



**The Law Society  
of Manitoba**

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## **People-Centred Data Collection**

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October 25, 2022

# People-Centred Data Collection

October 25, 2022 | 12:00 noon – 2:00 p.m.

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## Presenter Profiles

### **Heather Fast, Manitoba Eco-Network**

Heather Fast is the part-time Policy Advocacy Director of the Manitoba Eco-Network, a non-profit environmental organization in Winnipeg. She is a Ph.D. Candidate at the University of Manitoba's Natural Resources Institute studying ways to improve public access to environmental justice. She is also currently teaching Environmental Law at the University of Manitoba, Faculty of Law. Before she returned to grad school, Heather practised law in Manitoba, receiving her Call to the Bar in 2014.

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### **Allison Fenske, Public Interest Law Centre**

Allison Fenske is a lawyer with the Public Interest Law Centre, where her work involves navigating legal issues through a social inclusion lens, with a particular focus on people living in vulnerable or marginalized communities. Allison also teaches Gender and the Law at the University of Manitoba's Faculty of Law and is a presiding member of the Cooperative Housing Appeal Tribunal.

Allison is keenly interested in access to justice issues and was the co-author of "Justice Starts Here", a 2017 report on access to justice and the potential for a one-stop-shop approach in Manitoba published by the Canadian Centre for Policy Alternatives.

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### **Gerard Kennedy, University of Manitoba, Faculty of Law**

Gerard Kennedy is an assistant professor in the Faculty of Law at the University of Manitoba, where he teaches and researches in the areas of civil procedure, administrative law, and constitutional law. He's the author of two books and dozens of journal articles and blog posts in these areas. He holds a Ph.D. from Osgoode Hall Law School, an LL.M. from Harvard Law School, and a J.D. from Queen's University.

Prior to entering full-time academia, he was a civil litigator in private practice in Toronto. He remains a member of the Ontario bar and looks forward to applying for membership in the Manitoba bar come January.



## **Sarah McCoubrey, CALIBRATE**

Sarah McCoubrey is the founder of CALIBRATE, a consultancy where she works with small and large organizations to tackle access to justice challenges internationally, nationally and locally. She specializes in e-justice, gender equality and justice transformation for UN agencies, national governments, courts and civil society.

She has a Bachelor degree with a major in Women's Studies and a Juris Doctor in Law from UVic and a Master of Education in adult education, curriculum and learning from OISE. Sarah practiced at Shibley Righton, LLP, in Toronto, focusing on education law followed by 10 years as the Executive Director of the Ontario Justice Education Network, combining her interests in law, education and social justice. She received the Peter Cory Community Leadership Award for her efforts in Justice Education. In 2021-22, Sarah conducted a global mapping of development-focused e-justice and data initiatives and authored the UNDPs recent paper on Digital Transformation: E-Justice to close the Justice Gap for the UNDPs Justice Futures CoLab. She works on projects around the globe to build resilient justice systems that prioritize human rights and rule of law protections.

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## **Susan McDonald, Justice Canada**

Susan McDonald is a lawyer and holds a PhD in Education from the University of Toronto where she researched the impact of trauma on immigrant women leaving intimate partner violence and how they learned about the law. She has been with the Department of Justice Canada since 2001 and is currently Principal Researcher with the Research and Statistics Division. In this role, she manages a team of researchers and is responsible for research on access to justice, victims of crime, hate crimes, gender and other files. Susan lives in Ottawa with her partner, cats and an energetic puppy, who strategically arrived just as all three sons left for university.

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## **Amy Richmond, Prairie Research Associates**

Amy Richmond is a senior consultant at Prairie Research Associates (PRA) and a former Partner. PRA is an independent research firm with offices in Winnipeg and Ottawa that has offered client-focussed research services in the areas of program evaluation, market research, performance measurement, and general social science research for over 30 years (<https://pra.ca/>).

Amy has over 20 years of program evaluation experience and holds the designation of Credentialed Evaluator with the Canadian Evaluation Society. Prior to joining PRA Inc., Amy was an associate with Baker Botts LLP in its Houston, Texas and London, UK offices. Amy brings her combined legal and social science expertise to managing justice projects in civil and criminal law.



# People-Centred Data Collection

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# **Serious Problems and Access to Justice – People-Focused Research**

**Susan McDonald**  
**Research and Statistics Division**  
**October 25, 2022**

1. Provide some background on research on access to justice – system-focused and people-focused - at the Department of Justice Canada
2. Highlight three (3) examples of recent research:
  - i) The *Measuring What Matters* report
  - ii) The Access to Justice Index for Federal Administrative Bodies
  - iii) The Canadian Legal Problems Survey and Series of Qualitative Studies on Serious Problems





# Access to Justice Research

Justice Canada has undertaken social science, empirical research on access to justice since the 1980s. From 2000-2008, there was significant research completed on legal needs, in both criminal and civil contexts.

Understanding access to justice requires:

1) system-focused indicators (administrative data such as, # of civil cases before the courts);

2) people-focused indicators (self-reported data from surveys or other studies such as, % of Canadians who are confident that the family justice system is fair).



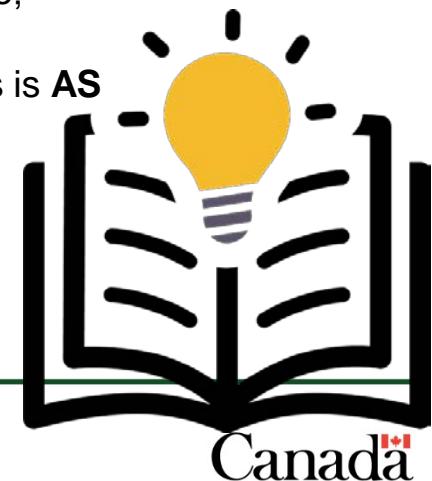
For reports, see <https://www.justice.gc.ca/eng/csj-sjc/access-acces/raj.html>



# The *Measuring What Matters* report:

- ✓ Situates the need to measure access to justice within the context of lessons learned from the pandemic, as well as Canada's commitments to Sustainable Development Goal 16;
- ✓ Describes how access to justice is best understood using **BOTH** system-focused and people-focused indicators;
- ✓ Identifies indicators in both categories for family law, and to a lesser extent, for two areas of poverty law (housing and income support);
- ✓ Presents these data for the years 2018/2019 – 2020/2021 where available;
- ✓ Argues that measuring access to justice in family and poverty law matters is **AS IMPORTANT AS** improving data in the criminal law context;
- ✓ Includes recommendations.

## Measuring What Matters





# Recommendations

The *ad hoc* Working Group recommends that Deputy Ministers:



- 1. *Elevate the importance of data and measurement*** in the areas of family and poverty law by taking the following actions:
  - a. Extend the mandate of the *ad hoc* WG until the end of the calendar year 2022 to undertake further work:
    - i. to reach a consensus on common definitions for the indicators selected in this initial report;
    - ii. to explore additional indicators if appropriate; and
    - iii. to consider ways to effectively illustrate the data and key findings.
  - b. Consider funding people-focused, self-reported research through a future cycle of the Canadian Legal Problems Survey (2026) or a similar data collection initiative.
- 2. *Support transparency and accountability*** in regards to family and poverty law data by taking the following action:
  - a. Facilitate the public release and broad distribution of this report once approved to improve access to data about justice.



# System- Focused Family Law Indicators

	Description of Indicator(s)
<b><i>Matters before the courts</i></b>	The # of family matters before the courts and processing times (by year, pre & during COVID-19, by type of matter)
<b><i>Representation</i></b>	The # of litigants appearing in court for family law matters who are not represented by a legal adviser (by year, pre & during COVID-19)
<b><i>Participation in Family Justice Services</i></b>	The number of participants who completed family justice services (by type, by year pre & during COVID-19. Two services will be tracked: i)Parent education/information sessions ii)Government-funded out-of-court/early dispute resolution services (such as mediation or conciliation)
<b><i>Access to Family Legal Aid</i></b>	The # of legal aid applications for family matters received and the # and % of these applications approved (by year, pre & during COVID-19)
<b><i>Use of Technology</i></b>	The # of hits for information about the family justice system (by specific page in each jurisdiction (see Appendix D), by year, pre & during COVID-19)



# People-focused family law indicators

	Description of Indicator(s)
<b>Prevalence of Family Legal Problems/Needs</b>	i)The #/% of Canadians who have experienced a family legal problem in a three year time period; ii)The % of Canadians who are able to resolve their family legal problem (SDG 16.3 GIF, CIF); iii)The % of Canadians who were adversely impacted by their family legal problem (by category of impact – economic, psycho-social, etc.).
<b>Public Confidence in Family Justice System</b> <b>A) that the family justice system can provide a fair outcome;</b>	i)The % of <u>all</u> individuals who have high confidence that the family justice system can provide a fair outcome in their disputes (by year, pre & post COVID-19) ii)The % of those with family justice experience who have high confidence that the family justice system can provide a fair outcome in their disputes (by year, pre & during COVID-19)
<b>B) that the family justice system is accessible.</b>	i)The % of <u>all</u> individuals who have high confidence that the family justice system is accessible (by year, pre & post COVID-19) ii)The % of those with family justice experience who have high confidence that the family justice system is accessible (by year, pre & during COVID-19)
<b>Access through Technology</b>	The % of Canadians who are comfortable or very comfortable accessing the family justice system in the following scenarios (by year, pre & during COVID-19): i)Looking for information and reading about the family justice system online ii)Completing forms online using fillable PDF forms iii)Using video conferencing platforms (e.g., Zoom, MS Teams, Google Meet, etc.) for what would normally be in-person meetings, mediation, or court sessions



## Take The Index Challenge!

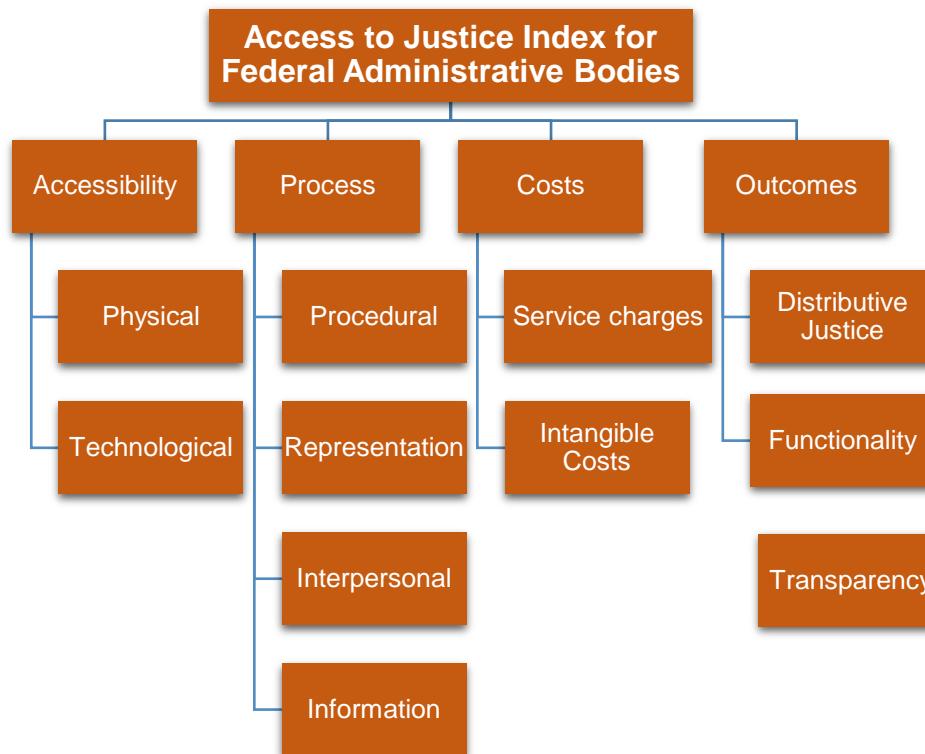
The Index reflects perspectives on what will contribute to an accessible administrative body. Its strength lies in its holistic approach to Access to Justice.

The Index can contribute to dialogues about the scope of accessibility to administrative bodies, which responsibilities they ought to assume and how they can discharge those responsibilities.

The Index can be used to support budget priorities, new partnerships with governments, other public sector entities or NGOs, such as mental health service providers, translation services or new standards.

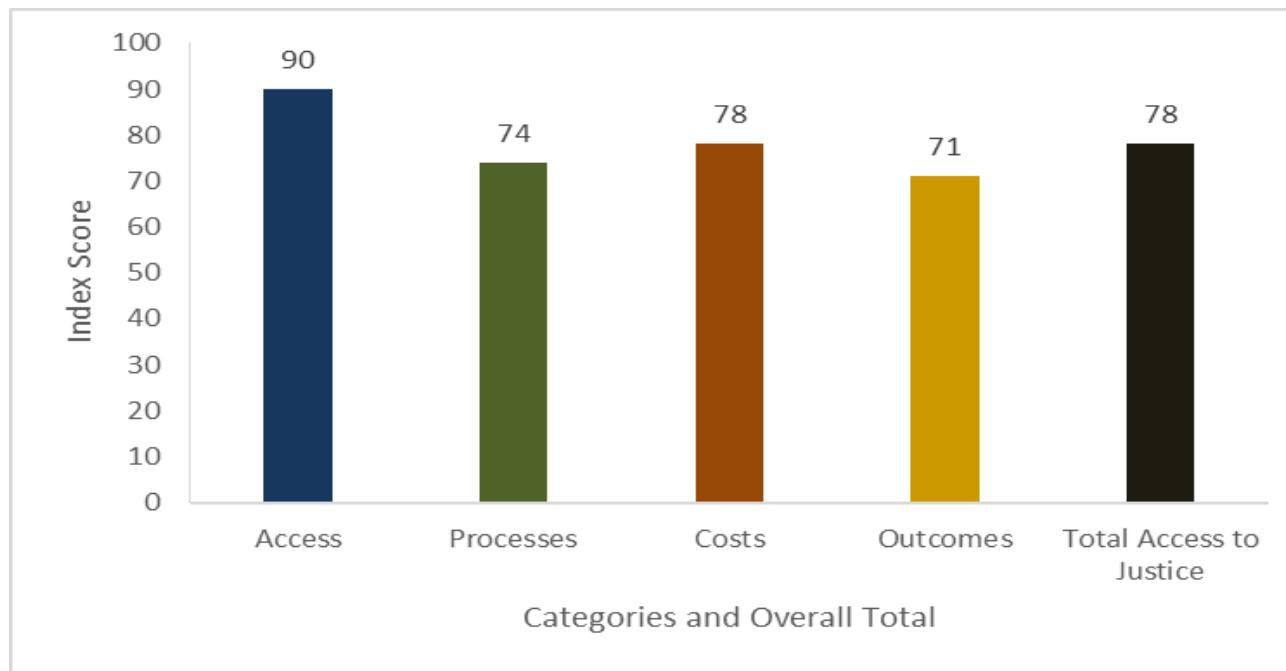


# Key Categories for the Access to Justice Index for Federal Administrative Bodies





# Composite Access to Justice Index Score





# The 2021 Canadian Legal Problems Survey

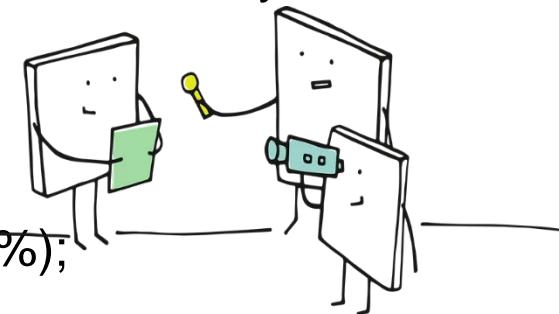
- Work began in 2018, delays due to COVID, in the field Feb-Aug 2021
- Final sample size: 21,170
  - Provinces only – Indigenous oversample
  - Online survey with follow up by phone
- Response rate: 50.7%
- Two step approach to capturing serious problems:
  - 1) Had the respondent experienced any of a series of possible problems in the three years preceding the survey?
  - 2) If yes, was this problem serious or not easy to fix?
- The analysis focuses only on problems that were *serious or not easy to fix.*





# Key Findings

- Just under one in five (**18%**) people living in Canada's provinces had experienced at least one serious dispute or problem in the three years preceding the survey.
- Most commonly reported serious disputes/problems:
  - Problems in the neighbourhood (21%);
  - Receiving poor or incorrect medical treatment (16%);
  - Problems related to harassment (16%);
  - Problems related to discrimination (16%);
  - Having a problem with a large purchase or service (15%).





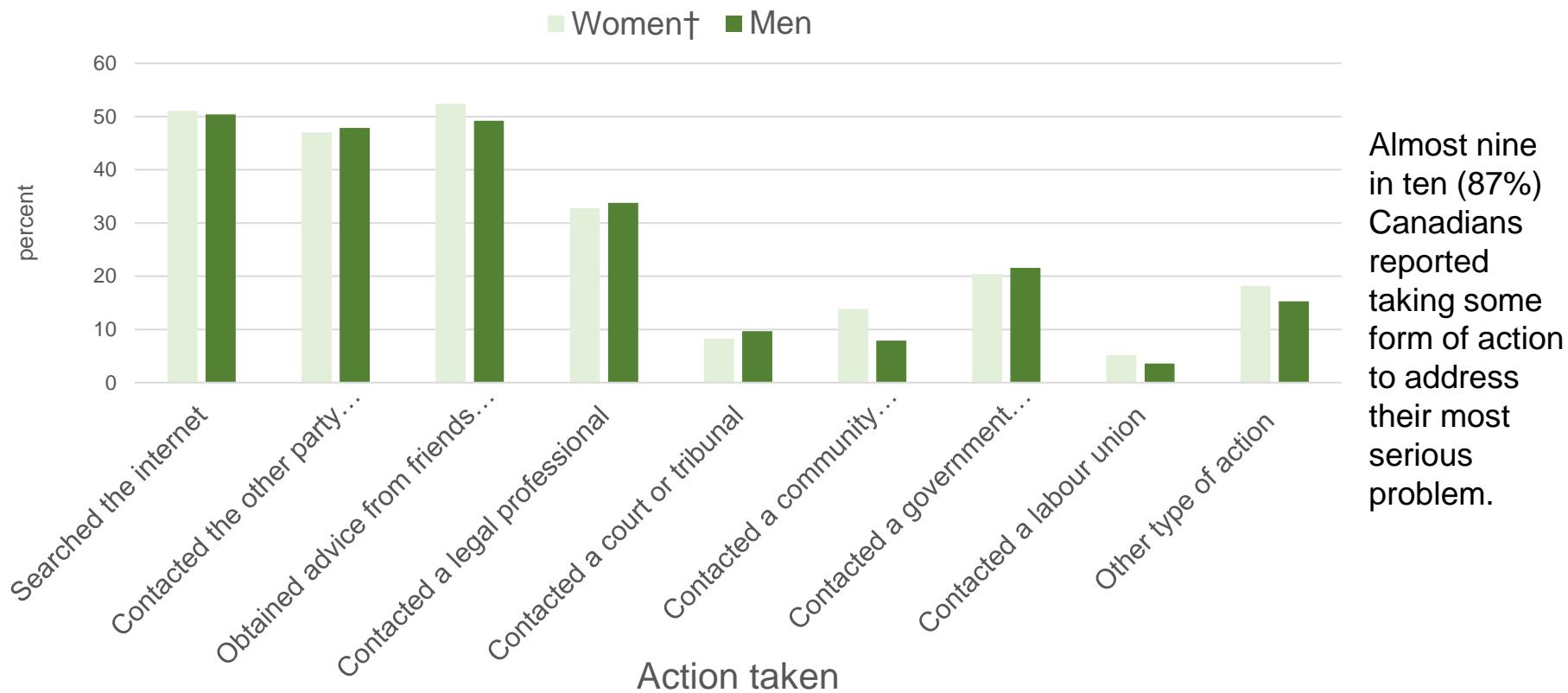
# Key Findings



- More than one-quarter of Indigenous people reported experiencing at least one serious problem (**27%**) a much larger proportion than the general population (**18%**)
- Indigenous people were **41%** more likely than non-Indigenous people to experience a serious problem when controlling for other factors
- 20% of people belonging to a group designated as visible minority reported experiencing at least one serious problem—a proportion slightly higher than that of people who are not a visible minority (18%). This difference was driven by a higher proportion of **Black people reporting a serious problem (28%)**



## Type of action taken to resolve the most serious problem



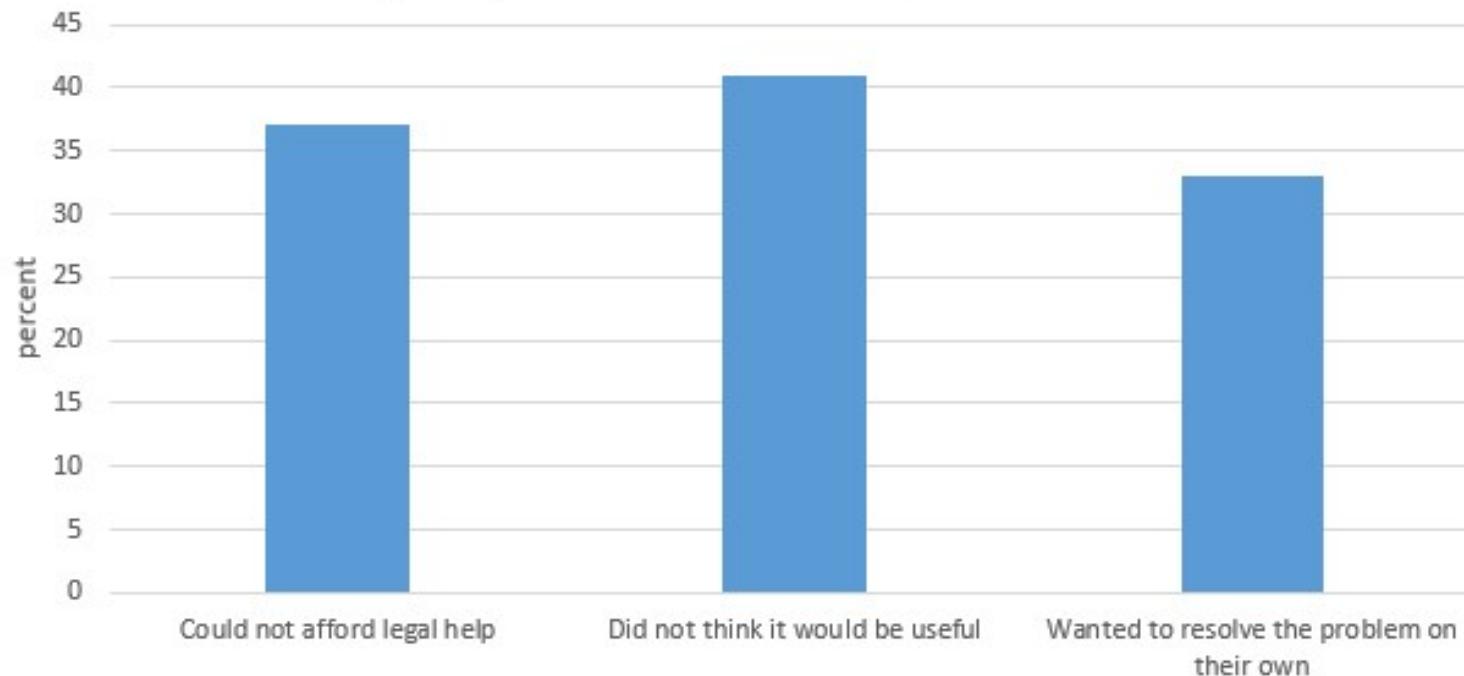
Note: Respondents were able to pick multiple responses.

Source: Statistics Canada, Canadian Legal Problems Survey.



# Reasons for not contacting a lawyer

Reasons for not contacting a lawyer to resolve most serious problem



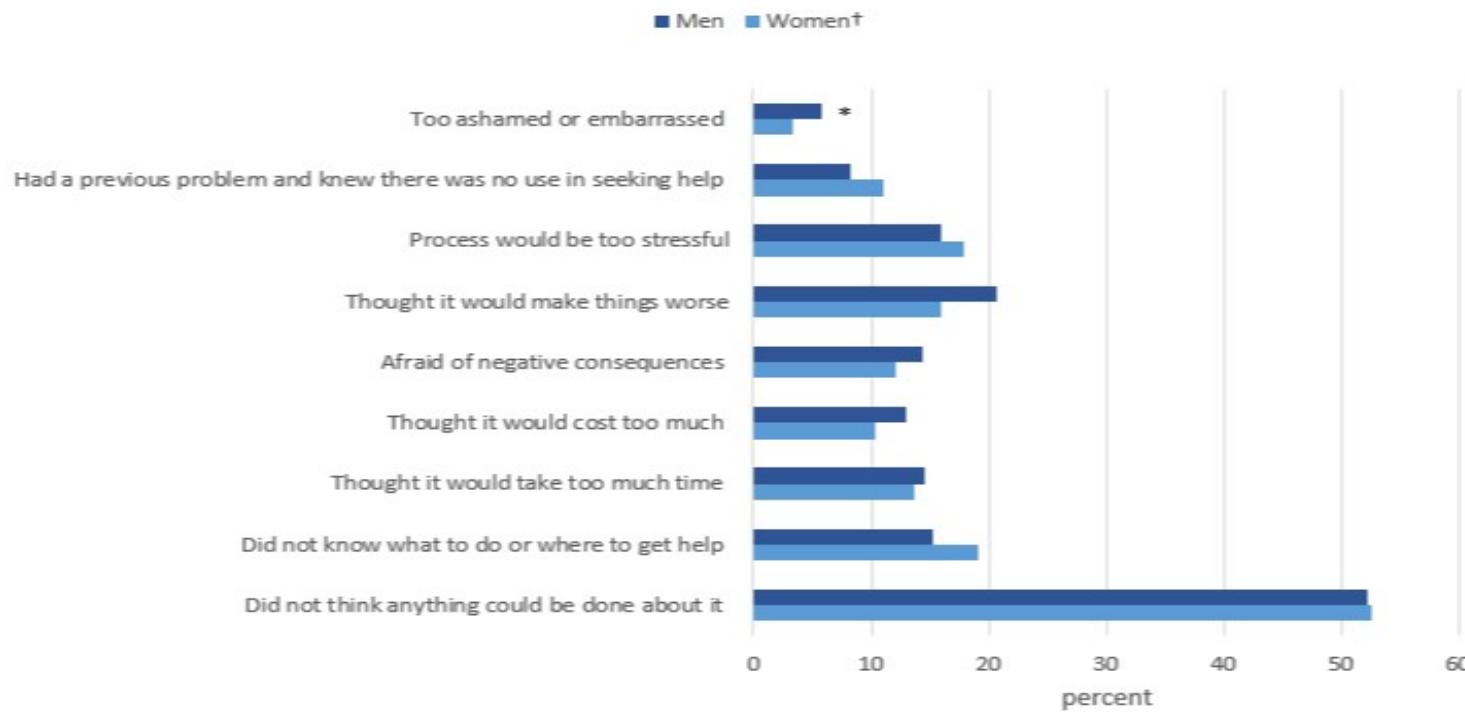
**Note:** Respondents were able to pick multiple responses.

**Source:** Statistics Canada, Canadian Legal Problems Survey.



# Reasons for not taking action

Reasons for not taking action to resolve most serious problem



Note: Respondents were able to pick multiple responses.

Source: Statistics Canada, Canadian Legal Problems Survey.



Department of Justice  
Canada

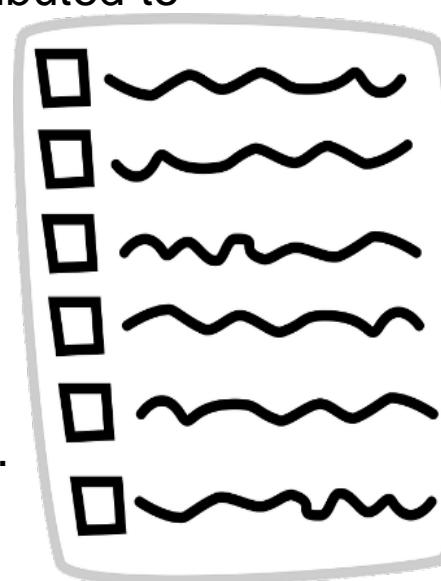
Ministère de la Justice  
Canada

Canada



# Impacts stemming from the most serious problem

- 79% of Canadians said that their most serious problem contributed to some type of adverse health impact.
- Women were significantly more likely than men to report each type of health impact measured in the CLPS, as well as any sort of health problem overall.
- Extreme stress was the most commonly reported health impact by both men and women (65% and 79%, respectively).





# A Series of Qualitative Studies on Serious Legal Problems

The qualitative studies were developed to address the anticipated gaps in the quantitative data, with community-based researchers doing the research with members of minority populations.

Population	Number of studies
Sexual and gender identity minorities	3
Persons with disabilities	3
Black people	2
Immigrants	2
Indigenous people (Metis)	1

For the published reports, see [here](#)

# TYPES of problems and common themes

## TYPES OF PROBLEMS

- Housing
- Employment
- Family
- Social assistance – more prevalent for persons with disabilities
- Issues with the police/ criminal – more prevalent for Black people and 2SLGBTQI+ people



Perceived discrimination and harassment



## THEMES

- COVID-19
- Access to Justice
- Legal Aid
- Responding to the problem





# Key messages

Using the same framework as in the quantitative Canadian Legal Problems Survey was a useful approach to these qualitative studies.

Issues not unexpected; amidst the negative findings, there were some positive stories.

COVID-19 exacerbated some issues and also caused some new serious problems.

Certain populations experienced more of particular types of problems. For example,



Black people and the 2SLGBTQI+ participants had more negative experiences with police and more interactions with the criminal justice system;

Persons with disabilities had more issues with social assistance;

Immigrant class impacted known support systems (e.g. settlement services).

Valuable narratives and better understanding around serious problems and how they are experienced by minority populations

# Why people-focused research matters

- Research and data inform policy development and program funding. At Justice Canada, at least seven of our funding programs have “improved access to justice and well-being” as their long term outcomes.
- For those doing the work on the front lines, continuous evaluation/monitoring can provide insights into what is working and what is not.
- Let’s think of more examples.
- For more information, please contact:  
Susan McDonald, LLB, PhD, Principal Researcher  
Research and Statistics Division, Department of Justice Canada  
Email: [susan.mcdonald@justice.gc.ca](mailto:susan.mcdonald@justice.gc.ca)





# **Des problèmes sérieux et l'accès à la justice – Recherche axée sur les personnes**

**Susan McDonald**

**Division de la recherche et de la statistique**

**25 octobre 2022**

1.

Situer la recherche sur l'accès à la justice — axée sur le système et axée sur les personnes — au ministère de la Justice du Canada;

2.

Souligner trois (3) exemples de recherche récent:

i)

Le rapport *Mesurer Ce Qui Compte*;

ii)

Un indice de l'accès à la justice pour les entités administratives fédérales;

iii)

L'Enquête canadienne sur les problèmes juridiques, 2021 et Une série d'études qualitatives sur les problèmes juridiques graves.





# Recherche sur l'accès à la justice

Justice Canada mène des recherches empiriques en sciences sociales sur l'accès à la justice depuis les années 1980. De 2000 à 2008, d'importantes recherches ont été effectuées sur les besoins juridiques, tant en matière pénale que civile.

Pour comprendre l'accès à la justice, il faut :

1)des indicateurs axés sur le système (données administratives comme le nombre d'affaires civiles devant les tribunaux);

2)des indicateurs axés sur les personnes (données autodéclarées provenant d'enquêtes ou d'autres études, comme le pourcentage de Canadiens qui croient que le système de justice familiale est équitable).

Pour les rapports, consulter <https://www.justice.gc.ca/fra/csj-sjc/access-acces/raj.html>





# Le rapport *Mesurer Ce Qui Compte*

- ✓ Présente la nécessité de mesurer l'accès à la justice dans le contexte des leçons tirées de la pandémie, ainsi que des engagements du gouvernement du Canada à l'égard de l'objectif de développement durable (ODD) n° 16;
- ✓ Décrit comment l'accès à la justice est mieux compris en utilisant des indicateurs axés **À LA FOIS** sur le système et sur les personnes;
- ✓ Établit des indicateurs dans deux catégories pour le droit de la famille et, dans une moindre mesure, pour deux domaines du droit rattaché à la pauvreté (logement et aide au revenu) et révèle des lacunes dans les données;
- ✓ Présente ces données pour les années 2018-2019 à 2020-2021 lorsqu'elles sont disponibles;
- ✓ Fait valoir que la mesure de l'accès à la justice dans des affaires en droit de la famille et en droit rattaché à la pauvreté est **AUSSI IMPORTANTE QUE** l'amélioration des données dans le contexte du droit criminel;
- ✓ Comprend des recommandations.

## [Mesurer Ce Qui Compte](#)





# Recommendations

Le groupe de travail recommande aux sous-ministres de :



**1. Souligner l'importance des données et des mesures** dans les domaines du droit de la famille et du droit rattaché à la pauvreté en prenant les mesures suivantes :

a. Prolonger le mandat du groupe de travail ad hoc jusqu'à la fin de l'année civile 2022 pour permettre de poursuivre d'autres travaux :

- i. pour parvenir à un consensus sur les définitions communes des indicateurs retenus dans le présent rapport initial;
- ii. pour explorer d'autres indicateurs, s'il y a lieu;
- iii. pour envisager des moyens de présenter efficacement les données et les principales conclusions visuellement.

b. Envisager de financer des recherches autodéclarées axées sur les personnes dans le cadre d'un cycle futur de l'Enquête canadienne sur les problèmes juridiques (2026) ou d'une initiative similaire de collecte de données.

**2. Soutenir la transparence et la responsabilité** en ce qui concerne les données du droit de la famille et du droit rattaché à la pauvreté en prenant les mesures suivantes :

a. Faciliter la diffusion publique et la diffusion générale du présent rapport une fois approuvé pour améliorer l'accès aux données sur la justice. 5



# Indicateurs axés sur le système du droit de la famille

	<b>Description des indicateurs</b>
<b>Affaires devant les tribunaux</b>	Nombre d'affaires relevant du droit de la famille devant les tribunaux et délais de traitement (par année, avant et pendant la COVID-19, par type d'affaires)
<b>Représentation</b>	Nombre de plaideurs comparaissant devant les tribunaux dans des affaires relevant du droit de la famille qui ne sont pas représentés par un conseiller juridique (par année, avant et pendant la COVID-19)
<b>Participation aux services de justice familiale</b>	Nombre de participants ayant bénéficié de services de justice familiale (par type, par année, avant et pendant la COVID-19). Deux services feront l'objet d'un suivi : i) séances de sensibilisation et d'information à l'intention des parents; ii) services de résolution extrajudiciaire des différends et de résolution précoce des différends financés par le gouvernement (tels que la médiation ou la conciliation).
<b>Accès à l'aide juridique en matière familiale</b>	Nombre de demandes d'aide juridique relatives aux affaires relevant du droit de la famille reçues ainsi que nombre et pourcentage de ces demandes approuvées (par année, avant et pendant la COVID-19)
<b>Utilisation de la technologie</b>	Nombre d'appels de fichier pour obtenir de l'information sur le système de justice familiale (par page précise au sein de chaque administration [voir l'annexe D], par année, avant et pendant la COVID-19)



# Indicateurs axés sur les personnes dans le domaine du droit de la famille

	<b>Description des indicateurs</b>
<b>Prévalence des problèmes et des besoins juridiques en matière familiale</b>	i) Nombre et pourcentage de Canadiens ayant éprouvé un problème juridique familial au cours d'une période de trois ans ii) Pourcentage de Canadiens qui sont en mesure de résoudre leur problème juridique familial (ODD 16.3, Cadre mondial d'indicateurs et Cadre d'indicateurs canadien) iii) Pourcentage de Canadiens ayant subi les conséquences néfastes de leur problème juridique familial (par catégorie d'incidence – économique, psychosociale, etc.)
<b>Confiance du public dans le système de justice familiale</b> <b>A) que le système de justice familiale peut fournir un résultat équitable;</b>	i) Pourcentage de <u>toutes</u> les personnes ayant une grande confiance dans la capacité du système de justice familiale d'assurer un règlement équitable de leurs différends (par année, avant et après la COVID-19) ii) Pourcentage de personnes ayant une expérience de la justice familiale qui ont une grande confiance dans la capacité du système de justice familiale d'assurer un règlement équitable de leurs différends (par année, avant et pendant la COVID-19)
<b>B) que le système de justice familiale est accessible.</b>	i) Pourcentage de <u>toutes</u> les personnes ayant une grande confiance dans l'accessibilité du système de justice familiale (par année, avant et après la COVID-19) ii) Pourcentage de personnes ayant une expérience de la justice familiale qui ont une grande confiance dans l'accessibilité du système de justice familiale (par année, avant et pendant la COVID-19)
<b>Accès par des moyens technologiques</b>	Pourcentage de Canadiens qui sont à l'aise ou très à l'aise d'avoir accès au système de justice familiale dans les scénarios suivants (par année, avant et pendant la COVID-19) : i) Chercher de l'information et lire sur le système de justice familiale en ligne; ii) Remplir des formulaires en ligne à l'aide de formulaires PDF à remplir; iii) Utiliser des plates-formes de visioconférence (p. ex. Zoom, MS Teams, Google Meet) pour ce qui serait habituellement des réunions en personne, des séances de médiation ou des audiences devant un tribunal.



## Relevez le défi de l'indice!

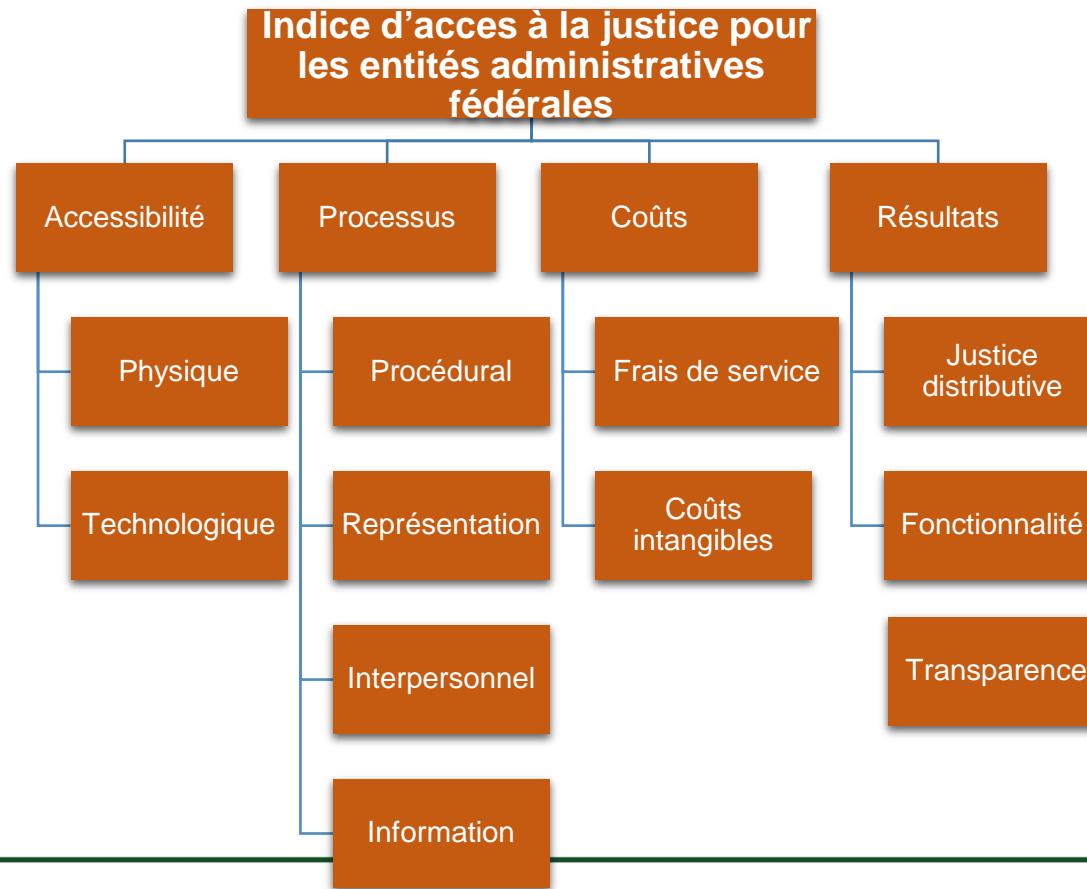
L'Indice tient compte des points de vue sur ce qui favorisera l'accessibilité d'une entité administrative. Sa force réside dans son approche globale à l'égard de l'accès à la justice.

L'Indice peut favoriser la discussion sur la portée de l'accès aux entités administratives, sur les responsabilités que celles-ci entendent assumer et sur la manière dont elles peuvent s'acquitter de leurs responsabilités.

L'Indice peut être utilisé pour appuyer les priorités du budget, les nouveaux partenariats avec le gouvernement, d'autres entités du secteur public ou ONG, comme les fournisseurs de services en santé mentale, les services de traduction ou de nouvelles normes.

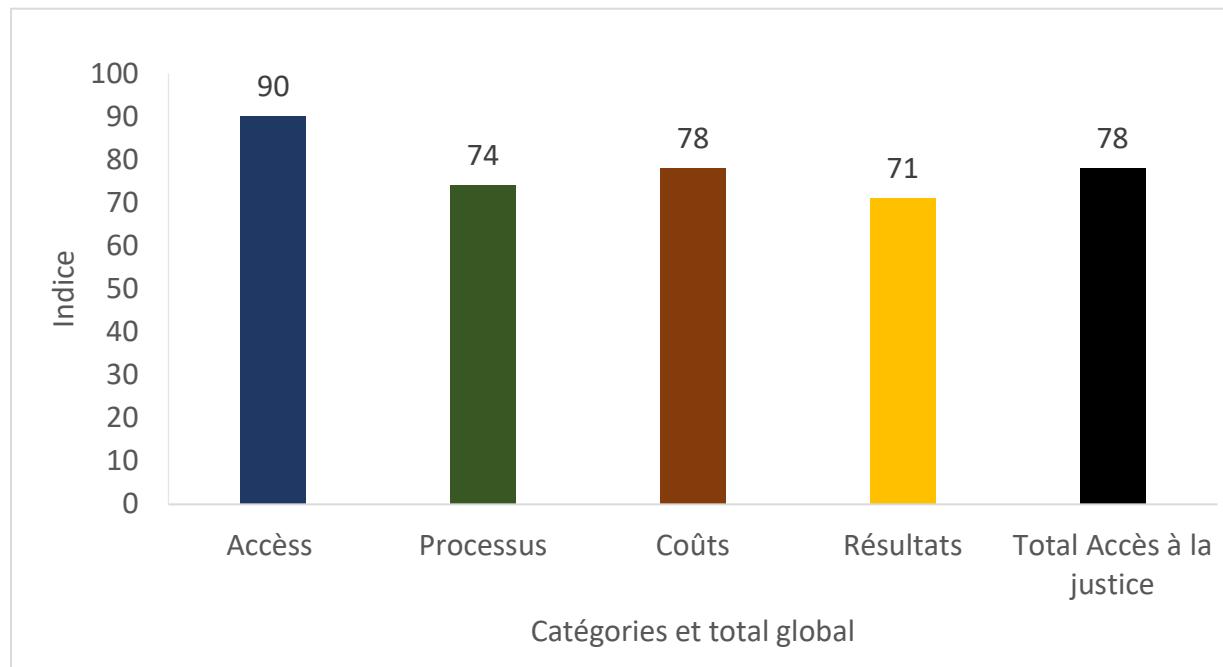


# Indicateurs clés pour l'indice d'accès à la justice pour les entités administratives fédérales





# Indice composé d'accès à la justice





# L'Enquête canadienne sur les problèmes juridiques, 2021

- Les travaux ont commencé en 2018, avec des retards en raison de la COVID, sur le terrain de février à août 2021
- Taille de l'échantillon : 21 170 personnes
  - Provinces seulement — suréchantillon de personnes autochtones
  - Enquête menée en ligne avec suivi téléphonique
- Taux de réponse : 50,7 %
- Approche en deux étapes pour cerner les problèmes graves :
  - 1) Les répondants ont-ils connu un ou plusieurs problèmes d'une série de problèmes possibles au cours des trois années ayant précédé l'enquête?
  - 2) Dans l'affirmative, ce problème était-il grave ou difficile à résoudre?
- L'analyse porte uniquement sur les problèmes graves ou *difficiles à régler.*

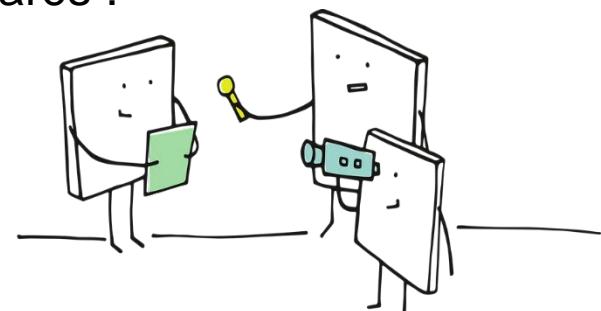


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## Principales conclusions

- Un peu moins de 1 personne sur 5 (**18 %**) vivant dans les provinces canadiennes avait connu au moins un conflit ou un problème grave au cours des trois années ayant précédé l'enquête.
- Conflits ou problèmes graves les plus souvent déclarés :
  - les problèmes concernant le quartier (21 %);
  - l'obtention de soins médicaux inadéquats ou de mauvaise qualité (16 %);
  - le harcèlement (16 %);
  - la discrimination (16 %);
  - les problèmes concernant un achat important ou un service (15 %).



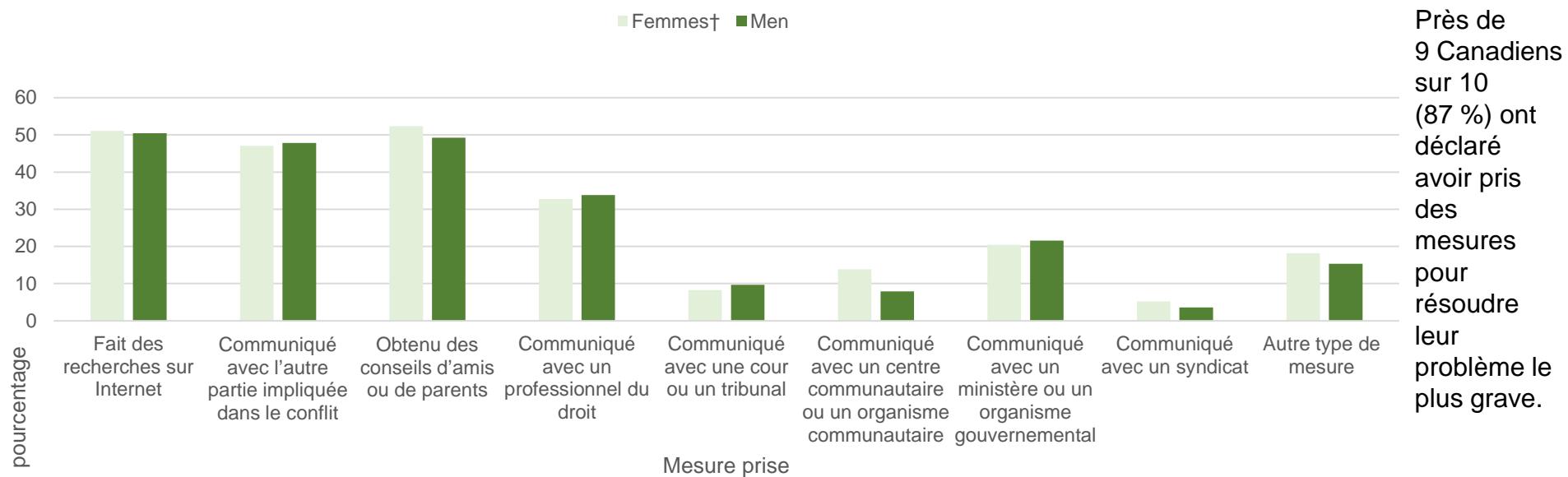
# Principales conclusions



- Plus du quart des Autochtones ont déclaré avoir connu au moins un problème grave (**27 %**), ce qui constitue une proportion beaucoup plus grande que celle de la population générale (**18 %**).
- En contrôlant d'autres facteurs, les Autochtones étaient **41 %** plus susceptibles que les non-Autochtones de connaître un problème grave.
- En tout, 20 % des personnes appartenant à un groupe désigné comme minorité visible ont déclaré avoir connu au moins un problème grave — une proportion légèrement supérieure à celle observée chez les personnes n'appartenant pas à une minorité visible (18 %). Cette différence s'explique par la proportion plus élevée de **Noirs qui ont déclaré avoir connu un problème grave (28 %)**.



# Type de mesures prises pour résoudre le problème le plus grave

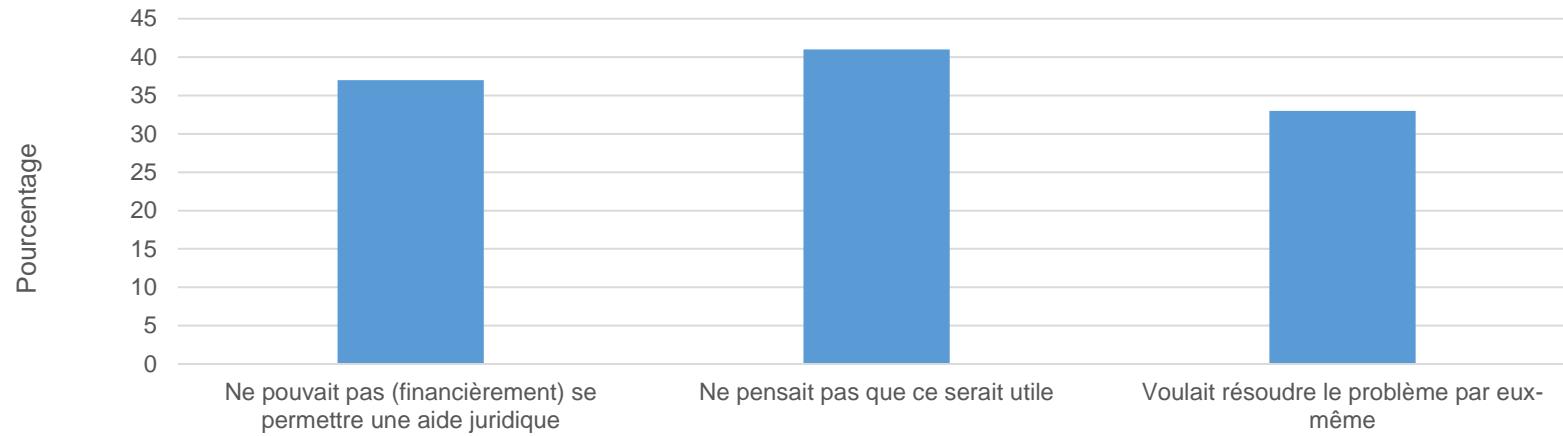


Note : Les répondants pouvaient choisir plus d'une réponse.

Source : Statistique Canada, Enquête canadienne sur les problèmes juridiques.



## Raisons de ne pas avoir communiqué avec un avocat

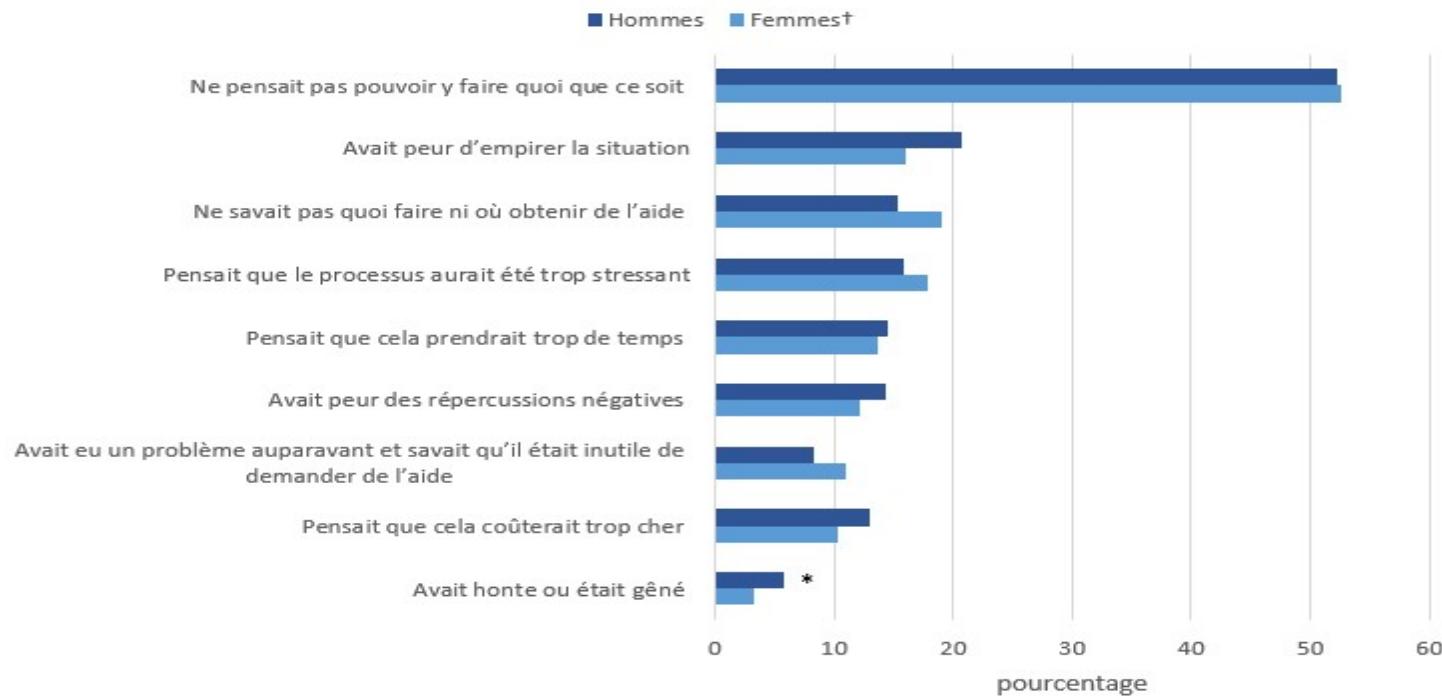


**Note:** Les répondants pouvaient choisir plus d'une réponse.

**Source:** Statistique Canada, Enquête canadienne sur les problèmes juridiques.



## Raisons pour lesquelles aucune mesure n'a été prise pour régler le problème le plus grave



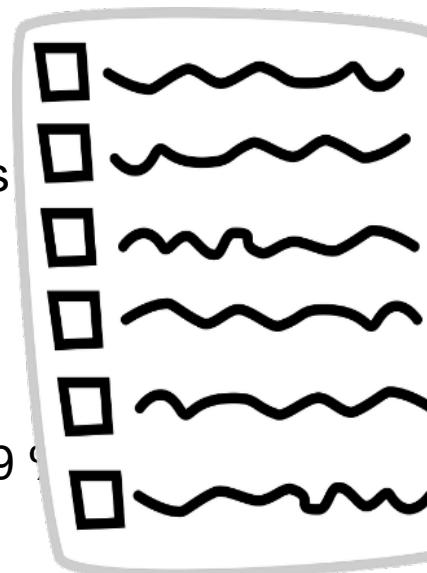
Note : Les répondants pouvaient choisir plus d'une réponse.

Source : Statistique Canada, Enquête canadienne sur les problèmes juridiques.



## Répercussions découlant du problème le plus grave

- Dans l'ensemble, 79 % des Canadiens ont déclaré que leur problème le plus grave avait eu des répercussions négatives sur leur santé.
- Les femmes étaient beaucoup plus susceptibles que les hommes de déclarer avoir subi chaque type de répercussions santé mesurées au moyen de l'enquête, de même que tout problème de santé dans l'ensemble.
- Le stress extrême était la répercussion sur la santé la plus souvent déclarée par les hommes et les femmes (65 % et 79 % respectivement).





# Une série d'études qualitatives sur les problèmes juridiques graves

Les études qualitatives ont été conçues pour combler les lacunes anticipées dans les données quantitatives, en comptant sur les chercheurs communautaires pour effectuer la recherche auprès des membres de populations minoritaires.

Population	No d'études
Minorités sexuelles et d'identité de genre	3
Personnes handicapées	3
Personnes noires	2
Immigrants	2
Autochtones (Metis aux T-NO)	1

Pour les rapports publiés, voir <https://www.justice.gc.ca/fra/rp-pr/jr/survey-enquete.html>

# Types de problèmes et thèmes communs

## TYPES DE PROBLÈMES

- Logement
- Emploi
- Famille
- Assistance sociale — plus fréquente chez les personnes handicapées
- Problèmes avec la police ou d'ordre criminel — plus fréquents chez les Canadiens noirs et les personnes 2ELGBTQI+



Discrimination et harcèlement perçus



## THÈMES

- COVID-19
- Accès à la justice
- Aide juridique
- Réponse au problème / aide



19



## Messages clés

L'utilisation du même cadre que celui de l'Enquête canadienne sur les problèmes juridiques a été une approche utile pour ces études qualitatives.

Les problèmes ne sont pas inattendus, mais parmi les résultats négatifs, quelques récits positifs sont ressortis.

La COVID-19 a exacerbé certaines problématiques et a également causé de nouveaux problèmes graves.

Certaines populations ont connu plus de problèmes d'un type particulier. Par exemple :



les Canadiens noirs et les participants 2ELGBTQI+ ont connu plus d'expériences négatives avec la police et plus d'interactions avec le système de justice pénale;

les personnes handicapées ont connu plus de problèmes avec l'assistance sociale;

la classe sociale des immigrants a eu une incidence sur les systèmes de soutien connus (par exemple, les services d'établissement).

Des récits précieux et une meilleure compréhension des problèmes graves et de la façon dont ils sont vécus par les populations minoritaires.

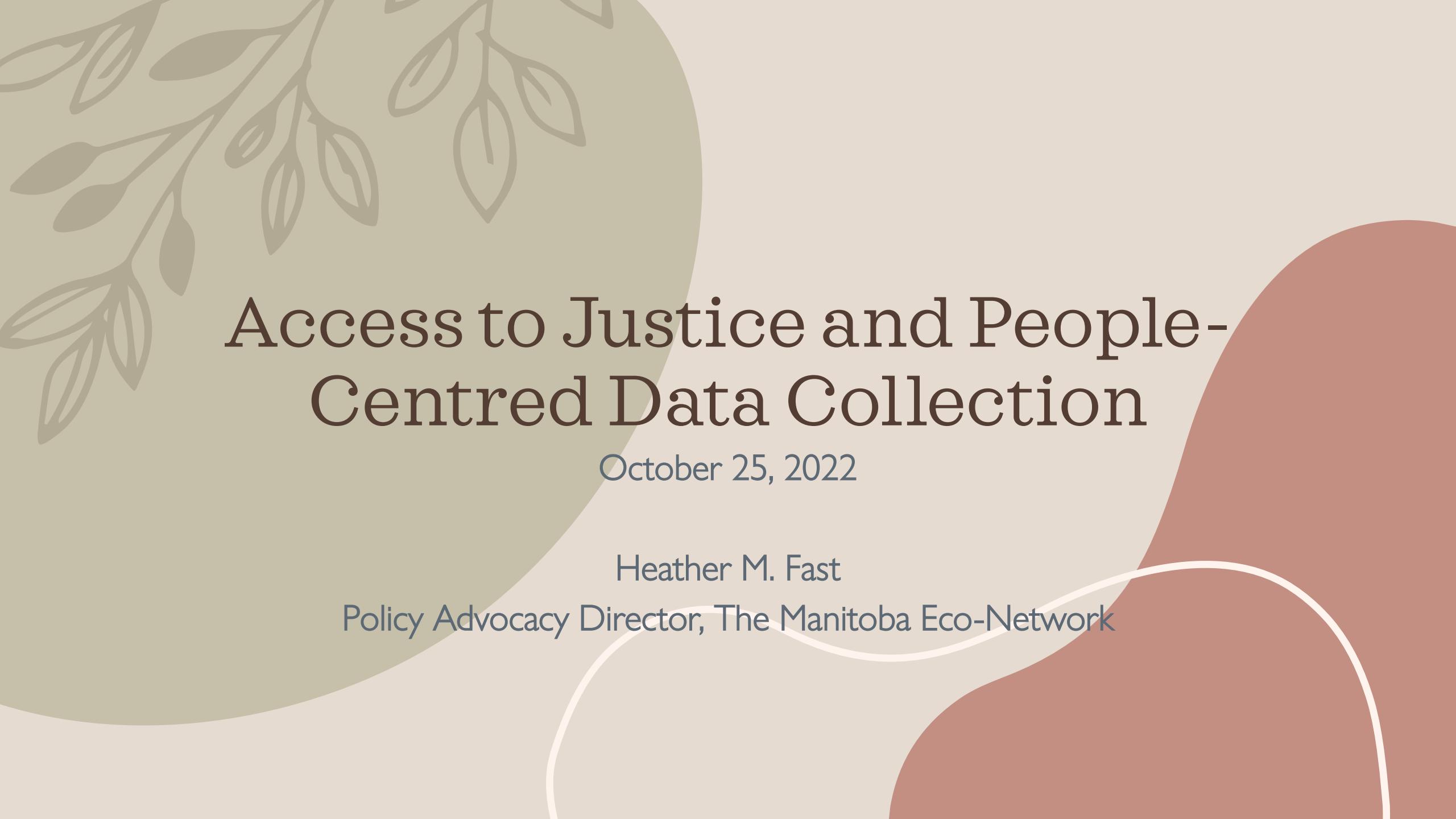


# Pourquoi la recherche axée sur les personnes est importante

- La recherche et les données éclairent l'élaboration des politiques et le financement des programmes. À Justice Canada, au moins sept de nos programmes de financement ont « amélioré l'accès à la justice et le bien-être » comme résultats à long terme.
- Pour ceux qui travaillent en première ligne, l'évaluation et la surveillance continues peuvent fournir un aperçu de ce qui fonctionne et de ce qui ne fonctionne pas.
- Pensons à d'autres exemples.
- Pour de plus amples renseignements, veuillez contacter :

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# Access to Justice and People-Centred Data Collection

October 25, 2022

Heather M. Fast

Policy Advocacy Director, The Manitoba Eco-Network

# The Manitoba Eco-Network

Since 1988, the Manitoba Eco-Network has promoted positive environmental action by supporting people and groups in our community. Our programming focuses on policy advocacy, engagement in consultation processes and developing capacity building tools that benefit the environmental non-profit sector and our member groups.

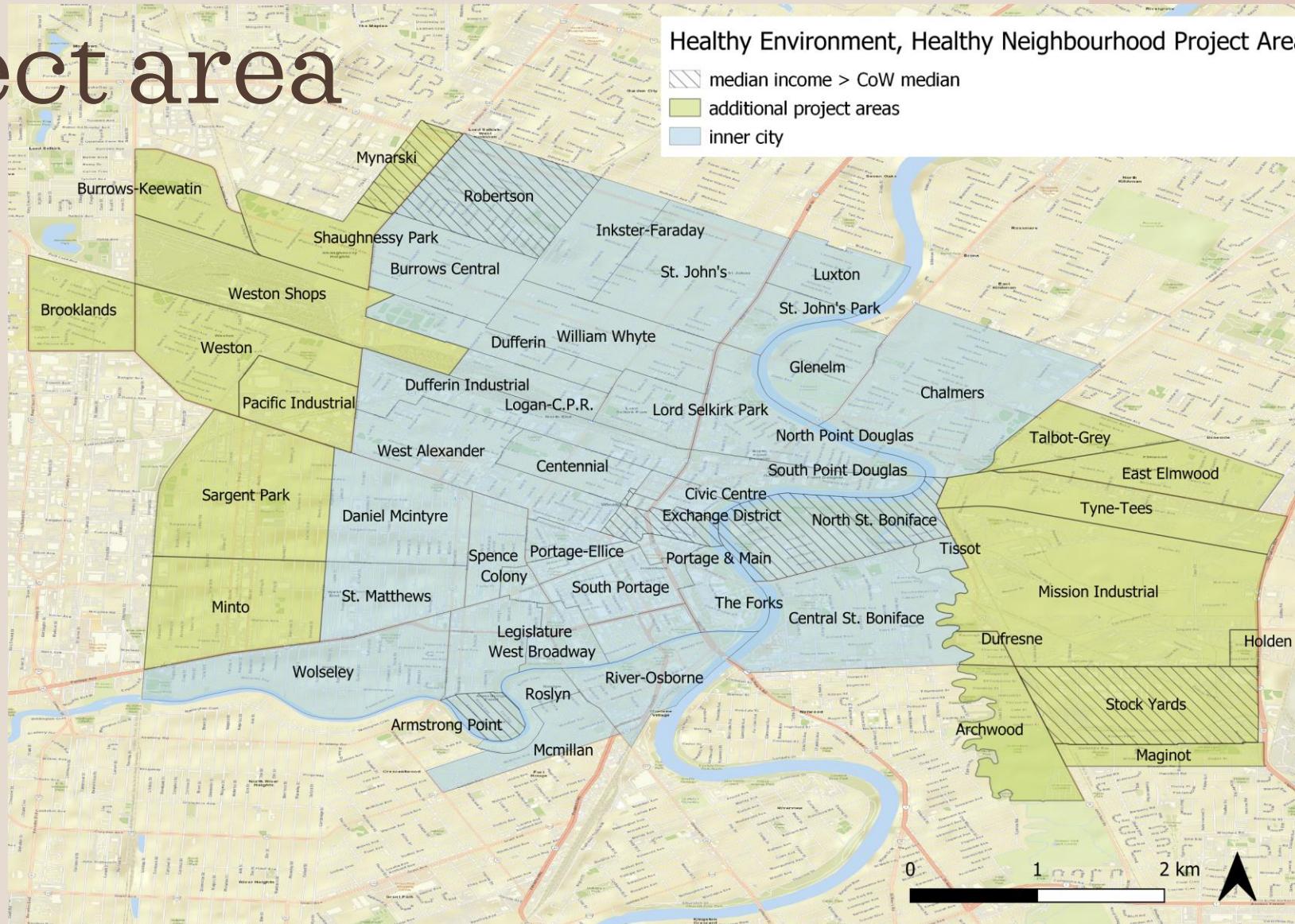
We are a public interest environmental organization seeking to promote and facilitate good environmental governance and the protection of Manitoba's environment for the benefit of current and future generations.





# Healthy Environment, Healthy Neighbourhood Project Overview

# project area



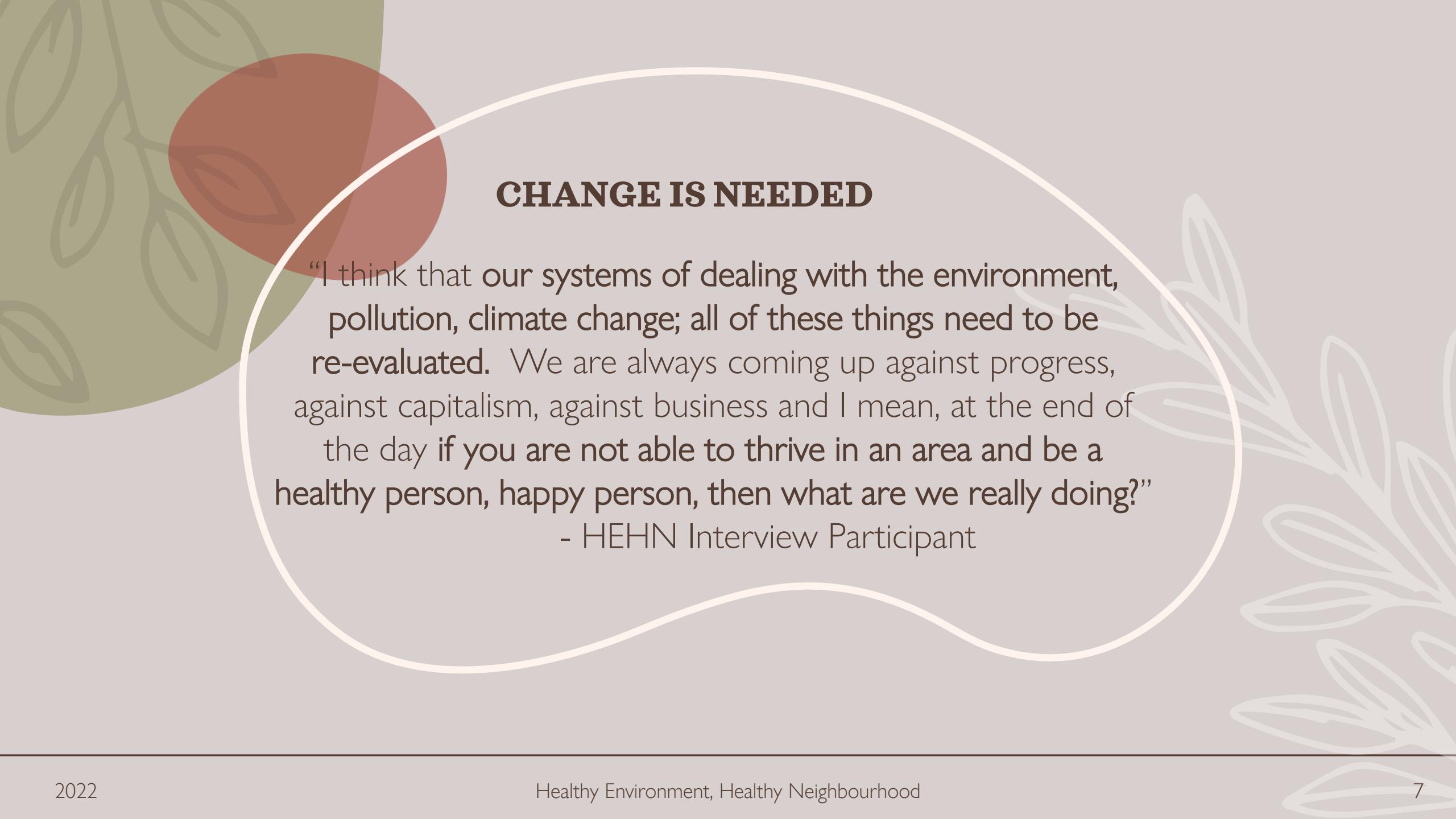
# research questions

1. What are the documented and undocumented environmental and health impacts of living, working, and/or playing, near industrial development and brownfield sites in Winnipeg's inner-city and mature neighbourhoods?
2. Do people who live, work and/or play in Winnipeg's inner-city and mature neighbourhoods, and particularly its poorer areas, have access to environmental justice? What means do residents and grassroots organizations have to address environmental health concerns through city planning and government decision-making processes?
3. What is the City of Winnipeg's strategy to deal with conflicts between industrial and other land uses, and the remediation/redevelopment of brownfield sites? How can this be improved to increase the quality of life and access to environmental justice for all inner-city inhabitants, but especially its most marginalized people and communities?

# community concerns

- Toxic contamination (air, soil, groundwater)
  - e.g. lead, arsenic, cadmium, nickel, mercury
- Noise pollution
- Explosions, shrapnel, fires
- Health impacts
  - e.g. respiratory problems, cancer
- Mental health impacts
  - e.g. sense of futility, depression

“It is frightening to know how much we are at risk and how little concern there is for the environment and the citizens that live in proximity or the workers that make their livings at these sites. It is also very disconcerting to know that government [Municipal, Provincial and Federal] does not have our backs where these issues are concerned”  
- HEHN Interview Participant



## **CHANGE IS NEEDED**

"I think that our systems of dealing with the environment, pollution, climate change; all of these things need to be re-evaluated. We are always coming up against progress, against capitalism, against business and I mean, at the end of the day if you are not able to thrive in an area and be a healthy person, happy person, then what are we really doing?"

- HEHN Interview Participant



# Access to Environmental Justice and Community Data Needs

# environmental justice

- means different things to different people but its core, is focused on equity, empowerment, and meaningful policy and legal change.

## Procedural Justice

Meaningful opportunity to participate in legal and political processes.

## Restorative Justice

Remedy of negative environmental and social impacts.

## Distributive Justice

Equity in the distribution of environmental risk.

## Recognitional Justice

Recognition of the diversity of participants and experiences in affected communities.

“a just distribution of environmental benefits and burdens among residents of the Northwest Territories”

[*Environmental Rights Act, SNWT 2019, c 19, s 17(1.1)(e)*]

# the need for more data

## IS MORE DATA GOING TO HELP?

- o Depends on how it is collected and used:
  - Evidence
  - Enforcement
  - Independent testing
  - Community-led data collection

### ENVIRONMENTAL DATA

- o Research into cleanup methods.
- o Research into moving the railyards.
- o Increased independent testing.
- o Research into wildlife and ecosystem impacts.
- o Research into local water safety.

### HEALTH DATA

- o Blood-lead level testing and results.
- o Research into the links between local public health and known pollutants in the area.
- o Research into mental health impacts of living and working near these industries.

# preliminary recommendations

## ACCESS TO RESOURCES

- Resources for impacted communities and public interest organizations.
  - Financial
  - Legal
- Resources to undertake independent testing, hire experts.

## ENFORCEMENT

- Recognition of the right to a healthy environment.
- Reform and/or better enforcement of existing regulatory requirements, including zoning restrictions.
- Citizen involvement and reporting.
- Access to enforcement data.

## ACCESS TO DATA

- Independent testing.
- Public access to environmental and health data, including cumulative effects.
- Financial and legal support for community-based data collection.



# thank you

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## Advisory Committee:

- Community Members
- Legal Experts
- Academic Experts
- Political Activists
- NGO Representatives

A special thanks to everyone who participated in the HEHN Project Interviews!



**University  
of Manitoba**

Comité d'action sur l'accès  
à la justice en matière  
civile et familiale



Action Committee on  
Access to Justice  
in Civil and Family Matters

# Justice is fair when it's available to everyone.

## Guiding Principles

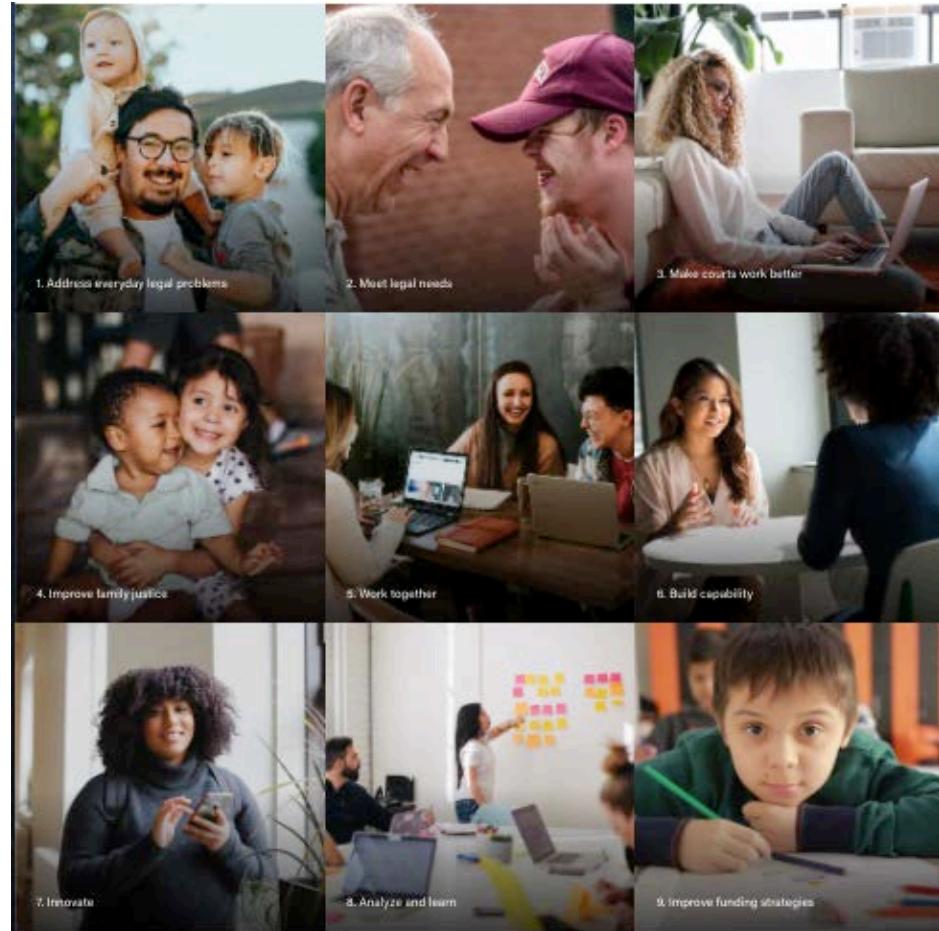
- Put the Public First
- Collaborate & Coordinate
- Prevent & Educate
- Simplify
- Take Action
- Focus on Outcomes



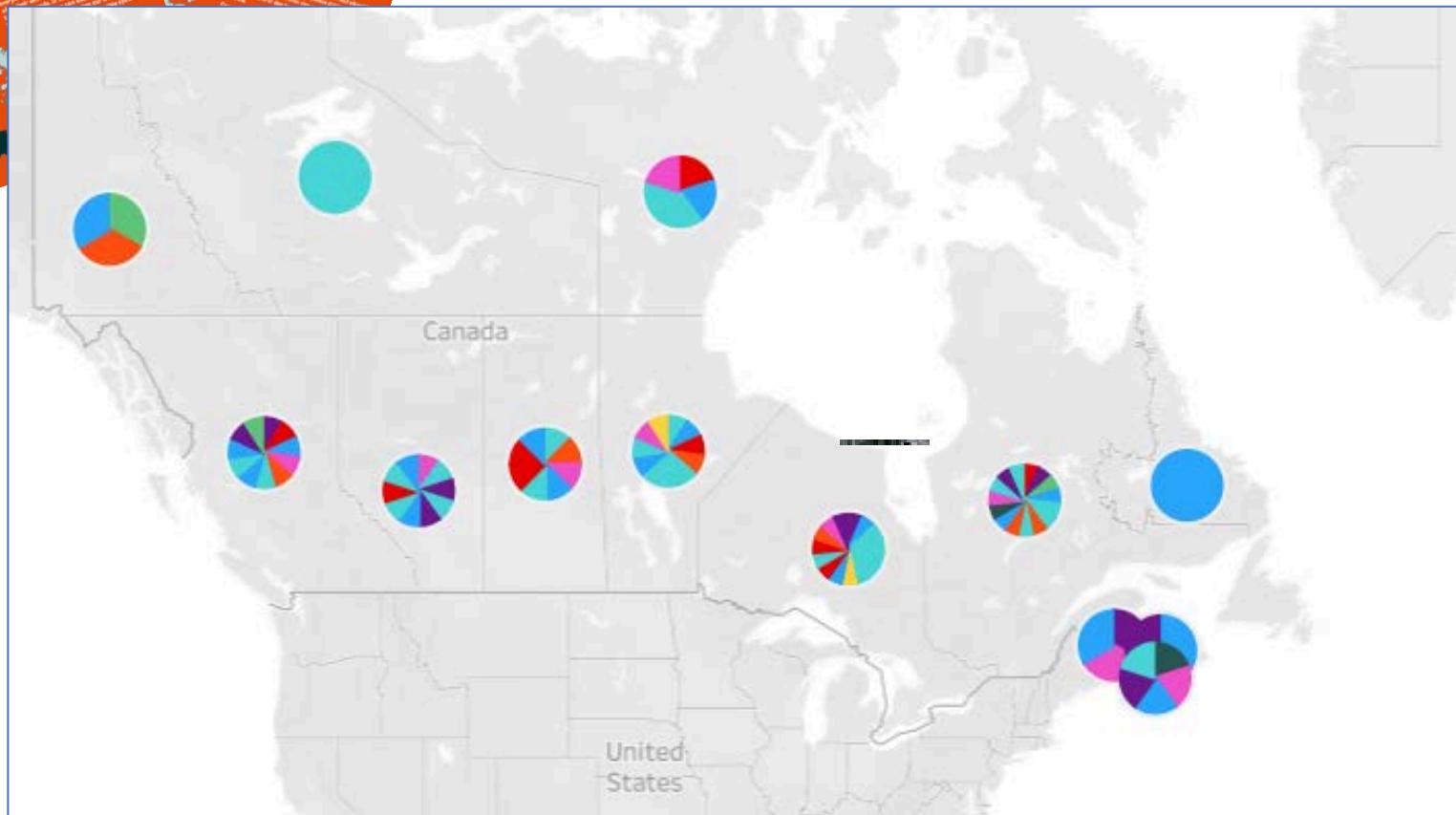
# Canada's Justice Development Goals

## Justice Development Goals

1. Address everyday legal problems
2. Meet legal needs
3. Make courts work better
4. Improve family justice
5. Work together
6. Build capability
7. Innovate
8. Analyze and learn
9. Improve funding strategies



# 2021 Progress on the JDGs



# 2021 Progress on the JDGs

## 2021 progress

In 2021, A2J Week expanded its national momentum, with the simultaneous participation of 5 provinces. A2J community collaboration across country also grew in different ways, including a new funded A2J coordinator position in Manitoba, community consultations in northern and Indigenous communities, and sector-wide work on anti-racism and anti-colonialism.

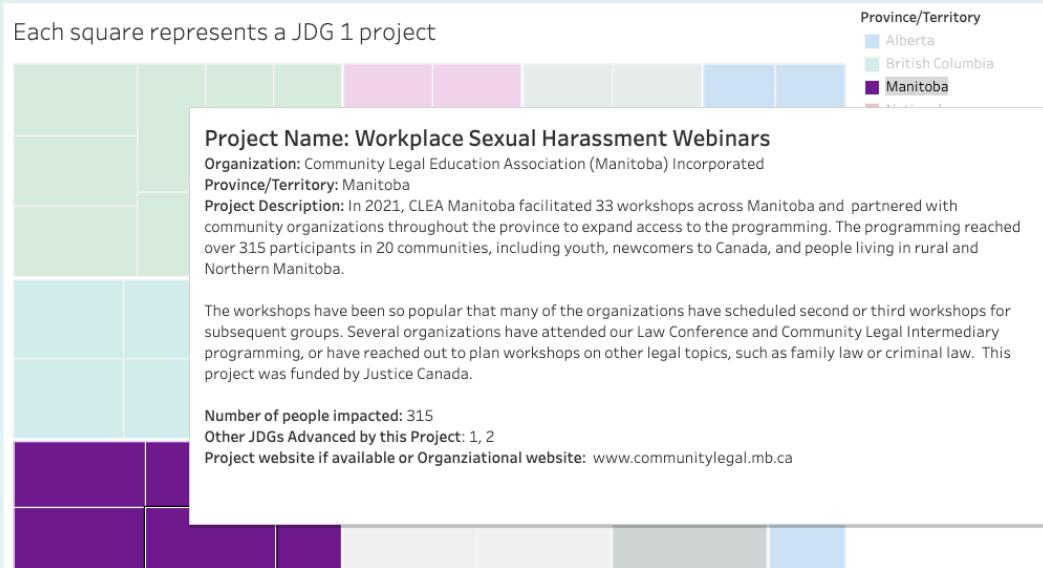
Each circle represents a JDG 5 project



## 2021 progress

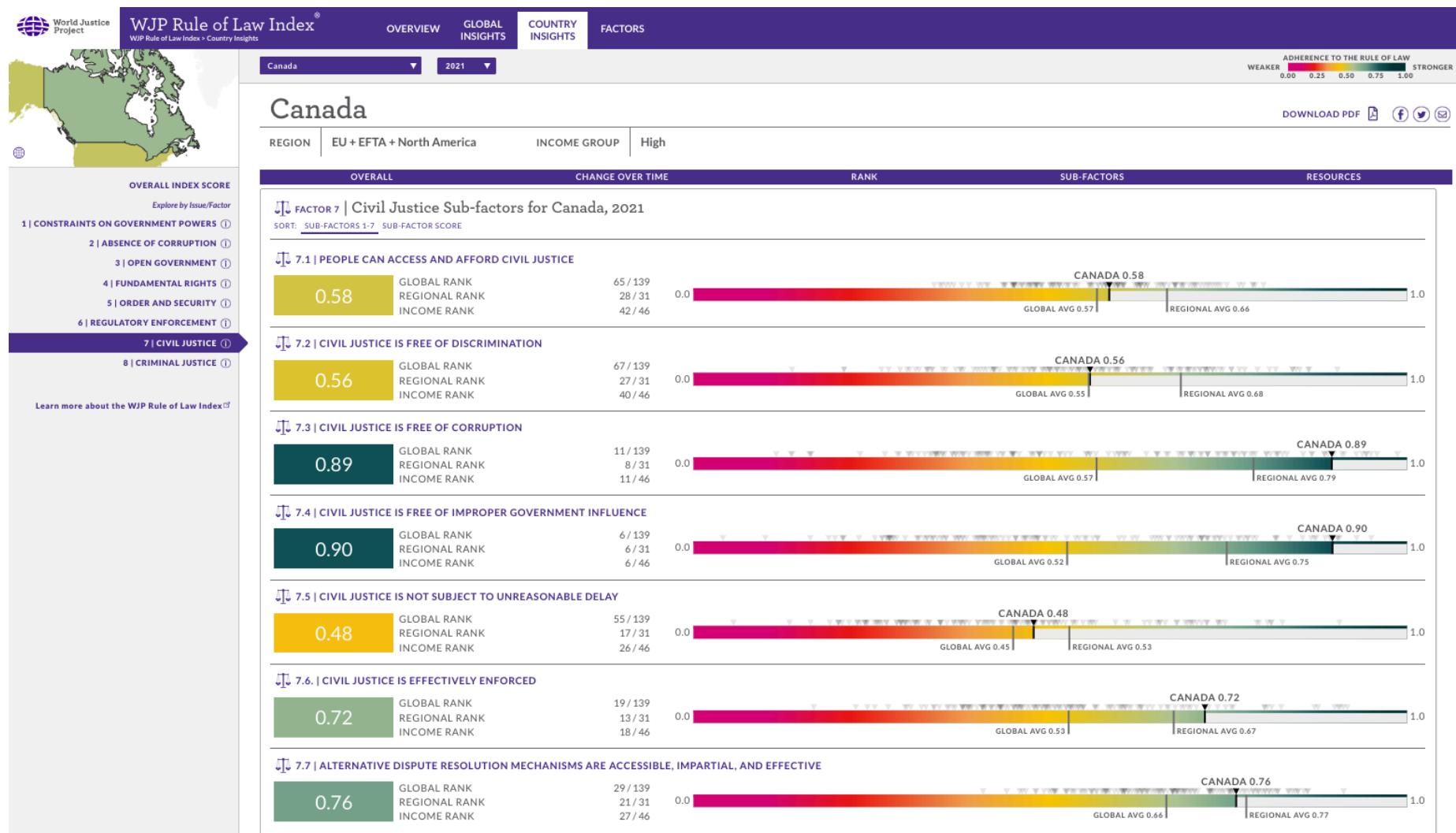
In 2021, A2J organizations continued to find creative ways to respond to the increase in need for information on COVID-related legal issues while also expanding the circle of people receiving focused legal support through projects that worked with people with disabilities, immigrants and refugees, seniors, people experiencing sexual harassment or violence, artists, people in rural and remote communities, and people living in poverty. Over 5.9 million people were supported by A2J projects under Goal 1 in 2021.

Each square represents a JDG 1 project



Hover over each square to read about the projects advancing JDG.  
Click on the link to visit the project or organizational website.

# World Justice Project



Comité d'action sur l'accès  
à la justice en matière  
civile et familiale



Action Committee on  
Access to Justice  
in Civil and Family Matters

Justice is fair when it's  
available to everyone.

Subscribe to get the invitation to share your A2J work in the 2022 Report on JDGs Progress:

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