

The Income Security Advocacy Centre

The Income Security Advocacy Centre (ISAC) is a specialty legal clinic funded by Legal Aid Ontario. ISAC's mandate is to advance the rights and interests of low-income Ontarians with respect to income security and employment. We carry out our mandate through test case litigation, policy advocacy, community organizing, and public education.

Founded in 2001, we are governed by a community Board of Directors representative of all regions of Ontario. Our Board includes legal clinic caseworkers and people who identify as low-income, with representation from Indigenous communities, racialized communities, people with disabilities, and individuals who rely on income support benefits.

Recommendations

Informed by ongoing consultation with our community partners on issues relevant to our mandate, we make the following eight recommendations for the Spring 2023 budget:

A. Invest in Income Security Programs

- **Recommendation #1:** Raise social assistance rates and broaden access
 - a) Increase Ontario Works and Ontario Disability Support Program dependent adults earnings exemptions to \$1000 per month.
 - b) Index Ontario Works rates and double both Ontario Works and Ontario Disability Support Program rates against 2018 rates.
 - c) Ensure access to social assistance to all people who live in Ontario, regardless of immigration status.
- **Recommendation #2:** Allow social assistance clients to keep more money in their pockets
 - a) Forgive all overpayments for social assistance clients who have accessed temporary federal pandemic-related benefits.
 - b) Implement three regulatory changes: a flat-rate structure, the option of annual reconciliation of income earnings, and align the definition of spouse under social assistance with the *Family Law Act*.
 - c) Eliminate the \$10,000 limit on voluntary gifts and payments and raise the limit on cash and other liquid assets to \$20,000 for Ontario Works clients. For Ontario Disability Support Program clients, eliminate the \$10,000 limit on voluntary gifts and payments and raise the asset limit to \$100,000.
- **Recommendation #3:** Ensure the success of the modernization of social assistance
 - a) Invest in robust trauma-informed and client-centred wraparound services including childcare, disability, housing, and literacy, mental health and addiction, settlement, translation, and transportation supports to provide life stabilization services and to

address barriers to employment for those who are ready and able to work. These supports must be culturally appropriate and responsive to the needs of Indigenous, racialized, 2SLGBTQI+, and newcomer communities, and the language rights of Francophone communities.

- b) Ensure the Employment Services Transformation is evidence-based and transparent, that there is sufficient mandatory work-related benefits and job training, and that jobs are long-term, stable, provide decent wages, necessary workplace accommodations, and meaningful work.
- c) Implement a new \$100 per month digital access benefit for essential cellphone and internet services, a \$200 digital access benefit every two years to pay for digital equipment and hardware, and digital literacy training that will assist with using new digital tools and platforms.

B. Invest in Access to Justice

- **Recommendation #4:** Immediately address the critical delays and backlog of cases at the Human Rights Tribunal by providing additional resources to the Tribunal, appointing qualified and competent adjudicators, creating a specialized team to deal with the backlog of cases, reconstituting a stakeholder advisory council, and engaging in transparent communication with the public about key goals and outcomes to address the delays. The Tribunal must immediately cease its practice of widespread dismissal of applications based on alleged jurisdictional grounds and ensure parties can make oral submissions before any decisions to dismiss a case are made.
- **Recommendation #5:** Increase Legal Aid Ontario funding by \$130 million to cover future potential shortfalls and develop a longer-term, and structurally stable funding plan. This will support low-income Ontarians in accessing justice throughout the province.

C. Invest in Justice for Workers:

- **Recommendation #6:** Legislate 10 Personal Emergency Leave days in the *Employment Standards Act, 2000* that can be used for employer-paid sick leave. Legislate an additional 14 days of employer-paid sick leave during declared public health outbreaks.
- **Recommendation #7:** Immediately increase the minimum wage to \$20 per hour and implement laws to ensure that workers who do similar work receive equal pay.
- **Recommendation #8:** To protect app-based gig workers and end misclassification of employees, enact a presumption of employee status and the ABC test within the *Employment Standards Act, 2000*. This will ensure workers have access to the full protections of the ESA.

A. Invest in Income Security Programs

1. Raise social assistance rates and broaden access

ISAC is encouraged by the 5% increase to and indexation of Ontario Disability Support Program (ODSP) rates, and the increased earnings exemption to \$1000 per month. However, this is inadequate with rampant inflation that has averaged 6.8% over the past 12 months¹ with food, housing prices, and disability costs increasing even more. Historically less than 10% of total case have earnings from employment so the change will not benefit over 90% of clients.^{2,3} Ontario Works (OW) clients have not received these slight improvements and they are being unjustly left behind. People with precarious immigrations status often have a more difficult time accessing these programs, a barrier that should be removed.

Working-age single people comprise 61% of the Ontario Works (OW) caseload and 79% of the Ontario Disability Support Program (ODSP) caseload.⁴ Women are also 64% of the OW caseload.⁵ Under Ontario's social assistance system, a single person receives only \$733 per month from OW and, if they qualify as a person living with a disability, \$1,228 per month from ODSP.⁶ Rates have not kept up with inflation since the 21.6% cut in 1995. Inflation has increased almost 15% since 2018 alone.⁷ This means that rates have decreased in real terms, which exacerbates the level of deep poverty in which social assistance clients live.

The Market Basket Measure (MBM) is Canada's Official Poverty Line and "identifies households whose disposable income is less than the cost of a basket of goods and services that represent a basic standard of living."⁸ With the current rates, OW clients experience a shortfall below the poverty line from \$1069 in rural Ontario to \$1406 in Toronto; ODSP clients have a shortfall from \$575 in rural Ontario to \$912 in Toronto.⁹ This calculation does not include the extra costs associated with living with a disability,^{10,11} which, in 2018, the United Nations estimated increases the cost of living by 30% for people living with moderate disabilities.¹²

Welfare incomes and poverty thresholds for single adults, 2021

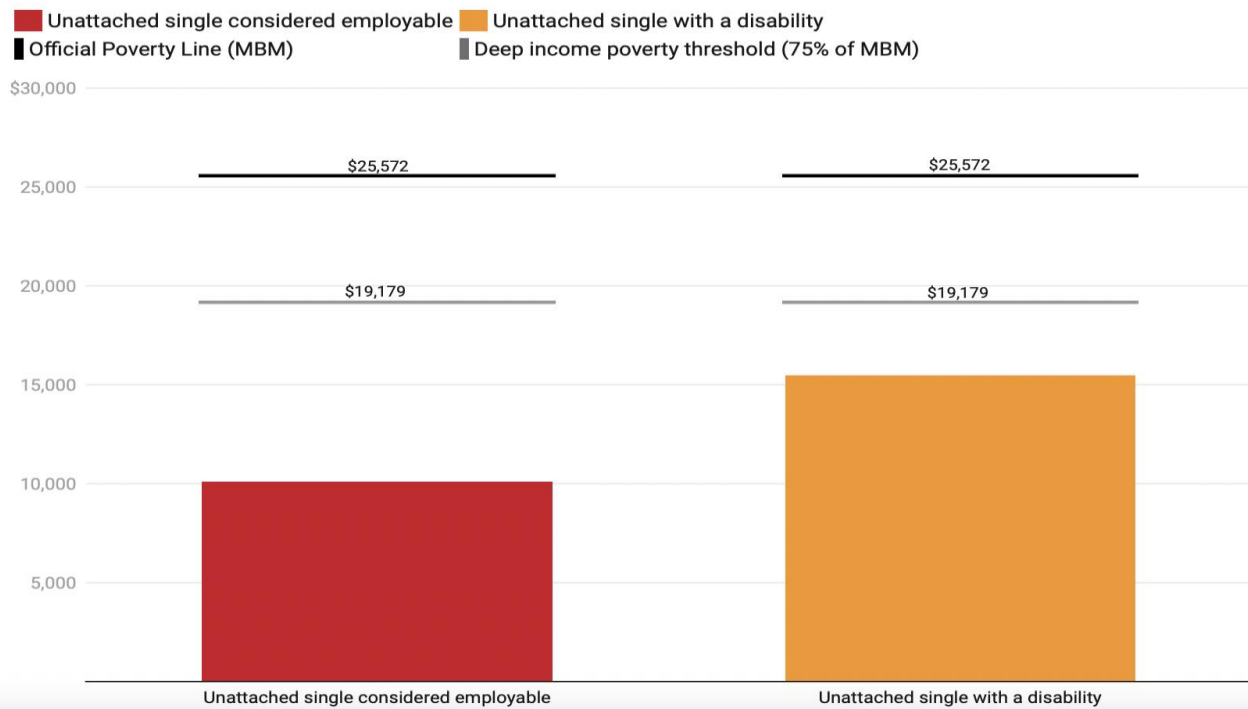


Figure 1 – Welfare incomes and poverty thresholds for single adults, 2021. Adapted from *Welfare in Canada, 2021*, by Jennefer Laidley and Mohy Tabbara, https://maytree.com/wp-content/uploads/Welfare_in_Canada_2021.pdf, p. 124. 2022 by Maytree.

OW clients live up to 66% below the poverty line, while ODSP clients live up to 43% below that line. Even with federal and provincial tax credits and benefits, including the federal GST/HST credit, the federal climate action incentive (CAI), and the provincial Ontario Trillium Benefit, social assistance clients live well below the deep poverty line, which is 75% below the MBM,”¹³ as demonstrated by Figure 1 above.

Housing security requires support. Higher social assistance rates are vital to afford safe, affordable and adequate housing. Ontario has the highest percentage of “tenant families in core housing need” at just under 30%¹⁴ The average price of bachelor apartments is \$1222 in Toronto, and 70% of social assistance clients live in market rentals.¹⁵ In Toronto, 69% of foodbank clients use half of their income on housing, and 18% pay 100% of their income or more on housing.¹⁶ Housing precarity and homelessness are on the rise. Across the province rents are increasing exponentially – 21.3% in Toronto in 2022.¹⁷ Renoviction¹⁸ and evictions for own use¹⁹ are leaving tenants with nowhere to go. Many renters on social assistance are experiencing access to justice issues with the majority of Landlord Tenant Board (LTB) hearings now occurring online. These evictions disproportionately impact Black, Indigenous, and queer people, and women and their children, particularly if their children are under the age of six.²⁰

ISAC supports all recommendations to address the housing crisis and to protect tenant rights made by the Advocacy Centre for Tenants Ontario (ACTO).

Food security is vital. Rate increases are also required to afford nutritious, fresh, and culturally appropriate food. The cost of food increased by 10.4% in Ontario 2022 and there are projections of 5%-7% increases in 2023 on basics such as meat, bread, fruits and vegetables, and dairy.²¹ Between January 2022 and September 2022, the number of people using food banks in Ontario increased by 24%, with one in three being first time users.²² With the rise of precarious employment, there is a 27% increase of employed people using foodbanks.²³ Two out of three foodbank users rely on social assistance, the majority are single people,²⁴ and in Toronto, 65% are people with disabilities.²⁵ Newcomers, young people, racialized people, people with disabilities, people with precarious immigration status, and seniors are using foodbanks with increasing frequency.²⁶ Black and Indigenous people are impacted by food insecurity at two and three times the rate respectively compared with the rest of the population.^{27,28}

In addition to food and shelter, people on social assistance must pay for utilities, digital access, transportation, and the extra costs that people with disabilities experience based on their specific needs.²⁹ For this reason, approximately half of food bank users miss a meal to pay for other necessities.³⁰ With the current social assistance rates, it is no wonder that 82% of foodbank users in Toronto live below the deep poverty line, or below 75% of MBM.³¹ For people with precarious immigration status who have barriers to accessing social assistance, the situation could be even worse. The Province has much to lose if it does not invest in social assistance clients to curb the increase of evictions and risk of homelessness, food insecurity, and subsequent worse health outcomes³² that are a result of the rising inflation. If action is not taken immediately, shelters and emergency rooms will continue to be inundated at increased cost to the Province.

The Province has seen significant savings from reduced caseloads during the COVID-19 pandemic and is in a good financial position to make investments in social assistance rates. Social assistance caseloads remain more than 100,000 people below pre-pandemic levels.³³ With \$1 billion saved in social assistance costs during the pandemic,^{34,35,36} the Province can afford to raise both OW and ODSP rates by 10% against 2018 rates today. Further, with a \$2.1 billion surplus last year, and

\$19.7 billion allocated in excess funds over the next three years,³⁷ the Province is in a good financial position and can afford to do more for Ontarians living in deep poverty.

To “achieve the goals of life stabilization”³⁸ as per the Province’s *Vision for Social Assistance*, social assistance rates must be increased immediately and significantly. This government must immediately implement a parallel rate indexation and increased earnings exemption for OW and ODSP dependent adults, and double social assistance rates against 2018 rates to allow social assistance clients to live a life of autonomy, health, and basic human dignity.

Recommendation #1: Raise social assistance rates and broaden access

- a) Increase Ontario Works and Ontario Disability Support Program dependent adults earnings exemptions to \$1000 per month.
- b) Index Ontario Works rates and double both Ontario Works and Ontario Disability Support Program rates against 2018 rates.
- c) Ensure access to social assistance to all people who live in Ontario, regardless of immigration status.

2. Allow social assistance clients to keep more money in their pockets

Forgive overpayments due to temporary federal pandemic-related benefits

During the COVID-19 pandemic, many social assistance clients accessed temporary federal pandemic-related benefits, sometimes on the advice of their caseworkers under the obligation to pursue resources.^{39,40} Many who applied in good faith have now been asked to repay the federal government but are also in a situation of overpayment with the Province. The complexity of negotiating two jurisdictions of government while living in deep poverty, as well as risk of paying twice is increasing the stress for these clients. Recovery of these overpayments only deepens clients’ poverty.

To ensure that social assistance clients are not further impoverished, and to reduce the administrative burden, ISAC urges the province to forgive overpayments from all sources of income received from federal pandemic-related benefits including: Canada Emergency Response Benefit (CERB), Canada Recovery Benefit (CRB), Canada Recovery Caregiver Benefit (CRCB), Canada Recovery Sickness Benefit (CRSB), and the Canada Worker Lockdown Benefit (CWLB). The Province can afford overpayment forgiveness. For the duration of the pandemic, 87% of supports were federally funded, which eased the financial burden on the Province.⁴¹ Further, the Province accumulated significant savings when it clawed back CERB at 50% and the CRB, CRCB, CRSB, and CWLB dollar-for-dollar due to clients accessing federal pandemic-related benefits.

Implement three regulatory changes

First, implement a flat-rate structure for social assistance income support that will replace the division of basic needs and shelter allowances.^{42,43} Clients with no fixed address cruelly do not receive the shelter allowance they require to secure shelter and are \$390 poorer on OW and \$522 poorer on ODSP. Clients in rent-geared-to-income housing also do not receive the full shelter allowance. Likewise, clients who live in board and lodge settings and have someone preparing their food, do not receive the full social assistant rate amount. To eliminate the discrepancy between

different housing situations and rate benefit amounts, ISAC recommends the Province implement a more equitable flat-rate structure for all clients.

Second, implement an option to reconcile earnings on an annual as well as on a monthly basis.^{44,45} The current monthly accounting is disadvantageous for both administrators and clients. It increases the administrative burden on caseworkers and clients. More importantly, it penalizes two clients: people with episodic disabilities, who may work inconsistently throughout the year because of the unpredictability of the impairments associated with their disability, and clients with variable earnings due to precarious and contract work or fluctuating and seasonal income. Both of these clients experience extensive clawbacks during the months when they have higher earnings, which should be shared during the months where they have no earnings through an annual instead of monthly reconciliation.

Third, change the definition of “spouse” in the *Ontario Works Act, 1997* and the *Ontario Disability Support Program Act, 1997*, to match the definition of “spouse” as it relates to support obligations in the *Family Law Act*. Currently, people on OW or ODSP must declare a spouse after they cohabitate for three months.^{46,47} Cohabitation does not necessarily equate to a spousal relationship. The three month timeline triggers an assessment and creates a situation where the Province makes assumptions about the nature of a relationship, which might include a roommate or a caregiver who is not in a spousal relationship. It is intrusive, polices relationships, and forces people – usually women – to include their partner as part of their benefit unit prematurely, which results in clawback to or loss of benefits, and forces the client to become dependent on the other person. The current definition may also prevent clients from entering into relationships because of the potential financial burden for the other person. ISAC recommends that the Province amend the definition of “spouse” in the *Ontario Works Act, 1997* and the *Ontario Disability Support Program Act, 1997* to match the more reasonable timeframe of three years found in the *Family Law Act*.⁴⁸

Increase asset limits

To help alleviate poverty among social assistance clients in the present and in future, the Province should follow the lead of provinces such as Alberta and British Columbia and increase asset limits. Both Alberta and British Columbia have liquid asset exemption levels of \$100,000 for people with disabilities.⁴⁹ This is an easy and low-cost way to alleviate further poverty for ODSP clients. Similarly, raising the asset limit to \$20,000 for OW clients will allow those who have experienced job losses or other difficult circumstances during this pandemic to avoid liquidation to the point of destitution before receiving assistance. Finally, with inflation, the need is greater now more than ever for external financial assistance. Eliminating the \$10,000 limit on voluntary gifts and payments – such as occasional money from family for groceries – for both OW and ODSP clients, will assist greatly.

Recommendation #2: Allow social assistance clients to keep more money in their pockets

- a) Forgive all overpayments for social assistance clients who have accessed temporary federal pandemic-related benefits.
- b) Implement three regulatory changes: a flat-rate structure, the option of annual reconciliation of income earnings, and align the definition of spouse under social assistance with the *Family Law Act*.
- c) Eliminate the \$10,000 limit on voluntary gifts and payments and raise the limit on cash and other liquid assets to \$20,000 for Ontario Works clients. For Ontario Disability

Support Program clients, eliminate the \$10,000 limit on voluntary gifts and payments and raise the asset limit to \$100,000.

3. Ensure that modernization serves and supports social assistance clients.

The Province's ongoing social assistance modernization plan⁵⁰ includes increased digitization, automation, and centralization, as well as changes to employment services. One of the core changes involves reducing the administrative burden on municipalities to allow caseworkers to better support clients. 50% of OW clients have been on social assistance for over two years, with 42% of OW clients on social assistance between two and ten years.⁵¹ The longer clients are on social assistance the more likely that they need wraparound services to become job ready.

The Province must recognize that life stabilization services including childcare, disability, housing, literacy, mental health and addiction, settlement, translation, and transportation supports are chronically underfunded and overwhelmed, and immediately move towards properly resourcing these supports. Referrals to wait-lists cannot be considered life stabilizing. The modernization process will fail if these supports are not well-funded. We also urge the Province to ensure its modernization process is inclusive, supportive, and includes a full consultation process with the social assistance clients it affects who are best informed about the services they require.

Employment Ontario transformation may not be in social assistance clients' best interests. As part of the Province's modernization of social assistance, Ontario is moving forward with a plan to integrate employment services for social assistance clients with services available to the general public through Employment Ontario. The Employment Services Transformation (EST) is moving employment services for social assistance clients from the Ministry of Children, Community and Social Services (MCCSS) to the Ministry of Labour, Immigration, Training and Skills Development (MLITSD). It includes funding for third-party and sometimes international and private Social Service Managers (SSM) to oversee local service delivery organizations. Even though there has been no "large-scale data collection and analysis"⁵² from the first three prototype regions, and the Goss Gilroy report has yet to be released publicly,⁵³ the Province is moving forward in the next nine regions. ISAC is calling for more transparency on the outcomes of these prototype regions to understand the impacts of the EST on social assistance clients.

When a similar pay-for-performance model was piloted in 2008 in Ontario with WCG, the current SSMs in the Peel region, only "13% of all participants found sustained employment for the full 18 months of the pilot."⁵⁴ Further, 72% of participants earned \$10 or less per hour (approximately \$13.50 or less in 2022 dollars).^{55,56} While there was some job satisfaction, roughly half of the jobs were part-time and one third lasted three months or less.⁵⁷ Ultimately, this model cost the Province money.⁵⁸

A similar model that was used in Australia in 1998 found that participants "cycled on and off the program" because of precarious and short-term work options, that there was higher caseloads for caseworkers and higher staff turnover, and that some clients experienced increased mental health issues because of the program.⁵⁹ In the United Kingdom in 2011, a similar model placed only 3.6% of clients in employment in the first 14 months, representing 30% of the target and cost the government "significantly more" than expected.⁶⁰

Employment supports are essential, however, there are serious concerns with preliminary findings and the transformation process so far. First, lack of “planning, preparedness, and communication” between the two Ministries,⁶¹ is causing particular difficulties for clients seeking employment supports while still on social assistance. This undercuts the goal of service integration. Second, the “increased administrative burden” and higher caseloads⁶² on employment service providers translates into less time being spent with clients. This counters the goal of a client-centred approach. Third, pay-per-performance funding is not recognizing pre-employment work, which is extensive for clients who experience several barriers to labour force attachment including lack of adequate wraparound supports. Fourth, the 20-hour work week as a measure of success is problematic on two fronts: it is impractical if clients are simultaneously engaged in life stabilization activities or training; and, with little consideration for the quality of jobs, it is unrealistic that 20-hour work week will provide long-term financial independence.

In general, there is a lack of recognition that many clients require significant “life stabilization, upskilling and training supports to become employment and retention ready.”⁶³ There must be funding for mandatory work-related benefits analogous to the suite available under Ontario Works to ensure people phase into employment and are successful over the long-term. Further, a single-minded focus on moving people into any job, in a context where almost a quarter of new jobs in Ontario offer very low pay and little security,⁶⁴ may not lead to financial independence but instead, to work in unsafe and precarious working conditions. It is the increase in precarious employment, growing levels of working poor and cuts to other social and disability programs that force people to rely on social assistance, a point that was missed in the Auditor General’s 2019 report on the Ontario Disability Support Program.^{65,66} These issues have intensified both during and after the acute period of the COVID-19 pandemic. The pandemic-skewed realities of the labour must be considered, as well.

There is no plan for how the ongoing EST will impact ODSP clients who are able to work. For people with disabilities who require accommodation, existing stereotypes that disabilities are continuous, permanent, and change very little over time contribute to barriers to accessing work, and do not paint an accurate picture of what the majority of persons with disabilities experience.⁶⁷ A more comprehensive understanding of disability includes people with episodic disabilities such as multiple sclerosis, rheumatoid arthritis, some forms of cancer, and mental health issues.⁶⁸ The labour market remains ill-equipped to accommodate disability-related employment barriers, with compliance rates with the *Accessibility for Ontarians with Disabilities Act, 2005* hovering between the 40% and 67%.⁶⁹ It is imperative that all of these complex interactions are considered during the proposed integration of employment services for social assistance clients with Employment Ontario.

Digital access is essential. The pandemic has made digital access an essential service, and so has increased digitization as part of social assistance modernization. Without increased digital support, social assistance clients are further isolated from the point of application to interactions with caseworkers. Clients want choices around connecting with their caseworkers. While some digital improvements as part of modernization will assist some clients with reaching caseworkers, the reality is that the automation, centralization and digitization that are part of modernization are having the opposite effect for many, and potentially decreasing access to benefits to which people are entitled.

Further, Canadian cellphone data plan rates that are seven times more expensive than Australia and 25 times more than Ireland and France,⁷⁰ are described as “the highest or among the highest in the world.”⁷¹ This means internet access is out of reach for many social assistance clients. For example,

22% of clients who use a foodbank in Toronto do not have access to internet in their homes.⁷² In addition, the cost of equipment such as computers or cellphones to access digital platforms can be prohibitive.

Libraries and drop-in centres offer limited internet usage time and may not allow for the privacy required while communicating with caseworkers or in a tribunal hearing. Some clients lack the technical literacy to use these means of communication, may have low literacy skills, or may not speak English or French and may require interpretation services. The emphasis on the “digital first” approach that is part of modernization will contribute to further isolation of social assistance clients from caseworkers, particularly when assistance is required for complex cases. Clients need to receive monthly funds to help them access increased digital support. This includes ensuring that clients have access to internet with adequate broadband as well as technological hardware needed to be able to participate in digital and remote hearings at any tribunal.

Recommendation #3: Ensure the success of the modernization of social assistance

- a) Invest in robust trauma-informed and client-centred wraparound services including childcare, disability, housing, literacy, mental health and addiction, settlement, translation, and transportation supports to provide life stabilization services and to address barriers to employment for those who are ready and able to work. These supports must be culturally appropriate and responsive to the needs of Indigenous, racialized, and newcomer communities and the language rights of Francophone communities.
- b) Ensure the Employment Services Transformation is evidence-based and transparent, that there is sufficient mandatory work-related benefits and job training, and that jobs are long-term, stable, provide decent wages, necessary workplace accommodations, and meaningful work.
- c) Implement a new \$100 per month digital access benefit for essential cellphone and internet services, a \$200 digital access benefit every two years to pay for digital equipment and hardware, and digital literacy training that will assist with using new digital tools and platforms.

B. Invest in Access to Justice

4. Human Rights Tribunal of Ontario

The Human Rights Tribunal of Ontario is an accessible forum where Ontarians can seek individual and systemic redress for discrimination and harassment. This has made the Tribunal an important forum for low-income individuals who regularly experience discrimination, including those who identify as Indigenous, Black, racialized, migrants, disabled, and/or 2SLGBTQI+.

Since 2018, extraordinary delays and other problems have seriously undermined the protection of human rights in Ontario. The Tribunal now has a backlog of over 9,000 cases with the number continuing to rise; applicants can expect to wait 4 years before they get a hearing.⁷³ According to the Tribunal’s annual report, the number of decisions released annually has decreased significantly from 100 prior to 2018, to only 16 in 2021-2022.⁷⁴ The backlog has been caused in part by the government’s failure to reappoint or retain experienced adjudicators who were at the Tribunal in 2018. While the Tribunal now has almost a full complement of adjudicators, most lack the

experience in human rights law, conducting hearings and dispute resolution necessary to deal with cases; many of the adjudicators are only part time or cross-appointed to other Tribunals.^{75,76}

The delays have serious consequences: they cause stress and anxiety for both applicants and respondents, can lead to applicants abandoning their applications, and to problems with accessing evidence necessary to prove discrimination by the time a matter gets to a hearing. It may also force parties at mediation to accept unfair or unreasonable settlements simply because they do not wish to wait years to reach a hearing.

Alarming, it seems the Tribunal's main strategy to address the backlog of cases is to find new ways to dismiss them. Between 2009 and 2017, the Tribunal issued between 150 to 300 dismissal notices per year, but in 2021 that number jumped to 989.⁷⁷ The *Human Rights Code* requires that the Tribunal not dismiss cases that are within its jurisdiction without an opportunity for an oral hearing. However, as noted by Tribunal Watch Ontario, the Tribunal "has significantly narrowed the interpretation of its own jurisdiction, allowing it to dismiss hundreds of cases without giving the parties an opportunity for an oral hearing."⁷⁸

The *Human Rights Code* is quasi-constitutional legislation. Its protections are meaningless if Ontarians cannot enforce them. Employers, service and housing providers who discriminate without penalty simply because of delays and failures at the Tribunal will be incentivized to continue doing so.

ISAC endorses the recommendations of Tribunal Watch Ontario⁷⁹ and urges Ontario to address the Tribunal's failures on an urgent basis. In particular, Ontario should do the following:

- a) Provide additional resources to the Tribunal. The British Columbia government did the same to prevent a backlog in its human rights system from getting worse.
- b) Appoint adjudicators with knowledge of human rights law and adjudicative and mediation experience, through a competitive process, as required by Section 33(3) of the *Human Rights Code*.
- c) Create a specialized team to deal with the backlog of cases. This approach was used in 2008 when the Tribunal inherited a backlog of cases from the Human Rights Tribunal under the previous system. It is essential that the team be comprised of individuals with demonstrated human rights and dispute resolution expertise.
- d) Reconstitute a stakeholder advisory council. Like most other Ontario tribunals, the Tribunal previously had a standing advisory council that included leading practitioners and representatives from the Human Rights Commission and Human Rights Legal Support Centre, who provided crucial insight, information and advice to the Tribunal. New leadership at Tribunals Ontario disbanded the council at the HRTTO.
- e) Cease widespread dismissal of applications based on supposed jurisdictional grounds and ensure compliance with the statutory duty to provide parties with an opportunity to make oral submissions before a decision is made whether to dismiss their case.
- f) Engage in transparent communication. This includes reporting on key goals and outcomes to address the backlog and putting the information on the HRTTO website; proactively seeking feedback from users on their experience to guide future developments; and regularly communicating with parties who have cases pending.

Recommendation #4: Immediately address the critical delays and backlog of cases at the Human Rights Tribunal by providing additional resources to the Tribunal, appointing qualified

and competent adjudicators, creating a specialized team to deal with the backlog of cases, reconstituting a stakeholder advisory council, and engaging in transparent communication with the public about key goals and outcomes to address the delays. The Tribunal must immediately cease its practice of widespread dismissal of applications based on alleged jurisdictional grounds and ensure parties can make oral submissions before any decisions to dismiss a case are made.

5. Legal Aid Ontario

Ontario's network of 72 legal clinics provides critical legal services to low-income communities in areas such as social assistance, housing, health, employment and human rights. Clinics are small, independent, non-profit agencies that are governed by community-elected boards of directors and funded by Legal Aid Ontario (LAO).

The combination of inadequate base funding for LAO and the impact of the COVID-19 pandemic is threatening the sustainability of LAO and the quality and the availability of legal aid services throughout the province.⁸⁰ Legal clinics continue to struggle to provide much needed services following the \$133 million in cuts in the 2019 budget.⁸¹ Further, LAO has depended on funding from the Law Foundation of Ontario (LFO). This funding, which is sourced from the interest earned in lawyers' trust accounts is highly variable and dependant on transaction volume and interest rates. While rising interest rates means LFO funding that was significantly reduced during the pandemic has recovered, the variability of LFO funding remains an issue. LAO requires a permanent minimum funding commitment by the Province.

Another concern is that the low income cut off for eligibility is too low. The demand for legal aid services has risen during the pandemic and legal aid clinics have been instrumental in helping people facing job loss, evictions, domestic violence and other issues. However, there are many low-income Ontarians the clinics are unable to reach because of current funding shortfalls and an income cut off for eligibility that needs to be raised.

Legal representation is paramount for access to justice for low-income Ontarians. The clinics are witnessing a dramatic increase of unrepresented litigants in provincial tribunals while people try to maintain housing and secure income support. Legal representation assists with faster outcomes to free up court and justice resources for other cases. Seniors, women, children, youth, newcomers, racialized people and people with disabilities rely on legal aid services the most.

Investing in legal aid is fiscally prudent. A report by the Canadian Forum on Civil Justice, which comprehensively reviewed the return on investment that comes from investing in legal aid, found that each dollar invested in legal aid could multiply savings by nine dollars to \$16 in other areas such as healthcare, housing and welfare programs.⁸² This will reduce future costs to the Province over time. It also leads to better individual and community well-being as low-income Ontarians access legal help to stay in their homes, maintain their incomes and overcome socio-economic barriers.

ISAC urges Ontario to immediately increase its LAO funding by \$130 million to cover potential future shortfalls resulting from decreased LFO contributions and the shortfall from historic levels of funding. ISAC also urges the Province to work with LAO to develop a funding plan that ensures

structural certainty. Crucial services such as those provided by LAO cannot be dependent on variable LFO funding.

Recommendation #5: Increase Legal Aid Ontario funding by \$130 million to cover future potential shortfalls and develop a longer-term, and structurally stable funding plan. This will support low-income Ontarians in accessing justice throughout the province.

C. Invest in Justice for Workers

6. Legislate 10 employer-paid sick days and 14 additional paid days during public health outbreaks

Paid sick days are key to public health and saving lives. This has never been clearer than during the COVID-19 pandemic. Despite relatively high vaccination rates in Ontario, the COVID-19 virus has continued to evolve, causing new waves of infections and deaths. Over 15,000 Ontarians have died of the disease and 2022 was the deadliest year of the pandemic in Ontario.⁸³ If Ontario is to contain and curb the pandemic, there must be universal, accessible and permanent employer-paid sick leave for all.

Staying home when sick is one of the most effective containment strategies for infectious diseases. Workers without paid sick days must choose between caring for their health or earning an income to support themselves and their families. Inevitably, many will choose to go to work while sick, leading to the spread of illness, costs for businesses and the economy and avoidable health care expenditures with long-term impacts.⁸⁴ Conversely, numerous studies have shown that when workers have access to paid sick days, the spread of illness is contained, the workers and their co-workers are more productive, and the burden on public health resources decreases.^{85,86,87,88}

Paid sick days are also critical to achieving equitable protections for workers in Ontario. Low-wage and racialized workers have been hardest hit by the pandemic. They are more likely to be engaged in the precarious work deemed “essential,” including work in grocery stores, cleaning, delivery, long term care and farm work.⁸⁹ These workers are at higher risk of contracting COVID-19 and yet are less likely to have paid sick days. In other words, the workers most in need of paid sick days do not have access to them.

It should come as no surprise, then, that low-wage and racialized individuals constitute disproportionate numbers of those who have contracted the illness.⁹⁰ In Ontario, despite making up only approximately 33% of the population, racialized Ontarians constituted approximately 80% of COVID cases.⁹¹ The pandemic alone has not produced these inequities but has reinforced and exacerbated existing inequities among poor and racialized communities and has hit them the hardest. Not only is this unjust, but this is a threat to public health and the economy.

Ontario’s Worker Income Protection Benefit program is not an adequate substitute for employer-paid sick days:

- The program is limited to illness for COVID-19 and fails to recognize that workers need sick days for other illnesses, to the benefit of both worker and employer;
- The program only provides for three sick days, which is not enough for workers who contract COVID-19 and may need to isolate for 14 days;

- It only covers up to \$200 per day, which means workers who earn more may not be able to afford to take time off and will attend work while sick, likely endangering their co-workers;
- Because employers are reimbursed up to \$200 by the government, the program is taxpayer funded and comes out of workers' own pockets;
- The program is only temporary; and
- The repeated extension of WIPB has meant that workers have only had access to a minimum three paid sick days over a 700 day period. The WIPB must be replaced with permanent adequate employer-paid sick days.

Legislating employer-paid sick days is crucial to containing the pandemic and to longer term public health benefits. In order to protect the health of Ontarians, minimize health care expenditures and restore our economy, Ontario must legislate paid sick days for all.

Recommendation #6: Legislate 10 Personal Emergency Leave days in the *Employment Standards Act, 2000* that can be used for employer-paid sick leave. Legislate an additional 14 days of employer-paid sick leave during declared public health outbreaks.

7. Increase the minimum wage to \$20 and reinstate “equal pay for equal work”

Increase the minimum wage. The increase in Ontario's minimum wage to \$15 on January 1, 2022 was a welcome improvement for workers struggling to get by during the pandemic. It showed that in the context of the pandemic simply raising the minimum wage through an annualized indexation to the Consumer Price Index (CPI) is not enough. The current minimum wage is \$15.50 an hour and it is set to rise to roughly \$16 an hour on October 1, 2023. However, \$16 an hour is not enough. When the provincial government cancelled the planned raise to the minimum wage in 2018, it also froze the wage for the following two years. The cancellation and subsequent freeze imposed a real dollar wage cut on the province's lowest paid workers because the cost of living increases each year.

As a result, workers' wages have fallen behind. At the same time, the cost of basic household goods, transportation, and other essential goods and services has risen significantly as a consequence of the pandemic. Year over year inflation averaged 6.8% in 2022.⁹² A study of rental rates of 100 towns and cities across Ontario found that a one-bedroom apartment is unaffordable for a full-time, minimum wage worker in 98 out of 100 communities.⁹³ In short, the current minimum wage has left vulnerable and essential workers struggling to get by at a time when they need income security the most, and has particularly hurt equity-seeking groups including persons with disabilities and racialized and Indigenous communities. As workers struggle to make ends meet, the richest in Ontario have gained the most. A new report shows that Canadian billionaires saw their wealth jump by 51% over the course of the pandemic.⁹⁴

Raising the minimum wage is good for the economy. After the minimum wage increased by 21% from \$11.65 to \$14 in 2018, Ontario's unemployment rate dropped to the lowest level since 2000; the province saw the creation of 78,000 full time jobs that year;⁹⁵ and, job and wage growth outstripped the rest of Canada in low-wage sectors such as food and accommodation.

Increases in the minimum wage also encourages consumer spending and boosts local businesses that are much needed in this post pandemic. Household spending constitutes nearly 60% of Canada's gross domestic product.⁹⁶ Low-income households in particular spend increased wages on essential goods and services, and on their families. This puts money back into local economies and

would support businesses that have been hurt by the pandemic. By way of contrast, tax breaks for the wealthiest do not have the same benefit, as they tend to save more and spend a smaller percentage of their income.

Legislating a \$20 minimum wage with annual adjustment in line with increases in the CPI is the best strategy for reducing poverty and boosting the economy, both during the pandemic and beyond.

Reinstate equal pay for equal work. Workers who are doing similar work should be paid the same. Under the current *Employment Standards Act, 2000* (ESA) employers are entitled to pay temp agency workers, contract and part-time workers at different rates compared to full-time permanent workers doing similar jobs. Differential pay on the basis of employment status is an arbitrary and unjustified distinction affecting more than one in five employees in Ontario. The failure to ensure “equal pay for equal work” puts less money in the pockets of Ontarians to reinvest into the economy, and disproportionately affects women, recent immigrants, young and older workers people with disabilities, and racialized workers.

Conversely, implementing “equal pay for equal work” would not only help to address those inequities, but would also enhance key health protections in essential work as well. For example, low-paid, part-time and insecure work in care homes has long forced many care workers to work at multiple homes. During the COVID-19 pandemic, this has contributed to the spread of the virus among staff and patients alike, with tragic consequences in some cases. Requiring “equal pay for equal work” would lower the economic incentive for employers to use part-time and casual jobs and increase incentives for permanent full-time work.

Recommendation #7: Immediately increase the minimum wage to \$20 per hour and implement laws to ensure that workers who do similar work receive equal pay.

8. End misclassification and support app-based gig workers

Throughout the pandemic, frontline workers have provided vital services to our communities, such as grocery shopping, transportation, food delivery, and cleaning. Unfortunately, many of these workers whose labour we collectively rely upon, are misclassified as independent contractors. As a result, they are denied many of the basic protections afforded to employees under the ESA *Employment Insurance Act, Canada Pension Plan*, and other protective legislation.

When workers are misclassified as independent contractors, it makes their working conditions more precarious. For instance, app-based gig workers who are sick or experiencing COVID-19 symptoms do not have access to paid sick days. They cannot stay home, get tested for COVID-19, or self-isolate without risking their pay. The Ontario government’s Worker Income Protection Benefit, which introduced limited paid sick days for Ontarians, did not cover app-based gig workers and other misclassified workers.⁹⁷

When misclassified workers lose their jobs through no fault of their own, as when Foodora left Canada in April 2020, they have no access to statutory termination and severance payments to tide them over while they search for new employment.⁹⁸ Misclassified workers are also unable to access basic protections in the ESA, such as overtime and vacation pay, and job-protected leaves such as parental leave. This creates conditions for employers to exploit vulnerable workers in precarious work, and disincentivizes them from complying with basic workplace standards.

The *Working for Workers Act, 2021* brought in a minimum wage for app-based gig workers. However, this legislation is only for engaged time which leaves too much discretion in deciding hours of work in the employers' hands. The legislation failed to provide most other basic protections and benefits to which other workers are entitled. While there is some belief that a new portable benefits program could help fill the gaps for app-based gig workers, the reality is this will fall short of standard benefits and protections these workers should be entitled to under the ESA.

Workers in Ontario including app-based gig workers deserve full employment rights with no carve-outs⁹⁹ from minimum wage, sick leave, vacation and public holiday pay, rest periods, pregnancy and parental leave, and the other basic workplace protections available to employees under the ESA.

In other jurisdictions across the world, courts and governments are starting to recognize that app-based gig workers and other workers who are systematically misclassified are employees and are entitled to basic employment protections.^{100,101} The Ontario government should not create a new and separate category of workers' rights. Rather, it should aim to strengthen and enforce the laws already in existence to protect app-based gig workers and other misclassified workers.

In order to achieve this, the ESA should be amended to (1) reinstate the reverse onus on employers to prove that a worker is an independent contractor, and (2) use the "ABC test" for determining the worker's classification. The classification of employee status currently rests on a multi-factorial test that places the burden on workers to challenge and prove their status. Individual workers must make employment standards claims and complex legal arguments to access their ESA rights when they have been misclassified. The test for determining employer-employee relationships must be consistent with the remedial purposes of the ESA. The onus must be on the employer or hiring entity to prove that a worker is not an employee. Over 25 States in the United States use this presumption of employee status and the "ABC test" to determine who is an employee to access employment rights such as workers' compensation, unemployment insurance and labour standards protections.¹⁰² This is a clear, comprehensive, and fair test for determining who is truly an independent contractor and not an employee.

The "ABC test" provides that a worker is presumed to be an employee unless the hiring entity can establish each of the following three factors: a) the worker is free from control and direction of the hiring entity in connection, both under the contract and in fact, for the performance of the work; b) the worker performs work that is outside the usual course of the hiring entity's business; and, c) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.

Recommendation #8: To protect app-based gig workers and end misclassification of employees, enact a presumption of employee status and the ABC test within the *Employment Standards Act, 2000*. This will ensure workers have access to the full protections of the ESA.

Thank you for your consideration of our submission.

Endnotes

- ¹ Statistics Canada. (2023). *Consumer price index portal*. Retrieved from Statistics Canada website: https://www.statcan.gc.ca/en/subjects-start/prices_and_price_indexes/consumer_price_indexes.
- ² Government of Ontario. (2023). *Social assistance and caseload statistics*. Retrieved from Government of Ontario website: <https://www.ontario.ca/page/social-assistance-and-caseload-statistics>.
- ³ Government of Ontario. (2022, November 14). *Ontario Delivers Progress Report and Advances its Plan to Build* [News release]. Retrieved from the Government of Ontario website: <https://news.ontario.ca/en/release/1002475/ontario-delivers-progress-report-and-advances-its-plan-to-build>.
- ⁴ Tabbara, Mohy. (2022). *Social Assistance Summaries, 2021*. Maytree. https://maytree.com/wp-content/uploads/Social_Assistance_Summaries_All_Canada.pdf, p. 61.
- ⁵ Tabbara, Mohy. (2022). *Social Assistance Summaries, 2021*. Maytree. https://maytree.com/wp-content/uploads/Social_Assistance_Summaries_All_Canada.pdf, p. 61.
- ⁶ Government of Ontario. (2023). Ontario Disability Support Program Act (1997). O. Reg. 222/98, s.30, 31. Retrieved from Government of Ontario website: <https://www.ontario.ca/laws/regulation/980222>; Government of Ontario. *Ontario Works Act* (1997). O. Reg 134/93, s. 41, 42. Retrieved from Government of Ontario website: <https://www.ontario.ca/laws/regulation/980134>.
- ⁷ Bank of Canada. (2023). *Inflation Calculator*. <https://www.bankofcanada.ca/rates/related/inflation-calculator/>.
- ⁸ Statistics Canada. (2023). *Table 11-10-0066-01 Market Basket Measure (MBM) thresholds for the reference family by Market Basket Measure regions, component and base year*. Retrieved from Statistics Canada website: <https://www150.statcan.gc.ca/t1/tb1/en/tv.action?pid=1110006601>, n.2.
- ⁹ Statistics Canada. (2023). *Table 11-10-0066-01 Market Basket Measure (MBM) thresholds for the reference family by Market Basket Measure regions, component and base year*. Retrieved from Statistics Canada website: <https://www150.statcan.gc.ca/t1/tb1/en/tv.action?pid=1110006601>.
- ¹⁰ Laidley, Jennefer and Mohy Tabbara. (2022). *Welfare in Canada, 2021*. Maytree. https://maytree.com/wp-content/uploads/Welfare_in_Canada_2021.pdf, p.4.
- ¹¹ Dumais, Lucie, Alexandra Prohet, and Marie-Noëlle Ducharme. (2015). *Review of Extra Costs Linked to Disability*. Council of Canadians with Disabilities. <http://www.ccdonline.ca/en/socialpolicy/poverty-citizenship/income-security-reform/extra-costs-linked-to-disability>.
- ¹² United Nations Department of Economic and Social Affairs. (2018). *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with persons with disabilities*. Retrieved from United Nations website: <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf>, pp. 37-38.
- ¹³ Laidley, Jennefer and Mohy Tabbara. (2022). *Welfare in Canada, 2021*. Maytree. https://maytree.com/wp-content/uploads/Welfare_in_Canada_2021.pdf, p.3.
- ¹⁴ Core housing need “asks three questions about the way individuals and families live: Is the house, suite, or apartment big enough for the number of people living in it? Is it in a state of good repair? Is it affordable? If the answer to any one of those questions is “no,” and the people in the household have no alternative but to stay where they are, then they are in core housing need.” See Robinson, Randy, Ricardo Tranjan, and Tania Oliveira. (2021). *Poverty in the Midst of Plenty: A report card on child and family poverty in Ontario*. Canadian Centre for Policy Alternatives. https://www.policyalternatives.ca/sites/default/files/uploads/publications/Ontario%20Office/2021/11/Poverty%20in%20the%20midst%20of%20plenty%20EN_FINAL.pdf, pp. 29-30.
- ¹⁵ City of Toronto. (2022). *Current City of Toronto Average Market Rents & Utility Allowances*. Retrieved from City of Toronto website: <https://www.toronto.ca/community-people/community-partners/social-housing-providers/affordable-housing-operators/current-city-of-toronto-average-market-rents-and-utility-allowances/>.
- ¹⁶ Nothwehr, Benjamin, Omar Akeileh, Diane Dyson. (2022). *Who's Hungry Report 2022: A Story of A System Under Strain*. Daily Bread Food Bank. <https://www.dailybread.ca/wp-content/uploads/2022/11/DB-WhosHungryReport-2022-Digital-1.pdf>, p. 5.
- ¹⁷ Campbell, Shantaé, (2023, January 18). *Average rent increased by 10.9% in 2022, report shows*. Financial Post. <https://financialpost.com/real-estate/average-rent-increased-10-9-per-cent-2022>.
- ¹⁸ Stephenson, Amanda. (2022, December 22). *How to protect yourself against 'renoviction' as rental markets heat up*. The Globe and Mail. <https://www.theglobeandmail.com/investing/personal-finance/household-finances/article-how-to-protect-yourself-against-renoviction-as-rental-markets-heat-up/>.
- ¹⁹ Gibson, Victoria. (2022, November 29). *As rents soar, more Toronto landlords are moving to evict renters for their own use*. Toronto Star. <https://www.thestar.com/news/gta/2022/11/29/why-more-toronto-landlords-are-moving-to-evict-renters-from-units-for-their-own-use.html>.
- ²⁰ Centre for Equality Rights in Accommodations and The National Right to Housing Network. (2021). *Addressing the Evictions and Arrears Crisis: Proposal for a Federal Government Residential Tenant Support Benefit*.

<https://static1.squarespace.com/static/5e3aed3ea511ae64f3150214/t/602ef583b5ce4e1d85ec0a23/1613690538665/NHS+A+Submission++Addressing+the++Arrears+and+Evictions+Crisis++CERA-NRHN-Feb.18.2021.pdf>, pp. 9-10.

²¹ Dalhousie University, University of Guelph, The University of British Columbia and the University of Saskatchewan. (2022). *Canada's Food Price Report 2023*. https://cdn.dal.ca/content/dam/dalhousie/pdf/sites/agri-food/Canada%27s%20Food%20Price%20Report%202023_Digital.pdf, pp. 6-7, 9.

²² King, Amanda and Ashley Quan. (2022). *Hunger Report 2022: The Deepening Cracks in Ontario's Economic Foundation*. <https://feedontario.ca/wp-content/uploads/2022/11/Hunger-Report-2022-Final.pdf>, p. 5.

²³ King, Amanda and Ashley Quan. (2022). *Hunger Report 2022: The Deepening Cracks in Ontario's Economic Foundation*. <https://feedontario.ca/wp-content/uploads/2022/11/Hunger-Report-2022-Final.pdf>, p.14

²⁴ King, Amanda and Ashley Quan. (2022). *Hunger Report 2022: The Deepening Cracks in Ontario's Economic Foundation*. <https://feedontario.ca/wp-content/uploads/2022/11/Hunger-Report-2022-Final.pdf>, pp.15, 23.

²⁵ Nothwehr, Benjamin, Omar Akeileh, Diane Dyson. (2022). *Who's Hungry Report 2022: A Story of A System Under Strain*. Daily Bread Food Bank. <https://www.dailybread.ca/wp-content/uploads/2022/11/DB-WhosHungryReport-2022-Digital-1.pdf>, p. 20.

²⁶ Nothwehr, Benjamin, Omar Akeileh, Diane Dyson. (2022). *Who's Hungry Report 2022: A Story of A System Under Strain*. Daily Bread Food Bank. <https://www.dailybread.ca/wp-content/uploads/2022/11/DB-WhosHungryReport-2022-Digital-1.pdf>, pp. 6-7, 19-20, 24-25.

²⁷ King, Amanda and Ashley Quan. (2022). *Hunger Report 2022: The Deepening Cracks in Ontario's Economic Foundation*. <https://feedontario.ca/wp-content/uploads/2022/11/Hunger-Report-2022-Final.pdf>, p. 19

²⁸ Nothwehr, Benjamin, Omar Akeileh, Diane Dyson. (2022). *Who's Hungry Report 2022: A Story of A System Under Strain*. Daily Bread Food Bank. <https://www.dailybread.ca/wp-content/uploads/2022/11/DB-WhosHungryReport-2022-Digital-1.pdf>, pp. 21-22.

²⁹ Dumais, Lucie, Alexandra Prohet, and Marie-Noëlle Ducharme. (2015). *Review of Extra Costs Linked to Disability*. Council of Canadians with Disabilities. <http://www.ccdonline.ca/en/socialpolicy/poverty-citizenship/income-security-reform/extra-costs-linked-to-disability>.

³⁰ Nothwehr, Benjamin, Omar Akeileh, Diane Dyson. (2022). *Who's Hungry Report 2022: A Story of A System Under Strain*. Daily Bread Food Bank. <https://www.dailybread.ca/wp-content/uploads/2022/11/DB-WhosHungryReport-2022-Digital-1.pdf>, pp. 16, 18.

³¹ Nothwehr, Benjamin, Omar Akeileh, Diane Dyson. (2022). *Who's Hungry Report 2022: A Story of A System Under Strain*. Daily Bread Food Bank. <https://www.dailybread.ca/wp-content/uploads/2022/11/DB-WhosHungryReport-2022-Digital-1.pdf>, p. 8.

³² Tarasuk V, Li T, Fafar St-Germain AA. (2022). *Household food insecurity in Canada*. Toronto: Research to identify policy options to reduce food insecurity (PROOF). <https://proof.utoronto.ca/wp-content/uploads/2022/08/Household-Food-Insecurity-in-Canada-2021-PROOF.pdf>, p. 7.

³³ Government of Ontario. (2023). *Social assistance and caseload statistics*. Retrieved from Government of Ontario website: <https://www.ontario.ca/page/social-assistance-and-caseload-statistics>.

³⁴ Treasury Board Secretariat of Ontario. (2020). *Public Accounts of Ontario: Ministry Statements and Schedules 2019-2020*. Retrieved from Government of Ontario website: <https://files.ontario.ca/tbs-public-accounts-2019-20-ministry-statements-schedules-en-2020-09-23.pdf>, p.2-71.

³⁵ Treasury Board Secretariat of Ontario. (2021). *Public Accounts of Ontario: Ministry Statements and Schedules 2020-2021*. Retrieved from Government of Ontario website: <https://files.ontario.ca/tbs-public-accounts-2020-21-ministry-statements-schedules-en-2021-09-23-v3a.pdf>, p.2-73

³⁶ Treasury Board Secretariat of Ontario. (2022). *Public Accounts of Ontario: Ministry Statements and Schedules 2021-2022*. Retrieved from Government of Ontario website: <https://www.ontario.ca/files/2022-09/tbs-public-accounts-2021-22-ministry-statements-schedules-en-2022-09-23-v2.pdf>, p. 2-79.

³⁷ Financial Accountability Office. (2023). *Economic and Budget Outlook, Winter 2023*. <https://www.fao.on.org/en/Blog/Publications/EBO-WI2023>.

³⁸ Government of Ontario. (2021). *Recovery & Renewal: Ontario's Vision for Social Assistance*. Retrieved from Government of Ontario website: <https://www.ontario.ca/page/recovery-renewal-ontarios-vision-social-assistance-transformation>.

³⁹ Government of Ontario. (2023). *Ontario Works Act (1997)*. O. Reg 134/93, s. 13. Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980134>.

⁴⁰ Government of Ontario (2023). *Ontario Disability Support Program Act (1997)*. O. Reg. 222/98, s.11. Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980222>.

⁴¹ Macdonald, David. (2021). *Still picking up the tab: Federal and provincial government COVID-19 spending*. Canadian Centre for Policy Alternatives. <https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2021/08/Still%20picking%20up%20the%20tab.pdf>, p. 31.

-
- ⁴² Government of Ontario. (2023). *Ontario Works Act* (1997). O. Reg 134/93, s. 41, s. 42. Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980134>.
- ⁴³ Government of Ontario. (2023). *Ontario Disability Support Program Act* (1997). O. Reg. 222/98, s.30, s.31. Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980222>.
- ⁴⁴ Government of Ontario. (2023). *Ontario Works Act* (1997). O. Reg 134/93, s. 49. Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980134>.
- ⁴⁵ Government of Ontario. (2023). *Ontario Disability Support Program Act* (1997). O. Reg. 222/98, s.38. Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980222>.
- ⁴⁶ Government of Ontario. (2023). *Ontario Works Act* (1997). O. Reg 134/93, s. 1(1) “spouse” (d). Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980134>.
- ⁴⁷ Government of Ontario. (2023). *Ontario Disability Support Program Act* (1997). O. Reg. 222/98, s. 1(1) “spouse” (d). Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/regulation/980222>.
- ⁴⁸ Government of Ontario. (2023). *Family Law Act* (R.S.O 1993). s. 29(a). Retrieved from the Government of Ontario website: <https://www.ontario.ca/laws/statute/90f03#BK35>.
- ⁴⁹ Laidley, Jennefer and Mohy Tabbara. (2022). *Welfare in Canada, 2021*. Maytree. https://maytree.com/wp-content/uploads/Welfare_in_Canada_2021.pdf, p.173
- ⁵⁰ Government of Ontario. (2021). *Recovery & Renewal: Ontario’s Vision for Social Assistance*. Retrieved from Government of Ontario website: <https://www.ontario.ca/page/recovery-renewal-ontarios-vision-social-assistance-transformation>.
- ⁵¹ This data is from the Social Assistance Management System (SAMS) in July 2022.
- ⁵² First Work. (2023). *Ontario’s Employment Services Transformation: A Good Vision*. <https://firstwork.org/ontarios-employment-services-transformation/>, 12.
- ⁵³ Ministry of Labour, Training and Skills Development. (2021, November 19). *Memorandum: Third-Party Evaluation of the Employment Services Transformation Prototype Phase*. Retrieved from Government of Ontario website: <https://www.tcu.gov.on.ca/eng/eopg/publications/est-memo-ssms-third-party-evaluation-prototype-phase-en.pdf>.
- ⁵⁴ Goss Gilroy Inc. (2008). *Evaluation of the JobsNow Pilot Final Report*, pp.12, 21.
- ⁵⁵ Goss Gilroy Inc. (2008). *Evaluation of the JobsNow Pilot Final Report*, p. 22.
- ⁵⁶ Bank of Canada. (2023). *Inflation Calculator*. <https://www.bankofcanada.ca/rates/related/inflation-calculator/>.
- ⁵⁷ Goss Gilroy Inc. (2008). *Evaluation of the JobsNow Pilot Final Report*, pp. 22-24.
- ⁵⁸ This was, in part, due to the “performance fee” of \$7.6 million that was paid to WCG. See Goss Gilroy Inc. (2008). *Evaluation of the JobsNow Pilot Final Report*, pp. 28, 35.
- ⁵⁹ Talwar Kapoor, Garima .(2020). *System Transformation in Ontario Works: Considerations for Ontario*. Maytree. <https://maytree.com/wp-content/uploads/System-Transformation-in-Ontario-Works.pdf>, p. 19-20.
- ⁶⁰ Talwar Kapoor, Garima .(2020). *System Transformation in Ontario Works: Considerations for Ontario*. Maytree. <https://maytree.com/wp-content/uploads/System-Transformation-in-Ontario-Works.pdf>, p. 21.
- ⁶¹ First Work. (2023). *Ontario’s Employment Services Transformation: A Good Vision*. <https://firstwork.org/ontarios-employment-services-transformation/>, p.5.
- ⁶² First Work. (2023). *Ontario’s Employment Services Transformation: A Good Vision*. <https://firstwork.org/ontarios-employment-services-transformation/>, p. 9, 14.
- ⁶³ First Work. (2023). *Ontario’s Employment Services Transformation: A Good Vision*. <https://firstwork.org/ontarios-employment-services-transformation/>, p. 12.
- ⁶⁴ Talwar Kapoor, Garima. (2020). *System Transformation in Ontario Works: Considerations for Ontario*. Maytree. <https://maytree.com/wp-content/uploads/System-Transformation-in-Ontario-Works.pdf>, p. 6.
- ⁶⁵ John Stapleton. (2013). *The “Welfareization” of Disability Incomes in Ontario*. Metcalfe Foundation. <https://metcalfeoundation.com/site/uploads/2013/12/Welfareization-of-Disability-Incomes-in-Ontario.pdf>, p. 5.
- ⁶⁶ Income Security Advocacy Centre. (2019). *ODSP expenditures have increased because the program is better meeting the needs of Ontarians with disabilities: ISAC responds to the Auditor General’s Report*. <http://incomesecurity.org/policy-advocacy/odsp-expenditures-have-increased-because-the-program-is-better-meeting-the-needs-of-ontarians-with-disabilities-isac-responds-to-the-auditor-generals-report/>.
- ⁶⁷ Stuart Morris, Gail Fawcett, Linden R. Timoney and Jeffrey Hughes. (2019) *The Dynamics of Disability: Progressive, Recurrent or Fluctuating Limitations*. Statistics Canada. Retrieved from Statistics Canada website: <https://www150.statcan.gc.ca/n1/en/pub/89-654-x/89-654-x2019002-eng.pdf?st=NjiE63zT>, 27.
- ⁶⁸ Noah Zon and Thomas Granofsky. (2019). *Resetting Social Assistance Reform*. Ontario 360. <https://on360.ca/policy-papers/resetting-social-assistance-reform/>, p. 21.
- ⁶⁹ Accessibility Directorate of Ontario .(2017). *Accessibility compliance and enforcement report 2017*. https://files.ontario.ca/accessibility_compliance_and_enforcement_report_2017.pdf, pp. 7-8.
- ⁷⁰ Pedersen, Katie, Virginia Smart, David Common. (2023, January 13). *Why are Canadians’ cellphone bills higher than other countries?* CBC News. <https://www.cbc.ca/news/business/marketplace-high-cell-phone-bills-1.6711205>.

-
- ⁷¹ Hopper, Tristin. (10 October, 2021). *Canada's wireless costs continue to be the highest or among the highest in the world: Finish report*. National Post. <https://nationalpost.com/news/canada/canadas-wireless-costs-continue-to-be-the-highest-or-among-the-highest-in-the-world-finnish-report>.
- ⁷² Nothwehr, Benjamin, Omar Akeileh, Diane Dyson. (2022). *Who's Hungry Report 2022: A Story of A System Under Strain*. Daily Bread Food Bank. <https://www.dailybread.ca/wp-content/uploads/2022/11/DB-WhosHungryReport-2022-Digital-1.pdf>, p. 6.
- ⁷³ Tribunals Ontario. (2022.) *2021-22 Annual Report*. https://tribunalsontario.ca/documents/TO/Tribunals_Ontario_2021-2022_Annual_Report.html#hrto.
- ⁷⁴ Tribunals Ontario. (2022). *2021-22 Annual Report*. https://tribunalsontario.ca/documents/TO/Tribunals_Ontario_2021-2022_Annual_Report.html#hrto.
- ⁷⁵ Tribunal Watch Ontario. (2023). *The Human Rights Tribunal of Ontario: What Needs to Happen*. <https://tribunalwatch.ca/wp-content/uploads/2023/01/The-Human-Rights-Tribunal-What-Needs-to-Happen.pdf>.
- ⁷⁶ Ontario Today. (2023, January 19). *Delays at Ontario's Human Rights Tribunal*. CBC Listen. <https://www.cbc.ca/listen/live-radio/1-45-ontario-today>.
- ⁷⁷ Amira Elghawaby. (2023, January 11). *Ontarians' human rights are at risk because the system designed to protect them is broken*. The Toronto Star. <https://www.thestar.com/opinion/contributors/2023/01/11/ontarians-human-rights-are-at-risk-because-the-system-designed-to-protect-them-is-broken.html>.
- ⁷⁸ Tribunal Watch Ontario (2023). *The Human Rights Tribunal of Ontario: What Needs to Happen*. <https://tribunalwatch.ca/wp-content/uploads/2023/01/The-Human-Rights-Tribunal-What-Needs-to-Happen.pdf>.
- ⁷⁹ Tribunal Watch Ontario. (2023). *The Human Rights Tribunal of Ontario: What Needs to Happen*. <https://tribunalwatch.ca/wp-content/uploads/2023/01/The-Human-Rights-Tribunal-What-Needs-to-Happen.pdf>.
- ⁸⁰ ISAC supports the recommendations made in the Alliance for Sustainable Legal Aid submission to Minister Bethlenfalvy, December 23, 2022.
- ⁸¹ Tumilty, Ryan. (2019, April 12). *Legal Aid funding cut nearly 30% in Ontario budget*. CBC News. <https://www.cbc.ca/news/canada/ottawa/ontario-legal-aid-funding-cut-1.5095058>.
- ⁸² Moore, Lisa and Trevor C.W. Farrow. (2019). Investing in Justice – A Literature Review in Support of the Case for Improved Access. *Canadian Forum on Civil Justice*. <https://cfcj-fcjc.org/wp-content/uploads/Investing-in-Justice-A-Literature-Review-in-Support-of-the-Case-for-Improved-Access-by-Lisa-Moore-and-Trevor-C-W-Farrow.pdf>.
- ⁸³ Wallace, Kenyon. (2022, December 28). *Why in Ontario and in Canada, this became COVID's deadliest year*. The Toronto Star. <https://www.thestar.com/news/analysis/2022/12/27/why-in-ontario-and-in-canada-this-became-covids-deadliest-year.html>.
- ⁸⁴ Xenia Scheil-Adlung and Lydia Sandner. (2010). *The Case for Paid Sick Leave*. World Health Report Background Paper. World Health Organization. <https://www.who.int/healthsystems/topics/financing/healthreport/SickleaveNo9FINAL.pdf>, p. 9.
- ⁸⁵ Piper K, Youk A, James AE III, Kumar S. (2017). Paid sick days and stay-at-home behavior for influenza. *PLOS ONE*, 12(2). <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0170698>.
- ⁸⁶ Decent Work and Health Network. (2020). *Before It's Too Late: How to close the paid sick days gap during COVID-19 and beyond*. https://d3n8a8pro7vhm.cloudfront.net/dwhn/pages/135/attachments/original/1604082294/DWHN_BeforeItsTooLate.pdf?1604082294, p. 9
- ⁸⁷ Mark Daku and Jody Heymann. (2014). Ensuring equitable access to sick leave. *Canadian Medical Association Journal*. September, 186(13) pp. 975-976. <https://www.cmaj.ca/content/186/13/975>.
- ⁸⁸ Soumitra Bhuyan et al. (2016). Paid sick leave is associated with fewer ED visits among US private sector working adult. *American Journal of Emergency Medicine*, 34(5), pp. 784-9. <https://pubmed.ncbi.nlm.nih.gov/26851064/>.
- ⁸⁹ Decent Work and Health Network. (2020). *Before It's Too Late: How to close the paid sick days gap during COVID-19 and beyond*. https://d3n8a8pro7vhm.cloudfront.net/dwhn/pages/135/attachments/original/1604082294/DWHN_BeforeItsTooLate.pdf?1604082294, p. 5.
- ⁹⁰ Decent Work and Health Network. (2020). *Before It's Too Late: How to close the paid sick days gap during COVID-19 and beyond*. https://d3n8a8pro7vhm.cloudfront.net/dwhn/pages/135/attachments/original/1604082294/DWHN_BeforeItsTooLate.pdf?1604082294, pp. 4-6.
- ⁹¹ McKenzie, Kwame Dr., Sané Dube, Stephen Petersen, and Equity, Inclusion, Diversity and Anti-Racism Team Ontario Health. *Tracking COVID-19 Through Race-Based Data*. Wellesley Institute and Ontario Health. https://www.wellesleyinstitute.com/wp-content/uploads/2021/08/Tracking-COVID-19-Through-Race-Based-Data_eng.pdf, 9.
- ⁹² Statistics Canada. (2023). *Consumer price index portal*. Retrieved from Statistics Canada website. https://www.statcan.gc.ca/en/subjects-start/prices_and_price_indexes/consumer_price_indexes.

-
- ⁹³ King, Amanda and Ashley Quan. (2021). *Hunger Report 2021: How the Pandemic Accelerated the Income and Affordability Crisis in Ontario*. <https://feedontario.ca/wp-content/uploads/2021/11/Hunger-Report-2021-Digital.pdf>, p.17.
- ⁹⁴ Oxfam. (2023). “Richest 1% Bag Nearly Twice As Much Wealth As The Rest Of The World Put Together Over The Past Two Years.” Oxfam Canada. <https://www.oxfam.ca/news/richest-1-bag-nearly-twice-as-much-wealth-as-the-rest-of-the-world-put-together-over-the-past-two-years/>.
- ⁹⁵ Justice for Workers. (2021). Minimum wage fact sheet. https://www.justice4workers.org/minimum_wage_fact_sheet.
- ⁹⁶ OECD (2022), Household spending (indicator). <https://data.oecd.org/hha/household-spending.htm>.
- ⁹⁷ Stephen, Gaibrie and Jesse McLaren. (2021, August 31). *Gig workers in Ontario lack basic labour rights. The province needs to provide them access to protections*. The Toronto Star. <https://www.thestar.com/opinion/contributors/2021/08/31/they-deliver-food-drive-us-around-the-city-but-lack-basic-labour-rights-ontario-needs-to-give-gig-workers-access-to-protections.html>.
- ⁹⁸ Mojtehdzadeh, Sara. (2021, April 27). *Food-delivery app Foodora announces exit from Canada two months after historic worker win*. The Toronto Star. <https://www.thestar.com/business/2020/04/27/app-based-food-delivery-giant-foodora-announces-exit-from-canada.html>
- ⁹⁹ A carve-out is an exemption from the ESA or the creation of a lesser minimum standard.
- ¹⁰⁰ Russon, Mary-Ann. (2021, February 19). *Uber drivers are workers not self-employed, Supreme Court rules*. BBC News. <https://www.bbc.com/news/business-56123668>.
- ¹⁰¹ Carreño, Belén and Joan Faus. (2021, May 11). *Gig-economy riders in Spain must become staff within 90 days under new rule*. Reuters. <https://www.reuters.com/business/sustainable-business/gig-economy-riders-spain-must-become-staff-within-90-days-under-new-rule-2021-05-11/>.
- ¹⁰² Rhinehart, Lynn, Celine McNicholas, Margaret Poydock, and Ihna Mangundayao. (2021). Misclassification, the ABC test, and employee status. *Economic Policy Institute*. <https://www.epi.org/publication/misclassification-the-abc-test-and-employee-status-the-california-experience-and-its-relevance-to-current-policy-debates/>.