# References to Programmes and Legislation in the Ontario Portion of the Periodic Reports Submitted by Canada to the Committee on Economic, Social and Cultural Rights (CESCR) in 1997, 2004 and 2005

\*focus is on Articles 9 and 11 of the Covenant (ICESCR):

Article 9 (ICESCR)

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 11 (ICESCR)

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

In making arguments before courts and tribunals about the interpretation of legislative provisions it is often helpful to refer to submissions made by Ontario to UN reviewing bodies about how this legislation is meant to protect social rights and implement Canada/Ontario’s international human rights obligations. The following chart summarizes Ontario’s references to specific legislative provisions that the province deems to implement Ontario’s obligations under articles 9 and 11 of the ICESCR protecting the right to an adequate standard of living and adequate social security. [Click here](http://www.socialrightsontario.ca/international-human-rights/universal-periodic-review/) for the full text of Ontario’s submissions.

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| **Report (Number/Year)** | **ICESCR Article** | **Paragraphs of Report** | **Legislation/Program** | **Ontario’s Submissions regarding positive measures taken under provincial legislation** |
| [Third, 1997](http://www.socialrightsontario.ca/wp-content/uploads/2010/08/ICESCR_Third-Report-Submission1.pdf) | Article 9 | 889 | **Social Security**   * *Pension Benefits Act, 1987* | Greater protection for surviving spouses, and made a number of amendments to pension provisions to increase access by women to pension coverage |
|  |  | 914 | * *Day Nurseries Act, 1990* | Permits payment of fee subsidies to parents of children not of common parentage deemed to be "in need" |
| [Third, 1997](http://www.socialrightsontario.ca/wp-content/uploads/2010/08/ICESCR_Third-Report-Submission1.pdf) | Article 11 | 934-949 | **Housing**   * *Landlord and Tenant Act* (Part IV) (1994 amendments) (para 934-935) * *Mortgages Act* (amendements) (para 936) * *Rental Housing Protection Act* (1994 amendments) (para 937) * *Rent Control Act* of 1992 (para 938, 940) * *Building Code Act* (BCA) (1993 amendments) * *Ontario Human Rights Code* (para 941) * *Residents' Rights Act,* 1994 (para 942) * JobsOntario Homes (non-profit programme) (para 946) * Community Partners programme (para 947) * Innovative Housing Project (para 949) | See paragraphs in report for description of acts. |
| [Fourth, 2004](http://www.socialrightsontario.ca/wp-content/uploads/2010/08/ICESCR_Fourth-Report-Submission.pdf) | Article 9 | 1425-46 | *Social Assistance Reform Act*, 1997  *Ontario Works Act* (OWA), 1997  *Ontario Disability Support Program Act* (ODSPA)  Ontario Works Program  Ontario Disability Support Program (ODSP) | *Social Assistance Reform Act*, 1997, created *Ontario Works Act* (OWA), 1997, and the *Ontario Disability Support Program Act* (ODSPA), 1997. The OWA replaces the *General Welfare Act* (GWA). People with disabilities and permanently unemployable people have been transferred from the *Family Benefits Act* to the Ontario Disability Support Program. Sole-support parents under FBA have been transferred to Ontario Works. |
| [Fourth, 2004](http://www.socialrightsontario.ca/wp-content/uploads/2010/08/ICESCR_Fourth-Report-Submission.pdf) | Article 11 | 1470-71 | **Social Assistance:**   * Ontario Works (OW) * Ontario Disability Support Program (ODSP) | Mention that remittance rates in Ontario for both programs are, on average, significantly higher (22%) than for other provinces. |
|  | Article 11 | 1472-1511 | **Housing:**   * Community Partners Program (para 1476) * *Tenant Protection Act* (now the *Residential Tenancies Act*) (paras 1481-1484) * Ontario Rental Housing Tribunal (ORHT)   (para 1482-1483)   * *Ontario Human Rights Code* (para 1477) * Ontario Regulation 290/98 under the Code   (para 1492)  *Housing Development Act* (para 1478)  *Municipal Act* (para 1478)  *Fair Municipal Finance Act* (para 1500)  Provincial Homelessness Strategy (paras 1503-1511) | See paragraphs in report for description of acts. |
| [Fifth, 2005](http://www.socialrightsontario.ca/wp-content/uploads/2010/08/ICESCR_Fifth-Report-Submission.pdf) | Article 9 | 327-333 | **Social Assistance**   * Ontario Works (OW) * Ontario Disability Support Program (ODSP) | Two changes were made to these social assistance programs since the last report: i) The government no longer treats grants, bursaries or registered education savings  plan funds as income and/or assets in OW or the ODSP ii) The government has restored health benefits (i.e., Extended Health Benefit) for Ontario Works recipients transitioning to work so that high medical costs do not become a disincentive to employment.  In 2003 the government repealed the lifetime ban on social assistance recipients in situations of fraud.  In 2004 the government restored the pregnancy nutritional allowance for pregnant  women on social assistance |
| [Fifth, 2005](http://www.socialrightsontario.ca/wp-content/uploads/2010/08/ICESCR_Fifth-Report-Submission.pdf) | Article 9 | 334-335 | **Family-related benefits**   * Ontario Child Care Supplement for Working Families (OCCS) | Ontario Child Care Supplement for Working Families (OCCS) were increased by $210 per child to $1,310 annually. This is expected to increase the labour force participation of single parents and reduce the depth of low income among single-parent families. |
| [Fifth, 2005](http://www.socialrightsontario.ca/wp-content/uploads/2010/08/ICESCR_Fifth-Report-Submission.pdf) | Article 11 |  | **Housing**   * Supplementing existing homelessness programs by $2 million * Emergency fund to prevent forced evictions * Mental Health Homelessness Initiative – more supportive housing for the homeless | *Report lacks details. Ontario Report on Article 11 less than 1 page long.* |

**Notes**

1997 Report (Third): This report updates Ontario's contributions to the second report on articles 6-9 for the period 1 January 1986 to 30 September 1994, and the second report on articles 10-15 for the period 1 January 1990 to 30 September 1994.

2004 Report (Fourth): Fourth Report of Canada covers October 1994-September 1999.

2005 Report (Fifth): covers period September 1999 to December 2004

For a list of all reports and responses by the CESCR see: <http://www.socialrightsontario.ca/international-human-rights/universal-periodic-review/>