

**The Right to an Adequate Standard of Living in Hamilton
Update to the 2006 Report**

**A Follow-up Report on Canada to the United Nations Committee on
Economic, Social and Cultural Rights**

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A Report of

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Executive Summary

Introduction

This report is an updated version of the 2006 report entitled “The Right to an Adequate Standard of Living in Hamilton”. As in 1998, many in our community read the concluding observations of the Committee on Economic Social & Cultural Rights (“the UN Committee”) from 2006 with great interest. Again, many of the issues raised by the UN Committee relate directly to critical issues that we face in our community, and that are faced in communities across Canada. In particular, with regard to the guarantee of an “adequate standard of living” as found in Article 11 of the Covenant on Economic, Social, and Cultural Rights (“the Covenant”), too little has been done to improve conditions for the most vulnerable in our community since the UN Committee's last report.

We sincerely hope that this report assists the UN Committee in assessing the degree to which Canada is conforming with its obligations under the Covenant, by providing the CESCR with a perspective that is decidedly community-based and localized. Since our community continues to experience crises with regard to homelessness, poverty, and food security, there exists a great deal of local research in these areas. This report, as in 2006, engages that local research to shed light on some of the critical work needed to be done to ensure an adequate standard of living for individuals and families in our community, and by extension, across Canada.

Structure of the Report

For continuity and ease of comparison, the Structure of this report is identical to the 2006 report. After providing a brief introduction to Hamilton, the Report is divided into 6 sections. The 7 areas of this report are:

- Levels of Social Assistance;
- The National Child Benefit Supplement;
- Housing and Homelessness;
- Unemployment Insurance Benefits;
- Minimum Wage;
- Food security; and,
- Vulnerable Groups.

Levels of Social Assistance

Many people in Hamilton depend on provincial social assistance programs for survival. As of September 2014, Hamilton had approximately 21,538 persons attempting to subsist

on the Ontario Works ("OW") social assistance program, the primary provincial social security program for individuals and families. Of these beneficiaries, almost 8,294 are dependent children under the age of 18. As of September 2014, Hamilton also had 27,074 beneficiaries on the Ontario Disability Support Program ("ODSP"), the primary provincial social security program for persons with disabilities, and 4,364 of those beneficiaries were children. The number of persons in receipt of provincial disability benefits has thus increased almost 40% since 2005, which is illustrative of the fact that severe and sustained poverty can be linked with poor health.

Given the numbers on social assistance, it is imperative that social assistance rates provide an adequate standard of living. Yet social assistance rates still fall far below the LICO poverty line, with a single person receiving approximately 32% of the Low-Income Cut-Off poverty measure through provincial social assistance. Unfortunately, even when we compare the incomes derived from social assistance to even the most basic needs we see that the rates are sorely inadequate.

When one looks at the amount provided for shelter under provincial social assistance programs, we see that a single person in the Hamilton Census Metropolitan Area was short \$216 every month on their average rent in 2014 (\$416 short if they were in an average-priced one bedroom apartment), while a single parent of one child would be short \$357 every month on their average-priced 2 bedroom apartment. A single person with a disability was short \$313 for their average-priced one bedroom apartment. The situation is considerably worse for persons trying to subsist on provincial social assistance benefits in Toronto, Canada's largest city where the shortages were even more extreme ranging from a single person who would be short \$523 every month for their bachelor apartment, to a single parent with one child who would be short \$662 every month for her one bedroom apartment. Not surprisingly, we see individuals and families in receipt of social assistance being regularly evicted from their homes due to an inability to pay their rent.

The National Child Benefit Supplement

The Provincial Government has thankfully raised incomes for low-income families through introduction of the Ontario Child Benefit ("OCB") and has stopped deducting the National Child Benefit Supplement from provincial social assistance, but unfortunately families in receipt of provincial social assistance have not seen the full financial benefit of the Ontario Child Benefit due to corresponding cutbacks to their social assistance.

Housing and Homelessness

In Hamilton, approximately 32% of all household in Hamilton are renting their home. A disturbingly high proportion of tenants continue to pay greater than 50% of their income toward housing, with 21% of renter households in Hamilton paying more than 50% of their gross income toward rent (roughly the same percentage as 2001). In addition, 43% of renter households in Hamilton pay greater than 30% of their gross income toward rent.

The Canada Mortgage and Housing Corporation defines this as the level above which rent is unaffordable.

This situation is compounded by the lack of any increase in rental housing stock in Hamilton. Since 2001, there has been a 1% net decrease in the number of rental units in Hamilton primary rental market (i.e. purpose built rental buildings with three units or more). Not surprisingly, this has put pressure on Hamilton vacancy rate for rental housing, which recently declined below 2%.

Given the high numbers on social assistance and the lack of rental housing, there remain enormous numbers of individuals and families waiting for social housing units in Hamilton, with approximately 5,700 households on the waiting list for rent-geared-to-income housing in 2015.

The lack of rental housing and social housing, combined with inadequate social assistance and shelter allowance rates, has led to high numbers of people resorting to emergency housing. The City of Hamilton reported in 2011 that in one year 5,653 individual men, women and children slept in an emergency shelter, which is only the tip of the iceberg for all individuals and families who lack housing. The situation is particularly critical for women experiencing homelessness as emergency shelters for women and violence against women shelters in Hamilton turned away women a combined total of 400 times in December 2014 due to the shelter being at full capacity.

As in 2006, the systemic reliance on emergency shelter is a direct result of the combined effect of the lack of affordable housing and inadequate social assistance rates. When rents are high, and getting higher, and social assistance rates are low and staying low, it is not surprising that many people fall behind in rent, which in turn leads to eviction and homelessness. In the fiscal year for 2013-2014 landlords filed 67,278 applications to evict their tenants at the Landlord and Tenant Board of Ontario, of which 78.5% are to evict the tenant because of unpaid rent.

Unemployment Insurance Benefits

The unemployment rate for the Hamilton Census Metropolitan Area as of November 2015 was 5.6%, compared to the provincial rate of 6.9%. However, the rate is misleading given that the Hamilton Census Metropolitan area also includes the relatively affluent communities of Burlington and Grimsby. The results of the National Household Survey portion of the 2011 census show that the unemployment rate for Hamilton's inner city was more than twice the provincial average, and that some neighborhoods had unemployment rates in excess of 20%.

The Government of Canada instituted a number of policy changes to the Employment Insurance program (formerly "unemployment insurance") over the last two decades that have made access to benefits increasingly difficult. Hamilton appears to have been hardest hit by these policy changes with the biggest drop in the unemployed accessing benefits, going from 40.1 % in 1997 to 21.6% in 2014.

Minimum Wage

Thankfully there have been significant increases to the minimum wage since 2006, with the current minimum wage resting at \$11.25 as compared to \$7.50 per hour in 2006, representing approximately a 33% increase when one accounts for inflation. However, although there have been 4 increases to Ontario's minimum wages since 2006, the percentage of working poor individuals rose among the working-age population in both in the City of Hamilton and in the Province of Ontario. A full time job in Ontario leaves workers earning well below the poverty line, at about 81% of the low-income measure.

In Ontario, there is not an evidence-based rationale for setting minimum wage rates. \$11.25 falls short of all living wage calculations across the province. The living wage calculates what it takes for a family of four to make ends meet locally. Communities across Ontario have begun developing local 'Living Wage' initiatives which encourage employers in the private, public and not-for-profit sectors to implement living wages. In Hamilton, 26 employers have taken this step from local bakeries, to non-profit organizations to the Hamilton-Wentworth District School Board. As it currently stands, minimum wage is only 61% of the living wage in Toronto, 70% in Waterloo Region, and 75% in Hamilton. The current living wage in Hamilton is estimated at \$14.95.

Food Security

Since the last report, reliance on food banks throughout Canada, and in Hamilton, has only increased. In Hamilton there are now over 20,000 people per month who access local food banks; an approximate 18% increase in users of the emergency food system. 41% of those accessing food banks are families with children. Single adults without children now make up 50% of food bank users, which is not surprising given the particularly low levels of social assistance for single adults.

In 2015, almost 73% of food bank users were in receipt of Ontario Works or Ontario Disability Support Program social assistance benefits. With that in mind, it is no surprise to note that 86% of the households using food banks in Hamilton experiences moderate to serious housing affordability risk.

Vulnerable Groups

These groups continue to experience social and economic hardship in Hamilton, and throughout Canada. Due to limited expertise in this area, this Report does not extensively discuss the situation of these groups in Hamilton. However, it is important to note that these groups continue to remain in a situation of disproportionate adversity presenting many challenges for individuals and families in our community. In trying to paint an accurate picture of the situation facing vulnerable groups in Hamilton, the authors of this report have struggled with the effects of the cancellation of the long form census on the

availability of reliable and current demographic information regarding vulnerable groups at the community level.

Poverty is experienced disproportionately by vulnerable groups including women, persons with disabilities, seniors living alone, recent immigrants, Aboriginal persons, and visible minorities.

Levels of poverty among female-led lone-parent families remain a pressing concern, while the gross inadequacy of provincial social assistance and levels of poverty among women raise particularly disturbing questions around the ability of women in our community to leave abusive situations.

Recommendations

- We recommend that the Government of Ontario establish an arms-length, permanent and publicly accountable body of experts to recommend evidence-based social assistance rates that will allow individuals and families to have an adequate standard of living and to live with dignity.
- We recommend that the Government of Canada add conditions to the Canada Health and Social Transfer requiring provinces to provide a level of social assistance that will allow individuals and families to have an adequate standard of living and to live with dignity.
- We recommend that the Government of Canada, in partnership with the provinces and municipalities, develop a national housing strategy and a national strategy for the reduction of homelessness that include measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with Covenant standards.
- We recommend that the eligibility requirements for Employment Insurance benefits be amended to accommodate the kind of work that exists today, specifically, part time and minimum wage positions. The current number of hours needed to be eligible for EI coverage ranges from 420 to 700 depending on where you live and what type of benefits are needed. The Government of Canada should lower this rate to a standard 360 hours across Canada making the program more accessible for part time workers.
- We recommend that the Employment Insurance program should take into account the number of years a person worked, not just the months before losing employment. In addition, weekly benefits should be no lower than two-thirds of

the best twelve weeks of earnings. Qualifying for EI should be flexible for those who have been in the labour force for a longer time.

- We recommend that the minimum wage should be set to a ‘living wage’ that will allow all workers to earn a decent standard of living, and should be subject to evidence-based review periodically at arms-length to government, supported by significant and permanent research resources.
- We welcome the commitment of the Government of Canada to reinstate the mandatory long form census and encourage Statistics Canada to provide helpful disaggregated data regarding all vulnerable groups.

Concluding Comments

We hope that this updated report again assists the Committee on Economic, Social and Cultural Rights in assessing the degree to which Canada is conforming with its obligations under the Covenant on Economic, Social & Cultural Rights. As in 2006, We have endeavored to provide the UN Committee with a local, community-based perspective that is fact-based.

Unfortunately, as both reports show, the right to an adequate standard of living is not being acknowledged or protected by either the Provincial or Federal Governments.

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

1. Introduction

1.1. Purpose of the Report

- 1.1.2 This report is an updated version of the 2006 report entitled “The Right to an Adequate Standard of Living in Hamilton”¹. As in 1998, many in our community read the concluding observations of the Committee on Economic Social & Cultural Rights (“the UN Committee”) from 2006 with great interest. Again, many of the issues raised by the UN Committee relate directly to critical issues that we face in our community, and that are faced in communities across Canada. In particular, with regard to the guarantee of an “adequate standard of living” as found in Article 11 of the Covenant on Economic, Social, and Cultural Rights (“the Covenant”), too little has been done to improve conditions for the most vulnerable in our community since the UN Committee's last report.
- 1.1.3 Although the original 2006 report was authored by the Human Rights Committee of the Income Security Working Group, that committee is no longer in existence. However, there remain many agencies, individuals and groups in our community committed to alleviating conditions for most vulnerable members of our community. This report is authored by the Hamilton Community Legal Clinic, in partnership with the Hamilton Roundtable for Poverty Reduction.
- 1.1.4 The Hamilton Community Legal Clinic / Clinique juridique communautaire de Hamilton is a community based not-for-profit agency whose diverse team of caring professionals and volunteers provides legal services to low income individuals and communities to promote access to justice and to improve quality of life. The clinic offers legal services including summary advice and referral, representation, community development, law reform and public legal education. The Clinic serves the community in both official languages (English and French) and also has the capacity to serve our clients in almost any language through the use of interpretation services.
- 1.1.5 The Hamilton Roundtable for Poverty Reduction was formed in 2005 to tackle the City’s unacceptable levels of poverty. Roundtable members come from across Hamilton and include leaders from the business and non-profit sectors, from government, education and faith communities as well as individuals who experience poverty daily. The roundtable works locally, provincially and nationally on policy and systems-level change to achieve long-term solutions to poverty.
- 1.1.6 The Social Planning and Research Council of Hamilton has collaborated to provide significant research data to inform the writing of this report. The Social Planning and Research Council works to improve the quality of life for everyone

¹ See Colebatch, C., Foye, C., and Pike, D., *Report on Canada to the United Nations Committee on Economic, Social and Cultural Rights: The Right to an Adequate Standard of Living in Hamilton*, (2006) The Income Security Working Group (January, 2006)

in Hamilton through research, community development, community engagement, and system and service planning.

- 1.1.7 As in 2006, the Report will present and briefly analyze factual evidence regarding Canada's compliance with Article 11 of the Covenant, focusing primarily on our community. We will try to provide updated information as well as reference how things have changed since the 2006 report, if at all. Wherever possible the report will try to identify appropriate means for addressing a subject of concern, and possibilities for local, provincial and national cooperation in that regard.
- 1.1.8 As a statement of purpose, we sincerely hope that this report assists the UN Committee in assessing the degree to which Canada is conforming with its obligations under the Covenant, by providing the CESCR with a perspective that is decidedly community-based and localized. Since our community continues to experience crises with regard to homelessness, poverty, and food security, there exists a great deal of local research in these areas. This report, as in 2006, engages that local research to shed light on some of the critical work needed to be done to ensure an adequate standard of living for individuals and families in our community, and by extension, across Canada.

1.2. *Structure of the Report*

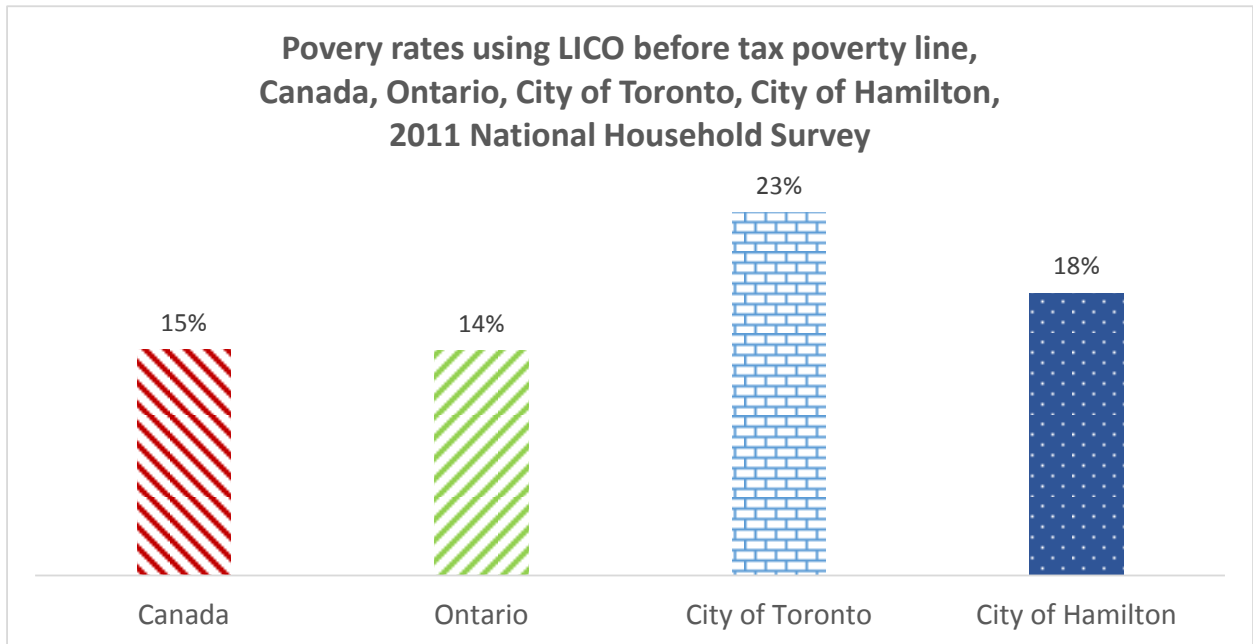
- 1.2.1 For continuity and ease of comparison, the Structure of this report is identical to the 2006 report. After providing a brief introduction to Hamilton, the Report is divided into 7 sections. The 7 areas of this report are:
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1.3. *A Brief Introduction to Hamilton, Ontario, Canada*

- 1.3.1 Hamilton is located in the south of the Province of Ontario, on the south-western tip of Lake Ontario, one of Canada's Great Lakes. We are situated directly on the Niagara Escarpment, which has been designated a World Biosphere Reserve by the United Nations Educational, Scientific and Cultural Organization.
- 1.3.2 Historically, Hamilton was known as a working-class city, due to the heavy industries which employed a large proportion of the population. To this day, Hamilton is often referred to as "the Steel City" due to the fact that we remain home to Canada's largest steel manufacturer. As with other communities in southern Ontario, Hamilton continues to experience the effects of a major downsizing in the manufacturing sector, while "the subsequent growth in more

temporary, insecure and low-paid jobs, especially in the service sector is a shift that does not seem to have reached its peak yet.”²

1.3.3 Hamilton has a population of approximately 500,000.³ In 2011, the incidence of poverty in Hamilton was approximately 18% using the Low-Income Cut-Off (“LICO”) measure. By comparison, the national LICO rate in 2011 was approximately 15% and the provincial rate approximately 14%.⁴ The following graph shows the comparative rates.⁵



Sara Mayo, The Social Planning and Research Council of Hamilton

² See Mayo, S. (2015) *Hamilton's Vital Signs: 2015, Hamilton's Economic Renaissance: A Prosperity unevenly shared, A Vital Signs Report from Hamilton Community Foundation*, Sara Mayo, The Social Planning and Research Council (2015) at p. 4

³ Statistics Canada, “Focus on Geography Series, 2011 Census, Census Metropolitan area of Hamilton, Ontario”:

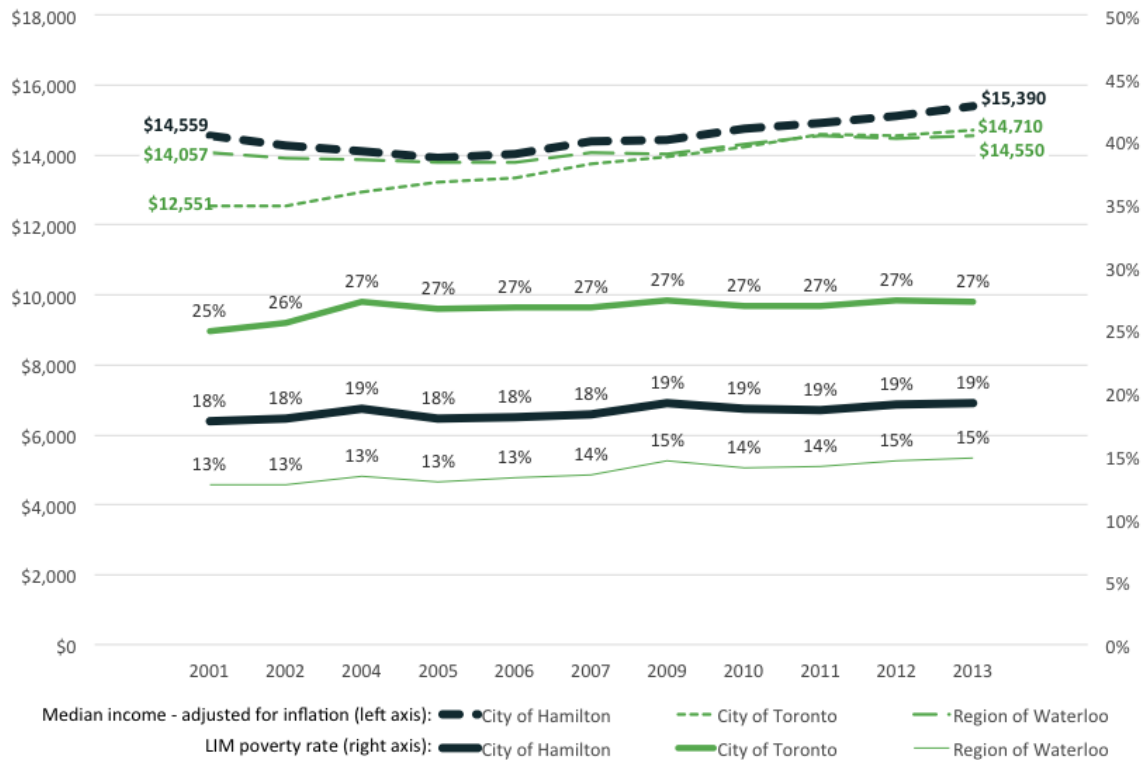
<https://www12.statcan.gc.ca/census-recensement/2011/as-sa/fogs-spg/Facts-CMA-eng.cfm?LANG=Eng&GK=CMA&GC=537>

⁴ As provided by personal communication from Sara Mayo of the Social Planning & Research Council, who cautions that the data from the 2011 National Household Survey cannot be reliably, compared to the 2006 census data which employed the mandatory long form census (replaced by the NHS). The NHS has produced lower quality data than available previously through the census, especially at the community level and for smaller population groups. Statistics Canada has said their evaluations of NHS data “support the general reliability of the data at the national, provincial and territorial levels” but they have not extended this confidence to using NHS data at the community level.

⁵ Graph provided by Sara Mayo of the Social Planning & Research Council specifically for this report.

1.3.4 Using the Low-Income Measure (“LIM” - a relative poverty measure) we can see that Hamilton’s poverty rate has remained relatively stable since 2001. The following table compares the historical LIM rate for the city of Toronto, the City of Hamilton, and the region of Waterloo:

Percentage of persons with a family income below the before tax Low Income Measure (LIM) and median income of low-income residents (adjusted for inflation in 2013 dollars), City of Hamilton, City of Toronto and Region of Waterloo, 2001-2013



Data Source: Statistics Canada, T1 Family Tax Filer data (2001-2014)⁶

1.3.5 Disturbingly, there has been an increasing polarization of income in Hamilton and in the Province of Ontario. Over the past three decades the after tax incomes of the wealthiest 20% of Ontario families have grown at a rate four times the rate as the incomes of the poorest 20%, and their share of income has increased by 13%, while the poorest families share of income fell by 12%.⁷ Between 1982 and 2010 the average income (accounting for inflation) for the wealthiest 10% of income earners in Hamilton grew by 27%, while the average income of the bottom 90%

⁶ Data note: Tax filer data has important limitations when used to analyse poverty rates. Tax files only have limited family information concerning couples, parents and dependents living in the same household, and the data does not have information about extended families living in the same household and financially supporting each other. Therefore, taxfiler data can overestimate the poverty rate, especially in communities where there is a higher rate of extended families living in a household. Due to the elimination of the mandatory long-form census, taxfiler date is used as a replacement, but the data quality is not as high.

⁷ See *Poverty at Your Doorstep*, Hamilton, 2013, World Vision Canada, 2013,

of earners grew by 2%.⁸ Poverty levels vary wildly between neighborhoods in Hamilton, ranging from 6% to over 40%.⁹ Perhaps most disturbingly, it has come to light that there exists a 21 year difference in life expectancy between one of Hamilton's richest neighborhoods and one of its poorest, representing "an entire generation lost between those neighborhoods at the top and bottom."¹⁰

2. Levels of Social Assistance

2.1 *The Issue*

2.1.1 In 2006, the UN Committee expressed concern at the "insufficiency of minimum wage and social assistance to ensure the realization of the right to an adequate standard of living for all"¹¹, and that Canada had "not provided detailed information as to whether current provincial and territorial social assistance rates allow recipients to enjoy an adequate standard of living."¹² In addition the UN Committee expressed concern that "shelter allowances and social assistance rates continue to fall far below average rental costs"¹³ and that "about 51 per cent of food bank users while receiving social assistance benefits in 2005, still had to resort to food banks because of the insufficient level of these benefits."¹⁴ The Committee recommended that Canada "undertake a detailed assessment of the impact of the reduction of federal transfers for social assistance and social services to provinces and territories, on the standard of living of people depending on social welfare, in particular women, children, older persons, persons with disabilities, Aboriginal people, African Canadians, and members of other minorities."¹⁵ The Committee also urged Canada "to establish social assistance at levels which ensure the realization of an adequate standard of living for all."¹⁶

2.2 *The Facts*

2.2.1 Many people in Hamilton depend on provincial social assistance programs for survival. As of September 2014, Hamilton had 21,538 persons attempting to subsist on the Ontario Works ("OW") social assistance program, the primary provincial social security program for individuals and families (as compared to 24,000 in September 2005). Of these beneficiaries, 8,294 are dependent children

⁸ See Mayo, S. and Pike, D., *The Rich and the Rest of Us*, (2013) The Social Planning and Research Council

⁹ *Poverty at your Doorstep* supra note 7. Using the Low Income Measure, 2009 data.

¹⁰ See the groundbreaking "Code Red Series" in the Hamilton Spectator, an investigative research series using health data mapping down to the neighborhood level in collaboration with Neil Johnston and Patrick DeLuca of McMaster University. Buist S. (2010, August 25) Worlds Apart, *The Hamilton Spectator*

¹¹ United Nations Committee on Economic, Social & Cultural Rights (UNCESCR) (Thirty-sixth Session, Geneva, 1-19 May 2006), "Concluding Observations of the Committee on Economic Social and Cultural Rights: Canada", paragraph 11(f)

¹² Ibid. at paragraph 21

¹³ Ibid. at paragraph 28

¹⁴ Ibid. at paragraph 27

¹⁵ Ibid. at paragraph 52

¹⁶ Ibid. at paragraph 53

under the age of 18. As of September 2014, Hamilton also had 27,074 beneficiaries on the Ontario Disability Support Program ("ODSP"), the primary provincial social security program for persons with disabilities, and 4,364 of those beneficiaries were children. The number of persons in receipt of provincial disability benefits has thus increased almost 40% since 2005, which is illustrative of the fact that severe and sustained poverty can be linked with poor health.¹⁷

- 2.2.2 Given the numbers on social assistance, it is imperative that social assistance rates provide an adequate standard of living. Yet social assistance rates still fall far below the LICO poverty line. For instance, a single person on Ontario Works will now receive \$8,172 annually as of November 1, 2015, while a single parent with one child will receive \$12,744 annually as of November 1, 2015 if one adds the Ontario Works assistance and the Ontario Child Benefit.¹⁸ When we compare the 2014 rates to the 2014 Low-Income Cut-Off (LICO) measure we see that a single person in receipt of Ontario Works only received approximately 32% of the LICO poverty line for 2014 from provincial social assistance programs.¹⁹
- 2.2.3 Unfortunately, even when we compare the incomes derived from social assistance to even the most basic needs (food and housing) we see that the rates are sorely inadequate. The table below shows this comparison for selected family compositions in 2014

¹⁷ See Mikkonen, J., & Raphael, D. (2010). *Social Determinants of Health: The Canadian Facts*. Toronto: York University School of Health Policy and Management., at pp12-13:
Low income predisposes people to material and social deprivation. The greater the deprivation, the less likely individuals and families are able to afford the basic prerequisites of health such as food, clothing, and housing. Deprivation also contributes to social exclusion by making it harder to participate in cultural, educational, and recreational activities. In the long run, social exclusion affects one's health and lessens the abilities to live a fulfilling day-to-day life.

¹⁸ See "Social Assistance Rates and the OCB – October 1, 2015", The Income Security Advocacy Centre at <http://incomesecurity.org/public-education/ow-and-odsp-rates-and-the-ocb-2015/>

¹⁹ The LICO poverty line (before tax) for a single person in a City larger than 500,000 in 2014 was \$24,328. (See Statistics Canada, Income Research Paper Series, Low Income Lines 2013-2014, no. 1, 75F0002M,) The maximum levels of basic benefits on Ontario Works in October of 2014 was \$656 per month (\$280 basic needs allowance plus \$376 shelter allowance) or \$7,872 per year.

Household Type	Monthly Income Security Benefits	Monthly Cost Of Healthy Food Basket ²⁰	Average Monthly Rent, Hamilton Census Metropolitan Area (“CMA”) ²¹	Remainder
Single Person (aged 19-30)	\$656 ²²	\$250.12	\$592 (bachelor apt.)	-\$186.12
Lone Parent Female (aged 19-30), with one male child (aged 14-18)	\$1,357.42 ²³	\$451.27	\$959 (2 bdrm. apt.)	-\$52.85
Family of four – Man and Woman (aged 31-50 yrs.), with two children, girl, and boy (aged 14-18)	\$1,984.26 ²⁴	\$857.22	\$1173 (3 bdrm. Apt.)	-\$45.96

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

2.2.5 The following tables show the woefully increasing disparities between market rents and the maximum shelter allowance portion of Ontario Works benefits. For single persons in 2014 the maximum shelter allowance was \$376, yet the average rent for a bachelor apartment in the Hamilton Census Metropolitan Area

²⁰ See *Healthy Eating Fact Sheet: How Much Does Healthy Eating Cost in 2014?*, Hamilton Public Health Services, City of Hamilton, (May 2014)

²¹ See *Rental Market Report – Hamilton and Brantford CMAs*, Canada Mortgage and Housing Corporation, Government of Canada, Fall 2014

* It should be noted that the Hamilton Census Metropolitan Area (“CMA”) also includes the relatively affluent municipalities of Burlington and Grimsby. The Hamilton CMA is used because the Canada Mortgage and Housing Corporation reports average rents employing the Hamilton CMA. While this may overstates the housing affordability crisis in the City of Hamilton, it also significantly understates the affordability crisis in those neighboring communities.

²² Based on the highest rates in 2014 after the July increase to the Basic Needs allowance: Basic Needs of \$280 plus Shelter Allowance of \$376 = \$656. See “Social Assistance, Pension and Tax Credit Rates: October-December 2014”, as compiled by The Statistics and Analysis Unit, Policy Research and Analysis Branch, Social Policy Development Division, Ministry of Community and Social Services, Government of Ontario.

²³ Based on the highest rates in 2014 after the July increase to the Basic Needs Allowance: Basic Needs Allowance of \$339, shelter allowance of \$602, Ontario Child benefit of \$109.17, Child tax benefit of \$120.50 and national child benefit supplement of \$186.75 for a total of \$1357.42 in monthly income security benefits.

²⁴ Based on the highest rates in 2014 after the July increase to the Basic Needs Allowance: Basic Needs Allowance of \$463, shelter allowance of \$710, Ontario Child benefit of \$109.17 per child, Child tax benefit of \$120.50 per child and national child benefit supplement of \$186.75 for the first child and \$165.17 for the second child, for a total of \$1984.26 in monthly income security benefits.

(“Hamilton CMA”) was \$592, representing a \$216 shortfall every month (as compared to \$184 in 2004). Furthermore, average rent for a one bedroom apartment in the Hamilton CMA was \$792 in 2014, more than double the maximum shelter allowance available, representing a \$416 shortfall every month (as compared to \$316 in 2004).²⁵ More generally, the poorest renters in Hamilton pay by far the highest proportion of their income toward rent, representing 69% of their total income.²⁶

Maximum Ontario Works Shelter Allowance for a single person vs. average rents for a bachelor apartment (Hamilton CMA, 2004-2014)											
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Maximum Shelter Allowance	\$325	\$335	\$342	\$349	\$356	\$364	\$368	\$372	\$376	\$376	\$376
Average Rent, bachelor	\$509	\$493	\$492	\$511	\$542	\$517	\$529	\$549	\$569	\$588	\$592
Remainder	-\$184	-\$158	-\$150	-\$162	-\$186	-\$153	-\$161	-\$177	-\$193	-\$212	-\$216

Maximum Ontario Works Shelter Allowance for a single person vs. average rents for a 1 bedroom apartment (Hamilton CMA, 2004-2014)											
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Maximum Shelter Allowance	\$325	\$335	\$342	\$349	\$356	\$364	\$368	\$372	\$376	\$376	\$376
Average Rent, 1 bdrm apt	\$641	\$646	\$644	\$666	\$681	\$679	\$705	\$722	\$735	\$766	\$792
Remainder	-\$316	-\$311	-\$302	-\$317	-\$325	-\$315	-\$337	-\$350	-\$359	-\$390	-\$416

2.2.6 Similar shortfalls exist for single parents. For a single parent with one child, the maximum shelter allowance was \$602 in 2014, while the average rent for a two-bedroom apartment in the Hamilton Census Metropolitan Area was \$959, representing a \$357 shortfall every month (as compared to \$278 in 2004).

²⁵ Supra. notes 21 and 22, see the corresponding documents for 2004.

²⁶ See *Vital Signs*, Supra note 2 at p17:

The proportion of income that goes to rent is highest among residents with the lowest income (chart 13). In Hamilton, the first quartile of renters households by income only earn on average \$11,032 per year. This quarter of renters includes people subsisting on social assistance, old age pensions, student loans and/or meager employment income. On average this group of renters pays \$632 per month in rent, which represents 69% of their income, leaving them a very small amount for other basic necessities like food and transportation. People in this group are at highest risk of homelessness if they incur significant new costs such as rent increases or medical costs.

Maximum Ontario Works Shelter Allowance for a single parent with one child vs. average rents for a 2 bedroom apartment (Hamilton CMA, 2004-2014)											
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Maximum Shelter Allowance	\$511	\$527	\$538	\$549	\$560	\$572	\$578	\$584	\$590	\$596	\$602
Average Rent, 2 bdrm apt	\$789	\$791	\$796	\$824	\$836	\$831	\$862	\$884	\$886	\$932	\$959
Remainder	-\$278	-\$264	-\$258	-\$275	-\$276	-\$259	-\$284	-\$300	-\$296	-\$336	-\$357

2.2.7 The shelter allowance provided under the Ontario Disability Support Program is also below average rents. For a single person receiving ODSP benefits, the maximum shelter allowance was \$479 in 2014, while the average rent for a one bedroom was \$792 representing a \$313 shortfall every month (as compared to \$227 in 2004). The situation for disabled renters who require modified units is further exacerbated by the lack of available accessible units and the fact that these units occasionally rent at a level above average rents.

Maximum Ontario Disability Support Program Shelter Allowance for a single person vs. average rents for a 1 bedroom apartment (Hamilton CMA, 2004-2014)											
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Maximum Shelter Allowance	\$414	\$427	\$436	\$445	\$454	\$464	\$469	\$474	\$479	\$479	\$479
Average Rent, 1 bdrm apt	\$641	\$646	\$644	\$666	\$681	\$679	\$705	\$722	\$735	\$766	\$792
Remainder	-\$227	-\$219	-\$208	-\$221	-\$227	-\$215	-\$236	-\$248	-\$256	-\$287	-\$313

2.2.8 The situation is considerably worse for persons trying to subsist on provincial social assistance benefits in Toronto, Canada's largest city. In 2014 a single person would be short \$523 for their rent every month for an average priced bachelor apartment (\$695 if they were in an average priced one bedroom), while a single parent with one child would be short \$662 every month for their average-priced two bedroom apartment. A single person with a disability would be short \$592 every month for their one bedroom apartment.²⁷

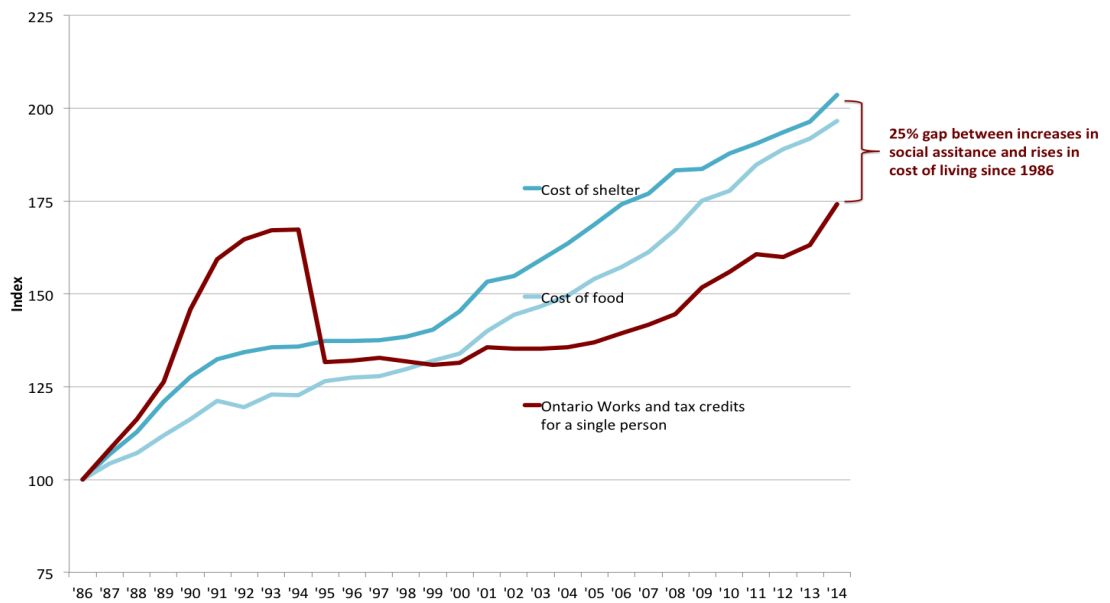
2.2.9 Despite overwhelming evidence that Ontario Works social assistance rates fall below subsistence levels, there was no increase in rates after the 21.6% cuts that occurred in 1995, until 2004 when the Ontario provincial government began to increase rates again. Unfortunately those rate increases have not kept pace with inflation, or with the increases in rental costs, meaning that individuals and families in receipt of provincial social assistance benefits are placed in an even more untenable position each year. Provincial social assistance rates for

²⁷ See *Rental Market Report – Greater Toronto Area*, Canada Mortgage and Housing Corporation, Government of Canada, Fall 2014 and the provincial government tables supra note 22

individuals and families in our community manifestly fail to meet their most basic needs, even when those needs are defined in the most conservative manner.

2.2.10 Since the 21.6% cuts in 1995, the cost of living has increased approximately 45%²⁸ (probably more for social assistance recipients due to extraordinary increases in average rents over that time). A single person received approximately \$663 in provincial social assistance benefits in 1994, while they now receive \$681 in December of 2015. This means that a single person on social assistance would need at least an approximate 41% increase in benefits just to get back to the pre-1995 levels accounting for 45% inflation during that period of time.²⁹ In a historical analysis of the social assistance rates for single persons, the Social Planning & Research Council notes the difference in rates as a 25% shortfall in social assistance rates (plus tax credits) when compared to the costs of food and shelter (both expressed as a percentage increase of 1986 rates).

Change in social assistance for a single person on Ontario Works compared to increases in cost of food and shelter, 1986-2014³⁰



Data Sources: Caledon Institute of Social Policy (Welfare in Canada, 2014), Statistic Canada (Consumer Price Index, 2014)

²⁸ Calculation as per the Bank of Canada inflation calculator at <http://www.bankofcanada.ca/rates/related/inflation-calculator/>

²⁹ Inflation of 45% applied to \$663 in 1994 benefits would result in \$961.35 in benefits. This amounts to a 41.17% increase required on current real 2015 benefits of \$681 to reach \$961.35 in 1994 benefits accounted for inflation.

³⁰ See Vital Signs, Supra note 2 at p. 38

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

- 2.3.1 In 2006 our report recommended that the Government of Canada, in partnership with the Government of Ontario and the City of Hamilton, develop an intelligent system of social assistance, where the level of benefits is at least correlated with the costs of subsistence goods in the local community, and where policies and procedures for the delivery of those programs are continually analyzed and readjusted in order to ensure that the goals of the programs are being delivered effectively and efficiently.
- 2.3.2 In late 2006, the Hamilton Community Legal Clinic drafted proposed legislation to establish an expert panel that would make annual recommendations for evidence-based social assistance rates to the Government of Ontario. Those recommendations would be based on an evidence-based analysis of the actual costs of rent, food and other basic necessities in communities across Ontario. The clinic then worked with a Member of Provincial Parliament to have the draft legislation modified and introduced as a Private Member's bill to the Legislature of Ontario on June 4, 2007.³¹ Unfortunately, the bill was never passed.
- 2.3.3 These decisions not only affect the lives of millions of Ontarians, thus arguing a moral imperative for evidence-based policy, but they also have related societal affects in many areas including public health³², education³³, and the economy³⁴. Children in Ontario are forced to repeatedly change schools in a single year because their parents are unable to afford the rent and food on current social assistance rates³⁵. The breadth and depth of poverty in our community and across Ontario has drastic effects on the health of those individuals and families who are living in poverty.³⁶ With regard to the economy, we know that the economic impact of government transfers and living wages to low-income

³¹ Bill 255 "An Act to Establish the Ontario Social Assistance Rates Board" was introduced to the Legislature of Ontario for first reading on June 4, 2007. Unfortunately, the Legislature was prorogued on the very next day in advance of an election, and the bill has never been reintroduced to the agenda of the Legislature. The Bill is attached to this report for reference.

³² See Social Determinants of Health, Supra Note 17.

³³ See Ferguson, H.B., Bovaird, S., & Mueller, M.P., *The Impact of poverty on educational outcomes for children*. (2007) Paediatrics & Child Health, 12(8), 2007 October

³⁴ See Laurie, N., *The Cost of Poverty: An Analysis of the Economic Cost of Poverty in Ontario*, (2008) The Ontario Association of Food Banks, Edited by Don Drummond, Judith Maxwell, Jim Millway, Adam Spence, Mark Stabile and John Stapleton, at p. 6:

But for every dollar that poverty takes from these low-income households, the province as a whole loses an additional 50 cents. That is, for each and every household in Ontario, the cost of poverty works out to at least \$2,300 a year. It shows up in extra costs to our health care system, the costs of crime, the cost of social assistance, the loss of tax revenue that accompanies low earnings, and the intergenerational costs that flow from the likelihood that a significant number of children from poor families will also be poor when they grow up. In total, these social costs of poverty add up to \$10.4 billion to \$13.1 billion a year.

³⁵ Although no statistics are formally reported, the author Craig Foye has informally spoken to representatives of the public school board who anecdotally report that some inner city schools in poor areas have annual student turnover rates in excess of 80%.

³⁶ See Social Determinants of Health, Supra Note 17.

persons is the most effective and direct form of economic stimulus³⁷, while the costs of providing inadequate incomes are highly prohibitive.³⁸

2.3.4 Although the Government of Ontario is currently forming a consultative committee to look at the rate-setting mechanism, it has refused to set up an arms-length and transparent body for recommending evidence-based rates. At the Federal level there is also no mechanism to ensure that provincial governments are meeting their international obligations with regard to provincial social assistance rates.

2.3.5 We recommend that the Government of Ontario establish an arms-length, permanent and publicly accountable body of experts to recommend evidence-based social assistance rates that will allow individuals and families to have an adequate standard of living and to live with dignity.³⁹ We also recommend that the Government of Canada add conditions to the Canada Health and Social Transfer requiring provinces to provide a level of social assistance that will allow individuals and families to have an adequate standard of living and to live with dignity.

3. National Child Benefit Supplement

3.1 *The Issue*

3.1.1 In 2006, the UN Committee again expressed concerns that the Government of Canada authorized the deduction by the provinces of the National Child Benefit Supplement (NCBS), which was intended to be given to all children of low-income families, from families in receipt of provincial social assistance benefits.⁴⁰ The UN Committee also expressed concern regarding “the discriminatory impact of the National Child Benefit ‘clawback system’ on the poorest families in Canada, in particular single-mother-led families”.⁴¹ The UN Committee reiterated its recommendation that the NCBS be amended to prohibit provinces deducting the benefit from those on social assistance.⁴²

³⁷ See “The Economic Impact of Social Assistance in Hamilton” by Dr. Atif Kubursi, Econometric Research Limited, April 2011: <http://hamiltonpoverty.ca/wp-content/uploads/2012/03/Kubursi-Report-apr-2011.pdf>

³⁸ See *The Cost of Poverty*, Supra Note 34.

³⁹ Such an institution would begin to address one of the UN Committee’s Principle Subjects of Concern in its 2006 Concluding Observations (paragraph 21) that the Government of Canada had “not provided detailed information as to whether current provincial and territorial social assistance rates allow recipients to enjoy an adequate standard of living”. It would begin to address this concern by setting up an arm-length body of experts to research that information on an annual basis in Canada’s most populous province, and that institution would hopefully then be adopted by the other provinces and territories.

⁴⁰ *UNCESCR*, supra note 11, at paragraph 11(g).

⁴¹ *UNCESCR*, supra note 11, at paragraph 23

⁴² *UNCESCR*, supra note 11, at paragraph 55

3.2 *The Facts*

- 3.2.1 In the 2007 budget, the Government of Ontario announced the Ontario Child Benefit. The Ontario Child Benefits (“OCB”) is a monthly benefit for low-income families in Ontario who have children, including those who are employed in paid employment and those who are in receipt of social assistance. The OCB was phased in over 5 years and is currently \$1336 per child per year.⁴³
- 3.2.2 Although the Government of Ontario no longer deducts the National Child Benefit Supplement from provincial social assistance benefits, it also did not allow families in receipt of provincial social assistance benefits to receive the full financial benefit of the Ontario Child Benefit. When the OCB became a monthly payment in 2008, the government started to “restructure” the “basic needs allowance” portion of social assistance rates in order to move money for children out of the Ontario Works program and Ontario Disability Support Program and onto the OCB. The OCB is intended to become the primary income support benefit for the children of all low-income Ontarians. Unfortunately, this “restructuring” has meant that families in receipt of social assistance in Ontario have not received the full financial benefit of the OCB, with a reduction in their Ontario Works and Ontario Disability Support Program benefits and the cancellation of other benefits such as the back-to-school allowance and the winter clothing allowance.⁴⁴
- 3.2.3 The decrease in Ontario Works and Ontario Disability Support Program basic benefits for families that occurred with the introduction of the Ontario Child Benefit would have made a number of families ineligible for those basic benefits meaning that those families would have lost prescription coverage and other benefits. (Although the actual number of families affected if not known, it can be surmised that this would have affected a relatively small number of families in our community.)
- 3.2.4 Although, the full benefit of the Ontario Child Benefit has not been shared by families in receipt of provincial social assistance benefits, the benefit is welcomed, and has alleviated some poverty in our community. Sara Mayo of the Social Planning and Research Council writes:

The introduction of the Ontario Child Benefit in 2008 corresponds with an increase in the median income for low-income residents, reversing Hamilton’s decline in median incomes in this group from 2001-2005. The OCB now increases the income of very low-income parents by over \$1,300 per child and is especially useful for parents leaving social assistance for a

⁴³ The Government of Ontario, to its credit, moved up the increases in the initial five year phase-in period of the OCB, reaching the planned 2011 rate in 2009, 2 years ahead of schedule. The Government of Ontario has continued to make periodic increases to the OCB.

⁴⁴ See “Ontario Child Benefit: Questions and Answers”, and “Social Assistance Rates Update and Information on the Ontario Child Benefits”, The Income Security Advocacy Centre at: <http://incomesecurity.org/resources/publications/>

*low-wage job as they can keep this benefit as they transition into the paid labour market.*⁴⁵

3.2.5 There have also been improvements in poverty rates for female-led lone-parent families with the poverty rate for female-led lone-parents families with children under 6 appearing to improve from approximately 81% in 2001 to approximately 65% in 2011⁴⁶; however it should be noted that the current rates cannot technically be compared to the 2001 data due to changes in the Census long form methodology when it became voluntary”.⁴⁷ The figures for lone parent families however remain distressing. Many of these families rely on social assistance for survival. 8,294 children in Hamilton are being raised on Ontario Works as of October 2014 and 4,364 children on ODSP for a total of 12,658 children in receipt of Ontario Works and Ontario Disability Support Program benefits in October 2014.⁴⁸

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

3.3.1 Ultimately, the issue is whether the total benefits available to families in our community. All families should be provided with a total level of social assistance that meets our international obligations to ensure an “adequate standard of living” and that allows them to live with dignity. To that end, we would again refer the Committee to our recommendations with regard to evidence-based social assistance rates in Section 2 of this report.

4. Housing and Homelessness

4.1 *The Issue*

4.1.1 In 2006, the UN Committee reiterated its recommendation that the various levels of governments in Canada “address homelessness and inadequate housing as a national emergency by reinstating or increasing, where necessary, social housing programs 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”⁴⁹, and also recommended that the Government of Canada “give special attention to the difficulties faced by homeless girls”⁵⁰ and “ensure that low-income women trying to leave abusive relationships can access housing options and appropriate support services in keeping with the right to an adequate standard of living”.⁵¹ The Committee also strongly recommended that

⁴⁵ See *Vital Signs* Supra note 2 at page 12

⁴⁶ Personal communication by email from Sara Mayo of the Social Planning and Research Council, dated December 9, 2015.

⁴⁷ Ibid.

⁴⁸ Ministry of Community and Social Services (personal communication, 1 December 2015)

⁴⁹ *UNCESCR*, supra note 11 at paragraph 62.

⁵⁰ *UNCESCR*, supra note 11 at paragraph 57

⁵¹ *UNCESCR*, supra note 11 at paragraph 59

“before evictions are carried out” the government “take appropriate measure, legislative or otherwise, to ensure that those affected by forced evictions are provided with alternative accommodation and thus do not face homelessness”.⁵² The committee expressed concern that “shelter allowances and social assistance rates continue to fall far below average rental costs, and that waiting lists for subsidized housing remain very long, for example in Hamilton and Montreal”⁵³ and that “women are prevented from leaving abusive relationships due to the lack of affordable housing and inadequate assistance”.⁵⁴ The Committee also expressed concerns that “many evictions occur on account of minimal arrears of rent, without due consideration of the covenant”⁵⁵ The Committee urged Canada “to implement a national strategy for the reduction of homelessness”⁵⁶ The Committee also strongly recommended that Canada take appropriate measures, “legislative or otherwise, to ensure that those affected by forced evictions are provided with alternative accommodation and thus do not face homelessness”.⁵⁷

4.2 *The Facts*

4.2.1 In Hamilton, approximately 32% of all households are renting their home.⁵⁸ A disturbingly high proportion of tenants continue to pay greater than 50% of their income toward housing, with 21% of renter households in Hamilton paying more than 50% of their gross income toward rent⁵⁹ (roughly the same percentage as 2001⁶⁰). In addition, 43% of renter households in Hamilton pay greater than 30% of their gross income toward rent.⁶¹ The Canada Mortgage and Housing Corporation defines this as the level above which rent is unaffordable.⁶² This represents a slight improvement since 2001 when approximately 47% of renter households paid more than 30% of their income toward rent.⁶³ The affordability crisis in rental housing becomes even more critical when one focuses on the individuals and families in our community with the lowest income; research shows that the first income quarter of renter households pay approximately 69% of their income on rent:

⁵² *UNCESCR*, supra note 11 at paragraph 63

⁵³ *UNCESCR*, supra note 11 at paragraph 28

⁵⁴ *UNCESCR*, supra note 11 at paragraph 26

⁵⁵ *UNCESCR*, supra note 11 at paragraph 29

⁵⁶ *UNCESCR*, supra note 11 at paragraph 62

⁵⁷ *UNCESCR*, supra note 11 at paragraph 63

⁵⁸ *Vital Signs*, supra note 2 at page 16

⁵⁹ The City of Hamilton, *Housing & Homelessness Action Plan: Report to the Community – 2014*. Hamilton, Ontario, 2015, at page 14

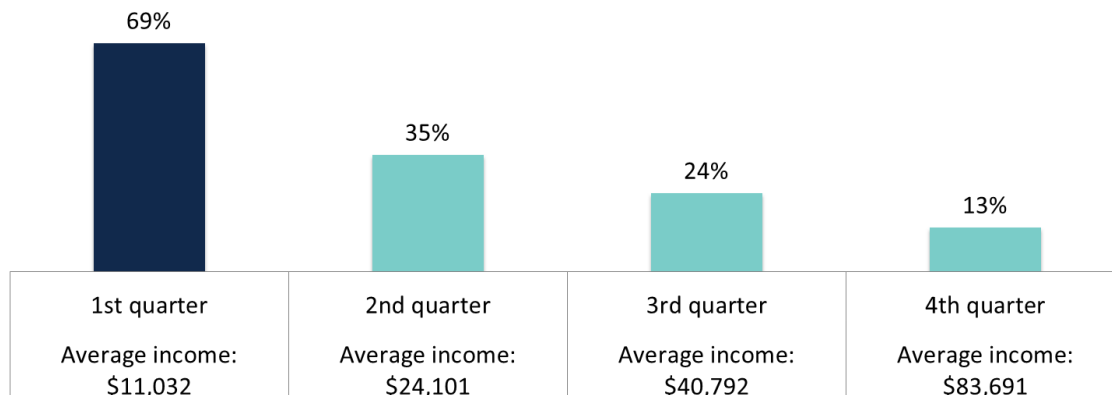
⁶⁰ The City of Hamilton, *Keys to the Home: A Housing Strategy for Hamilton*, Public Health & Community Services Department, Hamilton, Ontario, at page 25

⁶¹ *Vital Signs*, supra note 2 at page 17

⁶² Canada Mortgage and Housing Corporation, quoted in The City of Hamilton (2004), *Keys to the Home: A Housing Strategy for Hamilton*, Public Health and Community Services Department, City of Hamilton, October, 200., at page 24

⁶³ *Keys to the Home* Supra note 60 at page 25

Proportion of renter's income spent on rent and utilities, by income quarters
City of Hamilton, 2011⁶⁴



Data Source: Statistics Canada (National Household Survey, 2011), published by the BC Non-Profit Housing Association and available at rentalhousingindex.ca

- 4.2.2 This situation is compounded by the lack of any increase in rental housing stock in Hamilton. Since 2001, there has been a 1% net decrease in the number of rental units in Hamilton primary rental market (i.e. purpose built rental buildings with three units or more).⁶⁵ Not surprisingly, this has put pressure on Hamilton vacancy rate for rental housing, which recently declined below 2%.⁶⁶
- 4.2.3 Given the high numbers on social assistance and the lack of rental housing, there remain enormous numbers of individuals and families waiting for social housing units in Hamilton, with approximately 5,700 households on the waiting list for rent-geared-to-income housing in 2015 as compared to 4,362 in 2004.⁶⁷
- 4.2.4 As discussed above in Chapter 2, the shelter allowance portion of social assistance rates is not set with any consideration of the actual cost of housing, and, as a result, is woefully and increasingly inadequate. Furthermore, an individual or family is not eligible for a shelter allowance unless they have rent or mortgage payments and can produce receipts. This means that individuals and families living on social assistance do not receive a shelter allowance if they are homeless.
- 4.2.5 The lack of rental housing and social housing, combined with inadequate social assistance and shelter allowance rates, has led to high numbers of people resorting to emergency housing. The City of Hamilton reported in 2011 that in one year 5,653 individual men, women and children sleep in an emergency shelter.⁶⁸ The situation is particularly critical for women who experiencing homelessness as

⁶⁴ *Vital Signs*, supra note 2 at page 18

⁶⁵ *Vital Signs*, supra note 2 at page 18

⁶⁶ *Vital Signs*, supra note 2 at page 19

⁶⁷ City of Hamilton, *Housing and Homelessness Action Plan*. Hamilton, Ontario, 2013 at page 47

⁶⁸ *Ibid* at page 16

emergency shelters for women and violence against women shelters in Hamilton turned away women a combined total of 400 times in December 2014 due to the shelter being at full capacity.⁶⁹

- 4.2.6 As in 2006, the systemic reliance on emergency shelter is a direct result of the combined effect of the lack of affordable housing and inadequate social assistance rates. When rents are high, and getting higher, and social assistance rates are low and staying low, it is not surprising that many people fall behind in rent, which in turn leads to eviction and homelessness. In the fiscal year for 2013-2014 landlords filed 67,278 applications to evict their tenants at the Landlord and Tenant Board of Ontario⁷⁰, of which 78.5% are to evict the tenant because of unpaid rent.⁷¹ Unfortunately, aside from a general discretion for the Landlord & Tenant Board to refuse or delay the termination of a tenancy⁷², there is no requirement, legislative or otherwise, to ensure that tenants being evicted have someplace to go. Further, there does not appear to be any research being conducted on how many evictions result in the tenant(s) being left homeless. One can infer from the high levels of emergency shelter usage (which represents but the tip of the iceberg of homelessness) that a great many of these tenants are evicted from their homes with no place to go.
- 4.2.7 91 % of the applications filed at the Landlord and Tenant Board of Ontario are filed by landlords with only 9% filed by tenants. Strangely, the Board has nevertheless been running pilot projects around the province to have preliminary mandatory case-management hearings for all tenant applications, thus further delaying a final disposition of tenant applications (many of which concern harassment, withholding of vital services, and/or repair and maintenance issues) in relation to the much more efficient processing of landlord applications, the vast majority of which are for termination of a tenancy due to unpaid rent.⁷³

⁶⁹ Gage, A., Mayo, S., and Pike, D., *Women's Housing Planning Collaborative, Emergency Planning for Services for Single Women Experiencing Homelessness*, (February 2015), The Social Planning and Research Council of Hamilton at page 8 (the raw numbers were arrived at by applying the percentage of "turnaways due to full capacity" to the "total turnaways").

⁷⁰ See *2013-2014 Annual Report*, Social Justice Tribunal Ontario, at pages 34-35. This is a total of: L1 applications to "Terminate & Evict for Non-Payment of Rent" – 52,832; L2 applications to "Terminate for Other Reasons & Evict" – 7,312; L3 applications for "Termination – Tenant Gave Notice or Agreed" – 1,179; and L4 application to "Terminate the Tenancy – Failed Settlement".

⁷¹ This percentage does not include applications to terminate a tenancy because a tenant has been persistently late in paying their rent (for which an L2 application would be filed), or failed settlements that included a re-payment clause (for which an L4 application would be filed).

⁷² See subsection 83(1) of the Residential Tenancies Act, Statutes of Ontario 2006, c. 17:

83. (1) Upon an application for an order evicting a tenant, the Board may, despite any other provision of this Act or the tenancy agreement,

(a) refuse to grant the application unless satisfied, having regard to all the circumstances, that it would be unfair to refuse; or

(b) order that the enforcement of the eviction order be postponed for a period of time.

⁷³ *SJTO annual report* supra note 69 at pages 34-35. Approximately 91% (67,278) of the 74,197 total applications filed at the Landlord & Tenant Board of Ontario were for termination of a tenancy.

4.2.8 The plight of the homeless is aggravated by serious health and safety concerns. One recent local survey of individuals and families experiencing homelessness found that of those individuals 69% reported having a serious medical condition and 40% reported being attacked or beaten up since becoming homeless.⁷⁴

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

4.3.1 We recommend that the Government of Canada, in partnership with the provinces and municipalities, develop a national housing strategy and a national strategy for the reduction of homelessness that include measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with Covenant standards.⁷⁵

4.3.2 We recommend that the Government of Ontario establish an arms-length, permanent and publicly accountable body of experts to recommend evidence-based social assistance rates that will allow individuals and families to have an adequate standard of living and to live with dignity.⁷⁶ We also recommend that the Government of Canada add conditions to the Canada Health and Social Transfer requiring provinces to provide a level of social assistance that will allow individuals and families to have an adequate standard of living and to live with dignity.

5. Unemployment Insurance Benefits

5.1 *The Issue*

5.1.1 In 2006, the UN Committee again expressed concerns about “the significantly low proportion of unemployed workers eligible for receiving insurance benefits”, and with regard to the level of benefits provided through the employment insurance scheme.⁷⁷ The Committee recommended that the Government of Canada takes steps to ensure access to those benefits, particularly for women,⁷⁸ and that it “reassess the Employment Insurance scheme with a view to providing greater access and improved benefit levels to all unemployed workers.”⁷⁹

⁷⁴ City of Hamilton, Information Report to the Emergency & Community Services Committee, Subject/Report No: 20,000 Homes Campaign (CES15012(a)), 22 June 2015, at pages 3-4.

⁷⁵ *UNCESCR*, supra note 11 at paragraph 62

⁷⁶ Such an institution would begin to address one of the UN Committee’s Principle Subjects of Concern in its 2006 Concluding Observations (paragraph 21) that the Government of Canada had “not provided detailed information as to whether current provincial and territorial social assistance rates allow recipients to enjoy an adequate standard of living”. It would begin to address this concern by setting up an arm-length body of experts to research that information on an annual basis in Canada’s most populous province, and that institution would hopefully then be adopted by the other provinces and territories.

⁷⁷ *UNCESCR*, supra note 11 at paragraph 22

⁷⁸ *UNCESCR*, supra note 11 at paragraph 48

⁷⁹ *UNCESCR*, supra note 11 at paragraph 54

5.2 *The Facts*

- 5.2.1 The unemployment rate for the Hamilton Census Metropolitan Area as of November 2015 was 5.6%⁸⁰, compared to the provincial rate of 6.9%.⁸¹ However, the rate is misleading given that the Hamilton Census Metropolitan area also includes the relatively affluent communities of Burlington and Grimsby, thus the officially reported unemployment rates significantly under-report the levels of unemployment in the City of Hamilton. The results of the National Household Survey portion of the 2011 census⁸² show that the unemployment rate for Hamilton's inner city was more than twice the provincial average, and that some neighborhoods had unemployment rates in excess of 20%.⁸³
- 5.2.2 Not all of those who are unemployed receive employment insurance. Generally, a worker in Hamilton will need to have worked at least 700 hours in the last 52 weeks in order to qualify for regular benefits (as compared to 655 hours in our 2006 report). This means that, despite paying into the employment insurance program, many unemployed workers, especially women, youth, part time, seasonal and contract workers, are often denied access to employment benefits. The number of insured hours required to access employment insurance benefits is in part based upon the unemployment rate for the region⁸⁴, thus the fact that the Economic Region of Hamilton includes the relatively affluent neighboring communities of Burlington and Grimsby means that the number of hours required to qualify for EI benefits for Hamilton workers is artificially high relative to the real unemployment rates in many parts of the City.
- 5.2.3 The Government of Canada instituted a number of policy changes to the Employment Insurance program (formerly "unemployment insurance") over the last two decades that have made access to benefits increasingly difficult.⁸⁵ Hamilton appears to have been hardest hit by these policy changes with the

⁸⁰ Statistics Canada, "Labour force characteristics, unadjusted, by census metropolitan area (3 month moving average) (Toronto (Ont.), Hamilton (Ont.), St. Catherines-Niagara (Ont.))", CANSIM, table 282-0135 and Catalogue no 71-001-XIE, <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/lfss04f-eng.htm> (accessed December 13, 2015)

⁸¹ Statistics Canada, "Labour force characteristics, seasonally adjusted, by province (monthly) (Quebec, Ontario, Manitoba)", CANSIM, table 282-0087 and Catalogue no. 71-001-XIE, <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/lfss01b-eng.htm> (accessed December 13, 2015)

⁸² The National Household Survey, a voluntary survey, replaced the mandatory long-form census for the 2011 census, thus some of the data is not as reliable as in previous years.

⁸³ See (2013, June 27) *Unemployment rate in Hamilton nearly Twice Provincial Average*, Metroland News Service.

⁸⁴ See The Government of Canada website "Employment Insurance Regular Benefits", Table 1- Number of hours of insurable employment required to qualify for benefits: <http://www.servicecanada.gc.ca/eng/ei/types/regular.shtml#Number>

⁸⁵ See (2014, August 25) *Unemployed? Good luck getting EI as eligibility hits all-time low*, Press Progress, 25 August 2014.

biggest drop in the unemployed accessing benefits, going from 40.1 % in 1997 to 21.6% in 2014.⁸⁶

- 5.2.4 In addition to tightening eligibility, the benefit rates have been lowered. . The benefit rate has decreased from 60% of average insured earnings prior to 1993, to 55% of average insured earnings currently,⁸⁷ with a maximum benefit of \$524 per week.⁸⁸
- 5.2.5 These requirements affect vulnerable groups more severely, as unemployed youth, immigrants, visible minority workers and women are more likely to have had part time minimum wage jobs, making it difficult to accrue the hours needed to file a claim. This situation increases the risk of homelessness among these groups, as unemployed workers end up on social assistance at rates far below subsistence level. One area of particular concern is the rate of women who receive EI benefits. During the 2008 recession, less than a third (32.6%) of unemployed women “found jobless benefits available and sufficient to pull them through to their next job” (as compared to 40.8% of men).⁸⁹

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

- 5.3.1 We recommend that the eligibility requirements for Employment Insurance benefits be amended to accommodate the kind of work that exists today, specifically, part time and minimum wage positions. The current number of hours needed to be eligible for EI coverage ranges from 420 to 700 depending on where you live and what type of benefits are needed. The Government of Canada should lower this rate to a standard 360 hours across Canada making the program more accessible for part time workers.
- 5.3.2 We also recommend that the program should take into account the number of years a person worked, not just the months before losing employment. In addition, weekly benefits should be no lower than two-thirds of the best twelve weeks of earnings. Qualifying for EI should be flexible for those who have been in the labour force for a longer time.

⁸⁶ Green, J., (2014, August 27) *Hamilton hit hardest in Canada by tighter EI rules*, Canadian Broadcasting Corporation News

⁸⁷ Black, J. & Shillington, R. (2005) *Employment Insurance: Research Summary for the Task Force for Modernizing Income Security for Working Age Adults*, October 6, 2005, at pp. 9-10

⁸⁸ See The Government of Canada website “Amount of Weekly Benefits” at: http://www.servicecanada.gc.ca/eng/sc/ei/sew/weekly_benefits.shtml

⁸⁹ Yalniyan, A., Exposed: *Revealing Truths About Canada’s Recession*, Canadian Centre for Policy Alternatives, (April, 2009) at p. 36

6. Minimum Wage

6.1 *The Issue*

6.1.1 In 2006, the UN Committee expressed concern “that the minimum wages in all Provinces and Territories of the State Party are below the Low-Income Cut-Off and are insufficient to enable workers and their families to enjoy a decent standard of living.”⁹⁰ The Committee urged the Government of Canada “to adopt all necessary measures to ensure that minimum wages are increased throughout Canada to a level enabling workers and their families to enjoy a decent standard of living.”⁹¹

6.2 *The Facts*

6.2.1 Thankfully there have been significant increases to the minimum wage since 2006, with the current minimum wage resting at \$11.25 as compared to \$7.50 per hour in 2006, representing approximately a 33% increase when one accounts for inflation.⁹² However, although there have been 4 increases to Ontario’s minimum wage since 2006, the percentage of working poor individuals rose among the working-age population in both in the City of Hamilton and in the Province of Ontario.⁹³ A full time job in Ontario leaves workers earning well below the poverty line, at about 81% of the low-income measure.⁹⁴

6.2.2 The provincial government has also enacted legislation that amended the *Employment Standards Act* to tie future annual increases of minimum wage to Ontario’s Consumer Price Index to prevent future years without increases, as happened between 1995 and 2004 when the minimum wage remained frozen for 9 years.⁹⁵ However, this will also permanently result in a provincial minimum wage that falls below the poverty line unless the minimum wage is adjusted to a ‘living wage’.

6.2.3 The provincial government recently commissioned an independent review of the process of setting the minimum wage in Ontario. As previously mentioned, the Minimum Wage Advisory Panel’s recommendation on legislating inflationary increases to the minimum wage was acted upon. However the government has not yet acted upon the recommendations to set up permanent research resources

⁹⁰ UNCESCR, supra note 11 at paragraph 18

⁹¹ UNCESCR, supra note 11 at paragraph 47

⁹² The Bank of Canada inflation calculator calculates that \$7.25 has inflated to \$8.44 between 2006 and 2015. See: <http://www.bankofcanada.ca/rates/related/inflation-calculator/>

⁹³ Stapleton, J. and Kay, J., (2015) *The Working Poor in the Toronto Region: Mapping working poverty in Canada’s richest city*, The Metcalf Foundation.

⁹⁴ Hennessy, T., Tiessen, K., and Yalnizyan, A., (2013) *Making Every Job a Good Job: A Benchmark for Setting Ontario’s Minimum Wage*, Canadian Centre for Policy Alternatives.

⁹⁵ Ibid

- and regular reviews at arms-length to Government, as recommended by the Panel.⁹⁶
- 6.2.4 Ontario’s current minimum wage is insufficient to move workers or their families out of poverty. According to the Canadian Centre for Policy Alternatives, Ontario Office “11.9% of all workers are in jobs that pay the minimum wage, or less while 29.4% of workers earn \$15 or less”.⁹⁷
- 6.2.5 In Ontario, there is not an evidence-based rationale for setting minimum wage rates. \$11.25 falls short of all living wage calculations across the province. The living wage calculates what it takes for a family of four to make ends meet locally. Communities across Ontario have begun developing local ‘Living Wage’ initiatives which encourage employers in the private, public and not-for-profit sectors to implement living wages. In Hamilton, 26 employers have taken this step from local bakeries, to non-profit organizations to the Hamilton-Wentworth District School Board. As it currently stands, minimum wage is only 61% of the living wage in Toronto, 70% in Waterloo Region, and 75% in Hamilton. The current living wage in Hamilton is estimated at \$14.95.⁹⁸
- 6.2.6 Jobs that provide full-time hours are also on the decline. In fact, more than 1.7 million Ontario jobs are considered ‘precarious’.⁹⁹ Many workers in Hamilton are forced to cobble together several part-time jobs to help make ends meet. The most recent job figures at the end of 2015 indicated that there has been no net increase in full time work over the past year and that almost all the jobs created in December were part time and ‘self-employment’.¹⁰⁰
- 6.2.7 McMaster University in Hamilton and the United Way Toronto found that individuals in these kinds of jobs are more likely “to report fewer hours of work, experience more frequent periods of unemployment, and earn less money than those who have secure, full-time work”. This kind of work had grown by almost 50% over the last 20 years in the Greater Toronto-Hamilton area. Contracts are often short-term and eighty per cent of precariously employed workers do not receive health or dental benefits. The Report found that only 50.3 % of workers in the Greater Toronto-Hamilton area had permanent full-time jobs with benefits and job security.¹⁰¹

⁹⁶ See 2014 Minimum Wage Advisory Panel, “Report and Recommendations to the Ministry of Labour”, Executive Summary at: <http://www.labour.gov.on.ca/english/es/pubs/mwap/index.php>

⁹⁷ Making Every Job a Good Job, supra note 93

⁹⁸ See Living Wage Hamilton website at: <http://livingwagehamilton.ca/wp/what-is-a-living-wage/>

⁹⁹ TVO (Television Ontario), Infographic: “The Working Poor, Who Are They” from TVO Ontario’s The Agenda. 2014

¹⁰⁰ Younglai, R. (2016, January 8), *Canada’s Job Quality Fell while Self-Employment Rose in 2015*, The Globe & Mail.

¹⁰¹ Lewchuck, W., Lafleche, M., Dyson, D., Goldring, L., Meisner, A., Procyck, S., Rosen, D., Shields, J., Viducis, P., and Vrankulj, S, (2013) *It’s more than Poverty: Employment Precarity and Household Well-being*, McMaster University and United Way Toronto, February 2013.

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

- 6.3.1 As mentioned, while there have been significant increases to the minimum wage in the Province of Ontario, the minimum still leaves workers below the poverty line and unable to earn a decent standard of living.
- 6.3.2 We recommend that the minimum wage should be set to a ‘living wage’ that will allow all workers to earn a decent standard of living, and should be subject to evidence-based review periodically at arms-length to government, supported by significant and permanent research resources.

7. Food Security

7.1 *The Issue*

- 7.1.1 In 2006, the UN Committee noted with concern “that about 7.4 per cent of the population, amounting to about 2.3 million people, suffer from food insecurity in the State party, that about 40 per cent of food bank users are children and young people, and that about 51 per cent of food bank users while receiving social assistance benefits in 2005, still had to resort to food banks because of the insufficient level of these benefits.”¹⁰² The Committee recommended that the Government of Canada “significantly intensify its efforts to address the issue of food insecurity and hunger in Canada”.¹⁰³

7.2 *The Facts*

- 7.2.1 Since that time, reliance on food banks throughout Canada, and in Hamilton in particular, has only increased. In Hamilton there are now over 20,000 people per month who access local food banks; an approximate 18% increase in users of the emergency food system. The number of children using food banks has decreased from 43% to 35%; 41% of those accessing food banks are families with children, down from 58% from 2006.¹⁰⁴ And yet the overall numbers continue to increase. Single adults without children now make up 50% of food bank users, which is not surprising given the particularly low levels of social assistance for single adults.¹⁰⁵
- 7.2.2 The following table a breakdown of housing affordability for foodbank users in Hamilton and notes the top 3 sources of income for each level of affordability (i.e. the percentage of income spent on rent):

¹⁰² *UNCESCR*, supra note 11 at paragraph 27

¹⁰³ *UNCESCR*, supra note 11 at paragraph 61

¹⁰⁴ Hamilton Food Share (2015) *Hunger Count March 2015*

<https://www.hamiltonfoodshare.org/downloads/2015/Hunger-Count-2015.pdf> (accessed January 7, 2016)

¹⁰⁵ *Ibid.*

<i>Rent as % of Income</i>	<i>% Households of</i>	<i>Top 3 Sources of Income</i>	<i>% Households of</i>
Less than 30%	10.4%	ODSP OW CTB	37.4% 29.8% 10.8%
30% to 49%	37.9%	ODSP OW CTB	49.4% 24.2% 5.2%
50% to 99%	48.5%	OW ODSP CPP	62.8% 36.4% 5.1%

Table from Hunger Count 2015, Hamilton ¹⁰⁶

7.2.3 In 2015, almost 73% of food bank users were in receipt of Ontario Works or Ontario Disability Support Program social assistance benefits.¹⁰⁷ With that in mind, it is no surprise to note that 86% of the households using food banks in Hamilton experiences moderate to serious housing affordability risk.¹⁰⁸

7.2.4 But these figures only hint at magnitude of the problem. They do not include, for example, that one in five requests for help were for other basic supports. 21% of services from emergency food centres included advocacy on the client’s behalf, requests for clothing and furniture, medical and legal referrals, trusteeships and seniors programs.¹⁰⁹ Nor do the figures show those who the food banks are unable to help, with most food banks only allowing families to access the food bank once in any given month. Food Share Hamilton estimates 4700 people require more than the minimum 3 to 5 days of emergency food distributed in a monthly visit.¹¹⁰ What the figures do reveal, however, is the institutionalization of food banks and an ambivalence from both the federal and provincial governments towards the right to adequate food.

7.3 Appropriate Means for Realizing the Right / Possibilities for Cooperation

7.3.1 People rely on food banks when they have insufficient income to afford food. Therefore, any discussion of how to respect the right to food security must focus on incomes. In order to support an individual or a family in Canada today, incomes must be tied to the cost of living. This means not only increasing social assistance rates¹¹¹, access to Employment Insurance, and minimum wage levels,

¹⁰⁶ Ibid.
¹⁰⁷ Ibid.
¹⁰⁸ Ibid.
¹⁰⁹ Ibid.
¹¹⁰ Ibid.
¹¹¹ Ibid.

but also linking both to the actual cost of living and the consumer price index. This is the first step towards helping people afford adequate and healthy supplies of food.

- 7.3.2 We therefore refer the Committee to our recommendation in section 2 regarding social assistance, section 5 regarding Unemployment Insurance benefits, and section 6 regarding the minimum wage.

8. Vulnerable Groups

8.1 *The Issue*

- 8.1.1 In its concluding observation in its last report on Canada, the UN Committee also noted with concern the situation of disadvantaged and vulnerable groups in Canada.¹¹² In particular, it raised concerns including:

- The continued social and economic deprivation among Aboriginal peoples and the disparities that still persist between aboriginal peoples and the rest of the Canadian population in the enjoyment of Covenant rights;¹¹³
- The authorization given to provinces and territories to deduct the amount of the child benefit under the National Child Benefit Scheme from the amount of social assistance received by parents on welfare and the discriminatory impact of the National Child Benefit “clawback system” on the poorest families in Canada, in particular single-mother-led families;¹¹⁴
- That rates of poverty were still very high among disadvantaged and marginalized individuals and groups such as aboriginal peoples, African Canadians, immigrants, persons with disabilities, youth, low-income women and single mothers;¹¹⁵
- That only 39 per cent of unemployed Canadians were eligible for employment insurance benefits in 2001; that in some provinces, such as Ontario, eligibility rates are even lower; that the number of youth receiving employment insurance benefits has decreased; that migrant workers and many part-time workers, predominantly women, contribute to the plan but have great difficulties in accessing benefits; and that the replacement rate of income which has been reduced to 55 per cent in 1997, was the lowest ever.¹¹⁶
- That low-income families, single-mother-led families and Aboriginal and African Canadian families, are overrepresented in families whose children are relinquished to foster care. The Committee was also concerned that women continue to be forced to relinquish their children into foster care because of inadequate housing;¹¹⁷

¹¹² *UNCESCR* supra note 11 at paragraphs 15d, 15g, 22-24, 26, and 31.

¹¹³ *UNCESCR* supra note 11 at paragraphs 11(d) and 15, also see 16, 17, 24, and 33

¹¹⁴ *UNCESCR* supra note 11 at paragraphs 11(g) and 23

¹¹⁵ *UNCESCR* supra note 11 at paragraph 15

¹¹⁶ *UNCESCR* supra note 11 at paragraph 22

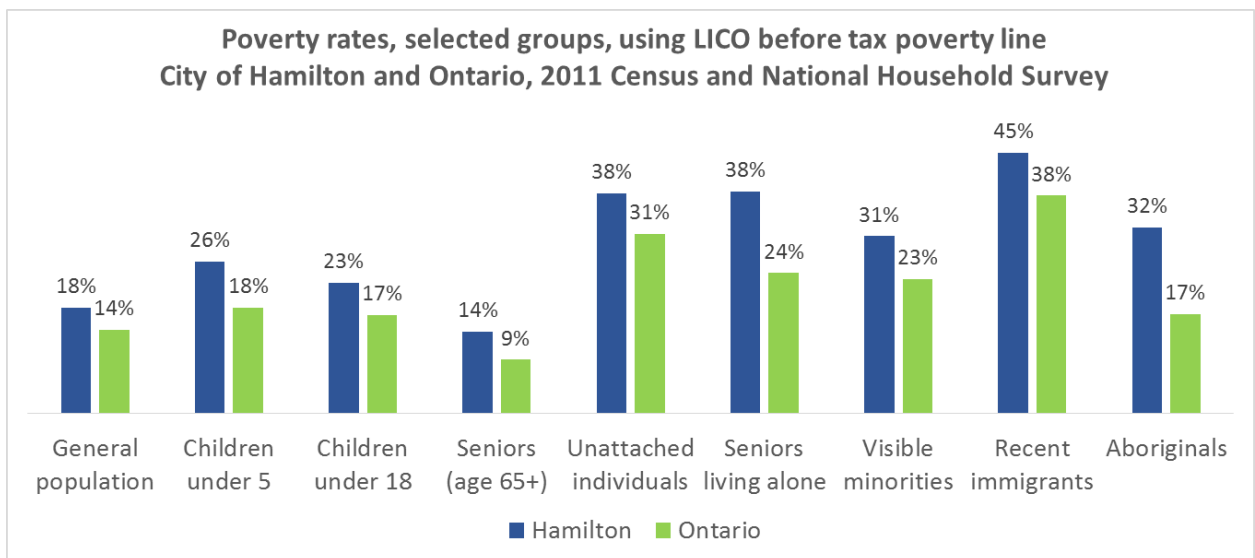
¹¹⁷ *UNCESCR* supra note 11 at paragraph 24

- The women that are prevented from leaving abusive relationships due to the lack of affordable housing and inadequate assistance;¹¹⁸ and
- The Committee expressed concern that African Canadian students face difficulties in accessing education and that they experience high drop-out rates from secondary school;¹¹⁹

8.2 *The Facts*

8.2.1 These groups continue to experience social and economic hardship in Hamilton, and throughout Canada. Due to limited expertise in this area, this Report does not extensively discuss the situation of these groups in Hamilton. However, it is important to note that these groups continue to remain in a situation of disproportionate adversity presenting many challenges for individuals and families in our community. In trying to paint an accurate picture of the situation facing vulnerable groups in Hamilton, the authors of this report have struggled with the effects of the cancellation of the long form census on the availability of reliable and current demographic information regarding vulnerable groups at the community level.

8.2.2 The most telling statistics are local poverty rates. While the poverty rate for the total population in Hamilton is 18%, 32% of people with Aboriginal status live below the low income cut-off. In addition, 31% of those with visible minority status, 38% of seniors living alone, and 45% of recent immigrants also live in poverty.¹²⁰



Sara Mayo, The Social Planning & Research Council of Hamilton

¹¹⁸ *UNCESCR* supra note 11 at paragraph 26

¹¹⁹ *UNCESCR* supra note 11 at paragraph 32

¹²⁰ Graph from Sara Mayo, supra notes 4 and 5

- 8.2.3 Poverty is also felt disproportionately by women in Hamilton as it is elsewhere with a 2010 report of the Social Planning & Research Council noting a 20% poverty rate in Hamilton for all women, as well as a poverty rate of 46% for female unattached individuals.¹²¹ The same report notes overrepresentation of women in the poverty rates among other vulnerable groups, with 43% of aboriginal women living in poverty (as opposed to 35% of aboriginal men), and 22% of female seniors (more than double the 10% rate for male seniors).¹²²
- 8.2.4 In that same report it is noted that the poverty rates for female-led lone parent families in Hamilton are above the Ontario rates, and vary significantly from 36% for all female-led lone-parent families, to 57% for those with children under the age of 18, to 71% for those with children under the age of 6. While there is evidence that these rates have improved in the 2011 census – with the rate for those with children under 18 now 52% and the rate for those with children under 6 at 65%¹²³ -- these statistics cannot be reliably compared to the earlier census.¹²⁴ However, it would not be surprising if there were improvement given the introduction of the Ontario Child Benefit and recent increases to the minimum wage.¹²⁵ The gross inadequacy of provincial social assistance, and levels of poverty among women, raise particularly disturbing questions around the ability of women in our community to leave abusive situations.
- 8.2.5 The following chart illustrates the high levels of poverty among certain vulnerable groups in Hamilton as compared to the provincial average (using 2006 census data before the cancellation of the long form census):¹²⁶

¹²¹ Mayo, S. *Women and Poverty in Hamilton*, (2010) The Social Planning & Research Council of Hamilton, (May, 2010), at p. 2 (based on 2005 data)

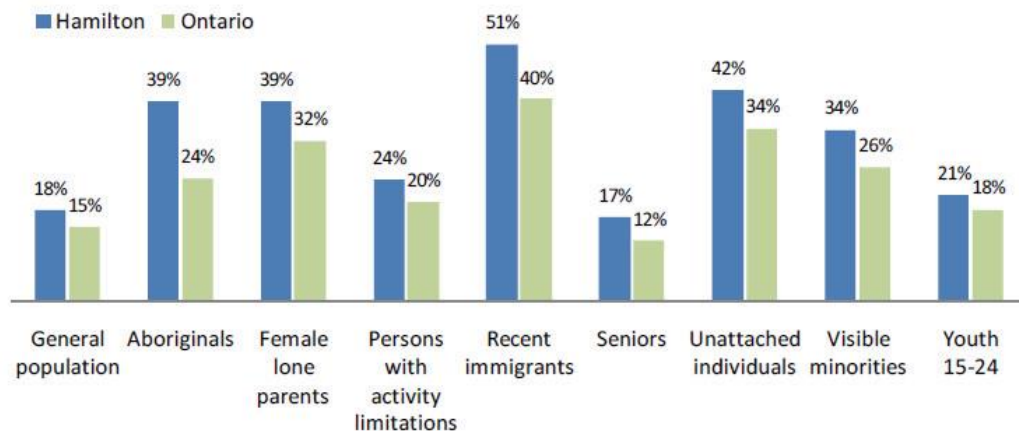
¹²² Ibid

¹²³ Personal communication from Sara Mayo of the Social Planning & Research Council of Hamilton

¹²⁴ See Note 4.

¹²⁵ For a helpful discussion of the demographics relating to female lone parents see: Mayo, S. (2011) *Hamilton's Social Landscape*, The Social Planning and Research Council of Hamilton, May 2011, at pp. 21-23.

¹²⁶ Mayo, S. (2011) *Hamilton's Social Landscape*, The Social Planning and Research Council of Hamilton, May 2011, at p. 41.



Data source: 2006 Census of Canada, Statistics Canada

8.2.6 High rates of poverty among persons with disabilities is of major concern as person with disabilities will face additional challenges arising out of their poverty, including finding accessible housing if it is required.¹²⁷ Similarly, recent immigrants will face challenges ranging from language barriers to professional accreditation. Recent immigrants, aboriginal persons and visible minorities in particular may also face barriers arising from discrimination, particularly in housing and in the workplace.¹²⁸ The situation for migrant workers can be further exacerbated as their status in Canada depends on their employer, leaving them particularly vulnerable.¹²⁹

8.2.7 The poverty rate for Aboriginal residents in Hamilton is 29%, which is higher than the average poverty rate of Aboriginal persons in Ontario (24%).¹³⁰ A recent City of Hamilton report estimated about 20% of Hamilton’s residents who experience homelessness are aboriginal, while a recent survey of homeless individuals in downtown Hamilton by the Social Planning & Research Council found about half were of Aboriginal ancestry.¹³¹ As in other communities across Canada, Aboriginal persons continue to suffer the terrible after-effects of the “sixties scoop” and the residential school system where Aboriginal children were traumatically removed from their families, usually without parental or band consent.¹³²

¹²⁷ For a short discussion of the need for accessible housing in Hamilton see Brodati, D., Vengris, J., Filice, J., and Elliot, M., *Everyone has a home* ,, *Home is the Foundation: Hamilton’s Housing & Homelessness Action Plan* (2013) The City of Hamilton (December 2013) at pp. 72-29

¹²⁸ See *Social Landscape* supra note 125

¹²⁹ For some discussion of these issues see From Permanent to Temporary Migration: Canada’s Dramatic Policy Shift (2009) an outreach pamphlet created by The Canadian Council of Refugees at: <http://ccrweb.ca/en/permanent-temporary-migration-canadas-dramatic-policy-shift>

¹³⁰ Employing the Low Income Measure. See Maracle, Y, Mayo, S, and Montana McCormack, CS, *Profile of Hamilton’s Aboriginal Residents* (2015) The Social Planning & Research Council of Hamilton at p. 3

¹³¹ Ibid at page 4.

¹³² Ibid.

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

- 8.3.1 The measures needed to improve the position of these groups are complex. They are often the victims of systemic racism, sexism, ableism and other forms of oppression. A lack of language or knowledge of services can also contribute to their troubles. This Report does not propose solutions to their situation, but simply seeks to draw attention to their plight to remind Canada of its obligation to ensure an adequate standard of living for all.
- 8.3.2 We welcome the commitment of the Government of Canada to reinstate the mandatory long form census and encourage Statistics Canada to provide helpful disaggregated data regarding all vulnerable groups.

9. Concluding Comments

- 9.1.1 We hope that this updated report again assists the Committee on Economic, Social and Cultural Rights in assessing the degree to which Canada is conforming with its obligations under the Covenant on Economic, Social & Cultural Rights. As in 2006, We have endeavored to provide the UN Committee with a local, community-based perspective that is fact-based.
- 9.1.2 Unfortunately, as both reports show, the right to an adequate standard of living is not being acknowledged or protected by either the Provincial or Federal Governments. We continue to have social assistance rates that fall far below subsistence levels of income, and those rates remain arbitrary numbers with no relation to the actual cost of basic necessities; although efforts have been made in this area by the Provincial government, the situation continues to get worse as rates fail to keep pace with the increase in the costs of basic necessities such as rent and food. While efforts have been made to respond locally to the homelessness crisis, we are nowhere close to providing the numbers of housing subsidies required, and the Landlord and Tenant Board of Ontario (like the Ontario Rental Housing Tribunal before it) continues to evict many thousands of tenants for arrears of rent, many without a hearing. The number of unemployed workers who qualify for employment insurance benefits locally remains at alarming levels, particularly for women. The minimum wage remains below poverty levels, meaning that even those workers working full-time or more may not be able to pull their family out of poverty. Not surprisingly, we continue to see local individuals and families who cannot afford to feed themselves turning to food-banks and meal programs in numbers that has not been seen since the Great Depression.
- 9.1.3 Unfortunately, this poverty is being experienced disproportionately by many already vulnerable groups, including, but not limited to: women, seniors, newcomers, aboriginal persons, persons with disabilities, and visible minorities.

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