

approach to equality and social and economic rights in other areas, such as under the *Charter* and provincial human rights legislation. While the protection of social and economic rights through federal-provincial/territorial agreements is also important, such agreements are less likely to situate social and economic rights squarely within an equality rights framework. The Supreme Court of Canada has taken significant guidance from human rights tribunals on the proper approach to equality. One of the difficulties in advancing social rights claims under the *Charter* has been the lack of human rights jurisprudence to guide the courts on applying equality rights in a manner that is consistent with social and economic rights. Including social and economic rights in the *CHRA* will promote the development of an equality jurisprudence that can be carried over to *Charter* claims within the social and economic sphere.

Second, including social and economic rights in the *CHRA* will encourage provincial human rights commissions and tribunals to more effectively address the social and economic rights claims of women and other disadvantaged groups under existing provincial human rights legislation. A dominant theme at the most recent meeting of the Canadian Association of Statutory Human Rights Agencies was that all human rights commissions in Canada should be devoting more attention to issues of poverty and social and economic rights.²⁵ The Québec Commission has an express mandate to address social and economic rights under the Québec *Charter*.²⁶ Other commissions have the ability to address poverty issues, at least insofar as they intersect with anti-discrimination guarantees and, under some provincial codes, with protection against discrimination based on receipt of public assistance, source of income, or social condition.²⁷ Considerable work can therefore be done by all human rights commissions to develop policies on the positive measures which are required to ensure equality for social assistance recipients, single mothers and other low income persons. Providing a clear mandate under the *CHRA* with respect to social and economic rights would promote such a collective effort.

Third, including social and economic rights in the *CHRA* as rights, which are subject to the complaints and adjudication procedure under the *Act*, will ensure that they are not, in the words of the Committee on Economic, Social and Cultural Rights, “downgraded to principles and objectives.”²⁸ The latter approach is more likely to prevail if social and economic rights are recognized only under federal-provincial/territorial agreements. As the repeal of *CAP* has shown, there is already a tendency in Canada to replace enforceable social program entitlements with unenforceable “shared principles and objectives.”²⁹ This trend,³⁰ which has a particularly harmful

²⁵See *Resolution on Economic and Social Rights*, Res. No. 10.1 (DRAFT), Canadian Association of Statutory Human Rights Agencies, 1999 Annual Meeting, Montreal, May 31, 1999.

²⁶*Charter of Human Rights and Freedoms*, R.S.Q. c. C-12. For a discussion of social and economic rights provisions of the Québec *Charter*, see P. Bosset, “Les droits économiques et sociaux: parents pauvres de la Charte québécoise?” (1996) 75 *Canadian Bar Review* 583.

²⁷See generally R.W. Zinn & P.P. Brethour, *The Law of Human Rights in Canada*, looseleaf (Aurora, Ontario: Canada Law Book, 1997).

²⁸*Concluding Observations*, 1998, *supra* note 14 at paragraph 52.

²⁹See generally Provincial/Territorial Council on Social Policy Renewal, *Progress Report to Premiers - Report No. 3* (August 1998); Provincial/Territorial Council on Social Policy Renewal, *New Approaches to Canada's Social Union: An Options Paper* (April 1997); Provincial/Territorial Council on Social Policy Renewal, *Progress Report to Premiers*