



BC'S OFFICE OF THE
HUMAN RIGHTS
COMMISSIONER

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Hon. John Horgan, Premier
PO Box 9041 Stn Prov Govt
Victoria, BC V8W 9E1

July 23, 2020

via email: premier@gov.bc.ca

Dear Premier Horgan,

I hope you and your family are staying safe during these extraordinary times.

As you may have seen, BC's Office of the Human Rights Commissioner (BCOHRC) released a [policy statement](#) on human rights in the context of COVID-19 in the early days of this global pandemic. As I said in those guidelines, "[i]t is precisely when human rights are the hardest to fulfill that they are the most important." So, I am grateful for the hard work, creativity and compassion that you and your government have brought to the challenges we face as we all struggle to find our footing during this difficult time. Your government has enacted progressive policy change that has made a meaningful difference to British Columbians.

As we now turn to the economic recovery of the province, I am reaching out to offer my perspective as BC's Human Rights Commissioner on steps the government should take to apply a human rights lens to this work.

COVID-19 has changed our lives forever. Much of that change has been hard and the crisis has made more visible existing human rights issues in our communities. But, as stated in the government's online survey, *Building BC's Recovery, Together*: "We've made progress because of our commitment to supporting each other and coming together as a community to respond."

If we take this approach during the good times, we will be much better prepared to deal with the bad times. I hope the provincial government will continue to live our collective responsibilities to each other through the re-imagining of our economic and social foundations as we rebuild.

According to a recent poll, British Columbians support the policy measures introduced over the last few months. Looking to the future, 73% prefer to "build a better, more equitable and sustainable economy,"

including strong public services, over “just rebuild the existing economy”.¹ It’s clear that the public will is to strengthen – not roll back – what has been started.

In addition to making the recommendations detailed below, I would welcome the opportunity to consult with the Economic Recovery Task Force established in April to ensure that these changes are done in compliance and furtherance of human rights protections. Without collaboration and the opportunity to influence decisions as they are being made, I am in the position of seeking changes in response to policy decisions after they are done. This raises the risk that the Province’s actions may have unintended impacts on human rights.

Summary of Recommendations

I urge you to consider the following specific recommendations to continue the strong direction you have started for British Columbia:

1. **Extend rental supports** beyond September to avoid dramatically increasing homelessness in the fall
2. **Review the current Temporary Rental Supplement application process for accessibility and apply unallocated funding to support renters** with reduced income in paying current rent and accumulated rent debt
3. **Continue to purchase existing assets and build housing**, including safe and accessible units for people with disabilities, Indigenous people, racialized people, women and gender diverse people, and seniors; and:
 - a. **Ensure housing provided is no or low barrier**, including the prohibition of “no guest” policies in SROs and other multiple unit housing types
 - b. **Support people to stay in place when housing is unavailable** by:
 - i. Ensuring encampments meet the basic needs of residents, including access to water, hygiene, harm reduction and other services
 - ii. Urging municipalities to rescind bylaws that criminalize and displace unhoused people
4. Target recent federal funding and matching provincial funding to **support Translink and BC Transit in providing increased transit service** in low-income neighbourhoods
5. **Maintain the increase of \$300/month to income and disability assistance rates on a permanent basis**
6. **Support and fund community-led food hubs and emergency home food delivery systems** in collaboration with municipalities, with no barriers such as income or address verification
7. **Include the provision of paid sick leave within B.C.’s employment standard laws**
8. **Enhance sick leave provisions within the Public Service Agency from 75% of pay (or less in some circumstances) to 100%** to support workers in staying home when they are sick
9. **Re-invest in the provincial government’s universal childcare commitments** as a critical measure

¹ <https://www.policyalternatives.ca/newsroom/news-releases/survey-strong-majority-british-columbians%E2%80%94regardless-party-affiliation>

because women continue to bear the burden of unequal childcare responsibilities

10. **Target recovery measures to support workers in populations overrepresented in job losses**
11. **Continue the removal of the MSP wait period and expand full health coverage for all**
12. **Investigate the intersection of the COVID-19 and the opioid public health crises to ensure safe supply is accessible in practice** and to enhance targeted support measures
13. **Continue enhancing and increasing funding for community-based mental health services for children, youth and adults**
14. **Ensure the provision of internet access** through advocacy for increased federal support and funding, as well as targeted provincial action, which could include a technology benefit for people in poverty

Recommendations in Detail:

Housing and Transit: Building Public Infrastructure is Economic Recovery

COVID-19 is making more visible how critical housing is for the health of everyone in the province. “Housing has become the front-line defence against the coronavirus. Home has rarely been more of a life or death situation,” says Leilani Farha, the recently retired United Nations Special Rapporteur on the right to adequate housing.²

As we move into recovery, the public health advice remains tied to having a home: we are asked to “stay close to home” as much as possible and to “stay at home” if experiencing any cold or flu symptoms.³ For many, this is impossible advice to follow. In the last homeless count in 2018, 7,655 people in British Columbia were found to be unhoused, which is recognized as an underestimate of the actual number of people without homes throughout the province.⁴ This number will also likely increase due to the impacts of COVID-19 – 37% of renters have lost their job.⁵

In response to COVID-19, your government has secured many housing spaces throughout B.C., as well as provided support for renters through the Temporary Rental Supplement (TRS) and the moratorium on evictions due to late or non-payment of rent. I congratulate you on continuing these measures until September 2020⁶ and **I urge you to extend these rental supports further to avoid dramatically increasing homelessness in the fall.** According to a survey in May, 37% of renters across Canada had lost their jobs and more had their income reduced.⁷

Community advocates have raised concerns that renters have been unable to access the provincial supplement due to the requirement for the landlord to apply. This obstacle has reduced uptake of the TRS program. **I recommend that the application process be reviewed for accessibility and any unallocated funding be used**

² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25727&LangID=E>

³ <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/covid-19-provincial-support/bc-restart-plan>

⁴ https://hsa-bc.ca/_Library/Report_on_Homeless_Counts/Final-2018-Report-on_Homeless-Counts-in_BCV4.pdf

⁵ <https://acorncanada.org/take-action/june-rent-break-stop-rent-debt>

⁶ https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2020MAH0069-001100.htm

⁷ <https://bc.ctvnews.ca/from-paying-rent-to-eviction-fears-here-are-some-of-the-concerns-b-c-renters-still-face-1.4914080>

to support renters with reduced income in paying current rent and accumulated rent debt.

In addition, far more social housing is needed. Homelessness is a social and economic burden that we cannot afford and building housing puts money back in the pockets of workers. As well as continuing to purchase existing assets and building housing, including safe and accessible units for people with disabilities, Indigenous people, racialized people, women and gender diverse people, and seniors, I urge you to:

- **Ensure housing provided is no or low barrier**, including the prohibition of “no guest” policies in SROs and other multiple unit housing types
- **Support people to stay in place when housing is unavailable by:**
 - **Ensuring encampments meet the basic needs of residents**, including access to water, hygiene, harm reduction and other services⁸
 - **Urging municipalities to rescind bylaws that criminalize and displace unhoused people.** It is encouraging to see some municipal action on this front. Most recently, the Vancouver Park Board amended a bylaw to allow people to shelter in parks overnight, bringing Vancouver’s bylaws in line with the B.C. Supreme Court ruling in the Adams case that found that homeless people have the right to seek temporary shelter on public land when they have no other options.⁹ However, provincial leadership is needed to ensure that more municipalities take this essential action

As you have recognized, as workers return to work and people start to move around their communities again, increased transit service and infrastructure is critical. While transit ridership has decreased during this time, there are still significant concerns about the risks of transmission of COVID-19 on buses and skytrains, especially on routes that were previously over-crowded and where ridership is starting to increase again. This is an issue that disproportionately affects low-income people— who rely on transit more in general¹⁰— and, despite the current risks, are more likely to be using transit during this time because they are more often in employment that cannot be fulfilled at home and do not have other transportation options. **Transit service and infrastructure needs to be enhanced to allow for social distancing in order to ensure that public policy does not disproportionately place low-income people at risk of contagion.**

I congratulate you on securing matching funding for transit services from the federal government and recommend that this is targeted to support Translink and BC Transit in providing increased service in low-income neighbourhoods.

Food Security: Hunger has Costly Health Implications

With lack of income and the closure of many community food services, many British Columbians have been particularly hard hit by food insecurity. People experiencing food insecurity have poorer mental and physical health and, over the long term, “are more likely to suffer from chronic conditions such as diabetes,

⁸ <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

⁹ <https://www.canlii.org/en/bc/bcsc/doc/2008/2008bcsc1363/2008bcsc1363.pdf>

¹⁰ <https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2015/03/CCPA-BC-Transit-Referendum-Primer.pdf>

hypertension and mood and anxiety disorders.”¹¹ The health care costs of people in poverty amount to a total of \$1.2 billion in B.C.¹² We cannot afford to keep people in poverty.

I applaud your government for continuing to provide those on income and disability assistance with a monthly increase of \$300 until September (for those who are unable to access Employment Insurance or the Canada Emergency Response Benefit). I also recognize with appreciation the investment of \$100 million in food banks and local food organizations throughout the province.

I recommend you:

- **Maintain the increase of \$300/month to income and disability assistance rates on a permanent basis**
- **Support and fund community-led food hubs and emergency home food delivery systems in collaboration with municipalities, with no barriers such as income or address verification. These systems should target low-income households isolated at home due to existing health conditions, age and/or general risk to COVID-19**

Employment: Standards are Critical for Returning Labour Force

According to a survey conducted by ACORN Canada, 70% of Canadians have been financially impacted by COVID-19.¹³ As many workers are now returning to work, the mandated provision of paid sick leave is critical to ensure that B.C. remains on the path to recovery. Low wage workers without paid sick leave who have symptoms may not be able to stay home because of the financial hardship. This may contribute to the return to greater restrictions and is an unnecessary public health risk that threatens to undermine our social and economic recovery.

I applaud you on your advocacy to secure the recent federal commitment for a temporary national paid sick leave program to provide up to 10 days sick leave for those who do not have access through their employer. I encourage you to include the provision of paid sick leave within B.C.’s employment standards.

There is also a significant role for the Public Service Agency (PSA) to play as the largest employer in the province.¹⁴ The Government of British Columbia has an obligation to lead by example to take into account the needs and rights of workers, and enhance employment standards within the PSA. **As a priority measure, I encourage the PSA to enhance sick leave provisions from 75% of pay (or less in some circumstances) to 100% to support workers in staying home when they are sick without financial hardship.**

Gender-Based Plus Analysis (GBA+) Applied to Economic Recovery

Women’s participation in the labour force has reached its lowest level in three decades, according to a recent report from the Royal Bank of Canada.¹⁵ The disproportionate effect of the economic downturn on women’s employment largely stems from a lack of access to safe child care options and the impact of the pandemic on female dominated industries. Therefore, a gender-based analysis must be applied to economic recovery to ensure that women can take part more fully in the recovery.

GBA+ requires an intersectional analysis that also recognizes the unequal impact of COVID on other workers,

¹¹ <https://proof.utoronto.ca/resources/research-publications/health-nutrition-and-food-insecurity/>

¹² <https://www.policyalternatives.ca/costofpovertybc>

¹³ <https://acorncanada.org/take-action/june-rent-break-stop-rent-debt>

¹⁴ <https://www2.gov.bc.ca/gov/content/careers-myhr/about-the-bc-public-service>

¹⁵ <http://www.rbc.com/economics/economic-reports/pdf/other-reports/women%20in%20labour%20force.pdf>

including low wage workers, recent immigrants, non-unionized workers, young workers and Indigenous people.¹⁶

I recommend:

- **Re-investment in the provincial government's universal childcare commitments as a critical measure because women continue to bear the burden of unequal childcare responsibilities**
- **Targeted recovery measures to support workers in populations overrepresented in job losses**

Health Care: The Foundation of Economic Recovery

During the crisis, we have all been so thankful that we have the foundation of public health care in Canada. This is the time to strengthen this national institution and ensure that it lives up to its universal promise to provide comprehensive health care for all. While the provincial government waived the three-month MSP coverage wait period at the start of the pandemic, we are concerned that this temporary waiver ends on July 31, 2020. **I urge you to continue the removal of the wait period and expand full health coverage for all.**

I remain concerned about the existing public health crisis declared in 2016 that continues to worsen over this time. As the recent BC Coroners' Service report shows, there were 175 suspected illicit drug toxicity deaths in June 2020, a dramatic increase of 130% over June last year.¹⁷ I welcome your commitment to safe supply during this time and your support for decriminalization. However, as these numbers were decreasing before COVID, **I recommend investigating the intersection of the COVID-19 and opioid public health crises to ensure safe supply is accessible in practice and to enhance targeted support measures. In addition, the eradication of 'no guest' policies in social housing is essential as it leads to people using drugs alone.**

With the diversion of staff and resources to COVID-related care, mental health services have suffered. However, it is clear that the pandemic has short- and long-term mental health consequences that need to be addressed. **I encourage you to continue enhancing and increasing funding for community-based mental health services for children, youth and adults.**

Access to Technology

One of the most significant inequalities made visible during this time is access to technology, as the digital divide between those who can access the internet and those who cannot is increasing. Low-income people, both those on income and disability assistance and the working poor, often cannot afford computers, access to home internet, or data on smartphones. Community spaces such as libraries, which provide free access, have been closed during the pandemic. So, as many aspects of our lives have shifted online, including everything from accessing basic services to making social connections, many British Columbians are left further behind.

In 2016, the Canadian Radio-television and Telecommunications Commission (CRTC) declared the internet a basic service that everyone should have access to.¹⁸ **I urge you to ensure the provision of this service through advocacy for increased federal support and funding, as well as targeted provincial action, which could include a technology benefit for people in poverty.** This will build on the action you took in May in providing

¹⁶ <https://thetyee.ca/Analysis/2020/07/17/Pandemic-Lost-Jobs-Support/>

¹⁷ <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/illicit-drug.pdf>

¹⁸ https://crtc.gc.ca/eng/archive/2016/2016-496.htm?_ga=2.45145316.1115715288.1595346909-1404205365.1595346909

2,500 smartphones and data access to low-income people.

I am available to discuss these matters further to ensure a human rights lens is applied to economic recovery initiatives. Thank you again for your leadership during this difficult time.

Yours truly,



Kasari Govender

Human Rights Commissioner

CC: Dr. Bonnie Henry, Provincial Health Officer
Hon. Harry Bains, Minister of Labour
Hon. Katrina Chen, Minister of State for Child Care
Hon. Judy Darcy, Minister of Mental Health and Addictions
Hon. Adrian Dix, Minister of Health
Hon. Scott Fraser, Minister of Indigenous Relations and Reconciliation
Hon. Anne Kang, Minister of Citizens' Services and Minister Responsible for Multiculturalism
Hon. Michelle Mungall, Minister of Jobs, Economic Development and Competitiveness
Hon. Selina Robinson, Minister of Municipal Affairs and Housing
Hon. Shane Simpson, Minister of Social Development and Poverty Reduction
Hon. Claire Trevena, Minister of Transportation and Infrastructure
MLA Mitzi Dean, Parliamentary Secretary for Gender Equity
MLA Mable Elmore, Parliamentary Secretary for Poverty Reduction
MLA Ronna-Rae Leonard, Parliamentary Secretary for Seniors
MLA Bowinn Ma, Parliamentary Secretary for Translink