



Submission to the Committee on Social and Economic Development on Bill 24, the Social Services Appeal Board Amendment Act

I want to thank you for providing us with an opportunity to speak today, on the ancestral lands of the Anishinaabe, Inuit and Dakota people, the homeland of the Métis Nation and land governed by Treaty One.

My name is Karen Sharma and I am the Director of Investigations and Policy for the Manitoba Human Rights Commission.

The Manitoba Human Rights Commission is an independent agency of the Government of Manitoba, responsible to the Minister of Justice for the protection and promotion of human rights in our province. As the agency mandated to administer our provincial *Human Rights Code*, we enforce the right of all Manitobans to be free from discrimination, prejudice and negative stereotypes.

We also enforce the corresponding responsibility of employers, landlords and service providers --- like restaurants, schools, hospitals and government agencies --- to uphold the fundamental principles of equality and freedom from discrimination.

The Manitoba Human Rights Commission joins other concerned groups and individuals who promote the principle of equality in standing before you here today because we believe **the Canadian Charter of Rights and Freedoms belongs to all people in Canada.**

Bill 24 proposes that the Social Services Appeal Board will have no jurisdiction to inquire into or make a decision concerning the constitutional validity or applicability of any provincial or federal law or to grant a remedy under the Charter. Bill 24 proposes to restrict the Social Services Appeal Board, a quasi-judicial administrative tribunal, from considering and applying Charter principles when making decisions about the provision of social assistance to Manitoba's most socially disadvantaged citizens.

Section 15 of the Charter of Rights and Freedoms guarantees equality for all Canadians- regardless of their race, nationality, ethnicity, colour, religion, sex, age or mental or physical disability. Canada is celebrated for entrenching this principle in law and for ensuring that it forms the basis for our interactions as citizens of this nation.

The Commission believes that Bill 24 undermines these fundamental principles and counters the direction from our Manitoba Court of Appeal in its November 2017 decision of *Stadler v. Manitoba (Social Services Appeal Board)*. In this decision, our Court of Appeal clearly reasoned that it was in the interests of access to justice that Social Services Appeal Board consider the Charter in its decisions - and that if it was limited by the knowledge of its appointed members- it ought to seek legal advice when necessary.

In *Stadler*, the Court reviewed the evolution of law in Canada with respect to administrative tribunals applying the Charter and issued its decision in that case consistent with the reasoning from our Supreme Court of Canada about the Charter belonging to the people. The Court considered Chief Justice McLachlin's comments in earlier decisions where she said,

“The Charter belongs to the people. Law and law-makers that touch the people must conform to it. Tribunals and commissions charged with deciding legal issues are no exception. Many more citizens have their rights determined by these tribunals than by the courts. If the Charter is to be meaningful to ordinary people, then it must find its expression in the decisions of these tribunals.”

The Social Services Appeal Board hears from some of our provinces most marginalized citizens. Our single parents, seniors, people with disabilities, those that experience homelessness or have inadequate housing, those that do not have secure employment. We have delegated decision making authority on this most pressing issue - the provision of social assistance benefits – to the members of the Social Services Appeal Board. They are a specialized decision-maker, who along with other administrative tribunals, constitute an integral part of our justice system. We know that there is greater reliance on administrative tribunals and decision makers to decide questions of fact and law on issues that affect Manitobans in all aspects of their lives. These bodies are expected to apply the laws of our land in a way that we, as citizens, can understand and in a system that we can navigate.

Bill 24 undermines the role of the Social Services Appeal Board- but more importantly it undermines the rights of Manitobans agreed to with the proclamation of our 1982 Constitution, namely that it, including the Charter of Rights and Freedoms, would apply equally in this province as it would in others.

As the agency charged with promoting the dignity and rights of every member of our human family- we urge you to reconsider Bill 24.