

Commission can provide a degree of institutional support which does not exist in the case of social and economic rights under federal/provincial/territorial agreements or in relation to the *Charter*. This institutional support will be particularly important at the early stages of integrating social and economic rights into Canadian law. As noted above, social and economic rights violations are inherently connected to discriminatory attitudes toward poor people, and toward poor women in particular. Promoting compliance with social and economic rights guarantees thus requires promotion of public attitudes which respect the dignity and equality of people living in poverty, and public education campaigns to combat stereotypes and prejudice. These are the traditional roles of human rights commissions. It is a significant advantage that the Canadian Human Rights Commission has recognized the importance of furthering protection for social and economic rights. The current Chief Commissioner has shown a strong interest in this area,⁴¹ and would be committed to initiating the necessary institutional transformations required to make the Commission effective.

Finally, while it is true that many social and economic rights issues fall within provincial jurisdiction, the *CHRA* is the appropriate place to begin to break down the jurisdictional divides that have become an increasingly serious obstacle to ensuring compliance with social and economic rights in Canada. The *CHRA* is the legislative statement of what are deemed to be the most fundamental human rights in Canada. The fact that housing, health care services and income assistance fall primarily within provincial jurisdiction does not absolve the federal government of responsibility for violations of social and economic rights in these areas, and there is no reason for our national human rights legislation to exclude rights to housing, health care and an adequate standard of living. Complaints and legal remedies to social and economic rights violations under the *CHRA* will, of course, be limited to areas in which the federal government is constitutionally permitted to act. Section 36 of the *Constitution Act, 1982*, makes it clear that federal and provincial governments both have a responsibility to ensure the equal enjoyment of social and economic rights in Canada, and the courts have held that the federal government is within its jurisdiction when it establishes enforceable standards in cost-shared social programs within provincial jurisdiction.⁴² Increasingly, social and economic policy is developed jointly by federal, provincial and territorial governments through such bodies as the Federal/Provincial/Territorial Council. Any coherent approach to promoting and protecting social and economic rights in Canada will need to hold the federal government accountable to human rights standards in joint federal-provincial/territorial undertakings. Including social and economic rights under the *CHRA* will ensure that this federal responsibility is no longer ignored.

⁴¹Canadian Human Rights Commission, *Annual Report 1997*, *supra* note 3.

⁴²*Reference Re Constitutional Questions Act (B.C.)*, [1991] 2 S.C.R. 525; *Eldridge v. British Columbia (Attorney General)* [1997] 3 S.C.R. 624 [hereinafter *Eldridge*]. Section 36 entrenches an express commitment by the federal government and the provinces to: “promoting equal opportunities for the well-being of Canadians”; “furthering economic development to reduce disparity of opportunities”; and “providing essential public services of reasonable quality to all Canadians.” This provision represents a constitutionally binding undertaking on the part of the federal and provincial governments to promote equal opportunities for the welfare of women and men living in all parts of the country, and to provide basic public services of reasonable and comparable quality to all Canadians.