

Social and Economic Adversity Experienced by Canadians and Everyday Legal Problems

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Canadian Forum on Civil Justice

THE COST
OF JUSTICE





Canadian Forum on Civil Justice  Forum canadien sur la justice civile

“This research ... by the Canadian Forum on Civil Justice will be essential in helping us understand the true extent of the problem of cost and how it impacts on the justice system. I believe that it will prove to be of great assistance to ... identify concrete solutions to the problem of access to justice.”

– The Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada (2011)

The Canadian Forum on Civil Justice is a national not-for-profit organization dedicated to civil justice reform and access to justice research and advocacy. Established by the Canadian Bar Association and affiliated with Osgoode Hall Law School, the CFCJ envisions an accessible, sustainable and effective justice system for all Canadians.

Overview of the Cost of Justice project. The Cost of Justice project (2011-2018) examines the social and economic costs of Canada’s justice system. It is guided by two questions: What is the cost of delivering access to justice? And what is the cost of not delivering access to justice? Comprised of leading researchers investigating various dimensions of access to justice and cost across the country, the Cost of Justice project is producing empirical data that will inform the future of access to justice in Canada and abroad. The lead research team includes: Trevor C.W. Farrow (Principal Investigator), Lisa Moore, Nicole Aylwin and Les Jacobs.

The Cost of Justice project is funded by a \$1 million grant from the Social Sciences and Humanities Research Council of Canada. For more details please visit Canadian Forum on Civil Justice, “Cost of Justice”, online: CFCJ <www.cfcj-fcjc.org/cost-of-justice>.



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Introduction

As part of a national study on the Cost of Justice by the Canadian Forum on Civil Justice (CFCJ), over 3,000 adults in Canada were asked about their experiences with civil and family justice problems and their views on the justice system in Canada.¹ Additionally, survey participants were asked generally if over several years they had experienced ongoing issues with debt, finding or securing good and affordable housing or with unemployment. These specific areas were canvassed as possible indicators of larger, persistent issues related to social adversity in their lives. This paper draws on findings from the Everyday Legal Problems and the Cost of Justice survey (“Cost of Justice survey”) to present an initial examination of social adversity as it relates to experiences of everyday legal problems in Canada.

Respondents were asked, apart from the 17 everyday legal problem types examined in the Cost of Justice survey, if they had over the past several years experienced serious problems in the areas of debt, housing and employment, identified collectively in this paper as areas of social adversity. For respondents to the Cost of Justice survey, questions related to their experiences of social adversity were not limited to the three-year reference period of their experiences with serious everyday legal problems. Specifically, survey participants were asked:

- Over the last several years has debt been a serious problem for you? (response categories: frequently, sometimes, not at all)
- Would you say that having good affordable housing has been a serious problem for you? (response categories: frequently, sometimes, not at all)
- Looking back over the last several years how often have you been unemployed? (response categories: all of the time, most of the time, some of the time, never)

¹ Trevor Farrow, Ab Currie, Nicole Aylwin, Les Jacobs, David Northrup and Lisa Moore, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: Canadian Forum on Civil Justice, 2016), online: CFCJ <<http://www.cfcj-fcjc.org/sites/default/files//Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>>.

Correlations between experiencing serious or persistent problems in any of the three areas of adversity and experiences of one or more problems in corresponding everyday legal problem types are relatively low,² that is to say, the three areas signalling social adversity in the lives of Canadians are distinct from experiences of everyday legal problems related to debt, housing and employment.

The three areas of adversity are moderately to highly correlated, suggesting that they possibly occur in combinations among the population. However, they are not sufficiently highly correlated to warrant combining them. The three separate dimensions of social adversity will therefore be discussed separately in this paper.

Table I: Correlations between Debt, Housing and Employment

Dimensions of Adversity	Everyday Legal Problem Types		
	Employment	Debt	Housing
Employment	--	0.22	0.43
Debt	--	--	0.53
Housing	--	--	--

All measures are Gamma statistics appropriate for ordinal data and are statically significant at the 0.0001 level.

Data Source

The data for this analysis are drawn from the 2014 Canadian Forum on Civil Justice national survey of Everyday Legal Problems and the Cost of Justice in Canada.³ The survey was carried out by the Institute for Social Research (ISR) at York University, Toronto between September 2013 and May 2014. The main survey consisted of 3,015 telephone interviews carried out over land lines with adults in randomly selected households in the 10 provinces. An additional 212 cell phone interviews were carried out. Interviews were an average of 21 minutes in length. The response rate was 42% and the margin of error was +/- 1.8%. Respondents were asked if they had experienced problems from a list of 84 specific problem scenarios⁴, each one carefully worded to ensure the issue had legal content. The problem(s) represented in the

² See Tables II, III and IV below.

³ David Northrup, Ab Currie, Trevor C.W. Farrow, Les Jacobs and Nicole Aylwin, *Design and Conduct of the Cost of Justice Survey* (Toronto: Canadian Forum on Civil Justice, 2016), online: CFCJ <<http://www.cfcj-fcj.org/sites/default/files//Design%20and%20Conduct%20of%20the%20Cost%20of%20Justice%20Survey.pdf>>.

⁴ The results are reported for 17 problem types in order to make the presentation of data manageable. For an overview of the findings from the Cost of Justice survey, see Overview Report *supra* note 1.

scenarios were justiciable, that is, able to be resolved through legal processes whether or not legal action was taken. Threshold language in the questions encouraged respondents to report only problems they considered to be or to have been serious and difficult to resolve. Respondents were asked about problems that they had been experiencing within three years of the interview date although the problems may have first occurred before then. Subsequent parts of the survey asked about actions taken in response to problems, consequences of experiencing problems, the types and adequacy of assistance received, connections between problems and the costs related to experiencing and addressing everyday legal problems. In order to limit the time required to administer the telephone survey, details related to respondents' experiences dealing with problems were asked only for up to two problems experienced.⁵

The Prevalence of Adversity in Debt, Employment and Housing

In total, 22.6% of respondents indicated that they had persistent debt problems over the past several years, equalling an estimated 5,689,247 individuals in the Canadian population. Among those individuals an estimated 23.1% (1,314,385 people in the population) said they frequently had serious debt problems and approximately 76.9% equalling an estimated an estimated 4,374,862 individuals, said debt had sometimes been a serious problem sometimes over the last several years.

Having good affordable housing was indicated to be a serious problem for an estimated 12.1% of the Canadian population, or an estimated 1,089,902 individuals. This includes 4.0% frequently experiencing a serious problem finding good affordable housing (approximately 305,823 people) and 8.1 % (approximately 1,003,079 people) for whom having good affordable housing was sometimes a serious problem.

The data indicate that being unemployed was a serious issue⁶ for an estimated 27.9% of respondents, or about 5,073,793 people. An estimated 4.9% (approximately 886,555 people) said they had frequently been unemployed over the past several years, and 23.0% (approximately 4,187,238 individuals) said they had sometimes been unemployed. Overall, about 10.4 million adult Canadians⁷ reported having experienced adversity that persisted over several years measured in terms of one or more of the indicators examined: serious debt, trouble with good, affordable housing or unemployment problems over several years.

⁵ *Design and Conduct of the Cost of Justice Survey, supra* note 3.

⁶ Experiencing adversity related to unemployment is assumed to be having been frequently unemployed, making the formulation parallel with the housing and debt measures.

⁷ This approximation is derived from an analysis of both landline and cell phone survey respondents, weighted to the population. For more on survey methodology and data analysis for the Cost of Justice survey, see *Design and Conduct of the Cost of Justice Survey, supra* note 3.

Persistent Adversity in Debt, Employment and Housing and Experiencing Everyday Legal Problems

Survey analysis suggests that respondents who reported experiencing ongoing problems with debt, unemployment and issues with good, affordable housing, the three areas signaling social adversity, were more likely to experience one or more everyday legal problems across problem types. The graph in Figure I shows the percentages of respondents experiencing one or more everyday legal problems and the frequency with which these persistent problems occurred in their lives.

Overall, the data show that 48.4% of the population experienced one or more everyday legal problems over a three-year period.⁸ Figure I shows the frequency with which people who experience ongoing issues with debt, unemployment or housing problems also experience one or more everyday legal problems during the three-year reference period of the survey. People who indicate that they frequently experienced debt or housing problems experienced (1 or more) everyday legal problems at almost twice the rate of the population. Among respondents who reported frequent unemployment issues, the rate is about 50% higher. The percentage was smaller for people who sometimes experienced persistent debt or housing problems and even smaller for people who did not experience persistent problems. Among people who frequently had debt issues, 84.9% experienced one or more everyday legal problems in a three-year period, compared with 67.3% of people who sometimes experienced serious debt problems. Among people who indicated that they did not experience ongoing debt issues, 40.2% indicated that they experienced one or more everyday legal problems over the three-year reference period of the survey.⁹

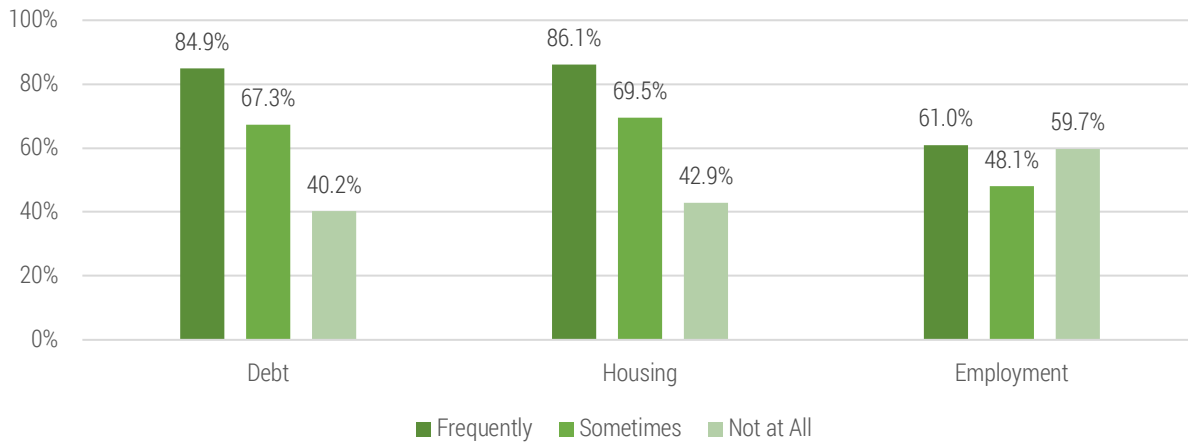
Among people who indicated that they frequently experienced issues with good, affordable housing, the percentage experiencing one or more legal problems was 86.1%. Among people who sometimes experienced problems with good, affordable housing 69.5% reported experiencing one or more everyday legal problems over a three-year period, and among people who indicated that they did not have serious problems with good, affordable housing, 42.9% reported experiencing one or more everyday legal problems.¹⁰

⁸ Farrow, et al. *supra* note 1.

⁹ $\chi^2 = 220.2$, $p = .0001$, $n = 3146$

¹⁰ $\chi^2 = 129.8$, $p = .0001$, $n = 3167$

Figure I: Experiences of Social and Economic Adversity and Percentage of Respondents Reporting One or More Everyday Legal Problems



The relationship between the frequency of persistent employment problems and the percentage of people reporting one or more legal problems is not as consistent as other areas of adversity. People frequently experiencing problems with employment reported the highest proportion of experiences with one or more everyday legal problems (61.0%). About the same percentage of people of people who indicated that they did not experience persistent problems with unemployment reported experiencing one or more everyday legal problems (59.7%). The lowest percentage of people experiencing at least one legal problem (48.1%) was among people who indicated that unemployment issues were sometimes a problem.¹¹

The type(s) of legal problems that people experience is one of the primary factors that influence how, if at all, they choose to respond to their problem. Table II shows the extent to which people experiencing adversity related to debt reported experiencing the 17 everyday legal problem types canvassed in the Cost of Justice survey.

¹¹ $\chi^2 = 26.9, p = .0001, n = 2141$

Table II: Experiences of Social Adversity related to Debt and Percentage of Respondents Reporting One or More Everyday Legal Problems within Problem Types

Legal Problem Type	Frequency of Experiencing Adversity Related to Debt		
	Frequently	Sometimes	Not at All
Consumer	43.8% (64)	32.3% (172)	19.2% (475)
	$\chi^2 = 85.7, p = .0001, \phi = 0.17, n = 3051^*$		
Employment	39.6% (53)	25.5% (129)	11.0% (264)
	$\chi^2 = 146.7, p = .0001, \phi = 0.22, n = 3051$		
Debt	63.7% (93)	31.0% (165)	14.9% (368)
	$\chi^2 = 261.2, p = .0001, \phi = 0.29, n = 3051$		
Social Assistance	6.0% (8)	3.1% (10)	0.7% (16)
	$\chi^2 = 36.6, p = .0001, \phi = 0.10, n = 3051$		
Disability	6.7% (9)	3.0% (15)	0.9% (21)
	$\chi^2 = 37.3, p = .0001, \phi = 0.11, n = 3051$		
Housing	12.7% (17)	2.8% (14)	1.5% (36)
	$\chi^2 = 75.2, p = .0001, \phi = 0.16, n = 3051$		
Immigration	not statistically significant		
Discrimination	16.4% (22)	7.5% (38)	0.6% (89)
	$\chi^2 = 54.0, p = .0001, \phi = 0.13, n = 3051$		
Treatment by Police	8.2% (12)	2.1% (11)	1.3% (32)
	$\chi^2 = 39.5, p = .0001, \phi = 0.11, n = 3051$		
Criminal Charges	not statistically significant		
Family (relationship breakdown) ¹²	15.8% (23)	9.4% (50)	2.5% (64)
	$\chi^2 = 39.5, p = .0001, \phi = 0.11, n = 3051$		
Family (other) ¹³	4.1% (6)	1.3% (7)	0.1% (2)
	$\chi^2 = 57.1, p = .0001, \phi = 0.13, n = 3051$		
Wills & Incapacity	10.4% (14)	5.0% (25)	2.7% (64)
	$\chi^2 = 28.0, p = .0001, \phi = 0.10, n = 3051$		
Personal Injury	6.0% (8)	4.2% (21)	1.8% (44)
	$\chi^2 = 17.8, p = .003, \phi = 0.08, n = 3051$		
Medical Treatment	8.9% (13)	3.6% (19)	2.3% (57)
	$\chi^2 = 23.6, p = .0001, \phi = 0.09, n = 3067$		
Threat of Legal Action	6.0% (8)	1.4% (7)	1.2% (28)
	$\chi^2 = 21.3, p = .0001, \phi = 0.08, n = 3051$		
Neighbourhood Probs.	17.9% (64)	12.5% (63)	8.2% (195)
	$\chi^2 = 25.5, p = .0001, \phi = 0.09, n = 3051$		

*Values for n's include respondents experiencing no problems in the category plus those experiencing one or more problems

¹² Includes family relationship breakdown problems

¹³ Other family problems generally includes child related matters, including custody, guardianship and education related issues

Among people who experienced persistent debt problems, the likelihood of experiencing one or more everyday legal problems over three years is higher for 15 of the 17 problems types for which the data are statistically significant. The data for immigration and problems related to criminal charges were not statistically significant and are not presented in the table.

Table III: Experiences of Social Adversity related to Problems with Good, Affordable Housing and Percentage of Respondents Reporting One or More Everyday Legal Problem within Problem Types

Problem Type	Frequency of Experiencing Adversity Related to Housing		
	Frequently	Sometimes	Not at All
Consumer	42.7% (38)	34.0% (69)	19.9% (538)
	$\chi^2 = 50.7, p = .0001, \phi = 0.17, n = 3051^*$		
Employment	42.0% (42)	29.1% (64)	13.1% (363)
	$\chi^2 = 98.8, p = .0001, \phi = 0.18, n = 3146$		
Debt	58.4% (52)	31.5% (64)	16.7% (452)
	$\chi^2 = 131.7, p = .0001, \phi = 0.21, n = 3051$		
Social Assistance	9.0% (9)	4.5% (6)	0.6% (17)
	$\chi^2 = 84.6, p = .0001, \phi = 0.16, n = 3051$		
Disability	9.0% (7)	3.8% (15)	1.0% (29)
	$\chi^2 = 50.7, p = .0001, \phi = 0.13, n = 3146$		
Housing	23.0% (23)	8.2% (18)	1.0% (28)
	$\chi^2 = 252.6, p = .0001, \phi = 0.28, n = 3146$		
Immigration	not statistically significant		
Discrimination	19.0% (19)	14.1% (31)	4.0% (110)
	$\chi^2 = 90.4, p = .0001, \phi = 0.17, n = 3146$		
Treatment by Police	9.0% (8)	6.4% (13)	0.8% (22)
	$\chi^2 = 81.0, p = .0001, \phi = 0.16, n = 3051$		
Criminal Charges	0.0 (0)	2.0 (4)	0.2 (6)
	$\chi^2 = 22.3, p = .0001, \phi = 0.09, n = 3051$		
Family (relationship breakdown) ¹⁴	18.0% (16)	11.8% (24)	3.0% (82)
	$\chi^2 = 93.9, p = .0001, \phi = 0.18, n = 3051$		
Family (other) ¹⁵	3.4% (6)	1.0% (2)	0.3% (8)
	$\chi^2 = 21.1, p = .001, \phi = 0.08, n = 3051$		
Wills & Incapacity	7.0% (7)	6.8% (15)	3.0% (83)
	$\chi^2 = 15.9, p = .007, \phi = 0.07, n = 3146$		
Personal Injury	11.0% (11)	5.5% (12)	1.9% (54)
	$\chi^2 = 61.3, p = .0001, \phi = 0.14, n = 3051$		
Medical Treatment	11.2% (10)	5.9% (12)	2.0% (54)
	$\chi^2 = 57.6, p = .0001, \phi = 0.14, n = 3051$		
Threat of Legal Action	5.0% (8)	3.2% (7)	1.2% (28)
	$\chi^2 = 15.2, p = .01, \phi = 0.07, n = 3146$		
Neighbourhood Probs.	27.0% (27)	18.2% (40)	8.2% (227)
	$\chi^2 = 62.2, p = .0001, \phi = 0.14, n = 3146$		

*Values for n's include respondents experiencing no problems in the category plus those experiencing one or more problems

¹⁴ Includes family relationship breakdown problems

¹⁵ Other family problems generally include child related matters, including custody, guardianship and education related issues

Table III shows the data for people experiencing persistent problems finding good, affordable housing and their experiences with one or more everyday legal problems. Respondents who indicated that they frequently had problems with good, affordable housing also experienced one or more everyday legal problems most frequently. Table III shows that this relationship holds for 15 out of 17 problem types. The data for immigration is not statistically significant. The data for crime is statistically significant but does not conform to the common pattern. Having been charged with a criminal offence is a different phenomenon than experiencing a civil justice problem which could account for the difference. The patterns in the data for persistent problems with good affordable housing are similar to those for persistent debt problems. Persistent or long-standing social justice problems appear to have a multiplier effect in the sense that both are associated with more frequently experiencing everyday legal problems.

Table IV below examines the same set of relationships for persistent problems related to unemployment. When reviewed based on specific legal problem types, experiencing social or economic adversity related to unemployment is not related as consistently to experiencing everyday legal problems as the other two measures of adversity.

Table IV: Percent of Respondents Experiencing Social Adversity related to Unemployment and Percentage of Respondents Reporting One or More Everyday Legal Problems within Problem Types

Problem Type	Frequency of Experiencing Adversity Related to Unemployment		
	Frequently	Sometimes	Not at All
Consumer	not statistically significant		
Employment	28.6% (24)	30.8% (35)	18.9% (291)
	$\chi^2 = 32.3, p = .0001, \phi = 0.12, n = 2141$		
Debt	25.7% (18)	26.2% (109)	18.7% (280)
	$\chi^2 = 12.4, p = .006, \phi = 0.08, n = 2141$		
Social Assistance	10.7% (9)	1.4% (6)	0.5% (7)
	$\chi^2 = 83.8, p = .0001, \phi = 0.20, n = 2141$		
Disability Assistance	7.1% (6)	2.1% (9)	1.0% (15)
	$\chi^2 = 27.3, p = .0001, \phi = 0.11, n = 2141$		
Housing	8.3% (7)	5.3% (22)	1.2% (19)
	$\chi^2 = 35.6, p = .0001, \phi = 0.13, n = 2141$		
Immigration	not statistically significant		
Discrimination	14.3% (12)	9.1% (40)	4.2% (65)
	$\chi^2 = 28.5, p = .0001, \phi = 0.12, n = 2141$		
Treatment by Police	2.9% (28)	3.4% (14)	1.2% (8)
	$\chi^2 = 9.8, p = .02, \phi = 0.7, n = 2051$		
Criminal Charges	0.0 (0)	0.0 (0)	0.3 (5)
	$\chi^2 = 13.8, p = .003, \phi = 0.08, n = 2051$		
Family (relationship breakdown) ¹⁶	not statistically significant		
Family (other) ¹⁷	not statistically significant		
Wills & Incapacity	not statistically significant		
Personal Injury	not statistically significant		
Medical Treatment	8.6% (6)	3.4% (14)	2.0% (30)
	$\chi^2 = 15.6, p = .001, \phi = 0.09, n = 2056$		
Threat of Legal Action	not statistically significant		
Neighbourhood Probs.	19.0% (16)	14.6% (64)	9.5% (147)
	$\chi^2 = 14.7, p = .002, \phi = 0.08, n = 2141$		

*Values for n's include respondents experiencing no problems in the category plus those experiencing one or more problems

The frequency with which respondents experience persistent unemployment is correlated with a greater likelihood of experiencing one or more everyday legal problems for 8 out of 17 legal problem types, including employment, debt, social assistance, disability assistance, housing, discrimination, medical

¹⁶ Includes family relationship breakdown problems

¹⁷ Other family problems generally include child related matters, including custody, guardianship and education related issues

treatment and neighbourhood problems. The relationship with problems related to treatment by police is partially consistent with the eight legal problem types and is statistically significant. In this case, among respondents who reported that they frequently experienced persistent unemployment the percentage experiencing one or more problems is higher than for those who indicated that unemployment issues had not been a problem at all. However, the percentage experiencing one or more problems related to treatment by police is highest among respondents who indicated that they sometimes experienced serious problems with unemployment. With respect to problems related to criminal charges, the relationship with adversity through persistent unemployment is statistically significant but is not consistent with the overall pattern.

The large number of respondents experiencing persistent unemployment, housing and debt problems suggests prevalent social and economic adversity within the population. Further, the data show strong support for the proposition that social and economic adversity in general are magnified by a greater likelihood of experiencing everyday legal problems.

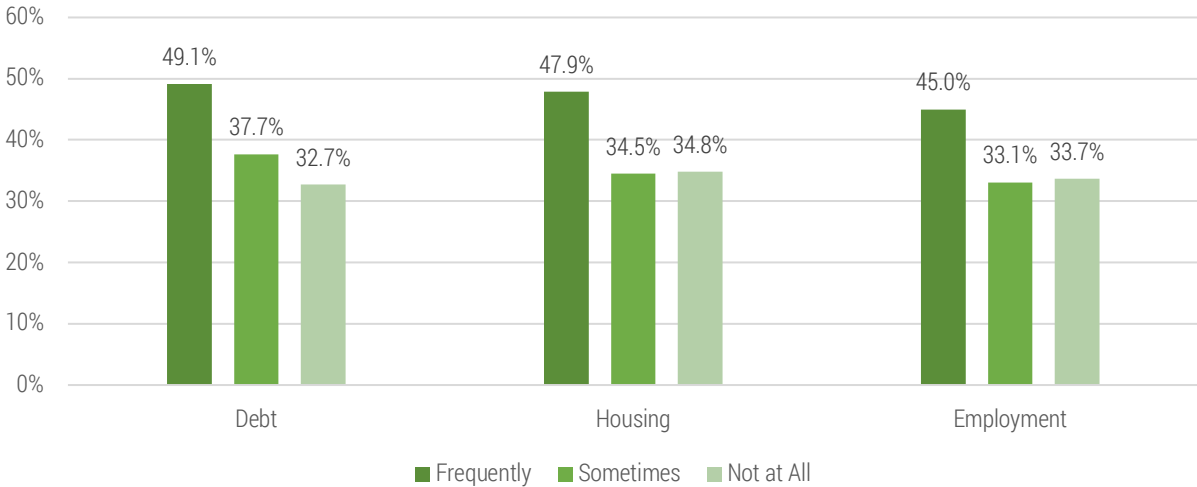
Persistent Adversity in Debt, Employment and Housing and Unresolved Everyday Legal Problems

The data provides some evidence that respondents experiencing serious problems in the three areas of adversity also have a high rate of unresolved everyday legal problems. Figure II shows that the clearest evidence is for persistent debt problems. 49.1% of respondents who said they had in the past several years experienced persistent problems with debt indicated that they had unresolved everyday legal problems. This percentage decreases to 37.7% for respondents who indicated that they had sometimes experienced serious debt problems. Among respondents who indicated that they did not have persistent debt problems, 32.7% reported unresolved everyday legal problems.

This pattern differs somewhat for respondents who reported that they had persistent problems with good, affordable housing. Among respondents who indicated that they frequently experienced problems obtaining good, affordable housing, 47.9% reported unresolved problems. This compares with 34.8% among those who indicated that they had never experienced persistent housing problems. The percentage of respondents who sometimes experienced problems with good, affordable housing is virtually identical to the percentage of respondents who indicated that they had never experienced persistent problems in this area - 34.5%, vs. 34.8%. This suggests, at the extremities, that experiencing persistent problems related to good, affordable housing could be related to unresolved problems, but not as strongly as with persistent debt. The data for both bar graph segments are statistically significant.¹⁸

¹⁸ Debt: $\chi^2 = 75.2$, $p = .0001$, $n = 1381$; Housing: $\chi^2 = 33.9$, $p = .004$, $n = 1381$.

Figure II: Experiences of Social and Economic Adversity and Percentage of Respondents Reporting Unresolved Everyday Legal Problems



Similar to the data for good, affordable housing, the percentage of respondents who indicated that persistent unemployment was frequently a problem showed a higher likelihood of having unresolved everyday legal problems (45.0%) than respondents who indicated that they did not experience persistent unemployment problems (33.7%). The difference between the percentage of respondents who indicated that unemployment was sometimes an issue and respondents who did not experience unemployment problems is 0.6%, with the latter being the higher of the two figures.¹⁹

The relationship between the frequency with which respondents experienced persistent debt problems over several years and the percentage reporting unresolved problems is significant within four legal problem types – consumer, employment, debt and neighbourhood (see Table V below). The data for persistent debt and employment legal problem types shows a clear, declining linear pattern - the percentage of respondents reporting unresolved problems is highest among individuals who indicated that they frequently had serious debt problems and experienced employment legal problems within the three-year reference period of the survey. There is a decrease in percentages among respondents who sometimes experienced persistent debt problems and the lowest percentages of respondents with unresolved problems who experienced employment and debt legal problem types is among people who indicated that they did not experience persistent debt problems in the past.

¹⁹ The data are not statistically significant.

The data for neighbourhood legal problems revealed high percentages of unresolved legal problems among persons who reported frequently experiencing persistent debt issues (55.0%). Respondents who indicated that they had sometimes had serious debt problems in the past had the lowest percentage in this category (33.9%). With respect to unresolved consumer legal problems and debt-related adversity, respondents who indicated that they sometimes experienced debt problems yielded the highest percentage among respondents in this legal problem category (44.1%). The second highest percentage in this category was among respondents with frequent debt problems (37.3%).

Table V: Percentage of Respondents with Unresolved Everyday Legal Problems for Levels of Adversity Related to Debt for Specific Legal Problem Types

Problem Type	Frequency of Experiencing Adversity Related to Debt		
	Frequently	Sometimes	Not at All
Consumer	37.3% (19)	44.1% (67)	31.1% (137)
$\chi^2 = 20.6, p = .002, \phi = 0.17, n = 644^*$			
Employment	52.9% (27)	35.2% (45)	31.0% (81)
$\chi^2 = 146.7, p = .0001, \phi = 0.22, n = 441$			
Debt	48.7% (31)	45.0% (68)	33.0% (110)
$\chi^2 = 261.2, p = .0001, \phi = 0.29, n = 563$			
Neighbourhood Probs.	55.0% (11)	33.9% (21)	34.8% (65)
$\chi^2 = 24.5, p = .004, n = 270$			

*Values for n's include respondents experiencing no problems in the category plus those experiencing one or more problems

Among respondents who experienced serious problems obtaining good, affordable housing in the past, the evidence for a relationship between this particular indicator of adversity and unresolved legal problems is present for 7 out of 17 legal problem types. Data in Table VI reveals that experiencing good and affordable housing issues more frequently is associated with higher percentages of respondents with unresolved problems for the 7 problem types in which the data are statistically significant.

Table VI: Percentage of Respondents with Unresolved Everyday Legal Problems for Levels of Adversity Related to Good and Affordable Housing for Specific Legal Problem Types

Problem Type	Frequency of Experiencing Adversity Related to Good Affordable Housing		
	Frequently	Sometimes	Not at All
Consumer	45.7% (16)	33.8% (22)	34.3% (183)
	$\chi^2 = 42.2, p = .0001, n = 730^*$		
Employment	48.5% (16)	26.8% (15)	35.4% (123)
	$\chi^2 = 27.8, p = .02, n = 444$		
Debt	55.1% (27)	35.0% (2)	37.4% (165)
	$\chi^2 = 29.9, p = .01, n = 812$		
Social Assistance	57.1% (4)	16.7% (1)	41.2% (7)
	$\chi^2 = 33.1, p = .004, n = 30$		
Family (relationship breakdown)	73.3% (11)	40.9% (9)	51.9% (42)
	$\chi^2 = 21.6, p = .04, n = 121$		
Wills and Incapacity	60.0% (3)	38.0% (4)	44.3% (35)
	$\chi^2 = 47.5, p = .0001, n = 101$		
Medical Treatment	55.6% (5)	27.3% (3)	42.6% (23)
	$\chi^2 = 24.4, p = .05, n = 77$		

*Values for n's include respondents experiencing no problems in the category plus those experiencing one or more problems

Nonetheless, the relationship between having trouble obtaining good and affordable housing and unresolved problems is weak overall. Within each of the 7 legal problem types, a larger percentage of people who indicated that they did not have persistent problems related to good, affordable housing reported that they had unresolved legal problems than the percentage of people who indicated that they sometimes experienced problems with good, affordable housing. The data for the other 10 problem types did not achieve an acceptable level of statistical significance and so they cannot be counted as evidence. Nonetheless, these data provide qualified and partial support for a connection between social and economic adversity of the nature highlighted in this paper and higher levels of unresolved everyday legal problems.

The final data table related to unresolved legal problems (Table VII) describes the relationship between the third measure of adversity - persistent unemployment –and unresolved legal problems. These data do not support the hypothesis that greater adversity, measured in this instance in terms of serious problems with unemployment, is related to more people experiencing unresolved legal problems. The data for only one legal problem type (discrimination) achieves an acceptable level of statistical significance. The level of statistical significance for employment legal problems is close to the normal limit of .05 so it has been included in the table below. In both cases, the percentages of people with unresolved legal problems is the inverse of most of the previous patterns

i.e. among people for whom unemployment was not a persistent problem, the highest percentages reported unresolved legal problems.

Table VII: Percentage of Respondents with Unresolved Everyday Legal Problems for Levels of Adversity Related to Unemployment for Specific Legal Problem Types

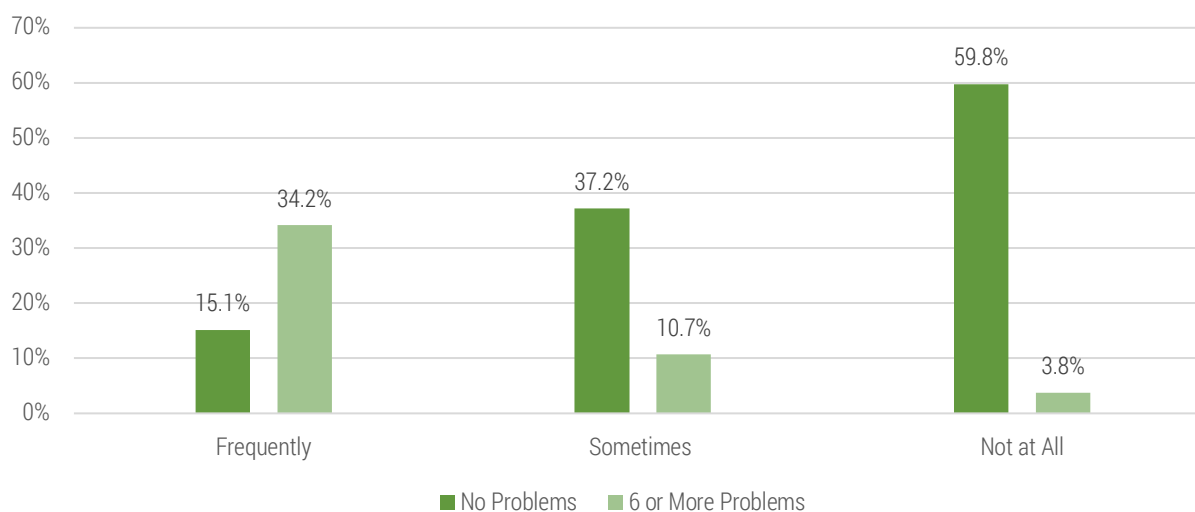
Problem Type	Frequency of Experiencing Adversity Related to Unemployment		
	Frequently	Sometimes	Not at All
Employment	27.8% (5)	31.2% (39)	38.9% (107)
$\chi^2 = 15.1, p = .09, n = 439^*$			
Discrimination	16.7% (1)	36.4% (12)	47.1.0% (27)
$\chi^2 = 26.7, p = .02, n = 102$			

*Values for n's include respondents experiencing no problems in the category plus those experiencing one or more problems

Experiencing Large Numbers of Everyday Legal Problems

Respondents experiencing adversity were more likely to report having experienced large numbers of legal problems. Figure III shows the frequency with which people experienced persistent debt and whether they experienced no everyday legal problems during the reference period of the Cost of Justice survey or they experienced 6 or more legal problems.²⁰

Figure III: Frequency of Debt-Related Adversity and Percentage of Individuals with No Everyday Legal Problems and with 6 or More Everyday Legal Problems



²⁰ Data categories from one to five are not included in order to make the graph more readable.

Among respondents who said they frequently had debt problems over several years prior to the survey, 15.1% reported no everyday legal problems. More than twice as many, 34.2% reported having experienced 6 or more problems.

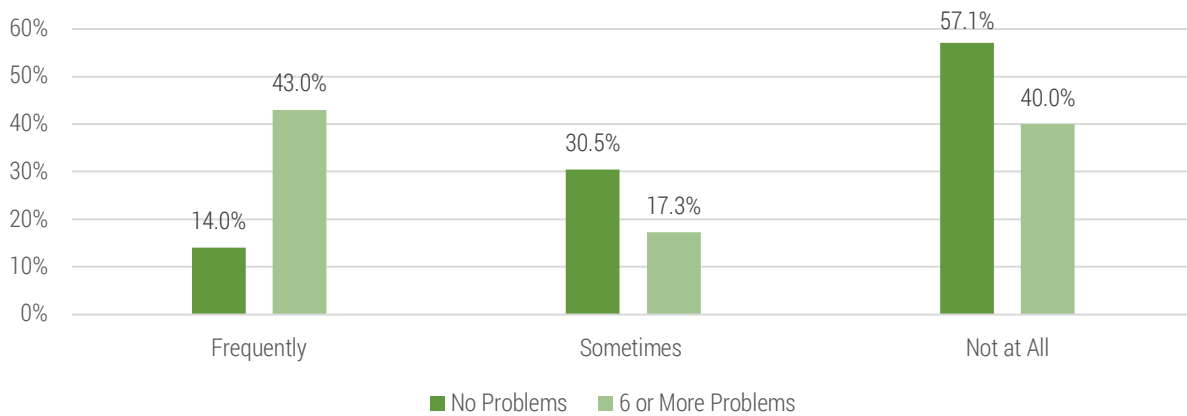
Among respondents for whom debt was sometimes a problem in the past, 37.2% reported that they did not experience everyday legal problems during the three-year reference period of the survey while 10.7% experienced 6 or more everyday legal problems. The difference is even greater for respondents who did not experience serious debt problems: 59.8% reported that they did not experience legal problems compared with only 3.8% experiencing 6 problems or more.²¹

Comparable data related to persistent problems with good affordable housing are presented in Figure IV (below). The data for respondents who indicated that they experienced serious problems with good, affordable housing over several years follows a similar pattern as the data for serious debt problems. A much larger percentage of respondents who indicated that they frequently experienced serious housing problems reported 6 or more everyday legal problems within the reference period of the survey than the percentage reporting no problems - 43% and 14%, respectively. Conversely, among respondents who sometimes experienced serious problems with good, affordable housing, and among respondents who did not experience serious problems related to good, affordable housing, higher percentages were recorded among people who indicated that they did not experience everyday legal problems during the reference period of the survey.²²

²¹ $\chi^2 = 429.9$, $p = .0001$, $n = 3167$

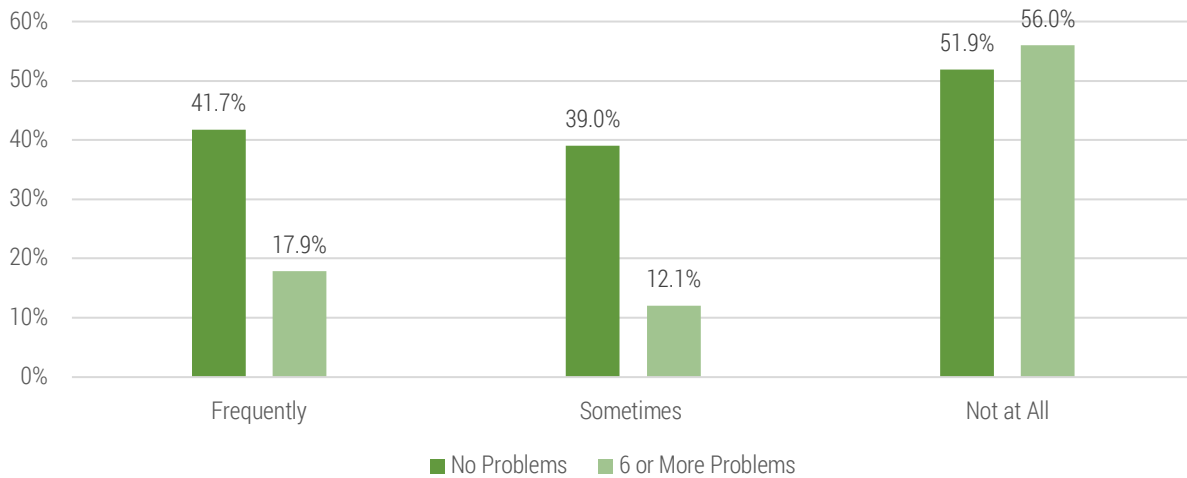
²² $\chi^2 = 401.4$, $p = .0001$, $n = 3146$

Figure IV: Frequency of Housing-Related Adversity and Percentage of Individuals with No Everyday Legal Problems and with 6 or More Everyday Legal Problems



The data related to persistent employment problems does not provide strong support for the pattern that the relationships for the other two indicators of social adversity reveal.

Figure V: Frequency of Employment-Related Adversity and Percentage of Individuals with No Everyday Legal Problems and with 6 or More Everyday Legal Problems



The data represented by the graph in Figure V above indicates that higher percentages of respondents who frequently and sometimes had serious unemployment problems in the past reported no problems compared with respondents in the same categories who reported experiencing 6 or more problems. Conversely, a higher percentage of respondents who indicated that they did not experience persistent

problems with unemployment reported 6 or more everyday legal problems (56.0%) than the percentage experiencing no everyday legal problems during the same period.²³

Interdependence of Everyday Legal Problems

One of the lessons from legal problems research is that people often experience multiple problems. The problems they experience occur in interdependent problem clusters in which one problem often triggers another. Therefore, apart from experiencing a greater number of problems it might be anticipated that respondents experiencing social adversity, and experiencing multiple problems might also experience these trigger effects. The data in Figure VI bear this out for persistent debt and affordable housing problems but not for persistent problems related to unemployment.

Looking first at persistent debt problems (see Figure VI below), the largest – 54% of people who frequently experienced debt problems- indicated that at least one legal problem triggered another. This compares with 36.1% of people who sometimes experienced debt problems who indicated that one or more of their legal problems triggered another. The smallest percentage of respondents indicating one problem had triggered another was among those who said they had not experienced serious debt problems.²⁴

The same pattern holds for respondents who had experienced serious problems related to good, affordable housing. 58.8% of those who had frequently experienced affordable housing problems said at least one of their everyday legal problems triggered another, 37.5% of respondents who indicated that they sometimes experienced housing problems indicated that at least one of their legal problems triggered another, and the lowest percentage in this category who reported that they had experienced trigger problems (30.3%) occurred among respondents who said that they had never experienced problems with good, affordable housing.²⁵

The data for respondents experiencing social adversity in the form of serious unemployment problems does not strongly support this hypothesis. Though a similar, linear pattern exists between individuals who reported frequently, sometimes and never experiencing affordable housing problems, the percentage differences are small and the data are not statistically significant.²⁶

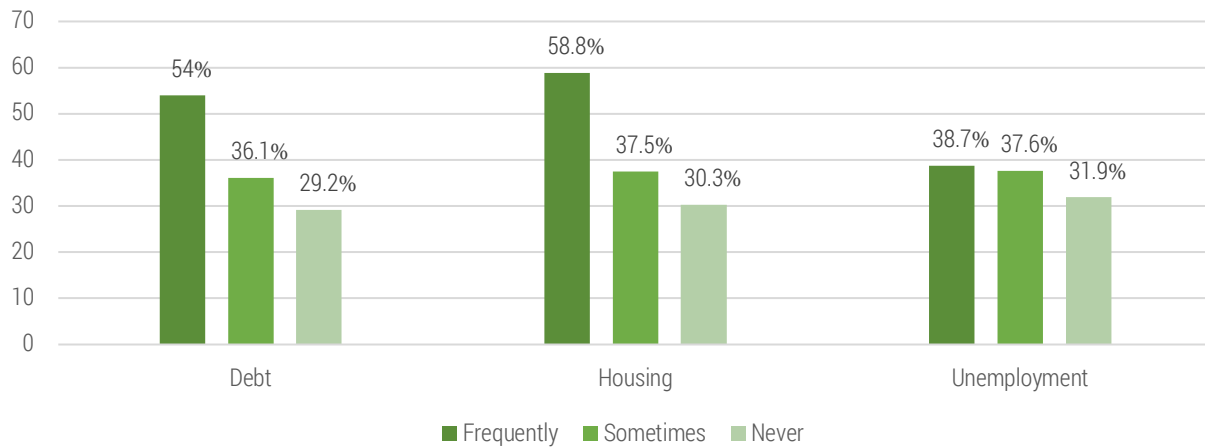
²³ $\chi^2 = 59.7, p = .0001, n = 2141$

²⁴ $\chi^2 = 32.0, p = .001, n = 901$

²⁵ $\chi^2 = 27.3, p = .03, n = 879$

²⁶ $\chi^2 = 7.2, p = .30, n = 693$

Figure VI: Frequency of Social Adversity Indicators and Percentage of People Experiencing Trigger Effects with Everyday Legal Problems



Socio-demographic Variables and Indicators of Social and Economic Adversity

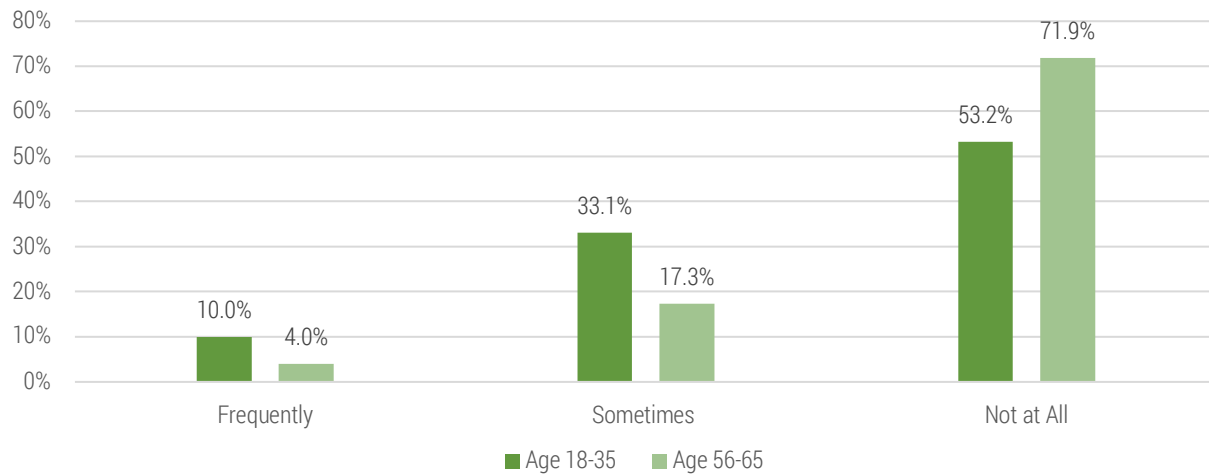
The relationships between socio-demographic variables and measures of adversity described in this section provide some hints about the connection between adversity and other related concepts. Gender is always of interest but, unfortunately, the relationships between gender and the debt, unemployment and affordable housing indicators of adversity are not statistically significant.

Age

Figure VII (below) shows data for two categories representing younger and older respondents. For simplicity, the graph shows only two age groups, younger (respondents 18 to 35 years of age) and older (respondents who are 56-65 years of age).

Younger respondents, i.e. respondents 18 to 35 years of age, were more likely to report having frequently experienced serious employment problems than having never experienced this sort of adversity (10.0% compared with 4.0%).

Figure VII: Percentage of Respondents for Selected Age Groups Reporting Levels of Adversity Related to Unemployment



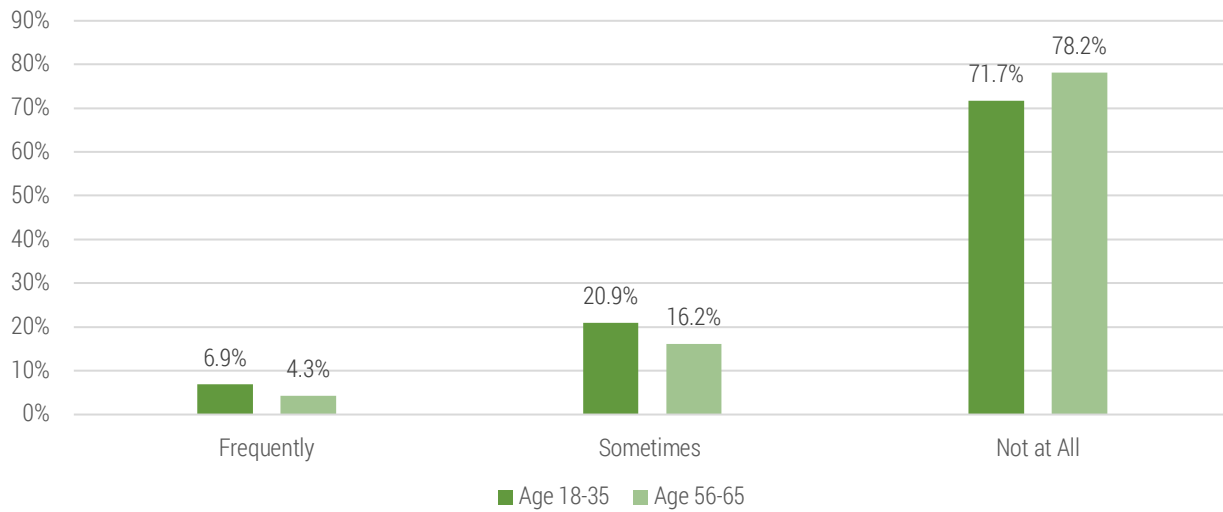
Respondents 18 to 35 years of age were also more likely to report that they sometimes experienced serious problems with unemployment than respondents aged 56 to 65. Considering all age groups, the relationship has a moderate correlation represented by Gamma statistic of 0.22 and is statistically significant.²⁷

Adversity related to debt (Figure VIII) is experienced to a greater degree by younger people (age 18 – 35). Similar to the data representing adversity relating to unemployment, larger percentages of younger respondents indicated that they frequently or sometimes experienced adversity in terms of serious debt problems compared to their counterparts in the same categories. On the other hand, a larger percentage of older respondents reported that they had never experienced serious problems with debt compared with younger respondents (78.2% and 71.7% respectively). The Gamma correlation coefficient is 0.28 and the relationship is statistically significant.²⁸

²⁷ $\chi^2 = 128.6$, $p = .0001$, Gamma = 0.22, $n = 2092$

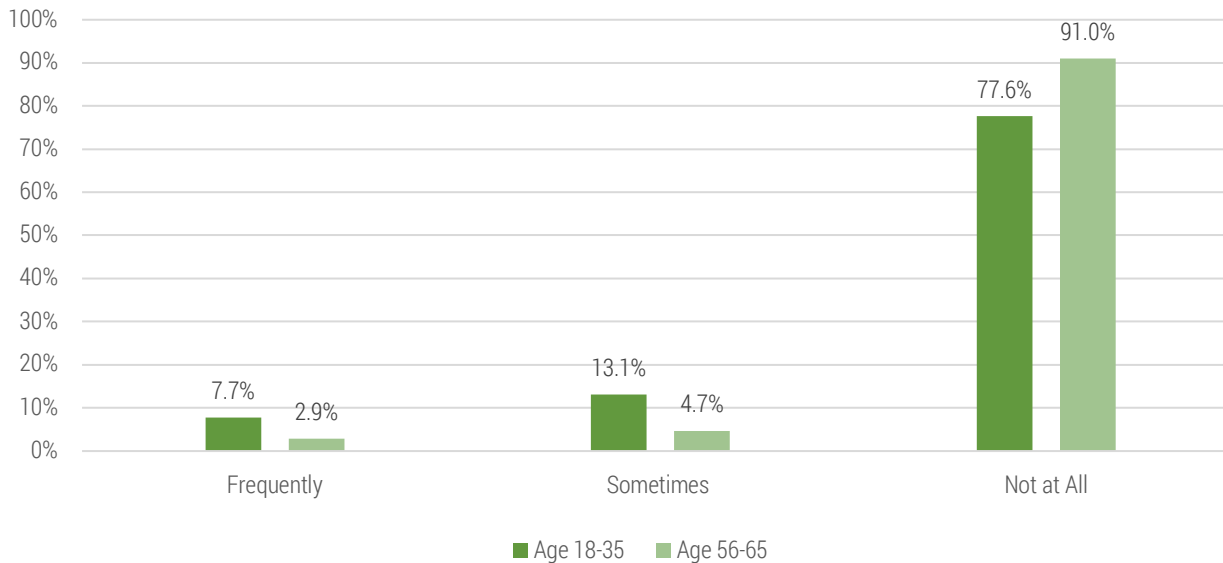
²⁸ $\chi^2 = 123.4$, $p = .0001$, Gamma = 0.28, $n = 3085$

Figure VIII: Percentage of Respondents for Selected Age Groups Reporting Levels of Adversity Related to Debt



The data represented in Figure IX indicates that adversity defined in terms of good and affordable housing shows a similar pattern for age as other indicators of adversity.²⁹

Figure IX: Percent of Respondents for Selected Age Groups Reporting Levels of Adversity Related to Good Affordable Housing



²⁹ $\chi^2 = 95.2, p = .0001, \text{Gamma} = 0.30, n = 3066$

Being younger appears to have a moderate but consistent relationship with forms of adversity. This could be interpreted as a normal life cycle pattern because many people normally become more established and secure in life over time.

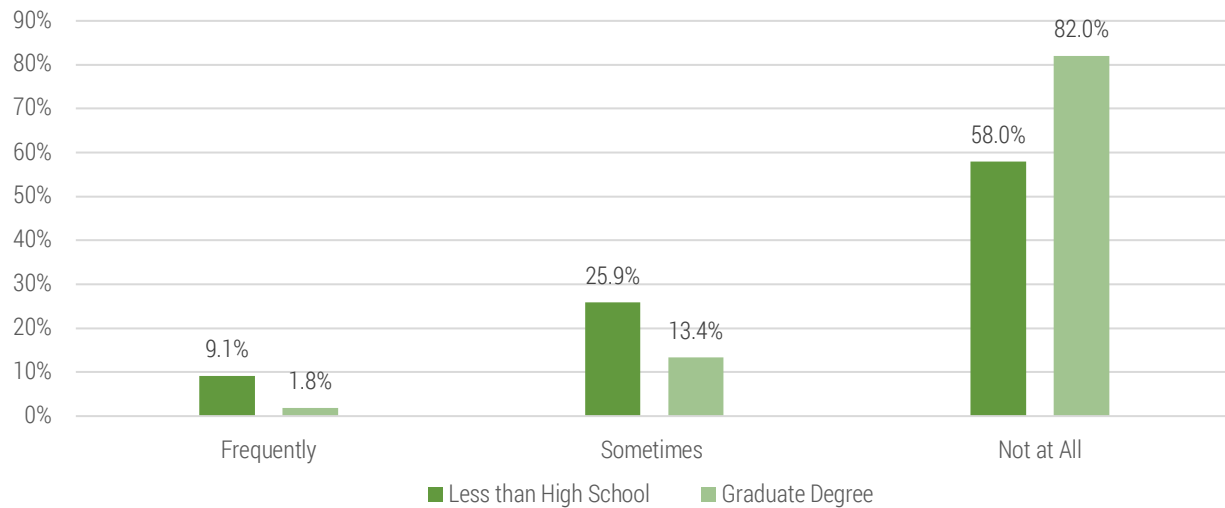
Education

Similar to the age-related pattern, respondents with less education appear to experience greater levels of adversity. Figure X below shows the percentages of respondents with less than high school education and with a graduate degree reporting various levels of adversity related to unemployment.

The graph reveals that larger percentages of people with less than high school education frequently experienced adversity related to unemployment. Similarly, among respondents who said they had sometimes experienced adversity related to serious unemployment problems a larger percentage had less than a high school education compared with responses recorded from persons with a graduate degree. In a reversal of that pattern, a larger percentage of respondents with a graduate degree indicated that they never experienced unemployment-related adversity than those having attained less than a high school diploma. 9.1% of the respondents with less than a high school education said they frequently experienced adversity due to persistent unemployment compared with 1.8% of respondents with a graduate degree. 25.9% of respondents with less than a high school education said they sometimes experienced adversity due to persistent unemployment compared with 13.4% of respondents with a graduate degree, and 58.0% of respondents with less than a high school education said they did not experience adversity due to persistent unemployment compared with a 82.0% of respondents with a graduate degree. The correlation coefficient is a modest 0.15.³⁰

³⁰ $\chi^2 = 57.3$, $p = .0001$, $\text{Gamma} = 0.15$, $n = 2129$

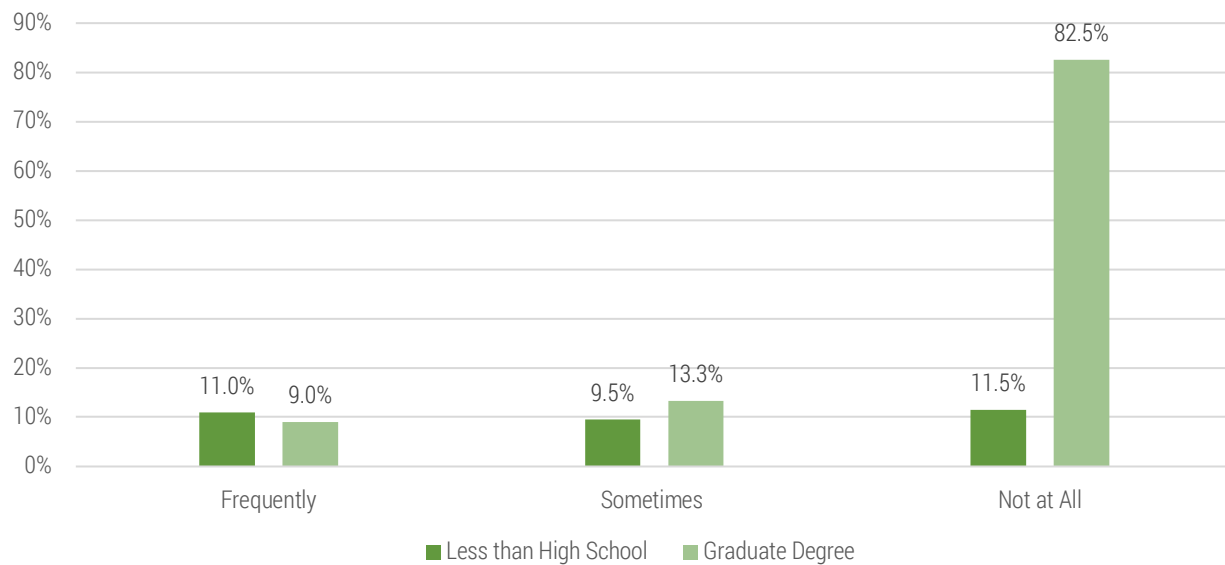
Figure X: Percentage of Respondents with Selected Levels of Education Reporting Levels of Adversity Related to Unemployment



The data for adversity related to persistent debt and good, affordable housing problems show similar patterns. Although they do not achieve the levels of statistical significance at the normally accepted threshold, the data are presented in Figures XI and XII. The results are substantively significant and may be considered because the levels of statistical significance are close to the conventional levels for using the data. The graph in Figure XI shows that the percentage of respondents with less than a high school education who indicated that they frequently experienced debt-related adversity is not substantially lower than the percentage of respondents with less than a high school education who indicated that they did not experience debt-related adversity, 11.0%, compared 11.5%.³¹ The level of statistical significance is 0.07, slightly above the conventional 0.05 level and the Gamma measure of association is negligible at 0.05.

³¹ $\chi^2 = 35.8$, $p = .07$, Gamma = 0.05, $n = 3140$

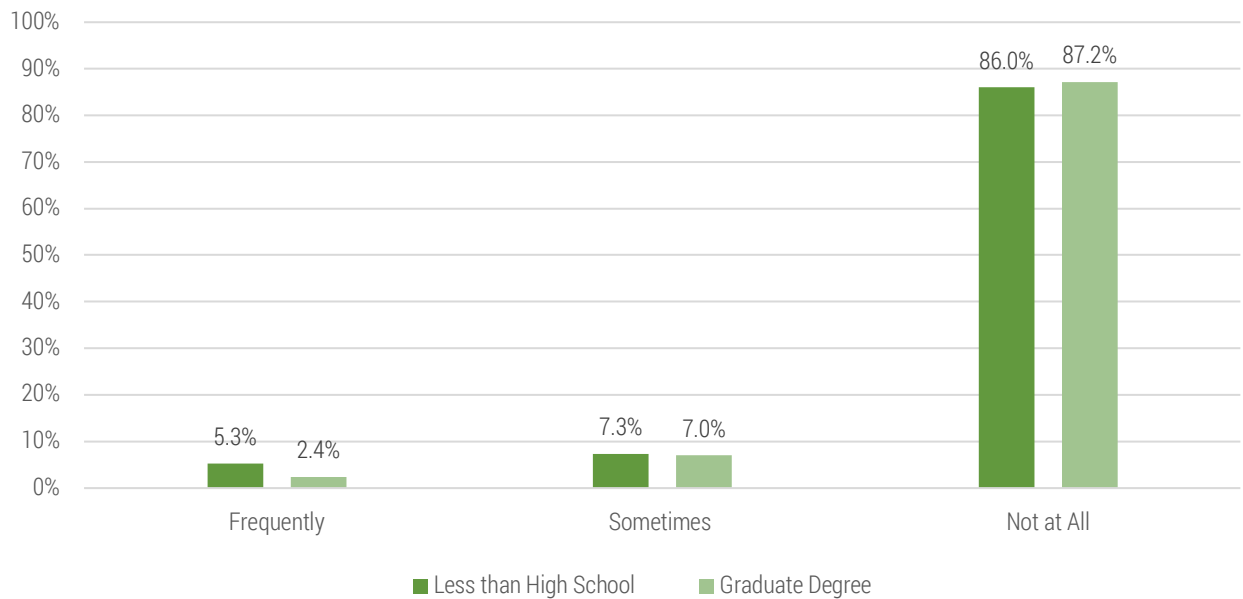
Figure XI: Percentage of Respondents with Selected Levels of Education Reporting Levels of Adversity Related to Debt



When viewed based on education level, the pattern in the data for adversity related to good, affordable housing (see Figure XII below) is consistent with the pattern for adversity related to unemployment. Nonetheless, the connections within the data for level of education and good and affordable housing are weak. Additionally, the data are not statistically significant by conventional standards, with a probability that the data are not reliable due to a sampling error is 0.12 rather than the conventional 0.05 and the measure of association between is close to zero.³²

³² $\chi^2 = 42.0$, $p = .12$, $\text{Gamma} = 0.03$, $n = 3119$

Figure XII: Percentage of Respondents with Selected Levels of Education Reporting Levels of Adversity Related to Good, Affordable Housing

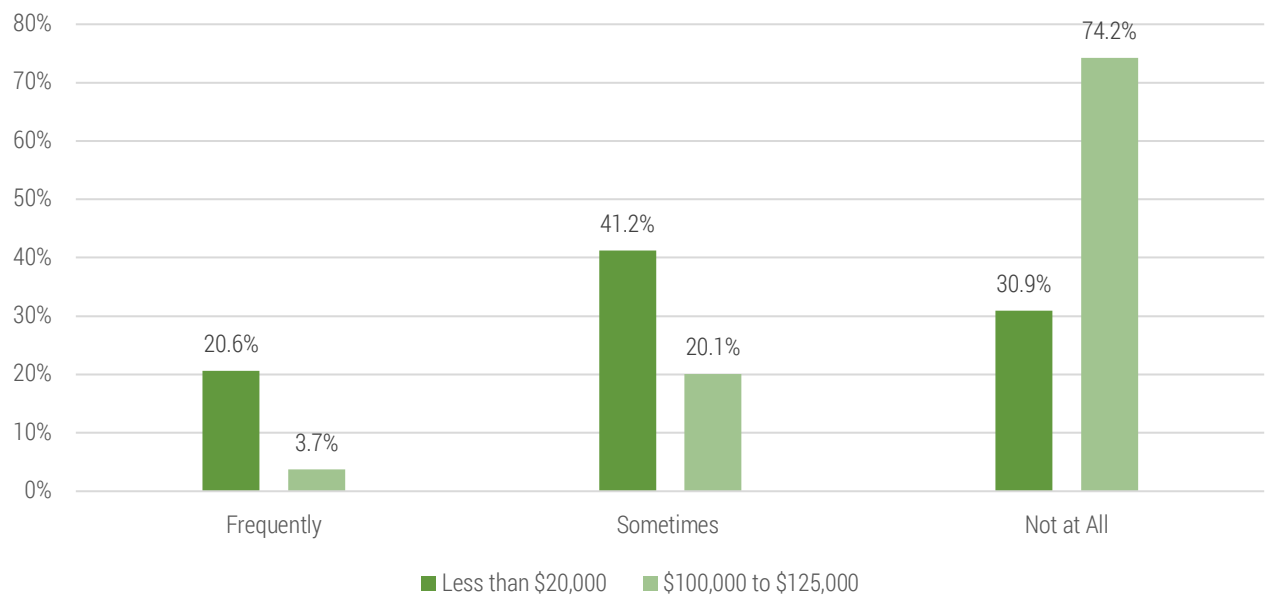


Income

Income is moderately related to experiencing adversity (see Figure XIII below). Among respondents who indicated that they frequently or sometimes experienced adversity related to unemployment, the percentages are higher among respondents with annual incomes of less than \$20,000 than among high income earners (people who earn \$100,000 to \$125,000 annually). Conversely, a greater percentage of people with higher incomes reported never experiencing unemployment (74.2%) than people earning less than \$20,000 annually (30.9%).³³

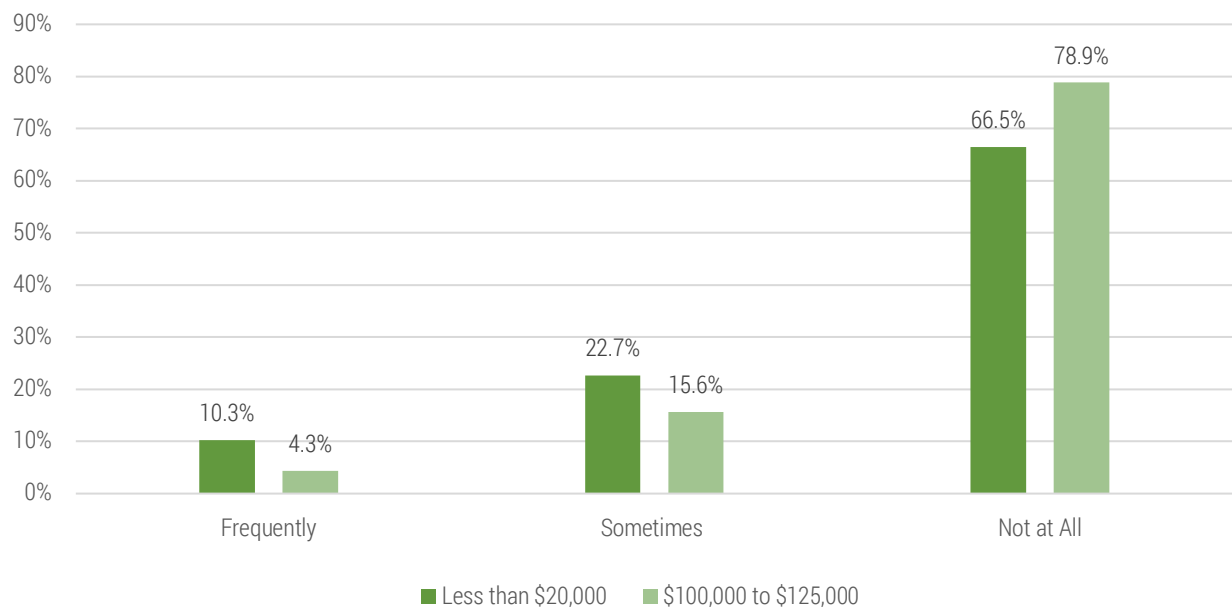
³³ $\chi^2 = 153.5$, $p = .0001$, $\text{Gamma} = 0.19$, $n = 1825$

Figure XIII: Percentage of Respondents with Selected Levels of Income Reporting Levels of Adversity Related to Unemployment



The proportions of respondents with low and high incomes experiencing varying levels of adversity related to debt, shown in Figure XIV, suggests that income has a modest relationship with adversity related to persistent debt.

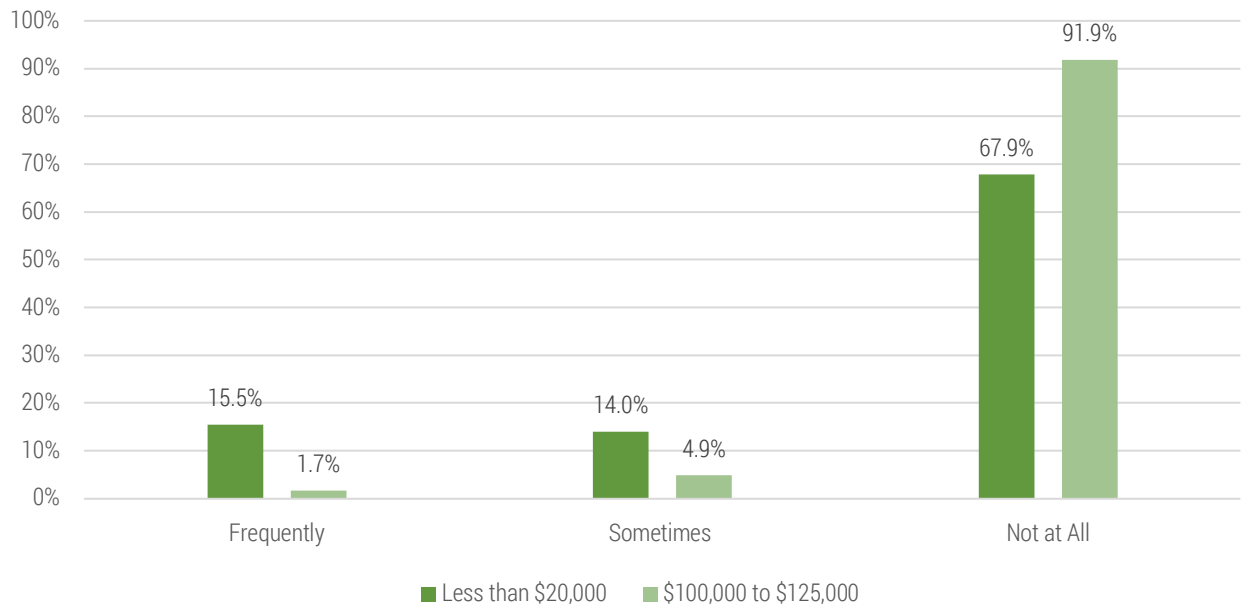
Figure XIV: Percentage of Respondents with Selected Levels of Income Reporting Levels of Adversity Related to Debt



The percentage of people in the low-income category (earning less than \$20,000) who reported that they frequently experienced adversity related to serious debt is higher than the percentage of people in the high-income group, 10.3% compared with 4.3%. Similarly, the percentage of respondents in the low-income category who indicated that they had sometimes experienced adversity related to debt (22.7%) is higher than the percentage of people in the high-income group (15.6%). A greater percentage of high-income earners than low-income earners (78.9% compared with 66.5%) indicated that they had never experienced adversity related to debt.³⁴

Statistically, the data correlating income with adversity related to good, affordable housing is also reasonably strong.

Figure XVI: Percentage of Respondents with Selected Income Levels Reporting Adversity Related to Good, Affordable Housing



The percentage of respondents in the low-income group is higher than the percentage in the high-income group for respondents who frequently and sometimes experienced adversity related to affordable housing. The reverse pattern holds true for respondents who indicated that they had not experienced adversity related to affordable housing - the percentage of people in the low-income group is lower than the

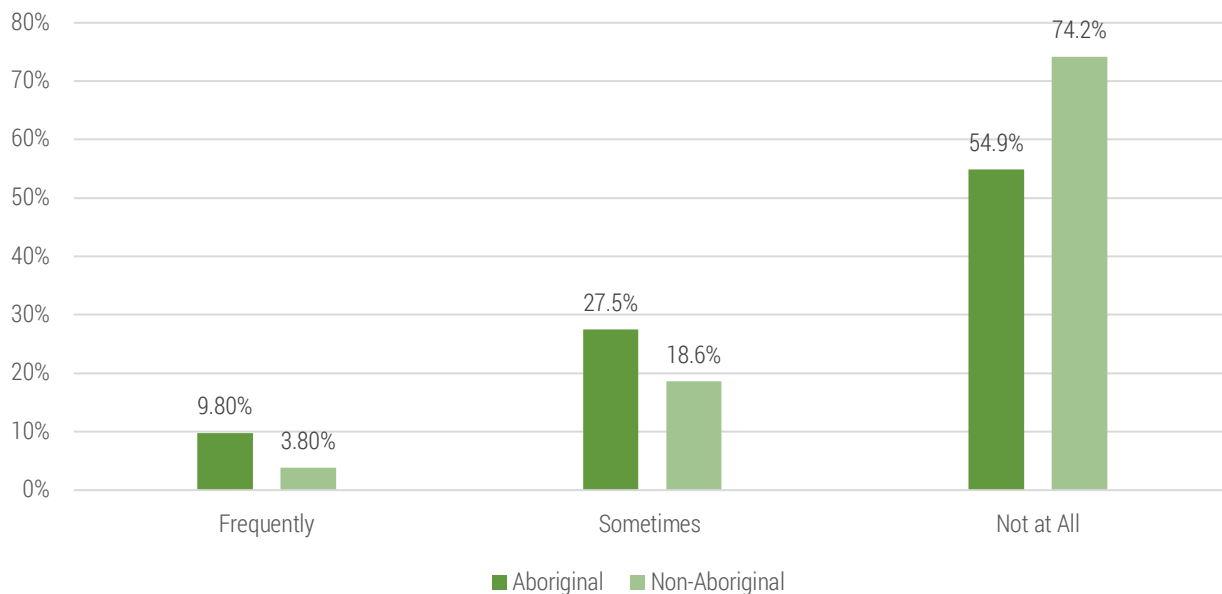
³⁴ $\chi^2 = 66.8, p = .001, \text{Gamma} = 0.15, n = 2631$

percentage in the higher income group (67.9% compared with 91.9%). The Gamma measure of correlation is a moderately high 0.32.³⁵

Aboriginal Identity

The forms of adversity being examined in this paper may be related to social disadvantage. Aboriginal peoples in Canada are highly marginalized and as such, Aboriginal identity may be related to experiences of adversity related to unemployment, debt or affordable housing problems. The respondents represented by these data are most likely to be off-reserve Aboriginal peoples.

Figure XVII: Percentage of Respondents with Aboriginal and Non-Aboriginal Identity Reporting Levels of Adversity Related to Unemployment



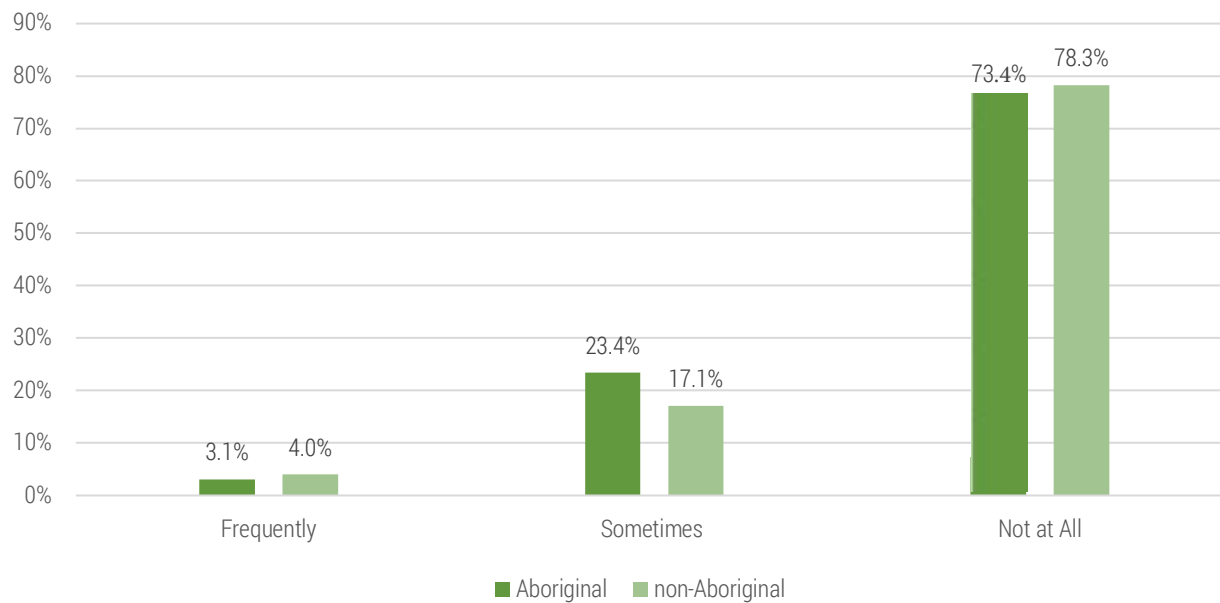
The data in Figure XVII above show that, compared with non-Aboriginal respondents, greater proportions of Aboriginal peoples indicated that they frequently and sometimes experienced serious unemployment problems. Conversely, a higher percentage of non-Aboriginal respondents reported that they had not experienced persistent unemployment problems in the past.³⁶

³⁵ $\chi^2 = 183.5$, $p = .0001$, Gamma = 0.32, $n = 2606$

³⁶ $\chi^2 = 29.3$, $p = .01$, Phi = 0.12, $n = 2102$

The data measuring adversity in terms of serious problems with debt do not show a similar pattern for Aboriginal peoples.

Figure XVIII: Percentage of Respondents with Aboriginal and non-Aboriginal Identity Reporting Levels of Adversity Related to Debt

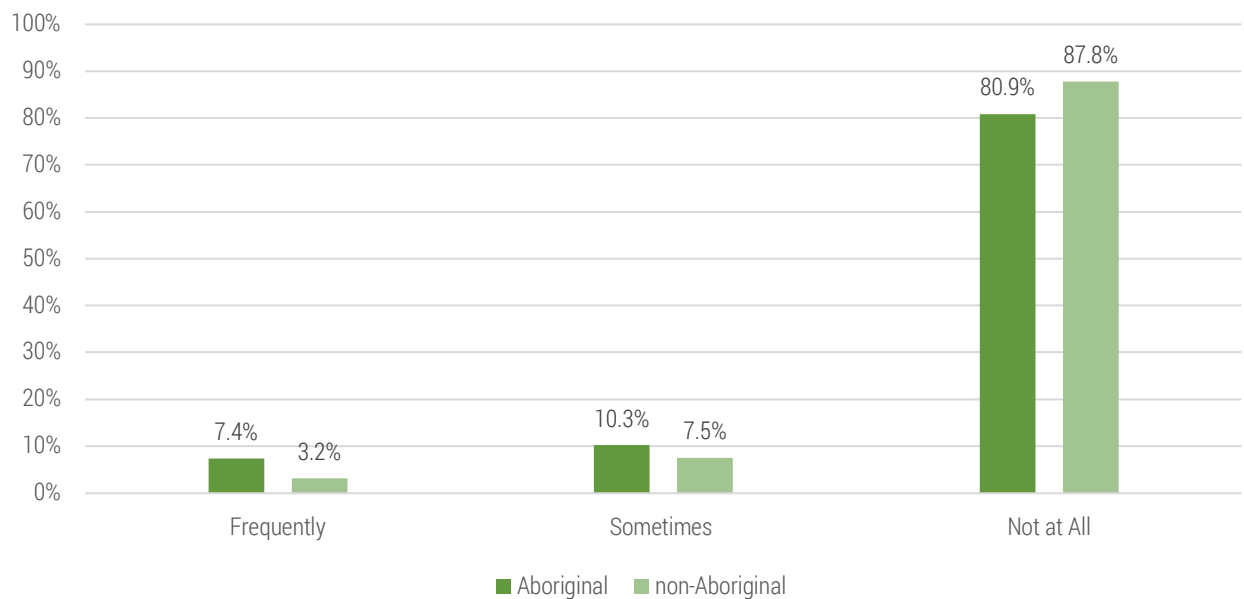


A larger percentage of respondents claiming Aboriginal identity compared with those having non-Aboriginal identity indicated that they sometimes experienced serious debt problems - 23.4% compared with 17.1%. The percentage difference for respondents who reported that they frequently experienced serious problems with debt is small and shows a different pattern, with a greater percentage of non-Aboriginal respondents indicating that they frequently experienced debt problems. The percentage difference comparing Aboriginal and non-Aboriginal respondents who said they had not experienced serious debt problems, although small, is in the predicted direction.³⁷

Finally, in this section of the analysis, Figure XIX shows the relationships for adversity relating to good and affordable housing for Aboriginal respondents.

³⁷ $\chi^2 = 38.2$, $p = .05$, $\Phi = 0.11$, $n = 3100$

Figure XIX: Percent of Respondents with Aboriginal and non-Aboriginal Identity Reporting Levels of Adversity Related to Good and Affordable Housing



The pattern in the data in Figure XIX for adversity related to difficulties with good, affordable housing is similar to that for adversity relating to serious problems with unemployment. A larger percentage of respondents identifying as Aboriginal said they had frequently and sometimes experienced adversity related to affordable housing than non-Aboriginal respondents in those categories. On the other hand, a larger percentage of respondents who did not identify as Aboriginal reported that they had not experienced problems with affordable housing in the past.³⁸

Disability

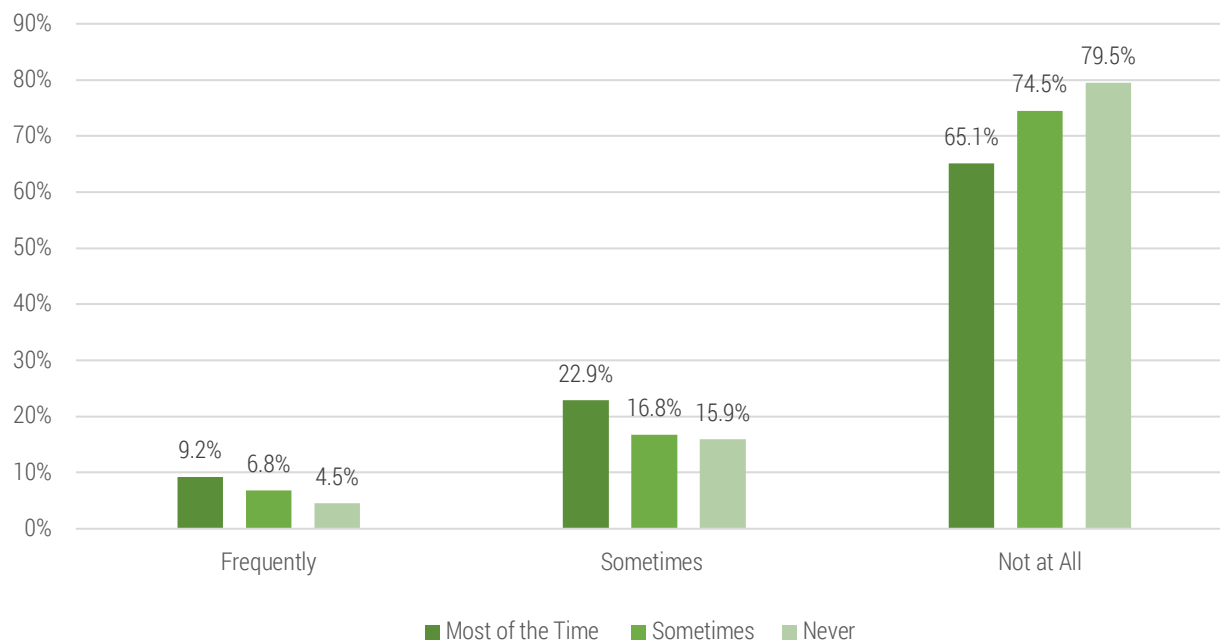
Previous research has shown that in Canada people with physical or emotional disabilities are more likely to experience a larger numbers of everyday legal problems.³⁹ The CFCJ survey asked respondents who indicated that they had a physical or mental disability about the extent to which either of these resulted in any limitation to their daily activity. Only one of the relationships between extent of impairment and adversity was statistically significant – the relationship with adversity related to persistent debt. Figure XX below shows that among respondents who frequently experienced adversity related to debt, the percentage

³⁸ $\chi^2 = 71.9, p = .0001, \text{Phi} = 0.15, n = 3076$

³⁹ Ab. Currie, *Civil Justice Problems and the Disability and Health Status of Canadians in Pascoe Pleasence*, Alexy Buck and Nigel J. Balmer (eds.), *Transforming Lives: Law and Social Process*, Legal Services Commission, London, 2007, pp. 44 – 66.

of respondents with a physical disability that impaired their activities most of the time reported that they frequently experienced serious debt problems (9.2%). This compares with 6.8% of people who indicated that they have a disability that sometimes impairs their activities who reported frequently experiencing debt problems and 4.5% of people who indicated that their disability does not impair their activities who reported frequently experiencing debt problems.

Figure XX: Percentage of Respondents with Varying Degrees of Physical Disability Reporting Levels of Adversity Related to Debt



For respondents who indicated that they sometimes experienced serious debt problems, the percentage of respondents is highest for respondents with a physical disability that impairs their activities most of the time and declines for respondents whose disability restricts their daily activity some of the time and, further for respondents who indicated that their disability does not hinder their activities –from 22.9% to 16.8% to 15.9%. The pattern reverses for respondents with physical disabilities that impair their activities to varying degrees who indicated that they did not experience adversity in the form of serious debt. This cluster of bars on the right in Figure XX shows that 65.1% of respondents with a physical disability that impairs their activity most of the time indicated that they did not experience persistent debt problems. Within the same category, 74.5% of respondents with a physical disability that impaired activities sometimes indicated that they did not experience adversity related to debt and 79.5% of respondents

whose physical disability did not impair their activities indicated that they did not experience persistent debt problems.⁴⁰

Conclusion and Discussion

The data from the CFCJ survey suggests that an estimated 10.4 million Canadians experienced persistent adversity lasting for several years in the form of serious problems related to debt, unemployment or obtaining good, affordable housing. The three areas of adversity appear to be substantially separate from the more specific everyday legal problems involving debt, unemployment or housing, or any of the other problem types, reported by respondents in the survey. The three questions on which the overall findings are based were not designed to examine persistent or longstanding adversity, so those terms should be used cautiously. Questions about the number of years that people experienced adversity related to debt, unemployment and/ or problems with good, affordable housing as well as other information that might have clarified the nature of long term adversity distinct from everyday legal problems experienced by people were not asked. However, the data do reveal some information that signals the importance of the findings.

Adversity appears to have a multiplier effect. The data suggests that the segment of the population experiencing adversity is more vulnerable to experiencing everyday legal problems than the larger population. People experiencing adversity in any of the areas discussed are more likely to experience one or more everyday legal problems of almost every other type. This suggests that adversity has a multiplier effect producing a greater tendency to have other problems. There is also evidence, although weaker, that people experiencing the forms of adversity described here are more likely to have unresolved legal problems. The data also suggests that people experiencing adversity experience larger numbers of everyday legal problems and are more likely to report that they experienced trigger effects in which one problem caused another, producing interdependent problem clusters.

People who experience the forms of adversity described in this paper arguably have difficult lives. However, it would be premature, especially on the basis of the data available here, to suggest that the results represent an emerging precariat class fueling populist movements as has been described in the UK.⁴¹ People who are younger, have less education and lower incomes are more likely to “frequently” and “sometimes” experience the three forms of adversity discussed. However, while the data show consistent patterns they are not strong. Whether the relationships observed in this preliminary analysis are explicable

⁴⁰ $\chi^2 = 89.2$, $p = .0001$, $\Phi = 0.19$, $n = 633$

⁴¹ Guy Standing, *The Precariat: A New Dangerous Class*, Bloomsbury Academic, 2011 and *Globe and Mail*, Canada neglects the new precariat at its peril, June 11, 2015 accessed at <<https://www.theglobeandmail.com/report-on...class...precariat.../article24944758/>>

in normal life cycle terms or whether they represent evidence of a nascent precariat class is, however, an important question.

Similarly, it would be premature to draw conclusions about social disadvantage based on these results. The idea of social disadvantage is one in which people who are members of a marginalized group are subject to discrimination on the basis of race, ethnicity or religion or to cultural bias and, consequently, are unfairly denied access to the material goods available to others in society. This translates into economic disadvantage not unlike the adversity that is the subject of this paper. The data show that Aboriginal peoples and people who are members of physical disability groups are more likely to experience adversity in each of the forms examined here. There may be value in further research to explore the links between adversity and social disadvantage with respect to other marginalized groups (and in greater detail).

At a minimum the data suggests the existence of a large segment of the population experiencing adversity along at least three important dimensions of life. This is an important finding in itself. It is another aspect of the growing body of findings from contemporary legal problems research. We know from many studies conducted internationally that everyday legal problems are ubiquitous in urban industrial society. We know from repeated studies carried out in some countries that the high prevalence of legal problems is quite stable. We know from the research that legal problems appear to have a momentum; the probability of experiencing more problems increases with each additional problem. And, further, we know that experiencing multiple problems involves trigger and cascade effects, forming problem clusters that are thought to be all the more difficult to resolve because of the interdependence of problems. This analysis presents another feature of the landscape of everyday legal problems. Experiencing everyday legal problems has a “depth” that correlates with other, serious problems that are generalized social conditions of adversity rather than one or more specific problems. The extent to which these social conditions can be veritably characterized as “long-standing” or “persistent” requires more detailed analysis. The nature of this adversity and its relation to social disadvantage and a nascent precariat segment of Canadian society are also topics that warrant further study.