

**WOMEN AND SOCIAL ASSISTANCE
POLICY IN SASKATCHEWAN
AND MANITOBA**

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Project #109 of the Prairie Women's Health Centre of Excellence

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May, 2005

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PREFACE

The Prairie Women's Health Centre of Excellence (PWHCE) Research Program on Poverty and Women's Health has supported several studies that examine the links between public policy, women's poverty and women's health.

In 2003, PWHCE initiated three research projects designed to examine income assistance policies in Saskatchewan and Manitoba and their effects on women's health. Reports from two of these projects were published in 2004: *Don't We Count As People: Saskatchewan Social Welfare Policy and Women's Health* and *Surviving on Hope is Not Enough: Women's Health, Poverty, Justice and Income Support in Manitoba*. These two studies were based on several focus groups held in each province and were designed to bring forward the voices and perspectives of those most directly affected by income assistance policies. As Wharf and MacKenzie have noted, "the knowledge and experience gap between those who make policy and those who must live with the consequences is enormous."¹ The research helps bridge that gap by providing an important critique of income assistance policies from the perspectives of women living on welfare. The women's descriptions of their experiences reveal the inadequacy of income assistance benefits and the harmful effects on their physical and emotional health. According to the women:

*A person needs more money to live. They can't live off what Social Services are paying. It's not enough. They should pay full rent, plus more for food and that, because food's so high, rent's so high, and you can't make it from cheque to cheque. You run out of everything.*²

*You can't eat properly because you can't afford to.*³

¹ Brian Wharf and Brad MacKenzie. *Connecting Policy and Practice in Social Welfare*. (Toronto: Oxford University Press, 1998) at 5.

² Statement made by a focus group participant, as reported in Mildred Kerr, Debbie Frost and Diane Bignell. *Don't We Count as People? Saskatchewan Social Welfare Policy and Women's Health*. (Winnipeg: Prairie Women's Health Centre of Excellence, 2004) at 33.

³ *Ibid* at 12.

*Sometimes it was very stressful. My cheques were late and the weekend came along – no groceries in the house. I can't let my kids starve. You know, if I starve myself that's okay, but the kids mean more to me.*⁴

*Being depressed all the time, being anxious all the time. If I don't do this and don't do that, they're going to cut me off. Then I get anxiety attacks.*⁵

This report completes the initial series on income assistance policies and women's health in Manitoba and Saskatchewan. Here we gain an understanding of the policy context which shaped the women's experiences described in the earlier papers. This publication provides an analysis of the broad context of federal and provincial initiatives to redesign income security programs since the demise of the Canada Assistance Plan in 1995.

The first paper, *Income Assistance Policies in Saskatchewan and Manitoba: Implications for Women*, by Josephine Savarese and Bonnie Morton, provides a critical analysis of changes in income assistance policies in two prairie provinces. During the past decade, federal and provincial governments have introduced significant changes in Canadian social policy that have weakened social citizenship rights to income security. Despite a growing acknowledgement of the importance of income and social policies as determinants of health, provincial income assistance programs have been designed to provide minimal benefits that keep many individuals and families struggling to meet basic needs on incomes far below the poverty line.

Access to Justice: Social Assistance Advocacy in Saskatchewan and Manitoba, by Bonnie Morton and Josephine Savarese, the second paper, provides a description of advocacy services which help people on social assistance receive the benefits to which they are entitled. While some advocacy services are available in both provinces, access is limited and women on income assistance face numerous obstacles when they wish to challenge decisions affecting their income and entitlements.

Together these two papers make an important contribution to our understanding of the links between public policy and women's poverty. They remind us that women are more likely to live in poverty, and more likely to rely on income assistance for a variety of reasons. They demonstrate ways in which some policies may put women at a particular disadvantage. They call for policies that will lead to equitable outcomes for women and men by taking gender differences into account. They challenge us to go beyond a critique of current policies and look for policy alternatives that will provide income security as a basic human right.

Together low-income women, social justice advocates, policy analysts and researchers have helped to articulate a new vision for income security programs that would promote health and human development and be responsive to the needs of women (and men) from diverse

⁴ Statement made by a focus group participant, as reported in Rhonda Wiebe and Paula Keirstead. *Surviving on Hope is Not Enough: Women's Health, Poverty, Justice and Income Support in Manitoba*. (Winnipeg: Prairie Women's Health Centre of Excellence, 2004) at 5.

⁵ *Ibid* at 6.

communities. Their recommendations for change need to be heard. Research on women's poverty is not an end in itself; hopefully, this new knowledge will be a catalyst for action to redesign social programs and reduce women's poverty.

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May 2005

PRÉFACE

Le Research Program on Poverty and Women's Health [Programme de recherche sur la pauvreté et la santé des femmes] du Centre d'excellence pour la santé des femmes – région des Prairies (CESFP) a parrainé plusieurs études visant à examiner les liens entre les politiques gouvernementales, la pauvreté chez les femmes et la santé de celles-ci.

En 2003, le CESFP a initié trois projets ayant pour but d'examiner les politiques d'aide au revenu en Saskatchewan et au Manitoba et leurs effets sur la santé des femmes. Des rapports portant sur deux de ces projets ont été publiés en 2004 : *Don't We Count As People: Saskatchewan Social Welfare Policy and Women's Health* [Sommes-nous considérées comme des personnes : les politiques d'assistance sociale en Saskatchewan et la santé des femmes] et *Surviving on Hope is Not Enough: Women's Health, Poverty, Justice and Income Support in Manitoba* [On ne peut pas vivre que d'espoir : la santé des femmes, la pauvreté, la justice et l'aide au revenu au Manitoba]. Ces deux études reposent sur des données recueillies auprès de plusieurs groupes de discussion menés dans chaque province. Elles ont été conçues pour donner la parole aux personnes les plus directement touchées par les politiques d'aide au revenu et mettre en lumière leurs perspectives. Comme l'ont noté Wharf et MacKenzie, « l'écart de connaissances et d'expérience qui existe entre les concepteurs des politiques et les personnes vivant avec les conséquences de ces politiques est énorme »¹. La recherche contribue à éliminer cet écart en introduisant une importante critique des politiques d'aide au revenu axée sur la perspective des femmes prestataires d'aide sociale. Les descriptions que les femmes font de leur vécu révèlent une insuffisance à l'échelle des prestations d'aide au revenu, laquelle entraîne des effets nocifs sur leur santé physique et émotionnelle. Quelques témoignages de femmes font état de la situation :

Une personne a besoin de plus d'argent pour vivre. Les gens ne peuvent pas vivre sur les prestations qu'accorde l'aide sociale. C'est insuffisant. L'assistance sociale devrait payer la totalité du loyer et accorder de l'argent pour la nourriture, parce que le coût de la nourriture est tellement élevé, le coût du loyer aussi, et d'un chèque à l'autre, on manque toujours d'argent. On finit par manquer de tout².

On ne peut pas se nourrir convenablement parce qu'on n'a pas les moyens³.

¹ Brian Wharf et Brad MacKenzie. *Connecting Policy and Practice in Social Welfare*. (Toronto : Oxford University Press, 1998) Page 5.

² Témoignage d'une participante d'un groupe de discussion, tel que rapporté par Mildred Kerr, Debbie Frost et Diane Bignell, dans *Don't We Count as People: Saskatchewan Social Welfare Policy and Women's Health*. (Winnipeg : Centre d'excellence pour la santé des femmes – région des Prairies, 2004) Page 33.

³ *Idem*, page 12.

Parfois, c'était très stressant. Mes chèques tardaient à rentrer et la fin de semaine arrivait – pas de nourriture dans la maison. Je ne peux pas laisser mes enfants mourir de faim. Vous savez, si je meurs de faim, ce n'est pas grave, mais le bien-être de mes enfants compte pour moi⁴.

Être toujours déprimée, être toujours angoissée. Si je ne fais pas ceci ou cela, ils vont me couper mon chèque. Et l'angoisse m'envahit⁵.

Ce rapport termine la première série d'articles sur les politiques d'aide au revenu et la santé des femmes au Manitoba et en Saskatchewan et nous permet de comprendre les politiques qui ont façonné le vécu des femmes décrit dans les articles antérieurs. Cette publication offre une analyse du contexte général dans lequel se sont inscrites les initiatives fédérales et provinciales visant à remanier les programmes de sécurité du revenu depuis la disparition du Régime d'assistance publique du Canada en 1995.

Le premier article, ***Les politiques d'aide au revenu en Saskatchewan et au Manitoba : implications pour les femmes***, de Josephine Savarese et Bonnie Morton, présente une analyse critique des changements qui ont été apportés aux politiques d'aide au revenu dans deux provinces des Prairies. Au cours de la dernière décennie, l'État fédéral et les gouvernements provinciaux ont introduit des changements importants à l'échelle des politiques sociales canadiennes qui ont réduit les droits sociaux des citoyennes et citoyens en matière de sécurité du revenu. Malgré une reconnaissance de plus en plus grande de l'importance du revenu et des politiques sociales en tant que déterminants de la santé, les programmes provinciaux d'aide au revenu ont été conçus de manière à offrir des prestations peu élevées. Nombre de particuliers et leur famille doivent donc lutter pour satisfaire des besoins essentiels avec des revenus qui sont très inférieurs au seuil de la pauvreté.

L'accès à la justice : la défense des droits en matière d'aide sociale en Saskatchewan et au Manitoba, de Bonnie Morton et Josephine Savarese, le deuxième article, offre une description des services de défense des droits qui aident les prestataires d'aide sociale à obtenir les prestations auxquelles ils ont droit. Bien que ces services soient offerts dans les deux provinces, l'accès est limité et les femmes qui reçoivent une aide au revenu font face à de nombreux obstacles lorsqu'elles veulent contester les décisions qui influent sur leur revenu et leurs allocations.

Ces deux articles nous aident grandement à cerner les liens qui existent entre les politiques gouvernementales et la pauvreté des femmes. Ils nous rappellent que les femmes sont davantage à risque de vivre dans la pauvreté et de dépendre de l'aide au revenu pour diverses raisons. Ils démontrent comment certaines politiques peuvent défavoriser les femmes. Ils font appel à la mise en place de politiques qui produiront des résultats équitables pour les femmes et les hommes en tenant compte des rapports sociaux entre les sexes. Ils nous exhortent à dépasser la

⁴ Témoignage d'une participante d'un groupe de discussion, tel que rapporté par Rhonda Wiebe et Paula Keirstead, dans *Surviving on Hope is Not Enough: Women's Health, Poverty, Justice and Income Support in Manitoba*. (Winnipeg : Centre d'excellence pour la santé des femmes – région des Prairies, 2004) Page 5.

⁵ *Idem*, page 6.

simple critique des politiques actuelles et à rechercher des solutions de rechange stratégiques qui offriront une sécurité du revenu en tant que droit fondamental de la personne.

Les femmes à faible revenu, les militantes et militants pour la justice sociale, les analystes de politiques et les chercheuses et chercheurs ont travaillé de concert pour articuler une nouvelle vision en matière de programmes de sécurité du revenu qui promeut la santé et le développement de la personne et qui tient compte des besoins des femmes (et des hommes) de diverses communautés. Les décisionnaires doivent prendre en compte les recommandations présentées dans ces articles qui visent à introduire des changements. La recherche sur la pauvreté des femmes n'est pas un but en soi et il est à souhaiter que ces nouvelles connaissances agissent comme un catalyseur qui déclenchera des actions menant à une restructuration des programmes sociaux et à la réduction de la pauvreté chez les femmes.

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INCOME ASSISTANCE POLICIES IN SASKATCHEWAN AND MANITOBA: IMPLICATIONS FOR WOMEN

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PAPER 1.

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INCOME ASSISTANCE POLICIES IN SASKATCHEWAN AND MANITOBA: IMPLICATIONS FOR WOMEN

INTRODUCTION

Over the last decade, governments across Canada have reformed social assistance policies. The Provinces of Saskatchewan and Manitoba were among those that introduced changes. Cutbacks in social programs have had a particularly adverse effect on Canadian women who rely on the social safety net.¹ The erosion of social programs has increased women's economic vulnerability and undermined women's equality.²

After reviewing social assistance policies in Ontario, Gilmour and Martin concluded:

¹ Canadian Feminist Alliance for International Action, *Canada's Failure to Act: Women's Inequality Deepens*, Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, January 2003, at Paragraph 57, page 16 of 101; accessed on-line.

² Shelagh Day and Gwen Brodsky. *Women and the Equality Deficit: The Impact of Restructuring on Canada's Social Programs* (Ottawa: Status of Women Canada, 1998) accessed on-line http://www.swc-cfc.gc.ca/pubs/0662267672/199803_0662267672_1_e.pdf

*What is clear...is that welfare 'reform' has not improved lives or life chances for poor people, disabled people, women or children. Rather, their health, condition and life chances have been diminished.*³

Income assistance policies influence women's ability to secure the resources needed to maintain or improve their health. The levels of income assistance benefits make it difficult for women to secure adequate food and housing for themselves and their families. Social assistance barely sustains many Prairie women, acting as a thin shield against absolute destitution.

This paper provides an overview of income assistance policies in Manitoba and Saskatchewan and discusses their implications for women.

³ Joan Gilmour and Dianne Martin. *Women's Poverty, Women's Health: The role of access to justice*. (Toronto: National Network on Environments and Women's Health, 2002).

Incidence of Women's Poverty in Saskatchewan and Manitoba

While income assistance policies affect both men and women, women in Canada are more likely than men to be poor. Statistics on rates of poverty often underestimate the levels of poverty because First Nations people living on reserve are excluded. When compared to all Canadian women, the incidence of low income is more pronounced for Aboriginal women both on and off reserve.⁴

In every year between 1980 and 1999, the poverty rate among women was significantly higher than the poverty rate among men. In 1989, 16.2 percent of Canadian women lived in poverty compared with 11 percent of men. A decade later, the poverty rate among women was 17.5 percent compared to men's poverty rate of 13.2 percent. In 1999, 2,074,000 Canadian women and 1,499,000 men were living in poverty. In seven out of eight age groups, the poverty rate for women is higher than the poverty rate for men.⁵

“In 1999, 51.8 percent of single-parent mothers, 38.9 percent of all unattached individuals, 42.3 percent of unattached women under 65, 33.2 percent of unattached men under 65, 48.5 percent

of unattached senior women and 31.9 percent of unattached senior men were poor. The poverty rates among single-parent mothers and unattached women were more than four times higher than the 1999 average level for all Canadians; the poverty rates among unattached men of all ages were just slightly less than three times the average poverty rate.” [emphasis added]⁶

In 1999, there were 14,000 poor families headed by single mothers in Manitoba and 12,000 poor families headed by single mothers in Saskatchewan. There were 17,000 unattached women under 65 living in poverty in Manitoba and 15,000 unattached women under 65 living in poverty in Saskatchewan. There were 21,000 and 16,000 unattached women 65 and over living in poverty in Manitoba and Saskatchewan, respectively.⁷

Not only are women more likely to live in poverty, but their experiences of living in poverty are affected by their gender which, among other things, influences their experience of family violence, their access to paid employment and their responsibilities for childcare and other unpaid work in the home.⁸ Social assistance policies are thus entwined with issues of gender and they combine as determinants of women's health.

⁴ Lissa Donner (with contributions by Angela Busch and Nahanni Fontaine). *Women, Income and Health in Manitoba: An Overview and Ideas for Action*. (Winnipeg: Women's Health Clinic, 2002). *Campaign 2000* quoted in John Warnock *Saskatchewan: The Roots of Discontent and Protest* (Montreal: Black Rose Books, 2004) at 377.

⁵ National Council of Welfare. *Poverty Profile 1999* (Ottawa: National Council of Welfare, 2002).

⁶ *Ibid*

⁷ *Ibid*

⁸ Cindy Hanson, Lori Hanson and Barbara Adams. *Who Benefits: Women, Unpaid Work and Social Policy*. (2001) accessed on-line <http://www.criaw-icref.ca/factSheets/hanson.htm>

SECTION 1.

OVERVIEW OF SOCIAL ASSISTANCE POLICY REFORMS IN SASKATCHEWAN AND MANITOBA

This section outlines key changes in social assistance policy in Saskatchewan and Manitoba over the last decade. It begins with a discussion of changes at the federal level because these revisions were the impetus for provincial reform.

The Canadian Social Policy Climate: An Overview

From 1966 to 1995, the *Canada Assistance Plan* (CAP) established national standards and policy guidelines for provincial social assistance programs in conjunction with a framework for federal/provincial cost-sharing. Under CAP, the provinces were required to provide basic income support to all persons in need. Recipients of social assistance were, in theory at least, guaranteed the right to an income that would meet basic needs and the right to appeal. CAP also provided a protection against forced work, though provinces did make job searches and participation in work programs a condition of eligibility.

CAP provided essential protection for the social and economic rights of Canadians. One annual report stated:

By helping the provinces to help people in need, CAP ensures that the social safety net is available when it is needed.

As such, it is one of the major cornerstones of the social security system in Canada.⁹

For more than two decades the federal government provided fifty percent of the funding for provincial expenditures on social assistance. However, in 1990 the federal government placed a “cap on CAP” by limiting the level of federal funds transferred to Alberta, British Columbia and Ontario. This cutback in federal funding encouraged the provinces to introduce cost-cutting measures and undermined the federal government’s ability to enforce national standards.

The replacement of the *Canada Assistance Plan* with the *Canada Health and Social Transfer* (hereinafter referred to as the CHST) in 1996 was a significant turning point in Canadian social policy.¹⁰ The repeal of CAP

⁹ CAP Annual Report (1971-72), p. 1, Submissions to the Committee on Economic, Social and Cultural Rights by the Charter Committee on Poverty Issues (CCPI), November 16, 1998, accessed on-line: The Charter Committee on Poverty Issues (CCPI), <http://www.equalityrights.org/ngoun98/ccpi.htm>

¹⁰ The CHST altered the administrative arrangements that were in place under CAP. The funding for health, post-secondary education and social assistance were combined into one block fund that could be spent in accordance with provincial priorities. In addition, the CHST reduced the transfer payments granted to the provinces and ended the equal or 50-50 cost

removed an important buffer against severe poverty and was a significant setback to women's equality.¹¹

While the federal government cited deficit reduction as a central goal of the reforms, social policy analysts argue that the CHST marked the state's retreat from social welfare. Under the CHST, efforts to dismantle Canada's social programs became more pronounced. Reductions in federal funding were accompanied by the emergence of a different social welfare philosophy that emphasized individual self-reliance and downplayed the collective obligation for societal well-being that once permeated social policy.¹²

Social assistance plans that operate in Canadian jurisdictions, including Saskatchewan and Manitoba, have undergone significant revisions.¹³ Current policies place renewed emphasis on fostering labour market involvement.¹⁴ Workfare and other

sharing that was a feature of CAP. While these changes are important, this paper is predominantly concerned with the shifting policy objectives that resulted from the demise of CAP.

¹¹ Day and Brodsky *supra*.

¹² Mulvale, *Reimagining Social Welfare: Beyond the Keynesian Social Welfare State* (Aurora, Ontario: Garamond Press, 2001)

¹³ Jamie Peek, *Workfare States* (New York: The Guildford Press, 2000), in particular, see Chapter 6: *Canada's Path: Permeable Welfare, Fragile Workfare* at 213- 260.

¹⁴ The Elizabethan Poor Laws of 16th century England, for example, brought in workhouses for destitute people considered able to work. Sherri Torjman, *Workfare: A Poor Law*, Caledon Institute of Social Policy, <http://www.socialpolicy.ca/52100/m9/full67.htm> at 2 (accessed 15/08/2003). Clearly, this objective is a long-standing one. Efforts to

“employment readiness” programs have expanded.¹⁵ Notably, the view that poverty is essentially an individual, rather than a state or community problem has become more pronounced.¹⁶

McKeen and Porter summarize the contemporary policy direction stating:

*...the transformation taking place is one from a more generous system to what neoliberals (sic) have described as a “tough love” social welfare system that aims to help welfare “dependants” kick their habit. The result has been an increasingly punitive model; increased poverty, inequalities, and hardship among certain groups; and the downloading of responsibility for meeting social needs to individuals and to the home.*¹⁷

The move from CAP to the CHST and the corresponding decrease in federal transfer payments caused fiscal hardship

implement it have taken on a more "vicious" twist in recent years, as this paper will show.

¹⁵ See, for example, Maeve Quaid, *Workfare: Why Good Social Policy Ideas Go Bad* (Toronto: University of Toronto Press, 2002). Quaid analyzes the implementation of workfare in 3 American and 3 Canadian jurisdictions. While she sees workfare as potentially good policy, she outlines the reasons why it fails to move people into real jobs. See also Peek, *supra*.

¹⁶ For a more detailed discussion see Mulvale, *supra* and Barbara Murphy, *The Ugly Canadian: The Rise and Fall of a Caring Society* (J. Gordon Shillingford, 1999).

¹⁷ Wendy McKeen and Ann Porter, “Politics and Transformation: Welfare State Restructuring in Canada” in *Changing Canada: Political Economy as Transformation*, edited by Wallace Clement and Leah F. Vosko (Montreal and Kingston: McGill-Queen's University Press, 2003) at 111.

for the provinces. McKeen and Porter highlight the changes in provincial policy that resulted from the funding reductions. They state:

*At the provincial level governments have also reduced expenditures and undertaken sweeping welfare state reforms, including reforms in education, health, and social assistance. They have included the privatization of many services, the introduction of workfare programs within social assistance programs, and the closing and restructuring of many schools and hospitals.*¹⁸

The cutbacks hardened the more regressive tendencies that were surfacing in welfare policy, leading to further stigmatization of the poor. Reducing the number of people receiving assistance became a pressing objective of welfare reforms across Canada.¹⁹ Due to the dramatic nature of the changes, anti-poverty activists turned to the *Charter* to forestall or reverse the negative consequences of the altered policies.

¹⁸ *Ibid* at 115.

¹⁹ See Ernie Lightman, Andrew Mitchell and Richard Shillington. *Tracking the Outcomes of Welfare Reform*. Workfare Watch Bulletin, Volume 1, Bulletin #15, April 2002, accessed on-line:

<http://www.welfarewatch.toronto.on.ca/wrkfrw/bul15.htm>

The Bulletin states: "Welfare reform in Ontario, like elsewhere in the United States and Canada, has been reduced to a single narrow purpose, reducing the caseload."

Gosselin v. Quebec (Attorney General)

In December 2002, anti-poverty activists and women's groups were deterred in advancing equitable social policy due to pronouncements made by the Supreme Court of Canada in *Gosselin v. Quebec (Attorney General)*.²⁰ *Gosselin* considered a welfare regulation in Quebec that reduced payments to recipients age 30 or under, to one third of the regular benefits, unless the person was enrolled in a work-readiness program.²¹

The majority ruling dashed the hope that the Supreme Court would advance social justice in Canada. Prior to the decision, the National Association of Women and the Law stated:

*For women, access to adequate social assistance is an important equality issue. Poverty is a central fact of many women's lives in Canada. It is crucial that the Charter be understood to provide basic protections for all people, including the poorest.*²²

²⁰ *Gosselin v. The Attorney General of Quebec*, 2002 SCC 84. accessed on-line http://www.lexum.umontreal.ca/csc-scc/en/pub/2002/vol4/html/2002scr4_0429.html

²¹ The regular benefit was established to cover basic needs for food, clothing and shelter. The reduced benefit was expected to cover the same items. The problem with the mandatory learnfare requirement was the limited number of spaces in training programs.

²² National Association of Women and the Law, *Gosselin vs. Quebec*, Press Release, Ottawa - Thursday, October 25, 2001, accessed on-line <http://www.nawl.ca/gosselin-pr.htm>, accessed 13/08/03

The majority decision of the court affirmed several regressive social policy tendencies including: the state's retreat from social welfare initiatives, the emphasis placed on labour market involvement, the use of workfare and other "employment readiness" programs, and the view that poverty is essentially an individual, rather than a state or community, problem resolvable through corrective measures aimed at the poor. The decision also contained dissenting opinions, which clearly outlined the implications for women's health and well-being when recipients are underserved by social programs.

broader political strategies to reduce women's poverty.²³

This paper analyzes policies and laws in Saskatchewan and Manitoba to determine their implications for women's health.

Poverty, Health and Access to Justice

In a study supported by the National Network on Environments and Women's Health, Gilmour and Martin examined Ontario welfare reforms that followed the demise of CAP and the introduction of the CHST. In particular, they described the shift in ideology as well as the changes in legislation, policies and administrative practices. By examining the case files of a community legal clinic, they were able to create a composite picture of the impacts of welfare reforms on women's health. They showed how women were particularly vulnerable to restrictive interpretations of eligibility criteria, allegations of welfare fraud, and loss of benefits. They described women's need for legal counsel to challenge the bureaucratic decisions that threatened their income security. Yet they also noted the contradictions and limitations of legal services and the need for

²³ Joan Gilmour and Dianne Martin. *Women's Poverty, Women's Health: The role of access to justice*. (Toronto: National Networks on Environments and Women's Health, 2002)

Social Assistance Reforms in Manitoba and Saskatchewan

In the 1990's, the Provinces of Saskatchewan and Manitoba altered their social assistance laws and policies, largely in response to the CHST.

Manitoba

Social assistance in Manitoba is governed by the *Employment and Income Assistance Act* (EIA). In 1996, the EIA renamed and amended the former law titled the *Social Allowances Act*. It outlines the framework for the provision of provincial and municipal assistance.²⁴ Further conditions and stipulations are included in the supporting regulations and the Employment and Income Assistance Administrative Manual.²⁵

In 1993-1994, the Government of Manitoba reduced dental and health benefits, shelter allowances and special needs coverage for some groups on social assistance. The government also changed its policies governing the recovery of so-called overpayments, with the result that many recipients received less money on their monthly

²⁴ A further amendment went into effect June 01, 2004 that established the province as the single payor for assistance. It authorized the province to administer all provincial income assistance in rural and northern Manitoba. Accessed on-line: <http://www.gov.mb.ca/chc/press/top/2004/06/2004-06-01-02.html>

²⁵ Manitoba Family Services and Housing, accessed on-line: <http://www.gov.mb.ca/fs/eimanual/tablec.html#intro>

cheques. In 1994, the Manitoba government also introduced a campaign to encourage people to turn in "welfare cheats". In 1996, the Government of Manitoba continued its pattern of cutbacks and reduced its welfare budget by \$23 million.²⁶

The *Employment and Income Assistance Act* made income assistance more contingent on attachment to the paid labour force. The benefit levels were reduced for 'employable' individuals and couples without children. People were increasingly expected to participate in training programs or find paid employment. Failure to comply with work expectations could result in a reduction or, in the case of individuals or couples without children, complete loss of income benefits.²⁷

MacKinnon describes the changes in Manitoba's income assistance policy following the collapse of CAP. She states:

*...the Employment and Income Assistance Act gives the government the power to implement work for welfare policies. Individuals could now be refused assistance if they failed to "meet the employment obligations to the satisfaction of the director or the municipality." Years of postwar struggle to ensure the right to financial assistance to all citizens was gone.*²⁸

²⁶ National Council of Welfare. *Another Look at Welfare Reform* (Ottawa: National Council of Welfare, 1999)

²⁷ *Ibid*

²⁸ Shauna MacKinnon, *Workfare in Manitoba: A Primer* (Winnipeg: Canadian Centre for Policy Alternatives – Manitoba, 1999)

The implementation of the *Employment and Income Assistance Act* marked the move towards "workfarism" on the Prairies.²⁹ In order to obtain benefits, persons deemed 'employable' were required to develop individual case plans that involved active job searches, employment, or participation in training that would prepare them for paid employment. Most people were considered employable except for persons with disabilities and single parents with children under six. Prior to 1996, single parents with children under 18 were not classified as 'employable'. In 1996, single mothers of school age children were increasingly expected to engage in job searches or accept paid employment as a condition of eligibility for income assistance.

Saskatchewan

After the CHST was passed, the Saskatchewan government became more ardent in redesigning social assistance.³⁰ In 1996, it released a discussion paper, *Redesigning Social Assistance*:

²⁹ Alberta implemented workfare in the early 1990's, see Quaid, *supra* 2002. *Chapter 8: Alberta's Mandatory 'Voluntary Opportunities.'*

³⁰ In 1991, the newly elected New Democratic Party released *Changing Directions*. The paper criticized former Conservative government policies that centred on "inadequate welfare rates, harsh controls, arbitrary case closures and a general undermining of the dignity of people on welfare." The policy paper was followed by system reform. Between 1992 and 1996, the government introduced a variety of administrative and policy changes aimed at "improving service to the poor." National Council of Welfare. *Another Look at Welfare Reform* (Fall 1997) at 47; accessed on-line through Canadian Social Research Links: <http://www.canadiansocialresearch.net/welref.htm>

Preparing for the New Century. The paper called for changes, due to the termination of the *Canada Assistance Plan*, increased federal off-loading, a sluggish economy and the need to remove barriers to employment.³¹ The negative effects of child poverty on long-term life outcomes were discussed. In summary, the Province identified several objectives for its revised policies. These ranged from "protecting the most vulnerable" and encouraging employment and involvement in social and economic spheres to reducing poverty, streamlining administration and enhancing accountability.³²

According to the National Council on Welfare, the reforms introduced in Saskatchewan were not accompanied by the same harsh cutbacks that characterized other provinces:

*By the end of the year, the government had not made any improvements to its welfare system, but it had not made any cuts either. Compared with some other provinces, Saskatchewan had done better for its welfare recipients by doing nothing.*³³

Unlike Manitoba, Saskatchewan did not alter the name of its social assistance framework legislation. The *Saskatchewan Assistance Act* provides the overall framework for the provision

³¹ *Redesigning Social Assistance: Preparing for the New Century, Discussion Paper*; accessed on-line http://www.gov.sk.ca/socserv/financial/welfare_redesign/REDSN96.html

³² *Ibid* at 5.

³³ National Council of Welfare (1997) *supra*.

of social assistance in Saskatchewan.³⁴ Various regulations operate under that law stipulating the guidelines for the various programs, including the Employment Supplement Regulations, the Benefit Adjustment Regulations, the Transitional Employment Allowance Regulations and the Saskatchewan Assistance Regulations.

In March of 1998, the Province of Saskatchewan announced an initiative called *Building Independence – Investing in Families*. According to then Social Services Minister, Lorne Calvert, the changes sought to turn the welfare system “on its head.” The government described the old system as “flawed”, for it fostered “dependence” by creating barriers to employment that were often intergenerational. It stated that the new approach would “provide opportunities” and promote independence from public income support.³⁵

The *Building Independence Initiative* saw the establishment of several targeted programs.³⁶ These included:

- The Provincial Training Allowance, administered by Post-Secondary Education and Skills Training, which provides basic income support to adults in basic education programs.
- Family Health Benefits which provide health benefits to low-income working families with children. This means that working families are not barred from receiving important benefits.
- The Saskatchewan Employment Supplement which provides assistance to working parents and those who receive child or spousal support. Most recipients are women.³⁷
- The Saskatchewan Child Benefit to complement the National Child Benefit.

According to the Minister of Social Services:

*These programs demonstrate that by providing crucial supports outside of social assistance, individuals and families can move away from welfare and into the work force. They have removed inequities that many low-income working families experienced in their struggle for independence.*³⁸

³⁴ An Act to provide for the Granting of Assistance to Persons in Need; Chapter S-8 of The Revised Statutes of Saskatchewan, 1978, (effective February 26, 1979) as amended by the Statutes of Saskatchewan, 1979, c.65; 1979-80, c.M-32.01; 1980-81, c.79; 1983, c.11 and 77; 1989-90, c.54; 1994, c.9; 1997, c.19 and 49; 1998, c.33; and 2000, c.24.

³⁵ Saskatchewan Social Services Newsletter, Next Step, Budget Edition, 1998 “Building Independence – Investing in Families – Initiative Launched” at 1.

³⁶ In addition to these programs, others also operate. Senior citizens who are not able to meet their basic needs are granted support under the Saskatchewan Income Plan Act (An Act respecting the Payment of Benefits to or on behalf of Certain Senior Citizens) Chapter S-25.1 of the Statutes of Saskatchewan, 1986

(effective January 1, 1987) as amended by the Statutes of Saskatchewan, 1988-89, c.42; 1996, c.20; and 2000, c.50 and regulations, Chapter S-25.1 Reg 3 (effective February 21, 2002).

³⁷ Warnock, *supra*

³⁸ Government of Saskatchewan. Backgrounder: Building Independence; accessed on-line <http://www.dcre.gov.sk.ca/mediaroom/pdfs/Phase1Backgrounder.pdf>

Warnock describes the *Building Independence* Program in different terms. Rather than providing benevolent support to low income persons, he argues this program adopts the Labour Force Attachment Model (or LFA) "that stresses moving people off welfare quickly through low cost programs and into jobs which pay near the minimum wage."³⁹ The goal of the program is "to provide a new labour pool which has little option but to work for near minimum wage and to fill the corporate need for part time and temporary workers."⁴⁰

Women are the majority of workers employed at or near the minimum wage.⁴¹ Consequently, they have been disproportionately affected by the *Building Independence* program. Warnock argues that the failure to implement policies that support the true independence of women, such as full labour integration and high wages, are representative of the patriarchal belief system that has been operative on the Prairies for decades.⁴²

³⁹ Warnock, *supra*, at 380.

⁴⁰ *Ibid*

⁴¹ QED Information Systems. *Minimum Wage Database*. August 2001, page 24. Based on Labour Force Survey data for Saskatchewan in 2000. Women comprised 50% of those below the minimum wage, 57% of those at the minimum wage (\$5.90) and 64% of those earning just above the minimum wage (from \$6.10 to \$6.99). Proportions in Saskatchewan are similar to those in other provinces.

⁴² Warnock *supra* at 206. says: "Traditional patriarchal values are deeply entrenched in Saskatchewan. They are particularly strong in our rural areas and small towns. The inequalities between men and women, and male domination of the major institutions in our society, continue as a major social problem."

In 2003, the Province of Saskatchewan introduced a new set of regulations called the Transitional Employment Allowance Regulations (TEA). According to the Government, this program does not provide social assistance.⁴³ It offers temporary financial support to people to enable them to enter the paid workforce.⁴⁴ The details of this program are discussed later in this paper. In *Race to the Bottom: Welfare to Work Programming in Saskatchewan and its Similarities to Programming in the United States and Britain*, Garson Hunter describes the program as Saskatchewan's first significant step into workfare.⁴⁵ Prior to the TEA, Saskatchewan focused on re-training and employment readiness programs that were essentially "voluntary." Hunter comments:

*Social policy in Saskatchewan has taken the direction of an increasing number of programs designed to keep workers in the labour force under conditions of low-wages, little or no job security, few if any benefits and short-term employment.*⁴⁶

⁴³ Garson Hunter "Race to the Bottom: Welfare to Work Programming in Saskatchewan and its Similarities to Programming in the United States and Britain" in Garson Hunter and Dionne Miazdyck, *Current Issues Surrounding Poverty and Welfare Programming in Canada: Two Reviews* (Regina: Social Policy Research Unit, August 2003) at 14. Hunter criticizes the government's use of regulations to make major policy changes. Unlike laws which undergo public debate, regulations are introduced through Cabinet.

⁴⁴ *Ibid*

⁴⁵ *Ibid*

⁴⁶ *Ibid*

Changing Names, Changing Policy Direction

On April 1, 2003, the Saskatchewan Department of Social Services was renamed the Department of Community Resources and Employment. According to the government, the new name accurately reflects the department's mandate to move people from reliance on social assistance to labour market involvement.

The change to the name of the Manitoba law, the expansion of job readiness programs in both provinces and the change of the Saskatchewan department name to the Department of Community Resources and Employment are suggestive of broader policy changes. By altering titles, both provinces have reframed their mandate to emphasize that social assistance is a stop-gap that provides temporary support to persons while they foster labour market involvement.⁴⁷

A recent study states that women have disproportionately borne the burden of economic restructuring and the move towards non-permanent, part-time work, often in the service sector. Rather than being the beneficiaries of generous welfare plans, women are in fact "shouldering a disproportionate share of the burden of economic restructuring."⁴⁸ Hadley explains:

⁴⁷ MacKinnon, *supra*, states that the word "social allowances" was deliberately eliminated from the Manitoba law to "reflect an emphasis on 'work'." (at 2)

⁴⁸ Karen Hadley, *And We Still Ain't Satisfied: Gender Equality in Canada, A Status Report for 2001* (Toronto: Centre for Social Justice) at 1.

*Corporate globalization and the neo-liberal agenda have led to a dramatic growth in part-time and temporary jobs, and women are most likely to be employed in these jobs. Government cut-backs and privatization have resulted in the loss of women's unionized public sector jobs to the private sector with an accompanying loss of benefits, pensions and security.*⁴⁹

There are clear connections between work and well-being. Few argue against efforts to foster greater involvement in paid employment. However, there is equally clear evidence that work in the low-paying service sector, where many women are concentrated, confers few, if any, of the benefits associated with "going to work."

The social policy discourse that emphasizes 'building independence' and 'increasing self-reliance' is based on a narrow definition that equates independence with earned income and productive activity with paid employment. The time demands and the use value of women's unpaid work in the home are overlooked, and mothers on welfare are made to feel that their contribution to society is non-existent.

As Hanson et al have shown, mothers on social assistance spend long hours stretching budgets and finding scarce resources, preparing food, finding adequate housing, cleaning, doing laundry, running errands using public transportation, caring for children and dealing with their health and behavioural problems. Yet this unpaid work of mothers living in poverty is largely invisible to those who make social

⁴⁹ *Ibid* at 2.

policy. In particular, the increasing tendency to define mothers with young children as “employable” and require them to engage in active job searches for paid employment as a condition of eligibility for social assistance seems to be based on the false assumption that these women are not working.⁵⁰

Unlike Manitoba, Saskatchewan has not established a minimum age that children must reach before parents are required to return to the paid labour market. The decision on employability is left to the discretion of the worker.⁵¹

Benefit Levels

A disconcerting aspect of social assistance policy in the Prairies is the failure to increase benefits to reflect the costs of living. Assessing benefit levels is a complex undertaking as the monthly payments vary depending on the program in which the recipient is registered. However, the National Council on Welfare has analyzed the trends in social assistance benefit levels over time and compared them to changes in the cost of living. Between 1989 and 2002, the real purchasing power of a single employable person’s welfare benefits dropped by 33.5% in Manitoba and by 10.6% in Saskatchewan. During the same time period, the purchasing power of welfare benefits for a single

parent with one child dropped by 18% in Manitoba and 27% in Saskatchewan.⁵²

Social justice advocates argue that benefit levels are less than adequate to cover even minimal living costs. The argument that social assistance is a temporary support has become a primary means of justifying the maintenance of benefit levels far below the poverty line. Women on social assistance in both provinces have reported difficulties in securing adequate housing, nutritious food, appropriate clothing, medications and other basic needs for themselves and their children; and they have recommended increasing benefit levels to reflect rising costs of food, housing and other necessities.⁵³

The National Council on Welfare reports that the 2003 welfare income for a single parent with one child was 52% of the poverty line in Manitoba and 59% of the poverty line in Saskatchewan. However, for single employable individuals the depth of poverty was even greater. Welfare income for single employable individuals was set at 28% of the poverty line in Manitoba and 36% of the poverty line in Saskatchewan.⁵⁴

⁵² National Council on Welfare. *Welfare Incomes 2002* (Ottawa, National Council of Welfare, 2003) For further details see Table 1. For a full explanation of what is included in these figures, see the full report on-line at http://www.ncwcnbes.net/htmldocument/reportwelfinc02/Welfare2002.htm#_Toc500047789

⁵³ Kerr, Frost and Bignell, *supra* and Wiebe and Kierstead *supra*.

⁵⁴ National Council of Welfare. *Welfare Incomes 2003* (Ottawa: National Council of Welfare, 2004) at 28. For more details, see Table 2. For an explanation of how these categories are defined see the full report on-line at

⁵⁰ Hanson, Hanson and Adams, *supra*.

⁵¹ National Council of Welfare, *Welfare Incomes 2003*, Ottawa: Minister of Public Works and Government Services Canada, 2004) at 11.

Saskatchewan

Benefit levels in Saskatchewan are set at levels well below the most widely used, though unofficial, poverty line, the Statistics Canada Low Income Cut-Off (LICO). In 2002, Peter Gilmer of the Regina Anti-Poverty Ministry, urged the government to give a higher priority to social welfare spending.⁵⁵ He stated:

The rates have barely increased in 20 years while the cost of living has risen by 70 per cent. The adult basic allowance for everything except shelter

http://www.ncwcnbes.net/htmldocument/reportWelfareIncomes2003/WI2003_e.pdf

⁵⁵ Pamela Cowan, *Province Needs to Do More to Fight Poverty, Group Hears*, Leader Post, October 25, 2002, accessed on Povnet, 17/08/03, http://www.povnet.org/articles/sask_needs_more.htm

This finding is refuted by the Fraser Institute. In *The Adequacy of Welfare Benefits in Canada*, released in May 1999, it states that income assistance levels in Canada are more than adequate to cover the cost of basic necessities for the most vulnerable members of society. According to the Institute, the benefits available to single parents and the disabled exceed minimal needs in every province. The only groups whose requirements were not covered were single employables. In the Fraser Institute's view, this is acceptable, for the following reasons:

"The level of benefits available to single employable recipients reflects the fact that these people are not expected to collect welfare on a long-term basis, and that provincial governments, regardless of their political stripe, have chosen to be less generous with groups they consider employable."

Even with the earned employment income that plans allow before benefits are reduced, many single employable cannot cover their basic needs except in the provinces of Saskatchewan and Quebec, according to the Fraser Institute Report, cited above.

*is only \$195 per month. This works out to \$6.50 a day and the additional allowance for persons with disabilities is only \$40 per month.*⁵⁶

Persons who are obtaining income supplements and job training allowances fare slightly better than the families relying strictly on assistance.⁵⁷ Many, however, remain "desperately poor."⁵⁸

The widely-touted Child Tax Benefit conferred no financial gain to the poorest families, those on social assistance, who saw their monthly welfare cheques reduced accordingly. Consequently, one of Saskatchewan's central strategies to reduce the alarmingly high levels of child poverty was not directed to those most in need.

⁵⁶ Cowan *supra*.

⁵⁷ Alternate Budget of Choice (ABC) Working Group. *Saskatchewan Alternative Budget of Choice: A Budget for Equity, 2004-2005*. (Saskatchewan Office: Canadian Centre for Policy Alternatives, 2004) at 24. As stated, this paper's purpose is to comment on general tendencies while acknowledging the need for complex and detailed analysis into the varying benefit levels paid under different programs. To compare basic assistance benefits with those paid under the newly established Transitional Employment Allowance, brought in 2003, see Garson Hunter "Race to the Bottom: Welfare to Work Programming in Saskatchewan and its Similarities to Programming in the United States and Britain" in Garson Hunter and Dionne Miazdyck, *Current Issues Surrounding Poverty and Welfare Programming in Canada: Two Reviews* (Regina: Social Policy Research Unit, August 2003). The amounts for shelter and basic allowances are the same, yet there are other important differences. For example, there are no discretionary benefits (damage deposits, etc.) under the TEA. See Appendix, pages 25-29.

⁵⁸ *Ibid*

Manitoba

Advocates in Manitoba express similar concerns about assistance levels in that province. In Saskatchewan, the predominant approach was to neglect benefits, letting them fall through inflation and increases to the cost of living. Welfare reform in Manitoba was accomplished by active decreases in benefits. In 1996, for example, the Canadian Centre for Policy Alternatives reported that the rates for single recipients deemed employable went from \$458 per month to \$411. For childless couples, the rates were reduced from \$774 per month to \$692.⁵⁹

In January of 2004, basic benefit levels were increased in Manitoba by \$20.00 per month. This increase counters some of the losses that occurred over the last years. According to Manitoba's Green Party, the extra allotment is dramatically insufficient for it did not counter the effects of inflation.⁶⁰

Consequences of the Failure to Raise Benefits

The failure to raise benefits is a grave public policy concern, particularly due to its negative implications for women and children.

The Canadian Research Institute for the Advancement of Women found that low-income women report that limited finances, stress and isolation wear them

down emotionally and physically. Poverty undermines self-confidence, making it more difficult to be healthy and to provide a positive environment for children. The challenges of living in poverty are numerous. They include finding work, locating better-paid jobs, and finding adequate housing and subsidized child care to facilitate work or school involvement. With limited resources, women must meet the nutritional, clothing and other needs of children and themselves, and get emotional support from others. Many are trapped in a cycle that opens few avenues. Low-income women struggle to meet minimal living standards, depleting the resources that could be directed towards personal change.⁶¹

Providing benefits below poverty level runs counter to the policy objective of fostering work involvement. A recent publication, *Saskatchewan Alternative Budget of Choice: A Budget for Equity* also calls upon the government to raise assistance levels. The authors of the document state:

*Maintaining low assistance rates and tightening eligibility is a cruel and illogical way of promoting labour force attachment. The vast majority of low income people want to be productive regardless of income. Currently, the vast majority of persons on social assistance are already productive in partial employment or activities that are not monetarily rewarded.*⁶²

⁵⁹ MacKinnon, *supra*, at 3.

⁶⁰ The Green Party of Manitoba; NDP holds welfare at 30% below Tories' 1992 level accessed on-line: <http://www.greenparty.mb.ca/news/news012904>

⁶¹ Canadian Research Institute for the Advancement of Women, *Women and Poverty: A Fact Sheet* prepared by Marika Morris, March 2002 <http://www.criaw-icref.ca>

⁶² ABC Working Group, *supra*.

New Messages: Cracking Down on Welfare Fraud and Ending "Dependency"

The Governments of Saskatchewan and Manitoba have criminalized poverty through renewed efforts to crack down on welfare fraud. Researchers have confirmed that the very low numbers of recipients who engage in fraud often do so because of below poverty level incomes.⁶³

In *The Ugly Canadian: The Rise and Fall of a Caring Society*, Barbara Murphy documents changing Canadian values and the move away from a compassionate society.⁶⁴ The increase in negative attitudes towards the poor is evidence of the shift. According to Murphy, public announcements perpetuate stereotypes about the poor,

⁶³ In *Women, Crime and the Canadian Criminal Justice System*. (Cincinnati: Anderson, 2000) Walter S. DeKeseredy states at 28-29 that an increase in property level criminality among women can be attributed to economic policies:

“A growing number of Canadian women are living in a ‘cold new world. This world is characterized by the following major economic changes: globalization, the rise of the ‘contingent’ work force, the North American Free Trade Agreement, transnational corporations moving to Third World countries to use cheap labor, the implementation of high technology in workplaces, and the shift from a manufacturing economy to a service-based economy.

Thus, it is likely that we will see even more women committing, and being arrested for, property offences. An increase in the number of men charged for these crimes is also likely because many men are also faced with the problem of trying to make a living in ‘harder economy.’”

⁶⁴ Murphy, 1999.

making it easier to introduce social policies that work against low income Canadians.

In the Provinces of Saskatchewan and Manitoba there are few efforts to generate a more positive view of persons on assistance, particularly women. Governments continually use language around welfare dependency and the need to encourage workforce involvement.

According to anti-poverty activist, Jean Swanson this terminology, while seemingly "helpful", creates detrimental images of low-income Canadians. She states:

*Interestingly, the policies all imply that low-income people, not the lack of jobs or decent wages, cause poverty. Free trade, high tech, and corporate restructuring are all reducing the number of available jobs. But listening to this social policy newspeak, you'd think poverty was caused by individuals lacking incentive, by dependent people, by the poverty cycle, and by low self-esteem.*⁶⁵

The suggestion that large numbers of claims are fraudulent also stigmatizes low-income people. Emphasizing fraud reinforces the perception that assistance recipients are indolent and greedy.

Both provinces have made public pronouncements on their efforts to reduce fraud, sending the message that such practices are rampant and demanding of a forceful counter, when in fact, information obtained from the

⁶⁵ Jean Swanson, *Resisting Workfare* in Eric Shragge, ed., *Workfare: Ideology for a New Under-Class* (Toronto: Garamond Press, 1997) 149-170 at 152

Government of Manitoba website states that: "Welfare fraud is extremely infrequent, 1-2% at any given time."⁶⁶ According to criminologist, Walter DeKeseredy, welfare related fraud is committed by those surviving on grossly inadequate incomes. He states:

Women who defraud the government do so because they and their children cannot afford to live on minimal welfare payments or wages accumulated from "pink collar ghetto" work (e.g. working as a store clerk).⁶⁷

While dishonest acts are rare, the Saskatchewan government announced the adoption of stringent "accountability" measures in 1998, including authorizing the police to investigate cases of suspected welfare fraud.⁶⁸

The Province of Manitoba also enacted policies directed towards strict compliance with welfare rules. These

⁶⁶ Winnipeg Youth Town Hall Meeting with Ministers, February 21, 2003; http://www.edu.gov.mb.ca/youth/Initiatives/Honourable_Becky_Barrett.html

⁶⁷ Walter S. DeKeseredy, *Women, Crime and the Canadian Criminal Justice System*, (Cincinnati: Anderson, 2000) at 27.

⁶⁸ News Release, Social Services – 303, Social Services Further Enhances Accountability Measures; April 30, 1998. In April 1998, the Province of Saskatchewan announced that it had strengthened its "accountability measures" relating to social assistance. The central elements of its strategy were the creation of 30 positions dedicated to verifying the information provided by assistance recipients. The change signalled that the investigation and prosecution of cases of welfare fraud would be handled by the criminal justice system where stricter penalties including jail time became a possibility. This option, however, was always available in cases of fraud.

included the introduction of a telephone line for reporting fraud, the creation of a welfare abuse investigation unit and the introduction of a verification process that matches client information with Unemployment Insurance, Vital Statistics and Revenue Canada.⁶⁹ The fraud line was discontinued when the New Democratic Party was elected to the government in 1999, as part of a move to promote the independence and dignity of assistance recipients.

The study *Walking on Eggshells*⁷⁰ points to the sad and ironic outcomes of the attention given to welfare fraud in contemporary assistance systems. While the study was conducted in Ontario, it outlines the potential ramifications of welfare fraud policies for women across the country. The study documents the ways that abusive men are able to exploit the welfare system's pronounced hostility towards clients, particularly women. Men used the welfare fraud line in Ontario to report manufactured violations, resulting in a withdrawal of benefits while the situation was investigated. They also falsely reported on "spousal relationships", insisting that women were not eligible for benefits due to the presence of a new partner. The study demonstrated that the welfare system enhances the power of violent men over women because it offers another way for men to leverage control.

⁶⁹ Manitoba Government News Release, Aug 09, 1995, "Manitoba, Alberta agree to share welfare information."

⁷⁰ Janet Mosher, et al. 2004. *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System: Final Report of Research Findings from the Woman and Abuse Welfare Research Project* accessed on-line <http://www.dawn.thot.net/walking-on-eggshells.htm>

*This picture of abused women's experiences on welfare stands in sharp contrast to the state's promise of zero tolerance of domestic violence so frequently trumpeted in the criminal justice context. The 'deserving' recipients of criminal justice protection (and we hasten to add that this protection does not always materialize in practice) are, as our report details, recast within the welfare regime as undeserving and untrustworthy. In the welfare context abused women are subjected to another zero tolerance policy -- zero tolerance of welfare fraud regime -- a regime abusive men readily exploit.*⁷¹

Where a conviction is obtained on a social assistance related fraud charge, the defendant's basic needs must be provided for. The case of Kimberly Rogers in Ontario illustrates the need for compassionate responses to criminal behavior. Found guilty of fraud, she was cut off all social support with no alternative means of economic survival. Rogers died tragically while awaiting an appeal.⁷² A coroner's jury investigating her death recommended the abolishment of life- time bans on social assistance receipt for persons similarly convicted. While the Rogers case is particularly harsh, others have also been subject to similar treatment.⁷³ The state and society must ensure that penalties for criminal fraud do not result in the profound destitution experienced by many.

⁷¹ *Ibid* page 7.

⁷² As cited in Gilmour and Martin 2001.

⁷³ The author of this study is aware of similar cases in Saskatchewan.

Reducing Caseloads

Governments in Saskatchewan and Manitoba commonly cite reductions in the numbers of persons receiving assistance as evidence of the success of their policy reforms. Since the implementations of the reforms, the numbers of people receiving assistance in Manitoba has declined by 22 percent outside of Winnipeg and by nearly 30 percent in Winnipeg.⁷⁴

On June 14, 2004, the Saskatchewan Department of Community Resources and Employment issued a news release entitled "Province's Building Independence Initiative Proving Successful." It highlighted the fact that 41 per cent fewer families relied on assistance due to the implementation of the program in 1997.⁷⁵

In their announcements, governments imply that caseload changes can be attributed to the move from assistance to work. Anti-poverty activists, on the other hand, point to an increased willingness of governments to deny assistance benefits. According to Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies, increased imprisonment and homelessness among women may

⁷⁴ Tom Janzen, Tom Carter and Brian McGregor, *A New Face on Poverty: Social Assistance in Winnipeg's Inner City*, 3 Canada Research Chair in Urban Change and Adaptation, Research Highlight, February 2004 at 2 accessed on-line http://ius.uwinnipeg.ca/CRC/crc_publications_RH3.pdf

⁷⁵ Saskatchewan Community Resources and Employment #04-359; <http://www.gov.sk.ca/newsrel/releases/2004/06/14-359.html>

account for the reductions in assistance caseloads. She states:

*In the Prairie Region most of the women in prison are Aboriginal, contributing to a situation where they represent the majority of the women's jail population. We know the increasing numbers of women in prison is clearly linked to the evisceration of health, education and social services. We also know that the cycle intensifies in times of economic downturn. It is very clear where we are sending the people who are experiencing the worst in the downturn in the economy and social trends. Jails are our most comprehensive homelessness initiative.*⁷⁶

Pate goes on to point out that the lack of economic parity puts women at risk of turning to prostitution, substance abuse, and criminal behaviours to cope.

Notably, Manitoba's plan emphasizes "self reliance" and stringent eligibility determinations. Official pronouncements describe the Employment and Assistance program as a "last resort" for persons who are unable to meet their basic needs. To qualify for benefits, applicants must be unable to meet essential requirements related to food, clothing, housing and personal needs. The central objective of the program is assisting people find or return to paid work.⁷⁷ Those who are considered exempt are single parents

⁷⁶ Kim Pate, *Prisons: The Latest Solution to Homelessness, Poverty and Mental Illness*. WomenSpeak Series – Calgary – September 18, 2003; <http://www.elizabethfry.ca/confernc/prison/1.htm>

⁷⁷ Manitoba Family Services and Housing, Employment and Income Assistance Program http://www.gov.mb.ca/fs/org/eih/eia_programs.html

with a child less than six years old, persons with a chronic mental or physical illness or disability, and persons housed in emergency shelters.

For persons not in those categories, forming and working to implement personal employment goals are conditions of continued social assistance eligibility. The employment stipulation may be rescinded temporarily for "health or personal issues such as family violence or children with special needs". All other recipients are required to follow a Personal Action Plan, which outlines employment activities and goals. Penalties are imposed for those who do not adhere to the work related expectations.⁷⁸

As noted earlier, assistance policy changes in Saskatchewan encouraged re-training and job readiness among employable recipients. The reforms also focused on the elimination of the "welfare wall", the removal of the limited financial advantages of assistance benefits over work. In 2003, however, the Province enacted the Transitional Employment Allowance Regulations thereby dramatically shifting assistance policy. In "Race to the Bottom: Welfare to Work Programming in Saskatchewan and its

⁷⁸Government of Manitoba, The Employment and Income Assistance Administration Manual Section 6.7.3. According to the manual, participants who do not follow their Plan may have their budget reduced by \$50 per month, followed by a further \$50 reduction after six months (\$100 maximum). Single general assistance participants may have their income assistance terminated. Benefits are re-instated when the participant resumes an employment enhancement measure or accepts employment. Accessed on-line <http://www.gov.mb.ca/fs/eiamanual>

Similarities to Programming in the United States and Britain", Garson Hunter provides an overview of the program.⁷⁹

According to Hunter, eligibility under the TEA is not strictly determined by need. Benefits are granted to persons in need **if** they participate in employment readiness programs or demonstrate a "reasonable expectation of becoming self-sufficient in a short period of time."⁸⁰ Persons receiving benefits under the TEA must file a report every month reporting on changes in their family unit, involvement in employment readiness programs, income, place of residence, mailing address, utility and accommodation payments. The TEA does not allow an exemption for earned income, even though the benefit amounts are exactly equal to those granted under the Saskatchewan Assistance Plan.⁸¹ It does not allow for the payment of discretionary benefits, such as damage deposits, educational expenses for children and others.⁸² It does allow an employment allowance to a maximum of \$140 per month.⁸³

Clients under TEA plan may be terminated if they are deemed ineligible, if they do not file a monthly report, if they do not attend the programs. In addition, the right to appeal is curtailed

under the TEA.⁸⁴ Decisions to deny applications, increase allowances, cancel allowances and require returns of overpayments are allowed. Fees for advocates are not covered and no interim assistance is available pending the appeal process. Hunter notes, "The program is designed to pressure and maintain a low-wage labour force, and discipline the remainder of the labour force who face tenuous employment situations."⁸⁵

While the government lauds the inclusion of work incentives and work expectations, the Canadian Centre on Policy Alternatives categorizes them as "workfare" because they impose an obligation to work in exchange for welfare benefits.⁸⁶ According to the Centre, workfare does little to alleviate poverty. Workfare participants are usually unable to locate employment that is long lasting or that pays a living wage. Consequently, most return to publicly funded income security plans.⁸⁷ In addition, workfare programs are costly to administer and to run. The one area that they have proven effective is in humiliating and stigmatizing the persons involved.

Manitoba policies assume that employment provides an alternative to living in poverty. Emphasizing the labour market as the path to self-sufficiency and independence is problematic. For the working poor,

⁷⁹ Hunter, *supra*, at 13-14.

⁸⁰ *Supra*, Appendix under heading "Eligibility."

⁸¹ Hunter, *supra*, Appendix, see row titled "Benefit Amount", page 26 and row titled "Income", page 27.

⁸² *Ibid* see row titled "Other", on page 27.

⁸³ *Ibid* see row titled, "Employment Allowances."

⁸⁴ *Ibid* see row titled "Termination," on page 29. See row titled "Appeals" on page 28.

⁸⁵ *Ibid* at 14.

⁸⁶ MacKinnon, *supra* at 3.

⁸⁷ CCPA – MB, Fast Facts, *Workfare Doesn't Work*, September 16, 1999, at 1

employment is not the road to a worry free existence, although it may decrease absolute reliance on public funds for income security. Questioning the value of Manitoba reforms, Shauna MacKinnon states:

*The problem isn't the people on welfare. The problem goes far beyond the number of welfare cases. Welfare dependency and poverty is a function of high unemployment and inadequate redistribution of wealth. This needs to be at the forefront of any discussion that attempts to propose welfare reform measures.*⁸⁸

Emphasizing Women's Dependency on Male Partners

Governments describe contemporary assistance policies in Saskatchewan and Manitoba as promoting independence and self-sufficiency. Ironically, provisions that contain vestiges of the view that women are or should be dependent on men, exist in current laws and directives.

Spouse in the House Rules

Provincial assistance plans are income tested, meaning that recipients must have income and assets under a certain level before they are eligible. Eligibility is determined in reference to individual and/or family financial resources.

For women the determination of when a family unit is established is contentious, for they are subject to the presumption that economic dependency on men is the natural order of their lives. It also

presumes that women have equal access to the household income. If a recipient and a person who earns an income cohabit, the relationship is subject to scrutiny by departmental staff to determine whether it disqualifies the woman for social assistance eligibility.

In Saskatchewan, adults who reside together for a period of three months may be considered “economically interdependent” if certain criteria are satisfied. In Saskatchewan, the *Social Assistance Program Policy Manual* outlines criteria for determining whether an undisclosed live-in relationship would affect a woman’s eligibility for income assistance. These include: the length of cohabitation, sharing a phone number, names on utility bills or insurance policies, income tax records, children’s birth parents, common surnames, etc.⁸⁹ The policy manual outlines the factors that cumulatively determine whether the “couple” is financially intertwined. The factors relate to how the details of daily living are determined and arranged. If resources and responsibilities are shared, the assumption is one of mutual reliance.

In Manitoba, assistance benefits may be terminated if a “common law” relationship is deemed to exist.⁹⁰ The determining criteria are: financial interdependence, family interdependence and shared residency. Evidence of two

⁸⁹ Saskatchewan *Social Assistance Program Policy Manual*, (Regina: Saskatchewan Community Resources and Employment, September 2003)
<http://www.dcre.gov.sk.ca/publications/pdfs/sapmanual.pdf>

⁹⁰ Manitoba Family Services and Housing, *Employment and Income Assistance Administrative Manual*, s. 8.1.4, on-line
<http://www.gov.mb.ca/fs/eiamanual/index.html>

⁸⁸MacKinnon, *supra*, at 17.

of these three factors must be present in order to establish a common-law union. In the policy manual financial interdependence is described as the most important.⁹¹

Women's groups have continually argued that these provisions constitute gender-based discrimination. Women are disproportionately affected by the "spouse in the house" rules. The rules are based on the assumption that women's relationships must be carefully scrutinized to determine whether they reflect the "natural" patterns of economic dependency.

Spouse Out of the House – Child Maintenance Orders

Both Saskatchewan and Manitoba require single parent applicants to pursue a support order from a former partner as a term of eligibility. In Manitoba, recipients are obliged to pursue a maintenance order on the recipient's own behalf or on behalf of dependent children.⁹² Saskatchewan stipulates a

similar requirement.⁹³ Because women predominate among single parent families on the Prairies, it is women who must fulfil the requirement to pursue child maintenance orders. Some low income women report feeling pressured to pursue a support order from a former partner. Failure to pursue an order can limit eligibility or lead to the withholding of funds.⁹⁴

According to feminist researchers, this approach works to further "privatize" women's poverty. It attributes the problem to "dead beat" dads rather than the social and economic policies that often limit women's ability to earn a "breadwinner" wage. Although former partners must be considered for support for dependent children, a policy approach that seeks to shift women's "dependency" from social assistance plans to former partners, who may themselves be poor, violent or unsafe parents, is limited in its capacity to improve women's lives.⁹⁵ This point was made very strongly in the recent study *Walking on Eggshells*.⁹⁶ The women

⁹¹ *Ibid*

⁹² Section 9(2) states:
An applicant or recipient and the applicant's or recipient's spouse or common-law partner shall make all reasonable efforts on behalf of himself or herself and any dependants to obtain the maximum amount of compensation, benefits or contribution to support and maintenance that may be available under another Act or program.
<http://www.gov.mb.ca/fs/programs/eia/policymannual/tablec.html>
Employment and Income Assistance Regulation; Manitoba Regulation 404/88 R; Filed October 11, 1988; accessed on-line
<http://www.gov.mb.ca/fs/programs/eia/policymannual/2.html#r9s2>

⁹³ Saskatchewan Department of Community Resources and Employment, Social Assistance Program Policy Manual, Chapter 3, Paragraph F; accessed on-line.

⁹⁴ Clients at Regina Anti-Poverty Ministry report receiving a form letter with the following insert:
It is important that Social Assistance clients make use of all other resources they have available and that is why it is required that they pursue child support if their circumstances lead to this option. When clients don't follow through with expectations their benefits can be held
Letter to anonymous client from Saskatchewan Social Services. Details withheld on request.

⁹⁵ In Saskatchewan, recipients are exempt from pursuing maintenance order where there is the potential for abuse.

⁹⁶ Mosher, et al. *supra*.

interviewed in the study revealed that they were subject to pressure from workers to pursue child support orders. All the women in the study were survivors of violent relationships.

The Welfare "Chill" and Disenfranchisement

One of the more serious consequences of the contemporary welfare "chill" described in this paper is that it disenfranchises recipients in the political arena. In *Workfare States*, James Peek states that the creation of a hostile climate is an intended consequence of modern income assistance policy.⁹⁷ By restricting eligibility, deeply impoverishing recipients, perpetuating stereotypes about dependency and fraud and increased monitoring, the state produces a "chilly" climate that discourages people from applying for benefits. It also lowers the expectations of persons who are on benefits by sending this message that assistance is a privilege, granted grudgingly, rather than a right. For women, the implications are particularly problematic for it undermines their rights as citizens.

In the paper, *The Collective Advocacy Function of Voluntary Sector Organizations*, Gloria DeSantis links policy advocacy to individual and community well-being.⁹⁸ She states that

⁹⁷ Peek *supra*.

⁹⁸ Gloria DeSantis, *The Collective Advocacy Function of Voluntary Sector Organizations in Social Policy Processes: Exploring Links with Population Health*, Regina, Saskatchewan, April 2004, unpublished manuscript.

involvement in democratic processes has several health outcomes, including:

- greater empowerment and sense of control over one's life;
- new and/or stronger social networks among people in communities;
- participation and sense of belonging to a community;
- individual learning.⁹⁹

DeSantis argues that the collective advocacy process is hierarchical, with some groups and not others perceived as deserving of the ear of officials and influential policy makers. In her view, social assistance recipients are now at the bottom of the ladder of deservedness. From the perspective of women's health, the removal of assistance recipients from the sphere of political legitimacy is disturbing. DeSantis points out that advocacy may result in:

*...changes in government policy which in turn delivers what community residents needed has a positive impact on their health status (e.g., an increase in income assistance rates for people living on welfare, a new program to support healthy development of adolescents with disabilities).*¹⁰⁰

Silencing recipients ensures that an important door to increased well-being is essentially closed. This may be accomplished through the perpetuation of negative stereotypes. However, it is also probably a by-product of the increased targeting found in assistance policies and in the growing emphasis on work. The demands of low wage, unpredictable employment coupled with

⁹⁹ *Ibid*

¹⁰⁰ *Ibid*

child care leave women with little time to devote to community or even individual advocacy. DeSantis and others suggest that governments have been successful in politicizing social assistance as an issue while de-politicizing assistance recipients. For women, this is a particular concern because advocacy work often provided them with opportunities for skill-building, a sense of authority and, perhaps most importantly, with a voice in the community.¹⁰¹ Their involvement led to the creation of safer homes and neighborhoods, meaning that their activism benefited many beside themselves.

SUMMARY: The Retreat from CAP Standards and Principles

A troubling aspect of the social assistance reforms in Saskatchewan and Manitoba is the retreat from the progressive standards intended in the CAP legislation. Some praiseworthy requirements in CAP were:

- ✓ granting assistance to every person in need, without reference to the cause of need,¹⁰²
- ✓ determining social assistance benefits by a person's basic requirements,¹⁰³

- ✓ refraining from demanding work in exchange for the receipt of benefits¹⁰⁴

The introduction of the CHST allowed the provinces to abandon CAP's standards.¹⁰⁵

This paper demonstrates that social assistance reform in Saskatchewan and Manitoba introduced restrictions on eligibility, reductions in benefits and the implementation of workfare and training requirements.¹⁰⁶ Moving in this direction was not mandatory - the CHST was touted as a tool for achieving provincial autonomy and regional variation.

It is particularly disconcerting that the social democratic governments that have governed in the Prairie provinces for all or much of the last decade implemented many of these reforms.¹⁰⁷ In Saskatchewan, the New Democratic Party has been in office since November 1991. Manitoba has had an NDP government since 1999 when Gary Doer, a former

¹⁰¹ Nancy A. Naples, *Grassroots Warriors: Activist Mothering, Community Work and the War on Poverty* (New York: Routledge, 1998)

¹⁰² *Canada Assistance Plan*, 1985, Chapter C-1, s. 6(2)(a), [Repealed, 1995, c. 17, s. 32]

¹⁰³ *Ibid* s. 6 (2)(b)

¹⁰⁴ *Ibid* S.15 (3)(a) required that a province: "Provide social assistance in the province where the recipient lived, regardless of whether the recipient originated from that province".

¹⁰⁵ Adherence to CAP standards was achieved through the imposition of financial penalties. With a few exceptions, the provinces complied with the CAP requirements.

¹⁰⁶ This argument will be further supported in the discussion in the next section.

¹⁰⁷ In *Saskatchewan: The Roots of Discontent and Protest*, John W. Warnock provides a strong critique of the social policies of the current New Democratic government. He argues that those of the Progressive Conservative government in power before 1991 inspire them. (Montréal: Black Rose Books, 2004) See in particular, Chapter 12: Social Democracy on the Prairies.

union leader, was elected Premier.¹⁰⁸ Doer refused to implement some of the more regressive policies of the previous Progressive Conservative government. For example, he did not implement regulations that would have forced single mothers on assistance with children under six to "volunteer" as a condition of entitlement.¹⁰⁹

¹⁰⁸ Government of Manitoba, Biography of Premier Gary Doer;
<http://www.gov.mb.ca/minister/premier.html>

¹⁰⁹ On a positive note, the Government of Manitoba has maintained the Manitoba Women's Directorate as part of its central structure, but there is no longer a Women's Health Unit in Manitoba Health. The Saskatchewan Women's Secretariat was abolished in 2002. A much smaller unit replaced it, housed within the Department of Labour. This and the decimation of an organized women's movement has left Saskatchewan women without a strong voice in government to shape public policy. The Prairie Women's Health Centre of Excellence works to fill this role by funding research projects that advise on the policies required for women's health.

SECTION 2.

GENDER, SOCIAL ASSISTANCE POLICIES AND WOMEN'S HEALTH

The authors of the study *Walking on Egg Shells* identify the pressing need for gender sensitivity in the creation and implementation of social assistance policies. The women they interviewed report on the challenges that result from the competing policy objectives in the current law. Women are still held to their responsibilities as homemakers and child care providers, due to the absence of universal child care or other supports that might assist their roles. On the other hand, they are now subject to work expectations that often ask that they forego their mothering responsibilities, at least during work hours, to fulfil the policy goals of fostering "good workers" and "responsible citizens." The women reported confusion in making sense of the competing directives. They rightly assessed the shallowness of public supports, including retraining and workfare programs. Many returned to abusive relationship, finding it was the best choice "in a social context of horrendously constrained options."¹¹⁰

In a submission to the United Nations, the Canadian Feminist Alliance for International Action [FAFIA] commented on the "particularly harsh impact on Canadian women of the restructuring and cutback of federal and provincial programs."¹¹¹ They cite many damaging implications including:

- increases in women's unpaid responsibilities;
- decreases in full-time, secure jobs;
- jeopardized personal safety;
- the increased under-servicing of women with disabilities;
- cut-backs in relation to social assistance benefits,
- the stigmatization of poor mothers.

FAFIA's findings listed above demonstrate the failure of social welfare policies, both past and present, to ensure that women were and are provided with a living wage.

*Instead of designing policies that will address and reverse the entrenched patterns of poverty and economic inequality for women, federal and provincial governments have adopted a neo-liberal economic agenda that deepens women['s] social and economic disadvantage. In this period, governments have cut social programs and services, cut women's "good" jobs, diminished social assistance benefits, and tightened eligibility rules for social assistance and unemployment insurance. For women, who are the majority of the poor, the majority of social assistance recipients, and major users of social programs and social services, the impact of this diminished commitment to social development and economic fairness has been harsh.*¹¹²

¹¹⁰ Mosher et al. *supra* at 92.

¹¹¹ Canadian Feminist Alliance for International Action *supra*, Paragraph 75 at 21.

¹¹² *Ibid* at 8.

Clearly, the consequences for women of social assistance policy reform have been grave. Notably, they have accomplished little in the way of addressing the concerns of women's groups and anti-poverty activists. One overriding concern is the further entrenchment of women's poverty over the last decades of reform.

Linking Poverty And Health

Poverty is identified as the most influential factor in regard to health status.¹¹³ It is well documented that gender is a central determinant of poverty.¹¹⁴ Because women comprise the majority of the world's poor, the connections between poverty and health are of great concern to women's health advocates. A recent Canadian report describes women's incomes as "astonishingly low" for over half of women had incomes from zero to approximately \$14,000 in 1998.¹¹⁵

¹¹³ See for example: Dennis Raphael, "From Increasing Poverty to Societal Disintegration: The Effects of Economic Inequality on the Health of Individuals and Communities" in Pat Armstrong, Hugh Armstrong and David Coburn, *Unhealthy Times: Political Economy Perspectives on Health and Care in Canada* (Don Mills, Oxford University Press, 2001) at 223- 241.

¹¹⁴ More than 1 billion people in the world today, the great majority of whom are women, live in unacceptable conditions of poverty, mostly in the developing countries. *FWCW Platform for Action Women and Poverty*, <http://www.un.org/womenwatch/daw/beijing/platform/poverty.htm> accessed April 21, 2003. Social class and race also play definitive roles in determining low income.

¹¹⁵ Hadley 2001. page viii.

At the provincial level, the statistics are comparable. In the report, *Women, Income and Health in Manitoba: An Overview and Ideas for Action*, Lissa Donner states that Manitoba's poverty rate is the third highest among the Canadian provinces, and for women, Donner found that "the picture worsens: 19.9% of Manitoba women aged 18 and over were poor in 1999."¹¹⁶ The disparity between men's and women's incomes was marked. In 1999, poor women in Manitoba outnumbered poor men by 29,000.¹¹⁷ Donner's research confirms that certain women were particularly likely to encounter poverty - these are senior women, women with disabilities, Aboriginal women and visible minority women.¹¹⁸

In Saskatchewan, the research reveals similar trends. In 1998, women who were employed on a full-time, full-year basis earned 77% of what men who worked under similar conditions earned.¹¹⁹ The average income of women was 66% of the average income for men. In 1999, 30% of lone parent families headed by women lived under the poverty line. In families with two parents, 6.5% of children lived below the poverty line compared to 29% of children living in lone parent families headed by women.¹²⁰

In recent years, the research documenting the health effects that low

¹¹⁶ Donner *supra* at 1.

¹¹⁷ Donner *supra*.

¹¹⁸ For more details see Donner, *supra*.

¹¹⁹ Women's Secretariat page 11-12

¹²⁰ *Ibid*

income exerts on poor women has broadened. This research tells us that poverty significantly curtails women's quality of life. According to the Canadian Research Institute for the Advancement of Women (CRIAOW):

*The health problems associated with women's poverty are many-fold. They include acute and chronic ill health, susceptibility to infectious and other diseases, increased risk of heart disease, arthritis, stomach ulcers, migraines, clinical depression, stress, breakdown, vulnerability to mental illness and self-destructive coping behaviours.*¹²¹

Dennis Raphael argues that the lower health of low-income persons is attributable to the lack of control and sense of hopelessness that they experience.¹²² These include high levels of stress, which lead to reliance on unhealthy stress reduction strategies like smoking, sweets consumption, and substance abuse. According to Raphael, "Such stress models may go a long way to explaining the socio-economic status/illness relationship..."¹²³ The poor also experience greater social isolation and have more limited access to social supports. Because social supports are also a determinant of health, the absence of these networks in the lives of low-income people has implications for their well-being.¹²⁴ Raphael has not done a

gender analysis and it would be valuable to know how these effects differ and are the same for women and for men.

Anti-poverty advocates argued against the welfare reforms in Manitoba, arguing that the civil rights of recipients would suffer by eroding benefits, limiting eligibility and promoting employment.¹²⁵ The deleterious health implications were a central reason for their opposition to the new law. In their brief to the Standing Committee, they state:

*Vulnerable individuals, families and children who must depend on social assistance are already at risk of poor health, poor educational outcomes, limited vocational success, and a range of social problems because of the poverty in which they live. This risk has been increased by the actions of this government in decreasing benefits. Similarly, we are concerned that the increased discretion that is proposed will add to the uncertainty and stress experienced by recipients and will lead to unfair treatment for those who are most vulnerable. Starvation, poor housing, inadequate clothing and lack of access to day care do not provide the basis for obtaining employment and education, they erode it.*¹²⁶

¹²¹ Marika Morris, *Women and Poverty: A Fact Sheet* (Canadian Research Institute for the Advancement of Women, March 2002) accessed on-line: http://www.criaw-icref.ca/Poverty_fact_sheet.htm

¹²² Raphael *supra* at 238.

¹²³ *Ibid*

¹²⁴ *Ibid*

¹²⁵ Social Planning Council of Winnipeg and Faculty of Social Work University of Manitoba Joint Submission to The Standing Committee on Law Amendments 2nd Session, 36th Legislature, Manitoba, 45 Elizabeth II, 1996, Receiving Submissions on Bill 36, The Social Allowances Amendment and Consequential Amendments Act, October 10, 1996; accessed on-line, http://www.spcw.mb.ca/reference/doc_bill36.pdf at 1.

¹²⁶ *Ibid*

Prairie Women's Health Centre of Excellence has supported a number of studies and reports that demonstrate the links between women's deprivation and their health. Five reports supported by PWHCE and two other reports are reviewed and their findings and recommendations for policy change are consolidated in *Exploring the Intersections Between Women's Health and Poverty* by Josephine Savarese.¹²⁷ Savarese points out that despite the supposed use of a population health model in Canada, and gender identified as a determinant of health, women and gender differences are not truly acknowledged, nor accommodated in government policies and that the interaction of poverty with gender is neither understood nor incorporated in government services structures. **The evidence base used for policy development, implementation or review, has not demonstrably taken women and gender into account.**

This point is further supported by two qualitative explorations of women's experiences on social assistance, in each of Saskatchewan and Manitoba released by the Prairie Women's Health Centre in 2004.¹²⁸ The women and service providers give interviewed first-hand

experience of women's desperate encounters with an often hostile system, and the effects they see in their health.¹²⁹ Wiebe and Kierstead, and Kerr, Frost and Bignell found direct links between women's impoverishment and their physical and mental health. Women on social assistance frequently must choose between a safe place to stay and food for their children and themselves. They lacked information on their rights under social assistance regulations and often felt unable to challenge decisions made for them.¹³⁰

Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System is a new Canadian study which presents important findings on the connections between social assistance policies and women's health. The findings show that women who turn to social assistance after leaving abusive relationships find limited support and little refuge. In fact, they describe their encounters with the welfare system as undermining and disempowering. Welfare fails to cover their basic needs, meaning that they (and their children) often go with limited food, shelter and clothing.¹³¹

¹²⁷ Josephine Savarese, *Exploring the Intersections Between Women's Health and Poverty*. (Winnipeg: Prairie Women's Health Centre of Excellence, 2003)

¹²⁸ Rhonda Wiebe and Paula Kierstead. *Surviving on Hope is Not Enough: Women's Health Poverty, Justice and Income Support in Manitoba*. (Winnipeg: Prairie Women's Health Centre of Excellence, 2004) and Mildred Kerr, Debbie Frost and Diane Bignell. *Don't We Count As People? Saskatchewan Social Welfare Policy and Women's Health* (Winnipeg: Prairie Women's Health Centre of Excellence, 2004).

¹²⁹ See also The Research Committee of The Women's Addiction Foundation, *Shining a Light on Treatment Issues Women Face: A Profile of Women Participating in the Aurora House Program, 1985-1995* for another example of impoverished women's health experiences; accessed on-line <http://www.womenfdn.org/Resources/3Shining.html>

¹³⁰ See also *Women Need Safe Affordable Housing* by Molly McCracken and Gail Watson. Prairie Women's Health Centre of Excellence and Women's Health Clinic 2004.

¹³¹ Mosher et al. 2004

The women described the system in profoundly negative terms. Workers were found to lack candor in terms of entitlements, exemptions and exceptions.

Consequently, the women interviewed were without a steward to guide them through the complexities of the system and sometimes felt misled. In fact, the treatment they received was almost always undermining and humiliating. The practices of the system paralleled and complemented that abusive treatment the women received in the relationships they were fleeing. Consequently, many returned to violent situations, believing that this was their best option.

Due to these findings, authors conclude:

What is needed most urgently and most profoundly is a fundamental paradigm shift; a shift from viewing poverty as the failing of individuals, and those who are poor as lazy, unmotivated and deceptive. To the extent that the welfare system in Ontario continues to operate from such a paradigm, there is really little hope that it will offer meaningful support to facilitate women's safe exit from abusive relationships. Women will continue to be subjected to demeaning, humiliating treatment; will be constantly regarded with suspicion; and will be subject to the control and discipline of the state. Women will continue to return to abusive relationships, women will not be safe, and women will not be equal citizens.¹³²

The population health model, purportedly the basis of Canada's health care systems, provides a theoretical basis

for action on low income. Despite the body of evidence connecting gender, poverty and health, the social policy response has been inconsistent.

Ironically, the population health model became the policy fashion during a period when income inequality deepened and when governments, including Saskatchewan and Manitoba weakened rather than enhanced the social safety net.

Furthermore, the provinces have not adequately ensured that income assistance policies and programs sufficiently promote gender inclusivity and equality.

¹³² *Ibid*

SECTION 3.

CHANGES FOR REAL REFORM

The recommendations below arise directly from this work, but have been raised time and again by other researchers and policy analysts who recognize the need for new directions in social policy reform. Income assistance policies need to be redesigned to promote health and social justice, not simply reduce welfare caseloads. Governments in Canada must acknowledge that citizens continue to value a reliable social safety net that will provide sufficient income for those who cannot provide for themselves. Ensuring citizens' rights to a basic income could also provide greater economic security for those who take on important unpaid roles and responsibilities in our society, raising children or providing care to those who are sick or disabled.

Income assistance policies and access to advocacy services are inextricably linked to human rights, social justice and health. Yet despite ample evidence of their importance, those factors outside of "health care" which are vital to good health largely remain separated from health in the policy realm. Current rhetoric about the need for "interdigitization" of departments, "horizontal" and "multi-sectoral" solutions has not yet demonstrated any real shift in the established paradigm. Governments must recognize that, while investments in health care are important, social investments that reduce poverty are essential to population health.

This report outlined the changes that have occurred in social assistance

policies in Saskatchewan and Manitoba over the last decade. It documented the hardship that women experience when they have insufficient income to meet their own and their family needs. It illustrated the deepened poverty of people reliant on income assistance, the stigmatizing climate of ideas that perpetuate negative images of welfare recipients and the difficulties women face in asserting their rights or challenging decisions that affect their income security. The gender-based analysis in this paper has examined some of the costs women bear and illustrated the need for substantial revision to the existing regulations and policies.

1. Adhere to international laws and covenants to protect women's human rights and reduce women's poverty.

Canada is a signatory to international declarations and covenants, such as the *Universal Declaration of Human Rights*, *International Covenant on Economic, Social and Cultural Rights*, and the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), that address the basic human rights and entitlements of all persons.¹³³

¹³³ A "treaty" or "convention" is like a contract among a group of states and is legally binding under international law. "States Parties" are the country members of the UN, like Canada, that have ratified CEDAW. By ratifying this convention, Canada promised to comply with its terms and agreed to be held internationally accountable for compliance. M. McPhedran with R. Sutherns 2004. Policy Recommendations in

These include the right to an adequate standard of living including food, clothing, shelter, as well as health and education.

Canada is also a signatory to the Beijing *Platform for Action* which requires that state programs “*address the needs of women throughout their lives and take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities and the diversity of women’s needs arising from age and socio-economic and cultural differences, among others.*”¹³⁴

The provinces of Saskatchewan and Manitoba should take the lead in ensuring that social assistance policies are consistent with the human rights standards in these agreements.

2. Adhere to national commitments to conduct Gender Based Analyses of all policies and programs.

In 1995 the Government of Canada issued the *Framework for Gender Equality*, which includes stipulations for departments to conduct gender based analysis on all new policies and programs. Although a few departments have pursued the standards, enforcement has been sporadic and provincial

governments have demonstrated little desire to follow suit.¹³⁵

While both men and women are affected by income assistance policies, they may be affected in different ways. Gender has an influence on parenting responsibilities, access to training and employment opportunities, and exposure to violence. All these things need to be taken into account when designing policies and regulations that affect women’s access to income assistance. Governments need to conduct gender based analyses of various income security policy alternatives in order to achieve equitable outcomes for women and men.

3. Increase the benefit levels of social assistance payments.

Social assistance benefits in Manitoba and Saskatchewan are appallingly low. Significant increases are required immediately in order to provide people with incomes adequate to meet their basic needs. For women on income assistance, the implementation of this goal is crucial to their health and well-being.

In addition, governments should investigate the feasibility of basic income programs that would “provide an unconditional, adequate income to ensure life with dignity and self-determination to every adult person”¹³⁶

Rural, Remote and Northern Women’s Health: Policy and Research Directions. Centres of Excellence for Women’s Health.

¹³⁴ Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995. A/CONF 177/20 (1995)

¹³⁵ Notable exceptions are the Canadian International Development Agency, and Indian and Northern Affairs.

¹³⁶ ABC Working Group. 2004-2005. *Saskatchewan Alternative Budget of Choice: A Budget for Equity* (Saskatchewan Office: Canadian Centre for Policy Alternatives, 2004)

In the provinces of Saskatchewan and Manitoba, reputable groups have determined adequate assistance levels.

In Saskatchewan: In 2004, the Alternative Budget of Choice (ABC) Working Group made the following recommendations:

- ✓ Allocate \$58 million to raise social assistance rates: a 20% increase for fully employable persons, and a 25% increase for persons with disabilities.
- ✓ Allocate \$1 million to implement a plan for a Basic Income Program by 2005.

In Manitoba: In 2004, the Canadian Centre for Policy Alternatives – Manitoba¹³⁷ made the following recommendations:

- ✓ Provide a 20% increase in social assistance rates and a commitment to review rates to bring them in line with an Acceptable Living level;
- ✓ Allow recipients to retain the first \$200 and 25% thereafter of earning from paid employment, until their earning reach the level of social assistance;
- ✓ Allow low wage earners to qualify for social assistance supplements using the same formula.

at 24-26. For a general discussion of the concept of a universal citizen's income, see: S. Lerner, C.M.A. Clark, W.R. Needham, *Basic Income: Economic Security for All Canadians* (Toronto: Between the Lines, 1999).

¹³⁷ Accessed on-line at www.policyalternatives.ca/manitoba/apb01-03.pdf

4. Develop a new national framework for income security and social inclusion.

Provincial income assistance programs rely upon adequate transfers of funding from the federal government. Increased federal funding for income security programs should be accompanied with clear national standards that will guarantee that all citizens have the right to an adequate income to meet their basic needs. Poverty reduction should become a higher priority in federal and provincial policy agendas. In addition to income security programs, governments need to develop a broad social inclusion policy framework that addresses the underlying structural causes of economic marginalization and social exclusion. Begin the war on the causes of poverty.

5. Promote fair work, not workfare.

This paper documented the growing tendency in Manitoba and Saskatchewan to link income benefits to participation in employment readiness or labour force attachment programs.

This paper takes exception to the view that any paid work is “good” work. Women are particularly vulnerable to the economic insecurity that accompanies low wage, part time and contingent employment. In addition, placing more work expectations on women often fails to account for the competing demands of unpaid work in the home or the stresses of trying to balance low waged work with family responsibilities. Compelling people to participate in programs does little to create new jobs at decent wages. Government should assist people to pursue training and employment by

providing adequate supports, without coercive penalties. The federal protection against compulsory workfare which existed under the Canada Assistance Plan should be reinstated.

Governments should protect workers by raising the minimum wage.¹³⁸ Social investments in job creation and childcare would expand employment opportunities and help women and men balance work and family responsibilities.

6. Recognize that poverty is hazardous to women's health¹³⁹

True adherence to a population health model impels governments to work across departments to address the root causes of health inequities. For some time, federal, provincial and territorial governments in Canada have acknowledged that income is a major determinant of health. *"Canadians with low incomes are more likely to have physical, social and mental health problems than Canadians with higher incomes. They are also more likely to die earlier than other Canadians, no matter which cause of death is considered."*¹⁴⁰

¹³⁸ Just Income Manitoba (www.just-income.ca) calls for changes in minimum wage to make it possible to live (not just subsist) on low-income employment .

¹³⁹ See the *Women, Income and Health Project, Women's Health Clinic*, Winnipeg. They are running a social marketing campaign entitled Poverty is Hazardous to Women's Health. For more information see www.womenshealthclinic.org/

¹⁴⁰ Federal Provincial and Territorial Advisory Committee on Population Health. *Toward a Healthy Future: Second Report on the Health of Canadians*. Health Canada, Ottawa, 1999.

The Federal, Provincial, and Territorial Advisory Committee on Population Health calls for "improving health by reducing inequities in income distribution and in literacy and in education." The Committee has called for "dialogue with other health-determining sectors about the health impacts of policies in sectors outside health and about collective actions that can be taken."¹⁴¹

Income assistance policies should be evaluated and redesigned with the explicit goal of reducing health inequities by reducing income inequities.

7. End the criminalization of people living in poverty.

The Governments of Saskatchewan and Manitoba have placed undue emphasis and resources on eliminating welfare fraud. These strategies intensify the criminalization of the poor. Because the incidence of fraud is very low, the resources directed to combating it are better spent on increasing basic allowances.

Governments need to reexamine the circumstances that that bring women in conflict with the law. Strategies to counter criminality should focus on prevention rather than punishment.

¹⁴¹ *Ibid*

8. End the stigmatization of people living in poverty.

While negative messages about poor people are more muted in the Prairie provinces, talk about welfare fraud and welfare dependency has fostered very negative images of people on income assistance. The complex rules, reporting requirements and surveillance cast people on social assistance as lazy and untrustworthy.

The government should promote positive images of women on income assistance, their strengths, resilience and contributions to community life.

9. Repeal “spouse in the house” rules. Recognize that women do not necessarily have equal or any access to other household income. Recognize that women are entitled to adequate personal income.

Inquiries into relationships among adults sharing a home must either be strictly concerned with the actual financial arrangements and sharing of incomes, or be dropped. There is no justification for presuming that a woman can depend on the income of her male companion, nor that she should, nor that she is not entitled to adequate income for herself and any children.

10. Ensure advocacy services are easily accessible, and that women on social assistance receive clear information on their rights and entitlements.

People on social assistance face many barriers in asserting their rights or in challenging decisions that threaten their economic security. They need access to information about their rights and access to trained advocates who can help them claim the benefits to which they are entitled.

The government should ensure that people receive information about their right to appeal and advocates’ contact information at the time of orientation and at any time a dispute comes forward. An independent system of advocacy services should be highly visible and accessible to people in order for the appeal mechanisms to be fair and effective in protecting people’s rights.

11. Recognize women’s unpaid work in the home and in the community. Support job creation geared to community development in the neighbourhoods where poor women live.

The unpaid work women do in their homes and their communities has been extensively documented. To effectively address women’s poverty, this work needs to be acknowledged, valued and encouraged, particularly through financial remuneration. The push to see assistance recipients in the paid labour force is based, at least partially, on the belief that they are not engaged in “productive activities”. Social justice groups have exposed the fallacy of this

viewpoint and have worked to ensure that unpaid labour, such as care for children and the elderly is recognized and upheld for its value to society at large.

The Social Planning Council of Winnipeg and the University of Manitoba Faculty of Social Work argue that the definitions of work in social assistance legislation should

“provide support for those engaged in unremunerated socially useful activity, especially since there is an insufficient supply of jobs in the regular labour market. Forms of unpaid, meaningful work which contribute to a productive and creative society must be taken into consideration. Many unemployed individuals participate in meaningful, unpaid community work. Many people organize to improve their communities and build better neighborhoods. Many others perform essential services at home such as caring for children or for elderly parents, especially as the government cuts back these services. Many of these activities build skills without remuneration. This kind of work should be valued and supported.”¹⁴²

Federal and provincial governments should provide adequate stable funding to provide accessible community services for women leaving violent relationships or facing other personal crises.

12. Support social services and community resources for women.

Women’s safety and their ability to escape violent relationships is dependent on the availability of adequate supports and networks in the community: adequate assistance, shelter, counseling, safe housing, child care, access to employment that pays a living wage.

¹⁴² *Supra* at 5.

APPENDIX

Table 1: Welfare Benefits In Saskatchewan and Manitoba, in 2002 Constant Dollars, By Year And Category Of Recipient

	1989	1999	2001	2002	% change, 1989-2002	% change. 2001-2002
Single Employable Saskatchewan	6,498	5,966	5,899	5,808	-10.6%	-1.5%
Single Employable Manitoba	8,047	5,764	5,470	5,352	-33.5%	-2.2%
Person with a Disability Saskatchewan	10,589	8,788	8,609	8,436	-20.3%	-2.0%
Person with a Disability Manitoba	8,751	8,688	8,295	8,117	-7.2%	-2.2%
Single Parent, One Child, Saskatchewan	13,272	10,213	9,608	9,687	-27.0%	0.8%
Single Parent, One Child, Manitoba	11,744	9,629	9,569	9,636	-18.0%	0.7%
Couple, Two Children, Saskatchewan	18,416	14,811	13,625	13,076	-29.0%	-4.0%
Couple, Two Children, Manitoba	19,060	13,987	13,129	12,849	-32.6%	-2.1%

Source: National Council on Welfare. *Welfare Incomes 2002* (Ottawa, National Council of Welfare, 2003)

For a full explanation of what is included in these calculations, see the full report online at http://www.newcnbes.net/htmldocument/reportwelfinc02/Welfare2002.htm#_Toc500047789

Table 2: 2003 Welfare Benefits in Saskatchewan and Manitoba, compared with poverty line, by Category of Recipient

	Total Welfare Income	Poverty Line	Welfare Income as Percent of Poverty Line
Single Employable Saskatchewan	6,155	16,979	36%
Single Employable Manitoba	5,567	19,795	28%
Person with a Disability Saskatchewan	8,833	16,979	52%
Person with a Disability Manitoba	8,354	19,795	42%
Single Parent, One Child, Saskatchewan	12,433	21,224	59%
Single Parent, One Child, Manitoba	12,946	24,745	52%
Couple, Two Children, Saskatchewan	18,492	31,952	58%
Couple, Two Children, Manitoba	18,907	37,253	51%

Source: National Council of Welfare. *Welfare Incomes 2003* (Ottawa: National Council of Welfare, 2004) at 28.

For a full explanation of how these categories are defined see the full report online at http://www.ncwcnbes.net/htmldocument/reportWelfareIncomes2003/WI2003_e.pdf

ACCESS TO JUSTICE: SOCIAL ASSISTANCE ADVOCACY IN SASKATCHEWAN AND MANITOBA

Bonnie Morton, Regina Anti-Poverty Ministry

Josephine Savarese, Department of Justice Studies, University of Regina

PAPER 2.

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Bonnie Morton
Regina Anti-Poverty
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ACCESS TO JUSTICE: SOCIAL ASSISTANCE ADVOCACY IN SASKATCHEWAN AND MANITOBA

INTRODUCTION

A woman calls on the phone to say her welfare cheque has been cut and she doesn't know why. She was counting on the money to pay her bills and buy groceries, and now she doesn't know what to do. She tried calling her welfare worker, but didn't get an answer. As an advocate in an anti-poverty organization, I frequently hear stories like this.

When someone calls or stops by the office I talk to them to gather information and assess the situation. My next step is to call up the welfare worker or the supervisor to try to persuade the department to change its decisions. In most situations women on social assistance need a quick resolution to the issue at hand. Mediation and direct negotiation can usually take place much more quickly than a formal appeal hearing.

If the department is not willing to change the decision, or if the woman is not happy with the department's offer, she can still request an appeal. If she decides to request an appeal hearing, an advocate can help her prepare and may accompany her to the hearing and speak on her behalf.

This paper is based on my own experiences and my conversations with other advocates and women who have been on welfare. The focus of this paper will be on women's access to advocacy services in Saskatchewan and Manitoba.

THE RIGHT TO APPEAL

In 1966, Canada made a number of social and economic commitments to Canadians, through the *Canada Assistance Plan (CAP)*. CAP guaranteed that people who were without work and had no way of financially supporting themselves and their families were entitled to income assistance benefits.

Along with the CAP right to income assistance when in need, people were also guaranteed the right to appeal decisions that negatively affected their benefits.¹ Although people had the right to appeal, there was no provision within CAP or provincial legislation for the creation of formal advocacy services to assist people when they needed to use the appeal processes.

CAP ended in 1996 with the introduction of the *Canada Health and Social Transfer*. With the collapse of CAP, provinces were no longer required to protect the right to appeal decisions affecting welfare entitlements. In Saskatchewan and Manitoba, the right to appeal was retained.

In Saskatchewan and Manitoba, there are appeal processes in place, with appeal committees made up of people from the community who are not connected to the welfare departments or

¹ *Canada Assistance Plan Act* s.6 (2)(e)

any other government ministries.

Members of these committees are not required to have legal expertise. During their orientations they are instructed to make their decisions using the existing social assistance policies and regulations.

In Saskatchewan and Manitoba, people applying for, or receiving income assistance, have the right to appeal decisions they consider unfair. There are several grounds for appeal, including denial, discontinuation or reduction of benefits, the insufficiency of benefits to meet basic needs, or unreasonable delays.² The person making an appeal may present evidence and bring witnesses to a hearing, and designate a representative to act on her behalf.³

In Saskatchewan, there are two levels of appeal. At first, an appeal is heard by a Local Appeal Committee. If a person, or the Department of Saskatchewan Community Resources and Employment, is not satisfied with a decision of the Local Appeal Committee, they have the right to appeal to the Provincial Appeal Board. Decisions of the Provincial Appeal Board are final and there are no further avenues of appeal.⁴

² *Saskatchewan Assistance Regulations* Section 41 (1) and *Social Services Appeal Board*, Manitoba Family Services and Housing website <http://www.gov.mb.ca/fs/ssab.html#FinanceApp>

³ *Saskatchewan Assistance Regulations*, Section 41 (3) and *Social Services Appeal Board*, Manitoba Family Services and Housing website <http://www.gov.mb.ca/fs/ssab.html#FinanceApp>

⁴ The Department of Social Services Act, RSS - 1978, Chapter D-23, Section 10, Subsection 5, states the decision of the Provincial Appeal Board is final.

In Manitoba, before February 2002, there was one level of appeal before the Social Services Appeal Board. There was also the possibility of appealing to the Manitoba Court of Appeal, if leave of appeal was granted to challenge questions of the Appeal Board's jurisdiction, or on points of law. In February 2002, the Manitoba government added a new level of appeal called the Reconsideration Stage. Therefore, Manitoba now has two levels of appeal at the community level, with the chance of appeal at the Court of Appeal.⁵

In both provinces, an appeal hearing must take place within thirty days of the date that the department receives a request for an appeal. In Manitoba, an advocate can request that the "file be placed in pending" in order to have more time to gather evidence. This additional time is not available to advocates in Saskatchewan.

In both provinces, if a woman has been cut off welfare, she can apply for interim assistance to cover the most basic needs until her appeal is heard. However, there is no guarantee that she will be granted interim assistance. Advocates have noted that there are a number of women in both Manitoba and Saskatchewan who have not been granted interim assistance, causing extreme hardship for these women and their families.⁶

⁵ Van Schie, Shirley. Pers. Interview. 29/08/03

⁶ Bruce, Susan. Pers. Interview. 31/07/2003.
Lumley, Karen. Pers. Interview. 29/08/2003.
Gilmer, Peter. Pers. Interview. 11/08/2003.
Wainright, Maurice. Pers. Interview. 16/08/2003.

ADVOCACY SERVICES IN SASKATCHEWAN AND MANITOBA

Both Saskatchewan and Manitoba have skilled advocates who provide advocacy services. These services usually begin before the appeal hearing. In both provinces the advocates' initial approach is to call up the welfare worker and/or the supervisor to try to persuade the department to change its decision. If successful, this gives women quick resolution to the issues at hand. If the negotiation process does not work, the women have to decide whether to appeal. The advocates then develop their defence strategies.

Saskatchewan

Between 1966 and the early 1970's formal advocacy services for welfare appeals did not exist in Saskatchewan. Legal Aid did help low income women with divorce cases, child custody cases, and a few other civil matters. In very selected cases Legal Aid would handle welfare appeals, but it was not a service that was provided on a regular basis.⁷ In 1984 the mandate of Legal Aid was revised and Legal Aid staff were no longer able to represent people at welfare appeals.⁸

Over time it became clear that people on welfare needed formal advocacy services. Advocacy services were being provided in a very informal manner. In most cases women, being told they had a

right to have an advocate with them, would take family members to the appeals. While family or friends could offer support and describe the plight of the person, they usually had no idea how to use the Regulations and Policies to support the appeal.

Slowly welfare advocacy organizations started to develop in Regina. In 1971 the Downtown Chaplaincy (DTC) was created and funded by downtown churches, to address the needs of the poor. Reverend Robert Gay was hired to minister and advocate with and for the poor. He found that although he provided charity to those in need, he was also doing a great deal of welfare appeals and advocacy for women on welfare.⁹ In the beginning he too presented the plight of the individual to the appeal committees, but eventually learned how to use the Saskatchewan Social Assistance Regulations and Policies to the benefit of the women he was representing. Rev. Gay eventually passed these skills on to fellow employees. Between 1987 and 1995 the DTC went through "organization transformation."¹⁰ This process shifted this ministry from a charity/social justice model to a social justice model. In 1995 when Rev. Gay retired the DTC changed its name to the Regina Anti-Poverty Ministry (RAPM). For the past thirty-four years this ministry (DTC/RAPM), which is primarily church-funded, has provided advocacy services to welfare recipients, and particularly to women.

⁷ Eagles, Morris. Pers. Interview. 07/08/2003.

⁸ The range of legal services to be provided in civil law matters are restricted to those identified in *Legal Aid Regulations, 1995* Section 10.

⁹ Gay, Robert. Pers. Interview. 13/11/1990.

¹⁰ *Ibid*

June 6, 1973 the Regina Welfare Rights Centre (WRC) was created. This organization provides advocacy services, trustee services, a housing program, information and referrals. According to Morris Eagles, who has worked for this organization since it opened, the provincial government provides all of the funding for WRC.¹¹ This organization, like DTC/RAPM, has had to learn how to use the Regulations and Policies to benefit the people for whom they advocate. These two organizations have developed into skilled advocacy service providers.

In 1986, social activists and welfare recipients in Saskatoon created Equal Justice for All (EJA). This organization also provides advocacy services for welfare appeals. EJA receives very little funding. It is used to cover telephone bills, photocopying, etc. EJA advocates are all volunteers, and most are welfare recipients themselves.¹² Although these are hard working people providing a much-needed service, the organization has not been able to raise enough funds to pay advocates for their services.

A number of organizations have been developed for people with disabilities. These organizations usually provide services and do systemic advocacy. They may do individual welfare advocacy, but usually they refer their clients to the welfare advocacy groups in their communities.

Over the years the DTC/RAPM, WRC, and EJA have been asked to go to other urban and rural centers to provide advocacy services. These organizations

have tried to accommodate these requests, but the lack of funding, staff, and transportation has made it very difficult to respond to all these requests. One way that RAPM, WRC, EJA, and the Saskatchewan representatives of the National Anti-Poverty Organization (NAPO) have tried to address the shortage of skilled welfare advocates in Saskatchewan has been to go into communities and provide advocacy training. Advocacy training has increased the number of individuals who can provide advocacy services upon request. However, it has not led to the development of formal advocacy organizations in these communities.

Individuals who provide advocacy services have very little funding to cover their expenses. The Department of Community Resources and Employment provides \$45.00 to advocates per appeal, but no funds are provided for the mediation/negotiation attempts to sort out problems before going to appeals. The department will also provide a transportation allowance to get to the appeal location, but only if it is held outside the person's home community. Often the funds provided do not cover all the advocates' out-of-pocket expenses.¹³

Manitoba

In Manitoba, Legal Aid provides advocacy services including appeals for people receiving income assistance.¹⁴ Legal Aid services are not as restrictive as they are in Saskatchewan.

¹¹ Eagles, Morris. Pers. Interview. 07/08/2003.

¹² Frost, Debbie. Pers. Interview. 24/08/2003.

¹³ Wainright, Maurice. Pers. Interview, 16/08/2003

¹⁴ Bruce, Susan. Pers. Interview. 13/07/2003.

Between 1997 and January 2000, a paralegal employed at Manitoba Legal Aid was available to assist individuals with welfare issues. Since January 2000, the Legal Aid office in Winnipeg has offered a Poverty Law Program that provides legal services to low-income persons dealing with problems related to welfare benefits, disability claims, landlord-tenant disputes, etc. The Poverty Law Office has two full time lawyers dealing specifically with these issues, as well as other lawyers who take on some of these cases.¹⁵ Sixty-five to seventy percent of the Manitoba population resides in Winnipeg. Legal Aid lawyers in the Poverty Law Office respond to all welfare advocacy requests for their services.¹⁶

Legal Aid also has satellite offices in Brandon, Dauphin, and Thompson. These offices do not have specialized poverty law departments or lawyers that deal strictly with welfare cases.¹⁷ The lawyers in these offices deal with various legal matters and welfare appeals that come to them, as long as the individual qualifies for Legal Aid.

There are cases in which women may not turn to Legal Aid for advocacy services for a variety of reasons. Women may live in communities where they do not have access to Legal Aid services or they may not understand Legal Aid is a service they can access. In some cases women might feel more comfortable seeking assistance from organizations that they believe better understand their situation. This could include First

Nations organizations or organizations for persons with disabilities. In Winnipeg, rural communities and small urban centres, community service groups that normally provide service programs and lobby on behalf of their members have also started providing welfare advocacy services.¹⁸ When organizations, community agencies, and individuals want to learn how to be effective advocates the Continuing Legal Education Association (CLEA) will give presentations on legal issues and how to do advocacy. These presentations are given by the Legal Aid lawyers from the Poverty Law Office.¹⁹ This training has a ripple effect. Advocates from community agencies also train others to assist in providing advocacy services.²⁰

¹⁵ Van Schie, Shirley. Pers. Interview. 29/08/2003.

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ Bruce, Susan. Pers. Interview. 31/07/2003

¹⁹ Van Schie, Shirley. Pers. Interview. 29/08/2003

²⁰ Bruce, Susan. Pers. Interview. 31/07/2003.

BARRIERS TO EXERCISING THE RIGHT TO APPEAL

People on social assistance have the right to appeal decisions, but they face numerous barriers that limit their access to a fair hearing. While people have a right to designate a representative to act on their behalf, their access to skilled advocates is influenced by several factors. Without better knowledge of their rights and better access to advocacy services, many women on social assistance are not able to effectively challenge the decisions that affect their lives.

Limited Knowledge

Women face many barriers to challenging decisions affecting their welfare benefits. One of the most common barriers is a lack of knowledge of their rights, including the right to appeal decisions that deny benefits. Furthermore, some women are not aware that there are advocates to help them. Even if they are aware that advocates exist, they do not know where or how to contact them.

One woman from a rural community commented about the difficulty of finding out about advocates in her area:

“It’s one thing to tell me I have the right to appeal a decision that I disagree with, and that affects me and my kids in a bad way, but I have to know what my options are. That means that my worker should know who the advocates are where I live or close by”²¹

Knowledge of welfare rights is further limited by confusing rules and the use of unclear language. The language used in the regulations, policy manuals and appeal processes can be unfamiliar and intimidating.²²

When a woman makes a request for welfare benefits, the department is supposed to give her the decision in writing. A written decision form letter notifies the woman that she has the right to appeal and to have an advocate with her. However, some departmental workers have been notifying people by telephone without written follow-up. Advocates are now advising women who come to see them to contact the workers and request the decision in writing.

Limited Access to Advocacy Services

Although skilled advocacy services do exist, this does not mean that women know about or have access to these services. Women usually find out about advocates by word of mouth.

In Saskatchewan, the organizations and individuals that provide advocacy services do not have the funds to publicly advertise. If they could advertise, this would lead to another dilemma. They would probably not be able to handle all the additional requests because they do not have enough staff.

²¹ Jane Doe #4 Pers. Interview 9/08/2003

²² Frost, Debbie. Pers. Interview. 24/08/2003.

As advocacy organizations and individual advocates become known, their caseloads are increasing.²³ For example, RAPM had a caseload of 450 in 1996 at a time when there were two half-time staff. It now has two three-quarter time staff and an annual caseload over 2000.²⁴ This organization, like the others, has a difficult time meeting the requests for their services.

Women in urban centres can access skilled advocacy services more quickly and easily than women in rural areas and smaller urban centres. First Nations women on reserves also lack access to advocacy services and often try to advocate for themselves. In some cases they may ask the Band Manager to help them with an appeal.²⁵

Distance and lack of transportation are factors that limit women's access to advocacy services. These were issues in all communities, even for women living in larger centres. Women need transportation to get to advocates for help, but welfare does not provide additional funds for this. In Saskatchewan, the Department will provide funds to attend the appeal, but only if people have to travel to a different community. The Department also provides some child care money, but only after the appeal has been heard. For First Nations women, rural women and disabled women, problems with distance, limited access to transportation and lack of funds to pay for transportation may prevent them from

seeking help.

Not having access to a telephone also limits women's access to skilled advocacy services. In Manitoba (unlike Saskatchewan) telephones are not considered a necessary utility covered by welfare benefits. Many women do not have the freedom to leave the house in search of a telephone when they need to speak to their worker, or to access other services. These women have family responsibilities that they "cannot just drop until other issues are fixed."²⁶

The lack of skilled advocates to assist women has also been identified as a barrier. Existing advocacy organizations need more funds to handle increased requests for advocacy services. Organizations that provide advocacy services with volunteers need funding to pay the advocates. For these organizations, volunteer turnover is high.²⁷ We do not expect welfare workers to volunteer their time to the profession of social work. Advocates and advocacy organizations should not be expected to provide their services for free either. One advocate put forward the concern that advocacy is not often viewed as an essential service.²⁸

Sometimes women are unable to appeal because they miss deadlines or have difficulty in finding a qualified advocate. In one situation, a woman wanted to appeal a decision to deny fixing the leaky roof of her home. She lived in a small village. This woman was able to find an individual who would help her

²³ Smee, Donna. Pers. Interview. 13/05/2003..

²⁴ Gilmer, Peter. Pers. Interview. 11/08/2003.

²⁵ *Ibid*

²⁶ Lumley, Karen. Pers. Interview. 29/08/2003.

²⁷ Frost, Debbie. Pers. Interview. 24/08/2003

²⁸ Gilmer, Peter. Pers. Interview. 11/08/2003.

do the first level of appeal. When she lost this appeal, she chose to appeal to the Provincial Appeal Board but her advocate did not feel she could handle this level. She only had twenty days to lodge the provincial appeal. By the time the woman found another advocate, the twenty-day limit had run out and the department would not extend the deadline.²⁹

Fear of Challenging the Department

Women may know about advocacy services and their right to appeal, but still choose not to challenge departmental decisions. It is not uncommon for women to go to advocacy organizations for help, and then at some point in the process choose not to go through with the case. There are also cases where they have withdrawn from an appeal.³⁰

Women on social assistance sometimes feel threatened and intimidated by workers or supervisors. This prevents a number of women from challenging decisions that negatively affect them and their families.

This fear comes from not having other financial options. If they lose their welfare benefits, they would not have money to provide shelter, clothes, and food for themselves and their dependents. In some cases women fear that the Department would apprehend their children because they could not

provide for them.

Although the welfare system was established to help people in need, it can be a dehumanizing and repressive system.³¹ Women often feel that their workers do not believe them and treat them with disrespect.

A woman who was able to find a skilled advocate commented on how the advocate presented the same facts, but was treated with more respect:

“I also don’t understand why the worker finally gave me what I needed after the advocate phoned her. The advocate told her the same things I did, as to why I needed the extra money. I felt that my worker did not believe me without the advocate, and that she maybe thought I was trying to scam her.”³²

Women’s distrust of the welfare system affects their faith in the appeal process and whether they believe they will receive a fair hearing.

Negative experiences can deepen women’s distrust of the system. In one case a woman living in a small community agreed to let a male friend live in her home while he searched for an apartment of his own. When someone phoned the department to report that there was a man living in her house, her welfare benefits were cut off. Since there was no Legal Aid office or advocacy service nearby, she went to a religious organization for help. The person who agreed to help her did not seem to believe her story and she lost her case.

²⁹ Jane Doe#2. Pers.1 Interview. 3/08/2003.

³⁰ Wainright, Maurice. Pers. Interview. 16/08/2003.

³¹ Lumley, Karen. Pers. Interview. 29/08/2003.

³² Jane Doe #4 Pers. Interview, 09/08/2003.

Although she was able to get back on welfare, the benefits she had received while her friend had been staying at her house were considered an overpayment that had to be repaid. Having an inexperienced advocate who did not appear to believe her story left this woman distrustful of advocates and appeal processes. While she has questioned other decisions, she is no longer willing to put forward a challenge because of this devastating experience.³³

Racism adds another barrier for Aboriginal women and women from visible minorities who encounter negative attitudes of workers within the welfare system. As a result of racism and misunderstanding of cultural differences, Aboriginal women have been stereotyped as sneaky, lazy or unable to solve their own problems.³⁴ The effects of racism may also discourage people from seeking the help of an advocate.³⁵

Sometimes women are afraid to jeopardize their relationships with workers. One woman did not want to appeal the denial of excess shelter allowance because she did not want to take an appeal “against her worker.” She liked her worker, and thought this might break down the good and trusting relationship they had built. Once her worker assured her that this would not affect how they got along, and that the worker did not take the request for an appeal personally, the woman appealed this decision with the help of an advocate and eventually won.³⁶

This woman believed, as many women do, that she was appealing against her worker rather than departmental policy.

Limits on What Can Be Appealed

The tightening of policy has reduced the decisions that women can appeal. In the past, women in Saskatchewan could launch an appeal based on their worker's behaviour or attitude.³⁷ This is no longer an option.

The recovery of overpayments can cause hardship by further reducing an already inadequate income. Welfare recipients in Saskatchewan used to be able to appeal the recovery of overpayments, particularly when it could be shown that the overpayment was the result of departmental error. Department policy now requires welfare clients to repay *all overpayments*, even in cases of departmental error. Clients can still appeal this issue, but policy is so clear that the client has no chance of having an overpayment overturned. Clients and advocates wonder why this issue is still an appealable issue given that the appeal committees do not have the ability to change the department's decision.

³³ Jane Doe #3. Pers. Interview. 05/08/2003.

³⁴ Lumley, Karen. Pers. Interview. 29/08/2003

³⁵ Frost, Debbie. Pers. Interview. 24/08/2003

³⁶ Jane Doe #1. Pers. Interview. 16/08/2003

³⁷ Gilmer, Peter. Pers. Interview. 11/08/2003.

CONCLUSION

A woman with a disability, who has been on welfare for seventeen years, talked about her circumstances. With the cutbacks that have happened over the years, she is poorer today than she was seventeen years ago. This woman explained that she is feeling "beaten down." She wonders what it would take for her to feel that she has rights. If she did believe that, she questions whether she would have the energy to fight for what few rights she has left. She stated that "poverty is not the choice of women." It should not be possible for governments to enact policies that keep women poor.³⁸

Any denial, delay or reduction in welfare benefits can cause hardship. Under these circumstances, the right to appeal is fundamental to women's health and economic security. Yet for many of the reasons outlined in this paper, women face numerous barriers that hinder their ability to appeal decisions that cause harm.

Both Saskatchewan and Manitoba have organizations that offer some skilled advocacy services to women on welfare, at least in the larger urban centres.

In Saskatchewan, the self-taught grassroots community organizations and individuals are providing welfare advocacy services. In Manitoba, it is mainly the Poverty Law Office of Legal Aid that provides skilled advocacy

services.³⁹ Other organizations with experienced advocates also exist. In fact, the Poverty Law Office on occasion has referred appropriate cases to these organizations.⁴⁰

Although all the people interviewed for this paper commended the advocacy services that existed, they also were very clear in stating that more advocacy services should be provided in areas where none presently exist. All community based advocacy organizations were struggling financially. It was believed that there should be more financial resources for these organizations, so they could address staffing issues to better respond to the growing request for advocacy services and to better meet the needs of the women who seek their help.

There needs to be a major effort to ensure that all women, especially women on reserves, in rural areas and in small communities have access to skilled advocacy services.

Barriers to accessing skilled advocacy services were virtually the same in both provinces. These barriers included:

- Lack of knowledge of the right to appeal decisions that affect welfare benefits
- Lack of knowledge about how to access skilled advocacy services

³⁸ Jane Doe # 1. Pers. Interview. August 16, 2003

³⁹ Bruce, Susan. Pers. Interview. July 31, 2003.

⁴⁰ Van Schie, Shirley. Pers. Interview. August 29, 2003.

- Limited capacity of organizations providing trained advocacy services
 - No funds for transportation, and lack of transportation from reserves, rural and small communities
 - No funds to allow women to get to meetings with advocates
 - Lack of child care provisions when women need to meet with their advocates
 - Little or no access to telephones
 - Fear, intimidation, threats, and vindictive actions of workers and/or supervisors
 - Low self-esteem and women's expectation that they won't be believed
 - Women's mistrust of the welfare system and appeal boards, and belief they will not receive a fair hearing.
3. Give women childcare money so they can see their advocates.
 4. Ensure there are advocacy services to access that are properly funded.
 5. Provide front-line welfare workers with cross-cultural training.
 6. Prevent abuse of power by workers and/or supervisors.
 7. Provide women with increased benefits so they can meet the real cost of living in their communities (for shelter, utilities, food, clothing, household expenses and transportation)
 8. Provide funding for court challenges to unjust decisions and policies.

RECOMMENDATIONS

Women on welfare and their advocates in both provinces have identified several changes to improve women's access to justice.

1. Overhaul the welfare system so it becomes nurturing as opposed to vindictive. If welfare systems were truly committed to providing for the health and well being of women and their families there would be no reason to appeal.
2. Give women money for transportation to visit advocates.