**Submission to the UN Committee on**
**Civil and Political Rights on the Rights to Life**

**List of Issues for Canada**

**Submitted by**

**Chinese & Southeast Asian Legal Clinic, Colour of Poverty Colour of Change, Ontario Council of Agencies Serving Immigrants, South Asian Legal Clinic of Ontario, Council of Agencies Serving South Asians and Access Alliance on Race Relations**

**Article 2**

**The Live-In Caregiver Program**

* The overwhelming majority of workers who enter Canada through the Live-in Caregiver Program (LCP) are racialized migrant women. The vast power imbalance inherent in the employment relationship increases caregivers’ risk of workplace abuse, including physical, emotional and sexual violence.
* Although employers can no longer require caregivers to live in their homes and workers can apply to change employer, a caregiver’s immigration status is still tied to one employer. This rule puts caregivers at risk of harassment and violence, as caregivers would hesitate to report incidents of abuse due to fear of losing their status and deportation.
* Under the LCP, caregivers may apply for permanent residency after working full-time for two years. However, the annual cap on applications puts caregivers in a precarious situation as it lengthens the time they have to wait for permanent residence status despite fulfilling the program’s requirements. Delays in application also increase the period of separation between caregivers and their family members living in their home country. Annual caps also encourage caregivers to remain in violent employment situations due to fear that they will lose the opportunity to apply for permanent residency through the LCP in the future.
* The LCP discriminates against racialized migrant women, who make up the majority of caregivers under the program. Its rules contravene their right to safe workplaces and their freedom of movement.

Questions for Canada:

* + Would Canada grant permanent residence status to live-in caregivers upon arrival in Canada; and
	+ Would Canada allow caregivers to work for any employer and not tie their status to one employer?

**Support for Community Organizations, Programs, Policies, and Infrastructure that Advance Racial Equity: International Credentials Recognition**

* Immigrants continue to encounter systemic barriers to international credentials recognition, including institutional barriers, burdensome and discriminatory requirements, and financial barriers. These, in turn, prevent immigrants from fully contributing to the Canadian labour market.
* Specific challenges include: employers’ failure to recognize international credentials and experience and discriminatory practices in hiring, retention, and promotion. Barriers exist in both regulated and non-regulated occupations.
* There is little government investment in initiatives that promote employment consistent with experience and credentials for internationally-trained immigrants and refugees. Likewise, there is no investment in initiatives that seek to address systemic discrimination in the labour market.

Question for Canada:

* What measures would the Federal Government, as well as the provinces and territories, adopt to remove barriers to employment for immigrants and refugees?

**Family Environment and Alternative Care: Appropriate Assistance to Parents: Canada Child Benefit**

* The Canada Child Benefit (CCB) is a tax-free monthly payment made to eligible families to help with the cost of raising children; it is administered through the income tax system. Many families rely on the CCB to cover basic needs for children, such as food, diapers, clothing, and other necessities.
* The CCB is available to those who are resident in Canada for tax purposes and have filed an income tax return. However, the *Income Tax Act* limits eligibility for the CCB to citizens, permanent residents, protected persons (e.g. refugees), temporary residents who have lived in Canada for at least 18 months, and “Indians” registered under the *Indian Act*. Many children in Canada are unfairly and arbitrarily excluded solely on the basis of their parents’ immigration status.
* The children of non-permanent residents are among those most in need of financial support. In Canada, non-permanent residents have a poverty rate of 42.9%, compared with 14.2% for the general population.
* As a result of the many barriers that female and racialized newcomers face, they are disproportionally impacted by gender-based violence. These include language barriers, lack of knowledge of the justice system, lack of employment, discrimination and racism, and social isolation. Women with precarious immigration status are often forced to choose between remaining in an abusive relationship (often with their children), deportation, and living without access to social services or the ability to work.

Question for Canada:

* Would Canada eliminate immigration status as a requirement for accessing the CCB?

**Rights of Temporary Migrant Workers**

* The number of temporary migrant workers in Canada has more than quadrupled since 2000; as of 2017, there were 550,000 temporary status workers in the country.
* While migrant workers contribute to social entitlement programs like Employment Insurance, the Canada Pension Plan, Old Age Security, health care, and child benefits, their temporary status largely precludes them from accessing many of these programs.
* The Government recently created a new program to provide a pathway to permanent resident status for certain categories of temporary migrant workers and international students. The program’s restrictive eligibility requirements prevent many from qualifying. In addition, the program is capped at 90,000 applications. The Migrants Rights Network has [critiqued](https://www.cbc.ca/news/politics/migrant-rights-temporary-immigration-pathway-1.6013141) the temporary programs as “unfair and exclusionary,” noting that a huge number of workers, students, and recent graduates with temporary or no documented status, as well as refugees, are excluded from these programs. Many are also ineligible because of medical issues, prior criminal convictions, or the lack of valid language tests.

Question for Canada:

Would Canada:

* Relax the requirements of the new pathway to allow more temporary migrant workers access to permanent residency; and
* Expand the program to all people with precarious status living in Canada – regardless of occupation and education?

**Restrictive Asylum Laws and Policies**

* Canada’s Designated Countries of Origin (DCO) scheme, implemented in 2012, creates a two-tiered refugee determination system that discriminates between refugee claimants on the basis of their country of origin. Refugee claimants from DCO countries are rushed through a fast-track process that deprives them of procedural protection and denies them fundamental justice.
* Canada continues to apply the Safe Third Country Agreement (STCA) with the United States (US) to prevent refugees who arrived through the US from claiming asylum in Canada.

Question for Canada:

Would Canada:

* Withdraw from the STCA; and
* Abolish the Designated Countries of Origin scheme?

**Article 3**

**Gendered and Racialized Disparities in Income, Employment and Poverty**

* While women represented nearly half of all university-educated recent immigrants, their participation in the labour force was significantly lower.
* Such disparity persisted for second-generation Canadians: accounting for education and age, visible minority women made 56.5 cents for every dollar white men earned, while minority men in the same cohort earned 75.6 cents in 2011. The 2016 Census confirms that this troubling trend continues in recent years.
* The Canadian Government introduced the *Employment Equity Act* (*EEA*) in 1986 to level the playing field for under-represented groups. Since the EEA does not apply to provincially regulated businesses, the vast majority of workplaces in Canada are not subject to its provisions.

Question for Canada:

* Would the Federal Government attach employment equity measures to all jobs created with its funding and investment, including those provided to the provinces and territories?

**Article 7**

**Jordan’s Principle**

* Since its adoption by the Federal Government in 2007, Jordan’s Principle has still not become a reality in Canada. The policy requires that children get access to services without delays caused by jurisdictional issues. The Federal Government instead continues to devote resources to defend harmful policies, and its longstanding refusal to acknowledge and act on its obligations to Indigenous peoples. The Government of Canada is currently seeking judicial review before the Federal Court of two Canadian Human Rights Tribunal rulings that broadened criteria for Jordan’s Principle to cover non-status First Nations children living off-reserve.
* In 2007, the First Nations Child and Family Caring Society and Assembly of First Nations filed a human rights complaint against Canada for its chronic failure to fund First Nations child welfare on reserves at the same level as services elsewhere, and its failure to implement Jordan’s Principle. Canada’s discriminatory policies deprived Indigenous children of needed supports and led to unnecessary deaths and family separations. After numerous non-compliance orders and further compensation hearings, in September 2019 the Tribunal ordered the maximum damages to children and family members harmed by the under-funded child welfare system. The Tribunal found Canada’s discrimination to be wilful and reckless.

Question for Canada:

* What steps would Canada take to fully and inclusively implement Jordan’s Principle?

**Article 9**

**Security Certificates**

* + Security certificates are used by the Canadian Government to detain and deport non-citizens deemed inadmissible to Canada on security and safety grounds. They are often issued on the strength of secret evidence, and may result in indefinite detention, stringent house arrest conditions, or the threat of deportation to torture.

Question for Canada:

Would Canada:

* collect and publish ethno-racially disaggregated data regarding counter-terrorism practices, including on visitations by security officials, composition of the no-fly list, and security clearance denials;
* abolish the security certificate regime and cease deportation proceedings under it;
* repeal the *Anti-Terrorism Act, 2015*, and adhere to its obligations under the *United Nations Convention Against Torture* to compensate victims who were tortured following deportation from Canada, and to prosecute complicity in torture; and
* revoke the torture memos, and implement the Iacobucci and O’Connor Inquiry recommendations?

**Racial Discrimination in National Security**

* National security agencies have so far ignored the Canadian Human Rights Commission’s call to collect and analyze race-disaggregated data on their operations, so that the impact of security practices and policies on Indigenous communities and communities of colour can be assessed. “Analysis of a decade of research clearly shows that there are no means to assess the human rights performance of Canada’s national security organizations. Not only is there no accountability framework in place, national security organizations are not required to collect and report data on human rights performance in practice,” the Commission points out
* Government reports on national security by Public Safety Canada and the Canadian Security Intelligence Service (CSIS) focus almost exclusively on Muslim individuals and organizations as the source of terrorism – ignoring the more than 100 extreme right-wing and White supremacist groups active across Canada
* Young Muslims have reported being targeted for monitoring by CSIS or police intelligence because of participation in activism for causes like Palestinian rights. Instances of university students, among others, being aggressively recruited by security agencies to become informants on “radicalized” peers have been reported.
* Indigenous activists have also been targeted as national security threats by security agencies. The RCMP’s Project Sitka, for instance, monitored 89 Indigenous activists deemed threats for participation in protests.

Question for Canada:

Would Canada:

* + study and publish analyses on the phenomenon of White supremacist and right-wing political violence;
	+ collect and publish ethno-racially disaggregated data regarding counter-terrorism practices, including on visitations by security officials, composition of the no-fly list, and security clearance denials; and
	+ abolish the security certificate regime, and cease deportation proceedings under it

**Immigration Detention**

* According to data provided by the Canadian Border Services Agency (CBSA), 8,781 people were held in immigration detention in 2018/2019, including 114 minors. This is a slight increase from 2016/2017, when 8,355 people, including 144 minors, were detained. Over 94% were detained on grounds other than allegedly posing a security threat.
* The CBSA does not publish detention statistics disaggregated on the basis of race, ethnicity, or country of origin. However, anecdotal evidence suggests that long-term detainees are disproportionately racialized. Three factors contribute to this conclusion: first, racialized undocumented migrants are more likely to be detained rather than given notices to appear for a hearing; second, they experience greater difficulty in obtaining identity documents from their countries of origin; and third, the paucity of legal aid for detention reviews.
* Canada does not impose a maximum time limit on immigration detention. For example, in April 2017, the Ontario Superior Court ordered the release of a West African immigration detainee held in maximum security jails for seven years (including 103 consecutive days spent in solitary confinement). Canada is an outlier in this practice as the majority of countries in Europe and North America set time limits for immigration detention.
* The government states that immigration detainees “are protected from arbitrary detention, and have access to effective remedies.” However, data analyzed by the End Immigration Detention Network in 2014 revealed significant variance in the release rates between individual immigration board members, from 5% to 33%; and between regions, from 9% in Central Canada to 27% in Western Canada. These findings call into question the non-arbitrariness and fairness of decisions on detention.
* Nearly one-third of immigration detainees are held in provincial correctional centres rather than dedicated immigration holding centres. The University of Toronto’s International Human Rights Program (IHRP) reported that in these provincial facilities, detainees fall into a “legal black hole” between federal and provincial jurisdiction. In 2016, the IHRP noted that at least 13 people have died in immigration detention since 2000.
* The IHRP’s study of immigration detention of children concludes that the best interests of Canadian children detained with their parents are not sufficiently or consistently accounted for: “de facto detained children do not have their own detention review hearings, and until recently, adjudicators explicitly declined to consider the best interests of Canadian children in the detention reviews of their parents.”

Question for Canada:

Would Canada:

* impose a time limit on immigration detention;
* make detention a last resort, and develop robust and meaningful community-based alternatives to detention;
* cease holding immigration detainees in provincial correctional facilities;
* ensure that the best interests of all children in detention are a primary consideration in detention-related decisions; and
* collect and publish data disaggregated by ethno-racial background and country of origin with respect to all aspects of detention (including data regarding reasons for detention and length of detention)?

**Article 14**

**Racial Discrimination in Policing and Criminal Justice**

* + Indigenous communities and communities of colour have reported experiencing racial profiling and discrimination in police street checks, traffic stops, investigations, searches, DNA sampling, arrest decisions, and use of force.
	+ Data on traffic stops collected by the Ottawa Police Services from 2017 to 2018 found that Black drivers were stopped 2.3 times more often than expected given their representation in the driving population; young Black men were stopped 6.7 times more; Middle Eastern drivers were stopped 3.3 times more; and young Middle Eastern men were stopped 8.7 times more.
	+ Indigenous People and people of colour have also reported being subjected to excessive use of police force, unnecessary strip and cavity searches, and reprisals for complaining or asserting their rights vis-à-vis the police. An Indigenous person in Canada is more than 10 times more likely to have been shot and killed by a police officer in Canada since 2017 than a white person in Canada. Ontario’s Human Rights Commission reports that between 2013 to 2017, “a Black person in Toronto was nearly 20 times more likely than a White person to be involved in a fatal shooting by the Toronto Police Service”. Moreover, “data obtained by the Ontario Human Rights Commission (OHRC) from the Special Investigations Unit (SIU) shows that Black people were over-represented in use of force cases (28.8%), shootings (36%), deadly encounters (61.5%) and fatal shootings (70%)”. In addition, a report by the Council of Canadian Academics (2017) highlights that an Indigenous person is ten times more likely to be shot and killed by the police officer a white person.
	+ Police profiling on the basis of race intersects with profiling on the basis of immigration status. A 2015 study documented how immigration status checks performed by Toronto police are a form of racial profiling, making undocumented residents of colour vulnerable to the prospect of indefinite immigration detention and deportation (see section on Immigration Detention above).
	+ In December 2013, Justicia for Migrant Workers filed a complaint with the Ontario Independent Police Review Director (OIPRD), alleging that the Ontario Provincial Police collected DNA samples from approximately 100 male “Indo and Afro-Caribbean” migrant workers as part of a sexual assault investigation – even though the migrant workers did not match the description of the suspect, apart from their skin colour. In a disappointing decision, the OIPRD Director found that racial profiling was not a factor in the OPP’s decision to conduct the DNA sweep
	+ In his 2017 evaluation of police oversight in Ontario, Justice Michael Tulloch recommended, inter alia, that: all police oversight bodies should collect ethno-racially disaggregated data; no more than half of SIU investigators should be former police officers; anti-bias measures should be incorporated into the training for investigators; “serious injuries” should be given a standard definition; all incidents involving discharge of a firearm by a police officer at a person should be investigated; and in the interest of transparency and accountability that public reports should be provided for all SIU investigations
	+ Justice Tulloch’s welcome recommendations are non-binding; so while the Ontario government has indicated that it is committed to implementing them, there is no accountability mechanism ensuring that it does. Furthermore, commentators have critiqued the Tulloch report for recommending that the names of investigated police officers should not be released unless they are charged – inhibiting the identification of ethno-racial and other biased patterns of violent behaviour by particular police officers.

Question for Canada

Would Ontario:

* + abolish all arbitrary street checks, require the issuing of receipts – that allow for ethno-racial and other relevant self-identification – for all police contact and engagement with members of civil society, and purge historical databases of information collected through carding;
	+ implement the Tulloch recommendations to strengthen police oversight, while addressing the limitations of the Tulloch recommendations;
	+ ban immigration status checks by police; collect data on ethno-racial discrimination in the criminal justice system, from bail hearings to sentencing to custody ratings;
	+ provide greater financial and legal support be provided for bail;
	+ strengthen procedures for dealing with public complaints about police, especially those involving allegations of discrimination;

Would Canada and provinces:

* + 6) give federal and provincial inmates access to a more robust complaints mechanism for in-corrections abuses, including access to courts and protection from reprisals; and
	+ adhere to international law limitations on the use of solitary confinement, and implement all of the Sapers recommendations with respect to solitary confinement.

**Youth Criminal Justice**

**Administration of Juvenile Justice**

* While Canada acknowledges “the importance of addressing the overrepresentation of Indigenous, Black Canadian and visible minority children in the youth criminal justice system,” the various implemented measures still fail to address these inequities. In a survey of nine jurisdictions between 2017 and 2018, Indigenous youth between the ages of 12-17 made up 43% of admissions into correctional services despite constituting only 8% of the Canadian youth population. As of 2013, data for Ontario showed that proportionally, there are four times more African Canadian boys in youth correctional facilities than what they represent in the general young male population.
* Bias continues to permeate and interfere with the goals of the *Youth Criminal Justice Act*. A study in the Greater Toronto Area, for example, found that in general, Black youth are more likely to be charged and less likely to be cautioned by police compared to white youth and youth from other racial backgrounds. This research found that police discretion plays a significant role in deciding who enters the criminal justice system. As a result, biases may influence whether an officer decides to lay criminal charges against children. Indeed, the research reveals discrepancies in decisions to charge or caution based on race and gender. In its 2016 review of Canada, the UN Working Group of Experts on People of African Descent concluded that “there is clear evidence that racial profiling is endemic in the strategies and practices used by law enforcement [in Canada].” The Ontario Human Rights Commission (OHRC) has made similar findings of racial profiling of Indigenous and racialized youth, including arbitrary police stops and disproportionate police responses.
* In the context of sentencing, criminal courts must formally take into account the impact and manifestations of racism, especially anti-Black racism, in an offender’s life, much in the same way as such considerations are to apply in the case of Indigenous offenders. In *R v Morris*, a recent Ontario decision, the sentencing judge not only recognized the unique history of Black people in this country and the legacy of slavery and colonialism in the offender’s life, but also held that the offender’s experiences with systemic anti-Black racism reduced his moral blameworthiness and therefore warranted a reduced sentence.

Question for Canada:

* Would Canada implement a national data collection system mandating all Federal, Provincial, Territorial, and Municipal governments to collect disaggregated data at each stage of the criminal justice system to develop targeted strategies for addressing systemic discrimination; and
	+ Ensure that sentencing principles formally take into account the impact of systemic racism on an offender’s life?

**Article 20**

**Hate Crimes**

* In 2019 (the most recent year for which full statistics are available), there were 876 crimes motivated by hatred against a particular racial group (primarily anti-Black racism: 158), and 608 motivated by hatred against a particular religious group (primarily Jewish: 140, and Muslim: 181). However, these statistics on hate crimes in Canada are incomplete: first, only a small proportion (approximately one-third) of hateful acts are reported; second, hate incidents not formally charged as hate crimes are not systematically recorded and tracked.
* During the COVID-19 pandemic, there has been a surge of anti-Asian hate and racism across Canada. Between March 2020 and Feb 2021, 1,150 incidents of anti-Asian racism have been reported to covidracism.ca, a community initiative that tracks such incidents through a self-reporting online portal. 60% of the victims are women. 11% of incidents involve physical assault. 10% of victims reported being spat at or coughed on. In addition to women, older persons, those under the age of 19, and people who speak Chinese as their first language are more likely to be the targets of these racist attacks.
* From August 4 to 24, 2020, over 35,000 people took part in a crowdsourcing initiative by Statistics Canada that included several questions on perceived experiences of discrimination. Chinese, Korean, Southeast Asian, and Black participants were more than twice as likely as White participants to report that they had experienced discrimination. These results are consistent with the results of a previous [crowdsourcing initiative](https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00046-eng.htm), which found that Chinese, Korean, and Southeast Asian participants perceived an increase in the frequency of race-based harassment or attacks since the beginning of the pandemic.

Question for Canada:

* Would Canada better protect racialized groups (Indigenous Peoples and peoples of colour) from hate incidents, through: 1) amendments to the *Criminal Code* to take hate motivation into account more effectively and consistently; 2) mandated standards for identifying and recording all hate incidents and their dispensation in the justice system; and 3) consistent minimum policing standards and ongoing police training requirements for dealing with and investigating reported hate crimes?

**Article 23**

**Family Class Immigrants**

* Family reunification is a core principle of Canada’s immigration law. Yet the percentage of family class immigrants has continued to decline over the last two decades from over 50% in the 1980s to under 25% today.
* Canadian permanent residents and citizens who wish to sponsor their parents and grandparents are subject to a Minimum Necessary Income (MNI) requirement which, before January 1, 2014, was the Low Income Cut Off (LICO) and has since been increased to LICO plus 30% (although during the COVID19 pandemic, it was reduced back to LICO).
* Even when the MNI was set at LICO, many low-income Canadians were denied the opportunity to reunite with their loved ones. Racialized community members, women, and people with disabilities are disproportionately affected by the income requirement because of their over-representation among the low income population in Canada. Those who are barred from sponsorship are unable to benefit from the emotional, financial, and physical support provided by their family members, which in turn negatively impacts their labour market participation and societal integration. The increase of MNI to LICO plus 30% has exacerbated the difficulties facing these groups.
* Since January 1, 2014, the Government has put a cap on the number of applications for parents and grandparents applications it will process every year. While the current Government doubled the cap from 5,000 to 10,000, the cap remains a significant barrier to family reunification as demand far outweighs the number of applications considered each year.

Question for Canada:

* Would Canada repeal the application cap and MNI for sponsorship of parents and grandparents;
* Evaluate the impacts of immigration policies (including regarding spousal sponsorship) on racialized communities, and adopt measures to mitigate ethno-racially-disparate effects?

**Violence against Indigenous Women and Women of Colour**

* + According to a 2014 report by the Royal Canadian Mounted Police, 1,017 Indigenous women or girls were murdered between 1980 and 2012, and a further 164 are missing. More recent figures from the Native Women’s Association of Canada (NWAC), however, suggest that the actual number of missing and murdered Indigenous women and girls (MMIWG) is underreported and could be higher than 4,000.
	+ In 2016, the Federal Government announced that it would hold a national inquiry on MMIWG. However, the inquiry has been criticized for its failure to include an explicit mandate to review policing policies and practices, the lack of a mechanism to review individual cases, inadequate consultation with and inclusion of families of MMIWG and front-line organizations; significant delays in the proceedings; and failure to provide sufficient mental health support for families re-traumatized by participation in the pre-inquiry process.
	+ The national inquiry delivered its final report on the June 3, 2019. The report concluded that “decades of systemic racism and human rights violations had contributed to the deaths and disappearances of hundreds of Indigenous women and girls and that it constituted a genocide”. The Government of Canada has been criticized for failing to implement a national action plan to enforce the report’s recommendations. This is especially important “as the final report asserts [that] the calls for justice are not mere recommendations or a quaint list of best practices -- they are legal imperatives rooted in Canada's obligations under international and domestic human rights norms and laws”.

Question for Canada:

* + Would Canada collaborate with provincial and territorial governments to implement a national action plan based on the recommendations in the final report and to ensure accountability and transparency in its implementation?

**Article 24**

**Asylum-Seeking and Refugee Children, Unaccompanied and Separated Children**

* Despite recommendations from a 2001 UNHRC study, at present, there is still no uniform mandate requiring immigration bodies to identify and track the number of unaccompanied and separated children arriving in Canada, or to refer them to necessary services and supports. As a result, the number of unaccompanied and separated children arriving and residing in Canada is unknown. These children may not be accessing critical supports, including at the early stages of their refugee claims.
* While all refugee claimants under 18 years old have a right to a designated representative, there is no uniform process to ensure that one is assigned as early as possible in the claim process.
* Settlement, child welfare, and housing agencies may be ill-equipped to fully address the complex needs of these children as their services are often tailored to adults or lack the refugee-specific expertise required for successful settlement.

Question for Canada:

Would Canada:

* Mandate all immigration bodies to identify and track all unaccompanied and separated children;
* implement a comprehensive national framework, in collaboration with provincial and territorial governments and NGOs, that guarantees the protection and well-being of unaccompanied and separated children at all stages of their settlement in Canada, including access to safe housing, education, healthcare, and oversight of designated representatives?

**Continued Detention of Children**

* Despite the 2017 Ministerial Directive, children continue to be detained or separated from their parents due to immigration detention. The directives are being implemented inconsistently, especially in considering the best interests of the child. In 2018-2019, the average length of children in detention was 18.6 days – the highest average in five years.
* When not legally detained, children accompanying detained parents are classified as “housed.” A housed child has fewer legal safeguards compared to a detained one; for example, unlike a detained child, a housed child does not formally appear before the Immigration and Refugee Board for periodic detention review. As a result, these children are not captured by detention review statistics, despite the reality that they regularly sit before the decision-maker at detention reviews. Additionally, CBSA statistics do not capture the common practice of separating families as a result of detention – sometimes without any means of contacting one another. One parent may be detained, and the other parent, along with their children, sent to a temporary shelter.

Question for Canada:

* Would Canada immediately end the practice of detaining children or housing children in detention?

**Unaccompanied and Separated Children**

* Currently, refugee children in Canada are not provided a pathway to reunite with family members outside of Canada. Due to the narrow definition of “family member” in the *Immigration and Refugee Protection Regulations*, minors cannot sponsor their parents or siblings under the family class sponsorship program. Even upon reaching the age of majority, many are unable to sponsor their parents or siblings due to onerous minimum necessary income requirements. Refugee children are therefore left with no option but to face indefinite separation from immediate family members.

Question for Canada:

* Would Canada broaden the definition of family member so that refugee children would be permitted to reunite with their parents and siblings?

**Article 26**

**Racialized and Gendered Poverty in Canada**

* Employment and Social Development Canada (ESDC) reported that racialized communities face higher levels of poverty. In addition, racialized persons living in poverty in Canada are more likely than their non-racialized counterparts to be highly educated but underemployed. A 2018 survey conducted by the Angus Reid Institute found that one in six Canadian adults struggle to afford basic necessities. Of those respondents, 12% were Indigenous peoples, 20% were visible minorities, and 60% were women.
* These pre-existing inequalities have only been exacerbated during the COVID-19 pandemic. Statistics Canada reports that “most visible minority groups [reported] a strong or moderate negative financial impact of COVID-19 than White participants [….] The differences between most visible minority groups and White participants in the financial impact of COVID-19 remained large after taking into consideration their differences in job loss, immigration status, pre-COVID employment status, and other demographic characteristics.”

Question for Canada:

* Would Canada take specific measures to address the growing poverty experienced by racialized women by requiring all provinces to introduce mandatory employment equity legislation to level the playing field for all women in the labour market?

**Income & Employment Disparities and Racialization of Poverty**

* Despite higher workforce participation, people of colour are more likely to be under-employed or living in poverty. With a few exceptions, most recent immigrants experienced higher unemployment rates than their Canadian-born counterparts, including those with post-secondary education. The immigrants’ birthplace – a proxy for ethnicity – has the strongest influence over their earnings in Canada.
* While immigrant women represented nearly half of university-educated recent immigrants, their participation in the labour force was significantly lower.
* Likewise, recent immigrants (arrived in 2011-2016) face an income gap of 37% compared to non-immigrants. Recent immigrant women face a 59% income gap compared to non-immigrant men. Racialized women earned 58 cents, and racialized men earned 76 cents for every dollar a white man earned in Ontario in 2015. The “colour-code” persists for second generation workers of colour. Moreover, in 2016, the income gap between racialized and non-racialized residents increased from 25% to 26% nationally.
* Similarly, Indigenous women with a university degree earn 24% less than Indigenous men with a university degree, and 33% less than non-Indigenous men with a university degree. A 2016 report by the Canadian Centre for Policy Alternatives and Oxfam concludes that “[d]iscriminatory hiring and wage setting practices are undermining the benefits of education for these groups.
* While the Federal government has implemented employment equity legislation for federally-regulated employers, changes in 2012 rendered compliance voluntary for federal contractors. There is no employment equity legislation for provincially-regulated employers in Ontario and almost all of the other provinces and territories (which collectively – through their respective areas of jurisdictional competence constitute the vast majority of the Canadian labour market).
* A report by The Conference Board of Canada notes that “overall, in Canada, the difference in full-year, full-time median wages and salaries between university-educated Canadian-born visible minorities and Caucasians in 2010 was 12.6 per cent: the median wages and salaries of university-educated Canadian-born Caucasians was $70,196 versus $61,381 for visible minorities.” Poverty has become racialized, with members of racialized communities being at least two to four times more likely to live in poverty.
* The National Poverty Strategy does not contain any measures to specifically address the racialization of poverty.
* Further, Statistics Canada’s July 2020 Labour Force Survey revealed that women workers identifying as South Asian (at 20.4%), Arab (at 20.3%), and Black (at 18.6%) all reported higher rates of unemployment than non-racialized workers (9.3%).

Question for Canada:

Would Canada

* Amend the National Anti-Poverty Strategy to include targeted measures to address poverty as experienced by specific disadvantaged communities, including but not limited to racialized communities;
	+ Amend the *Employment Equity Act* (*EEA*) to reinstate mandatory compliance by Federal Contractors with all requirements under the statute;
	+ Establish an Employment Equity Commission to effectively enforce and monitor the implementation of the *EEA*;
	+ Undertake concrete measures to improve representation of racialized group members in the Federal public service;
	+ Develop other concrete measures to address systemic racial discrimination in the labour market;
	+ Encourage all provincial and territorial governments to pass employment equity law; and
	+ Collect and track disaggregated data across all Ministries, Departments, and relevant institutions to identify racialized and other structural and systemic disadvantage?

**Labour Market Discrimination**

* Employer demand or expectation for demonstration of “Canadian work experience” produces discrimination against applicants with international credentials, leading to de-skilling of immigrants. However, even when the Canadian experience barrier is removed, discrimination persists (for example, employers may cite an applicant of colours’ allegedly inferior “soft skills”).
* Employers’ use of police record checks in the hiring process also entrenches the exclusion of over-policed Indigenous groups and communities of colour from the labour market. A 2018 John Howard Society of Ontario report found that over 60% of employers require police record checks for all employees. 56% indicated that despite a positive police record, they would still hire an individual depending on the type of offence. However, 15% indicated that they do not those with criminal records, regardless of the type and age of the offence.
* The same report highlights that “since racialized populations are over-represented in the criminal justice system, they are also disproportionally impacted by criminal records. It has been suggested that employers’ refusals to hire people with criminal records has a disproportionate impact on individuals with other rights-protected characteristics, such as race.”
* Racialized people and immigrants are over-represented in part-time and precarious employment, characterized by lower wages, absence of benefits, job insecurity, and unpredictability. Analysis of data from the Longitudinal Survey of Immigrants in Canada for example found that the average hourly wage of fulltime workers ($17.34) was much higher than the average hourly wage for part-time workers ($13.02).
* The July 2020 Labour Force Survey highlights that “from February to April, 5.5 million Canadian workers were affected by the COVID-19 economic shutdown. This included a drop in employment of 3.0 million and a COVID-related increase in absences from work of 2.5 million.

Questions for Canada

Would Canada:

* + centre the problem of the racialization of poverty in the national Poverty Reduction Strategy;
	+ reinstate mandatory compliance with employment equity for federal contractors and effectively enforce that regime.

Would the Province of Ontario:

* + introduce and effectively enforce employment equity legislation;
	+ collect and analyze data on the racialization of poverty through the Anti-Racism Directorate;
	+ centre the problem of the racialization of poverty in its provincial Poverty Reduction Strategy;
	+ remove barriers to recognition of international training by institutions, regulatory bodies and employers;
	+ amend the Human Rights Code to protect individuals from discrimination on the basis of police records of conviction or non-conviction, and facilitate pardons/record suspensions;
	+ ensure more effective enforcement of employment standards and labour relations;
	+ strengthen enforcement of employment standards laws through increased prosecutions, higher fines and penalties, public databases for employers with outstanding orders to pay, and automatic Director’s liability for owed employment standards entitlements;
	+ implement an Employee Wage Protection Fund to compensate victims of wage theft (which disproportionately affects Indigenous workers and workers of colour); and
	+ provide public reports on incidents of racism in the public service, and better protect public service employees from racial discrimination and aggression, and reprisals

**Racial Discrimination in Healthcare**

* In Ontario, migrants represent just over 25% of the population but 43.5% of COVID-19 cases – mostly are members of racialized communities. In Toronto, racialized newcomers are over-represented in hospital admissions for COVID-19. These gaps in Canada’s COVID-19 response highlight a need to consider and intervene in structural racism as a core part of the pandemic response and recovery process.
* Studies suggest that a number of factors negatively affect the health of Indigenous People and people of colour in Canada, including: the psychological stress of living in a racist environment; unequal economic opportunities; poor housing; lack of food security; inequitable access to education and other social resources; disproportionate exposure to environmental toxins; employment in dangerous and precarious work; mistrust of the health-care system; and under-utilization of screening programs.
* However, ethno-racially disaggregated health data are not presently collected and analyzed across Ontario, making racial disparities in health and well-being very difficult to identify and ameliorate. Furthermore, Ontario’s Anti-Racism Act, 2017, which enables the collection of ethno-racially disaggregated data among public sector organizations in Ontario, problematically yet explicitly exempts the health sector from its priority data collection provisions.
* In Ontario, Quebec, and British Columbia, a three-month waiting period for provincial health plans bars new immigrants, the vast majority of whom are racialized, from accessing healthcare, even if they have already acquired permanent resident status.
* Indigenous peoples experience the worst health outcomes of any population group in Canada. Indigenous women experience higher rates of hypertension, heart disease, diabetes, cervical and gallbladder cancer, HIV/AIDS, substance abuse, mental illness, and suicide. A recent report published in 2020 “demonstrates a profound level of concern voiced by Indigenous peoples about racism, prejudice and the absence of their cultural safety in [British Columbia’s] health care settings” (p. 61). In fact, “84% of Indigenous people who took part in investigation reported discrimination in the system”.
* Federal-provincial jurisdictional disputes deprive Indigenous children of funding for health services. While Jordan’s Principle is meant to ensure that the government of first contact pays for the service without delay, the Principle has been restrictively applied by governments in practice, excluding many Indigenous children with health needs from its ambit (see section on Canada’s failing Treaty-Based Nation-to-Nation Relationship with Indigenous Peoples above).
* Indigenous People and people of colour report being subjected to rude, disrespectful, harsh, or dismissive treatment by health care staff, due to racially discriminatory stereotypes. According to the OHRC’s 2017 report, Under Suspicion, health workers often do not treat Indigenous Peoples’ symptoms seriously because of assumptions that they are drunk or high. Similarly, Black patients’ symptoms of sickle cell anemia are frequently dismissed as pain related to drug habits.
* As stated in the Comments of the Wellesley Institute to this Committee, the discrimination that racialized persons experience has adverse health consequences. Immigrants and communities of colour, particularly women, are more likely to work as manual labourers and are more likely to report their working conditions as having a negative impact on their mental, physical or emotional health.

Question: Would Ontario:

* collect and analyze ethno-racially disaggregated data on health outcomes and experiences across the health care system;
* remove waiting periods for health coverage to enable all Ontarians equitable access to health care; and fully and expansively implement Jordan’s Principle.