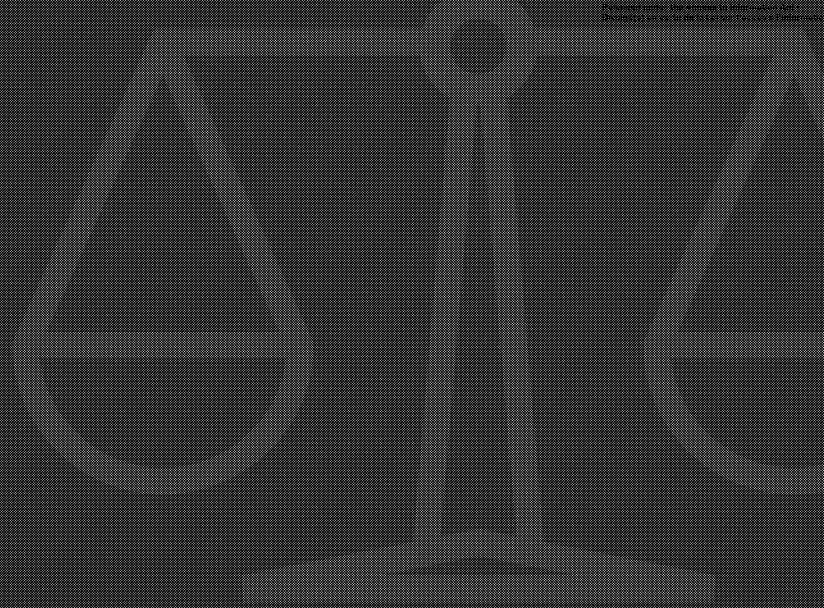




# **SGBA+ of Access to Justice during the COVID-19 Pandemic**

**Submitted by the Association for Canadian Studies  
for the Department of Justice Canada**

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# BACKGROUND

In this global COVID-19 pandemic, governments and civil society organizations find themselves in uncharted territory. There is an urgent need to design responses and deliver programs and services that will protect the safety of all Canadians in the midst of this unprecedented challenge and doing so effectively relies on evidence-based data. Since the onset of the pandemic, it has become evident that the COVID-19 crisis has had differential social impacts on marginalized communities across the country, shedding increased light on the disparities that affect Canadians with intersecting and overlapping social identities. Much has been reported in Canada on the pandemic's disproportionate impact on women<sup>1</sup>, while visible minority women face even greater systemic disadvantages in terms of accessing services.<sup>2</sup>

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1 Canadian Human Rights Commission. April 30, 2020.

2 Julie Gordon. December 15, 2020. [Black, minority women in Canada left behind in COVID-19 job recovery](#). Reuters.



For this reason, there is significant value in assessing the social impacts of this crisis through an intersectional lens, particularly in light of the gap in Canadian data when it comes to accessing justice services such as a legal professional, court registry, court hearing, mediation or arbitration in the midst of the COVID-19 pandemic. The purpose of this report is to highlight the justice-related needs of Canadians during the COVID-19 pandemic and how these needs compare to the pre-pandemic period using a Sex and Gender-Based Analysis Plus (SGBA+) framework. Furthermore, the report draws attention to the additional barriers Canadians' face when accessing justice services and resolving legal problems during this time.

In order to monitor the responses of Canadians in real time and generate a reliable dataset for secondary analysis, the Association for Canadian Studies (ACS) has worked in close collaboration with Léger – Canada’s largest survey research and analytics company – to conduct a series of four surveys. The following major themes were explored over the course of the surveys:

- > Accessing Justice Services during the COVID-19 Pandemic
- > Mental Health and Accessing Justice Services during the COVID-19 Pandemic
- > Business and Employee Resiliency during the COVID-19 Pandemic
- > Financial Security of Canadians during the COVID-19 Pandemic
- > Resolving Landlord-Tenant Issues during the COVID-19 Pandemic

Additional secondary analysis of other themes related to the COVID-19 crisis such as trust in the legal system and current levels of stress are also explored over the course of this report. These results have been obtained from the ACS' COVID-19 Social Impacts Network data holdings, comprising regular (weekly) surveys of the Canadian population and oversamples of specific demographic groups (e.g., immigrants, visible minorities) dating back to March 2020.

# METHODOLOGY

In order to better understand the social impacts of COVID-19 and to better understand the impact of the pandemic on the justice elements embedded in everyday problems faced by Canadians, the Access to Justice Secretariat (A2JS) commissioned the Association of Canadian Studies (ACS) to conduct secondary analysis of ACS-Leger survey data collected across two waves and four surveys: Wave I (surveys administered October 23-25, 2020 & November 6-8, 2020 and Wave II (surveys administered November 27-29, 2020 & January 15-17, 2021).

Results presented below are grouped according to the major themes alluded to above and unless otherwise noted, the results are weighted by gender, age, mother tongue, region, education level and the presence of children in households in order to render a representative sample of the general population (using 2016 Census reference variables).

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# ACCESSING JUSTICE SERVICES DURING THE COVID-19 PANDEMIC

## FALL 2020 RESULTS (WAVE I)

### General Population Findings

Canadians were asked about their need to access justice services (e.g., legal professional, court registry, court hearing, mediation, arbitration) during the pandemic in late October 2020 and again in early November 2020 to accrue sufficient sample sizes. This resulted in a total sample of 3,108 respondents over the course of the two surveys.

As can be seen in Table 1 below, just under 8 percent of Canadians have reported needing to access justice services during the pandemic and two-thirds of these individuals (157/233) actually did access justice services.

Table 1. Need to Access Justice Services during the COVID-19 Pandemic

Since the beginning of the COVID-19 pandemic, have you needed to access any justice services? (e.g., legal professional, court registry, court hearing, mediation, arbitration)			
	FREQUENCY	SAMPLE %	VALID %
Yes	233	233	7.5%
No	2,848	2,848	91.6%
I prefer not to answer	27	27	0.9%
<b>Total</b>	<b>3,108</b>	<b>3,108</b>	<b>100.0%</b>

**The most common justice services accessed** (as of early November 2020) **were legal professional services from a lawyer or paralegal** (3% of entire population or 63% of those who accessed justice services) followed by court hearings (23% of those accessing justice services), **court registries and mediation** (both at around 15% of all who accessed services) (see Table 2).

Table 2. Justice Services Accessed during the COVID-19 Pandemic

Check all justice services that you have accessed during the pandemic:			
	FREQUENCY	SAMPLE %	VALID %
Legal professional (lawyer / paralegal)	99	3.2%	62.8%
Court registry	23	0.7%	14.7%
Court hearing (motion, trial, other proceeding before a judge)	37	1.2%	23.2%
Mediation	23	0.7%	14.5%
Arbitration	10	0.3%	6.2%
Other justice services	31	1.0%	19.7%

Approximately two-thirds (66%) of these individuals used technology/the Internet to access justice services while 54 percent accessed services in person (indicating that many Canadians used both methods of access). Three in five Canadians (61%) who had accessed justice services during the COVID-19 pandemic had also accessed justice services before the pandemic.

**Among the one-third of Canadians who needed to access justice services but chose not to (76/233), the most common reasons provided were that it costs too much money (23%), they would rather take care of it on their own (19%), they do not trust the justice system (16%) or they were afraid of the repercussions (e.g., losing their job) (13%).** This finding suggests that in order to increase accessibility to justice services and reduce self-represented litigants, more information may need to be provided to the Canadian public (and to specific communities) on how to receive low-cost representation and/or court appointed legal representatives for court proceeding and other legal matters.

## SGBA+ by Age Group

Although there was little difference between males (7%) and females (8%) across age groups in terms of needing to access justice services, females age 55 and over were twice as likely to report needing access to justice services (6%) compared to males in the same age group (3%) (see Table 3).

Table 3. Need to Access Justice Services (SGBA+ by Age Group)

Since the beginning of the COVID-19 pandemic, have you needed to access any justice services? (e.g., legal professional, court registry, court hearing, mediation, arbitration)												
	MALE				FEMALE				GAP (FEMALE - MALE)			
	18-34	35-54	55+	Total	18-34	35-54	55+	Total	18-34	35-54	55+	Total
Yes	11%	8%	3%	<b>7%</b>	10%	10%	6%	<b>8%</b>	-1%	2%	3%	<b>1%</b>
No	87%	92%	96%	<b>92%</b>	89%	90%	94%	<b>91%</b>	2%	-2%	-2%	<b>-1%</b>
IPNTA	3%	0%	1%	<b>1%</b>	2%	0%	0%	<b>1%</b>	-1%	0%	0%	<b>-1%</b>
Sample size (n)	<b>417</b>	<b>529</b>	<b>564</b>	<b>1510</b>	<b>421</b>	<b>534</b>	<b>643</b>	<b>1598</b>	-	-	-	-

There were however larger differences between males and females in terms of actually accessing justice services: 72 percent of females who needed justice services during this time did access them, compared to only 63 percent of men. Females between the ages of 35 to 54 were the most likely to access justice services at 77 percent compared to only 55 percent of males in this age group. Of the 63 percent of males who needed and accessed justice services, males 18 to 34 were the most likely to get access (71%) compared to other age cohorts for males.

Some 29 percent of female respondents and 37 percent of males who reported needing to access justice services failed to actually access the justice services they needed. A significant gap can be seen when looking at males and females between the ages of 35 to 54, with 45 percent of males not receiving the access they needed compared to 24 percent of females in the same age group (see Table 4 below).

Table 4. Justice Services Accessed during the COVID-19 Pandemic (SGBA+ by Age Group)

Since the beginning of the COVID-19 pandemic, have you accessed any justice services? (e.g., legal professional, court registry, court hearing, mediation, arbitration)												
	MALE				FEMALE				GAP (FEMALE - MALE)			
	18-34	35-54	55+	Total	18-34	35-54	55+	Total	18-34	35-54	55+	Total
Yes	71%	55%	63%	<b>63%</b>	68%	77%	68%	<b>72%</b>	-2%	22%	5%	<b>8%</b>
No	30%	45%	37%	<b>37%</b>	32%	24%	32%	<b>29%</b>	2%	-22%	-5%	<b>-8%</b>
Sample size (n)	<b>44</b>	<b>40</b>	<b>19</b>	<b>103</b>	<b>41</b>	<b>51</b>	<b>38</b>	<b>130</b>	-	-	-	-

Note: Highlighted cells should be interpreted with caution as they pertain to low sample sizes.

**When asked why they did not access the service they needed, female respondents were most likely to report that it cost too much money (29% females vs. 16% males) and that they were afraid of the repercussions (22% females vs. only 5% of males).** Half of women between the ages of 35 and 54 reported that it cost too much money while younger females between the ages of 18 and 34 were the most afraid of the repercussions at 46 percent. Males were most likely to report that, even though they needed access to justice services, they either preferred taking care of it on their own (29% males vs. 11% females) or that they did not trust the justice system (24% males vs. 8% females), with young males between the ages of 18 and 34 being the least trusting at 39 percent.

Among those Canadians who did follow through with accessing justice services, females were especially likely to access legal professionals (lawyers/paralegal) at 71 percent compared to 51 percent of males; younger females (age 18-24) were especially likely to access legal professionals (82%) compared to younger males (37%). Males on the other hand were more likely to access court registries (22%) compared to females (9%), with males age 35 to 54 the most likely to access this service (32% compared to only 3% of females in this age group). And while middle-aged females (age 35 to 54) were much more likely than their male counterparts to access court hearings (e.g., motion, trial, other proceeding before a judge) (39% vs. 18%), older females (age 55+) were significantly less likely to access arbitration services (12% vs 42%). It should be noted that responses were limited for this age group. Approximately 20 percent of male and female respondents accessed another justice service that was outside the scope of the list provided.

Of those who reported accessing justice services during the pandemic, the majority of both males (59%) and females (62%) had also accessed such services prior to the COVID-19 pandemic. Younger females (age 18 to 34) were more likely to have accessed these services prior to COVID-19 compared to younger males (68% vs. 53% of males in this age group). Males were more likely to report using technology/the internet (75% males vs. 59% females) and in-person services than females (63% males vs. 49% females). The male-female gap was consistent across all age groups. These percentages also reveal that justice services were accessed online more than in-person during the pandemic; although younger males and females between the ages of 18 and 34 were slightly less likely to access these services online than the older age cohorts.



## SGBA+ by Immigrant and Visible Minority Status

Similar to the SGBA+ findings by age group, there were minimal differences between male and female immigrants vs. non-immigrants and between visible minorities and non-visible minorities (see Table 5) related to the need for justice services during the pandemic. The one exception pertained to **visible minority males who needed to access justice services more than non-visible minority males during the pandemic** (11% of male visible minorities vs. 5% of male non-visible minorities). Visible minority males were more likely to access court registries (37% vs. 27% of non-visible minority males) and to a lesser extent, mediation services (16% vs. 11%).

Despite no significant gaps between immigrants and the Canadian-born population with regard to needing access to justice services, for those who did require access to such services, **Canadian-born males and females were more likely to actually receive these services than their immigrant counterparts** (Canadian-born males at 68% vs. 53% for immigrant males; Canadian-born females at 71 percent vs. 55 percent for immigrant females).

Visible minority males (59%) were somewhat more likely than visible minority females (52%) to access justice services while the opposite was true for non-visible minorities (71% of non-visible minority females accessed justice services compared to 65% of non-visible minority males). When looking at immigrant status, Canadian-born males were more likely to access justice services online during the pandemic at 80 percent compared to immigrant males at 71 percent, but the inverse was true for females, with immigrant women accessing justice services more frequently (69%) than their Canadian-born counterparts (61%).

Table 5. Justice Services Accessed during the COVID-19 Pandemic (SGBA+ by Visible Minority Status)

Since the beginning of the COVID-19 pandemic, have you accessed any justice services? (e.g., legal professional, court registry, court hearing, mediation, arbitration)									
	MALE			FEMALE			GAP (FEMALE - MALE)		
	Visible Minority	non-Visible Minority	Total	Visible Minority	non-Visible Minority	Total	Visible Minority	non-Visible Minority	Total
Yes	59%	65%	63%	52%	71%	68%	-7%	7%	5%
No	41%	35%	37%	48%	29%	32%	7%	-7%	-5%
<b>Respondents (n)</b>	<b>32</b>	<b>68</b>	<b>100</b>	<b>25</b>	<b>105</b>	<b>130</b>	-	-	-

Of the different types of justice services accessed since the onset of the pandemic, legal professionals, be it a lawyer or paralegal, were accessed by 61 percent of Canadian-born males and 72 percent of Canadian-born females (compared to 41% of immigrant males and 38% of immigrant females). **Immigrant males were much more likely to access court registries (41%) compared to immigrant females (13%)** while the latter group was more inclined to access mediation services (19%). Immigrant males were also more likely to access a court hearing at 24 percent relative to Canadian-born males at 18 percent; however among visible minorities, males were more likely to access a court hearing at 21 percent compared to females at 15 percent.

**Visible minorities were more likely to access legal professional services compared to their non-visible minority counterparts** (63% of visible minority males and 71% of visible minority females vs. 59% of non-visible minority males and 60% of non-visible minority females). Visible minority males were also much more likely to access court registries (37%) compared to their female counterparts (15%).



Although females were slightly more likely to access justice services (be it in-person or online) before the pandemic, immigrant males did so at a much higher rate (82%) compared to Canadian-born males (59%) and immigrant females (44%). Visible minority males also reported accessing justice services prior to the pandemic at a higher rate (58%) than visible minority females (39%).

Visible minorities were more likely to access justice services online during the pandemic than non-visible minorities (90% of visible-minority males compared to 71% of non-visible minority males; and 85% of visible-minority females compared to 56% of non-visible minority females). Visible minority females were more likely to access justice services in person (54%) compared to their non-visible minority female counterparts (40%), but less so than visible minority males at 58 percent.

When looking at access to justice services in-person, immigrant males were the most likely to do so at 71 percent – with only 55 percent of Canadian-born males doing so – while Canadian-born females reported more in-person access at 61 percent compared to immigrant females at 31 percent.

**One in five (20%) immigrant males and some 23 percent of visible minority males did not access the justice services they needed because they did not trust the system**, compared to only 13 percent of Canadian-born males and non-visible minority males, as well as 8 percent of female immigrants and 17 percent of visible minority females. Immigrant males decided to not access justice services because it costs too much money (13%) or because they feared the repercussions (27%) at a higher rate than their Canadian-born males (fear at 0% and cost at 13%) or female immigrants (fear at 8% and cost at 23%).

For immigrants, even though they needed access to justice services, both males and females preferred taking care of it on their own at 33 percent and 15 percent respectively, significantly more than their Canadian-born male and female counterparts, at 25% and 7% each. This was also true for visible minorities, with 46 percent of visible minority males reporting so compared to 21 percent of non-visible minority males and 25 percent of visible minority females reporting this reason (vs. 3 percent of non-visible minority females). These findings suggest the need for more culturally appropriate services and greater outreach efforts to immigrants and racialized communities in Canada.

# ACCESSING JUSTICE SERVICES DURING THE COVID-19 PANDEMIC

## WINTER 2020 RESULTS (WAVE II)

### General Population Findings

In WAVE II (end of November 2020 and mid-January 2021), Canadians were asked if they had thought of accessing any justice services since the beginning of the pandemic (e.g., legal professional, court registry, court hearing, mediation, arbitration, legal aid). The question was asked over two survey periods to accrue sufficient sample sizes. This resulted in a total sample of 3,032 respondents in Wave II.

As can be seen in Table 6 below, around 8 percent of Canadians have thought about accessing justice services since the beginning of the pandemic, a figure that is roughly the same as in Wave I. The majority of Canadians who have contemplated accessing justice services have needed legal professionals such as a lawyer or paralegal (64% of those who have considered accessing justice services), followed by court hearings (25%), legal aid (16%) and court registries (16%) (see Table 7).

Table 6. Thought of Accessing Justice Services during the COVID-19 Pandemic

Since the beginning of the COVID-19 pandemic, have you thought of accessing any justice services? (e.g., legal professional, court registry, court hearing, mediation, arbitration, legal aid)			
	FREQUENCY	SAMPLE %	VALID %
Yes	240	7.9%	7.9%
No	2,717	89.6%	89.6%
I prefer not to answer	76	2.5%	2.5%
<b>Total</b>	<b>3,032</b>	<b>100%</b>	<b>100%</b>

Table 7. Justice Services Needed during the COVID-19 Pandemic

Check all justice services you have accessed / considered accessing during the pandemic:			
	FREQUENCY	SAMPLE %	VALID %
Legal professional (lawyer / paralegal)	153	5.2	63.8
Court registry	38	1.2	15.8
Court hearing (motion, trial, other proceeding...)	61	1.6	25.4
Mediation	28	1.1	11.7
Arbitration	9	0.4	3.8
Legal Aid	39	1.1	16.3
Notary	18	1.0	7.5
Other justice services	26	1.4	10.8

Note: Valid % relates only to those who have thought of accessing justices services.

## SGBA+ by Age Group

Similar to findings from the first wave, there were no significant differences between men and women across age groups. There were however differences with regard to the type of justice services accessed (or that Canadians considered accessing during the pandemic).

According to the SGBA+ by age group we can see that males were actually more inclined to consider accessing the services of a legal professional (lawyer or paralegal) during the pandemic, in particular, males age 35 to 54 (+10%) and males age 55 and over (+13%). This finding is in contrast to the first wave, where we found that females were much more likely to access the services of a legal professional overall (+20%), and especially younger females age 18 to 34 (+45%). This is likely explained by the nature of the question in Wave I – where we asked about actual behaviors (accessed justice services) – and in Wave II, where we asked Canadians if they have accessed or considered accessing justice services. This change was made between waves in order to solicit more responses (i.e., a larger sample of Canadians who have accessed or thought of accessing justice services). What we may conclude by these findings is that **while males are more likely to think about accessing legal professional services, females are more intent on actually following through with accessing the services.**

The results presented in Table 8 below also indicate that younger females (age 18-34) are more likely to have accessed or consider accessing court registries (+13%), court hearings (+12%) and legal aid services (+32%) compared to men in this age group. On the other hand, younger males were more likely to be in need of arbitration services (+8%) in Wave II. In addition, women age 55 and over are more likely to access or at least consider accessing legal aid (+22%), notaries (+12%) and other justice services (+13%).

Table 8. Justice Services Needed during the COVID-19 Pandemic (SGBA+ by Age Group)

Check all justice services that you have accessed or considered accessing during the pandemic:												
	MALE				FEMALE				GAP (FEMALE - MALE)			
	18-34	35-54	55+	Total	18-34	35-54	55+	Total	18-34	35-54	55+	Total
Legal professional (lawyer/paralegal)	57%	60%	87%	<b>67%</b>	56%	50%	74%	<b>59%</b>	-1%	-10%	-13%	<b>-8%</b>
Court registry	14%	16%	8%	<b>13%</b>	26%	18%	9%	<b>18%</b>	13%	1%	1%	<b>5%</b>
Court hearing	23%	23%	23%	<b>23%</b>	34%	28%	24%	<b>29%</b>	12%	6%	0%	<b>6%</b>
Mediation	16%	12%	3%	<b>10%</b>	12%	18%	6%	<b>13%</b>	-4%	6%	3%	<b>2%</b>
Arbitration	11%	0%	3%	<b>5%</b>	3%	4%	0%	<b>3%</b>	-8%	4%	-3%	<b>-2%</b>
Legal Aid	7%	16%	3%	<b>9%</b>	39%	13%	24%	<b>24%</b>	32%	-3%	22%	<b>15%</b>
Notary	5%	5%	3%	<b>4%</b>	9%	9%	15%	<b>11%</b>	4%	4%	12%	<b>7%</b>
Other justice services	19%	9%	5%	<b>11%</b>	0%	9%	18%	<b>9%</b>	-19%	-1%	13%	<b>-3%</b>

## SGBA+ by Immigrant and Visible Minority Status

Similar to findings from the first wave, there were no significant differences between men and women by immigrant or visible minority status. There were however differences with regard to the type of justice services accessed (or that Canadians considered accessing during the pandemic). **For instance, Canadian-born men (72%) and women (62%) were much more likely to have accessed or Considered obtaining the services of a legal professional (lawyer/paralegal) during the pandemic.** This is compared to 43 percent of immigrant men and half of immigrant women who have needed the services of a legal professional.

Canadian-born women are much more likely to have accessed or Considered accessing legal aid services (29%) compared to Canadian-born men (10%), while only 5 percent of immigrant men and women were in need of such services during the COVID-19 pandemic. Canadian-born women also report being in greater need of court hearing services (29%) compared to Canadian-born men (21%) while the opposite is true for immigrant women (23%) and immigrant men (30%).

Other findings of note in Table 9 below are that immigrant men appear to be more in need of mediation (+20%) and arbitration services (+10%) than are immigrant women, while immigrant women are more likely to have accessed or considered accessing notaries (+9%).

Table 9. Justice Services Needed during the COVID-19 Pandemic (SGBA+ by Immigrant Status)

Check all justice services that you have accessed or considered accessing during the pandemic:									
	MALE			FEMALE			GAP (FEMALE - MALE)		
	Canadian born	Immigrant	Total	Canadian born	Immigrant	Total	Canadian born	Immigrant	Total
Legal professional (lawyer/paralegal)	72%	43%	<b>67%</b>	62%	50%	<b>60%</b>	-10%	7%	<b>-8%</b>
Court registry	13%	10%	<b>13%</b>	20%	9%	<b>18%</b>	6%	0%	<b>5%</b>
Court hearing	21%	30%	<b>23%</b>	29%	23%	<b>28%</b>	8%	-7%	<b>6%</b>
Mediation	8%	33%	<b>12%</b>	12%	14%	<b>12%</b>	4%	-20%	<b>0%</b>
Arbitration	4%	10%	<b>5%</b>	2%	0%	<b>2%</b>	-2%	-10%	<b>-3%</b>
Legal Aid	10%	5%	<b>9%</b>	29%	5%	<b>25%</b>	20%	0%	<b>16%</b>
Notary	5%	5%	<b>5%</b>	11%	14%	<b>11%</b>	6%	9%	<b>7%</b>
Other justice services	10%	29%	<b>13%</b>	9%	9%	<b>9%</b>	-1%	-19%	<b>-4%</b>

Note: A word of caution is advised when interpreting the results by immigrant status as only 21 male immigrants and 22 female immigrants had thought about accessing justices services since the pandemic (8% of all immigrants).

There were also gaps in terms of accessing justice services between male and female visible minority and non-visible minority groups. Non-visible minority men (+9%) and women (+19%) are both more likely to have needed the services of a legal professional during the COVID-19 pandemic while 62 percent of visible minority men in need of justice services have accessed or thought of accessing legal professional services compared to 45 percent of visible minority women.



**Visible minority men who have needed to access justice services during the pandemic are more likely than visible minority women to access or contemplate accessing mediation services (+13%), arbitration (+14%) or other justice services (+12%).** Visible minority women in need of justice services, on the other hand, are more likely to have accessed (or thought of accessing) notaries (+9%), court registries (+11%) and legal aid services (+15%). Non-visible minority women were also more likely to have accessed or thought of accessing legal aid services (+16%) compared to non-visible minority men (see Table 10).

Table 10. Justice Services Needed during the COVID-19 Pandemic (SGBA+ by Visible Minority Status)

Check all justice services that you have accessed or considered accessing during the pandemic:

	MALE			FEMALE			GAP (FEMALE - MALE)		
	Visible Minority	non-Visible Minority	Total	Visible Minority	non-Visible Minority	Total	Visible Minority	non-Visible Minority	Total
Legal professional (lawyer / paralegal)	62%	71%	<b>69%</b>	45%	64%	<b>60%</b>	-17%	-7%	<b>-8%</b>
Court registry	7%	16%	<b>14%</b>	18%	18%	<b>18%</b>	11%	2%	<b>4%</b>
Court hearing	27%	20%	<b>22%</b>	31%	27%	<b>28%</b>	5%	7%	<b>7%</b>
Mediation	27%	7%	<b>12%</b>	14%	12%	<b>12%</b>	-13%	5%	<b>0%</b>
Arbitration	14%	2%	<b>5%</b>	0%	2%	<b>2%</b>	-14%	0%	<b>-3%</b>
Legal Aid	7%	9%	<b>9%</b>	22%	25%	<b>25%</b>	15%	16%	<b>16%</b>
Notary	0%	5%	<b>4%</b>	9%	12%	<b>11%</b>	9%	7%	<b>7%</b>
Other justice services	21%	10%	<b>12%</b>	9%	10%	<b>10%</b>	-12%	0%	<b>-2%</b>

# MENTAL HEALTH AND ACCESSING JUSTICE SERVICES DURING THE COVID-19 PANDEMIC

Additional analysis was conducted in Week 44 to look at mental health and stress levels of Canadians and how this relates to accessing justice services since the beginning of the COVID-19 pandemic. As can be seen in Table 11 below, Canadians who have thought about accessing justice services are worse off in terms of mental health: Only 23% of Canadians who have thought about accessing justice services report 'excellent' or 'very good' mental health compared to 34 percent of Canadians who have not pondered accessing justice services. On the other hand, 24 percent who have contemplated accessing justice services report 'bad' or 'very bad' mental health compared to 20 percent who have not needed to access justice services (see Table 11).

Table 11. Thoughts of Accessing Justice Services and Self-Perceived Mental Health Amongst Canadians

Since the beginning of the COVID-19 crisis, how would you rate your mental health? (Week 44)	Since the beginning of the COVID-19 pandemic, have you thought of accessing any justice services?		
	YES	NO	TOTAL
Excellent or Very Good	23%	34%	33%
Excellent	8%	12%	12%
Very good	16%	22%	21%
Good	52%	46%	46%
Bad or Very Bad	24%	20%	21%
Bad	18%	16%	16%
Very bad	6%	5%	5%

In Week 44, the ACS-Leger survey also asked Canadians about their current levels of stress using an adapted version of the classic (1983) Perceived Stress Scale (PSS). Thirteen (13) items were included in the stress scale (9 of 10 original items and 4 new questions related to COVID-19). Specifically, we asked Canadians: "Since the beginning of the COVID-19 crisis have you felt more often, about the same or less often...upset because many things are happening unexpectedly, that you were unable to control important things in your personal life, etc." Responses to these items are presented in Table 12.1 below and disaggregated by those who have thought about accessing justice services (vs. those who have not) during the current pandemic.

**Overall, Canadians who have thought about accessing justice services during the COVID-19 pandemic demonstrate much higher stress levels than Canadians who have not thought of accessing justice services.**

For instance, 59 percent of Canadians who have contemplated accessing justice services report feeling upset because many things are happening unexpectedly more often compared to only 35 percent of Canadians who have not needed to access justice services. Similarly, 53 percent of Canadians in need of justice services report more often that they are unable to control the important things in their personal lives compared to 35 percent who have not contemplated accessing justice services. Another 36 percent who have thought about accessing justice services report more often that they could not cope with all the things that they had to do (vs. 20% who have not thought of accessing justice services); 45 percent report that they are (more often) unable to control the irritations in their life (vs. 27%) and 55 percent say that things are more often outside of their control (vs. 40% who have not thought of accessing justice services).

Table 12.1: Thoughts of Accessing Justice Services and Current Levels of Stress amongst Canadians

Since the beginning of the COVID-19 crisis have you felt more often, about the same or less often... (Week 44)	Since the beginning of the COVID-19 pandemic, have you thought of accessing any justice services?		
	YES	NO	TOTAL
Upset because many things are happening unexpectedly			
More often	59%	36%	38%
About the same	39%	61%	59%
Less often	3%	3%	3%
That you were unable to control the important things in your personal life			
More often	53%	35%	37%
About the same	43%	61%	60%
Less often	5%	4%	4%
Nervous			
More often	46%	35%	36%
About the same	46%	59%	58%
Less often	8%	6%	6%
Confident in your ability to deal with personal problems			
More often	18%	12%	13%
About the same	64%	78%	77%
Less often	19%	10%	11%
That things were going your way			
More often	16%	8%	8%
About the same	42%	69%	67%
Less often	42%	24%	25%
That you could not cope with all the things that you had to do			
More often	36%	20%	22%
About the same	59%	69%	68%
Less often	5%	11%	10%
Unable to control irritations in your life			
More often	45%	27%	29%
About the same	48%	66%	64%
Less often	8%	7%	7%
That you were on top of things			
More often	17%	10%	10%
About the same	57%	68%	67%
Less often	26%	22%	22%
That things were outside of your control			
More often	55%	40%	41%
About the same	34%	53%	51%
Less often	11%	7%	8%

An interesting dichotomy is observed in the above findings: **despite feeling higher levels of stress overall, Canadians who have thought about accessing justice services also appear to have a stronger locus of control – perhaps because they are more likely to take matters into their own hands.** This finding points to the benefits of legal empowerment. As an illustration of this phenomenon, 18 percent of Canadians needing to (or thinking about) accessing justice services report more often that they are confident in their ability to deal with personal problems (compared to 12 percent who have not contemplated accessing justice services) and are 2X as likely to feel that things are going their way more often (16% vs. 8%). Those who have thought about accessing justice services were also more likely to feel that they were on top of things (17% vs. 10%).

Table 12.2: Thoughts of Accessing Justice Services and Current Levels of Stress amongst Canadians

Since the beginning of the COVID-19 crisis have you felt more often, about the same or less often... (continued)	Since the beginning of the COVID-19 pandemic, have you thought of accessing any justice services?		
	YES	NO	TOTAL
That there were too many challenges at home to overcome			
More often	37%	17%	19%
About the same	54%	70%	68%
Less often	9%	13%	12%
Bored and sick of being in my home			
More often	60%	50%	50%
About the same	34%	42%	41%
Less often	6%	9%	8%
That you were isolated from my friends/family			
More often	64%	61%	61%
About the same	29%	36%	35%
Less often	8%	3%	4%
Upset that you don't know when the COVID-19 crisis will end			
More often	61%	55%	55%
About the same	35%	42%	41%
Less often	4%	4%	4%

Table 12.2 above presents the findings related to the four new COVID-era stress questions added to the Perceived Stress Scale (PSS). The same general pattern emerges: Canadians who have thought about accessing justice services since the beginning of the pandemic are more stressed. However, the gap between those who have thought about accessing justice services and those who have not is smaller for a couple of items. Regardless of their need for accessing justice services, Canadians are more often stressed about being isolated from friends and family (64% vs. 61%) and are more often upset because they do not know when the COVID-19 crisis will end (61% vs. 55%).



# **BUSINESS AND EMPLOYEE RESILIENCY DURING THE COVID-19 PANDEMIC**

In the first survey of Wave I (data collected October 23-25, 2020), an oversample was collected for business owners (34), managers (105) and administrators (27) to get more representative insights related to the survival of enterprises during the COVID-19 pandemic. The majority of business representatives surveyed owned or operated corporations (43%), sole proprietorships (23%) or non-profits (21%) and most businesses were in operation for 10 years or more (77%). Approximately 63 percent of businesses were classified as small to medium enterprises (SMEs) and 37 percent were large businesses with 500 employees or more.

The majority of businesses represented in the survey managed to stay open (144/166 or 87%) as of late October 2020 – nine months after the first COVID-19 case was identified in Canada. Of these businesses that remained open, only one indicated that they had accessed justice services to help protect their business during the pandemic. A majority of businesses transitioned to online services (55%) and two-thirds (67%) developed an emergency and disaster plan to protect their business during the pandemic.

Of the 697 regular employees surveyed, 652 (94%) were employed at the beginning of the COVID-19 pandemic and 634 (91%) were employed at the time of the survey (late October 2020). Two in five employees (40%) were still working at their office or workplace while 37 percent were working from home; just over one in five employees (21%) were working both at home and at the office/workplace (note that 2% preferred not to answer).

Employees were asked what safety measures had been put in place by their employers in response to the COVID-19 pandemic. As can be seen in Table 13 below, the majority of employers required employees displaying any signs of COVID-related illness to stay home (77%) and four in five employers offered their employees facemasks for protection. A fewer number of employers offered face shields (36%) or gloves (45%) to employees. Nearly three-fourths of employers (73%) also increased sanitization practices in the workplace such as hand washing breaks, hand sanitizer stations, etc. Only 2 percent of all employers failed to implement any of the safety measures presented in Table 13.

Table 13. Safety Measures Implemented by Employers

What safety measures have been put in place by your employer in response to the COVID-19 pandemic? **pertains only to employees going to office/workplace			
% YES	FREQUENCY	SAMPLE %	VALID %
Employer screens all employees upon entry into the workplace for a fever, cough, or other signs of COVID-related illness	160	10.2	41.2
Employer requires employees displaying any signs of COVID-related illness to stay home	299	19.0	77.1
Employer offers facemasks	311	19.8	80.2
Employer offers gloves	174	11.1	44.8
Employer offers face shields	141	9.0	36.3
Employer offers plexiglass barriers and/or other personal protective equipment to employees	159	10.1	41.0
Employer has increased sanitization practices in the workplace, such as hand washing breaks, hand sanitizer stations, etc.	286	18.2	73.7
Employer offers new mental health services to employees	75	4.8	19.3
Employer has adopted shiftwork to allow social distancing between employees	91	5.8	23.5
Employer has modified the work space to allow social distancing between employees	170	10.8	43.8
No safety measures have been put in place	9	0.6	2.3

# FINANCIAL SECURITY OF CANADIANS DURING THE COVID-19 PANDEMIC

During the first wave (Weeks 32 and 34), a single question was asked of Canadians with regard to their financial security during the COVID-19 pandemic (see Table 14 below). The vast majority of respondents indicated that they have been able to pay their rent or mortgage each month (92%) and on-time (90%). The findings also reveal that just over one-fourth of Canadians surveyed (27%) had received money from COVID-19 government response programs (e.g., the CERB) and about 18 percent had used money received from these support programs to pay their rent or mortgage.

Table 14. Justice Services Needed during the COVID-19 Pandemic (SGBA+ by Visible Minority Status)

Since the beginning of the COVID-19 pandemic, have you:			
WAVE I: WEEKS 32 & 34 (% YES)	FREQUENCY	SAMPLE %	VALID %
Paid your rent or mortgage each month	1454	92.4	92.4
Paid your rent or mortgage on-time each month	1428	90.7	90.7
Received money from COVID-19 government response programs (e.g., CERB)	427	27.1	27.1
Used money received from COVID-19 government response programs (e.g., CERB) to pay your rent or mortgage	289	18.3	18.3

In Week 32 (data collected October 23-25, 2020), Indigenous Peoples and other groups were oversampled (n=82) to allow for meaningful comparisons between race and ethnic groups. According to the findings, while Indigenous persons were only slightly less likely than Whites to have paid their rent or mortgage each month (90% vs. 94%), they were much less likely to have paid their rent or mortgage on time each month (93% vs. 77%). To a lesser degree, Black Canadians had more troubles paying their rent or mortgage on time (87%). **Indigenous (30%) and Black Canadians (42%) were also more likely to have received money from government support/relief programs during the pandemic compared to White Canadians (25%).** Moreover, Indigenous (24%) and Black Canadians (41%) were more likely to use this government support money to pay their rent or mortgage compared to White Canadians (16%). This finding demonstrates the disproportionate impact of the pandemic on visible minority communities in relation to housing and financial security.

In Week 37 (data collected November 27-29, 2020), additional information was collected from Canadians regarding their financial security during the pandemic. In particular, we asked Canadian homeowners if they had applied to receive a mortgage payment deferral from their financial institution in 2020. As demonstrated in Table 15, nearly two-thirds of homeowners did not apply for a mortgage payment deferral while about 28 percent of Canadians did apply (about 7% were not aware of the mortgage payment deferral option or preferred not to answer). Of those who did apply, 80 percent actually received the mortgage payment deferral and just 20 percent of applicants were denied the deferral because they were deemed not eligible.

Table 15. Mortgage Deferral Applicants among Canadian Homeowners

During the pandemic, did you apply to receive a mortgage payment deferral from your financial institution?			
WAVE II (WEEK 37)	FREQUENCY	SAMPLE %	VALID %
Yes and I received the mortgage payment deferral	40	2.6	22.8
Yes, but I did not receive the mortgage payment deferral (not eligible)	10	0.6	5.5
No, I did not apply or receive a mortgage payment deferral	114	7.5	65.2
No, I was not aware of the mortgage payment deferral option	5	0.4	3.0
I prefer not to answer	6	0.4	3.5
<b>Total</b>	<b>175</b>	<b>11.6</b>	<b>100.0</b>

In Week 37, we also asked Canadians if the current COVID-19 crisis has had a negative impact on their household financially, when it comes to their ability to pay their mortgage or rent. Just under one in four Canadians (24%) responded affirmatively to this question, including **36 percent of visible minority Canadians** (vs. 21% of non-visible minority Canadians) and **47 percent of recent immigrants to Canada** (arrived in past 10 years) vs. 22 percent of established immigrants and Canadian-born residents.

Table 16. Negative Financial Impacts of COVID-19 Crisis on Select Groups of Canadians

Has the current crisis had a negative impact on your household financially, when it comes to your capacity to pay your mortgage or rent?						
WAVE II (WEEK 37)	TOTAL SAMPLE	NON-VISIBLE MINORITY	VISIBLE MINORITY	CANADIAN-BORN	ESTABLISHED IMMIGRANT	RECENT IMMIGRANT
Yes	23.5%	20.6%	36.0%	22.4%	22.4%	47.1%
No	72.9%	76.9%	57.0%	74.0%	74.5%	48.5%
I don't know / I prefer not to answer	3.7%	2.5%	7.0%	3.6%	3.1%	4.4%

Next, we looked at how the negative financial impacts of the crisis has influenced Canadians ability to access justice services as well as their overall trust in the legal system. Earlier we found that some Canadians in need of justice services were not able to access them due to financial constraints (see page 5 of this report). In Table 17 below, we find further evidence of how the COVID-19 pandemic has indirectly increased the need for justice services among Canadians (but not necessarily access) by having a negative financial impact on Canadian households. As revealed in the table, households that have felt the financial pressures stemming from the pandemic are twice as likely to think about accessing justice services (12%) compared to households that have not experienced these negative impacts when it comes to paying their mortgage or rent (6%).



Table 17. Negative Financial Impacts of COVID-19 Crisis and Accessing Justice Services

Since the beginning of the COVID-19 pandemic, have you thought of accessing any justice services? (Week 37)	Has the current crisis had a negative impact on your household financially, when it comes to your capacity to pay your mortgage or rent?			
	YES	NO	IDK / IPNTA	TOTAL
Yes	12%	6%	7%	<b>7%</b>
No	86%	93%	68%	<b>90%</b>
I don't know	2%	2%	25%	<b>3%</b>
Sample Size (n)	356	1105	56	<b>1517</b>

Canadians from households that have experienced difficulties paying their mortgage or rent during the COVID-19 pandemic are also less trusting of the legal system in Canada. One cannot say, based on the data available, if these individuals were less trusting of the legal system prior to the pandemic; however, as depicted in Table 18 below, only 11 percent of households that have experienced financial difficulties during the crisis are very trusting of the legal system in Canada (trust a lot) compared to 18 percent of Canadian households that have not experienced negative financial impacts. Conversely, nine percent of households experiencing financial constraints do not trust the Canadian legal system at all compared to only five percent of households with no financial concerns related to paying their mortgage or rent.

Table 18. Negative Financial Impacts of COVID-19 Crisis and Trust in the Legal System

To what extent do you trust... The Legal system in Canada? (Week 37)	Has the current crisis had a negative impact on your household financially, when it comes to your capacity to pay your mortgage or rent?			
	YES	NO	IDK / IPNTA	TOTAL
Trust a lot	11%	18%	7%	<b>16%</b>
Somewhat trust	59%	58%	48%	<b>58%</b>
Don't trust a lot	21%	20%	29%	<b>21%</b>
Don't trust at all	9%	5%	16%	<b>6%</b>
Sample Size (n)	355	1104	56	<b>1515</b>

The ACS-Leger also asked Canadians if they had applied to receive financial aid from any of the following COVID-19 relief programs offered by the Government of Canada in Week 27: the Canada Emergency Response Benefit (CERB), Canada Child Benefit (CCB), Canada Emergency Wage Subsidy (CEWS), Canada Emergency Business Account (CEBA) or some other financial aid source.

As can be seen in Table 19 below, approximately 1 in 5 Canadians surveyed had applied for the CERB benefit with fewer Canadians applying for the CCB (12%), the CEWS (3%), the CEBA (2%) or some other government benefit (11%) during the COVID-19 pandemic.

Table 19. Financial Aid Applicants by Source of Government Aid

During the pandemic, have you applied to receive financial aid from any of the following programs offered by the Government of Canada?					
	CERB	CCB	CEWS	CEBA	OTHER
Applied for benefit	20.6%	11.8%	2.9%	2.1%	10.8%
I applied and received the check	7.3%	4.3%	1.1%	0.6%	3.2%
I applied and I received payment through direct deposit	12.7%	6.6%	1.2%	0.8%	5.6%
I applied, but I did not receive the payment yet	0.6%	0.9%	0.6%	0.7%	2.0%
Did not apply for benefit / not eligible	79.5%	88.2%	97.1%	97.9%	89.2%
I did not apply	33.8%	27.4%	36.0%	33.2%	46.8%
I am not eligible to receive these benefits	45.7%	60.8%	61.1%	64.7%	42.4%

"Other" benefits that Canadians have applied during the pandemic include employment benefits/insurance (EI), which was mentioned by 21 percent of these respondents as well as old age security (OAS) pension or the Canada Pension Plan (28% of respondents in "other" category) and/or different income supports available to employed and self-employed individuals, including the Canada Recovery Benefit (CRB), Canada Recovery Sickness Benefit (CRSB), and Canada Emergency Rent Subsidy (CERS) (14% of respondents in "other" category).

# RESOLVING LANDLORD-TENANT ISSUES DURING THE COVID-19 PANDEMIC

In Week 37 (data collected November 27-29, 2020), Canadians were asked if they or anyone they knew (family members, friends) who rented their living space had received an eviction notice from their landlord during the COVID-19 pandemic. Only four percent of Canadians overall responded 'Yes' to this question and another two percent refused to answer. This low percentage is likely due to the moratoriums placed on evictions by the Canadian government. Almost six percent of visible minorities, however, indicated that they or someone they knew had received an eviction notice (see Table 20 below).

Table 20. Eviction Notices Received Among Select Groups of Canadians

Have you or anyone you know (family members, friends) received an eviction notice from your landlord during the COVID-19 pandemic?						
WAVE II (WEEK 37)	TOTAL SAMPLE	NON-VISIBLE MINORITY	VISIBLE MINORITY	CANADIAN-BORN	ESTABLISHED IMMIGRANT	RECENT IMMIGRANT
Yes	3.7%	3.0%	5.5%	3.7%	4.2%	4.4%
No	94.8%	95.9%	92.3%	94.9%	94.3%	94.1%
I don't know / I prefer not to answer	1.6%	1.1%	2.2%	1.4%	1.6%	1.5%

**Among Canadian renters who had been given an eviction notice from their landlord during the COVID-19 crisis** (or who had a friend or family member receive an eviction notice), **nearly two-thirds had to leave their accommodation or home (65%)**. It should be noted here that the responses to these questions had limited sample sizes and may not be representative of larger trends in Canada. More in-depth research is needed in this area for the findings to be conclusive.

Despite limited sample sizes, however, this study provides preliminary information on the significant impact that eviction notices can have on Canadians in precarious situations – especially visible minorities and immigrants – and the observation that evictions are frequently not addressed through the formal justice system. Only 23 percent of cases were known to be presented at a Landlord-Tenant Board hearing, while another 23 percent of respondents were unsure if a hearing was held (in 55% of cases, there was no hearing). There was a fairly even split in terms of in-person oral hearings held (45%) vs. electronic hearings on-line (47%); a small percentage of hearings (4%) used both methods. More than half of evictees who participated in Landlord-Tenant Board hearings obtained legal representations (56%) in most cases, these individuals who ordered to pay the application fee (89%).

*Note: See additional tables related to accessing justice services in the Appendix.*

# KEY FINDINGS & AREAS FOR FURTHER RESEARCH

This report highlighted some key areas of concern related to accessing justice services during the COVID-19 pandemic. To summarize, the following key findings were observed across two waves of data collection (Wave I: late October to early November 2020 and Wave II: late November 2020 and mid-January 2021).

## Some key findings from Wave I and II:

- > Around 8 percent of Canadians have needed to access justice services since the start of the COVID-19 pandemic and two-thirds of these individuals have actually accessed justice services.
- > The most common justice services accessed were legal professional services from a lawyer or paralegal followed by court hearings, court registries and mediation.
- > While males are more likely to think about accessing legal professional services, females are more intent on actually following through with accessing the services.
- > The Canadian-born population is more likely to have accessed or considered obtaining the services of a legal professional (lawyer/paralegal) during the pandemic than immigrant men and women.
- > Visible minority men in need of justice services during the pandemic are more likely than visible minority women to have accessed or contemplate accessing mediation and arbitration services.
- > One-third of Canadians who have needed to access justice services did not access them because of associated costs, they would rather take care of it on their own, they do not trust the justice system or they were afraid of the repercussions (e.g., losing their job).
- > Visible minority males have needed to access justice services more so than non-visible minority males during the pandemic, however, Canadian-born males (and females) were more likely to actually receive these services than immigrants.
- > One in five immigrant males (and 23 percent of visible minority males) did not access the justice services they needed because they did not trust the system.
- > Canadians who have thought about accessing justice services during the COVID-19 pandemic demonstrate much higher stress levels than Canadians who have not thought of accessing justice services. However, despite feeling higher levels of stress, Canadians who have thought about accessing justice services also appear to have a stronger locus of control – perhaps because they are more likely to take matters into their own hands.
- > Indigenous and Black Canadians are more likely to have received money from government support/relief programs during the pandemic compared to non-visible minority Canadians.
- > The COVID-19 crisis has had a significant negative impact on visible minority and immigrant households financially, when it comes to their ability to pay their mortgage or rent.



While the surveys and analyses conducted by the ACS provided insights into the ongoing financial situation and need for justice services among diverse groups of Canadians, we see this report as a 'starting point' for further analysis. Our sample pertained to the general Canadian population (with oversamples of immigrants and members of racialized communities, as well as business owners and administrators), which while insightful, provides limited information about the need for justice services among Canadians due to limited sample sizes.

Further research could benefit from directly surveying and/or interviewing consumers of justice services (ideally prior to receiving the services and/or afterwards) to gather more rich and complete data on the many reasons that lead Canadians to access justice services as well as their ease of accessibility and satisfaction with services received. Of equal importance is understanding what prevents some Canadians who need justice services from actually accessing them – be it financial constraints, distrust of the legal system or the individual determination to take care of their legal matters 'on their own' without the assistance of legal professionals.

Another element of research that could be explored in more depth is the Canadian public's knowledge of what justice services are available to them and how to best access these justice services – in-person and/or electronically. This may best be accomplished through in-depth interviews or focus groups with persons in need of justice services (as identified through surveying and/or other mechanisms). Part of the solution may lie in dispelling myths or fears that may be associated with accessing justice services or the legal system in Canada while ensuring that these services are equitably available to all Canadians, regardless of immigrant status, gender, sexuality, visible minority status, language, religion or creed.



