indigenous communities.

Recommendation: That the Government of Canada ensure that the mandate of the national public inquiry on murders and disappearances of Indigenous women and girls includes

full examination of failures to fulfill the economic, social and cultural rights of Indigenous women and girls and that the inquiry's mandate include the design of concrete strategies and a comprehensive plan for addressing these failures.

III- Issues Relating to Specific Provisions of the Covenant (arts. 6-15)

Article 7

The Right to Just and Favourable Conditions of Work

MINIMUM WAGE WORK IS WOMEN'S WORK IN BC

Recommendation: That British Columbia introduce a \$15 an hour minimum wage law immediately, as recommended by the British Columbia Federation of Labour, and drop the liquor server wage.

Article 9

RIGHT TO SOCIAL SECURITY

Recommendation: That British Columbia immediately raise the welfare rates for every family type to above poverty line levels, drop the clawbacks to Employment Insurance maternity benefits, and reinstate face to face accessible client service.

Article 11

The Right to an Adequate Standard of Living

ADEQUATE HOUSING

Recommendation: That the BC Government implement a provincial housing strategy that prioritizes the housing needs of the most vulnerable and that gives effect to the right to adequate housing by ensuring the availability and adequacy of a wide range of housing/shelter options for different housing needs and preferences, such as emergency shelters, social housing, affordable homeownership options, and market rental and ownership housing.

Recommendation: That the BC Government focus its efforts

on supporting and expanding existing social housing, and developing new social housing, defining affordability according to income levels, rather than market prices.

Recommendation: That the BC Government use its legislative resources to raise incomes, for example, through minimum wage and social assistance rates law, and thus address the income piece of the housing affordability question.

Recommendation: That the BC Government raise the shelter allowance of BC social assistance to a level that reasonable approximates the cost of rental housing in different communities in British Columbia and that the Government extend criteria for rental assistance to allow access for more households.

FOOD SECURITY: COMPROMISED BY POVERTY AND HOUSING UNAFFORDABILITY

Recommendation: That the BC Government formulate a comprehensive rights-based food strategy, identifying measure to be adopted, time frames, and attentiveness to most vulnerable populations. Included must be revision of social assistance levels and minimum wage levels to correspond to costs of necessities required to enjoy the human right to an adequate standard of food security.

CHILDCARE

Recommendation: That the government of Canada provide leadership, legislation, and adequate and sustainable funding for provinces, territories and Indigenous communities to build quality, affordable child care.

Recommendation: That the Province of British Columbia implement the recommendation as outlined in the Community Plan for a Public System of Integrated Early Care and Learning.

Article 12

The Right to Physical and Mental Health

Recommendation: That the Government of Canada through the Canada Health Transfer and the Canada Health Accord require provincial and territorial governments to include the continuum of care in their scope, including Long Term Care, home care, and seniors housing.

Recommendation: That the Government of Canada take measures, in cooperation with the provinces and territories to stop the privatization of health services such as Long Term Care.

Recommendation: That all governments in Canada develop programs and services that recognize the different health care needs of men and women, visible minorities, people with disabilities, and new Canadians.

Recommendation: That the Province of British Columbia implement the recommendations of the B.C. Ombudsman regarding health care services.

Recommendation: That the Province of British Columbia increase funding for health care services for seniors, such as but not limited to, expanding the continuum of care, including home health services, residential care and seniors housing.

INTRODUCTION

The BC CEDAW Group is a coalition of women's non-governmental organizations committed to advancing the rights of women and girls in British Columbia. Formed in 2002, the Group has participated in United Nations periodic reviews before a variety of treaty bodies. Past reports of the BC CEDAW Group can be found at <http://povertyandhumanrights.org/>.

The 2016 BC CEDAW Group includes:

- Coalition of Child Care Advocates of BC;
- Hospital Employees' Union;
- Justice for Girls;
- Poverty and Human Rights Centre;
- Vancouver Committee for Domestic Workers and Caregivers Rights;
- Vancouver Rape Relief and Women's Shelter;
- West Coast LEAF-Women's Legal Education and Action Fund;
- Single Mothers Alliance;
- Vancouver Women's Health Collective.

Our submission documents the Government of British Columbia's failure to respect, protect, and fulfill its obligations to women and girls under the ICESCR.

Canadian Federal System: Provincial Responsibility for International Human Rights

All levels of government within Canada are fully bound by Canada's international human rights commitments. Because Canada is a federal state, however, substantive legislative abilities vary in terms of the division of legislation jurisdiction between federal and provincial governments. Thus, full implementation of the ICESCR by Canada is dependent upon the performance of provincial governments, as well as the federal government. Indeed, some aspects of the obligations assumed by Canada are centrally part of provinces' formal jurisdiction. Provincial governments thus must be treated as key participants in the periodic review process and Canada, when

under review, carries accountability for both federal and provincial governments' implementation of the *Covenant*.

British Columbia

For over a decade, British Columbia has been in significant dereliction of Canada's obligations under the ICESCR. This has been well-documented before all United Nations Treaty Bodies and has elicited specific mention of British Columbia in the Concluding Observations of numerous Periodic Reviews. Austerity measures introduced by the British Columbia government in 2002, including funding cuts to programs key to women's well-being and citizenship, have led to the denial or infringement of women's economic, social and cultural rights for over a decade. These austerity measures do not meet the Committee's requirements of being temporary, necessary and proportionate, and non-discriminatory.¹ Furthermore, elimination of the machinery for promoting women's equality—such as the Women's Ministry—and government failures to provide effective remedies for violations of women's economic, social and cultural rights are ongoing. The Province has failed to alleviate poverty and to address effectively violence against women, including extreme violence against Indigenous women and girls. These breaches—their severity and persistence—mark British Columbia, at this Periodic Review, as an appropriate focus of CDESCR concern.

Article 3

The States Parties to the present *Covenant* undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present *Covenant*.

We submit that, despite substantial available resources, the Province of British Columbia has failed to ensure that the women of British Columbia fully enjoy their economic, social and cultural rights. Moreover, actions by the government, such as massive and sustained cuts to social programs starting in 2002, have aggravated the already disadvantaged social, economic, and cultural status of women in British Columbia

¹ International Covenant on Economic, Social and Cultural Rights. International Covenant on Economic, Social and Cultural Rights. United Nations Human Rights. Office of the High Commissioner. 1976.

society. Because women start from a disadvantaged position and rely more heavily than men do on social programs, these austerity measures specifically and disproportionately impact women.

Pursuant to Article 3, the Government of British Columbia is failing to ensure the equal right of women to full enjoyment of the economic, social and cultural rights set forth in the *Covenant*.

I - General Information—Access to Human Rights Justice

The *Covenant* requires that state parties establish appropriate venues for redress for human rights infringements, such as courts and tribunals or administrative mechanisms that are accessible to all on the basis of equality, including to the poorest and most disadvantaged women.²

However, BC has diminished access to meaningful redress for violations of women's economic, social and cultural rights in the following ways:

(i) HUMAN RIGHTS ENFORCEMENT IN BC

In 2002, the British Columbia government eliminated the BC Human Rights Commission, leaving the province with only a human rights tribunal. The absence of a human rights commission has resulted in a gaping hole in the province's system of human rights protection. No public body is mandated to prevent discrimination, educate the public, initiate inquiries on broad systemic issues, and promote human rights compliance. Since the human rights machinery consists of a tribunal only, human rights in the province has become mainly a matter of resolution of individual complaints of discrimination, and broader, systemic issues are neglected. BC is the only province in Canada that does not have a human rights commission.

Experts have documented the importance of human rights commissions in addressing issues such as: violence against Indigenous

² International Covenant on Economic Social and Cultural Rights. General Comment 16: The equal right of men and women to the enjoyment of all economic, social and cultural rights. Article 3. United Nations Human Rights Office of the High Commissioner, 2005. Print.

girls and women; prevalence of sexually degrading and threatening messages on social media that targets female school students; sexual harassment in workplaces; rape and rape culture in universities; and pregnancy and family status discrimination.³ Simply, human rights observance is weakened by the elimination of the human rights commission.⁴

In addition, the BC government has made deep cuts in already inadequate funding provided for legal services for human rights complainants. The BC Human Rights Clinic provides information, legal advice and representation for complainants before the BC Human Rights Tribunal. Funding for the Vancouver-based component of these services has been cut by 22% between 2011/12 and 2015/16. These cuts undermine the ability of women to access meaningful legal redress when they experience discrimination.⁵

Recommendation: That the Government of British Columbia immediately establish a human rights commission, with powers to promote human rights, educate the public, be a public voice for human rights, engage in inquiries and studies into systemic discrimination, report to Government on compliance with international human rights instruments, and initiate complaints.

Recommendation: That the Government of British Columbia provide adequate funding to support legal representation and legal advice for those who have experienced discrimination in the Province of British Columbia so that effective legal remedies for violations of rights are available to all.

(ii) CUTS TO LEGAL AID

The Committee on Economic, Social and Cultural Rights, in its

³ Kathleen Ruff. "B.C. Needs a Human Rights Commission – Now." Rabble. 11 Dec. 2014. Web. <<http://rabble.ca/blogs/bloggers/policynote/2014/12/bc-needs-human-rights-commission-now>>

⁴ Brodsky, Gwen, and Shelagh Day. Strengthen Human Rights: Why British Columbia Needs a Human Rights Commission. Canadian Centre for Policy Alternatives, 10 Dec. 2014. Web. <https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2014/12/ccpa-bc_StrengtheningHumanRights_web.pdf>

⁵ West Coast LEAF. 2015 CEDAW Report Card: How BC Is Measuring Up in Women's Rights. West Coast LEAF, 2015. Web. <<http://www.westcoastleaf.org/wp-content/uploads/2015/11/CEDAW-Report-Card-FINAL-for-web.pdf>>

2006 Concluding Observations on Canada, expressed concern about “drastic cuts” to legal aid in British Columbia. The CESCR recommended that Canada ensure that civil legal aid is provided to poor people with adequate coverage, eligibility, and services.⁶

But access to justice has worsened in British Columbia since this last CESCR Periodic Review. While cuts and service reductions affect many people in BC, they have had disproportionate impact on women and marginalized people.

The impact of inadequate funding, including the complete elimination of funding for all poverty law matters—housing, welfare, disability pensions, or debt⁷—and the narrowed scope of family law services, continue to undermine the entire justice system with far-reaching implications for women.⁸

While men are the principal users of criminal law legal aid, women are the principal users of family law legal aid; however legal aid for family law in BC is restricted by both issue coverage and income thresholds. Because women disproportionately experience poverty and economic hardship after relationship breakdowns, the legal and financial rights afforded to them under family law are vital to their ongoing economic security. They need accessible legal services to enforce their rights.⁹ However, in BC there is no legal aid coverage for financial matters involving division of property and family maintenance, two key aspects of family law designed to remedy gendered-economic insecurity.

In addition, women who do have a legal issue that BC’s legal aid system might cover, including seeking protection or restraining

⁶ Committee on Economic, Social and Cultural Rights. Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant Concluding observations of the Committee on Economic, Social and Cultural Rights Canada. Paragraphs 11 and 43. United Nations Economic and Social Council. 2006. Print.

⁷ Brewin, Alison and Kasari Govender. Rights-based Legal Aid: Rebuilding BC’s Broken System. West Coast LEAF, 2010. Web. <<http://www.westcoastleaf.org/wp-content/uploads/2014/10/2010-REPORT-Rights-Based-Legal-Aid-Rebuilding-BCs-Broken-System.pdf>>

⁸ Ian Mulgrew. “BC Legal Aid System Fails to Meet Basic Needs: Inadequate Funding Has Far Reaching Implications.” The Vancouver Sun. 10 July 2014. Web. <[http://www.vancouversun.com/life/Mulgrew legal system fails meet basic needs report says/10019031/story.html](http://www.vancouversun.com/life/Mulgrew%20legal%20system%20fails%20to%20meet%20basic%20needs%20report%20says/10019031/story.html)>

⁹ Committee on the Elimination of Discrimination against Women. Recommendation 29: Economic consequences of marriage, family relations and their dissolution. Paragraphs 4-5, 42. UN Committee on the Elimination of Discrimination Against Women. 2013. Print.

orders against violent spouses, may be denied because their income is too high. However, income thresholds for qualifying for legal aid are set at such low levels that even those who qualify for income assistance in BC (welfare) may not qualify for legal aid representation.

In 2010, BC had the third lowest per capita spending on legal aid, and BC does not cover many family law issues that other provinces do.¹⁰ As a result, between 2001 and 2015, BC saw a decline in the number of legal aid cases approved for legal representation; the number of family law cases approved for legal aid dropped from 15,526 to 3,442.¹¹ Yet, the need for representation remains as strong, or stronger.

In 2014, West Coast LEAF reported that:

- Only 16% of legal aid referrals in 2012/13 were family law cases, while 72% were for criminal matters;
- Only 32% of those who received a referral to a legal aid lawyer on any matter were women;
- 6,579 women applied for legal aid to assist them with a family law matter in 2012/2013 compared with only 2,870 men. Fewer than half of persons who applied for family legal aid received a referral to a legal aid lawyer;
- The lack of available legal aid and uncertainty about access to legal support to seek safety and enforce financial rights may be additional reasons women do not flee abusive situations; and
- The most dangerous time for an abused woman is in the first twelve months after separation, underlining the need for legal support and assistance at this critical time.¹²

In 2008, the CEDAW Committee expressed concern about and made recommendations to Canada regarding access to BC's legal aid for women and other vulnerable groups.¹³ CEDAW recommendations

¹⁰ Brewin and Govender, *Rights-based Legal Aid: Rebuilding BC's Broken System*. 2010.

¹¹ Brewin and Govender, *Rights-based Legal Aid: Rebuilding BC's Broken System*, 2010; Legal Services Society. 2014/2015 Annual Service Plan Report. Web. <http://www.lss.bc.ca/assets/aboutUs/reports/annualReports/annualServicePlanReport_2014.pdf>

¹² Track, Laura, Shahnaz Rahman and Kasari Govender. *Putting Justice Back on the Map: The Route to Equal and Accessible Family Justice*. West Coast LEAF, Feb. 2014. Web. <<http://www.westcoastleaf.org/wp-content/uploads/2014/10/2014-REPORT-Putting-Justice-Back-on-the-Map.pdf>>



included establishing minimum criteria for access to legal aid, particularly for poverty and family law matters that would ensure that women have access to the legal aid they need.¹⁴

In its 2015 report on its inquiry under Article 8 of the Optional Protocol into the murders and disappearances of Indigenous women in Canada, the CEDAW Committee also found that Canada has failed to comprehensively address the challenges faced by Aboriginal women in accessing justice and to combat the discrimination they face in the justice system.¹⁵ CEDAW recommendations included providing sufficient funding for legal aid and making legal aid accessible to Aboriginal women in particular for issues related to violence, protection orders, division of matrimonial property both on- and off-reserve and child custody.¹⁶

Despite the CEDAW Committee's recommendations, the BC government has made few meaningful improvements to legal aid and access to justice for women.

Recommendation: That the Government of British Columbia immediately provide new, sustained and adequate funding for poverty law legal aid and for legal aid for family law matters, and ensure that legal aid is available to those who need it by raising financial thresholds for qualification.

¹³ Committee on the Elimination of Discrimination against Women. Concluding observations of the Committee on the Elimination of Discrimination Against Women Canada. Paragraph 21. UN Committee on the Elimination of Discrimination Against Women. 2008. Print.

¹⁴ Committee on the Elimination of Discrimination Against Women. Concluding Observations of the Committee on the Elimination of Discrimination Against Women Canada. 2008. At paragraph 22.

¹⁵ Committee on the Elimination of Discrimination against Women. Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Paragraphs 35-36. UN Committee on the Elimination of Discrimination Against Women. 2015. Print.

¹⁶ Committee on the Elimination of Discrimination Against Women. Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination Against Women under article 8 of the Optional Protocol to the Convention on the Elimination of all forms of discrimination against women. 2015. At page 49.

II – Issues Relating to General Provisions of the Covenant

Article 2, Paragraph 1

MAXIMUM AVAILABLE RESOURCES

With respect to State Parties' obligations under Article 2, paragraph 1, it is important to recognize British Columbia as a province in the affluent, advanced democracy of Canada, with an economy among the most prosperous in the world.¹⁷ The BC government forecasts a surplus of \$879 million for 2015/2016—BC is a wealthy province.¹⁸ The province has the fiscal capacity to address the issues raised in this report and, yet, the Province continues an ideological program of austerity.

AUSTERITY MEASURES

As UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, has remarked, “Tax policy is human rights policy.”¹⁹ The decisions of governments about what programs and services to provide and to whom and how to fund them can either facilitate or hinder women's enjoyment of their human rights. This is why it is important to examine fiscal policy and government budgets in relation to the implementation of women's human rights, including at the provincial level.

The last 15 years of provincial tax policy have fundamentally shifted the mix of sources of provincial revenues, making the tax system overall less fair. This is the result of a series of significant cuts to both personal and business taxes, and increased reliance on regressive taxes such as sales taxes and MSP premiums.²⁰ Taken together, these

¹⁷ GDP per capita for the Province of British Columbia is \$51,135 in 2014 dollars. List of Canadian provinces and territories by gross domestic product, available at: <https://en.wikipedia.org/wiki/List_of_Canadian_provinces_and_territories_by_gross_domestic_product>

¹⁸ British Columbia Ministry of Finance. Budget and Fiscal Plan, 2015/16 – 2017/18. Government of British Columbia. 17 Feb. 2015. Web. <http://bcbudget.gov.bc.ca/2015/bfp/2015_budget_and_fiscal_plan.pdf>

¹⁹ This was the title of a speech Mr. Alston delivered in Ireland in February 2015 and reflects a growing awareness of the interconnections between taxation, development and human rights.

²⁰ Six waves of tax cuts/changes have been documented in Ivanova, Iglia and Seth Klein. Progressive Tax Options for BC: Reform Ideas for Raising New Revenues and Enhancing Fairness. Canadian Centre for Policy Alternatives. 2013. Web. <<https://www.policyalternatives.ca/bc-tax-options>>

tax cuts and changes have also significantly eroded provincial fiscal capacity, representing a total reduction in annual revenues of 1.6 percentage points of provincial GDP or \$3.5 billion per year.²¹ In other words, if BC collected the same amount of tax revenues as a share of the economy as it did in 2000, the province would have \$3.5 billion more public funds per year.

The BC government claimed that tax cuts would boost the economy, creating so many jobs they would pay for themselves. Instead, tax cuts opened a gaping hole in our public finances.

To curb budget deficits in the early 2000s (after the first round of expensive tax cuts), the government introduced a round of steep spending cuts in all ministries. These cuts had far reaching impacts on seniors' care, hospitals and schools, welfare, services to children and families, legal aid, women's shelters and a host of other program areas, which have been documented in previous CCPA research. Despite five consecutive budget surpluses in the mid-2000s, many of these services have not been restored.²²

There has been little, if any, gender impact analysis on these tax cuts and the resulting spending cuts undertaken by the BC government. However, women have been negatively affected in four distinct ways:

- Women received a smaller share of the tax cuts, because women tend to have lower incomes than men on average, and the tax cuts were skewed to disproportionately benefit higher-income taxpayers and business owners/shareholders;²³
- Many of the public services that were scaled back or dismantled in the wake of these tax cuts were social services used disproportionately by women and other marginalized populations. Examples include women's shelters, legal aid, welfare and seniors' care, many of which are outlined in other sections of this report;
- Cuts to public programs shift the burden of care giving from a collective, societal responsibility to a responsibility of individual

²¹ Ivanova, Iglia and Seth Klein. Progressive Tax Options for BC: Reform Ideas for Raising New Revenues and Enhancing Fairness. Canadian Centre for Policy Alternatives. 2013. Web. <<https://www.policyalternatives.ca/bc-tax-options>>

²² Ivanova, Iglia and Seth Klein. Progressive Tax Options for BC: Reform Ideas for Raising New Revenues and Enhancing Fairness. Canadian Centre for Policy Alternatives. 2013. Web. <<https://www.policyalternatives.ca/bc-tax-options>>

²³ The trend of eroding tax fairness is documented in Lee, Marc, Seth Klein and Iglia Ivanova. A Decade of Eroding Tax Fairness in BC: Time for Progressive Tax Reform. Canadian Centre for Policy Alternatives. 2011. Web. <<https://www.policyalternatives.ca/bc-tax-shift>>.

families. Because women continue to do considerably more unpaid care giving work at home than men, they are the ones who bear the brunt when services like home support are scaled back. The increased burden of unpaid care giving work has made it more difficult for BC women to fully and equally participate in the economy and in society outside of the home;

- Public sector workers are predominantly women, so the job losses associated with scaling down social services over the last 15 years have disproportionately affected women. For example, when funding shortfalls after the first round of steep tax cuts led the BC government to contract out hospital cleaning and food service jobs in the early 2000s, the vast majority of the 8,000 public sector workers affected were women, many of whom were racialized. Many lost their jobs and those who stayed saw their wages drop to less than 60% of previous pay and faced heavier workloads and no job security.²⁴

The provincial government pleads poverty when asked to increase welfare rates (frozen since 2007), to invest in a child care program or to at least boost childcare subsidies (frozen since 2006), yet this poverty is self-imposed. BC does not lack resources to fulfill its commitments to women's rights; the provincial government has chosen to forego collecting and distributing resources in ways that will give effect to equality guarantees for women.

Recommendation: That the Government of British Columbia strike a Fair Tax Commission to objectively review the BC taxation system, including through a gender lens, and develop recommendations for meeting provincial revenue needs in an equitable way. The Commission should include a public engagement component, engaging with men and women from all walks of life and parts of the province about the services they want and how we can pay for them fairly.

²⁴ Pollak, Nancy, Jane Stinson and Marcy Cohen. The Pains of Privatization: How Contracting Out Hurts Health Support Workers, Their Families, and Health Care. Canadian Centre for Policy Alternatives. 2005. Web. < <https://www.policyalternatives.ca/publications/reports/pains-privatization>>.

Article 3

Specific Obligations to Women

Canada's obligations to women and girls are set out in Article 3, which states that "States Parties to the present *Covenant* undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present *Covenant*." The Committee has further articulated States' obligations to women in General Comment 16, noting that States are obliged to enact laws and policies that alleviate inherent disadvantage, taking into account the existing economic, social and cultural inequalities of women and girls.²⁵

Far from meeting its obligations to women under Article 3, the B.C. government has rolled back gains made by women under previous administrations and virtually erased women's equality from its mandate. According to a 2008 report written by academics from the University of British Columbia:

Since 2001, gender has become nearly invisible on official [BC government] websites and planning documents. The vital "Gender lens" appraisal that the former Ministry of Women's Equality tried to apply to public life is gone, along with the Ministry itself. The elimination of the Minister's Advisory Council on Women's Health, the Women's Health Bureau, the Human Rights Commission, much Legal Aid, and the Seniors' Advocate has devastated reporting and research on equality issues. Ministries and ministers focus narrowly on labour force participation, sidestepping essentials like affordable childcare, educational upgrading and good wages.²⁶

Aside from the Seniors' Advocate position being reinstated, the situation articulated in the above report remains unchanged in 2016.

Recommendation: That the Government of British Columbia reinstate the necessary government agencies and advisory bodies that can ensure that government policies, laws and expenditures respect, protect and fulfill the rights of women, promote equality for women and provide

²⁵ International Covenant on Economic Social and Cultural Rights. General Comment 16: The equal right of men and women to the enjoyment of all economic, social and cultural rights. 2005.

²⁶ Creese, Gillian, and Veronica Strong-Boag. *Still Waiting for Justice: Provincial Policies and Gender Inequality in BC 2001-2008*. British Columbia Federation of Labour, 2008. Print.



funding support for women's non-governmental organizations in the province.

Articles 3 & 10

VIOLENCE AGAINST WOMEN

Men's violence against women continues to be one of the most pervasive and grave human rights violations in Canada, including for women in British Columbia. Women report violence including rape, sexual harassment, wife battery and incest to women's groups and front line anti-violence workers. Women's economic, social and political inequality is both a cause and a consequence of men's violence against women.

Poverty and economic disparity (described in more detail below) are inextricably linked to women's vulnerability to men's violence and compound the inequalities women already face in society. A gendered wage gap, performing the majority of the unpaid labour of caring for the children, sick and elderly, being the majority of minimum wage workers and the majority of single parents, all make women poorer than men and increase their susceptibility to sexist attacks. Women who attempt to escape violent men often return to their abusers because of the lack of affordable housing options and the unlivable welfare rates. Many impoverished and racialized women are coerced by economic circumstance into prostitution, where violence is rife. To demonstrate a genuine commitment to ending violence against women, Canada and British Columbia must address women's poverty and their access to the necessary resources to live autonomous, independent lives, free from men's violence.

The Government of British Columbia fails to adequately address wife battery²⁷ and other forms of violence against women. Front line workers, including B.C. CEDAW Group members, are witnesses to government failures at all levels: failure to take adequate measures to improve policing and criminal justice system response to violence against women; failure to provide an adequate level of welfare so that women can leave violent partners and provide adequate shelter and food for themselves and their children; failure to provide legal aid for women in the family courts when trying to protect themselves

²⁷ This term refers to violence committed by men against female intimate partners, including common law spouses.

and their children from violent men;²⁸ and failure to provide rape crisis centres with adequate, stable funding so that they can assist women who are victims of male violence.²⁹ These failures contribute to women's unequal status both in society and in relation to individual men.

WIFE ASSAULT IN BC

In 2010, there were 16,259 reported cases (to police) of intimate partner violence in BC.³⁰ We know from our frontline experience only 30% of women that call transition houses and sexual assault centres across Canada report to the police.³¹ In 2014, 15 women were murdered by their intimate partners in the province.³² In addition to the violence women face from husbands and boyfriends, women face many barriers when trying to access redress or protection in both the criminal justice system and the family courts. Although the provincial government states: "BC's Violence Against Women In Relationships policy sets out the protocols, roles and responsibilities of service providers across the justice and child welfare systems that respond to domestic violence..."³³; for women who are trying to protect themselves and their children from violent men, the family court system in British Columbia is a challenge. With significant cuts to legal aid outlined above, women receive less time with a lawyer (if they are eligible for legal aid at all) to proceed with family law protection orders and custody agreements. This often means they and their children are left with no protection from violent partners.

In 2008, the CEDAW Committee urged Canada to "implement legislation requiring that domestic violence convictions be taken

28 Streibel, Katie. "B.C. Must Do More to Protect Battered Women." *The Vancouver Sun*. 17 Apr. 2014. Web. <<http://www.vancouversun.com/life/Opinion/must-more-protect-battered-women/9749468/story.html>>

29 Hui, Stephen. "Lack of Funds for B.C. Rape Crisis Centres Decried by Vancouver Advocate." *The Georgia Straight*. 25 May 2015. Web. <<https://www.straight.com/news/453481/lack-funds-bc-rape-crisis-centres-decried-vancouver-advocate>>

30 Family Violence in Canada: A Statistical Profile, 2010. Statistics Canada, 2012. Print.

31 Lee Lakeman. *Obsession, with Intent: Violence against Women*. Page 148 to 153. Montreal: Black Rose, 2005. Print.

32 "Wife Murder in British Columbia 2014." *Vancouver Rape Relief and Women's Shelter*. 2014. Web. <<http://www.rapereliefshelter.bc.ca/wife-murder-british-columbia-2014>>

33 Provincial Office of Domestic Violence. *British Columbia's Provincial Domestic Violence Plan*. Government of British Columbia, Feb. 2014. Web. <http://www.mcf.gov.bc.ca/podv/pdf/dv_pp_booklet.pdf>

into account in child custody or visitation decisions.”³⁴ This recommendation was directed at provincial governments but has not been implemented by BC. Judges do not consider a man’s violence against his female partner when considering the best interest of the child in custody cases. Women are often forced to share custody and pressured to communicate with their attackers to coordinate access to the children. The pressure to be in contact with abusive men leaves women more vulnerable to male violence and control. Women are also rightfully scared to report a partner’s violence to authorities in family courts for fear of accusations of failure to protect their children and that the children will be apprehended by the child welfare system. Women’s distrust of child welfare authorities is explained by the case of *J.P. v. British Columbia (Children and Family Development)*. In a scathing 341 page judgment released recently, a BC Supreme Court judge found that BC’s child protection service abused authority by siding with a father against a mother, and allowing the father to molest his child while the toddler was in the Ministry’s care.³⁵ This occurred despite the mother spending years trying to obtain the help of the Ministry to protect her children because she suspected their father was sexually abusing them.

Recommendation: That the Government of British Columbia immediately develop a provincial anti-violence plan, in consultation with women’s anti-violence organizations, to address: 1) the failed police response to violence against women; and 2) economic and social policy omissions and failures that make women vulnerable to male violence and less able to escape it, including inadequate social assistance rates, inadequate housing, and inadequate access to justice.

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS IN BRITISH COLUMBIA

Violence against Indigenous women and girls in Canada is a problem of massive proportions, and its manifestation in British Columbia is particularly pronounced. In May 2014, the Royal Canadian Mounted Police reported that for Canada as a whole they had counted 1,181

³⁴ Committee on the Elimination of Discrimination against Women. Concluding observations of the Committee on the Elimination of Discrimination against Women Canada. 2008. At paragraph 30.

³⁵ *J.P. v. British Columbia (Children and Family Development)*. The Supreme Court of British Columbia. 14 July 2015. Web. <<http://www.courts.gov.bc.ca/jdb-txt/SC/15/12/2015BCSC1216.htm>>

missing and murdered Indigenous women over a thirty year period. This number makes Indigenous women about 16% of those murdered during this period while they are only about 4% of the population.

Two new reports from Statistics Canada show that Indigenous women are 3.5 times more likely to be raped,³⁶ and 6 times more likely to be murdered than non- Indigenous women.³⁷ British Columbia and Alberta have the largest numbers of unsolved cases of missing and murdered Indigenous women.³⁸

(i) SOCIAL AND ECONOMIC DISADVANTAGE

Indigenous women and girls are one of the most socially and economically disadvantaged groups in Canada, and many of their disadvantages are rooted in the history and modern day effects of colonization.

Indigenous women face severe economic and social hardship, including high rates of poverty and unemployment, lower educational attainment, poor health, lack of access to clean water, and overcrowded, substandard housing. Indigenous women and girls face discrimination on multiple fronts: as women in their home communities due to the patriarchal legacy of colonization, as women in mainstream society, and as Indigenous persons in mainstream society.³⁹ Additionally, a disproportionate number of the most vulnerable street prostituted women are Indigenous, and they struggle with addiction, homelessness, and chronic, often life-threatening, health problems.⁴⁰ Engagement in prostitution is a reflection of the overall economic and social marginalization faced by Indigenous women and girls, and it further increases levels of vulnerability to coercion, abuse and violence.

³⁶ Perreault, Samuel. Criminal Victimization in Canada, 2014. Juristat, 23 Nov. 2015. Web. <<http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14241-eng.pdf>>

³⁷ Statistics Canada. Homicide in Canada, 2014. The Daily. 25 Nov. 2015. Web. <<http://www.statcan.gc.ca/daily-quotidien/151125/dq151125a-eng.pdf>>

³⁸ Royal Canadian Mounted Police. Missing and Murdered Aboriginal Women: An Operational Overview. May 2014. Web. <<http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf>>

³⁹ B.C. CEDAW Group. Inaction and Non-compliance: British Columbia's Approach to Women's Inequality. Sept. 2008. Web. <<http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CEDAWCanadaBC2008.pdf>>

⁴⁰ B.C. CEDAW Group. Inaction and Non-compliance: British Columbia's Approach to Women's Inequality. 2008. At page 29.

(ii) REPORTS ON MURDERS AND DISAPPEARANCES IN BRITISH COLUMBIA

Three recent reports have addressed the violence against Indigenous women in British Columbia.

a) Missing Women Commission of Inquiry (MWCI)

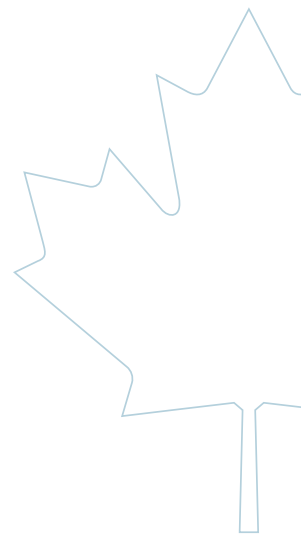
In September 2010, the Government of British Columbia established the Missing Women Commission of Inquiry. The Commission had a mandate to inquire into the police handling of reports of disappearances of women from the Downtown Eastside of Vancouver, and murders of women between January 1997 and February 2002 by William Robert Picton.⁴¹ About 70 women disappeared or were murdered over a decade, and they were disproportionately Indigenous women. The final report of the Missing Women Commission of Inquiry was issued on December 17, 2012.⁴²

Both the mandate and the work of the Commission were flawed in several respects. Of particular note, the Commission's mandate and terms of reference focused solely on police and prosecutorial failures, not on broader governmental failures to address the social and economic conditions of the women who were murdered or disappeared. On this point, the MWCI Report notes that:

“Eradicating the problem of violence against women involves addressing the root causes of marginalization, notably sexism, racism and the ongoing pervasive effects of the colonization of Aboriginal peoples — all of which contribute to the poverty and insecurity in which many women live.”

⁴¹ See terms of reference and complete information on the Missing Women Commission of Inquiry, available at <http://www.missingwomeninquiry.ca/>. Although the disappearances and murders of women along the Highway of Tears was not originally included within the mandate of the Missing Women Commission of Inquiry, the Government of British Columbia agreed to permit the Commissioner to study the disappearances and murders of women along the “Highway of Tears.” However, there is no fact-finding with respect to the Highway of Tears disappearances and murders, only “study.” Consequently, no responsibility can be assigned for any police or official failures. Missing Women Commission of Inquiry, August 25, 2011 – Dates and Venues Announced for Missing Women Commission of Inquiry Community Forums in Northern B.C., available at <<http://www.missingwomeninquiry.ca/2011/08/august-25-2011-dates-and-venues-announced-for-missing-women-commission-of-inquiry-community-forums-in-northern-b-c/>>

⁴² British Columbia Ministry of Justice. A Final Status Update Report in Response To: Forsaken - The Report of The Missing Women Commission of Inquiry. Government of British Columbia, Dec. 2014. Web. <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/mwci_report_2014.pdf>



But the Report also notes that these issues were “beyond the scope of the Inquiry.”⁴³

b) Inter-American Commission on Human Rights

At the request of Canadian women’s organizations, the Inter-American Commission investigated murders and disappearances of Indigenous women in Canada. In January 2015, the Inter-American Commission on Human Rights released its Report.⁴⁴ The IACHR found that governments in Canada have a two-pronged legal obligation: 1) to prevent the risk factors that cause and perpetuate the violence; and 2) to strengthen the institutions, including police and justice institutions, so that they can respond effectively in cases of violence against Indigenous women.

The IACHR found that the root causes of the endemic violence against Indigenous women and girls lie in Canada’s history of colonization, including the dispossession of lands, the longstanding and continuing sex discrimination in the Indian Act, the legacy of the residential school system, and the social and economic marginalization of Indigenous women.

The IACHR found that, given the strong connection between the greater risks for violence that Indigenous women confront and the social and economic inequalities they face, federal and provincial governments must design and implement a coordinated national action plan to address the social and economic factors that prevent indigenous women from fully enjoying their rights, which includes measures to combat poverty, improve education and employment opportunities, guarantee adequate housing and deal with the over criminalization and over incarceration of indigenous women.

The IACHR report is focused on British Columbia, but the IACHR finds that there are legal obligations for both levels of government, and its findings regarding governmental obligations also apply to every province and territory.

⁴³ British Columbia Ministry of Justice. A Final Status Update Report in Response To: Forsaken - The Report of The Missing Women Commission of Inquiry. 2014. At Vol. 1, page 5.

⁴⁴ Inter-American Commission on Human Rights. Missing and Murdered Indigenous Women in British Columbia, Canada. Inter-American Commission on Human Rights, 21 Dec. 2014. Web. <<http://www.oas.org/en/iachr/reports/pdfs/Indigenous-Women-BC-Canada-en.pdf>>

The IACHR also recommended that British Columbia and Canada:

- provide access to legal aid and support services for families of missing or murdered Indigenous women, with families able to freely choose their own representatives;
- create a national level action plan or nationwide inquiry because “there is much more to understand and to acknowledge...”

The IACHR recommended the full implementation of the recommendations of the Missing Women Commission of Inquiry. However, the IACHR made it clear that full implementation of the MWCI recommendations will not provide an adequate response to the violence against Indigenous women and girls in British Columbia because those recommendations deal only with police response, and only with the investigative function; they do not deal with government failure to fulfil the economic and social rights of Indigenous women and girls.

c) The CEDAW Inquiry Report

On March 6, 2015, the CEDAW Committee issued its report on its inquiry under Article 8 of the Optional Protocol into murders and disappearances of Aboriginal women and girls in Canada.⁴⁵ This report applies to British Columbia, as to all other jurisdictions.

The CEDAW Committee ruled that Canada’s failures to act effectively and in a coordinated way to prevent the violence and protect, investigate, prosecute and remedy are of sufficient magnitude, and have such severe consequences for Indigenous women and girls, that they constitute a grave violation of central human rights protected by the CEDAW.

KEY CEDAW AND IACHR CONCLUSIONS

The Inter-American Commission on Human Rights and the CEDAW Committee both found that Canada violated rights in two ways: 1) through failures of the police and justice system to adequately

⁴⁵ Committee on the Elimination of Discrimination against Women. Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. 2015.

respond to cases of violence against Indigenous women and girls effectively and promptly when it occurs; and 2) through failures to prevent the violence by taking measures to address the root causes of the violence, which lie in Canada's history of colonization and in the profound social and economic disadvantage of Indigenous women and girls, which makes them vulnerable to violence and unable to escape from it.⁴⁶

As both expert bodies have articulated in their reports, these State failures are integrally linked to each other.⁴⁷ The social and economic marginalization of Indigenous women and girls not only makes Indigenous women and girls easy prey for violent perpetrators, but is also used by officials as a justification for failing to protect them.

BRITISH COLUMBIA GOVERNMENT RESPONSE

The Government of British Columbia, in December 2014 issued A Final Update Status Report in Response to Forsaken – The Report of the Missing Women Commission of Inquiry.⁴⁸ In this final report on implementation of the MWCI recommendations, the Government states that it has passed into law a new Missing Persons Act, which provides the police with greater access to information when they are conducting investigation on disappearances; established a fund for the children of the victims of William Pickton, which permits each one who qualifies to access \$50,000; provided funding for the WISH Drop-In Centre in the Downtown Eastside in Vancouver; made changes to the prosecutorial policy on vulnerable witnesses; and provided short term funding for some community programs.

However, other recommendations have not been fully implemented

⁴⁶ Inter-American Commission on Human Rights. Missing and Murdered Indigenous Women in British Columbia, Canada. 2014. At paragraph 6, 12, 309 to 314; Committee on the Elimination of Discrimination against Women. Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. 2015. At paragraph 196 to 210.

⁴⁷ See, for example, Inter-American Commission on Human Rights. Missing and Murdered Indigenous Women in British Columbia, Canada. 2014. At paragraph 165; Committee on the Elimination of Discrimination against Women. Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. 2015. At paragraph 203.

⁴⁸ British Columbia Ministry of Justice. A Final Status Update Report in Response To: Forsaken - The Report of The Missing Women Commission of Inquiry. 2014.

according to the Government's own report, and BC has said that it will not report further. The Government of British Columbia has stated that it has nothing to say about the IACHR recommendations.

A NATIONAL INQUIRY INTO MURDERS AND DISAPPEARANCES OF INDIGENOUS WOMEN AND GIRLS

The new federal government, elected October 19, 2015, has announced that it will initiate a national inquiry into murders and disappearances of Indigenous women and girls. The government is currently conducting pre-inquiry consultation to hear from Indigenous women and their organizations, families and communities, and front-line workers about how this inquiry should be structured and focused in order to bring an end to the violence.

Recommendation: That the Government of British Columbia fully implement the MWCI, IACHR and CEDAW recommendations and establish an implementation mechanism that is independent, participatory and accountable to the public, to Indigenous women and to Indigenous communities.

Recommendation: That the Government of Canada ensure that the mandate of the national public inquiry on murders and disappearances of Indigenous women and girls includes full examination of failures to fulfill the economic, social and cultural rights of Indigenous women and girls and that the inquiry's mandate include the design of concrete strategies and a comprehensive plan for addressing these failures.

III- Issues relating to specific provisions of the Covenant (arts. 6-15)

Article 7

The Right to Just and Favourable Conditions of Work

MINIMUM WAGE: BC GOVERNMENT 'NICKEL AND DIMES' THE WORKING POOR

BC remains among the lowest in all the Canadian provinces and territories despite a recent increase of the minimum wage to \$10.45

an hour in September 2015, tied to the Consumer Price Index (CPI), a statistical measure of inflation. BC's minimum wage ranks 12th out of 13th across the country.⁴⁹ Considering other planned provincial increases, and absent other increases in BC, BC will be dead-last by April 2016.⁵⁰

MINIMUM WAGE WORK IS WOMEN'S WORK IN BC

In BC, 63% of minimum wage workers are women, and 310,000 women earn \$15 per hour or less.⁵¹ Overall, BC's abysmal record on poverty is directly related to its low minimum wage, and BC's inadequate 20 cent increase and tie to the CPI perpetuates women's poverty, as women fill the majority of low wage jobs in the province. A single mother parent with one child, working full time, full year, but earning only \$10.45 an hour, would have earned total wages of \$19,019, more than \$8,400 below the Low Income Measure (LIM) before-tax poverty line of \$27,437 for this family.⁵² BC's minimum wage does not provide for an adequate standard of living.

Further, BC is one of only three provinces in Canada that has a reduced minimum wage of \$9.20 per hour for "liquor servers" – employees whose employment duties include serving liquor directly to customers. Of the three provinces, BC has the lowest serving wage. Because women make up the majority of those working in the service industries, they are disproportionately impacted by the lower liquor server wage.

Recommendation: That British Columbia introduce a \$15 an hour minimum wage law immediately, as recommended by the British

⁴⁹ Lupick, Travis. "BC's New \$10.45 Minimum Wage Will Rank Lowest in Canada." *The Georgia Straight*. 16 Sept. 2015. Web. <<http://www.straight.com/news/530631/bcs-new-1045-minimum-wage-will-rank-among-lowest-canada>>

⁵⁰ Labour Program Canada: Our Current And Forthcoming Minimum Hourly Wage Rates for Experiences Adult Workers in Canada. Statistics Canada, January 27, 2015. <<http://srv116.services.gc.ca/dimt-wid/sm-mw/rpt1.aspx?lang=eng>>

⁵¹ BC Federation of Labour. *BC Minimum Wage and Women: The Facts*. BC Federation of Labour. Web. <<http://bcfed.ca/sites/default/files/attachments/BCFED%20minimum%20wage%20fact%20sheet%20-%20women.pdf>>

⁵² First Call: BC Child and Youth Advocacy Coalition. *BC Child Poverty Report Card Fact Sheet 6: Child Poverty and Working Parents*. Nov. 2015. Web. <<http://still1in5.ca/wp-content/uploads/2015/11/2015-BC-Child-Poverty-Report-Card-WebSmall-FirstCall-2015-11.pdf>>

Columbia Federation of Labour, and drop the liquor server wage.

Article 9

Right to Social Security

Please note that in answer to issue 15, since the repeal of the Canada Assistance Plan Act in 1995, there have been no conditions attached to the Social Transfer that specify that receiving provinces and territories must provide adequate levels of welfare.

Welfare rates in BC have not been raised since 2007. This forces thousands of women who are reliant on social assistance to live far below the poverty line. In fact, when rises in the cost of living are taken into account, social assistance rates have actually decreased in BC, worsening the depth of poverty for women on social assistance. Welfare recipients are forced to rely on food banks and other sources of charity to feed and clothe themselves, and their families. In 2013, a BC two-parent family on social assistance was at 63% of the poverty line, and a BC lone-parent family was at 71% of the poverty line.

Single women currently receive \$610/month on income assistance, or \$906/month on disability assistance to cover shelter, food and other necessities, while the average rent of a bachelor suite in Vancouver is \$845/month. Despite BC's promise to "consider disability assistance rate increases as the fiscal situation allows" and a 1.8 billion budgetary surplus in 2014/15, the rates remain unchanged. As a result, families relying on social assistance in BC are forced to choose between secure housing, food and other basic necessities. In fact, 76% of families on social assistance do not have secure access to adequate food supply.⁵³

DEPTH OF POVERTY INCREASING FOR WOMEN AND SINGLE MOTHERS ON SOCIAL ASSISTANCE

According to statistics from the BC Ministry of Social Development and Social Innovation and First Call, over 80% of BC children on income assistance were in single parented families, the majority lone mother led. About 21% of BC's poor children in 2013 lived with

⁵³ West Coast LEAF. 2015 CEDAW Report Card: How BC Is Measuring Up in Women's Rights. At page 4.

parents on welfare, the majority of them with single mothers.⁵⁴

A BC lone-parent family, most likely lead by a single mother, with one child aged two, received \$17,329, which is \$6,990 below the poverty line for this family of two. This lone mother's poverty gap grew by \$529 between 1989 and 2013.⁵⁵

NEW SOCIAL ASSISTANCE SERVICE DELIVERY MODEL SHUTS PEOPLE OUT

While some small gains have been made recently in providing access to education for mothers on social assistance, (detailed below), the BC government continues to cut funding to social assistance by stripping and modifying service delivery. Recently, the Ministry of Social Development and Social Innovation radically changed the service delivery model for social assistance and transformed the way social assistance is accessed. The result has been a sharp increase in challenges experienced by those trying to access income assistance, due to the elimination of most local offices and the transfer to an 'online' and telephone oriented service access model.

The B.C. Public Interest Advocacy Centre (BCPIAC), along with a coalition of nine organizations, launched a complaint to the Ombudsperson of B.C. regarding service delivery of income assistance: Access Denied: Shut out of BC's Welfare System: Complaint to the Ombudsperson of British Columbia regarding service delivery at the Ministry of Social Development and Social Innovation.⁵⁶

The complaint described insurmountable barriers that the government has created which deprive people of the ability to access critical income support in their time of need. The cited barriers include office closures, significant reductions in office hours, channelling calls to under-resourced and centralized call centres that serve the whole province and have lengthy wait times, and the creation

⁵⁴ First Call: BC Child and Youth Advocacy Coalition. BC Child Poverty Report Card Fact Sheet 6: Child Poverty and Working Parents. 2015. At page 30.

⁵⁵ First Call: BC Child and Youth Advocacy Coalition. BC Child Poverty Report Card Fact Sheet 6: Child Poverty and Working Parents. 2015.

⁵⁶ B.C. Public Interest Advocacy Centre. Access Denied: Shut out of BC's Welfare System: Complaint to the Ombudsperson of British Columbia regarding service delivery at the Ministry of Social Development and Social Innovation. May 12 2015. Web. <http://bcpiac.com/wp-content/uploads/2015/09/BCPIAC-Ombuds-Complaint_Final_May-12-2015.pdf>

of a complicated, 90-screen online application process. Overall, the complaint highlights that most income assistance recipients do not have internet access or phones, and many are not computer literate; the changes do not suit the particular needs of the women and men who need social assistance.

However, in June 2015, the BC Ombudsperson denied the request for a systemic investigation into service reductions at the Ministry of Social Development and Social Innovation, saying they would only examine individual complaints.

EMPLOYMENT INSURANCE BENEFITS CLAWED BACK FROM WELFARE RECIPIENTS

The BC Government continues to implement various policies that deepen women's poverty and the poverty of their children. Those living on income and disability assistance continue to have their basic employment insurance benefits 'clawed back' by the BC government. According to information from the Ministry of Social Development and Innovation, over the last 12 months (from May 2015) the Ministry has deducted approximately \$443,000 in employment insurance maternity and parental benefits from 150 people over the course of the year.⁵⁷

The social assistance scheme permits recipients to work for a certain number of hours per month, and retain their earnings. Though she is permitted to work under the earnings exemption, a woman is not permitted to "keep" maternity leave benefits when she leaves work to have a child. A woman who receives social assistance, or whose partner receives social assistance, who leaves work to go on maternity leave is forced to "assign" her EI maternity and parental leave benefits to the provincial government. The BC government forces women to apply for their maternity benefits, but only in order to collect the funds dollar for dollar from her, or her partner's, income assistance cheque. Since maternity benefits are intended solely for mothers, this clawback is an egregious infringement of BC mothers' basic right to social security in Canada. All federal parental benefits accessible to both parents are also clawed back. This policy disproportionately affects mothers, plunging them into a severe depth of poverty in the

⁵⁷ Maryann Anderson. "Ministry of Social Development and Social Innovation." Message to Official Opposition Critic for the Ministry of Social Development and Social Innovation. 2015. E-mail.

fragile post-partum period.⁵⁸

The following is an excerpt from the First Call 2015 BC Child Poverty Report Card.

POSITIVE CHANGES IN BC'S WELFARE POLICIES

**First Call: 2015 BC Child Poverty Report Card*

There have been some recent positive changes to BC's welfare policies. Due to overwhelming public pressure, the pleas of single mothers, and a charter challenge lawsuit, the government eliminated the clawback of child support payments from single parents on income assistance. This policy change, effective September 1, 2015, has assisted the single parents, mostly mothers, of over 5,400 children on welfare in BC. On income assistance, they will still be living in poverty, but the depth of the poverty of these families will be reduced, in some cases significantly. Additionally, the clawback of the Canada Pension Plan Orphan's Benefit, paid to widowed welfare recipients when their disabled partner dies, was also eliminated. This will benefit another 50 to 100 children.

Another positive change was the introduction of the new Single Parent Employment Initiative (SPEI) aimed at removing barriers for single parents on income assistance to obtaining the education or training they need to make the transition to the workforce. This initiative will allow single parents, who are mostly women, to continue to receive income and disability assistance benefits for a year while they attend an approved program. Their tuition and school-related transportation costs will be paid for while they are in the SPEI. Importantly, their child care costs will also be covered for a year while they are in school or training, and for a second year if they transition into work. Single parents will also now be allowed to keep education-related bursaries and grants. Other recent positive policy changes include an increase in earnings exemptions for families with children [from \$200 to \$400 per month] and allowing these families to retain health supplements (dental, optical, and premium-free Ministry of Health Medical Services Plan and Pharmacare programs) for up to 12 months after leaving assistance for employment.

Recommendation: That British Columbia immediately raise the welfare rates for every family type to above poverty line levels, drop the

⁵⁸ Rob Shaw. 'Maternity Pay Clawback Leaves Maple Ridge Family in a Bind.' The Vancouver Sun. 15 May, 2015. Web. <<http://www.vancouversun.com/life/maternity+clawback+leaves+maple+ridge+family+bind/11056752/story.html>>

clawbacks to Employment Insurance maternity benefits, and reinstate face to face accessible client service.

Article 11

The Right to an Adequate Standard of Living

According to the B.C. Poverty Reduction Coalition, BC has had the highest poverty rate in Canada for the last 13 years. That means that 476,000 British Columbians are living in poverty and 93,000 of those are children.⁵⁹ The 2015 British Columbia Poverty Progress File, prepared by Canada Without Poverty (CWP) reports that B.C. is the only province without a poverty reduction plan. CWP says “Without a provincial plan, estimates place the cost of poverty in B.C. to be \$8-9 billion per year – as opposed to \$3-4 billion to put a plan in place.”

Women’s poverty rates are higher than men’s in British Columbia, as in the rest of the country. Statistics Canada reports that 15.3% of women compared to 13.4% of men in British Columbia are living in low income (these are after tax measures). The rates are much higher for single women (32.2%) and for single elderly women (28.6%).⁶⁰

(i) Adequate Housing

Many international instruments recognize the right to adequate housing. Article 11 of the ICESCR is arguably the most comprehensive and important of such guarantees. As such, and given the critical nature of the housing crisis Canada faces, this periodic review offers a singular opportunity for accountability on this front for Canadian governments.

Canada’s housing emergency is a failure shared by every level of government in Canada, as each level in the Canadian federation has unique as well as overlapping capacities to address the issue. Provincial governments have direct constitutional jurisdiction over housing, along with significant revenue raising capacity unavailable at the local level. The provincial government is responsible for development of human settlements, regulation of urban and rural development and regulation of building and housing standards. Provincial governments also have laws regulating landlord-tenant

⁵⁹ Canada Without Poverty. British Columbia Poverty Progress File. 2015. Web <http://www.cwp-csp.ca/wp-content/uploads/2012/05/2015-Province-Poverty-Profiles_BC.pdf>

⁶⁰ CANSIM Table 206 0041. Statistics Canada. Web. <<http://www5.statcan.gc.ca/cansim/a26?lang=eng&id=2060041>>



relationships and have primary responsibility for social housing and other key areas of social policy

In its 2006 review of Canada's periodic report, CESCR called upon:

Federal, provincial and territorial governments to address homelessness and inadequate housing as national emergency by reinstating or increasing where necessary, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels and providing adequate support services for persons with disabilities.⁶¹

PROVINCIAL FAILURE

There is no explicit BC provincial housing strategy. Ongoing response seems to indicate an approach of denial, neglect, and opposition to local government requests for provincial action.⁶² Recent comments by the BC provincial Housing Minister confirm government withdrawal from housing provision and continued ideological reliance on the private market to provide housing.⁶³

The housing emergency in Canada is nowhere more acute than in British Columbia. As the following numbers attest, significant numbers of British Columbians face severe housing inadequacy—with a continuum that runs from homelessness to housing that is too expensive, substandard in condition, and inadequate in size, location, and facilities. Close to the homelessness end of the spectrum are those who, because of their poverty, live in single room occupancy hotels infested with vermin, without heat or hot water for periods of time, paying per square foot some of the most expensive rents in the city for a tiny cell.⁶⁴

⁶¹ Committee on Economic, Social and Cultural Rights. Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant Concluding observations of the Committee on Economic, Social and Cultural Rights Canada. 2006. At paragraph 62.

⁶² Ian Bailey. "Vancouver mayor pitches affordable housing idea." The Globe and Mail. 3 June 2015. Web. <<http://www.theglobeandmail.com/news/british-columbia/vancouver-mayor-pitches-affordable-housing-idea/article24794084/>>

⁶³ John Horgan NDP. Housing Minister Clueless on Housing Prices. BC NDP, 2 June 2015.

⁶⁴ Matt Lee. "Poor living conditions still plague notorious Downtown Eastside SRO." News Talk 980 CKNW | Vancouver's News. 17 Oct. 2015. Web. <<http://www.cknw.com/2015/10/17/103574/>> Web. <<http://www.bcnep.ca/newsroom/housing-minister-clueless-housing-prices>>

Remarkably, the crisis of housing inadequacy in Canada has not improved, and in many aspects has worsened, since the UN Special Rapporteur on Adequate Housing, in 2009, detailed a long list of features relevant to both the federal and provincial governments that result in denial of the right to adequate housing for many Canadians, and, in this context, British Columbians.⁶⁵

CORE HOUSING NEED

The Canadian Mortgage and Housing Corporation (CMHC) defines core housing need as occupying housing that requires more than 30% of pre-tax household income and/or that fails to meet standards of adequacy and suitability. Numbers of households in core housing need exclude the homeless, households headed by full-time students between the ages of 15 and 29, and Indigenous on-reserve households. Inclusion of these groups would significantly raise the percentage of households in core housing need. Moreover, the definition of core housing need is more restrictive than the international standard of adequate housing, with the consequence that it is likely that numbers for inadequate housing, according to the standards set in CESCR Comment No. 4, will be higher.⁶⁶

Data from the last voluntary National Household Survey show that BC had the highest percentage of households in core housing need at 15.35% in 2011.⁶⁷ The national average was 12.45%. Many British Columbian households spend more than 30% of their gross income on housing. More recent research shows that core housing need for urban households in BC in 2012 was 16.1%, higher than the national average, and second highest only to Ontario at 16.6%.⁶⁸ In

⁶⁵ Miloon Kothari. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. United Nations General Assembly, October 2007. Web. <<http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.7.Add.3.pdf>>

⁶⁶ Miloon Kothari. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. 2007.

⁶⁷ Cooper, Sarah and Ian Skelton. Addressing Core Housing Need in Canada. Canadian Centre For Policy Alternatives—Manitoba Office, 2015. Web. <<https://www.policyalternatives.ca/publications/reports/addressing-core-housing-need-canada>>

⁶⁸ Canada Mortgage and Housing Corporation. First Annual Estimate of Urban Households in Core Housing Need Based on Statistics Canada's New Canadian Income Survey. 14 December 2015. Web. <http://www.cmhc-schl.gc.ca/en/hoficincl/observer/observer_026.cfm?utm_source=observer-en&utm_medium=link&utm_campaign=obs-20151214-core-housing-need-data>

Vancouver, the largest city in British Columbia and third largest in Canada, 20.1% live in core housing need, the highest incidence of core housing need in Canadian municipal areas.⁶⁹

Renters are more likely to be in core housing need than home owners. Among provinces, renters in British Columbia at 31.1% were the most likely to live in core housing need in 2011.⁷⁰ In Vancouver, more than 35% of renters spend more than 50% of their income on housing.⁷¹ British Columbia also has the highest provincial percentage of homeowner households in core housing need at 8.8%.⁷²

The impacts on children in families spending the majority of their income on rent are particularly severe, including a high risk of malnutrition and higher risk of respiratory and other diseases.⁷³ Pointedly, female lone-parent households and female one-person households had the highest incidences of core housing need in 2011.⁷⁴ Women, already disproportionately affected by poverty, intimate partner violence, and sexual abuse, disproportionately bear the brunt of this housing inadequacy crisis.

RESIDENTIAL TENANCY REGULATION INADEQUATE

As already noted, erosion of housing affordability is strong among tenant households. And, the majority of low-income women are tenants. As well, vacancy rates in many BC communities are extremely low. The BC apartment vacancy rate declined to 1.8% in April 2015 from 2.4% in April 2014.⁷⁵ Vancouver and Victoria, the provinces two largest metropolitan areas, are particularly low. In

⁶⁹ Canada Mortgage and Housing Corporation. Housing Observer 2014. April 2015. Web. <<http://www.cmhc-schl.gc.ca/odpub/pdf/68189.pdf?fr=1451379075805#page47>>

⁷⁰ Canada Mortgage and Housing Corporation. First Annual Estimate of Urban Households in Core Housing Need Based on Statistics Canada's New Canadian Income Survey. 2015.

⁷¹ Save Social Housing Coalition - First Meeting, Carnegie Centre Theatre, Vancouver. Inclusion BC, 2012. Web. <<http://www.inclusionbc.org/events/2012-09-12/save-social-housing-coalition>>

⁷² Canada Mortgage and Housing Corporation. First Annual Estimate of Urban Households in Core Housing Need Based on Statistics Canada's New Canadian Income Survey.

⁷³ BC Poverty Reduction Coalition. Cost of Poverty: Housing. Web. <<http://bcpovertyreduction.ca/learn-more/cost-of-poverty/#housing>>

⁷⁴ Canada Mortgage and Housing Corporation. Housing Observer 2014. 2015. At page 1 to 7.

⁷⁵ Canada Mortgage and Housing Corporation. Rental Market Report. 2015. Web. <http://www.cmhc-schl.gc.ca/odpub/esub/64487/64487_2015_B01.pdf>

November 2015, the vacancy rate in Metro Vancouver sat at .08% for a range of apartment types.⁷⁶

Protections offered by the provincial Residential Tenancy Act are simply inadequate. Evictions for renovation are allowed under the law and continue apace.⁷⁷ Rent increases are inadequately regulated, problems with discrimination continue, and the administrative procedures for addressing tenant concerns are underfunded, unfair, and practically inaccessible for many of the most vulnerable populations.⁷⁸ Civil society housing advocates have long called for a number of changes to the legislation to address these concerns, to no avail.

HOMELESSNESS

Homelessness is a significant issue across British Columbian communities. There are no reliable numbers, although local surveys show that it is a dire situation.⁷⁹ For example, in 2015, the Vancouver homeless point-in-time count found 1746 homeless persons: 488 were unsheltered and 1,259 were sheltered. This number is up from 2013 but down from 2014 (the highest year on record) by 57 persons.⁸⁰ The population counted is disproportionately male, Indigenous, middle-aged, and in poor health. The number is certainly an undercount and its methodology is limited as to representing the hidden homeless, among whom women may be more representative. In Victoria, BC's smaller capital city, the latest homeless count saw 1,725 unique individuals using shelters at least once in 2014.⁸¹

The homeless population continues to be subject to criminalization and “street cleansing.” Recent actions by both the City of Vancouver

⁷⁶ Canada Mortgage and Housing Corporation. CHS—Rental Market Survey. 2015. Web. <http://www.cmhc-schl.gc.ca/odpub/esub/64683/64683_2015_A01.pdf?fr=1453636751743>

⁷⁷ Pivot Legal Society. Homes For All. 2012. Web. <http://www.pivotlegal.org/homes_for_all>

⁷⁸ Hadley, Jessica and Kendra Milne. On Shaky Ground: Fairness at the Residential Tenancy Branch. Community Legal Assistance Society, Oct. 2013. Web. <<https://assets.documentcloud.org/documents/803170/on-shaky-ground-fairness-at-the-rtb-clasbc-10-13.pdf>>

⁷⁹ Miloon Kothari. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. 2007. At page 17.

⁸⁰ Matt Thompson. Vancouver Homeless Count 2015. Thompson Consulting, 2015. Web. <<http://Vancouver.ca/files/cov/vancouver-homeless-Count-2015.pdf>>

⁸¹ Greater Victoria Coalition to End Homelessness. Homeless in Greater Victoria – 2014/2015 Report on Housing & Supports. Hope for Home, 2014. Web. <http://issuu.com/victoriahomelessness/docs/2014-15_rhs_final>

and the City of Abbotsford attest to coercive and punitive responses to street homelessness.⁸²

INDIGENOUS HOUSING

Indigenous people are among the most vulnerable in BC to homelessness, inadequate housing conditions, and housing discrimination. In 2009, the Special Rapporteur on adequate housing noted that Indigenous women face some of the most severe housing conditions, regardless of the communities in which they lived.⁸³ Off-reserve Indigenous households experience above average incidence of core housing need.⁸⁴ Researchers estimate that upwards of one-third of household's on-reserve were in core housing need in 2011.⁸⁵ On-reserve housing lies within federal jurisdiction; off-reserve housing for Indigenous peoples is within provincial jurisdiction.

Recommendation: That the BC Government implement a provincial housing strategy that prioritizes the housing needs of the most vulnerable and that gives effect to the right to adequate housing by ensuring the availability and adequacy of a wide range of housing/shelter options for different housing needs and preferences, such as emergency shelters, social housing, affordable homeownership options, and market rental and ownership housing.

Recommendation: That the BC Government focus its efforts on supporting and expanding existing social housing, and developing new social housing, defining affordability according to income levels, rather than market prices.

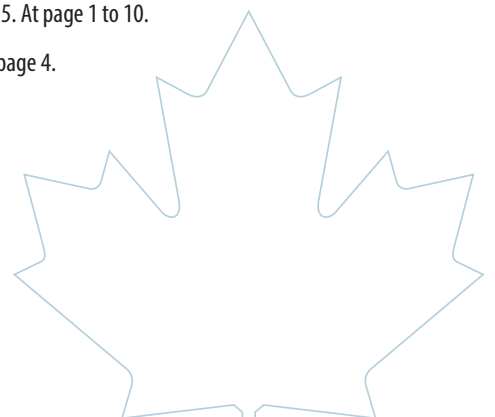
Recommendation: That the BC Government use its legislative resources

⁸² Kevin Hollett. "City of Vancouver street sweeps are displacing homeless people from Hastings Street." Pivot Legal Society. 18 November 2015. Web. <http://www.pivotlegal.org/city_of_vancouver_street_sweeps_are_displacing_homeless_people_from_hastings_street>; Kevin Hollett. "Backgrounder: Abbotsford Homeless Lawsuit." Pivot Legal Society. 20 October 2015. Web. <http://www.pivotlegal.org/backgrounder_abbotsford_homeless_lawsuit>

⁸³ Miloon Kothari. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. 2007. At paragraph 77.

⁸⁴ Canada Mortgage and Housing Corporation. Housing Observer 2014. 2015. At page 1 to 10.

⁸⁵ Cooper and Skelton. Addressing Core Housing Need in Canada. 2015. At page 4.



to raise incomes, for example, through minimum wage and social assistance rates law, and thus address the income piece of the housing affordability question.

Recommendation: That the BC Government raise the shelter allowance of BC social assistance to a level that reasonable approximates the cost of rental housing in different communities in British Columbia and that the Government extend criteria for rental assistance to allow access for more households.

(ii) Food Security: Compromised by Poverty and Housing Unaffordability

In 2012, the last year for which data are available, four million Canadians, including 523,000 British Columbians, were food-insecure.⁸⁶ Household food insecurity in BC rose from 11% in 2005 to 12.7% in 2012. This number under represents the hungry and malnourished as it leaves out Indigenous people on reserves and the homeless. The Special Rapporteur on food security in a 2012 report on Canada noted that lone women-led households are particularly vulnerable.⁸⁷ The Report concluded that a growing number of people across Canada remain unable to meet their food needs.

The inadequacy of provincial social protection schemes to meet basic household needs has precipitated the proliferation of private and charity-based food aid.⁸⁸ The BC Government has no poverty reduction plan, more specifically, no policy to deal with the hungry within its territory. Essentially and effectively, food security is outsourced by the BC government to food charity. Today 97 food banks distribute emergency food throughout BC. Yet many continue to go hungry. In 2015, 100,000 British Columbians were able to use a food bank; only one in four hungry Canadians access food banks.⁸⁹ The number of children accessing food banks in Victoria, BC's

⁸⁶ Graham Riches. "Opinion: Doing a Bit Isn't Enough." The Vancouver Sun. 28 December 2015. Web. <<http://www.vancouversun.com/business/opinion+doing+enough/11617817/story.html>>

⁸⁷ Olivier De Schutter. Report of the Special Rapporteur on the right to food, Olivier De Schutter. United Nations General Assembly, 24 December 2012. Web. <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC2250Add.1_English.PDF>

⁸⁸ De Schutter. Report of the Special Rapporteur on the right to food, Olivier De Schutter. 2012.

⁸⁹ Riches. "Opinion: Doing a Bit Isn't Enough." 2015.

Capital, has increased substantially since 2012.⁹⁰

Recommendation: That the BC Government formulate a comprehensive rights-based food strategy, identifying measure to be adopted, time frames, and attentiveness to most vulnerable populations. Included must be revision of social assistance levels and minimum wage levels to correspond to costs of necessities required to enjoy the human right to an adequate standard of food security.

CHILDCARE

In its 2008 review of Canada's progress under CEDAW, that Committee expressed concern about access to child care in the context of women's rights in Canada. The Committee urged Canada "to step up its efforts to provide a sufficient number of affordable childcare spaces", linking this recommendation with the necessity to increase efforts to provide "affordable and adequate housing options." The Committee urged that particular attention be paid to these services in Indigenous communities and for low-income women, whom it noted "are particularly disadvantaged in those areas." The Committee also recommended that Canada "carry out a cost-benefit analysis to assess the impact of current living standards, housing and childcare situations on the economic empowerment of women and present the findings in its next report to the Committee. Such an analysis should have a special focus on low-income women, taking into account the amount of social assistance they receive from the State compared with the actual cost of living, including housing and childcare."⁹¹

These concerns are consistent with the findings in a broad range of reports – from local community consultations to international comparative analyses - that assess Canada poorly on child care⁹² (outside of Quebec). At 0.25% of GDP, Canada's public investment is

⁹⁰ Greater Victoria Coalition to End Homelessness. Homeless in Greater Victoria – 2014/2015 Report on Housing & Supports. 2014.

⁹¹ Committee on the Elimination of Discrimination against Women. Concluding observations of the Committee on the Elimination of Discrimination Against Women Canada. 2008. At paragraph 8 to 9.

⁹² As described, for example, in Child Care Advocacy Association of Canada (CCAAC) and Coalition of Child Care Advocates of BC. A Tale of Two Canadas: Implementing rights in early childhood. 2011. This report was submitted to the UN Committee on the Rights of the Child in 2011. The report's authors were invited to meet with the Committee on the Rights of the Child in 2012.

about one-half of the OECD average and one-third of the minimum recommended level.⁹³ As a result, Canada has among the lowest levels of access to child care and the highest parent fees in the OECD. BC is even worse than the already-weak Canadian average on most measures related to child care. Mothers' workforce participation rates, access to regulated spaces, and public investment per space are all below the Canadian average, while parent fees and the presence of for-profit child care centres are both higher than the Canadian average.⁹⁴

Seven years after the CEDAW report – and forty-five years after the Royal Commission on the Status of Women called for a national childcare program, describing it as the 'ramp' to women's equality - regulated childcare is available for only 20.5% of Canadian children under age 12.⁹⁵ The Government of Canada and the Government of British Columbia have not made substantive progress on any of the 2008 CEDAW recommendations regarding child care. Specifically:

1. Comprehensive cost/benefit analysis – while the Canadian and the British Columbian governments have not carried out this analysis, academics and economists have published child care studies which consistently find that the benefits

⁹³ Note that this is the most current complete data on Canadian ECEC available from the OECD. Based on available information in Canada, ECEC funding has undoubtedly increased since 2006 as several provinces have added full-day kindergarten while child care funding has continued to grow slowly. No comparative data, however, are available as Canada's entries in the OECD Family Database (2009) and other international sources are incomplete. Organisation for Economic Co-operation and Development Directorate for Education (2006). *Starting Strong II*. OECD Publishing, 2006.

⁹⁴ Beach, Jane and Martha Friendly. *The state of early childhood education and care in Canada 2010: Trends and analysis*. Childcare Resource and Research Unit, 2013. Page 55 to 69, tables 1 to 15.

⁹⁵ Beach and Friendly. *The state of early childhood education and care in Canada 2010: Trends and analysis*. 2013. At Table 13.

⁹⁶ Fortin, Pierre, Luc Godbout, and Suzie St-Cerny. *Impact of Quebec's Universal Low-fee Childcare Program on Female Labour Force Participation, Domestic Income, and Government Budgets*. Chaire De Recherche En Fiscalite Et En Finances Publiques, 2012. Print.

The Centre for Spatial Economics. *Estimates of Workforce Shortages: Understanding and addressing workforce shortages in early childhood education and care (ECEC) project*. Canadian Child Care Human Resources Sector Council, 2009. Print.

L. Anderson, Hertzman, C., Kershaw, P., and Warburton, B. *15 by 15: A comprehensive policy framework for early human capital investment in BC*. Vancouver: Human Early Learning Partnership, University of British Columbia, Aug. 2009. Print.

of quality, affordable child care outweigh the costs.⁹⁶ For example, research shows that the \$7/day system in Quebec more than pays for itself. In 2008, “each \$100 of daycare subsidy paid out by the Quebec government generated a return of \$104 for itself and a windfall of \$43 for the federal government.” Also, 70,000 more women hold jobs as a result.⁹⁷ Furthermore, analyses show that lower-income mothers have greatly benefited from this system with poverty rates dropping by approximately 50%.⁹⁸

2. Increase number of affordable spaces – In recent years, BC has expanded their kindergarten (school entry) programs, generally to serve younger children and/or to move to full school-day programming. However, these changes have not addressed the needs of the majority of mothers, who work or go to school and need before and after school care.

Between 2008 and 2012 (the most recent year for which data is available), the percentage of children under age 12 with access to a regulated child care space in BC grew only slightly, from 15.4% to 18%.⁹⁹

Moreover, even this limited access is unattainable for many due to high parent fees. And, “because women’s incomes tend to be lower than men’s, it is often the woman in a heterosexual couple who will leave the workforce.”¹⁰⁰ The strong link between child care availability and affordability, and women’s workforce participation, informed a recent study¹⁰¹ of child care parent fees in large Canadian cities. The study found that - outside of Quebec and Manitoba, where parent fees are capped¹⁰²- median child care fees range from 23% to

⁹⁷ Fortin, Godbout and St-Cerny. Impact of Quebec’s universal low-fee childcare program on female labour force participation, domestic income, and government budgets. 2012. At page 27.

⁹⁸ Fortin, Godbout and St-Cerny. Impact of Quebec’s universal low-fee childcare program on female labour force participation, domestic income, and government budgets. 2012. At page 7.

⁹⁹ Beach and Friendly. The state of early childhood education and care in Canada 2010: Trends and analysis. 2013. At page 67, table 13.

¹⁰⁰ West Coast LEAF. 2015 CEDAW Report Card: How BC Is Measuring Up in Women’s Rights. 2015. At page 10.

¹⁰¹ Friendly, Martha and David Macdonald. The Parent Trap: Child care fees in Canada’s big cities. Canadian Centre for Policy Alternatives, Nov. 2014.

36% of median pre-tax market income for women aged 25 to 34. In other words, mothers in most of Canada pay three to four months of their annual salary in child care costs.

3. Prioritize Indigenous communities and low-income women - While child care affordability is a serious issue for most families, it is of particular concern to women in lower income families. In fact, child care is “a key defense against poverty, as it can assist women in finding and holding employment.”¹⁰³ Yet, “fee subsidies for lower income families are inadequate [and] the proportion of subsidized children has essentially remained static since 2001.”¹⁰⁴

In terms of funding social programs, in 2008 the CEDAW Committee called for the Canadian government “to establish minimum standards for the provision of funding to social assistance programs, applicable at the federal, provincial and territorial levels, and a monitoring mechanism to ensure the accountability of provincial and territorial governments for the use of such funds so as to ensure that funding decisions meet the needs of the most vulnerable groups of women and do not result in discrimination against women.”¹⁰⁵ However, the small federal child care transfer agreements that are in place “do not require provincial and territorial governments to specify in any detail... how the funding is spent. Instead, program content, delivery, and funding is described as being accountable to the citizens of the province or territory. In BC, detailed information that would indicate what the ECD/ELCC funding is spent on is sparse or unavailable.”¹⁰⁶

Overall, BC has achieved no progress on child care since 2008. Specifically on child care for Indigenous children, BCACCS reports “...the decline of federal interest in Aboriginal ECDC, together with a weak provincial commitment to Aboriginal ECDC policy and

¹⁰² Parent fees are also capped in Prince Edward Island, but 10 cities in that province did not fit the study’s definition of big cities so were not included.

¹⁰³ West Coast LEAF. 2015 CEDAW Report Card: How BC Is Measuring Up in Women’s Rights. 2015. At page 10.

¹⁰⁴ Canadian Centre for Policy Alternatives. Delivering the Good: Alternative Federal Budget 2015. Canadian Centre for Policy Alternatives, 2015. Print.

¹⁰⁵ Committee on the Elimination of Discrimination against Women. Concluding observations of the Committee on the Elimination of Discrimination against Women Canada. 2008. At paragraph 3.

¹⁰⁶ Issac, Karen and Kathleen Jamieson. A Good Path Forward: Understanding and Promoting Aboriginal Early Childhood Development and Care. At page ii. Canadian Centre for Policy Alternatives, Aug. 2015.



programs, and the continuing high child and family poverty rates in BC mean that the current policy environment for ensuring effective and responsive Aboriginal ECDC and programs for the majority of Aboriginal children in BC is a chilly one indeed.”¹⁰⁷

The Early Childhood Educators of BC and the Coalition of Child Care Advocates of BC have developed the “Community plan for a public system of early care & learning” – generally referred to as the \$10 a Day Child Care Plan – which has broad support from British Columbians¹⁰⁸ and over 250 endorsements from local government, business, child care, labour, health, and community organizations¹⁰⁹. Together, they are united for a different approach – one that:

- Substantially increases access to quality, affordable child care for all who want or need it, on a voluntary basis
- Prioritizes social, physical and cultural inclusion of children and their families, ensuring that the needs of the most vulnerable are prioritized
- Values and respects the early childhood work force with fair compensation, decent working conditions and professional development opportunities.

Building an effective child care system contributes to equality for women in their enjoyment of their economic, social and cultural rights. If done well, child care advances social and income equality, reduces poverty and improves health. Child care that is developed by and for Indigenous communities helps to close the gaps in outcomes for Indigenous peoples. Child care helps women achieve their education and career goals. It helps families stay together by supporting them during times of crisis. And, child care builds communities.

Recommendation: That the government of Canada provide leadership, legislation, and adequate and sustainable funding for provinces, territories and aboriginal communities to build quality, affordable child care.

¹⁰⁷ Issac and Jamieson. A Good Path Forward: Understanding and Promoting Aboriginal Early Childhood Development and Care. 2015. At page iii to iv.

¹⁰⁸ Coalition of Child Care Advocates of BC. Province-wide poll confirms broad support for \$10aDay Child Care Plan. 2015. Web. <http://www.10aday.ca/province_wide_poll_confirms_broad_support_for_10aday_child_care_plan>

¹⁰⁹ Coalition of Child Care Advocates of BC. Endorse the Plan. 2015. Web. <<http://www.10aday.ca/endorse>>

Recommendation: That the Province of British Columbia implement the recommendation as outlined in the Community Plan for a Public System of Integrated Early Care and Learning.

Article 12

The Right to Physical and Mental Health

Women are the majority of the senior population of Canada (those over 65 years of age). Ensuring adequate access to health care requires taking senior women's needs into account, since women, on average, use the health care system more often and live almost seven years longer than men.¹¹⁰ In Canada, the number of seniors requiring care is projected to double between 2012 and 2031¹¹¹ and the ratio of women to men is projected to remain 2:1 for the age range 85 and over.^{112 113} In BC, the projected proportion of the population aged 65 and over will reach between 24% and 27% of the total in 2038, levels higher than the national average.¹¹⁴

Women make up nearly two thirds of the residential care population overall, and three quarters of residents 85 and older and up to 95% of workers in long-term care (LTC), or residential, facilities.¹¹⁵ An important factor for senior women's health is that they are at higher risk of facing housing challenges, prior to accessing any type of long-term care, in a residential facility or at home. According to the 2006 census, 94% of the 12,000 seniors in BC spending more than half their income on housing were women. The proportion of "affordable

¹¹⁰ Lorber, Judith, and Lisa Jean Moore. *Gender and the Social Construction of Illness*. Thousand Oaks, CA: Sage Publications, 1997. Print.

¹¹¹ Maire Sinha. *Spotlight on Canadians: Results from the General Social Survey, Portrait of caregivers*, 2012. Statistics Canada. Sept. 2013. Web. <<http://www.statcan.gc.ca/pub/89-652-x/89-652-x2013001-eng.htm>>

¹¹² Statistics Canada, Demography Division. *Population, by age group, 2010*. Statistics Canada, 13 May 2013. Web. <<http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11475/tbl/tbl002-eng.htm>>

¹¹³ Statistics Canada, Health Statistics Division and Demography Division. *Chart 16: Age pyramid of deaths, relative value, Canada, 1921, 2007, and 2060*. Statistics Canada, 13 May 2013. Web. <<http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11441/c-g/c-g016-eng.htm>>

¹¹⁴ Statistics Canada. *Population projections: Canada, the provinces and territories, 2013 to 2063*. Statistics Canada, 17 Sept. 2014. Web. <<http://www.statcan.gc.ca/daily-quotidien/140917/dq140917a-eng.htm>>

¹¹⁵ Canadian Union of Public Employees. *Residential Long-Term Care in Canada: Our Vision for Better Seniors' Care*. Canadian Union of Public Employees, Oct 2009. Web. <<https://cupe.ca/sites/cupe/files/CUPE-long-term-care-seniors-care-vision.pdf>>

housing options” partially subsidised by the BC government in 2010 was low, resulting in 86% of eligible seniors having to pay market rate for supportive housing, and up to 70% of assisted living costs.¹¹⁶

Women are also over 80% of those providing paid care and unpaid personal care.¹¹⁷ In both positions, women are greatly impacted by the trend towards privatization, and cuts to funding: jobs are contracted out leading to lower salaries, more precarious contracts and understaffed teams; family members are required to take on more responsibilities for care that is no longer provided.¹¹⁸

From an unpaid standpoint, a 2012 General Social Survey analysis¹¹⁹ outlines that, even though the percentage of employed women and men identifying as caregivers is relatively similar, women still outnumber men in terms of number of hours dedicated to caring for a relative. Women are more likely (65% vs. 35%) to spend over 20 hours per week providing personal care on a regular or set schedule, and to assist with medical treatment or housework, including preparing meals. The 2003 report *Reading Romanow: The Implications of the Final Report of The Commission on the Future of Health Care in Canada for Women* pointed out that the “personal care” that women take on as caregivers can go beyond bathing and dressing, and include more technical tasks for which they receive no training; for example, “insert catheters and apply oxygen masks, handle breathing tubes and IVs.”¹²⁰

Consequently, the weaknesses in the Canadian health care system for seniors affect women disproportionately both as consumers of health care services and as caregivers.

¹¹⁶ Janine Farrell. *Seniors Fact Sheet: Affordable Housing Options for Seniors Living In BC*. Canadian Centre for Policy Alternatives, 18 Apr. 2013. Web. <<https://www.policyalternatives.ca/publications/facts-infographics/seniors-fact-sheet-housing>>

¹¹⁷ The National Coordinating Group on Health Care Reform and Women. In *Reading Romanow: The Implications of the Final Report of The Commission on the Future of Health Care in Canada for Women (Revised and Updated Edition)*. The National Coordinating Group on Health Care Reform and Women, Apr. 2003. Web. <<http://www.womenandhealthcarereform.ca/publications/reading-romanow.pdf>>

¹¹⁸ Canadian Union of Public Employees. *Residential Long-Term Care in Canada: Our Vision for Better Seniors' Care*. Canadian Union of Public Employees, Oct 2009.

¹¹⁹ Maire Sinha. *Spotlight on Canadians: Results from the General Social Survey, Portrait of caregivers, 2012*. 2013.

¹²⁰ The National Coordinating Group on Health Care Reform and Women. In *Reading Romanow: The Implications of the Final Report of The Commission on the Future of Health Care in Canada for Women (Revised and Updated Edition)*. 2003. At page 13.

In the wake of the Romanow Commission on the Future of Health Care in Canada, *Building on Values: The Future of Health Care in Canada*¹²¹, scholars and health care practitioners argue that the Canada Health Act has left Long Term Care and “continuing care” out of the scope of Medicare. Proponents have two proposals: they want federal leadership to require provincial and territorial governments to include the continuum of care in their scope, and they want to address the current trend of privatization of extended services like Long Term Care.¹²² Privatization, along with cuts to funding, have been raising concerns for several years in terms of quality of care, working conditions, cost for both residents and taxpayers, and transparency to the public. Already in 2000, the report *Without Foundations: How Medicare is Undermined by Gaps and Privatization in Community and Continuing Care* was making a case for non-profit community care as being “more efficient, less costly and of greater or equal quality compared with for-profit care.”¹²³

Much has been written about the exponentially rising health costs associated with an aging population. National numbers available from the Canadian Institute for Health Information (CIHI) indicate that health spending for seniors has remained virtually unchanged between 2002 and 2012.¹²⁴ In BC, though expenditures have risen by 39% from 1998 to 2012, according to Policy Notes (a Canadian Centre for Policy Alternatives blog) this rise is primarily due to spending on the middle-aged demographic, while care for seniors has seen either insufficient increase or outright decline. From 2002 to 2012, expenditures per person fell by more than 60% for all groups of seniors 65+, with a sharp dip for seniors over the age of 85. Expenditure breakdowns (i.e. hospitals, physicians, drugs and other institutions,

¹²¹ Roy J. Romanow. *Building on Values. The Future of Health Care in Canada: Final Report*. Commission on the Future of Health Care in Canada, Nov. 2002. Web. <http://www.cbc.ca/healthcare/final_report.pdf>

¹²² Jonathan Brody Harris. “Population Aging and Long-Term Care Policy Change in Canada: A Comparison of British Columbia, Manitoba and Ontario.” Thesis. University of Regina, 2014. Web. <https://ourspace.uregina.ca/bitstream/handle/10294/5827/Harris_Jonathan_200278857_MPP_HSR_Spring2015.pdf?sequence=1>

¹²³ Donna Vogel, Michael Rachlis and Nancy Pollak. *Without Foundations: How Medicare is Undermined by Gaps and Privatization in Community and Continuing Care*. Canadian Centre for Policy Alternatives. 2000. Web. <<https://www.policyalternatives.ca/publications/reports/without-foundation#sthash.VeBTwwZm.dpuf>>

¹²⁴ Kelly Grant. “Government health care spending, and how much seniors account for.” *The Globe and Mail*. Oct. 2014. Web. <<http://www.theglobeandmail.com/life/health-and-fitness/health/government-health-care-spending-and-how-much-seniors-account-for/article21395533/>>

which include long-term care for seniors) point to residential care cuts after 2002 as the main source for the decrease.¹²⁵ Similarly, between 2001/02 and 2009/10, access to home and community care declined by 14%, in terms of volume of services provided each year relative to the number of seniors over the age of 75. Access to services also varies significantly across health authority regions.¹²⁶ Key findings in *Living Up to the Promise: Addressing the High Cost of Underfunding and Fragmentation in BC's Home Support System* highlight that changes to the role and areas of intervention for community health workers, time allocated per patient, and cancellation of support programs to family caregivers have turned BC's home care and support services into a reactive and ill-equipped system, that leaves all parties - patients, paid and unpaid caregivers, feeling rushed, unsupported, inefficient and generally dissatisfied.¹²⁷

In 2012, the Ombudsperson's office released a report entitled *The Best of Case: Getting it Right for Seniors in BC* and made 176 recommendations to address issues of fairness, access and quality in BC's home support, assisted living and residential care systems -140 of which were directed at the Ministry of Health of BC. The first five findings in the Ombudsperson's report focused on the MOH's failure to track and report information on how and where funds were being expended in home and community care, and whether this funding was effective in meeting the needs of seniors for quality and timely care.¹²⁸ A June 2015 update by the Ombudsperson's office outlines that the provincial government has implemented less than 14 per cent of the recommendations, and made no progress on 58% of the recommendations, almost three and a half years after the release of the report.¹²⁹



¹²⁵ Marc Lee. "Spotlight on health care austerity: seniors' residential care." Policy Note. 30 Oct. 2015. Web. <<http://www.policynote.ca/spotlight-on-health-care-austerity-seniors-residential-care/>>

¹²⁶ Marcy Cohen. *Caring for BC's Aging Population: Improving Health Care for All*. Canadian Centre for Policy Alternatives, July 2012. Web. <<https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2012/07/CCPABC-Caring-BC-Aging-Pop.pdf>>

¹²⁷ Cohen, Marcy and Joanne Franko. *Living Up to the Promise: Addressing the high costs of underfunding and fragmentation in BC's home support system*. Integrated Care Advocacy Group and the BC Health Coalition, May 2015. Web. <<http://www.bchealthcoalition.ca/sites/default/files/uploads/Living%20Up%20To%20The%20Promise%20-%20Full%20Report%20-%20press%20-%20new%20appendixA.pdf>>

¹²⁸ Cohen, Marcy and Janine Farrell. *The Ombudsperson's Report on Seniors Care: A Brief Analysis of the Government's (Non)Response*. Canadian Centre for Policy Alternatives, 14 Nov. 2013. Web. <<https://www.policyalternatives.ca/publications/reports/ombudspersons-report-seniors-care>>

BC can afford to provide appropriate care to its population of seniors and to women in particular: BC's nominal GDP growth has averaged 4.5% in the past decade, despite the recession of 2008 and could, if the rate continues, afford to increase healthcare expenditures by the necessary 4.2%. However, the BC Budget allocated only a 2.8% increase to healthcare spending for 2015, and projects the same for 2016 and 2017.¹³⁰

Moreover, Reading Romanow not only outlines how the Romanow Commission - composed exclusively of men - failed to produce a gender-based analysis of the Canadian healthcare system, but also provides insight on implementing the Romanow recommendations using a gender-based approach. Written by the Thinking Women and Health Care Reform group, Reading Romanow, the authors emphasise the need for "gender [to be] seen as one of many variables rather than one that intersects with these others to create even greater vulnerabilities in terms of care receiving and care giving". To date, very few of the Romanow recommendations have been implemented.

The federal government has a renewed opportunity to 'do it right' and give full meaning to Recommendation 29 of the Romanow Report, which states "governments, regional health authorities, and health care providers should continue their efforts to develop programs and services that recognize the different health care needs of men and women, visible minorities, people with disabilities, and new Canadians."¹³¹

Recommendation: That the Government of Canada through the Canada Health Transfer and the Canada Health Accord require provincial and territorial governments to include the continuum of care in their scope, including Long Term Care, home care, and seniors housing.

Recommendation: That the Government of Canada take measures, in cooperation with the provinces and territories to stop the privatization of health services such as Long Term Care.

¹²⁹ Office of the Ombudsperson of BC. Update on Status of Recommendations -- The Best of Care: Getting it Right for Seniors in BC (Part 2). June 2015. Web. <<https://www.bcombudsperson.ca/sites/default/files/Best%20of%20Care%20%28Part%20%29%20-%202015%20Updates%20%28All%29.pdf>>

¹³⁰ Marc Lee. "Austerity comes to BC's health care system." Policy Note. 29 Oct 2015. Web. <<http://www.policynote.ca/austerity-comes-to-bcs-health-care-system/>>

¹³¹ Romanow. Building on Values. The Future of Health Care in Canada: Final Report. 2002.

Recommendation: That all governments in Canada develop programs and services that recognize the different health care needs of men and women, visible minorities, people with disabilities, and new Canadians.

Recommendation: That the Province of British Columbia implement the recommendations of the B.C. Ombudsman regarding health care services.

Recommendation: That the Province of British Columbia increase funding for health care services for seniors, such as but not limited to, expanding the continuum of care, including home health services, residential care and seniors housing.