

February 5, 2004

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Dear Prime Minister Paul Martin and Premier Gordon Campbell,

We write to request that you act immediately, together and separately, to ensure that legislation which imposes a twenty-four month time limit on eligibility for welfare in B.C. is rescinded before April 1, 2004, and that no similar provision is implemented in B.C. or any other province in future.

The time limit and its impact

Under the *Employment and Assistance Act* (S.B.C. 2002 Chapter 40) and the *Employment and Assistance Regulation*, a person classified as “employable” can only receive income assistance for 24 months out of every 60-month period. This time limit applies to welfare benefits received since April 1, 2002, and, consequently, the cut-off will begin to be applied to individual recipients as of April 1, 2004.

“Employable” people with children will not be cut off, but will see their benefits reduced by 100 or 200 dollars per month. This will significantly reduce a benefit cheque that has already been found to be inadequate by economists, and housing and nutrition experts. The predictable results of the implementation of this B.C. legislation will be more men, women and children in British Columbia who are homeless, hungry, and without adequate clothing and other necessities.

The time limit is redundant

The 24-month time limit has been introduced, it is claimed, to provide an incentive for welfare recipients to find work. However, under B.C. legislation, social assistance recipients are already required to seek work, and to report regularly on their job searches. Their benefits can be terminated if they fail to meet reporting rules or turn down employment opportunities. This makes the imposition of the 24-month time limit redundant and merely punitive.

The time limit perpetuates negative stereotypes about poor people

More than this, the offensive message of the 24-month time limit is that people who receive social assistance will not work unless forced to by deprivation. This negative and false stereotyping of poor people ignores the fact that there is a high rate of structural unemployment in B.C. With approximately 200,000 people currently unemployed, people on welfare are competing with thousands of other British Columbians for too few jobs. Increasing the level of deprivation of current welfare recipients by cutting off or reducing their already inadequate incomes will diminish people’s employability, not increase it.

The time limit is unprecedented in Canada

The time limit imposed by this B.C. legislation is unprecedented in Canada. No other Canadian jurisdiction has ever subjected social assistance to a cut-off based solely on the number of months that a person has been in receipt. Since World War II, Canada has developed a social safety net designed to ensure that, collectively, Canadians provide for each other when we are ill, injured, disabled, old, pregnant, unemployed, underemployed or otherwise in need.

As the social safety net developed in the post-War era we gradually stopped trying to distinguish between those who were deemed “deserving” of public support and those who were not, because we came to understand that our judgements were often wrong, based on prejudices and moralizing.

More recently, we have based Canadian social programs on an understanding that everyone requires a degree of income security to meet their basic needs, and that taking collective responsibility for the well-being of everyone builds social solidarity and inclusion. We have recognized the unfairness of permitting some children to grow up in poverty, which harms their health and learning capacity and restricts their future opportunities. We have also acknowledged that the market does not provide a stable, adequate source of income for everyone at all times, and that social programs need to be responsive to this reality.

Unfortunately, the B.C. time limit hearkens back to an outdated and discredited social darwinism, implying that those who have not been rewarded by the market are undeserving of our concern. It is an attempt to divide Canadians from each other. It treats the poor as “other”, as market failures who can be punished and abandoned with impunity. Those who are poor are pushed outside the boundaries of concern.

The time limit breaches the Canadian social contract

To impose a time limit on eligibility for welfare, and on the period when one can receive the “full amount” of welfare, by definition, ignores need. Women and men will be deprived of the ability to feed, clothe and shelter themselves and their children. This turns away from the fundamental social contract that Canadians understand to exist among ourselves, and between ourselves and our governments.

This social contract is enshrined in Section 36 of the *Constitution Act, 1982*. Section 36 obligates federal and provincial governments to provide “essential public services of reasonable quality to all Canadians.” For all Canadians who rely on social assistance, or who may need to rely on it in the future, social assistance is an “essential public service”. Cutting off or reducing that public service, based on a time limit, is a punitive, arbitrary, and discriminatory action. As such, the B.C. legislation contradicts the very spirit, purpose, and import of Section 36 of our Constitution.

The federal government shares responsibility

Although the provision of social assistance falls within provincial jurisdiction, the federal government nonetheless has a constitutionally legitimate and historically important role to play. Under the Canadian Health and Social Transfer (CHST), the federal government transfers funds to British Columbia, ostensibly to support social programs, including social assistance.

Until 1996, the *Canada Assistance Plan Act (CAP)* provided for 50/50 federal/provincial cost-sharing of social assistance and related services. It also set some basic requirements for welfare programs. As a condition of receiving CAP payments, provinces were required to: 1) provide financial assistance to any person in need; and 2) provide an amount of assistance consistent with a person's basic requirements for food, shelter, clothing, fuel and other necessities. Under the CAP, cutting off or reducing welfare based on a time limit would have been impermissible.

Unfortunately, in 1989 the federal government unilaterally breached the 50/50 cost sharing agreement when it put a cap on the CAP funds transferred to Ontario, B.C., and Alberta, thereby making it more difficult for these provinces to live up to the CAP requirements. When the federal government repealed CAP in 1996 and replaced it with the CHST, again acting unilaterally, the financial incentive to adhere to the CAP requirements was virtually eliminated.

Thus, the federal government must share the responsibility for British Columbia's abandonment of the poorest people. The federal government still spends money in B.C., but by failing to allocate specific and sufficient funds for social assistance in the CHST, and by failing to require the provinces, in turn, to provide adequate social assistance to the poorest and most vulnerable residents, the federal government has failed those Canadians who are most in need.

The time limit infringes the Charter and international human rights treaty obligations

Moreover, all levels of government are responsible for the human rights of people in the Province of British Columbia. The laws, policies and practices of both federal and provincial governments, including spending policies and allocation of resources, must comply with rights protected in the *Canadian Charter of Rights and Freedoms* and with Canada's international human rights treaty obligations.

Rights to food, clothing and housing are recognized as fundamental human rights in international treaties to which Canada is a State Party. Particularly important is Article 11 of the *International Covenant on Economic, Social and Cultural Rights*. It obligates Canada to realize the right of everyone to an adequate standard of living including adequate food, clothing, and housing. Canada ratified this treaty in 1976, with the express consent of the Province of British Columbia.

Sections 7 and 15 of the *Charter* are intended to give life to Canada's international human rights obligations, and Canada has informed various United Nations treaty bodies that this is the case.

Section 7 of the *Charter* guarantees everyone the right to life, liberty and security of the person. Access to adequate welfare benefits is so closely connected to basic health and survival that a meaningful interpretation of this guarantee must recognize governments' obligation to provide adequate welfare to any person in need.

Section 15 of the *Charter* guarantees everyone equality, without discrimination based on race, sex, disability and other factors. The core value of this guarantee is that every person is equal in worth and dignity. In a country as wealthy as Canada, to refuse assistance to a person in need, as B.C. will do in April, is a blatant signal that that person is not regarded as equal in worth. Canada's constitutional equality guarantee requires governments to recognize that poor people in general, and people who rely

on social assistance in particular, are a group that is negatively stereotyped, politically marginalized, and historically disadvantaged. The onus is on both the federal and provincial governments to lessen this prejudice and inequality, not compound it.

Lack of access to adequate social assistance also exacerbates the inequality of other disadvantaged groups—women, Aboriginal peoples, people of colour, people with disabilities, recent immigrants and refugees—who are all over-represented among the poor. Their higher rates of poverty are one outcome of the diverse forms of discrimination they experience. Government policies that deepen pre-existing disadvantage by depriving people of access to food, clothing and shelter infringe constitutional equality rights.

In addition, children and youth are vulnerable groups protected by both treaty and constitutional guarantees. The rights of children of social assistance recipients will be violated by the two year time limit legislation.

The most important means of giving life to rights is for governments to comply with them voluntarily and to ensure from the outset that government policies and practices conform to these commitments.

Immediate governmental action is required

For this reason we are now asking that:

- 1) the Government of British Columbia immediately rescind the legislation which subjects welfare recipients to elimination or reduction of their social assistance based on a time limit; and that
- 2) Prime Minister Martin and Premier Campbell, along with other Provincial/Territorial Premiers, agree to conditions being attached to the new Canadian Social Transfer (CST) that will:
 - a) specifically designate federally transferred funds for social assistance, and
 - b) ensure that social assistance programs meet requirements that are at least as rigorous as those in the previous CAP and that are capable of satisfying Canada's constitutional and international human rights obligations; and
 - c) guarantee that the CST provides secure and stable funding for social assistance that will not be withdrawn or reduced unilaterally; and
 - d) incorporate the designation of funds, a secure funding formula, and the conditions for social assistance into federal legislation that will bind both the transfer of funds by the federal government and the use of the funds by the receiving provinces.

In conclusion, the B.C. time limit on welfare represents a catastrophic break with the traditions of Canadian social policy of the last fifty years, and an abandonment of Canada's commitments to social citizenship and an inclusive society in which everyone's dignity and participation is valued. It is also a violation of rights that Canadians consider fundamental, ones that our governments have agreed not to contravene. Please act now to respect the collective social interests and the rights of Canadians.

We look forward to your early response. Please reply to: W. Robert Arnold, President, National Anti-Poverty Organization, 2212 Gladwin Crescent, Unit C7, Ottawa,

Ontario, K1B 5N1; Michael Goldberg, Director of Research, Social Planning and Research Council of British Columbia, 201-221 East 10th Avenue, Vancouver, V5T 4V3; and Shelagh Day, Director, Poverty and Human Rights Project, 307 West 18th Avenue, Vancouver, B.C. V5Y 2A8.

Sincerely,

W. Robert Arnold
Michael Goldberg
Shelagh Day

on behalf of :

100 Mile House Food Bank Society, Robert Hicks

African Canadian Social Development Council, Raymond Micah

AIDS Vancouver, Stephen Smith

B. C. Aboriginal Child Care Society, Karen Isaac

B. C. Association for Community Living, Laney Bryenton

B. C. Association of Social Workers, Linda Korbin

B. C. Coalition of People with Disabilities, Jane Dyson

B. C. Coalition of Women's Centres, Dodie Goldney

B. C. Federation of Labour, Jim Sinclair

B. C. Government and Service Employees' Union, George Heyman

B. C. Health Coalition, Terrie Hendrickson

B. C. Human Rights Coalition, Susan O'Donnell

B. C. Institute Against Family Violence, Penny Bain

B. C. Nurses Union, Debra McPherson

B. C. Persons With AIDS Society (BCPWA), Ross Harvey

B. C. Professional Employees Association, Jodi Jensen

B. C. Self Advocacy Foundation, Lori Seay

B. C. Society of Human Rights Defenders, Mary-Woo Sims

B. C. Teachers' Federation, Neil Worboys

B. C. & Yukon Building Construction Trades Council, Wayne Peppard

B. C./Yukon Society of Transition Houses, Karen Hewitt

Be Happy Client Support Society, Farida Lalji

Camp Miriam, Alisa Bowman

Campaign 2000, Laurel Rothman

Community Development Halton, Joey Edwardh

Campaign Against Child Poverty, Jacquie Maund
Campbell River Area Women's Resources Society, Marne Svenes
Canadian Association for Community Living, Michael Bach
Canadian Association of Elizabeth Fry Societies, Kim Pate
Canadian Association of Food Banks/Association canadienne des banques
alimentaires, Charles Seidel
Canadian Association of Sexual Assault Centres, Lee Lakeman
Canadian Centre for Policy Alternatives, Bruce Campbell
Council for Reform Judaism, Cheryl Englander
Canadian Council for Social Development, Marcel Lauziere
Canadian Friends Service Committee (Quakers), Margaret Clare Ford
Canadian Union of Public Employees - B.C., Mike Dumler
Canadian Unitarians for Social Justice, Rev. Jeffrey Brown
Canadian Bar Association – B.C., Poverty Law Section, Lois MacDonald
Centre for Equality Rights in Accommodation, Leilani Farha
Changing Together: A Centre for Immigrant Women, Sonia Bitar
Childcare Resource and Research Unit, University of Toronto, Martha Friendly
Coalition of Child Care Advocates of B.C., Sharon Gregson
College Institute Educators' Association of B.C., Cindy Oliver
Committee for Racial Justice, Aziz Khaki
Community Business and Professionals Association of Canada, Barry Morley
Council of Canadians with Disabilities, Marie White
Council of Canadians, Maude Barlow
Cranbrook Women's Resource Centre, Carin Morrish
Denman Island Women's Outreach Society, Eileen O'Brien
Dietitians of Canada, B.C. Region, Janice Macdonald
Direct Action Against Refugee Exploitation, Rita Wong
Directors of B.C. Schools of Social Work, Helen Allen
DisAbled Women's Network Canada, Pat Manahan
DisAbled Women's Network Ontario, Barbara Anello
Downtown Eastside Residents Association, Kim Kerr
Downtown Eastside Youth Activities Society, Judy McGuire
Early Childhood Educators of B. C., Diane Tannahill
Emmanuella House of Prayer, Flo Masson

End Legislated Poverty, Lesley Moore
Faith and Life Committee, B.C. Synod of the Evangelical Lutheran Church in
Canada, Pastor Don Johnson
Faithful Public Witness Committee, Vancouver-Burrard Presbytery of the United
Church of Canada, Reverend Barry K. Morris
Family Service Canada / Services à la famille-Canada, Margaret Fietz
federated anti-poverty groups of B.C., Lisa Stewart
Feminist Alliance for International Action, Charlotte Thibault
Feminists for Just and Equitable Public Policy, Stephanie M Hunter
First Call: B.C. Child & Youth Advocacy Coalition, Ruth Annis
Franciscan Sisters of the Atonement, Sister Elizabeth Kelliher
Global and Societal Ministries, B.C. Conference, United Church of Canada, Leslie
Windsor
Hospital Employees' Union, Fred Muzin
Inland Refugee Society, Judith Boer
Interfaith Social Assistance Reform Coalition, Reverend Jeffrey Brown
Jewish Women International of Canada, Penny Krowitz
Justice and Peace Unit, Anglican Diocese of New Westminster, Reverend Bob Korth
Justice for Girls Outreach Society, Annabel Webb
KAIROS: Canadian Ecumenical Justice Initiatives, Mary Corkery
Kamloops Women's Resource Centre, Dodie Goldney
Multifaith Social Justice Coalition, Donna Stewart
National Action Committee on the Status of Women - B.C. Society, Bev Meslo
National Anti-Poverty Organization (NAPO-ONAP), W. Robert Arnold
National Association of Women and the Law, Bonnie Diamond
National Organisation of Immigrant and Visible Minority Women of Canada, Anu
Bose
Native Women's Association of Canada, Kukdookaa Terri Brown
Nellie's Shelter for Women and Children, Irene Jaakson
Network of East Vancouver Community Organizations (NEVCO), Fern Jeffries
Newton Advocacy Group, Vera LaFranc
North Shore Women's Centre, Michelle Dodds
Nova Scotia Association for Community Living, Mary Rothman
Pacific Community Resources, Larry Koyanagi

Penticton Campus Students' Association (PCSA), Local 3 of the Canadian Federation of Students, Tree Kennedy

Peretz Centre for Secular Jewish Culture, Donna Becker MacDermot

Positive Women's Network, Bronwyn Barrett

Regional Disabled Persons Association, Dennis Drobot

Renaissance Centre, Wilfrid Gosselin

Riverdale Immigrant Women's Organization, Nuzhath Leedham

Rumky Support Society, Farida Lalji

Sisters Association, Vancouver Archdiocese of the Catholic Church, Sister Cecilia Hudec

Social Assistance in the New Economy Project, Andrew Mitchell

Social Planning and Research Council of B. C., Nancy Henderson

Society for Children and Youth of B. C., Mary Clare Zak

Specialink: the National Centre for Child Care Inclusion, Sharon Hope Irwin

Surrey Food Bank Society, Tony Rainbow

Teddy Bear Daycare Centre, Margaret Pearson

Tenants' Rights Action Coalition, Linda Mix

Terrace Anti-Poverty Group Society, Tanya Gauvin

The Advocacy Centre - Nelson, Carol Ross

The Fulcrum Project, Joy Fai

The Immigrating Women in Science Project, Shauna Paull

The Kettle Friendship Society, Kristi Yuris

The Unitarian Church of Vancouver, Reverend. Steven Epperson

The Vancouver Association of Survivors of Torture, Kirby Huminuik

United Nations Platform for Action Committee, Jennifer deGroot

United Native Nations, George Holem

Vancouver Aboriginal Women's Collective, Edna Nyce/KsimGitWilAksNatkw

Vancouver District Labour Council, Al Engler

Vancouver Rape Relief and Women's Shelter, Suzanne Jay

Vancouver Status of Women, Benita Bunjun

Vancouver Women's Health Collective, Caryn Duncan

Vela Microboard Association of B.C., Helen Stovell

Vernon & District Women's Centre Society, Sue Goodlad

Victoria Epilepsy and Parkinson's Centre Society, Sandra Bitz

Victoria Persons With Aids Society, Charlotte Kinzie
West Coast Women's Legal Education and Action Fund, Audrey Johnson
West Kootenay Women's Association, Penny Ruvinsky
Women's Contact Society, Williams Lake, Anne Burrill
Working Group on Poverty, Eyob Naizghi
Yad B' Yad - The Coalition on Poverty, Jewish Federation of Greater Vancouver,
Laraine Kaplan
Young Parents Support Network, Rosemary Mann
YouthCO AIDS Society, J. Evin Jones