

ISAC SUBMISSION TO THE SUFA REVIEW

The Income Security Advocacy Centre has identified the Social Union Framework Agreement, the current method of policy development between the provinces and the federal government, as an issue of concern in the quality and accountability of cost shared income security programs. The Social Union Framework, established in 1996 was set up to develop federal/provincial programs following the dismantling of the Canada Assistance Plan which formerly provided national standards for cost shared social programs.

From the beginning, there have been a variety of concerns about the transparency and accountability of the process. The principles which serve as guidelines for the agreement are non-specific and unenforceable, falling far short of setting out standards which would provide accountability, especially to those directly affected by the decisions made by the ministers and premiers who engage in the process. The Canada Assistance Plan set out conditions for Federal contribution which served to protect the most vulnerable to poverty from destitution and exploitation. Since the elimination of CAP there are no protections whatsoever.

For example, one of the few programs resulting directly from the social union process was the National Child Benefit program. It has come under criticism across the country for allowing provinces to claw back the benefit from the most vulnerable groups receiving it, parents who are in receipt of social assistance. Though the funds gained through the clawback are supposed to be applied to programs which benefit this group, this is not the case in Ontario where the funds are used exclusively for those parents with workforce attachment. The clawback is the subject of a charter challenge soon to be filed because many believe it is very discriminatory.

In 1998 the UN committee on Economic Social and Cultural Rights concluded that the cancellation of national standards for social programs had given the provinces the flexibility to violate ESC rights without penalty. The committee found that the current process was regressive and insufficient to meet Canada's obligations to the ESCR treaty ratified in 1976. The committee also concluded that changes to social program legislation and massive cuts to funding had caused considerable damage to vulnerable groups and could not be justified in the context of a wealthy nation by the presence of a budgetary deficit. There has been no attempt to address these criticisms or improve the performance of the many social programs now failing to meet the needs of vulnerable groups.

The findings of the UN committee mirror what many in Canada now believe, that there is a growing social deficit most dramatically illustrated by rising homelessness and increasing numbers of people with no form of income. In our opinion, this is in part due to a vacuum of accountability to principles set out in the Charter, and international human rights obligations in regard to the rights and dignity of low income people and vulnerable groups. ISAC suggests that the SUFA is a major factor in the continuing

absence of accountability mechanisms could have prevented or been used to repair serious flaws in the design of income security programs. Indeed the current agreement has failed in every way to protect or improve equality of access, adequacy of benefits and fairness in delivery in cost shared income security programs.

The original agreement included a clause declaring that in February of the year 2002 there would be a comprehensive public review with opportunities for non-government organizations and the public to participate. The review which finally did take place this fall was hasty, exclusive, and virtually invisible to the public. This in our view reinforces the perspective that SUFA fails to meet the conditions of transparency and accountability set out in the agreement. This may in part reflect the trend towards greater autonomy for provincial jurisdiction. We object to the way this review was carried out, and protest the notion that it will suffice as feedback from Canadians as to the efficacy of SUFA.

There must be a more comprehensive and inclusive process to examine SUFA and the state of social programs in Canada, perhaps for example, a national summit on the eradication of poverty, as promised by Canada at the 1995 World Summit on Social Development in Copenhagen. In any case, governments in Canada have failed in their duty to uphold and respect the human rights of Canadians (as agreed in 1993 at the Vienna conference on Human Rights) by setting up and then failing to properly review SUFA. We strongly suggest that the parties involved revisit the SUFA process and implement a meaningful review that allows broad participation and an honest analysis of the efficacy and value of the current agreement.

Who we are

The Income Security advocacy Centre is a test case legal clinic funded by Legal aid Ontario to develop test cases and work on law reform to improve access delivery and accountability of income security programs for the people of Ontario.