

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

How to fight for your rights



Centre for Equality Rights in Accommodation
Social Rights Advocacy Centre

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

This booklet explains how you can use international human rights laws to fight unfair rules and laws that keep you from having an adequate standard of living.

WHAT IS THE RIGHT TO AN ADEQUATE STANDARD OF LIVING?

Everyone in Canada has the right to an adequate standard of living. This means that people should be able to have all of their basic needs met, and should not be forced to work or live in terrible conditions. The right to an adequate standard of living includes a number of specific rights, such as the right to adequate food, clothing, housing, social services, and the right to financial security for people who are unemployed, sick, disabled or old.

WHO DEFINES THE RIGHT TO AN ADEQUATE STANDARD OF LIVING?

Canada has signed several international documents that say that every person has the right to an adequate standard of living. These include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and other international human rights treaties. International law says that governments must make sure that everyone has access to an adequate standard of living. Where necessary, governments must use the resources they have available to provide an adequate standard of living. This is particularly true in rich countries like Canada. Here are some social programs that governments can use to promote the right to an adequate standard of living:

- Unemployment insurance
- Social assistance benefits
- Benefits for people with disabilities
- Pensions for the elderly
- Housing support programs, such as subsidized social housing and housing allowances
- Employment standards, such as minimum wages

Governments must also take action to help those people who are most likely to be poor. This includes women, racial minorities,

people with disabilities, and Aboriginal people.

When governments unreasonably harm living standards, they violate international law.

ONE EXAMPLE: MARIA NEEDS MONEY TO MOVE

Maria is on social assistance and lives with her daughter in a one bedroom basement apartment in Hamilton. Her apartment has mould and cockroaches, and the ceiling in the bathroom is falling down. She has asked the landlord lots of times to fix the problems, but he always refuses. Her place is so bad that Maria has been looking for a new apartment. After a long search, she finally found a one bedroom apartment in a building where her sister lives. The apartment is large and well maintained, the building looks great, and the neighbourhood is close to her daughter's school. Maria would have to pay about \$100 more each month for the new apartment, but she is confident she could manage if she adjusted her budget. She is certain that she won't find anything cheaper that is decent. Maria asked her social assistance worker for money to pay the last month's rent deposit. Social assistance workers are supposed to give this money to people who need it. The worker refused. She said the apartment was too expensive. If Maria does not get assistance with the deposit, she and her daughter will lose the apartment and have to continue living in terrible conditions.

Maria's right to an adequate standard of living was threatened in two ways.

- The apartment that Maria lives in now is **unsafe and unhealthy**. She and her family should not have to live in those conditions.
- Maria needs money to move. When her worker refused to give her the money, she **violated Maria's rights**.

WHAT CAN MARIA DO?

Stand up for her rights

- **Tell her social assistance worker to respect her right to an adequate standard of living.** She should say that not giving her the money for last month's rent deposit is violating her and her daughter's right to an adequate standard of living.
- **Take action against her landlord** for not adequately maintaining her apartment using provincial landlord and tenant laws. Many community organizations, such as **community legal aid clinics**, can help tenants challenge landlords that are treating them unfairly.

- **Tell her story to the United Nations.** Every five years the United Nations Committee on Economic, Social and Cultural Rights reviews how well Canada is respecting people's rights. The Committee met in Geneva, Switzerland, in May of 2006. Many Canadian organizations attend these meetings and talk about how the right to an adequate standard of living and other rights are being violated. Individual stories, like Maria's, can help explain what is happening in Canada. For more information, contact **CERA** at **1-800-263-1139**.

Take political action

- **Contact her local, provincial and federal politicians.** Maria could ask them what they are doing to make sure that everyone in Canada enjoys the right to an adequate standard of living. It is important that they know that Canadians will stand up for this fundamental right.
- **Fight for better laws in Canada.** Many cities, provinces and countries around the world are passing laws and human rights charters that protect the right to an adequate standard of living. For example, Quebec's human rights legislation includes a right to sufficient income, and Montreal's new Charter of Rights and Responsibilities recognizes the need to promote people's economic and social rights, and to eliminate poverty and social exclusion. People can urge other cities and

municipalities in Canada to adopt charters protecting this right. They can ask the federal and provincial governments to amend human rights codes to include the right to an adequate standard of living and guarantee the right in agreements with other governments in Canada. Maria can work with groups that are fighting for improved protection of this right, and pressure her political representatives to support these initiatives. She could talk to community agencies in her city to find out which groups are working on these issues.

Educate

- **Encourage others to get involved.** Maria could use her knowledge and experiences to become a human rights educator. She could challenge her friends and others to stand up for the right to an adequate standard of living for everyone in Canada. When more people are fighting for this right, our politicians will be more likely to act to make sure that this right becomes a reality.

Ask for help

- **Contact a local legal clinic.** If Maria wants to fight for her rights, but does not know where to begin, she could contact a local legal clinic.

- **Contact community organizations.** She could also get in touch with community organizations that work on housing, human rights, poverty or other social issues. Staff and volunteers at these organizations can often give advice or help people who want to promote their human rights.
- **Call City Hall.** If Maria does not know of any groups in her community, she could call City Hall to ask how to get in touch with these organizations.

HOW TO WIN THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

Problem

Your welfare worker **says they will cut your benefits** because you should get support payments from your ex-husband. You have tried to get the payments, but you have not been successful. This is an example of a welfare worker **applying a rule unfairly**.

You were not able to pay all of your rent last month. Your **landlord is trying to evict you**. You have children and you know that you **won't be able to find another apartment for your family that you can afford**. You are worried that your family will be homeless. A judge or tribunal adjudicator is deciding your case.

You are **unreasonably told you cannot get housing**. For example, you and your three children apply for a "market rent" apartment in municipal non-profit housing. You are turned down because you have a **bad credit rating and your income is too low**. You are told you will have to wait 8 years for a subsidized unit.

Here are examples of some problems people have getting an adequate standard of living, as well as the story of how one woman, Sandy Falkiner, stood up for her rights and won.

What can you do?

Remind the welfare worker that they must consider your right to an adequate standard of living.

If you tell them and they do not listen, contact a legal clinic or a community organization that can help.

Tell the judge or tribunal member that they must consider your right to an adequate standard of living, which includes the right to adequate housing.

Tell the staff of the non-profit housing provider that they must consider your right to an adequate standard of living, which includes the right to housing.

If you tell them and they do not listen, contact a legal clinic or CERA.

What has happened

The Canadian government has promised to uphold the right to an adequate standard of living, and to ensure that government decisions and policies promote this right.

The Supreme Court of Canada has said that decisions made by government staff must follow the basic values recognized under international human rights law.

This means that government staff who make decisions about social assistance, housing, unemployment insurance benefits, labour standards, or other community services must consider the right to an adequate standard of living.

Sandy Falkiner and three other single mothers took Ontario's provincial government to court. They wanted to challenge an unfair rule, which was called the "spouse in the house" rule. The rule was that if you were on welfare and a person of the opposite sex moved in with you, the welfare office would assume the person was your spouse the minute they moved in, and would reduce your welfare or disqualify you based on the income of the person who moved in. People who are not on welfare have to live together for three years to become spouses. Because of the rule, thousands of single mothers on social assistance across Ontario were forced to live alone or lose their benefits.

Sandy Falkiner and the other women said that this rule violated their rights. They reminded the court that Canada has agreed to international human rights law that says people have the right to an adequate standard of living.

The women won. The Ontario Court of Appeal decided that the rule "stripped women of their dignity". The court said that the "spouse in the house" rule violated Canada's Charter of Rights and Freedoms by discriminating against women, single parents, and people on social assistance.

This was a very important decision because it recognized the rights of women on welfare and said that people receiving social assistance are protected from discrimination under the Charter of Rights and Freedoms. The decision will help Canadians promote the right to an adequate standard of living in the future.

IS THE RIGHT TO AN ADEQUATE STANDARD OF LIVING BEING VIOLATED IN CANADA?

In recent years, United Nations human rights bodies, such as the Committee on Economic, Social and Cultural Rights, have been critical of the Canadian government for not making sure that everyone enjoys the right to an adequate standard of living. These bodies are concerned with how many people live in poverty, when Canada has so many resources. For example:

- Over 1 million Canadian families are poor.
- Over 2 million people in Canada do not have enough food.
- Almost half of all single women who are mothers or elderly are poor.
- The families of many recent immigrants live below the poverty line. They are almost three times more likely than other Canadian families to be poor.
- Indigenous people living in cities are four times more likely than other Canadians to be poor. Three out of four Aboriginal single mothers live in poverty.

In 1993, 1998 and 2006, the UN Committee criticized Canada for not upholding the right to an adequate standard of living. They pointed out that Canada had done things to make the situation worse, like eliminating national standards for social programs, cutting social assistance, and setting minimum wages too low. They also pointed out that more people were using food banks, most Aboriginal communities are poor, and cuts to social programs have been especially hard on women.

The U.N. Committee had other concerns. They gave more examples of ways that Canadian governments had failed to promote adequate living standards:

- Since **unemployment insurance rules** were changed in the 1990's, less than 40% of unemployed workers receive benefits. Women have been especially hurt. Because they often work part-time or on contract, only about 33% of unemployed women can get unemployment insurance.
- Across Canada, **social assistance benefits** are less than the poverty line. In Ontario, the benefits for a single parent with two children are less than half of the poverty line. British Columbia introduced a rule that could mean some people won't be able to get any benefits after receiving them for two years.
- Governments have cut funding for most **affordable housing programs**. Also, there is little or no **rent assistance** to help the growing number of families that are forced to decide between paying the rent and feeding their children.
- In 1998, the federal and provincial governments agreed to give low-income families an extra benefit for every child. This is called the **National Child Benefit (NCB)**. Most provinces **take the benefit away from families on social assistance**. This can mean a loss of between \$120 and \$140 per child each month! It also means that the program is not helping the poorest families. The UN Committee pointed out that this is discrimination.

HOW CAN I FIND OUT MORE?

For more information and resources please go to www.equalityrights.org/cera



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