



## Article 2(1) – Maximum available resources

### Discriminatory tax policy

Disability Tax Credit (DTC):

The DTC was created as a tax fairness measure that increases equity between taxpayers with and without disabilities by offsetting the extra costs of disability of taxpayers who have a taxable income. People with severe and prolonged physical or mental impairments, who qualify, can claim the DTC when filing their taxes. The value of the DTC is subtracted from federal tax owing. For those with little or no tax owing, the DTC has no benefit.

Canada's Caledon Institute has estimated that in 2012 there were approximately 755,000 working age Canadians who qualified for the DTC but did not benefit because their incomes were too low. Everyone eligible for the DTC should get the full credit regardless of their income or employment status. A refundable DTC would extend compensation for the extra costs of disability to those eligible living in poverty.

- Will the federal government convert the Disability Tax Credit (DTC) to a refundable credit equal to the maximum current value of \$2,000 per year? (The \$2,000 value includes the current federal amount of the DTC and an assumed average provincial/territorial amount.)

## Article 3 – Equal rights of men and women

### Education, Employment and Social Assistance

Women tend to assume responsibility for childrearing and elder care and are more likely to be lone parents and to have fewer opportunities for stable, high-paid employment. It is therefore reasonable to anticipate that women with disabilities would be more likely than men to live in low-income households. The data reveals that women with disabilities are indeed slightly more likely than their male counterparts to live below the low-income cut-off (21.3% vs. 19.6%, respectively).

That said, among working-age women with disabilities who live in low income households, nearly four in ten (38.6%) have not received a high school graduation certificate and only one in four (24.2%) are working at a job or business. Among women without disabilities, only 17.5% haven't received a high school graduation certificate and most (70.7%) are employed.

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Among working-age women with disabilities who live in low-income households, half (49.5%) received social assistance in the past 12 months compared with fewer than one in ten (8.6%) whose household income was above the LICO.

More than four in ten women with disabilities who live in low income households (43.7%) have one or more unmet needs for disability-related help with everyday activities such as meal preparation, household chores, running errands, banking, personal care, moving about at home, etc. This is the case for less than one in three women with disabilities whose household income is above the LICO (30.7%). Men with disabilities are less likely to have unmet needs for help with everyday activities, regardless of whether their household income is above or below the LICO (20.7% and 29.4%, respectively). (Source: "Gender, Disability and Low Income <http://www.ccdonline.ca/en/socialpolicy/poverty-citizenship/demographic-profile/gender-disability-low-income>")

- Will F/P/T governments commit to remedying the multiple forms of discrimination experienced by Canadian girls and women with disabilities, thus decreasing their economic and social vulnerability?

## **Article 6 - The right to work**

### **Part-time and Precarious Employment**

Recent years have seen a dramatic rise in part-time and precarious employment without access to benefits. One third of part-time workers are in positions with low wages, no union and no pension. Women, racialized persons, immigrants, Aboriginal persons, persons with disabilities, older adults and young people are disproportionately represented among those relying on precarious employment.

- Will the government commit to a national employment strategy and will both federal and provincial/territorial governments implement laws to ensure that part-time employees have equitable pro-rated occupational benefits?

### **Access to work for persons with a disability**

The Government of Canada has failed to effectively ensure meaningful access to work for persons with disabilities. In 2011, the employment rate among persons aged 25 to 64 with a reported disability was 49% compared to 79% among those without a disability and are even lower among persons with more severe disabilities and women with disabilities. The single largest source of income for working-age poor people with disabilities is social assistance, compared with market income from employment as it is for poor individuals without a disability.

- Will the government commit to new investments through Labor Market Agreements for Persons with Disabilities for youth with disabilities moving from school to work; targeted wage subsidies for youth with disabilities and supported employment and job retention measures?
- Will the government commit to an Inclusive Workplace Tax Credit, an enhanced “Entrepreneurs with Disabilities Program” and other measures to promote access to employment for persons with disabilities?

## **Article 7 – The right to just and favorable conditions of work**

### **Workers Compensation**

Significant cutbacks have been taking place in Workers Compensation across Canada. Fifty thousand Canadian workers every year are hurt seriously enough that they end up with a permanent disability.

According to a recently completed CCD-led Community-University Research Alliance (CURA) study, about half of them experience serious barriers to participation. Approximately, twenty percent of the fifty thousand live in poverty, while another twenty-five percent live in near poverty.

A 2007 study on homelessness in Toronto found that %57 of the homeless persons interviewed was hurt at work. Further, the research shows a 45% unemployment rate and high rates of depression and other mental health challenges amongst injured workers.

- Will F/P/T governments commit to reviewing Workers Compensation programs to ensure their adequacy?

## **Article 10 - Protection of the family, mothers and children**

### **Immigrants with Disabilities**

The 2001 Immigration and Refugee Protection Act, includes s. 38(I)(c), which establishes excessive demands by persons with disabilities on health and social services as a criterion for exclusion from immigration. Canada’s immigration law in dealing with persons with disabilities looks simply at their deficits or the potential “excessive demand” they may place upon society. This is an outmoded, negative and stereotypical concept of disability. People with disabilities make considerable contributions to our society.

- Will Canada undertake a review of the Immigration and Refugee Protection Act's excessive demand clause, as a first step toward the removal of its outmoded approach to disability?

## Article 11 – The right to an adequate standard of living

### Housing and Homelessness

The CESCR has described housing and homelessness in Canada as a “national emergency.” 45% of those who are homeless have been diagnosed with disability. Canada remains the only G8 nation without a federal housing strategy. The CESCR and UN Special Rapporteur on Adequate Housing have repeatedly recommended that a rights-based national strategy that ensures the right to adequate housing be implemented, with clear goals and timelines, independent accountability and complaints mechanisms.

Social housing programs have been cut; there is no adequate shelter supplement program; On-reserve housing is often grossly inadequate, without safe water or sanitation.

While 30.8% of people with disabilities live in rental housing, 44% of renters with disabilities live on low incomes compared to 24.7% of their renter counterparts without disabilities.

Among people with disabilities living on a low income, 15.5% live in housing that is in need of major repairs because of plumbing problems and electrical wiring and structural issues, compared with 9.8% of people without disabilities who live on low incomes. <sup>1</sup>

15.1% of working-age women with disabilities in low income households live in places that are in need of major repairs, such as for defective plumbing or electrical wiring, or for structural repairs to walls, floors or ceilings. This is the case for 12.1% of their counterparts who live above the LICO and for 6.4% of women without disabilities. <sup>2</sup>

- Will the government implement previous recommendations of the Committee that “the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by re-instating or increasing, as the case may be, 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, providing adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable – **and accessible** - rental housing stock from conversion to other uses”?

### Poverty

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<sup>1</sup> "On the Home Front: Poverty, Disability, Housing and Help with Everyday Activities" <http://www.ccdonline.ca/en/socialpolicy/poverty-citizenship/demographic-profile/on-the-home-front>

<sup>2</sup> "Gender, Disability and Low Income" <http://www.ccdonline.ca/en/socialpolicy/poverty-citizenship/demographic-profile/gender-disability-low-income>

During working years, people with disabilities are twice as likely to live in poverty. When employed, people with disabilities are 150% more likely to live in low income. While most provinces and territories (save British Columbia) have adopted provincial poverty-reduction strategies, to date none of these strategies are based in international human rights law and obligations, and none use human rights standards or principles to monitor or measure success. The national level government has failed to exercise national leadership so as to ensure that poverty reduction strategies and programs dealing with housing, hunger and poverty are in keeping with Covenant obligations.

- Will the government ensure that the mandated poverty reduction strategy will incorporate “measureable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with Covenant standards”<sup>3</sup>
- Will the poverty reduction strategy address the particular circumstances of people with disabilities, women and marginalized groups?

## Article 12 - The right to physical and mental health

### Long-term care

The *Canada Health Act* has left long-term care and “continuing care” out of the scope of Medicare. Proponents have two proposals: they want federal leadership to require provincial and territorial governments to include the continuum of care in their scope, and they want to address the current trend of privatization of extended services like Long Term Care. Young people with disabilities are often placed in long term care facilities because of lack of housing and community supports. Lack of respite care is a serious problem for those providing care for persons with disabilities.

Palliative care is not covered under the *Canada Health Act*, and is acknowledged to be available to only a minority of Canadians who require it. (S. Carstairs, (2010). *Raising the bar: A roadmap for the future of palliative care in Canada*. Senate of Canada. )

CCD puts forth the need to establish the means to provide Canadians with adequate palliative care, which to this day is not covered under the *Canada Health Act*, and is acknowledged to be available to only a minority of Canadians who require it.

The Honourable Sharon Carstairs' 2010 Senate Report, *Raising the bar: A Roadmap for the Future of Palliative Care in Canada*, recommends, among other things, the following:

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<sup>3</sup> Concluding Observations 1996, para 62; Miloon Kothari Mission Report A/HRC/10/7/Add.3, (2009) at para 90).

- The establishment of a Canadian Strategy on Palliative Care as a partnership between the federal, provincial and territorial governments and the community which would pave the way for consistent minimum standards and benchmarks for nationally available palliative care services;
- Establish a Canadian Palliative Care Capacity Building Fund;
- The provinces ensure that Palliative Care are covered under all provincial and territorial health insurance plans;

CCD asserts that the crossover between the request for Physician Assisted Death and the lack of access to palliative care is clear. <sup>4</sup>

- Will the F/P/T governments establish a Canadian strategy on palliative care, establishing consistent minimum standards and benchmarks for nationally available palliative care services?

## **Mental Health**

Despite s. 3 of the *Canada Health Act*, which states that the “primary objective of Canadian health care policy is to protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers,” Canadian health care only guarantees Canadians’ access to public coverage of defined and so-called “medically necessary” interventions provided generally by a medical doctor. The risk of mental illness among people who live in poverty is higher and conversely those living with mental illness are more likely to drift into or remain in poverty.

- Will the Government implement the National Mental Health Strategy developed by the Mental Health Commission of Canada, which includes a national campaign to combat stigma and discrimination, policies and programs that create greater access to needed mental health and addictions supports for vulnerable individuals and families, and tools for monitoring and reporting on mental health and its determinants.

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<sup>4</sup> CCD Submission to Special Joint Committee on Physician Assisted Dying January 28, 2016.

## **Solitary confinement**

Despite concerns voiced by the UN Committee against Torture and the ICESCR, the practice of solitary confinement has become widespread in Canada as a “standard tool of population management to maintain the safety and security of the institution.”<sup>5</sup> People with mental health disabilities are particularly affected by punitive responses to mental health, which are also prevalent in the education system, where segregation, restraint and confinement to “quiet rooms” is applied to students with disabilities

- Will F/P/T government’s commit to a review of educational policy as it pertains to segregation, restraint and confinement of students with disabilities?

## **Articles 13 and 14 – The right to education**

### **Access to Post-secondary Education**

In its 2006 Concluding Observations, the Committee expressed concern about the discriminatory effects of tuition increases on low-income persons and recommended that the Government ensure that higher education is made accessible to all on the basis of capacity.<sup>6</sup> However, tuition fees have continues to increase dramatically, effectively shifting the cost of education onto the individual student and giving rise to unmanageable student debt loads. In Ontario from 1990 to 2011, tuition fees increased from 244 percent (adjusted for inflation).<sup>7</sup>

- Will the Government take measures to improve access to post-secondary education for low-income students and alleviate education-related debt burden in the Canada Student Loans Program?

### **Education and People with Disabilities**

People with disabilities have been systemically denied access to equal education at all levels. A universal design approach to education and learning is necessary in order to address systemic barriers to education.

- Will all provinces and territories commit to creating a statutory obligation to ensure inclusive education for students with disability, based on universal design and proactive measures to ensure inclusion?

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<sup>5</sup> Office of the Correctional Investigator, Annual Report of the Office of the Correctional Investigator 2011-2012 (2012) online: <<http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20112012-eng.aspx>> [OCI Report].

<sup>6</sup> Paras 31 and 64

<sup>7</sup> MacDonald, David and Shaker, Erika, “Under Pressure: The impact of rising tuition fees on Ontario families,” Canadian Centre for Policy Alternatives. 2011: 11, 14,

## **Sexual and Reproductive Health Education**

The Government of Canada has failed to implement a comprehensive set of national guidelines for sexual health education resulting in severe discrepancies between provinces in related curriculum. Documented discrepancies in the quality and delivery of comprehensive sexuality education curriculums in Canada represent violations of article 13.

- Will the government commit to offering comprehensive, evidence-based, and scientifically accurate sexuality education at all levels of education?