

May 30, 2024

**Brief submitted to: The Chair and Members of the Standing Senate
Committee on National Finance**

Brief submitted by: Vincent Calderhead, Counsel, Pink Larkin, (Halifax, NS)

Subject: Bill C-69, Budget Implementation Act, 2024—Canada Disability Benefit

Background and Expertise

I am a lawyer with over 38 years of experience working solely in the ‘poverty law’ field. During this time, my clients have been exclusively people living in poverty and disproportionately, they have been persons with disabilities.

In 2022 and 2023, I provided evidence regarding the Canada Disability Benefit before both the House of Commons HUMA Committee and the Senate Standing Committee on Social Affairs, Science and Technology Committee (SOCI) regarding Bill C-22, the *Canada Disability Benefit*.

I have decades of experience working on behalf of clients with both provincial and Federal income support programs—from provincial social assistance programs (in Nova Scotia, Quebec, Ontario, Manitoba and British Columbia) to the Federal EI, CPP-D, OAS & GIS programs.

I have litigated dozens of *Charter of Rights* and human rights cases involving provincial and federal income support programs. I have also represented anti-poverty groups on many occasions before United Nations treaty bodies in both Geneva and New York.

Finally, as a sessional lecture at Dalhousie University’s Schulich School of Law, I taught the course called *Poverty Law and Human Rights* for 27 years.

The Problem with Bill C-69

The Budget legislation contemplates that those eligible for the Canada Disability Benefit will receive \$200 per month.

This amount is not only profoundly inadequate to ensure that persons with disabilities have an adequate income but, also, is completely inconsistent with what the Minister responsible for the *Canada Disability Benefit Act* repeatedly stated was its original intent.

Specifically, the Honourable Carla Qualtrough repeatedly told Canadians, told Members of the House of Commons and the Senate that Bill C-22, the *Canada Disability Act*:

- *Would* lift person with disabilities out of poverty,
- Those lifted out of poverty by the Canada Disability Benefit *would* number in the “hundreds of thousands”, and
- The plan was to provide a benefit that *would* be in the range of \$20,000 per year for persons eligible for the benefit.

[See a selection of statements made by the Minister regarding the Government’s intention underlying Bill C-22, the *Canada Disability Benefit*—included at the end of this submission.]

Given the Minister’s repeated statements of legislative intent, the Budget announcement that the benefit amount would be \$200/month per recipient is inconsistent with:

- the purpose of the *Canada Disability Benefit Act*, and
- By continuing to leave persons with disabilities in Canada in deep poverty, the amount of the benefit is inconsistent with:

Re the Canada Disability Benefit amount

In setting the amount of the benefit, the the *Canada Disability Benefit Act* requires that the following be taken into consideration:

- the *Official Poverty Line*
- the additional costs associated with living with a disability;
- the challenges faced by those living with a disability in earning an income from work;
- the intersectional needs of disadvantaged individuals and groups; and
- Canada’s international human rights obligations.

As will be elaborated below, providing a maximum amount of \$200/month to eligible persons is simply inconsistent with the legislation’s purpose—taking into account these considerations.

i) **Canada’s international human rights obligations:** Canada has legally binding obligations under international human rights law to ensure that persons in need have an “adequate standard of living” (United Nations, [International Covenant on Economic, Social and Cultural Rights](#), articles 9 & 11; repeated and reinforced in the UN [Convention of the Rights of Persons with Disabilities](#), [article 28](#)).

ii) **Canada’s Constitutional Commitment under s. 36(1)(c):** Under section [36\(1\)](#) of the [Constitution Act, 1982](#), Canada and the Provinces have a joint constitutional **commitment** [“le Parlement et les législatures, ainsi que les gouvernements fédéral et provinciaux, s’engagent à...”] to provide essential public services of *reasonable quality* to all Canadians.” The joint Federal-Provincial Constitutional obligation applies to ‘essential public services’. There can be no serious question that government income support programs (including the proposed Canada Disability Benefit) are ‘essential services’. Without them, the survival and dignity of more than two million Canadians would be at risk.

As a result of Parliament’s passage of the *Poverty Reduction Act* in 2019, Canada now has an [Official Poverty Line](#) which “reflects the up-to-date cost of a basket of goods and services representing a modest, basic standard of living in Canada.”

During the legislative process for the Canada Disability Benefit, the Minister consistently stated that: “*In Canada, no person with a disability should live in poverty.*” (see selected quotations at the end of this submission)

And yet, the \$200/month figure will not only leave persons with disabilities well below Canada’s Official Poverty Line but by doing so, Canada will be in violation of its Constitutional commitment in [section 36](#). (For example, in Ontario, [it has been estimated](#) that far from eliminating poverty for persons with disabilities, the Budget announcement regarding the Canada Disability Benefit will still leave a person in receipt of social assistance about \$800/month below the poverty line.)

It is **recommended** that this Committee inform the Government that the Budgeted amount of \$200/month Canada Disability Benefit for persons with disabilities is:

- i) Inconsistent with the intentions of the *Canada Disability Benefit Act*;
- ii) Inconsistent with Canada’s International Human Rights obligations to protect the right of all to an adequate standard of living; and

- iii) Inconsistent with Canada's constitutional commitment to ensure the provision of "essential public services or reasonable quality to all Canadians".

I trust that this is useful and would be pleased to make further submissions before you.



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