



**RACIAL JUSTICE REPORT CARD
for
ONTARIO**

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Colour of Poverty – Colour of Change

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I. INTRODUCTION

The Colour of Poverty Campaign – Colour of Change Network (COP-COC) is a community based province-wide network of organizations and individuals which formally came together in 2007 with a view to raising public awareness around issues concerning and affecting racialized communities – in order to best bring about racial equality in Canadian society.

In view of the October 6, 2011 provincial election, COP-COC believes it is critical for all political parties – as well as the media – to pay closer attention to the issues that are most important to members of racialized groups in general. We believe that any political party who wants to form the next Government of Ontario must make clear their policy positions with respect to those matters that have the greatest impact on the lives of members of Ontario's ethno-racially diverse communities. Each party must declare the steps that they will take to address problems such as discrimination, as well as those forms of racialized exclusion and marginalization that are largely institutional, structural and systemic.

As noted in "The Review of the Roots of Youth Violence" Report (McMurtry, Curling 2008), "racism is alive and well and wreaking its deeply harmful effects on Ontarians and on the very fabric of this province." As the Report concludes: "the province must articulate more effectively its commitment to anti-racism and should address this urgent issue as a major priority..."

With input from various community based organizations and individuals working in various sectors, COP-COC has put together this provincial Racial Justice Report Card to examine the record of the three main political parties in Ontario over the most current term of office – by looking at laws and policies that were passed or adopted, as well as the opposition parties' stated policy positions on these laws and policies, and proposed legislation that might have failed legislatively from this past term – as well as the parties' election platforms as announced to date. The Report Card also discusses some of the missed opportunities, namely, initiatives, had they been adopted, would have resulted in great improvement to the lives of members of racialized communities in Ontario.

Needless to say, there are tens, if not hundreds, of laws and policies that have been introduced, discussed and passed over the last four years. This Report Card does not purport to provide an in-depth analysis of all of them. Rather, the Report Card seeks to highlight a sampling of key policies and laws that have or will have particular impact – both positive and negative – on members of racialized communities in Ontario.

Based on their record in office and their campaign platforms, the three parties are given the following overall grade on their respective commitments to racial justice:

Liberals: C+

NDP: C

PC: D

II. CHILDCARE AND EARLY LEARNING

Under-funding of social services has been one key factor that fuels racialized poverty in Ontario. Under-funding of child care and early learning is a glaring example of this problem. In theory, every low-income family in Ontario is entitled to receive a subsidy for child care so that parents – notably mothers – of young children can work or attend school. In reality, funding from the Ontario government covers only a fraction of the total childcare subsidy needs. In Toronto, for instance, this means only 24,000 children of the qualified 86,000 low-income children receive subsidies.

Full funding of low-income child care/early learning subsidies would make a major dent in the fight against poverty for racialized families – who due to any number of the many discriminatory barriers placed before them – represent a very disproportionate share of those Ontarians in need of such supports. As low labour force participation of immigrant and racialized women is a major contributing factor to poverty in racialized communities – child care subsidies would allow these women to help their families work their way out of poverty or to enrol in further learning so that they could escape low-waged dead-end jobs.

Investment in childcare is an investment that generates good returns for all Ontarians. Research by Quebec's Childcare Resource and Research Unit shows that for every dollar invested in Quebec's highly subsidized child care system, the Government of Quebec receives \$1.49 in the form of increased income tax, decreased social assistance costs and increased female labour productivity.

Child care subsidies are clearly affordable and are a good social investment leading to equitable life outcomes for all Ontarians. The only thing lacking in Ontario is the political will to put child care fully on the agenda. None of the political parties represented in the Ontario Legislature seem to be prepared to tackle this issue head on.

At the behest of Charles Pascal, Special Advisor to the Premier on Early Learning in Ontario, the Liberals announced in 2010 that it would introduce a Full Day Kindergarten (FDK) program. But even after this program is put fully in place, Ontario will be spending far less per child on child care than in Quebec.

There are many serious gaps in the FDK program for low income families, one of which is the lack of provision for before and after school care in schools for children attending FDK, coupled with zero subsidies for such care. As well, the roll out of the program has disadvantaged many impoverished neighbourhoods with highly racialized and newcomer populations. Many of these neighbourhoods have been pushed to the end of the line for FDK. Some of them may not have this vital program until 2014, or even later.

In its election platform, the Liberals have placed great emphasis on the FDK program, by promising \$1.5 billion per year in funding. Yet even after FDK rolls out fully, working parents of children younger than four will still be left to bear the crushing burden of child care costs. The Progressive Conservative (PC) Party is on record as supporting the full

implementation of the FDK program. While suggesting that the program has challenges that need to be addressed, the PC platform does not offer details about what any of these challenges are and what the Party would do to address them.

The NDP has attacked the Liberals throughout the last four years on the under-funding of child care and early learning. Yet the full implementation of recommendations of the Pascal Report on Early Learning is not included in the NDP election platform. Nor does it call for full funding of low income child care subsidies. Indeed, there is no mention of child care in the NDP's official election platform released to date.

Unfortunately, and despite warnings from many leaders in the early childhood education community, the current Government has chosen to cherry-pick from the Pascal Report – ignoring the recommendations for full-year extended day programs, Child and Family Centres, and increased support for programs for children from birth to four. This is a missed opportunity for the province's children – particularly those from racialized and other historically disadvantaged groups. The Government should have adopted all the recommendations of the Pascal Report with full and proper funding. It is hoped that the incoming Government will review the Report in its entirety so that the children in this province will all have an equal chance to succeed.

III. EDUCATION & LEARNING

Having equitable access to education greatly improves a person's job opportunities, income potential, health status, learning outcomes and general quality of life. In turn, living in poverty makes it less likely for individuals to complete school or to be able to access higher education. Children of families with the lowest income levels are less likely than those in the top income levels to attend post-secondary studies. Many racialized students experience discrimination and alienation in elementary and secondary schools as well as in colleges and universities. Schools with high drop-out – or “push-out” – rates are those with the highest numbers of racialized students. Reports have also shown that the majority of students who are being pushed out are from certain racialized groups.

To address these and other systemic inequities and learning disparities, the Liberals launched an Equity and Inclusive Education Strategy and Implementation Plan on April 6, 2009. Parallel and linked to this is a comprehensive Aboriginal Education Framework.

While recognizing the real value and significance of the Equity and Inclusion Education Strategy, COP-COC has real concerns about the extent to which no additional or dedicated funding has been provided to school boards across the province to effectively deliver on the various components and provisions of the Strategy. Further, such key elements as ensuring that the workforce of school boards best reflects the diversity of the students in the seats – i.e. Employment Equity – has been left to year four of the four year implementation arc.

As well, groups such as the Anti-racist Multicultural Educator’s Network of Ontario (AMENO) have offered a number of recommendations to the Ministry in order to strengthen the effectiveness of the Strategy. AMENO has recommended, among other things, that the Ministry conduct equity audits to maintain a strong emphasis on accountability and measurable results, and to make equity, human rights and inclusive education a focal point of leadership in the education system.

Studies have identified that low-income neighbourhoods and communities where the neediest schools are located also have disproportionately higher percentages of First Peoples learners, students of colour and newcomer students. When consistent under-funding of the public education system persists – and when schools must rely on fundraising dollars for everything from arts enrichment to playground equipment – these learning outcomes disparities are further exacerbated.

More particularly, as revealed in reports by parent advocacy group People for Education, the wide range in fundraising – with the top 10% of fundraising schools raising the same amount as the bottom 78% put together – serious concerns are raised about true equitable access to a broadly based publicly funded education. A comparison of data from the Ministry of Education’s very problematic “School Information Finder” with individual schools’ fundraising amounts shows that schools with a high proportion of low-income families raise less than half the amount raised in schools with a low proportion of low-income families. Also, students from low-income racialized as well as immigrant families face other challenges that fundraising alone cannot address. For example, students who have parents who work more than one job may not get needed help or encouragement with homework, or may go to school hungry because their families are not able to afford enough nutritious food. A recent study by the group Social Planning Toronto reveals similar disparities among public schools in the Toronto area.

The Ministry of Education released new draft guidelines for fundraising in March of 2011. These new guidelines will further increase the gap between have and have-not schools as students from higher income families and schools with greater fundraising successes and capacities will be able to fundraise for capital projects such as science labs, new gyms and auditoriums. These students will also have greater access to 21st century technological advancements.

Meanwhile, students from economically and socially vulnerable conditions are at higher risk for academic difficulties and require more supports. The Learning Opportunities Grant (LOG) is a Ministry of Education grant established to provide supports for these students. Research from the Toronto District School Board’s 2010 Model Schools for Inner Cities: Three Year Research Highlights Report demonstrates that when the LOG is used to fund tools that combat inequities, such as remedial reading, breakfast and lunch programs, tutors, mentoring, summer schools, literacy and numeracy programs and homework clubs, both the opportunity and the achievement gap can be closed.

Unfortunately, because of both chronic under-funding by the province as well as a lack of attached conditionality that these funds are in fact to be dedicated to these equitable

learning outcomes purposes, the LOG is often spread around to cover other funding gaps and shortfalls and so is not used for its intended purpose. According to People for Public Education, the number of programs the LOG is intended to cover has expanded, and the funding has been reduced. Since 2005, the per-pupil amount in the LOG has been reduced by 9%, and the grant is now intended to cover the costs of not only programs based on demographic needs, but also a range of literacy and numeracy programs, the Specialist High Skills Major program, the K–12 School Effectiveness Framework and more. The current LOG is neither protected nor targeted at programs for disadvantaged students, and is insufficient to support programs that would alleviate the effects of poverty.

The provincial government could have ensured that the LOG is protected and funding increased. As an echo of a policy call by COP-COC, People for Public Education (2011) recommends that the government create a new Equity in Education Grant which would be designated solely for providing programs to mitigate socio-economic and ethno-racial factors affecting students. Unfortunately, all three parties have yet to address the chronic under-funding of the public school system.

As referenced above, under the Liberal governments watch the Ministry of Education has placed a “School Information Finder” on its website which troublingly and effectively helps promote and facilitate segregation and profoundly undermines the values of equity and inclusion. The website encourages parents and students to identify, rate or choose a school on such bases as – the educational back-grounds of parents; the percentage of students who live in lower-income households; the percentage of students whose first language is not English or French; the percentage of students who are new to Canada from non-English or non-French speaking countries; or the percentage of students who receive special education services.

Not only are such statistics totally irrelevant in determining whether a particular school is able to meet the needs of any individual child, the inclusion of these statistics legitimizes the selection of schools based on such discriminatory factors such as the economic status, country of origin, ability/disability, parental educational opportunity & official language ability of the student body. Further, in the Ministry’s active promotion of this tool they have incorrectly defined “non-English speaking countries” to mean countries other than Australia, Great Britain, Ireland, New Zealand or the United States – excluding all the countries in the English-speaking Caribbean or countries such as India among many others where English is of course spoken by a significant portion of the population.

In effect, the “School Information Finder” tool facilitates “colour-coded” or other segregation and is wholly contradictory to the spirit and stated vision of the Equity and Inclusive Education Strategy policy initiative.

IV. EMPLOYMENT

A. Employment Inequity

On July 27, 1983, the Government of Canada announced the establishment of the Royal Commission on Equality in Employment. Its terms of reference required the Commission to “explore the most efficient, effective and equitable means of promoting equity in employment for four groups: women, native people, disabled persons, and visible minorities”. The report, tabled on November 29, 1984 by Judge Rosalie Abella (now a Supreme Court of Canada judge), used the term “employment equity” to distinguish the Canadian initiative from American affirmative action programs which had been associated with quotas. The Federal Government adopted the Abella Report by enacting the Employment Equity Act which currently covers the federal public service, large federally regulated companies, as well as those commercial and other interests who wish to contract with the federal government to provide goods and services.

Since the Abella Report, there have been significant changes in the demographics of Canada’s labour market. Between 1981 and 1996 for example there was a threefold increase in Canada’s “visible minority” population so that people of colour constitute over 16% of Canada’s population as of the 2006 Census. Of the recent immigrants who arrived in Canada between 1990 and 2000, 73% were people of colour – with current percentages running closer to 80% and higher.

According to these same 2006 Census data, Ontario had a population of 2,745,200 visible minorities, which comprised 22.8% of Ontario's total population. When combined with the almost 2% that were First Peoples (First Nations, Inuit and Metis) racialized groups made up over 25% of the Ontario population in 2006. By 2017, the 150th anniversary of Canada, close to one-third of Ontario’s population will be racialized (including both First Peoples – Aboriginal, Indigenous – as well as peoples of colour – i.e. “visible minorities”).

Members of racialized communities are much more likely than non-racialized group members to face discrimination in hiring, promotion and retention in labour markets, and in getting paid fair wages.

As revealed in a recent report by the Wellesley Institute and the Canadian Centre for Policy Alternatives, Canada’s racialized income gap shows a colour code is still at work in the Canadian labour market. Drawing on 2006 Census data [*Canada’s Colour Coded Labour Market*](#) found that during the heyday of Canada’s pre-recession economic boom, racialized Canadians – those who were born in Canada and new Canadians alike - were more willing to work, but experienced higher levels of unemployment and earned less income than non-racialized Canadians. Racialized Canadian workers earned only 81.4 cents for every dollar paid to non-racialized Canadian workers. The Report also finds that during the boom years, racialized Canadians had an unemployment rate of 8.6 per cent, as compared to 6.2 per cent for non-racialized Canadians – over 33% higher. On average, non-racialized Canadian earnings grew marginally (2.7%) between 2000-2005 –

tepid income gains considering the economy grew by 13.1%. But the average income of racialized Canadians declined by 0.2%.

Racialized Francophones also face similar challenges. According to a 2010 report by the Ontario Trillium Foundation, racialized Francophones in Toronto earn roughly 33.3% less than Francophones as a whole, while the differentiation between the two groups is 40% in Ottawa and surrounding areas. Racialized Francophone women in Ontario have an unemployment rate twice as high as that of Francophones as a whole.

Members of racialized communities are over-represented in unstable, contingent types of work including part-time, temporary, contract and piece-work. Workers in these jobs are usually paid minimum wage or lower, and because of the irregular and transitory nature of the work, often do not receive or qualify for any benefits as provided by the employer or the standard employee supports available from the government (such as Employment Insurance).

Ontario must facilitate the creation of good jobs with adequate pay, benefits and stability and provide inclusive and bias-free mechanisms and means for racialized workers to be hired and promoted into those jobs.

While all three major political parties have identified jobs and the economy as their key priorities, none of them provide any specific solution to creating a level playing field for racialized Ontarians – First Peoples and peoples of colour (both Canadian born as well as newcomers) – in the job market. The Liberals recently announced a \$10,000 tax credit for employers to hire new Canadians that, if passed, it is estimated would benefit at most only 1,200 newcomers, while does nothing to address the underlying structural inequities and barriers to jobs.

The PC's responded to this proposal by accusing the Liberals of giving jobs to "foreign workers" or "foreigners", fuelling the fan of xenophobia and racism against immigrants of colour. Curiously, the PC's themselves proposed a new 10%, non-refundable tax credit to eligible employers who arrange for occupation-specific English-as-a-second-language or French-as-a-second-language training for immigrant employees. In the meantime, the NDP has merely tried to distinguish its own tax credit proposal from that of the Liberals by highlighting that theirs would benefit all Ontarians, without acknowledging the long-identified need for targeted measures to address differential unemployment rates among racialized workers – including those who are new Canadians.

All parties fail to discuss the need for Employment Equity legislation as a mechanism to dismantle systemic barriers and address the colour-coded imbalance in the labour market, including holding governments and employers accountable for providing workplaces free of systemic discrimination.

B. Employment Standards, Workplace Harassment and other Employment Issues

Members of racialized communities are more likely to be employed in unsafe workplaces. They are more likely to experience a violation of Employment Standards such as not being paid the wages that are owed to them. Many organizations have advocated for the strengthening of the *Employment Standards Act* (ESA) to bring better protection for workers, improve the enforcement of the ESA and introduce harsher penalties for non-compliant employers.

During the current term of office, the Liberals did introduce some positive measures, such as prohibiting temporary agencies from charging workers fees, enhancing protection for live-in-caregivers by banning agency fees charged against them, and stiffening penalties up to \$50,000 and up to 12 months of jail time for violators. Not all changes that the Liberals made are beneficial to workers, however. The ESA now makes it a pre-requisite for filing claims, an obligation on the workers to first try to seek remedy from their employer. This creates an unfair barrier to the claim process for vulnerable workers, workers with limited support networks, as well as workers who face language and other systemic barriers.

Even with the positive reforms the ESA represents a missed opportunity as it does not cover all foreign workers, nor does it institute the licensing of recruitment agencies and the posting of bonds; and foreign workers are still prohibited from forming unions.

Since 2004 the Liberals have raised the minimum wage gradually over time to the current rate of \$10.25, but they missed the opportunity to raise minimum wage to a level above the poverty line and have it indexed to the consumer goods index. The NDP promise in their platform to raise the minimum wage to \$11 – and then index it to the cost of living.

The NDP also introduced a bill to re-establish an Employee Wage Security Program that would compensate workers for unpaid regular wages, overtime wages, vacation pay and holiday pay, termination pay and severance pay. A similar fund was established by the NDP government in 1991 but was dismantled by the Harris PC Government in 1995. The NDP initiative is not supported by the Liberals or the PC, despite the fact that wage theft is a significant problem that clearly affects racialized workers disproportionately – as they tend to work in precarious jobs that are non-unionized.

The Liberals also amended the *Occupational Health and Safety Act* to address violence and harassment in the workplace, by clarifying the employers' obligations and the rights of employees. The new provisions make employers institute the minimum standards expected in the workplace; and give employees the right to refuse work on the basis of workplace violence. Yet, these changes do not specifically define psychological abuse and bullying as a form of harassment.

The Liberals also failed to adopt an NDP-sponsored bill that would make it possible for workers to refuse an unsafe work environment when that work environment includes

harassment, bullying and other kinds of violence in the workplace, as well as to require insurance coverage for mental stress and accidents on the job.

In 2008, the Liberals extended mandatory workers' compensation coverage to independent operators, sole proprietors, partners in a partnership and executive officers of corporations in the construction industry. This amendment ensures that all construction workers, many of whom are racialized workers, are eligible for worker's compensation should they be unable to work due to illness, accident or disability.

These are all welcome measures, but more are definitely needed to redress racialized inequities in employment.

V. HEALTH & WELL-BEING

Over the last several years, the public discourse around health care in Ontario tended to focus on two areas: the E-Health scandal and the issues with respect to wait times. Little or no attention has been paid to issues that have much greater and broader impact on racialized and other marginalized Ontarians like the social determinants of health, access to health services, the need for greater investment in preventative care, and health equity.

A. 3-month Waiting Period

Among the many issues that negatively impact on racialized communities is the 3 month waiting period for OHIP eligibility imposed on newcomers to Ontario (the majority of whom are racialized). Groups such as the Right to Health Care Coalition (RHCC) have been calling on the Government to eliminate the three-month wait – an initiative which has received broad support from such groups as the Canadian Civil Liberties Association, the Ontario Medical Association and other associations representing health professionals.

As RHCC has pointed out, the waiting period creates an inequality in the ability of residents to access health care and it is also unclear why it is necessary, since most provinces in Canada do not have a waiting period and it is not mandated by the *Canada Health Act*. The restriction has the most severe impact on racialized immigrants to Canada as they already face the most significant barriers and hurdles upon arriving in their new home and in attempting to adjust to life in Canada.

As of now, though clearly a downstream cost-saving initiative, none of the three parties is prepared to say that they would repeal the 3-month waiting period if elected.

B. Social Determinants of Health

“A huge body of research demonstrates that health and health inequalities are shaped by income distribution, access to education, availability of affordable adequate housing, childcare and early child development, social exclusion, environmental factors and other social determinants of health,” as the Wellesley Institute says on its website. Such

determinants of health “interact and intersect with each other to produce reinforcing and cumulative impacts over people’s lives and on the health of particular populations or communities.”

When releasing its [*Canada’s Colour Coded Labour Market*](#) Report, the Wellesley Institute also produced a compendium fact sheet which describes the health implications of a colour coded labour market:

“Unemployment, precarious work, and job strain have a negative impact on health. In the Canadian context, a growing number of studies exploring the link between unemployment, underemployment, precariousness, and poor health establishes an increase in health risks among poor Canadians.

Research shows that immigrant workers are at high risk for occupational injuries, diseases and death. While these studies did not deal directly with the social distinction related to race, they provide an indication of the health impacts of the outcomes of labour market inequality for racialized Canadians.

The 2006 Census data suggest that the labour market experience of racialized workers in Canada puts their health at risk. This is an area that requires future research to deepen our understanding of the problem of racialized poverty, barriers to good jobs in Canada and their impact on the health of racialized Canadians.”

NOTE - A detailed analysis of the parties’ platform from a more general perspective on health can be found on the website of the Registered Nurses Association of Ontario: http://www.rnao.org/Storage/83/7734_RNAO_Comparison_of_Four_Major_Political_Party_Platforms_-_Election_Ontario_October_6_2011.pdf

The Liberals did oversee the largest expansion of Community Health Centres (CHCs) and Aboriginal Health Access Centres (AHACs) in Ontario’s history by funding more new CHCs/AHACs and satellites to a total of 103 CHCs/AHAC’s and satellites operating or being developed in Ontario. CHCs/AHACs play a particularly important role for providing health services to racialized communities, especially those who are not insured due to either of the 3 month waiting period for OHIP or because they are non-status.

The Ministry of Health and Long Term care has also developed a Health Equity Impact Assessment Tool and Workbook in partnership with the North East, Toronto Central and Waterloo Wellington Local Health Integration Networks (LHINs). The Tool assists practitioners and administrators in the health sector to identify *unintended* potential health impacts (positive or negative) of a plan, policy or program on vulnerable or marginalized groups within the general population. It is too soon to determine if the Tool is making any difference on the ground. Further, there is no formal compliance mechanism. While some LHINs are considering the possibility of making compliance with the Tool a funding condition through their Service Accountability Agreements, none has done so to date due to uncertainty as to the continuing existence of the LHINs.

The Ministry has also set up a Health Equity Office. Yet the Office – which may soon be shut down – has limited scope and almost no provincial responsibility.

As a general comment, while both the NDP and the Liberals have offered a range of policy initiatives to address poverty and hence tackle one of the key social determinants of health, there are few proposals that speak directly to racialization of poverty and other of the structural inequities facing racialized communities.

C. Internationally Educated Professionals

That engineers and physicians are delivering pizza's, driving taxis and washing dishes in Ontario is a cliché that most Ontarians are familiar with, yet despite efforts by both the provincial and federal governments, it remains a reality which is largely unaddressed.

With the establishment of the Fairness Commission, the Liberals took a small step towards removing artificial barriers to accreditation of internationally educated physicians (and other trades-people and professionals). More recently, the Liberals also increased the number of residences for internationally educated physicians. Emerging anecdotal evidence seems to suggest, however, that a disproportionate number of these residences are going to Canadians who return to Canada with medical degrees from abroad, as opposed to new immigrants who were physicians in their home countries.

The only party that addresses this particular issue in their platform is the PC Party, yet they are not seeking to give more residences to immigrant physicians, but only to those Canadians who have studied outside of Canada and want to return to Ontario to practice medicine.

D. Expanding Access to Community Health Centres (CHCs) and Aboriginal Health Access Centres (AHACs)

Having access to appropriate health and health care services is key to increasing health equity and tackling the root causes of illness, including the impact of racial injustice and other forms of social exclusion on Ontarians. As referred to above, Ontario's CHCs and AHACs have a proven track record and a mandate to tackle these and other barriers to health for Ontario residents, working toward improved health and health care for individuals, families and communities. However, only 4% of Ontario residents currently have access to a CHC or AHAC. Meanwhile, it is conservatively estimated that closer to 15% of the population urgently needs access to care and support from a CHC or AHAC. This gap, which is particularly harmful for racialized community members, newcomers and other marginalized individuals, families and communities, is referred to as "Ontario's great health divide".

In a survey submitted to Ontario's political parties asking them for their commitment to reducing Ontario's great health divide by committing to expanding access to CHCs and AHACs for 250,000 more Ontarians by 2015, mixed responses were received. While the

PC Party was silent on the issue of access to CHCs and AHACs, the Liberal Party and the NDP both acknowledged that there remains significant community need for CHCs and AHACs across Ontario. Specifically, the Liberal party has committed to ensuring that all new CHCs announced in 2005 are soon fully operational and to exploring how and where additional new CHCs can be funded to achieve several key health system priorities in Ontario, during the next government's term. The NDP have committed to funding 50 new "family health centres" to serve Ontarians, by which they explicitly mean a combination of 50 new CHCs and NP-led clinics.

To learn more about the parties' commitments as well as "Ontario's Great Health Divide", visit www.ontariochc.ca.

E. Negotiation of a fair and equitable 2014 Federal/Provincial Health Accord

The current 10-year funding agreement between the Government of Canada and provinces/territories is set to expire soon and will need to be renegotiated between now and 2014. The nature of a new accord between federal and provincial/territorial governments has the potential to either greatly improve or greatly detract from health equity and racial justice across Canada. In its recent survey of political parties in all provinces where 2011 provincial elections are taking place (including Ontario), the Canadian Alliance of Community Health Centre Associations (CACHCA) asked parties about their commitment to a renewed 2014 Health Accord, including key measures that are important to improving equity and racial justice. Responses from Ontario's political parties to these important questions can be viewed at: www.cachca.ca/news/news.html.

VI. HOUSING & HOMELESSNESS

Studies have shown that poverty is a leading cause of homelessness and unstable housing, which in turn, deepens the experience of poverty while preventing people from fully participating in society. Far too often, these forces act in a vicious circle from which escape is very difficult.

In Canada, racialized communities experience poverty in disproportionate numbers. Their housing conditions reflect this reality. Although people of colour (visible minority) households accounted for approximately 10% of Canada's total in 2001, Statistics Canada data show that in 2001, 24.1% of Canadian visible people of colour households were in core housing need, compared to 12.6% of non-people of colour households. In Ontario in 2001, among the non-immigrant population, 19.0% of people of colour households were in core housing need. The rate increases to 27% for immigrants of colour. By contrast, among Ontario's non-people of colour residents, the rates of core housing need were 12.4% among non-immigrants and 15.3% among immigrants.

Among the Francophone communities, Census 2006 data cited in an upcoming report by La Passerelle – Intégration et Développement Économique showed that in Toronto CMA, racialized Francophone youths experience anywhere between 4 to 5 times higher rate of

living in an over-crowded condition, depending on their age and gender. Female racialized Francophones between the age of 20-30 years-old have the highest (12.4%) proportion of living in overcrowding, as compared to 1.5% among non-racialized Francophone male of the same age group.

Groups like the Housing Network of Ontario and the Advocacy Centre for Tenants Ontario (“ACTO”) are working to address these inequities and to promote the fullest opportunity for people to share in and contribute to the province’s and to Canada’s prosperity. However, the efforts of housing rights groups alone are insufficient to effect positive change. Rather, government action is necessary to reach desirable outcomes. Unfortunately, the Government of Ontario has missed several recent opportunities to demonstrate its commitment to solving poverty and the housing crisis.

The Government of Ontario recently introduced its much anticipated Long Term Affordable Housing Strategy (LTAHS). However, the strategy fails to address the current shortage of affordable housing and therefore fails to meet the immediate needs of thousands of households. Recent changes to Ontario’s social housing laws are similarly disappointing, in that the Government of Ontario failed to keep its promise of easing rent calculation rules for some of the province’s poorest tenants.

The NDP introduced two bills in the Legislature that would have addressed some of the housing problems that many from racialized communities endure. One bill with respect to “inclusionary housing” would have required land developers to dedicate a portion of any new housing development to affordable housing units. This policy would have had the dual effect of increasing the amount of affordable housing available, while promoting inclusive and diverse communities. The NDP also introduced a bill that would have prevented dramatic increases in rent when a new tenant moves into an apartment, and would also have required some landlords to obtain licenses. Both of these bills were either defeated in the Legislature, or failed to advance far enough to become law.

While none of the Liberals’ housing strategies or the NDP’s bills directly addressed the racialization of poverty, the impact of these policies could have helped many racialized households obtain and keep good, affordable housing. Strategies that reduce poverty and homelessness in general – and consciously work to build healthy, equitable and inclusive communities – are needed to best assist vulnerable members of racialized communities. However, such policy changes only occur when the political will exists.

There are other missed opportunities as well. For instance, the province has failed to include disaggregated data collection in its LTAHS to ensure racialized communities equitably benefit from the modest program changes. It also fails to include inclusionary housing in the Strategy which would help create inclusive, diverse communities.

In this election, both the Liberals and the NDP have identified affordable housing as an element of their platforms, and both have vowed to develop “long-term” strategies to address this crisis. Yet without proper funding support from the Federal Government, it

remains to be seen if any of these “strategies”, be it building new housing stock, or repairing the old, will yield any concrete results.

VII. HUMAN RIGHTS

In 2006, the Liberals introduced Bill 107 to reform the enforcement of the human rights system in Ontario. The Bill created much controversy at the time. It was supported by some human rights lawyers, but attracted strong criticisms from many community-based organizations working with people with disabilities and racialized communities. In December, 2006, the McGuinty Government used its majority power to abruptly stop the legislative hearing process and pass the Bill without further public consultation. The new system came into effect on June 30, 2008.

Critics of the Bill were – and still are – concerned that the Bill transforms a system based on public investigation and enforcement of human rights into one that places the burden on individual victims of discrimination to investigate and prosecute their own cases of discrimination. While the Government created a new Human Rights Legal Support Centre (HRLSC) to provide information and some legal representation to complainants, the sheer volume of the complaints it has received means the Centre has had to turn many complainants away. The old system was long seen as ineffective as the under-funded Ontario Human Rights Commission (OHRC) was similarly unable to handle the 60,000 inquiries it received every year – with the result that many cases were never referred to the Human Rights Tribunal of Ontario (HRTO) for a hearing. Many community advocates in the anti-racism and disabilities movement question, however, whether the new system merely replaces one gatekeeper with another.

As complaints based on disability and race made up the majority of all the complaints under the old system, the impact of the change on people with disabilities and racialized communities members is thus particularly disconcerting.

In its February 9, 2009 deputation before the Ontario Legislature’s Standing Committee on Government Agencies, the Accessibility for Ontarians with Disabilities Act (AODA) Alliance commented that many of the promises made by the Ontario Government on Bill 107 have been broken. Using information obtained from the HRTO, OHRC and HRLSC, the AODA Alliance showed, for example, that the number of potential human rights claimants who approached the new human rights system had dropped, the backlog of cases in the human rights system had not been reduced, and that despite a promise for a more accessible Human Rights Tribunal, the HRTO had created complex new rules of procedure which are difficult for un-represented complainants to navigate. The AODA Alliance deputation showed, as of February, 2009, that a substantial majority of new human rights applicants, at least 60%, have no lawyer at the HRTO. Moreover, speciality human rights clinics, such as the African Canadian Legal Clinic, have seen a number of unrepresented litigants before the HRTO request summary legal advice, brief services and representation since the introduction of the Bill.

Meanwhile, the OHRC laid off all its investigators, and – despite its new more focussed mandate – has not launched any new Commission-initiated systemic discrimination cases at the Tribunal under the new system.

To placate the concerns of members of the racialized communities and people with disabilities, the Government put into Bill 107, a provision to establish an Anti-Racism Secretariat and A Disability Rights Secretariat under the OHRC. As of this date, these two Secretariats have yet to be established.

The AODA Alliance recently released the responses it received from all four parties (including the Green Party) about the election platform respecting Ontarians with disabilities. On the issue of human rights, the Liberals' only comment is as follows:

"We appreciate the issues you raised with regard to Ontario's human rights system. We recently appointed Andrew Pinto to conduct a review of the implementation and effectiveness of changes to the Human Rights Code, which came into effect in 2008, and I look forward to your contribution to this process."

While Mr. Pinto is undoubtedly a well respected human rights lawyer, some community groups have called into question the Liberals' decision to appoint an active and vocal supporter of Bill 107 when it was being debated to conduct an "independent" review of the human rights system as mandated by that very same Bill.

The NDP replied to AODA Alliance that that it "had very serious concerns with the Liberal government's overhaul of the Human Rights System in Ontario", and "will continue to work to improve access to legal services and other human rights protections for persons with disabilities."

The Green Party is committed to "support the Ontario Human Rights Code, and agrees that it should be open, transparent and accountable." The PC had made no specific commitments to the AODA Alliance on these issues.

For more information about the political parties' election platforms on the human rights protection system and related issues, visit: <http://www.aodaalliance.org/strong-effective-aoda/090220115.asp>

In the name of protecting "free speech", the entire human rights system has been under attack over the last several years from certain groups who allege – without any proof – that the system is overrun with unmeritorious claims filed by people from racialized communities and religious minority groups. It is perhaps in this context that while running as a candidate for PC Leader, Tim Hudak had once announced that he would scrap the OHRC in favour of a "court-based system" whereby complainants would go to "specially trained judges". Hudak claimed that the "dysfunctional human rights bureaucracy" has "advanced nuisance claims" and "costing individuals and businesses thousands of dollars in unnecessary costs and clogging the system." Since then, Hudak

has withdrawn from his promise to ‘scrap’ the system but instead stated that he would try to “fix” it.

VIII. INCOME SECURITY & ANTI-POVERTY MEASURES

Racialized community members – including those who are immigrants – are at greater risk of living in poverty than non-racialized Canadians, and they are more likely to live in deep poverty.

In Toronto, for instance, racialized communities are two to six times more likely to live in poverty than non-racialized groups or communities. And while the poverty rate among non-racialized communities fell 28% between 1981 and 2000, the United Way Poverty by Postal Code Report showed that the poverty rate among racialized communities rose by 361% during the same time period. A 2010 report by La Passerelle – IDÉ, using Statistics Canada data, they show that racialized Francophones also have a higher rate of being low income. For example, 32.2% of female racialized Francophones between the age of 15-24 were considered low income in 2006, compared to 17.6% for female non-racialized Francophones; while the figures for men were 33.1% and 13.9% respectively.

The Liberal government is to be commended for introducing a Poverty Reduction Strategy and legislating a commitment to reduce child poverty by 25% in 5 years through its Poverty Reduction Act, 2009 – an all-party supported piece of legislation. As part of its poverty reduction plan, the Liberals raised the Ontario child benefit to \$1,100 and they promise to increase this further to \$1,310 if re-elected. They have also increased Ontario Works and the Ontario Disability Support Program and introduced social assistance rule changes that reduce barriers and increase opportunities.

The NDP has criticized the Liberal’s poverty strategy for focusing specifically on children, and does not recognize the structural and systemic factors that also affect adults and unattached individuals, including those from racialized and immigrant communities. Furthermore, they called for the government’s goal to be the elimination of poverty, not just poverty reduction, and for the enforcement of human rights laws as it pertains to risks of poverty – all provisions rejected by the Liberals. The NDP proposed to expand income support under Ontario Works to any adult caring for a child (regardless of legal obligation) on a temporary or indefinite basis. This would provide support for families that rely on extended family networks such as those that are commonly found in recent immigrant families. Meanwhile, the PC supported the goal of poverty reduction in the abstract, but opposed increases to the minimum wage and raising rates on OW, ODSP and the Ontario Child Tax Benefit.

On the other hand, the Liberals adopted the HST with little consultation and which effectively increased consumption tax on essential goods and services such as electricity, gas and heating. This will hurt low-income and impoverished households the most as they struggle to afford the basics. Both the NDP and PC promise to remove the HST from

electricity, gas and heating. The NDP proposes to freeze transit fares while the PC's propose a tax credit for expenses incurred in using public transit. The PC's promise tax credits for those who care for elderly or critically ill family members may benefit racialized families which are multi-generational. However, just as concerns have been raised about using tax credits to support individual families to pay for child care, as opposed to investing in a comprehensive affordable childcare system, tax credits for individuals to look after adult family members merely shift the responsibility from the public to the individual private sphere and would ultimately lead to increased stress for individual families.

The PC party has also suggested in the last parliamentary session to raise the asset limits that apply in determining whether a person is eligible for income support so that the person can have \$12,000 individually or \$20,000 if there is a spouse included in the benefit unit. In addition, they proposed that child support payments that a person receives should not be included in income for the purpose of determining the amount of income support for which the person is eligible. While these proposals would be a positive change, the PC's also vow to ban new Canadians from applying for social assistance during their first year of living in Ontario. While many new Canadians – 80%+ of whom are people of colour – would rather be employed than be dependent on social assistance for support, for those who have no choice but to do so, the ban is not only discriminatory but would result in serious hardship.

In the current election campaign, all three parties have failed to make poverty eradication a priority, despite a struggling economy, growing income disparities and larger numbers of people falling into poverty, particularly and disproportionately racialized communities. Nevertheless, the Liberals promise to stay the course towards the goal of poverty reduction. The NDP propose an anti-poverty plan in their campaign in which they promise to reduce the clawback of social assistance benefits from people with disabilities when they are moving back into a job and to ensure Ontario Works rates keep pace with inflation, phase in a housing benefit, and increase assistance rates. In addition, they promise to follow through on the recommendations of the Commission for the Review of Social Assistance in Ontario, something the Liberals themselves – though they set up the Commission – have not explicitly committed to.

Though the Poverty Reduction Act, 2009 itself specifically provides for an ethno-racially and other appropriately disaggregated tracking and analysis of the impacts and outcomes of the strategy for various historically disadvantaged population groups – neither the NDP nor the Liberals have explained in their platform how their measures would address the specific issue of racialized poverty, and have not included ways to ensure measuring the effectiveness of the poverty reduction strategy on the disaggregated basis called for – by race, gender, disability, etc. The PC's have not mentioned poverty as a policy issue in their platform.

IX. JUSTICE & POLICING

The “justice system” in Ontario in fact encompasses a broad range of elements and components, from the administration of the court systems to day-to-day street level law enforcement. Two issues that are of particular importance to members of racialized communities are access to legal aid and racial profiling by police.

A. Access to Legal Aid

As racialized communities are over-represented among the low income population, access to justice – including access to legal aid is an important concern to them.

In response to a boycott launched by the criminal bar, Ontario's Attorney General (AG) gave the legal aid system a \$150 million boost in September, 2009, a "significant" portion of which was devoted to family court reform. The money was to flow over four years, starting with \$15 million in 2009, \$30 million in 2010, \$45 million in 2011 and \$60 million in 2012. But while the government said it would spend an extra \$150 million on legal aid over four years, it actually amounted to only a \$60 million increase in Legal Aid Ontario's annual budget.

The new funding includes \$1 million for interpretation/translation services for clients who have linguistic barriers in accessing the legal aid system including community legal clinics; this money now forms part of LAO's ongoing budget. The AG also adopted the recommendations of the poverty law advisory committee to fund targeted programs for legal clinics to outreach to racialized communities. But this “innovation fund” is a time limited project.

None of the main political parties has made any promise to enhance the legal aid system in order to ensure low income Ontarians – including but not limited to racialized communities members – have equal access to legal services. Though the increase to legal aid funding was a welcome step, it has fallen well short of correcting the chronic under-funding of the legal aid system itself.

As well, COP-COC has been advocating for a provincially resourced Court Challenges Program to allow racialized communities and other equality seeking communities to access funds to challenge discriminatory government policies and laws. Ontario missed an opportunity to set up such a program as part of an injection of new funding into the justice system.

B. Racial Profiling

As confirmed by numerous reports including the Racial Profiling Inquiry by the Ontario Human Rights Commission entitled *Paying the Price: The Human Cost of Racial Profiling*, (the “OHRC Report”) – racial profiling exists in Ontario. Racialized group members are subject to differential treatment in different contexts: criminal justice

system, law enforcement, customs and border control, and the education system, just to name a few. The Ontario Court of Appeal has recognized the existence of racial profiling by the police while the Supreme Court of Canada has held that marginalized individuals, such as African Canadians, are “at particular risk from unjustified ‘low visibility’ police interventions in their lives”.

Reports such as the OHRC Report have also found that racialized community members are often reluctant to file complaints due to a lack of faith in the legal system and a sense of uselessness of registering complaints. Further, these reports confirm that those who do file complaints often feel that their complaints have not been taken seriously by the authorities.

As strongly echoed in other relevant reports such as the current Liberal government commissioned “The Roots of Youth Violence” - the OHRC Report highlights, “social cost of racial profiling is the significant mistrust that develops...of key public institutions [P]ublic faith in institutions and systems... is a cornerstone to democracy, order and a harmonious society. All of these institutions require citizens to work positively and cooperatively with them to maximize their success in fulfilling their mandate. For example, a strong justice system requires citizens to have confidence in the fairness of the process; community policing relies on individuals trusting the police and being willing to work with them; and, teachers can only function effectively when they have the respect of their students.”

In 1992, the NDP government established the Commission on Systemic Racism in the Ontario Criminal Justice System. The Commission studied all facets of criminal justice and in December 1995 issued a 450 page report with recommendations. To date, this is the most comprehensive report on the issue of systemic racism in Ontario’s criminal justice system. The review confirmed the perception of racialized groups that they are not treated equally by criminal justice institutions and concluded that systemic racial bias operated at all levels of the criminal justice system including prison admissions, imprisonment before trial, charge management, within court proceedings, imprisonment after conviction and community policing. However, since the release of the findings in 1995, there has been a *de facto* ban on the collection and release of justice and policing statistics by race.

In June 2004 the Ontario Government appointed the Hon. Patrick Lesage to review the system dealing with public complaints regarding the police. Mr. Lesage’s mandate was to advise on the development of a model for resolving public complaints about the police, to ensure that the system is fair, effective and transparent. A key recommendation of the Lesage Report, released in 2005, was that “an independent civilian body should be created to administer the public complaints system in Ontario. The body should not be related to OCCOPS. A civilian who has not been a police officer should lead this new organization. Civilian administrators should be responsible for the administration of the complaints system for each region of the Province.”

It took the province several years to act on the Lesage Report. On October 19, 2009, the Office of the Independent Police Review Director (OIPRD), an arms length agency which receives and investigates certain complaints against police, opened its door.

While the new complaint structure under the OIPRD is clearly an improvement over the former structure whereby the police services were empowered to investigate all complaints against themselves, the new system still has a number of limitations which hamper its ability to function as a fully independent civilian oversight of the police. The key drawback is that not all the complaints are being investigated by the OIPRD and only those that are “screened in” by the Director will be so investigated. Information about the percentage and the number of cases that are being investigated by OIPRD as opposed to being referred back to the police services is currently not available.

The G20 Summit in 2010 and its aftermath demonstrate that the police oversight system in Ontario still has much to be desired.

Thus far, in this election, the only party that has referenced the criminal justice system in its election platform is the PC party, which campaigns on a “get tough on crime” approach. While promising to “make the justice system more accountable and accessible”, the PC’s proposed policy solution is to “bring criminals to justice more quickly and effectively by removing bureaucracy and making prosecution more effective,” get those convicted working in contemporary “chain gangs”, and “expand the powers in the Trespass to Property Act”. The latter policy is particularly disconcerting to members of racialized communities who often face the baseless threat of being noted as trespassers by private property owners and security guards acting on racial stereotypes about certain communities.

In short, the issue of racial profiling within the criminal justice system remains – yet again – a non-issue in this election.

X. CONCLUSION

None of the parties have demonstrated a deep understanding of the issues facing racialized communities (First Peoples and peoples of colour) in Ontario – nor have they provided any effective solutions for addressing such challenges. Some of the indirect strategies that are being proposed have some potential and some have been tried already. Yet none of them addresses the real sources of systemic problems that frame the lives of racialized and immigrant groups in this province. Racialized communities have not been served well by the three main political parties and their interests are not in any way meaningfully or properly reflected in their respective platforms in the current election.

What we need is more in-depth and critical thinking about the real impact of the structural and systemic problems in order to develop policies that will remedy the underlying exclusions, discriminations and “drivers” of the disadvantage as faced by racialized communities. Band aid solutions simply will not do.

The election is only weeks away. We urge all political parties to review this Report Card in detail with a view to amending their policy platforms to better address the longstanding racial inequities and growing “colour-coded” disparities in Ontario.

We also believe that media – organizations committed to social justice – and indeed all Ontarians have a necessary role to play in drawing our political leaders’ attention to the very urgent needs of our racialized neighbours and community members as well as other historically disadvantaged communities. **Our collective future depends on it.**

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Anti-racist Multicultural Educator’s Network of Ontario
Association of Ontario Health Centres
Campaign 2000
Canadian Alliance of Community Health Centre Associations
Canadian Centre for Policy Alternatives
Health Equity Council
Housing Network of Ontario
La Passerelle– Intégration et Développement Économique
Mennonite New Life Centre of Toronto
Metro Toronto Chinese & South East Asian Legal Clinic
Ontario Council of Agencies Serving Immigrants
Ontario Federation of Labour – Workers of Colour Committee
People for Education
Registered Nurses Association of Ontario
Right to Health Care Coalition
Social Planning Toronto
South Asian Women’s Rights Organization
Toronto District School Board
Wellesley Institute
Workers Action Centre
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COP-COC did receive further comments from other organizations and individuals after the Report had been finalized but we are not able to incorporate their further thoughts and suggestions by the report deadline. We wish to acknowledge their interest and support.

Colour of Poverty – Colour of Change

Members of the **Colour of Poverty Campaign – Colour of Change Network** commit to bringing a **Racial Equity-Human Dignity-Social Justice** approach and analysis to all of their policies, programmes, practices, actions as well as learning and other activities. With such a shared commitment to **Racial Equity-Human Dignity-Social Justice** – we work to hold each other accountable with respect to our policies, programmes, practices, actions and activities – as well as with respect to the public and other positions we take – that either have or could have a negative racial equity-racial justice impact or consequence.

With such a shared undertaking and commitment – we strive to work with and assist members of all of Ontario’s diverse racialized communities – to build shared awareness and understanding of both common circumstances and realities – as well as of the issues, disparities and inequities that have direct and indirect impact on each of their individual and collective life chances, life opportunities and life outcomes.

We work together to facilitate race-conscious remedies for long-standing institutional, structural and systemic disparities and inequities. We understand that to collaborate and coordinate effectively and to work and act consistently and coherently together – we will better achieve the positive racial equity-racial justice impacts and outcomes that we need – thus serving to eliminate as well as prevent barriers to access, and to reduce racial disparities and colour-coded inequality.

Shared Framework for Racial Equity – Human Dignity – Social Justice

1. Reduce racial disparities-inequities by focusing on racial equity-human dignity-social justice outcomes
2. Work to expand fair access to institutions and opportunities (ie. educational, regulatory, vocational, training, etc) and public benefits (ie. social housing, health and healthcare, seniors benefits, welfare, etc) for members of racialized communities
3. Advance enfranchisement for members of racialized communities (ie. municipal franchise for all residents)
4. Promote economic equity and justice (ie. work to uphold and expand employment equity, work to extend the coverage and strengthen the enforcement of employment standards and workplace safety regimes, work to ensure the equitable and timely access to opportunities to practice ones profession or trade, etc)
5. Seek investments in opportunity and advancement (ie. expanded equitable access to public services, strengthened work-force opportunities, community development, etc) for members of racialized communities
6. Protect against discrimination, racial violence and racial profiling - work to ensure the enforcement of policies to end discrimination based on race, ethnicity, faith, nationality, immigration status and other related grounds
7. Recognize and work to deliver Aboriginal and Treaty rights as well as sovereignty and self-determination
8. Recognize and meaningfully engage the contributions of all ethno-racial and cultural communities - design initiatives that build upon diverse languages, values & cultural histories & that end racial and cultural inequities
9. Work to ensure that racial equity-human dignity-social justice efforts are adequately funded and resourced
10. Work to ensure that stated racial equity-human dignity-social justice goals and objectives are measurable and enforceable with mechanisms in place to well monitor related outcomes (ie. disaggregated data collection, strengthened community-based legal clinics, enhanced human rights protection, legal challenge funding, etc)