

**Benchmarks in Alberta's Public Welfare Services:
History Rooted in Benevolence, Harshness, Punitiveness and
Stinginess**

**Research report prepared for the:
ALBERTA COLLEGE OF SOCIAL WORKERS (ACSW)
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© December 2002 (Updated February 2003)
Edmonton, AB**

Dedication

This research report could have been called “The Story of the Two Jakes,” after Jake Kuiken, MSW, RSW and the late Jacobus tenBroek, M.A., LL.B., J.S.D., D.Litt., LL.D.¹

Jake Kuiken is an experienced social work practitioner and longtime employee of Alberta’s largest municipality, the burgh of Calgary. He also happens to be president of the Alberta College of Social Workers. The late Jacobus tenBroek (the son of a prairie homesteader in Canada) became an author, jurist, professor and founder of the National Federation of the Blind in the United States (tenBroek himself had lost his total eyesight by the age of fourteen). tenBroek wrote extensively about welfare systems, many of which worked disadvantageously for the poor. tenBroek’s writing has helped in the development of this report.

Jacobus tenBroek was known in life for advocacy in the interest of people affected by public welfare policies in the United States. Jake Kuiken is a contemporary advocate, who works in the interest of people on low income in Alberta. It seems appropriate to dedicate the research report to the two Jakes in recognition of these men’s commitment to social justice.

¹ TenBroek died at the age of fifty-six in 1968. <http://www/blind.net/bw000001.htm> (Last read October 12, 2002).

Introduction

The objective of this exercise was to set out a chronological overview of benchmarks in the history of Alberta's public welfare services, and thereby assist ACSW in its advocacy for a warranted increase in financial assistance for people on low income.²

I am indebted to staff members at libraries respectively of the Alberta Legislature, Alberta Children's Services, Alberta Human Resources and Employment, the Edmonton Public Library, further to the Alberta Law Reform Institute, Alberta Justice, University of Alberta and University of King's College in Edmonton. Further, the collegial network of practising and retired social workers helped me out. I gained access to relevant literature and anecdotal information. Another valuable resource were the Canadian Social Research Links (Internet) maintained by Gilles Séguin of Ottawa. Jake Kuiken and several colleagues observed the evolution of the report and contributed in meaningful ways. The input and guidance received throughout was appreciated and much was learned (most of all by myself) during this journey through policies and practices about the history of the province's public welfare programs and services.

Reconstructing the past is risky business at best and not an easy task. I examined the subject matter from a social worker's perspective.³ I discovered that the history of public welfare in Alberta has been recorded in bits and pieces, and I add one more piece to the woodpile. Much has been recorded in unpublished papers, or in documents stored in archives and libraries, or kept in private collections. Anecdotal information came from individuals with lived history. I attempted to give voice to people affected by social policies, but aside from some quotes, I can assure the reader that there are many, many voices of people on low income, all around us. They can be heard, if we choose to hear them.

I forward the report to the Alberta College of Social Workers with the qualification that it does not pretend to represent the views of the College.⁴ An attempt was made to put flesh on the bones of history. In the process, I take full responsibility for errors and omissions and welcome debate and corrections in the interest of our fellow citizens on low income.

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December 2002

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² A broad-spectrum approach was applied in grappling with complex social policy issues. Plenty of scope remains for others to further explore and research these issues. Margaret D. Gordon's definition of public welfare was used for the purpose of the paper. "Social programs designed to transfer income, in cash, in kind, or in the form of services to those whose capacity for self support has been impaired, interrupted, or in the case of children has not reached maturity. *Economics of Welfare Policies* (New York, NY. 1963), 4. Cited in David E. Lysne's "Welfare in Alberta, 1905-1936. (M.A. thesis. University of Alberta. 1966), vi.

³ I spent a substantial part of my working life administering statutory programs and can attest from professional experience that social programs resulted in far greater beneficial rather than negative outcomes for individuals in need as well as for society at large.

⁴ The Alberta College of Social Workers has taken a position (August of 2001) on low-income issues and submitted it to a MLA Committee appointed to review low-income programs in Alberta.

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**1A. From Ancient Times to the 19th Century:
Selected Benchmarks in Public Welfare**

2500 BCE, “The Books of the Dead” (in the form of papyrus scrolls) set out acts of mercy that were a King’s duty, including caring for the sick, the hungry, and providing relief for the homeless.*

- 1750 BCE King Hammurabi issued a code of justice that stated a requirement to *help one another during times of hardship.**
- 1200 BCE Jewish people were told that *God expected them to help the poor and disadvantaged, widows, orphans and the elderly.**
- 530 BCE Siddhartha Gautama, the Buddha, began to teach that *the path to enlightenment included love and charity for others.**
- 500 BCE Philanthropy (from the Greek word for “acts of love for humanity”) was institutionalized in Greek City states. *Citizens were encouraged to donate for the public good, among other matters to help people in need.**
- 300 BCE In China, the *Analects* of Confucius declared humans to be social beings bound to one another by *Jen*, a form of *sympathy that is often expressed through helping those in need.**
- 100 BCE The Roman *annona civica* tradition, *whereby patrician families distributed free or low-cost grain to Roman citizens in need, was well established.**
- 30 CE Jesus Christ taught that *God’s will was for people to love one another. He emphasized the importance of giving to those who are less fortunate.**
- 400 Hospitals were developed throughout India, *it included giving shelter to the poor, disabled and homeless people.**
- 600 After the fall of the Roman Empire, *Pope Gregory organized programs to help the poor, and the church replaced the state as the “safety net.”**
- 650 *The followers of the Prophet Muhammad were told that they had an obligation to poor people.**
- 787 Clergy established the first modern *foundling hospital (orphanage) for abandoned children in Milan, Italy.**
- 1084 *Almshouses for poor and disabled, similar to the hospitals in France, were established in Canterbury, England.**

In 1100, the Roman Church issued the Decretum, a compilation of canon law, including discussion on the theory and practice of charity. It stated that rich people have a legal and moral obligation to support poor people.*

- 1348 The social system of feudalism broke down, in part because of the bubonic plague that killed close to a third of the population in Europe. *Without protection from barons and lords, serfs and peasants were at the mercy of economic and military threats.**

- 1349 The Statute of Labourers was passed in England, *and for the first time a distinction was made between the “worthy poor” (older people, disabled people, widows, and dependent children) and the “unworthy poor” (the able-bodied unemployed poor).* *
- 1525 Swiss Reformation clergyman *Huldreich Zwingli developed a system of public welfare for the poor of Zurich* and this model was emulated in many other European cities.*
- 1531 England’s first statute was passed *to deal with poor relief, licensing older and disabled people to beg in their own neighbourhoods.**
- 1536 The Henrician Poor Law, known as *the Act for the Punishment of Sturdy Vagabonds and Beggars*, was established. This was Henry VIII’s classification of poor people, and it set out procedures to be carried out at the local instead of state level. *The state rather than the church or volunteers had to play a role in caring for poor people.* *
- 1572 England could no longer depend on voluntary contributions to care for its poor people. A national tax, *the Parish Poor Rate*, is levied, and funds left over from poor relief were used to create jobs for able-bodied people.*
- 1601 The Elizabethan Poor Law was passed based on earlier laws. England’s Poor Laws formed a key codification in dealing with poor and disadvantaged people and influenced poor law administration for subsequent centuries in England and British North America. *Taxation was to take place at the parish level, including provision of training and work houses. Able-bodied poor were dealt with rather punitively and harshly.* *
- 1625 Father Vincent de Paul established charitable organizations to care for the poor people of France. *In states that did not become Protestant as an aftermath of the Reformation, the church rather than the state retained responsibility for the care of the poor.* *
- 1650 The influence of Luther and Calvin was manifested in *the Protestant ethic that emphasized self-discipline, frugality and hard work. Adherents frowned on the unemployed and dependent.* *
- 1787 The American Constitution was adopted, including the phrase *“promote the general welfare,”* placing social welfare at the mainstream of American political concern.*
- 1795 The Speenhamland *“poverty line”* was introduced, allowing subsidization by the public treasury when wages fell below the line based on the price of bread and the number of dependents of the workers.*⁵
- 1834 The new Poor Law was passed in England to reform the Elizabethan Poor Law dating back to 1601. It emphasized self-reliance. Public assistance was not a right and government was not seen as responsible for unemployed people. The *principle of “less eligibility”* (i.e. a recipient of aid could never receive as much as the lowest-paid worker) was strongly enforced.*

* The footnote covers selected references above marked with an asterisk. Emphasis in places was added.⁶

⁵ Karl de Schweinitz commented in *England Road to Social Security* (A.S. Barnes & Company, Inc. 1961), 240-242, that Speenhamland’s poverty line proved disastrous. It kept labour down in the interest of the owning class and aimed at keeping a ceiling over wages. It resulted in the minimum becoming a maximum. Hereafter, de Schweinitz’ work will be referred to as de Schweinitz (1961).

⁶ The primary source of selected benchmarks referred to is Robert L. Barker’s *The Social Work Dictionary*. Washington, DC: (National Association of Social Workers. *Milestones in the Development of Social Work and Social Welfare*. 1999), 529-553.

Indigenous people survived in North America for thousands of years. They knew how to fend for themselves and care for members in communal lifestyles. Public welfare meant everyone's spiritual, social and physical wellbeing. In modern times, the reality of systemic poverty started to affect indigenous people in the late nineteenth century.

1B. Summary of Public Welfare in Pre-1870

Benevolence was very much part of humanity's history. Kings, rulers and heads of state generally governed with a spirit of charity towards poor people.

In the not too distant past, England's poor laws embedded principles in legislation that became templates for poor law administration in England and British North America.⁷ They became part of Canada's inheritance of a legal system that helped shape the country's constitutional make-up. Helping the poor was perceived as society's moral and legal obligation.

In pre-1870 in the Western Canadian region, indigenous lifestyles and the fur trade were still in vogue, while in England and parts of Eastern British North America, urbanization had started as a consequence of the Industrial Revolution. Mechanization and mass production of goods demanded a lot of people to work in newly established industries. Workers laboured long hours for low wages with little in the line of protection. Child labour was a reality that eventually resulted in the "child saving" movement.⁸

Below thematic notions about poor relief evolved from British and European ethos and practices in relation to the poor.

- **Worthy versus unworthy (or deserving versus undeserving) citizens in society.**
- **Poor law administration had to be carried out at the local level (parish or municipality) and strict residence requirements were set.**
- **The principle of 'less eligibility' meant that aid given to the poor (especially the unemployed employable citizens) had to be lower than the lowest wage.**

Value-laden concepts became well known in poor law administration. Karl de Schweinitz in detailing the evolution of England's social security, informed that the Doctrine of less eligibility had its origin in Germany, where Baron Kaspar von Voght spoke of it in correspondence of 1796 and again in 1817. The doctrine (or theory) of less eligibility was applied throughout the nineteenth century and into the twentieth century.

⁷ England was not an island to itself. England was strongly influenced by developments in Western Europe.

⁸ As a result of child saving in England, some 100,000 poor children were emigrated, mostly involuntarily, from England to Canada.

“Under the doctrine assistance provided a person in need had to be such as to cause his condition to be ‘less desirable,’ ‘less satisfactory,’ ‘less eligible’ than the condition of the lowest paid laborer who was not in receipt of relief.” Less eligibility became an administrative formula.⁹ A mindset associated with it lingers in contemporary practices, but efforts were made as well to effect social justice.

Benchmarks describing practices noted above demonstrated recognition of helping the underprivileged as a moral and in many instances legal obligation. European poor law administration developed considerable sophistication, well before Alberta obtained status as a Canadian province.

2A. Canada as a Nation: Chronology of National Benchmarks in Public Welfare

Canada’s national role in social policy is not dealt with comprehensively in this report, as the objective of the report is to address the evolution of services in Alberta. Below follow descriptions of selected federal benchmarks in the field of public welfare. Following Sections 2A and 2B of the report, a chronological sequence of events will be maintained inasmuch as deemed practical.

1870 The Parliament of Canada declared the laws of England as of July 15, 1870 to have been received in the Northwest Territories (including what later became the Yukon Territory and provinces of Alberta and Saskatchewan), except insofar as they are excluded by competent legislation. The laws of England included statutes known as *Poor Laws* enacted to prevent the burden of indigent people from falling on the state.¹⁰

The Dominion of Canada inherited England’s common law system under *the British North America Act*, as did a few years later the government of the North-West Territories (with exceptions as explained later), and subsequently the government of the province of Alberta.

Aside from some residual social programs (for example for WWI veterans), the Dominion government was not active in the field of social security until the 1940s. Aside from exclusive federal responsibilities (e.g. Indian and Veteran affairs), public welfare was seen, if not as a family matter, as a responsibility for the provinces and local authorities.

Changes in Canada’s social philosophy evolved transitionally because of the effects of World War I, the Great Depression and World War II. The role of the state as an economic stabilizer and interventionist (advice from the Advisory Committee on Post-War Reconstruction and Leonard Marsh’s report on Social Security) in public welfare emerged in the 1940s and very much post-World War II. Below key federal social programs that affected the entire nation.

⁹ de Schweinitz (1961), 124.

¹⁰ Family Law Project Overview. Report for Discussion No. 18.1. Edmonton, AB: (Alberta Law Reform Institute. 1998), Chapter 2. 13.

- Unemployment Insurance Act (1940);
- Family Allowance Act (1944);
- Old Age Security Act (1951);
- Unemployment Insurance Act (1956);
- Canada/Quebec Pension Plan (1965);
- Canada Assistance Plan (1966);
- Unemployment Insurance Act (1971);
- Canada Assistance Plan replaced by the Canada Health and Social Transfer Agreement (1996);
- National Child Benefit (1998).
- Social Union Framework Agreement (1999).

Looking at the more recent past, from 1993 to 1998, Canada's economy emerged "strongly from the recession of the early 1990s."¹¹ The Charter Committee on Poverty Issues (CCPI), however, reported that while deficit reduction had been achieved (nationally and in many cases provincially), the government of Canada and the provincial governments chose social programs as the primary area in which spending would be slashed.¹² According to the CCPI in 1993, it resulted in unacceptable levels of poverty, widespread reliance on food banks, inadequate social assistance rates and low expenditures on social housing.¹³ CCPI reported in 1998 that "over 60% of the improvement in the Federal government's budget situation has come from cuts in public spending rather than increases in revenue."¹⁴

2B. Summary of Canada as a Nation in relation to Public Welfare

The purpose of this report is to primarily illustrate the evolution of Alberta's public welfare programs, but we know that regional programs tended to evolve against a national and international context. In terms of the national context, because of the constitutional division of duties and powers, welfare was seen as provincial domain. The federal government behaved hesitantly in relation to social programs before World War II, but a more assertive approach emerged during and post-WWII. For example, national programs such as Unemployment Insurance, Family Allowance and Old Age Pension legislation respectively were passed and enacted.

Concurrent with what was happening in other developed nations, Canada too furthered development of welfare state provisions. Aside from a range of federally funded and administered programs, a pivotal role of the federal government was (and is) cost sharing with provinces and territories to enable the delivery and administration of social programs.

¹¹ Submission to the United Nations (UN) Committee on Economic , Social and Cultural Rights. (Charter Committee on Poverty Issues (CCPI), November 1998), 2 of 29.

<http://www.equalityrights.org/ngoun98/ccpi.htm> (Last read November 28, 2002).

¹² Ibid., 3 of 29.

¹³ <http://www.equalityrights.org/ngoun98/ccpi.htm>, 3 of 29

¹⁴ Ibid., 3 of 29.

When the Canada Assistance Plan (CAP) was introduced in 1966, the provinces agreed to administer social assistance programs that respected significant rights of all persons in need. The specific conditions, which took the form of legal rights were contained in the CAP legislation.”¹⁵ The importance of CAP as a national cost-sharing program deserves reference to the conditions (See below) that were to be complied with by the provinces.

- 1. provide assistance to every person in need – regardless of the cause of need. (CAP s.6(2)(a));**
- 2. take into account a person’s basic requirements in setting social assistance rates (CAP s.6(2)(b));**
- 3. provide an appeal mechanism so that people have a legal right to challenge decisions affecting their entitlement to social assistance (CAP 2.6(2)(e));**
- 4. ensure the right to social assistance regardless of one’s province of origin (CAP s.6(2)(d));**
- 5. not require that people who were in receipt of social assistance perform work against their will as a condition of receiving assistance (CAP s.15(3)(a));¹⁶**

CAP was a culmination in the evolution of social programming in the 1960s. It recognized a person’s right to social assistance when in need, instead of treating people as charity cases. CAP effected measurable standardization across Canada. During the lifetime of CAP, case precedents affirmed that CAP legislation was enforceable. In 1989, a CAP report confirmed that the Federal government recognized CAP as “being crucial to the integrity of Canada’s protection of social and economic rights.”¹⁷

Administratively, CAP was favoured for many years by federal and provincial officials as an effective cost-sharing and standard-setting program. Interestingly, the Supreme Court of Canada “authoritatively and definitively approved of the government of Canada’s involvement in social assistance matters through the Canada Assistance Plan.” This is similar to what has happened in health care.¹⁸

The Canada Health and Social Transfer (CHST) has replaced CAP. Unfortunately for low-income Canadians, the Federal government “dropped virtually all rights-oriented conditions” that were formerly part of CAP. Most of the protections provided under CAP have not been replaced in CHST. For elaboration of the consequences of this change, see under 8 “Reflecting on past and present....” (Page 33-41). It is not to say that ongoing work under the Social Union Framework Agreement could not re-focus on what was lost in 1996 in order to strengthen the CHST.

¹⁵ Ibid., 5 of 29.

¹⁶ Ibid., 5 of 29. Cap conditions for needs-tested financial assistance did not remain static and were amended over time. Clarification on the residency issue can be obtained as per http://www.canadiansocialresearch.net/cap_statute.htm and the workfare issue as per <http://www.canadiansocialresearch.net/capjack.htm> and also see <http://www.canadiansocialresearch.net/cap.htm#Rights>

¹⁷ Ibid., 6 of 29.

¹⁸ Ibid., 9 of 29.

3A. The North-West Territories from 1870 to 1905: Chronology of Benchmarks in Public Welfare

Stepping back again into history, historian MacGregor observed that the Indian population, in Saskatchewan and Alberta combined, during 1881 was estimated at 11,577 (not including the 5,000 Indians living around Fort Walsh and some 4,000 Canadian Indians believed to be in the United States). Most of the Indians referred to lived in Alberta. In that same year, about 1,500 White and Metis people also lived in Alberta.¹⁹ This information gives a sense of the overall population in the region at this time. Rapid influx of settlers was imminent, and as a result of national immigration policies and the newly-built railroad to the West in the 1880s, large numbers of people arrived and settled in the prairie regions. Templates for governance of social security measures had been developed in Europe by this time.

Section 92 (7) of the British North America Act²⁰ was not included in the amendments of the North-West Territories Act of 1877. The section, according to Lysne, was interpreted as the one that assigned welfare responsibilities to the provinces. Lysne observed that, "...the fathers of confederation undoubtedly thought public welfare was a minor and inexpensive function."²¹ An interesting thought.

1883 The government of the North-West Territories passed several family and child-related ordinances. Ordinance No. 5 dealt with the relief of indigent children.²² The ordinance constituted an early form of child welfare legislation in the territories, but there was little in the line of infra structure to give much meaning to the legislation. Ordinance No. 5 was enacted a decade before Ontario passed the *Children's Protection Act*, the first comprehensive act of its kind in the Dominion of Canada. Ordinance No. 5 focused on children without visible means of support and in a state of destitution, being orphaned or otherwise without proper guardianship.

Ordinance No. 2 was also passed in 1883. It dealt with the formation, role and authority of municipalities. Properly established local authorities were allowed to pass by-laws for sundry purposes. S.25 (7), for example, permitted by-laws for "*The Relief of the poor.*" Indigence received attention from NWT politicians,²³ but as one historian noted about frontier days. "Self-help was a state of mind as well as a necessity."²⁴

Helping each other along customary lines existed among indigenous people, but also among an initially sparse but expanding settler population. It happened around trading forts, and help was extended by Catholic and Protestant missionaries to Indian people and newcomers when in need. As settler communities were established, family and extended family, neighbours, religious (through hospitals and orphanages), Church congregations, schools, police and community groups responded to the needs of fellow citizens. Plainly

¹⁹ MacGregor, J.G. *A History of Alberta*. Edmonton, AB: (Hurtig Publishers Ltd. 1981), 126-127.

²⁰ Statutes of Great Britain, May 11, 1867, cap. 3.

²¹ Lysne, David E. "Welfare in Alberta, 1905-1936." Edmonton, AB: (The University of Alberta. Unpublished M.A. thesis. 1966), 7. Lysne's research produced an interesting and detailed analysis of public welfare in Alberta in the pre-CAP era. Hereafter referred to as Lysne (1966).

²² Ordinances of the North-West Territories passed by the Lieutenant-Governor in Council. Ordinance No. 5 of 1883. An Ordinance for the Relief of Indigent Children.

²³ Alberta's legislature library contains an extensive body of ordinances passed by the government of the North-West Territories in Council in the 1870-1905 era.

²⁴ Lysne (1966), 7.

people helping people took place so that people would meet their basic needs, but as shown below, obviously not in all instances.

Father Scollen (in 1883) talked about poverty conditions on Indian reserves. “Scollen noted that the people could not even afford to bury their dead. ‘I know of one corpse to have been eaten by dogs and wolves not a quarter of a mile from Edmonton.’ He had recently brought in eight dead to be buried at the mission. The Hudson’s Bay Company used to at least provide coffins, he said. Could the government not do the same?”²⁵

- 1892 When the Town of Edmonton was incorporated in 1892, Edmonton had its share of community and family problems. It was a time of economic growth and expansion and there were plenty of jobs. Orphans and widows were a major concern to the new town council. Most of the relief measures came from churches, charitable societies and private citizens.²⁶
- 1893 Ontario’s *Children’s Protection Act* was the first "comprehensive" child welfare legislation passed in Canada.²⁷ It had a child saving ethos and became a template for other provinces. Alberta benefited from the Ontario experience when Alberta’s child protection legislation was developed. Poverty was recognized then already as a contributing factor to child neglect.

Lysne observed about the years 1883 to 1905, “While it was generally understood that municipalities, where they existed, were obliged to take care of indigent residents, there was no direct supervision or coordination on the part of the Territorial government.”²⁸ It was not until the federal government passed the Alberta and Saskatchewan Acts in 1905, creating the two new provinces, that provincial powers came to include the welfare section noted earlier as part of the province’s constitution. Provincial and municipal institutions were behind older provinces in Canada, resulting in a lack of social and government structure at the start of Alberta as a province in Canada’s confederation.²⁹

3B. Summary of 1870-1905 Period

“The history of social welfare in Alberta since it became a province and of its earlier beginnings in Alberta as part of the Northwest Territories has yet to be written.”³⁰ This might be accurate from historians’ perspectives, but it is known that the North-West

²⁵ Lux, M.K. Medicine That Walks. Disease, Medicine and Canadian Plains Native People 1880-1940. Toronto, ON: (University of Toronto Press. 2001), 49. Conditions of extreme deprivation prevailed during this period among the Indian people.

²⁶ “Enhancing Quality of Life in Edmonton for Over 80 Years. A Brief History of Edmonton’s Municipal Social Services from 1892 to 1998.” Edmonton, AB: (The City of Edmonton’s Community Services. The Public Education Team. 1998). 1. Hereafter referred to as A Brief History of Edmonton’s Municipal Social Services from 1892 to 1998.

²⁷ The first comprehensive, but not the first child welfare legislation. Quebec, for example, passed the Reform School Act and the Industrial Schools Act respectively in 1869, and child-related ordinances were passed in the North-West Territories in the 1880s.

²⁸ Lysne (1966), 9-10.

²⁹ Ibid., 12.

³⁰ Splane, Richard B. “A Review of Income Security and Social Services as administered by the Provincial Department of Social Services and Community Health, 1970-1985.” Edmonton, AB: (Unpublished paper prepared on behalf of the Faculty of Social Welfare, University of Calgary for the Department of Alberta Social Services and Community Health. 1985), 1A. Hereafter referred to as Splane (1985).

Territories inherited England's poor laws. Lysne explained that the Council of the North-West Territories had limited powers. Authors of the IODE Report of 1947 in a slightly different context shared Lysne's views.

The Dominion Parliament had little alternative but to yield to popular demand and grant an elective Assembly in 1888. It did so grudgingly but withheld from its members certain essential rights to government, the initiating of public measures, the levying of their own taxation and the voting of their own outlays." ... "Moreover the Dominion retained all natural resources, practically all revenue (except local municipal levies) and voted, in the Dominion Parliament, annual grants for all general purposes in the Territories.³¹

Shortly after Confederation, in 1886, the Parliament of Canada declared,

...the laws of England as of July 15, 1870 to have been received in the Northwest Territories (then including what later became the Yukon Territory and the provinces of Alberta and Saskatchewan), except insofar as they are excluded by competent legislation. The laws of England at that time included a series of public law statutes known as the Poor Laws, which were enacted to prevent the burden of indigent people from falling on the state.³²

A similar view was expressed too in the IODE report, with reference to the period 1870-1897. "The regulations or ordinances of this Council supplemented and modified the English civil and criminal law as the custom of the Territories."³³

Application of poor law administration, aside from common threads, differed from province to province as well as between Eastern and Western Canada. But the template and foundation of principles and values existed in Canadian law when the territories were established and again later when the Alberta Act was passed.

Canada's constitution assigns the major responsibility to the provincial level of government. Accordingly, Alberta, from its very inception, was called to respond to those social welfare needs of its people that could not be met by the family, the church and other voluntary organizations.³⁴

At the outset (1870) of governance by the NWT Council, the population in this region consisted of a mere handful of people, Indian people forming the dominant society, while Metis and White people were visible minorities. Informal community-driven and based practices prevailed for a long time before government started to assume a role in public

³¹ Welfare in Alberta The Report of a Study Imperial Order, Daughters of the Empire. Alberta Provincial Chapter. Section. "Welfare in Alberta. II. Alberta-The Community We Want to Serve." (1947), 4-5. Dr. Charlotte Whitton and a team of experienced social work practitioners wrote the report. It contained a great deal of valuable information about all of Alberta's social programs of that time, including historical perspectives of the earlier era. Hereafter it is referred to as the IODE Report (1947).

³² Family Law Project OVERVIEW Edmonton, AB: (Alberta Law Reform Institute. 1998), Chapter 2. 13.

³³ IODE Report (1947), II. Alberta-The Community We Want to Serve. 2.

³⁴ Splane (1985), 1.

welfare for needy citizens. Explorers and traders kept preoccupied with commercial goals. Catholic and Protestant missionaries set out to convert indigenous people to the Christian faith, but also became people helpers in the fields of health, education and charity. Settler communities polarized around churches, schools and commercial outlets, and private-sector organizations were formed. Too little credit has been given to customary and community helping practices during this period of history. The application of poor law administration had to wait until settlement was more advanced.

Local government through municipal units emerged around the turn of the century, some units emerged before and others after Alberta gained self-government in 1905.³⁵ As observed by Lysne, “The paucity of welfare services demonstrated the general lack of social and government structure at Alberta’s beginning as a province.”³⁶

4A. **Alberta from 1905-1921: Chronology of Benchmarks in Public Welfare**

1905 The *Alberta Act*, which established Alberta as a province in 1905, provided that laws which were previously in force in that part of the territories, included in the new province, continued in force unless repealed or altered by competent legislation. These laws included England’s *Poor Laws*.³⁷

The privations and hardships of the frontier were well known. Municipal organization, where it existed, was handicapped by lack of funds to support welfare measures and unwillingness to make definite appropriations for same.” ... “Lines of thought on public welfare had not emerged in Alberta by the time it became a province.”³⁸ Welfare was not seen as an immediate priority.

Health (including mental health) was seen as a stronger priority. The Alberta Department of the Attorney General was given responsibility for mental health and the Department of Agriculture was responsible for public health (including hospitals). Funds totaling \$ 33,500 were initially appropriated for hospitals, charity and public health.³⁹

The development of a system of municipal government resulted in activity in public health as well as relief. Various reform movements had an impact on life in Alberta, i.e. the new theology in the churches resulted in the gospel movement and a campaign for moral reform, concern about temperance and the introduction of prohibition. Immigration from non-Anglo-Saxon countries led to a prevailing belief that the white race was losing in purity. The eugenics movement increasingly found support in Alberta. Suffragettes provided a leadership role and eventually won the right for women to vote.⁴⁰

³⁵ IODE Report (1947), II. Alberta. The Community We Want to Serve. 5.

³⁶ Lysne (1966), 12.

³⁷ Family Law Project Overview. Report for Discussion No. 18.1 Edmonton, AB: (The Alberta Law Reform Institute. 1998), Chapter 2. 13.

³⁸ *Ibid.*, 13.

³⁹ Krewski, Bernard E. “The Alberta Department of Social Services and Community Health: A History.” Edmonton, AB: (Unpublished paper, 1979) 3-4. Krewski researched and wrote a valuable document on the evolution of several streams of public services in Alberta, i.e. health, mental health, child protection services and public welfare. Hereafter referred to as Krewski (1979).

⁴⁰ *Ibid.*, 4.

The NorthWest Mounted Police assisted health authorities in remote areas. Infant mortality was high. Treatment for tuberculosis drew attention. No facility was available in the province until after WWI. Hospitals were established through efforts of private donations from local citizens and extensive work by religious orders.⁴¹

“At the turn of the century the interest in ‘prairie madness,’ a phenomenon said to have been caused by the extreme isolation occurring in uninhabited areas, was replaced by a growing fascination with the laws of heredity.”⁴²

The Department of Agriculture provided assistance through the office of the Medical Officer of Health to two women and ten families in 1905.⁴³ This might have been the first form of relief issued by government officials.

1905 Legislation enabling incorporation of the City of Strathcona gave council the power to make by-laws for providing assistance to residents. Early Village and Town Acts did not mention relief of the poor. The emphasis was on public health matters.⁴⁴

Religious orders and secular volunteer organizations were expected to provide welfare services. Representative of government’s expectation was the amendment of the North-West Territories Act of 1904 by incorporating in 1907 the Sisters of Mercy of the North-West Territories enabling the sisters to,

receive, keep, and maintain for, without remuneration or compensation for sick, aged, incurable and indigent persons ... and likewise to care for orphans and other children....⁴⁵

The state’s expectation was representative of how charitable and religious organizations functioned. The role of Churches in the field of health and social services exceeded government’s involvement by far. Alms for the poor were common practice.⁴⁶ Child rescue was in progress in the form of immigrant children entering the country from especially England. This movement began in the 1860s and continued in the 1930s.

1906 The growing number of lunatics was mentioned in the Premier’s budget speech. Sixteen suicides had been recorded in Alberta and early child welfare reports referred to mentally defective children and the association to immigration (including child immigration).

1908 The Public Health Act was passed in 1908, applying to people quarantined and known to be in poverty. Necessities of life were expected to be provided by the local authorities. A provincial board of health had sanction to inspect public places, including orphanages, gaols and railway stations.⁴⁷

⁴¹ Ibid., 5.

⁴² Ibid., 7.

⁴³ Ibid., 9.

⁴⁴ Ibid., 9.

⁴⁵ Lysne (1966), 24.

⁴⁶ A great deal attention is being paid to the aftermath of residential schools. I don’t take away from the detrimental impact on Indian society and families from boarding regimes, which is a subject matter that deserves attention on its own merit. Society, however, is indebted to Churches (religious orders and congregations of various denominations) for accomplishments in the fields of religion, health, education and charity as manifested by Church denominations and their followers. The role of Churches in welfare endeavours is one of several topics that deserve attention on their own merit.

⁴⁷ Lobb, M. “Welfare in Alberta A Short History” Edmonton, AB: (Health and Social Development, 1971), 1. Hereafter referred to as Lobb (1971).

Government also passed a Workmen's Compensation Act. In response to employers' criticism (viewing the legislation as socialistic), Minister Cross defended it as not only being in the interest of labour, but generally for the "public good."⁴⁸

1909 The province's *Children's Protection Act* was passed. Poverty was a causative factor of neglect even at that time. Children's Aid Societies were established.⁴⁹ Early enactment of child welfare legislation was remarkable and it followed an international concern for the welfare of children under an ethos of child rescue. In his first annual report, the Superintendent of Neglected and Dependent Children of the Province of Alberta referred to the association of child neglect and poverty. That same year, the *Edmonton Daily Bulletin* reported about a meeting that dealt with organizing a relief board to assist the needy in the city of Edmonton.⁵⁰

"In the case of theft investigation as a rule reveals poverty which incited the theft, back of poverty there is usually sickness, idleness or misfortune which caused the poverty." Superintendent of Neglected Children.⁵¹

"Organized relief work was begun in Edmonton in 1909, under the name of the Edmonton and District Council of United Aids. In 1911, the council's role in providing financial relief was taken over the City's Civic Relief Office, a branch of the Police Department. The Relief Office provided destitute families and individuals with the necessities of life (food, clothing, or furniture, assistance with minor legal matters, help with completing documents, a free labour bureau, indigent burials and friendly visiting."⁵²

1911-1913 The Village Act (1913) and Town Act (1911-1912) enabled granting of aid to needy persons.⁵³ Local authorities were expected to assist "resident" poor.

1914-1918: World War I

Relief interventions were simple but social needs required a more intricate system of funding that involved the federal, provincial and municipal governments.

1914 "In the fall of 1914, the Central Relief Committee, composed of businessmen from the community was formed to organize the relief of the distress during the winter of 1914 to 1915. One month later, it became the Edmonton Board of Public Welfare, with James Ramsey as its chairman. In its first year, it assisted 1422 families, at a total cost of \$ 58,264.48."⁵⁴

1915 Arrangements with the federal government enabled the Alberta government to distribute seed grain to farmers in drought-affected areas in the province.⁵⁵

1916 The population reached a figure of approximately half a million people.⁵⁶

⁴⁸ Lysne (1966), 29.

⁴⁹ Krewski (1979), 11.

⁵⁰ Lysne (1966), 24.

⁵¹ Annual report of the Superintendent of Neglected Children of the Province of Alberta, Department of Attorney General, 1908-09, p. 13.

⁵² A Brief History of Edmonton's Municipal Social Services from 1892 to 1998. (1998). 1.

⁵³ Krewski, (1979), 9.

⁵⁴ A Brief History of Edmonton's Municipal Social Services from 1892 to 1998. (1998). 1.

⁵⁵ Krewski, (1979), 9.

⁵⁶ Lysne, (1966), 53.

1917 The influenza epidemic should not be overlooked. It affected 38,000 people in Alberta alone and more than 4,000 people died. This disastrous epidemic led to creation of the Federal Department of Health, a Provincial Department in Alberta, improved vital statistics keeping and steps towards better sanitary conditions and strongly empowered boards of public health.⁵⁷

The provincial legislature approved \$ 20,000. In 1917 to assist municipalities in providing aid to widows with children.⁵⁸

World War I had affected citizens in many ways. Mostly men served in the armed forces and their absence was felt by and left a heavy onus on women during and after the war. Canadian troops suffered casualties and many soldiers came back wounded. Added hardship was experienced as a result of the flu epidemic.

1919 The Alberta government followed precedents set elsewhere by enacting a Mothers' Allowance. It targeted mothers with one or more dependent children up to 16 years and/or with children up to 18 years regularly attending school. Mothers had to be widowed or a wife whose husband had a specific disability that kept him from providing adequate support for the family. The program was cost shared 50-50 between the province and municipalities. The Superintendent of Mothers' Allowance administered it. This official was also the Superintendent of Neglected and Dependent Children.⁵⁹

World War I and its aftermath were catalysts for state responses to social needs, along with a debate about state medicine and emphasis on public health measures.

4B. Summary of the 1905-1921 Period

“In 1905, the province lacked a highly complex social structure thus reflecting a paucity of thinking directed towards domestic social concerns.” Industrialization with its accompanying labour force had not found its way to Alberta.⁶⁰

Aside from ordinances inherited from the NWT Council, the first forms of relief came under government's mandate through the Department of Agriculture in 1905 being allowed a budget to respond to the need for hospitals, charity and public health. As municipalities were formed they started to respond in rudimentary ways to poverty. Public health was a key priority and a sub set of its mandate was to inspect orphanages. The North-West Mounted Police (NWMP) responded at times to the needs of the indigent.⁶¹ This was followed by the City of Strathcona's 1907 incorporation including a mandate to provide assistance to residents. Incorporations of religious organizations

⁵⁷ Krewski, (1979), 6.

⁵⁸ Lobb (1971), 2.

⁵⁹ Ray, David J. “An Outline of Social Assistance Programs in Alberta: 1905-1988. Edmonton, AB: (Unpublished BSW practicum assignment. 1988), 3. Hereafter referred to as Rae (1988).

⁶⁰ Lysne (1966), 16.

⁶¹ The police did not entirely lose this role. NWMP and later RCMP officers often helped out in kind. In later years, many retired police officers found a second career in the province's administration of social programs. Many of these people in their second-career choice made a unique contribution in provincial public welfare administration.

tended to ensure that they functioned without remuneration or compensation from government in caring for the sick, aged, incurable and indigent persons.

The early superintendents in charge of establishing and administering child welfare services (primarily via Children's Aid Societies), were some of the first officials who alerted government in annual reports about poverty conditions that affected the wellbeing of families and children. During the periods 1870-1905 and 1905-1921 human survival and society-building were remarkable manifestations, especially considering the rapid settlement prior to World War I and the affect of the war on the new province's population. Various pieces of social legislation were passed in recognition of the population's social needs, for example, the Children's Protection Act (1909), Worker Compensation Act (also in 1909) and the Mothers' Allowance Act (1919). At the federal level, from confederation until World War I, major sources of revenue were customs and excise taxes. Income tax became a reality in 1917 first as a temporary measure to finance the war effort and later as a constant levy to maintain public services.

Severe hardships were experienced during this period. Lysne's thesis and the IODE Report (referenced earlier) provide fascinating descriptions of social needs and the evolution of services in the early period of the province's history. The former was written in an academic milieu of the 1960s, the latter noted report came out in a highly politicized atmosphere of the late 1940s.

5A. Alberta from 1921 to 1935: Chronology of Benchmarks in Public Welfare

- 1920s "During the 1920s, the [Edmonton] Board [of Public Welfare] (*emphasis added*) continued its work with providing assistance to the poor in Edmonton. It was responsible for administering the Mothers' Allowance program, as well as the federal unemployment relief program. Following its belief that poverty is a complex issue, the Board becomes involved in programs that provided other types of support to the poor, such as coordinating relief services, friendly visitors, and education. It identified social problems and possible solutions and advocated for changes to governments. By 1929, the City had local officers administering the Children's Protection Act, the Juvenile Delinquent Act, the Children of Unmarried Women's Act and the Mother's Allowance."⁶²
- 1929 The Old Age Pension was intended for persons 70 years of age and over (it excluded Indian people). It was a means-tested program administered by the province and cost-shared 50-50 between the federal and provincial government, and the province collected 10% of the cost from municipalities where the pensioner had residence.⁶³
- 1930-1939 During the Depression, the provincial government operated an informal system of social assistance along with other formal or established programs such as Mothers' Allowance.

⁶² A Brief History of Edmonton's Municipal Social Services from 1892 to 1998. (1998). 2.

As an added note, the Secretary who served the Board from 1918 to 1925, Mrs. Dorothy King, apparently was Director of the Montreal School of Social Work from 1933 to 1950, when the School was readmitted into McGill University. Innovative programming executed by the Edmonton Board of Public Welfare too might have had something to do with King's ability. Over time, more than casual interaction took place between Quebec and Alberta in the field of social services, a subject matter worth independent attention.

⁶³ Ray (1988), 4.

Around 1934, various social assistance programs were developed by the province to alleviate hardships faced by Albertans during these times of economic hardship.⁶⁴

Relief (rooming houses, two meals per day, clothing, boot repair and medical attention) for single unemployed men (approx. 1934).⁶⁵

1931 The province had established the Relief and Charity Branch that reported to the Minister of Municipal Affairs, followed by the establishment of the Unemployment Relief Commission. The former focused on generally families in cities, towns, villages and improvement districts, while the latter dealt with single, unemployed homeless men. For the year 1934, excluding assistance to single men, 10,151 applications for relief had been approved. Total cost for 1934 was \$ 2,936,000.00 that allowed for seed grain, medical care, direct relief and expenditures on single men.⁶⁶

1932 Single men were fed at public kitchens in Edmonton, Calgary and Lethbridge, and a series of unemployment relief working camps were set up. Over 8,000 single men were assisted in camps and urban centres.⁶⁷

General unemployment relief around 1935 was in-kind, in the form of food, fuel, clothing and shelter for the general population in need. Contingent on residency it was administered by the provincial government, municipalities, city councils, I.D. councils and the R.C.M.P. The program was cost-shared between federal, provincial and municipal governments.⁶⁸

1935 The election of the Social Credit government came at the defeat of the United Farmers of Alberta after their fourteen years in office. It was the start of a more elaborate approach to public welfare. The new government consolidated responsibilities for relief. The Bureau of Relief and Public Welfare was established under direction of the Minister of Public Health. A Commissioner of Relief oversaw the Bureau activities heretofore carried out by Municipal Affairs. Also a Relief Appeal and Advisory Board was appointed to investigate and report on all aspects of direct relief. Although part of the ministry of Health, the Bureau operated separately, but this was changed in 1944 with the formation of the Department of Public Welfare.⁶⁹

1935 “The Great Depression of the 1930s put the greatest strain on the City’s [Edmonton’s] (emphasis added) public welfare costs and services. It was a time of widespread unemployment and suffering for many people. A special relief department under H.F. McKee was established in 1931 to assist those suffering from the effects of the depression. The City set up a soup kitchen for young married men and offered relief payments to unemployed families.”⁷⁰

5B. Summary of the 1921-1935 Period

While local authorities saw to meeting the needs of indigent citizens, the federal and provincial governments initiated pension programs. Residency of citizens was an

⁶⁴ Ray (1988), 5-10.

⁶⁵ Ray (1988), 5-10.

⁶⁶ Krewski, (1979), 23.

⁶⁷ Lobb (1971), 3-4.

⁶⁸ Ray (1988), 5-10.

⁶⁹ Krewski, (1979), 30.

⁷⁰ A Brief History of Edmonton’s Municipal Social Services from 1892 to 1998. (1998). 2.

eligibility factor. But even with Old Age Pension, 10% was charged back to the pensioner's municipality of residence.

There was an inability on the part of local authorities and the voluntary sector to respond to conditions emanating from the Depression. The onus placed on local authorities (not only during this period) was often beyond their capacity given their limited taxation powers. Governments at all levels increasingly faced very complex situations and social needs.

The evolution of public welfare, one from charity to relief (the dole) and to public assistance, entitlements and appeal did not happen evenly nor all during this period. There was continuous interaction between local authorities and senior levels of government. Consider World War I and its aftermath, the drought-stricken conditions in Southern Alberta in the 1920s and the Depression of the 1930s.⁷¹ Local authorities deserve recognition as valiant efforts were made by them in the field of public welfare. Senior levels of government were initially reluctant entrants in the field of public welfare and they are more distant from local citizens. While not taking away from substantial contributions made by provincial and federal governments and their staff, local councils and their staff are closer to the pulse of the community.

6A. Alberta from 1935 to 1971: Chronology of Benchmarks in Public Welfare

THE DEPRESSION... The average Canadian didn't know what was happening, but only that the economy was slowing down, slowing down. As the economic noose tightened, factories closed or cut staff by 25, 40, 60 per cent. The vast and vital U.S. export market slowly and then more quickly was choked off. The drought hit the prairies, even as farm produce prices skidded alarmingly. Many mines closed. It was the old domino effect—one disaster causing another and so on. Municipalities went bankrupt, and even some cities. Relief was pitiful. Successive governments dithered. Nothing happened. Things just got worse, year after year. People still really don't know what caused it all, and they are still teaching different theories in university economics classes. That is, when they teach it at all." Barry Broadfoot⁷²

"We scraped along and in 1933 I was on relief getting \$ 10 a month, for myself, my boy and my two girls, and with two cows milking, chickens and a garden, well, I'd say we got by. But then my brother came from Vancouver to live and the relief people heard about it and they cut the relief saying I had a man around the place now and he could do the farming. This wasn't so. We had no machinery, no horses, so how could we farm 80 acres? I ask you!" A widow in the Red Deer area.⁷³

"Worse hit of all were those in the famous Palliser Triangle, a great piece of land centered in Southern Saskatchewan but extending in Alberta and Manitoba, which contained about three million acres and is farms, in its towns and cities about two million people. It truly was a disaster area; some experts believe that in the bad years it was the hardest hit area in the world." Barry Broadfoot⁷⁴

⁷¹ Krewski's paper (1979), Lysne's thesis (1966) and the IODE Report (1947) provided valuable insights about life in Alberta.

⁷² Broadfoot, Barry. Ten Lost Years 1929-1939 Don Mills, ON: (PaperJacks. 1973), 15.

⁷³ Ibid., 32.

⁷⁴ Ibid., 36.

1936 The Social Credit government passed the Social Service Tax Act, which empowered every city, town or village to levy three mills social service tax on equalized assessment of all land within the various districts, and thereby increasing the municipalities' tax base. The municipality was to levy the tax, collect it and pass it on the provincial government.⁷⁵ This represented significant centralization of control by the province away from local authorities.

The provincial government also passed the Bureau of Relief and Public Welfare Act. The Act responded to a Tax Commission's recommendation to administer those social services the municipalities felt to be beyond their power.⁷⁶

The term "charity" did not appear in this Act, and the notion of "public welfare" was accepted and seen as government assuming responsibility in the field of social services.⁷⁷

1936 Several programs were introduced this year. The Movement of Settler's Program included relocation assistance to farm families residing on unproductive land (primarily in southeast part of the province). Cost-shared between federal and provincial governments.⁷⁸

The General Relief Program. Rural work projects in lieu of relief for needy settlers/farmers especially in Northern and Central Alberta, who were unable to provide for oneself and/or family. The province administered it.⁷⁹

1938 Blind Person's Pension/Allowance for blind people, who met financial needs test, was introduced. It was administered by the province and cost-shared with the federal government.⁸⁰

1939 An Act Respecting the Metis Population of the Province. It set out to effect betterment and rehabilitation of Metis people. 1.5 million acres of public land were set aside for settlement by Metis people. The program was funded by the province and administered between the province and Metis Settlement Associations.⁸¹

Legislation was the result of social and economic conditions experienced by Metis people, and recommendations from the Ewing Commission that submitted its findings and recommendations in 1936.⁸²

World War II: 1940-1945

1942 Supplementary Allowance (\$ 5.00 per month, later increased to \$ 7.00) for Old Age and Blind Person's Pension recipients who were unable to live on a pension income. The province administered it.⁸³

1944 The Department of Public Welfare Act was passed in 1944⁸⁴ and the Department of Public Welfare was formed in response to the growing complexity of conditions and

⁷⁵ Lysne (1966), 147.

⁷⁶ Lysne (1966), 147.

⁷⁷ Lysne (1966), 148.

⁷⁸ Ray (1988), 7.

⁷⁹ Ray (1988), 8.

⁸⁰ Ray (1988), 10.

⁸¹ Ray (1988), 11-12.

⁸² Krewski (1979), 31.

⁸³ Ray (1988), 12.

issues in the post-war era. The department started with five divisions, namely, the Public Assistance Branch, Child Welfare Branch, Single Men's Division, Metis Rehabilitation Branch and the Veterans' Welfare and Advisory Branch.⁸⁵

The Public Assistance Branch's function was to provide direct relief assistance to: a.) People in Improvement Districts and Special Areas (those were areas that were unable to provide for their own assistance needs).

b.) Transient persons. Direct relief consisted of food, fuel, clothing and shelter, medical and hospital care, transportation, and burials for indigents. Provision of these services came through local R.C.M.P. detachments.

The branch was further responsible for provision of food, fuel, clothing and shelter to Japanese families moved by the Federal Government from British Columbia to the Lethbridge district during World War II. In the case of the latter noted service, cost was recovered from the Federal Government. The branch provided funding assistance through grants for a percentage (80% by 1957-'58) of overall costs for municipalities responsible for direct relief programs. The basic structure of the branch did not change much from its inception until the 1960s.⁸⁶

1945 The Old Age Pension Branch and Mothers' Allowance Branch respectively were added to the Department of Public Welfare.⁸⁷ The Provincial government carried out a post-war reconstruction planning process, and a sub committee focused on public welfare. The Social Credit government was unfavourably disposed to ideas espoused in Beveridge's report in England and Marsh's report in Canada, fearing a threat of socialism.⁸⁸ But aside from rhetoric, the Social Credit government managed to incrementally install an extensive social safety net during its lengthy tenure.

1949 "In June 1949, the [City of Edmonton's] Social Welfare Department hired a professional social worker, Mr. E.S. Bishop as its superintendent."⁸⁹

1946-1966 Over a period of years, various branches were added to the Department of Public Welfare, the Inspection Branch (1946), Rehabilitation of Disabled Persons Branch (1954), Homes and Institutions Branch (1963) and the Maintenance and Recovery Branch (1966).⁹⁰

1952 Old Age Assistance @ \$ 40.00 per month plus hospital and medical benefits provided by the province to persons between 65-69 years of age. Cost shared 50-50 between province and federal government, administered by the province.⁹¹

Widow's Pension @ \$ 40.00 per month plus hospital and medical costs paid by the provincial government for widows, or women committed to a mental hospital or having been deserted. It was funded and administered by the provincial government.⁹²

⁸⁴ Statutes of Alberta , 1944, c. 6.

⁸⁵ Schoenhals, Sylvia. "Department of Health and Social Development." Edmonton, AB: (Unpublished paper. 1974), 2. Hereafter referred to as Schoenhals (1974).

⁸⁶ Ibid., 2-3.

⁸⁷ Ibid., 2.

⁸⁸ Lysne (1966), 151-152.

⁸⁹ A Brief History of the Edmonton's Municipal Social Services from 1892 to 1998. (1998). 2.

⁹⁰ Schoenhals (1974), 2. Bishop, as manager and trained social worker, made a significant professional contribution in various roles. Bishop is an elder (personally and professionally) and he resides in Edmonton

⁹¹ Ray (1988), 15.

⁹² Ray (1988), 16.

The Department of Public Welfare, heretofore part of the Department of Health, was set up as a distinct portfolio, and the Hon. R. D. Jorgenson was given the responsibility to oversee the Public Welfare Department. Income support was central to the province's public welfare system.⁹³

- 1953 Disabled person's means-tested pension @ \$ 40.00 per month for persons with a chronic disability was introduced. People had to have 10 years residency in Alberta and be unfit for gainful employment. It was cost-shared 50-50 between provincial and federal government, and administered by the provincial government.⁹⁴
- 1954 The Rehabilitation and Disabled Persons Branch was formed as part of the Department of Public Welfare to provide medical services, training and placement.⁹⁵
- 1958 The province funded construction of fifty lodges to accommodate senior citizens.⁹⁶
- 1960 The Act to Amend the Public Welfare Act (S.A. 1960, c.86) was passed to rationalize the administration of various federal and provincial pension programs.⁹⁷
- 1961 Social Allowance, a needs-tested program for unemployable persons and families (it excluded Status Indian people) was introduced. It was cost-shared 50-50 between the province and federal government, but administered by the province.

The Public Assistance Branch administered Federal-Provincial pension schemes, i.e. Old Age Assistance, Disabled Persons' and Blind Persons' Allowances. Categorical pension programs were phased out and replaced by Social Allowance.⁹⁸ The Social Allowance program in ways "embodied the very basis of the Beveridge and Marsh reports of the early 1940s."⁹⁹

Principle innovations were the principle of need instead of means testing and the fact that municipalities were not responsible anymore for unemployable individuals. The Social Allowance program effected an expansion of the province's delivery structure when the province opened regional offices throughout the province.¹⁰⁰ Social Assistance for unemployed employable persons without residence was administered by the province. Unemployed employable persons with residence in the municipality continued to be administered by municipalities.¹⁰¹

- 1963 The Homes and Institutions Branch was formed within the Department of Public Welfare.¹⁰²
- 1966 The new Child Welfare Act (CWA) and the Preventive Social Service Act (PSS) were both passed. The CWA enabled reforms required in the administration of the province's child welfare programs, and PSS set out a cost-sharing mechanism for municipalities to deliver or fund agencies to deliver preventive programming. The onus for administering child welfare services was transferred to the province and municipalities concentrated on

⁹³ Krewski (1979), 38.

⁹⁴ Ray (1988), 16.

⁹⁵ Krewski (1979), 39.

⁹⁶ Krewski (1979), 39.

⁹⁷ Schoenhals (1974), 3-4.

⁹⁸ *Ibid.*, 3-4.

⁹⁹ Lysne (1966), 153.

¹⁰⁰ Krewski (1979), 39.

¹⁰¹ Ray (1988), 18.

¹⁰² Schoenhals (1974), 2.

developing preventive services. Municipalities remained involved with public assistance for employable individuals who met residence criteria.

The Maintenance and Recovery Branch was formed within the Department of Public Welfare.¹⁰³

“To what extent do the legal right, the public approval, and the physical capacity coincide? Does the law assure the physically disabled, to the degree that they are physically able to take advantage of it, the right to leave their institutions, asylums, and the houses of their relatives? Once they emerge, must they remain on the front porch, or do they have the right to be in public places, to go about in the streets, sidewalks, roads and highways, to ride upon trains, buses, airplanes, and taxi cabs, and to enter and to receive goods and services in hotels, restaurants, and other places of public accommodation? If so, under what conditions? Jacobus tenBroek¹⁰⁴

- 1967 The Hon. E.C. Manning, Premier of Alberta, released A White Paper. It dealt with resources development.¹⁰⁵ In light of the Social Credit government’s stalwart approach to social policy and social programs from the thirties to the sixties, the White Paper represented a “people-oriented” position relative to resources development. It emphasized that human resources development precede physical resources development.
- The province entered into agreement with the Federal government for the purpose of obtaining 50-50 cost sharing of all financial assistance costs in Alberta.¹⁰⁶
- 1968 The province discontinued Federal-Provincial pensions, Blind and Disabled Persons’ Allowances and Old Age Assistance for new applicants. Current recipients could retain their respective pension or be transferred to Social Allowance and new applicants were given access to the Social Allowance program.¹⁰⁷
- 1969 The Department of Public Welfare was renamed to the Department of Social Development, symbolizing a developmental over residual focus of its programs.¹⁰⁸ The Department of Social Development Act was enacted and the Department of Public Welfare Act was repealed.¹⁰⁹ This same year, maintenance and recovery functions were consolidated under the new Maintenance and Recovery Act to be administered by the Maintenance and Recovery Branch of the Department of Social Development.¹¹⁰
- 1970 The Employment Opportunities Program was initiated, designed to rehabilitate recipients on social allowance by enabling training and/or job placement.¹¹¹ The program had positive outcomes, resulting in self- sufficiency for numerous recipients.

¹⁰³ Schoenhals (1974), 17.

¹⁰⁴ TenBroek, Jacobus (Ed.). The Law of the Poor San Francisco, CA: (Chandler Publishing Company. 1966), 518.

¹⁰⁵ The Honorable E.C. Manning, Premier of Alberta. A White Paper on Human Resources Development. Edmonton, AB: (Government of Alberta. 1967). Dr. Leslie Bella carried out research on Alberta’s public welfare programs in the 1960s and 1970s. In “The Origins of Alberta’s Preventive Social Service Program” she analysed the evolution of public welfare in Alberta during the Social Credit era.

¹⁰⁶ Lobb (1971), 9.

¹⁰⁷ Lobb (1971), 10.

¹⁰⁸ Schoenhals (1974), 17-18.

¹⁰⁹ Statutes of Alberta. 1969, c. 101; Statutes of Alberta. 1945, c. 6..

¹¹⁰ Lobb (1971), 10.

¹¹¹ Schoenhals (1974), 19.

6B. Summary of the 1935-1971 Period

William Aberhart, the new premier of a new (Social Credit) government, initiated a range of categorical programs to meet pressing situations of financial need. Public welfare came into its own during the tenure of Social Credit as an essential entity of social programming. The point was emphasized with the formation of the Department of Public Welfare in 1944, a ministry dedicated to administering social programs. Although the economy improved during World War II, the war had a major impact on family and community life, with so many adults serving in the armed forces.

Categorical approaches remained in vogue until the 1960s. The 1930s represented an era of extreme hardship experienced by many people. The pre-war years were not easy. There was increasing confusion between province and local authorities about the roles and functions of either level of government, and especially about the cost to administer social programs. During WWII, governments at the federal and provincial level established a Post-War Reconstruction planning process. While the Social Credit government had a philosophical distaste for anything with a perception of socialism, government introduced various measures in response to social needs and it proceeded to gradually install a provincial social safety net. The Post-War Reconstruction Report on Social Welfare recognized the need for trained professionals in social programs.

“The post-Second World War movement toward the goal of comprehensive social security for all Canadians outlined in the reconstruction documents of 1945 witnessed important steps taken toward the objective in the late 1940s and 1950s.” ... “The decade of the 1960s is sometimes referred to as the decade that rediscovered poverty.”¹¹²

The Imperial Order, Daughters of the Empire (IODE) in its 1947 study not only focused on Alberta's child welfare programs, but also dealt with other public welfare programs and issues. Authors of the report (high profile Dr. Charlotte Whitton and her team of experienced social work managers) observed, “By 1943 the Bureau of Public Welfare had a creditably integrated relief policy and programme in effect.” The IODE's study nevertheless was critical of the province's administration of social programs overall, especially child welfare programs. Government appointed a Royal Commission to investigate charges made by the IODE, but afterwards government ignored the IODE's recommendations and the Royal Commission's recommendations.¹¹³ The IODE reports warrant recognition as articulate historical documentation.

Alberta had been known throughout Canada as a remaining living example of a welfare system dominated by the restrictive and punitive philosophy of poor law traditions. However, the province had also produced some innovative social legislation. Maternity benefits, T.B. sanatoriums, and senior citizens' housing were among the best in Canada.

¹¹² Splane (1985) 2-3.

¹¹³ IODE Report (1947) 21, and Chapters VI and VII. This report is one of three reports released by the IODE, leaving a valuable legacy of historical information.

Hence Barr's description of Social Credit as "a middle of the road regime, with a slight reformist tinge."¹¹⁴

The Social Credit government bravely terminated many categorical and "means-tested" social programs and pensions and replaced them in 1961 with the new Alberta-driven "needs-tested" Social Allowance Program. The distinction of employable and unemployable recipients of public welfare remained in tact. The province became more involved with unemployable persons in financial need, and local authorities administered to employable persons with residence who were in financial need.

The provincial government reversed its negative image in the field of social policies to a very positive one in the 1960s with enlightened social policy and program development. The federal government's Canada Assistance Plan (CAP), passed in 1966, was enabling legislation that greatly assisted all provinces and territories through a 50-50 cost-sharing formula. Throughout the period, local authorities (in spite of unevenness in administration) did yeoman's work in public welfare administration, but their role in administering public welfare would soon end.

7A. Alberta from 1971 to the Present Chronology of Benchmarks in Public Welfare

- 1971 The Progressive Conservatives won the election. Health and Social Development were amalgamated in one portfolio, under one minister. Mental health and services for people with disabilities were high priorities.
- 1975 Alberta Assured Income Plan (\$ 10 to \$ 47 /month) for Alberta pensioners 65 years of age or older in receipt of the federal Guaranteed Income Supplement. Funded and administered by the provincial government.¹¹⁵
- 1975 The mid-seventies form a benchmark worthy of attention. A gradual transfer took place from local authorities to the province for the administration of public assistance to employable persons with residence in the municipality. It represented a fundamental change in the delivery of public welfare. Historically, municipalities were a designated level of government to meet the needs of the poor. Not everyone was happy with the take-over of social program administration by the province.
- 1970s In the early seventies, the provincial government emphasized development of services for people with disabilities. In the late seventies, food banks opened, first in major urban and later also in smaller communities. Gradually, over the next decade, well-intentioned voluntary responses to poverty conditions led to a volunteer-driven and quasi public welfare system as supplementation of governments' public welfare programs.
- The Assured Income for Severely Handicapped (AISH) was introduced and implemented in 1979.
- 1980s The Widow's Allowance (WA) were established. The decade of the 1980s saw a revisiting of historical views of the poor as being divisible in "deserving" and so called

¹¹⁴ Barr, John. *The Dynasty* Toronto: ON: (McClelland and Stewart, 1974), cited in Leslie Bella's "The Origins of Alberta's Preventive Social Services Programs (University of Alberta, 1978), 237.

¹¹⁵ Ray (1988), 21.

“undeserving.” People with disabilities and widows were seen as more deserving than other recipients of Social Allowance. Some people favoured this approach, possibly not knowing the history of the poor laws.

1988 Below the position on social policy issued by the Alberta Government during Premier Donald Getty’s tenure.

“Typically, social programs are thought of as social welfare or social service programs. In fact, the term “social programs” refers to those programs which have people as their major focus. In Alberta, the definition of social programs includes a very broad range of government programs and services – our excellent education system, outstanding health care, quality child care programs, varied housing programs, and employment training initiatives, plus an extensive array of cultural, multicultural and leisure programs, as well as a comprehensive system of support for Albertans in need.”¹¹⁶

Alberta was viewed by the PC government as having a tradition of caring for people and Albertans prided themselves on significant advances made in all sectors, especially since the 1960s in education, health and social services and community support. Government monitored and safeguarded the rights of individuals as embodied in the Individual’s Rights Protection Act and a vehicle to address such issues by the Human Rights Commission. Government recognized its role in providing services and support to Albertans in need. It developed income support programs for people in severed financial need, aid to disabled of all ages, and special assistance for elderly, widows and widowers and support for troubled, abused and neglected children.¹¹⁷

Government put forth a vision of social policy for the future. The role of government, among other things, was viewed as “To promote a dignified and humane society in which Albertans are assured high standards of education, health, personal safety and security, and protection of their fundamental freedoms.”¹¹⁸ In 1988, the Alberta Government addressed the common good of all Albertans, including those in need. The statement included affirmation that “Alberta’s social programs and services exist for the betterment and enrichment of its people.”¹¹⁹

1990s Alberta Family and Social Services administered the Social Allowance program and the Assured Income for the Severely Handicapped (AISH) program under the legislative base of the Social Development Act and Social Allowance regulations for the former two programs. The Assured Income for the Severely Handicapped Act and regulation covered the last noted program.

In November 1990, government announced a new income support program for Albertans, i.e. Supports for Independence (SFI) was to replace the Social Allowance Program.¹²⁰ SFI became the operative label in the nineties as an income benefit program for people in financial need. In 1992, the Hon. Ralph Klein became premier of Alberta.

1993 The Minister of Family and Social Services, the Hon. Mike Cardinal, introduced comprehensive reforms in “Welfare,” “Services for Children and Families,” and “Services for Persons with Disabilities. The minister desired a fundamental change of “welfare” from a passive system of support into an active employment program. Benefit

¹¹⁶ Caring and Responsibility: A Statement of Social Policy for Alberta. Edmonton, AB: (Government of Alberta. The Honourable Neil Crawford, Minister of Special Projects. 1988), 2.

¹¹⁷ Ibid., 4.

¹¹⁸ Ibid., 10.

¹¹⁹ Ibid., 13.

¹²⁰ Inventory of Income Security Programs in Canada. Ottawa, ON: (Human Resources Canada. 1993), Chapter 4, 119.

levels were reduced and some benefits were eliminated entirely.¹²¹ The initiatives set off in 1993 were the start of a watershed in public welfare reforms that has not stopped yet.

From anecdotal information it was learned that government reform initially focused on training and employment and “not” on reduction in benefits. When caseload reduction, however, did not move fast enough, drastic budget reductions were introduced. Subsequent implementation of reforms happened hastily and effected a great deal of human suffering. Needs, interest and dignity of citizens were secondary. Alberta led the nation in reducing public welfare caseloads, a dubious reputation for a “have” province.

“Edmonton City Council is sensitive of the Provincial need to address budget and deficit realities. However, when social assistance benefits are significantly and broadly restructured without community consultation, many Edmonton children and families have suffered as a result.” “The future well-being of Alberta’s children are at stake and short term, cost-cutting measures like these will lead to long term increased costs.”¹²²

1994 The City of Calgary issued a municipal position paper.¹²³ The paper was the result of a broad-ranging study of Canada’s and local social security programs and costs. In the paper, the City of Calgary, while allowing for needed reforms of various cost sharing programs, it advocates for continuation of the Canada Assistance Plan.**

** Information from Alberta’s two largest municipalities is an example of concerns voiced about major reforms in the social safety net. The Edmonton Social Planning Council and Alberta College of Social Workers (and others) advocated repeatedly during the past decade in the interest of low-income groups.

“For four months I, and others like me, had watched in stunned silence as Ontario declared war on the poor, the disabled, the elderly, the different; declared itself open for business for the taxpayer, for the banks. I listened to the applause for the premier and watched his approval ratings soar.” Pat Capponi¹²⁴

2001 The Canadian Association of Food Banks reported its HungerCount 2001 in great detail. Canada wide, 718,834 people in Canada received emergency groceries from a food bank during March 2001. It represented a 90% increase in food bank use since March, 1989. 41% of food bank recipients were children, 65% of food bank recipients received social assistance, 12% were working poor and about 7% received disability support. In Alberta

¹²¹ Alberta Welfare Reforms Progress Report March 1993-December 1995 Edmonton, AB: (Alberta Family and Social Services, 1996), 1 and 4. Ministry spokespersons expressed satisfaction, if not pleasure in announcing cuts in benefits with measurable reductions in caseloads over the period noted. Interestingly, social welfare policies, in many European nations too are moving towards a more ‘active’ use of funds with the view to further self-help. See http://www.europaprogrammet.no/sider/4_publickashoner/4_seminarr... (last read October 21, 2002).

During my tenure in administering social programs, I learned that irrespective of the political spectrum from left to right, generosity in relation to public welfare benefits differed vastly between countries on the North American and European continents respectively. Alberta’s rates at its most generous level still looked meagre in comparison with some European benefit levels. But the recent swing toward neo-conservatism and old-fashioned poor law concepts is not unique to Alberta. I have been associated since the late fifties with statutory services, and am acutely aware that poverty and child neglect are closely intertwined. Practice experience is corroborated by research findings.

¹²² “Recent Cuts to Social Assistance Benefits”, Dated December 21, 1993 along with stories of 18 Edmonton families to exemplify the impacts of social allowance benefit cut-backs.

¹²³ Building the Community. Reassembling the Puzzle Reinventing Canada’s Social Security. Calgary, AB: (The City of Calgary’s Municipal Position Paper. 1994).

¹²⁴ Capponi, Pat. dispatches from the poverty line Toronto, ON: (Penguin Books. 1997), 19.

alone, 44,868 people were assisted in March of 2001 (8.4% decrease over the previous year). The number of people accessing food banks in Alberta remained 25% higher than in 1997; moreover, Alberta food banks had the dubious honour of assisting the highest percentage (30%) of employed workers in 2001 compared to other provinces. Minimum wages employees in Alberta earn one of the lowest rates at \$ 5.90 per hour.¹²⁵

**According to some grade 4 and 5 pupils in North Bay, Ontario,
“POVERTY IS....**

- **Wishing you could go to Mcdonald’s;**
- **Pretending you forgot your lunch;**
- **not being able to play hockey;**
- **being teased for the way you are dressed;**
- **not getting to go on school trips....”¹²⁶**

2002

The Minister of Alberta Human Resources and Employment (AHRE) announced his response to the government-driven Low Income Review’s Vision of the Future.¹²⁷ The following reforms were being considered in response to the Low Income Review report.

- A single, integrated low-income support program for individuals and families who need financial benefits. The new program would replace three existing programs, i.e. Supports for Independent Living (SFI), Widow’s Pension (WP), and Skills Development Program (SDP) student living allowance. The Assured Income for the Severely Handicapped (AISH) is to continue as a separate program.
- Work-related benefits for low-income Albertans who no longer need an income support program to meet their basic needs. For example, access to part-time training and help in getting child support.
- Increased access for low-income Albertans to the employment and training programs offered by AHRE.
- A new benefit structure made up of core benefits that would provide all recipients with the same amount for basic needs and building blocks of additional benefits and services that would be provided based on individual circumstances.

Recommendations relative to adjusting income supports were to be dealt with “As budget allows”¹²⁸ By late November of 2002, no decision had been made in favour of rate increases. A decision was made to grant people on low income free health care, and the Hon. Clint Dunford hinted at efforts being in progress to effect rate adjustments.

2002

The Alberta College of Social Workers circulated a letter to its members advising that “In terms of SFI, the Government decreased welfare rates in 1993, during its debt and deficit drive. Since then, aside from minor changes, no inflationary adjustments have been made. Welfare clients are still expected to find food, clothing and shelter, including utilities at 1993 prices, even though inflation has eroded the value of the rates by approximately 20%.”¹²⁹

¹²⁵ HungerCount 2001 Food Bank Lines in Insecure Times Canada’s Annual Survey of Emergency Food Programs. Prepared by Beth Wilson and Emily Tsoa. Toronto, ON: (Canadian Association of Food Banks. 2001), 2 and 10.

¹²⁶ Excerpts from a poem that originated from a grade school (Children in Grades 4 & 5) in North Bay, ON. “Poverty is...” (Undated. Author unknown).

¹²⁷ News release from the Government of Alberta. *Low-Income Review presents a vision for the future.* Edmonton, AB: (Alberta Human Resources and Employment. May 22, 2002)

¹²⁸ *Ibid.*, 4 and 5 of 13.

¹²⁹ Circular from the Alberta College of Social Workers to its members providing an update on Support for Independence (SFI) and Assured Income for the Severely Handicapped (AISH) benefit level issues. May

“The cost of living in Alberta has risen over 24% in the last decade. AISH rates have risen only 5% in the same 10 year period. Rates for other low income programs have risen even less. Nearly 40,000 of the 57,000 Albertans who receive income supports from the provincial government have either a physical or mental disability. Alberta Disabilities Forum (2002)¹³⁰”

On November 4, 2002, the Edmonton Journal ran a front-page headline, “Stuck in the low-wage lane.” The newspaper feature referred to a report released by the Canadian Policy Research Networks. Judith Maxwell, the organization’s president, wrote the report. Maxwell researched and wrote about the plight of the working poor that calls for social policy reforms. This report warrants study in conjunction with data released by the Canadian Association of Food Banks (CAFB) referred to above. The CAFB study reported the high percentage of users who are on public welfare and reported an increase in food bank use (especially in Alberta) by employed people.

7B. Summary of the 1971 to the Present Period

The Progressive Conservatives under leadership of Peter Lougheed won the 1971 election, ending Social Credit’s 36-year tenure. All government programs underwent scrutiny and reform, with many programs being replaced by new programs, and new programs were introduced. Although the right to public welfare is not explicit in law in Alberta, conditions under CAP assured that access to public welfare could not be denied. Income benefit programs were administered in a spirit of firmness and fairness. Formal terms such as eligibility, entitlement, and access to appeal were commonly used. The interplay of CAP and provincially administered programs should not be ignored. It had an overall beneficial affect on social program administration across Canada in the second half of the twentieth century.

Much is made of “Market-Basket Measurements” in connection with public welfare programs. Rates for social allowance were set based on market-basket research routinely carried out by home economists of Alberta Agriculture.

The principle of less eligibility still prevailed,¹³¹ but there was a working arrangement between home economists and officials responsible for the Social Allowance, AISH and Widows benefit programs. In earlier days, (separate from fixed food rates), there were no rent or utility cost guidelines. This type of practice would be heresy by today’s standards, but under the leadership of a former deputy minister (the late Duncan W. Rogers) with political support needs-based services were protected. Practices and services during those years complied with UN and CAP conditions.

Negative perceptions about *employable as well as unemployable persons* in need of public welfare persisted. Notions of deserving and less deserving resurfaced periodically.

23, 2002. The College and other community groups and organizations and the media lobbied for several years with government in support of a raise in benefits for people in receipt of SFI and AISH.

¹³⁰ The Alberta Disabilities Forum (ADF) “A United Voice.” Cause for Concern – Time to Act. (undated pamphlet concerning income deficiencies experienced by Alberta citizens with disabilities).

¹³¹ In all probability, program officials might not have been acquainted with the doctrine of less eligibility, but the essence of the doctrine was practised one could say intuitively.

Government released public consultation papers prior to reforming its social programs. In the 1970s, emphasis was placed on assisting employable recipients of public welfare to enter or re-enter the labour market. The province acquired skill in helping people enter the labour force and become self-sufficient. It resembled historical practices.

The province took over all public welfare functions and local authorities initiated preventive social services. The transfer of public welfare functions (from municipality to the province) meant more than a reduction of expenditures for local authorities. With the transfer, municipalities lost a role that had been part of their *raison d'être* since being established in Alberta. Numerous local authorities administered these programs proficiently, often with the help of trained social workers. In fact, larger municipalities professionalized their staff before the province took steps in that direction.

The decade of the seventies was economic boom time, but ironically by the late 1970s the first food banks emerged in Alberta. Food banks were never intended to replace or supplement government programs.¹³² In parts of the continent, experiments were conducted with a Guaranteed Income, but the concept did not gain enough momentum.¹³³ Dr. Bella, maintains that, “We need to know the real and full cost to society of unemployment, a cost which is considerably more than the cost of providing an unemployment or social allowance cheque each month.”¹³⁴

During the 1980s, some key programs were introduced as offshoots from Social Allowance. The Assured Income for Severely Handicapped (AISH) and a Widow's Allowance (WA). Recipients of these programs were not to be viewed as “welfare recipients.” Differential eligibility criteria were devised and benefits were extended as distinct for specified target groups. The economy became less buoyant in comparison to the 1970s and purse strings tightened.

The Alberta government under the leadership of Premier Donald Getty issued a new government position on social policy in 1988. The Hon. Neil Crawford, Minister of Special Projects developed this policy position. Minister Crawford had extensive cabinet experience and had been in charge of the portfolio for Health and Social Development. It might be a coincidence, but the Crawford position paper bears some resemblance to former Premier Manning's 1967 White Paper. Both individuals addressed the common good of Alberta citizens.

In 1990, the Social Allowance Program was replaced by Supports for Independence (SFI). While not taking away from the purpose of the program, SFI's effectiveness was jeopardized by deep budget cuts and constraints introduced in 1993. Thousands of

¹³² Soup kitchens in the depression led to Canada's post World War II movement for improved social security programs. Do we dare speculate what the long-range effect from food banks will be on Canada's social policies?

¹³³ Aside from inherent federal-provincial squabbles, current technology could readily assist in establishing a guaranteed annual income, more so today than forty years ago. It is a concept well worth revisiting.

¹³⁴ Bella, Dr. Leslie “The Cost of Joblessness” Report prepared for the Review of Demography and Its Implications for Economic and Social Policy. Health and Welfare Canada. Regina, SK: (Social Administration Research Unit, Faculty of Social Work, University of Regina. 1986), 15.

income benefit recipients were disqualified. Many people left for other provinces and not necessarily by choice.

An examination of a fact sheet published by the National Council of Welfare revealed an interesting phenomenon in relation to Alberta's public welfare caseload. A comparison of provincial/territorial caseload figures on March 31, 1993 and March 31, 1999 was made. The largest decrease (63%) took place in Alberta. The next highest decrease was in the Yukon (32%), followed by Ontario (29%). In several provinces caseloads increased after 1993. All provinces and territories (with the exception of the NWT) showed decreased caseloads by 1999, from as low as 2% in Saskatchewan, and as high as 63% in Alberta, with an average decrease of 20.4%.¹³⁵ Neo-liberalism has taken the place of compassion for people on low income.

Residence criteria became more global. Neighbouring provinces instead of neighbouring municipalities shared the burden of Alberta's war on deficits in having to absorb migrating poor people. Over time, similar phenomena took place across Canada, the province of British Columbia the latest jurisdiction to initiate severe budget constraint measures, and many BC residents, including people on low income, started to migrate to other provinces. Historically, the Canada Assistance Plan (CAP) cushioned regional variances with cost-sharing mechanisms. "CAP was viewed as the *most harmonious* major product of federal-provincial relations in the 1960s."¹³⁶

It would appear that Alberta's SFI program never reached optimum effectiveness, largely because of sustained constraint of benefits. AISH too acquired a more residual image. There is evidence that social policy reform since 1993 resulted in increased poverty and child neglect.¹³⁷ Public welfare benefits in Alberta might not always have been fully adequate to meet actual needs, and governments might not always have timely responded with increases as warranted, but adjustments were approved periodically and they were implemented rather routinely. There was no strong political resistance as experienced presently.

The current policy situation is an absolute anomaly in historical terms. Rates that were first decreased in 1993 have been kept too low ever since. It does not seem a coincidence. Government members are well aware that benefit levels have not been raised for over a decade, and the province's minimum wage is kept low too, the lowest in Canada.¹³⁸

¹³⁵ Fact Sheet: Welfare Recipients. Estimated Number of People on Welfare by Province and Territory. Ottawa, ON: (National Council of Welfare). I learned that Alberta officials challenge the accuracy of the Council's data. The council's data (if corrections were identified and warranted) does not appear to have been changed. <http://www.ncwcnbes.net/htmldocument/principales/numberwelfare.htm> (Last read September 18, 2002).

¹³⁶ Dyck, Rand. *The Canada Assistance Plan: The Ultimate in Co-operative Federalism*, published in *Social Welfare Policy in Canada* by Blake, Raymond B. and Keshen, Jeff (Eds.). Toronto, ON: (Copp Clark, 1995), 338.

¹³⁷ Kinjerski, Val and Herbert Margot. "Child Welfare Caseload Growth in Alberta - Connecting the Dots" Edmonton, AB: (Unpublished study prepared for the Minister of Alberta Children's Services. 2000). It is advisable to study this entire report in order to gain a full appreciation of the writers' findings.

¹³⁸ MLAs know it from caucus discussions and ACSW reminded them with billboard and media messages.

The Charter of Rights and Freedoms will have long lasting benefits for Canadians. The outcome of Louise Gosselin's case will indicate where the Supreme Court stands in relation to adequacy of public welfare benefits.¹³⁹

8. Reflecting on past and present....

Looking back at the twentieth century in relation to public welfare programs, we know that Alberta inherited a colonial past that included fundamental elements (let's call it templates) of England's *Poor Laws*. Those laws dealt with residency of the indigent and separated worthy from so-called unworthy citizens. Practices emphasized the doctrine of less eligibility. The state, however, started to recognize the need for intervention in the lives of poor people, at varying times at the local, regional or national level. Settlers in Alberta confronted frontier realities and charity indeed was practised. It did not take many years before local authorities and later senior levels of government (be it hesitantly) entered the field of public welfare.

Taxation

Quoting the report written in 1947 for the Imperial Order, Daughters of the Empire,

“By uniform provision, the obligations of care for their indigent sick, aid to their hospitals, care of their poor, etc. were definitely assigned to these respective municipal authorities and, a most advanced provision for 1912) with assumption of such obligations by the Minister of Municipal Affairs for all such costs within the sparsely settled local improvement districts. (Another advanced provision was the authority given a municipality to provide home nursing for its indigent sick). But while these general principles in municipal organization and in the division of services in welfare were to remain largely unchanged, entirely new principles of tax powers were early to foreshadow ultimately great changes. In 1913 came the first inroad of the provincial authority upon municipal autonomy in taxation for local services. In that year, the Province arbitrarily imposed an “educational tax” upon the land, levied to form a provincial fund from which its own educational grants were paid.” “Thus, the eve of the First World War recorded the first intrusion of the provincial authority as directly taxing local authorities and directly administering, or stipulating the administration of, certain services in fields of traditional municipal jurisdiction.”¹⁴⁰

Local authorities were responsible for public welfare measures before the province entered this field, which did not happen to any extent until the enactment of the Mothers' Allowance Act in 1919. The federal government started to levy taxes in support of its role in World War I in 1917. Taxation and cost sharing have remained topics of debate and negotiation between and among the various levels of government. There is merit, however, in differentiating the ability of local authorities to levy taxes for poor law administration, and the best “fit” in delivering social services. There are ample examples

¹³⁹ See page 47.

¹⁴⁰ IODE Report (1947). 12-13.

that illustrate an effective “fit” by local authorities in administering social programs. The Family and Community Support Services (FCSS) is a good example of an effective fit in terms who manages and delivers local programs, in spite of the fact that the province shares a sizable portion of the cost. Historically, local authorities had a distinct role in administering statutory public welfare and child protection services.¹⁴¹

Federal and provincial roles....

Aside from national programs such as Unemployment Insurance, Family Allowances and Old Age Pensions, categorical and “means-tested” social programs evolved gradually into broader-based “needs-tested” programs. The decade of the 1960s is now viewed as the golden age of social policies, followed by the boom period of the 1970s. By the late 1970s, a return to categorical approaches became noticeable with programs such as Widows’ Allowance (WA) and the Assured Income for Severely Handicapped (AISH). Remnants of income security (SFI) took too on a more residual approach.

Around the same time, food banks started up in the province. Private citizens supplement (at great expense and with unbelievable effort) the statutory role of governments.

The Canadian Health and Social Transfer (CHST) replaced the Canada Assistance Plan (CAP). Poverty advocates question the effectiveness of CHST, and so did the Hon. Allan Rock, a federal cabinet minister. Rock was critical of block funding under CHST, which in his opinion allows the provinces and territories too arbitrarily use allocations for health care, post-secondary education and welfare, as only as desired by the provinces and territories. Rock said, “In my view, the CHST as a device has served its purpose.”¹⁴² There seems to be enough criticism of CHST and related issues to be taken into account in the current review of the Social Union Framework Agreement (SUFA).

Deserving versus undeserving citizens and less eligibility....

The economic downturn in the 1980s led to severe deficit and debt reductions in the 1990s. Fiscal measures might have been justified, and a drive for training and job placement has merit. People on low income, however, suffered more than their fair share from strategies carried out by governments.¹⁴³ At the start of a new century, Alberta’s provincial economy had regained ground, government’s deficit had been dealt with and many people, with the exception of people on low-income, benefited from a thriving economy.

Deserving and less deserving and less eligibility have taken on added meaning, in part because of Alberta’s low minimum wage. Canadians from anywhere may apply for public welfare in Alberta, but anecdotal information indicated that often applicants were

¹⁴¹ I was advised that federal-municipal cost sharing took place under CAP, but municipalities have been unable to access federal funds as before under CHST.

¹⁴² Edmonton Journal. Saturday, November 2, 2002. A5.

¹⁴³ The notions of “less eligibility” and “deserving versus undeserving poor” are certainly not unique in Alberta alone, but the degree and length of punitive action through policy reform carries a made-in Alberta label.

encouraged to leave for other provinces rather than stay here. Over time other provinces have taken to this practice too, but it is an expensive inter-provincial game that does little to enhance the dignity of people in need. One wonders what the wordsmiths of the less eligibility doctrine would say about current practices, because now everyone on low income is more or less viewed as undeserving in Alberta. Diamond's perception (see below) of nonpersons takes on significance.

One wonders why government's social policy position of 1988 does not have any significance in today's milieu? The late Neil Crawford was its articulate author. He mustered the courage while suffering from a terminal illness to develop the position. It resembled similar conservative core values as offered in Manning's 1967 White Paper. Given the history of benevolence, along with the Charter of Rights and Freedoms, one would think that the direction for the province's social policies would be less ambiguous than what it has been over the past decade.

Alberta government officials advocate market-basket measurements as a model for policy reform. It is the mantra in social policy discussions among bureaucrats. After ten lean years, however, poor people's pantries need re-stocking. Anyone familiar with grocery shopping knows what the cost of food is. One's income determines what goes into the basket.

Fiscal constraint over the last decade hurt categories of citizens commonly called the deserving (widowed, disabled, aged, families and children) poor as well as the so-called less deserving (unemployed employable) poor. Rather than fighting a war on poverty, one sees discrimination and punishment of people on low income generally, a phenomenon not seen in this fashion throughout Alberta's history, until the decade of the 1990s.

Food banks....

Food banks were initially established with the best of intentions, but over the last quarter century, they have turned into a growth industry. They were not meant to replace or supplement public welfare programs, or compete with the market system, but that is what has happened. Surely, people living in grinding poverty conditions feel degraded when expected to use food banks. Aside from the discriminatory aspect, the distribution of food (often of deficient nutritious value) via food banks has to be the most inefficient, ineffective and unhygienic method to feed people.

This opinion is not meant as criticism of the thousands of donors, staff and volunteers associated with the hundreds of food banks in the country, but I sincerely believe that it is time for an analysis of the *social and economic costs* of the food bank system. People who lived through the Dirty Thirties talked of the soup kitchens. Public administrators of earlier decades made their mark in social policy work, in part because they lived through the Depression. If not from personal experience, they observed poverty conditions that they did not want to see repeated. Their experience influenced a commitment to improve conditions through constructive public welfare measures.

A local church spokesperson recently related that Churches cannot sustain private charity all by themselves, largely because Church organizations themselves survive because of a minority of members who regularly contribute to their Church. Too large a burden is placed on too few people.¹⁴⁴

Local authorities....

Municipalities had a hands-on role in the administration of public welfare until the mid-1970s. When local authorities lost this administrative function, they lost access to essential information about the poor in their community. Many municipalities were as capable of delivering social services as the provincial system, and unevenness in delivering services occurred in either system. Centralization by the province happened during an expansionist era, when the province had plenty of fiscal resources. Local authorities, however, do not have needed tax levy resources, but they acquired considerable skill in delivering social programs.

Family and Community Social Services (FCSS) programs are examples of “best-fit” at the local level. For most of the past century, municipalities carried out social obligations to citizens in need. Devolution of authority in recent times has moved to a new breed of provincially appointed levels of authority (e.g. in health, children’s services, services for people with disabilities etc.). The province did not re-engage local authorities, in spite of their previous experiences.

Income security program delivery to Indian people living on reserve....

With reference to Indian reserves, the federal government started to recognize provincial laws of general application in the 1950s. On a piece meal basis and incrementally, provincial laws were gradually applied to Indian people since the 1950s, but unevenness in delivering services persisted for most of the twentieth century.

The Federal government covers the cost for public welfare on reserves, and it adopted (on a province to province basis) provincial policies and rate structures. Provincially driven benefit constraint affects Indian people adversely, in spite of the bilateral relationship between the federal government and Indian people.

Reference was made to Kinjerski and Herbert, who reported increasing child welfare caseloads since 1993. These people’s report contained recommendations specific to aboriginal family and child-related issues.¹⁴⁵ To use these authors’ terminology, one of ‘the dots to be connected’ is the relationship between on-reserve poverty conditions and provincial welfare programs.

¹⁴⁴ Lay minister and social activist Don Mayne of Edmonton mentioned this in late 2002 during a panel discussion for seniors.

¹⁴⁵ Kinjerski, Val and Herbert, Margot. *Child Welfare Caseloads Growth in Alberta. Connecting the Dots.* Edmonton, AB: (Unpublished paper. 2000). Under G. Caseload Growth in Aboriginal Communities. 97-100. The researchers, experienced social workers, produced a revealing, if not disturbing, study about the interface of public welfare and child welfare practices.

Loss of rights...

With reference to events in the 1990s, fundamental changes took place after CAP was replaced by CHST. As reported to the UN Committee on Social, Economic and Cultural Rights by the Charter Committee on Poverty Issues in 1998, the poor in Canada lost federal legal protections concerning entitlement to social assistance when in need as well as other CAP-related rights. The loss of rights effects “implicit degradation of the poor; the value of citizenship and their social standing have deteriorated as has the legal recognition of their rights. Instances of provinces treating public welfare as discretionary and recipients as unworthy are happening with increasing frequency. It feeds resentment and stigmatization of the poor.¹⁴⁶ After an uphill struggle to achieve compliance with the UN Covenant through CAP funding and compliance monitoring, Canada and the provinces now stand to be accused of violating obligations under Articles 2, 9 and 112 of the UN Covenant.¹⁴⁷

Economic and social rights (in guise of conditions) previously stated under CAP, were not built into the Social Union Framework Agreement. Similar violation of the Covenant of Articles 2 and 9 have taken place in Canada’s redirection of the former Unemployment Insurance Program as replaced by Employment Insurance.¹⁴⁸ It leads one to believe that Canada’s (by extension Alberta’s) social programs are in jeopardy. Alberta’s Social Development Act warrants updating. The current act presently does not explicitly state a right to public assistance. Practices (under CAP), however, demonstrated a spirit of benevolence and relative generosity, and a provincial willingness in policy and practice to comply with conditions under CAP. Block funding under CHST has changed the operating milieu.

Using the UN Convention the Rights of the Child as an example, Professor Howe advised that,

“In Canada, the signing of an international convention does not mean the articles of the convention automatically become part of domestic law. (In Belgium they do.) But it does mean that Canada is obligated to take measures to ensure that its laws, policies and practices are brought into line with the standards of international law. The UN Convention on the Rights of the Child is a binding piece of international law. Canada is accountable to the United Nations and to the international community through a reporting and monitoring process. In this process, Canada is directed to make reports every five years to the UN Committee on the Rights of the Child, which reviews the reports and makes recommendations for improvements should they be needed. Enforcement is not through international police, but through international peer pressure.”¹⁴⁹

¹⁴⁶ Submission to the Committee on Economic, Social and Cultural Rights by the Charter Committee on Poverty Issues (1998), 11 of 29. <http://www.equalityrights.org/ngoun98/ccpi.htm> (Last read November 28, 2002).

¹⁴⁷ Ibid., 11 of 29.

¹⁴⁸ Ibid., 12 of 29.

¹⁴⁹ Howe, R. Brian. “Do Parents have Fundamental Rights?” *Journal of Canadian Studies/Revue d’études canadiennes*. Volume 36. Number 3. 68-69.

This resembles a similar interpretation on international law as provided by the Charter Committee on Poverty Issues (CCPI). Peer pressure can be a highly effective technique, however, the Canadian Health and Social Transfer (CHST) Agreement and Social Union Framework Agreements (SUFA) are also agreements that came about through peer pressure among provinces, territories and the federal government. Unfortunately, by international standards, Canada has lost ground and so have Canadians on low income.

Mean measures and nonperson treatment of the poor....

Incremental progress achieved especially in the second half of the twentieth century has been lost in the 1990s. The constant inter-relationship between federal and provincial economic and social policies is paramount. CAP is dead and there is no use crying over spilt milk. But with the loss of CAP, CHST under Canada's SUFA has taken on heightened importance in the administration of provincial health and social programs.

The Charter Committee on Poverty Issues recommended re-introduction of economic and social rights as were part of CAP.¹⁵⁰ In today's society, poor law administration is as much a federal as provincial matter. With globalization, we need to be vigilant about ongoing interrelationships between governments and the international community. In that context, violation of the UN Covenant takes on added meaning. It begs questions. With all the emoting about the Kyoto agreement, how is it that a violation of an existing international agreement does not stir similar emotions in Alberta? Is it because people on low income are not deemed important? Don't they contribute to the national and international economy and the overall wellbeing of our society?

An Alberta government response was studied to issues raised in relation the periodic report of Canada (June 10, 1998) to the United Nations Committee on Economic, Social and Cultural Rights. Below data was extracted from one of the Canadian Social Research links¹⁵¹, but it did not identify the government source that released the responses.

The 1998 response concerning loss of benefits in the transfer from CAP to CHST, it was observed that, "The only reduction in Alberta program funding as a result of the elimination of CAP was in how municipalities were funded through the Family and Community Support Services program. This affected some day-care programming in particular."¹⁵² In relation to a question about restoring legal enforceability of the right to adequate financial assistance, Alberta allegedly responded as follows. "Even under CAP, although there was a right to adequate assistance, "adequacy" was defined within each province and CAP provided no means of legal enforcement of a particular level of benefits. Any right to assistance is contained within the legislative parameters of each province." Reference was further made to the Social Union Framework Agreement, anticipating that with approval of SUFA (which was approved in 1999), the agreement

¹⁵⁰ Submissions to the [UN] Committee on Economic and Social and Cultural Rights by the Charter Committee on Poverty Issues (CCPI), November 16, 1998. Part V, pp. 23 and 24 of 29.
<http://www.equalityrights.org/ngoun98/ccpi.htm> (Last read November 28, 2002).

¹⁵¹ <http://www.canadiansocialresearch.net/unab.htm> (Last read November 28, 2002).

¹⁵² Ibid., 4 of 16.

“may contain principles ensuring assistance to people in need...”¹⁵³ Although the SUFA is operational, it is not clear what principles the province of Alberta intends to set in law to ensure adequate assistance to people in need. Pending the outcome of the province’s Low Income Review Committee’s work and a possible review of the Social Development Act, new initiatives might hopefully be forthcoming.

The Supreme Court of Canada’s pending ruling specific to the Gosselin case will have a bearing on public welfare administration in Canada. ACSW lobbied actively to adopt the *Living Wage* concept in Alberta, and urged government to pass on Federal Child Benefit Program benefits to families in receipt of SFI and AISH.¹⁵⁴ ACSW repeatedly urged to raise benefit rates for people on low income. If ACSW did anything less, registered social workers would collectively violate their ethical obligations under the code of ethics they are committed to put into practice. Historically, social workers have advocated for remedial action against poverty conditions ever since Octavia Hill’s days in nineteenth century England.¹⁵⁵

I have concluded that there is a history of genuine benevolence throughout, but benevolence blended at times with pernicious harshness, punitiveness and plain stinginess. Negative characteristics in poor law administration occurred throughout the twentieth century, but strongly reinforced by Canada’s senior levels of government in the last decade. Although the federal Liberals strongly contributed to the malaise, provincial Conservatives have kept public welfare rates too low in Alberta. The decade-long drought in compassion strongly deviates from Alberta’s historical pattern that evolved over the past century. It is not a legacy to be proud of, because the cost to society in time of the shortsighted neo-conservative strategy will be enormous.

“Welfare reforms, which were introduced in 1993, significantly impacted socio-economically disadvantaged families, ultimately causing additional children to be at risk and in need of Child Protection intervention.” Kinjerski and Herbert.¹⁵⁶

Some overarching thoughts might give perspective to the subject matter on hand. We know that the effects of poverty are tangible and very real. The following is an interpretation in biblical context summarized by bible scholar Rev. Dr. Vernon R. Wishart. *When Jesus said, “The poor you always have with you” (Matt. 26:11), he did*

¹⁵³ Ibid., 5 of 16.

¹⁵⁴ It was learned that Alberta and the Federal government agreed under the Social Union Framework Agreement (SUFA) that Child Benefits were not to be passed on directly to recipients of SFI, but surplus funds could be used for child-related services to benefit people on low-income. It could prevent from slipping into the welfare trap. The rationale makes sense, but only if income benefit rates had kept up with the cost of living. Federal Child Benefits will undoubtedly benefit recipients and might keep some of them from applying for SFI. Hallelujah! But let’s remember that for a full decade, public welfare rates have not been adjusted. Solutions have not reached the problem. What part of “not” don’t we understand?

¹⁵⁵ Octavia Hill is one of the earliest social workers who, along with philosopher John Ruskin, assisted tenants on low income in London, England during the second half of the nineteenth century.

¹⁵⁶ Val Kinjerski and Margot Herbert. “Child Welfare Caseload Growth in Alberta – Connecting the Dots” Edmonton, AB: (Unpublished report. 2000), 43. These researchers’ report along with Mel Hurtig’s Pay the Rent or Feed the Kids respectively are convincing arguments that not all is well in Alberta in spite of a thriving economy.

not mean that poverty was ordained of God, or that it is a fact of life embedded in the nature of the universe. He [Jesus] said, in effect, that men make other men poor. Humans erect systems and communities where some persons are valued above others because power, possessions or property are seen as the key to life.”¹⁵⁷ Wishart’s comments are worth remembering when focusing on the poor in Alberta.

tenBroek wrote about California’s dual system of family law, tracing the conflicted, inconsistent, punitive and discriminatory welfare laws to their origin in the Elizabethan Poor Law of 1601.¹⁵⁸ Dr. Bernard L. Diamond (a contributing author and colleague of Professor Jacobus tenBroek) offered a psychoanalytic and rather disturbing speculation about welfare laws and punitive sanctions. Diamond postulated the following.

The intensely ambivalent quality of the social attitudes behind our welfare laws indicates that these attitudes arise out of very old (that is culturally infantile) conflicts concerned with primitive emotions and fears. The obvious emotions are love and hate. Thus society simultaneously loves and hates its poor, its dependent, and its disabled. The emotion of love requires that the poor and weak be protected, nurtured and provided for, as if they were helpless children. Failure to do so would cause collective guilt which would prevent those who have from enjoying what they have, knowing that others have not. Our love for the poor arises out of guilt rather than compassion. Our acts of charity, both as individuals and as the collective family of the state, are thus primarily for our benefit rather than for the benefit of the recipient.¹⁵⁹

Diamond added that tenBroek was right in saying, “They [welfare programs] are designed to safeguard health, safety, and well-being of the fortunate rather than directly to improve the lot of the unfortunate.” Diamond interpreted that society’s hatred of the poor is a deep, primitive and unconscious fear that the poor threaten the existence of society. Punitive sanctions are then needed to control those whom one fears, so that those feared will not gain strength and power to take over. The poor and dependent are seen as “magical, destructive powers” out of proportion to reality. The poor and the disabled are “thus like the insane, idiots and children (and, in some societies, slaves and women) in being nonpersons. Nonpersons may be understood as those individuals in any society, who, as a class, are defined differently in their social functions, privileges, and opportunities than those who are predominant in the society.”¹⁶⁰

I became acquainted with these authors’ work when conducting research for my thesis in the late sixties in the Maritimes. I found evidence then of nonperson treatment in public welfare administration, and it is a fair assumption that tenBroek’s and Diamond’s theses

¹⁵⁷ Rev. Dr. Vernon R. Wishart “*A Biblical Understanding of the Poor.*” Edmonton, AB: (St. Stephen’s College. Unpublished paper. 1974), 41. Rev. Wishart, aside from his scholarly pursuits, worked extensively among the poor in India, Québec and Alberta.

¹⁵⁸ TenBroek, J. (Ed.) *The Law of the Poor.* San Francisco, CA: (Chandler Publishing Company. 1966), 36.

¹⁵⁹ *Ibid.*, 37.

¹⁶⁰ *Ibid.*, 37-38.

in relation to public welfare, the poor and disabled might equally apply to Alberta's case file on a contemporary basis.

"I could barely see a little girl hiding under the stairs. Just then the noon bell went off. The little girl leapt to her feet, ran along the side of the building, disappeared into a door, quickly reappeared and motioned across the schoolyard. Immediately, two small children, a boy and a girl, maybe four or five years of age, came running across the yard. All three vanished into the school. She did this several times near the end of the month. The principal told me that the older girl, who was seven, was sneaking her younger brother and sister into the school's hot lunch program." Mel Hurtig.¹⁶¹

I have selectively drawn on historical materials, but left one author's work for the wrap-up of my reflections. Mel Hurtig's Pay the Rent or Feed the Kids,¹⁶² published in 1999, gives a poignant description of the status of poverty in Canada today. His findings are an indictment against perpetrators of systemic poverty. The Rt. Rev. Bill Phipps observed, "We dare not ignore his [Hurtig's] unequivocal challenge."¹⁶³ That gives more reason for ACSW to maintain its advocacy in the interest of people on low income. We know that not all Albertans approve of the way people on low income (be they young people, families, single parents, seniors or people with disabilities etc.) are treated.¹⁶⁴

Lastly, some employees at Bissell Centre in Edmonton's inner core, when asked what they thought of poverty, spontaneously replied, "POVERTY SUCKS...!" They corroborated in two words what I have attempted to demonstrate.¹⁶⁵

¹⁶¹ Hurtig, Mel. Pay the Rent or Feed the Kids. Toronto, ON: (M&S. 1999), 2.

¹⁶² Hurtig, Mel. Pay the Rent or Feed the Kids Toronto, ON: (M&S. 1999).

¹⁶³ Ibid., Back page of the book's jacket.

¹⁶⁴ ACSW made a submission in August 2001 to the MLA Committee to Review Low-Income Programs, and made several recommendations, an increase in public welfare benefits among them. ACSW encouraged to extend the Alberta Advantage in eliminating poverty by 2005. ACSW advocated for a "Living Wage" concept (workable with genuine market-basket economic indicators). This concept has been implemented in various cities in the United States.

¹⁶⁵ "Hearing the Ethical Voices: Past, Present, Future." A presentation to the 2001 annual ACSW conference in Calgary by Erica Braun, Heather Dillon, Grace Elliott, Rona Krepps, Duane Massing, Baldwin Reichwein, Enola Tapaquin and Peter Vogels. (Grant MacEwan College's Social Work Program 2001), 10.

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Addendum re: Gosselin Appeal

THE SUPREME COURT AND KASPAR’S GHOST: AN INTERPRETATION OF THE GOSSELIN APPEAL RULING

Introduction

The Gosselin appeal involved social policy administration in Quebec. Quebec's policy purportedly failed recipients of social assistance. The appeal was apparently the first under the Canadian Charter of Rights and Freedoms concerning an adequate level of social assistance.

The Supreme Court's ruling was studied as was a submission by the Attorney General of Alberta as intervenor to the case, in the context of the research report developed for CASW, "*Benchmarks in Alberta's Public Welfare Services: History Rooted in Benevolence, Harshness, Punitiveness and Stinginess.*" The addendum is part of the report.

Background

The appellant, Ms. Louise Gosselin, brought class action that challenged the 1984 social assistance scheme and did so on behalf of all welfare recipients under 30 subject to the different regime from 1985 to 1989.¹⁶⁶ The Superior Court [of Quebec] dismissed the class action and the Court of Appeal upheld the decision. The Supreme Court of Canada heard the appeal in late 2001. On December 19, 2002, the court's decision was released. It dismissed Gosselin's appeal. Gosselin had been a recipient of social assistance intermittently during adult life, and during childhood she had periodically been in the care of the state under child welfare legislation.

Louise Gosselin was subject to s. 29(a) of the *Règlement sur l'aide sociale*, a regulation under Quebec's *Loi sur l'aide sociale* (LR.Q., c. A-16) which established a reduced assistance for those under 30 who were employable and not engaged in workfare. This class of recipients received, during the relevant period, \$ 173 rather \$ 434. The reduced rate for employable individuals under thirty, however, actually preceded any workfare and trainfare programs. It is essentially undisputed that the reduced rate was grossly inadequate. It constituted less than 20% of Statistics Canada's Low Income Cut-Off – the lowest rate in Canada. Ms. Gosselin was periodically homeless and slept in shelters. She lived in an unheated apartment for a winter. When she rented a room in a boarding house, she had no money left for food; and a man from whom she was receiving food attempted to rape her. She felt compelled to agree to live intimately with a man for whom she had no affection, merely to receive basic necessities. Ms. Gosselin alleges that the regulation violates sections 7 and 15 of the *Canadian Charter* as well as section 45 of Quebec's *s.45 Charte des droits et libertés de la personne*.¹⁶⁷

Quebec's social policy made an age-based distinction, while in effect from 1984 until 1989, when replaced by legislation that no longer made this particular distinction. In light of Quebec's position in relationship to Canadian Charter of Rights and Freedoms, the time period examined by the Supreme Court was from 1987 and 1989.

The Supreme Court Ruling

¹⁶⁶ "Charter Committee on Poverty Issues. "The Gosselin Case – Supreme Court to Hear First Social and Economic Rights Claim: Gosselin v. Quebec." Ottawa, ON: CCPI.

<http://www.equalityrights.org/ccpi/gosselin.htm> (Last read December 24, 2002).

¹⁶⁷ <http://www.equalityrights.org/ccpi/back.htm//sig> (Last read January 30, 2003).

- The Supreme Court of Canada ruled that the appeal be dismissed as Section 29(a) of the Regulation was deemed constitutional. Judges L’Heureux-Dubé, Bastarache, Arbour and LeBel dissented.
- Per Justices McLachlin, Gonthier, Iacobucci, Major and Binnie: Section 29(a) of the Regulation did not infringe s. 15 of the Canadian Charter.
- Per Justices L’Heureux-Dubé, Bastarache, Arbour and LeBel (dissenting): Section 29(a) of the Regulation infringed s. 15 of the Canadian Charter and the infringement was not justifiable under s. 1 of the Charter.
- Per Justices McLachlin, Gonthier, Iacobucci, Major, Binnie and LeBel: Section 29(a) of the Regulation did not infringe s. 7 of the Canadian Charter.
- Per Justices McLachlin, Gonthier, Iacobucci, Major, Binnie and LeBel: Section 29(a) of the Regulation did not infringe s. 45 of the Quebec Charter.
- Per Justices Bastarache and Arbour: There is no need to determine whether s. 29(a) of the Regulation violated s. 45 of the Quebec Charter since the s. 45 right is unenforceable in the circumstances of this case.
- Per Justice L’Heureux-Dubé (dissenting): Section 29(a) of the Regulation violated s. 45 of the Quebec Charter.¹⁶⁸

Commentary¹⁶⁹

The Gosselin case centered around alleged age-based discrimination in Quebec’s social policy. Hereby follow selected extracts from the court ruling, along with added commentary. The below statement is significant, and although the appeal was specific to Quebec, underlying values stated by the Supreme Court have broader application and implications.

There is no breach of the right to measures of financial assistance and to social measures provided for by law, susceptible of ensuring an acceptable standard of living as protected by s. 45 of the Quebec Charter of Human Rights and Freedoms. Although s. 45 requires the government to provide social assistance measures, it places the adequacy of the particular measures adopted beyond the reach of the judicial review. The language of s. 45 mandates only that the government be able to point to measures susceptible of ensuring an adequate standard of living, without having to defend the wisdom of its enactments.¹⁷⁰

¹⁶⁸ <http://www.lexum.umontreal.ca/csc-scc/en/rechtml/gosselin.en.html>, 2 of 107.

¹⁶⁹ It is not the intention to comment on the entire body of knowledge contained in the court ruling, therefore, selected extracts and commentary is being offered.

¹⁷⁰ <http://www.lexum.umontreal.ca/csc-scc/en/rec/htm/gosselin.en.html>, 3-4 of 107.

With reference to the alleged age-based discrimination, Justice Bastarache's noted that, "dietary and housing costs of people under 30 are no different from those 30 and under." With reference to the administration of social policy, Justice Bastarache also observed,

Although a degree of deference should be accorded in reviewing social policy legislation of this type, the government does not have carte blanche to limit rights.¹⁷¹

Justice Bastarache was of the opinion that government could have done a better job in drafting its legislation. He recognized that s. 45 of the Quebec Charter of Human Rights and Freedoms "creates some form of positive right to a minimal standard of living, in this case, that right is unenforceable." Justice Bastarache further observed that, "Section 45 is not, however, without any obligation content. Because s. 10 of the Quebec Charter does not create an independent right to equality, the right to access to measures of financial assistance and social measures without discrimination would not be guaranteed by the Quebec Charter were it not for s. 45."¹⁷²

Justice Arbour, another dissenting justice, made a rather significant observation in relation to adequacy of social assistance.

The right to a minimum level of social assistance is intimately intertwined with considerations related to one's basic health and, at the limit, even one's survival. These rights can be readily accommodated under s. 7 rights of 'life, liberty and security of the person' without the need to constitutionalize property rights or interests.¹⁷³

Her colleague Justice LeBel stated.

Section 45 of the Quebec Charter does not confer an independent right to an acceptable standard of living. That section protects only a right of access to social measures for anyone in need. Although the incorporation of social and economic rights into the Quebec Charter gives them a new dimension, it does not make them legally binding.¹⁷⁴

Chief Justice McLachlin, writing for the majority, included the following comment. "...despite Ms. Gosselin's claim to speak on behalf of 75,000 young people, she simply did not give the court sufficient evidence to support her allegation that the lower base amount was discriminatory either against her or against the class as a whole."¹⁷⁵

Chief Justice McLachlin added, One day, s. 7 may be interpreted to include positive obligations."¹⁷⁶ In her view, "The question therefore is not whether s. 7 has ever been or

¹⁷¹ Ibid., 5 of 107.

¹⁷² Ibid., 6 of 107.

¹⁷³ Ibid., 7 of 107.

¹⁷⁴ Ibid., 7 of 107.

¹⁷⁵ Ibid., 27 of 107.

¹⁷⁶ Ibid., 30 of 107.

will be recognized as creating positive rights. Rather, the question is whether the present circumstances warrant a novel application of s. 7 as the basis for a positive state obligation to guarantee adequate living standards.¹⁷⁷

The chief justice seemed unconvinced that the Gosselin appeal was an appropriate case for application of s. 7 of the Charter. Her opinion leaves an inference that in the event of a more compelling case, application of s. 7 might be warranted.

Justice Arbour noted in her analysis of the case, “The right that is provided for in s. 45, while not enforceable here, stands nevertheless as a strong political and moral benchmark in Quebec society and a reminder of the most fundamental requirements of that province’s social impact. In that sense, its symbolic and political force cannot be underestimated.”¹⁷⁸

The ruling of the Supreme Court relates to the laws of Quebec. It was a cautious if not timid ruling. It is entirely my interpretation that the ruling implies that Canadians with a demonstrable need for access to financial assistance and/or social measures provided by law, have a right to do so. Laws, however, may and generally do differ between provinces and territories.

Justice LeBel made references to the Covenant and observed.

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing the essential importance of international co-operation based on free consent.¹⁷⁹

According to Justice LeBel, “While it is true that the existence of that right of access is itself subject to the enactment of legislation, there is opinion that suggests that a minimum duty to legislation could be inferred from the inclusion of economic and social rights in the Quebec Charter.”¹⁸⁰ Dialogue about economic and social rights is likely to continue in Canada, as it should, given the inequities between theory and and practice.

Summary

The Supreme Court cautiously considered Louise Gosselin’s appeal, and in the final analysis dismissed it on arguments defended by the slimmest (5/4) majority.

¹⁷⁷ Ibid., 31 of 107.

¹⁷⁸ Ibid., 97 of 107.

¹⁷⁹ Ibid., 103 of 107.

¹⁸⁰ Ibid., 105 of 107.

Baron Kaspar von Voght wrote in 1796 and 1817 about lesser eligibility of the poor. His point was that financial aid to unemployed employable citizens had to be less than the lowest wage of working people.¹⁸¹ The baron's musing reflected age-old attitudes that (in part because of his writing) became a doctrine during nineteenth-century poor law administration. The doctrine has lingered in Canada's public welfare administration ever since and surfaces periodically.

Kaspar's ghost (referring to Kaspar von Voght) and the doctrine of lesser eligibility might ever so subtly have influenced the thinking of some Supreme Court justices. We know that Gosselin's appeal happened because of an age-based bias that affected a person who was perceived as employable. Four dissenting justices were prepared to replace Baron von Voght's notion with a modest baron of beef to alleviate hardship caused by actual poverty conditions. These four justices were also prepared to allow the appeal and their input to the argument should not be ignored.

The outcome must be a disappointment for Ms. Gosselin and other social justice advocates, but the Government of Quebec fortunately changed legislation challenged by Ms. Gosselin and eliminated the aged-based bias as early as 1989. The Supreme Court's ruling established a frame of reference for contemporary social policy.

It is my interpretation that it accomplished the following.

- It respected the UN covenant and inherent rights contained therein. By themselves these rights do not come with dollar figures attached.

Using a reference from Alberta as intervenor, it points to "... a right of individuals to a standard of living and an obligation on the States to assist in that regard. There is no obligation on the States to provide that standard of living by handing money to all those who claim."¹⁸²

- The Supreme Court acknowledged a right of access to measures of financial assistance and social measures provided by law. This is likely the most important part of the ruling and affirmation of a qualified right to financial assistance (aka welfare). Government has to be able to point to measures susceptible of ensuring an adequate standard of living, however, without having to defend the wisdom of its enactments.¹⁸³
- The ruling left flexibility for provincial and territorial jurisdictions, which is deemed appropriate, as long as measures are in place ensuring that there is access to an adequate standard of living. Repeating Justice Bastarache, "Although a certain degree

¹⁸¹ de Schweinitz, Karl. *England's Road to Social Security*. (A.S. Barnes & Company, Inc. 1961) 124.

¹⁸² Court File No. 27418. Factum of the Intevenor, the Attorney General of Alberta. 13th of July, 2001. 11.

¹⁸³ <http://www.lexum.umontreal.ca/csc-scc/en/rec/htm/gosselin.en.html>, 3 and 4 of 107.

of deference should be accorded in reviewing social policy legislation of this type, the government does not have *carte blanche* to limit rights.”¹⁸⁴

- The Court interpreted adequacy to be beyond the reach of judicial review. The Court has left “adequacy” to provincial and territorial governments as parties *morally and politically responsible* to ensure adequacy.

From the factum submitted by the Government of Alberta in the Gosselin appeal, it is evident that government wants to retain autonomy and flexibility in administering its social programs and that access to measures of financial assistance and social measures is being provided.¹⁸⁵ The Supreme Court accommodated the provinces’ preference. Alberta’s submission included specific references to unemployed employables in need along with references to the province’s social programs. Alberta opined that,

In both Quebec and Alberta, all recipients of social assistance receive a certain amount of money, but they are also provided with programs (educational and job related) to help them become self-sufficient. Government money is not intended to be the solution for those in need to improve their lives. Rather, money plus programs is seen as the best way to help needy persons get on their feet, enter the work force and maintain an adequate standards of living.¹⁸⁶

In an ideal world, Alberta’s philosophical position could justifiably apply in many cases. In Louise Gosselin’s case (nor in the case of many Albertans in financial need) ideal circumstances do not seem to prevail. The matter of adequacy of financial assistance affects employable and unemployable citizens in need. Unemployable persons are often at greater risk, because their capacity to earn might be non-existent or limited by reason of a disability. AISH recipients will readily tell about the hardships caused by inadequacy of benefits.

In historical terms, the Alberta government can take pride in having developed a laudable record of social programs and a social safety net. Government’s unwillingness, however, to address adequacy of financial measures currently casts doubt about honest compliance with the spirit of international treaties and the charter.

Alberta instead opined that,

There is no obligation on the States to provide that standard of living by handing money to all those who claim. Rather, the obligation on the States is to assist persons in recognizing their right to an adequate standard of living. This is an important distinction and one which Quebec and Alberta, amply demonstrate.¹⁸⁷

¹⁸⁴ Ibid., 5 of 107.

¹⁸⁵ Court File 27418. Factum of the Intervenor, the Attorney General of Alberta. 13th of July, 2001.

¹⁸⁶ Ibid., 11.

¹⁸⁷ Ibid., 11. Public welfare measures come in different packages. In 2002, the Farm Income Assistance Program (FIAP) was introduced to effect drought relief. The program covered a select group of beneficiaries, i.e. farmers, who did not have to subject themselves to needs or asset tests to receive public funds, a sharp contrast with the scrutiny people on low income are subjected to on a regular basis.

Some of the dissenting justices gave evidence of disagreement with the perspective offered by Alberta.

- The intervenor demonstrated an important distinction of ongoing practice in Alberta by means of issuing financial assistance along with social measures.
- Given the constitution, diversity in geo-politics and provincial and territorial legislation, the matter of adequacy is properly left to the judgment of provincial and territorial policymakers.

It might have been premature for the Supreme Court to establish a standard of adequacy, but the issue will continue to test the political and moral fibre of our politicians. Soup kitchens in the 1930s had a necessitous role as food banks do presently, but such phenomena represent charity measures instead of social justice in the interest of the common good.

The existence of international treaties do not guarantee absolute rights, but Canada's role as signatory to the UN covenant combined with its Charter of Rights and Freedoms is fundamental to the social and economic wellbeing of all Canadians. The outcome of the Gosselin appeal clarified principles and values and left the door open for future developments in the arena of social policies. The addendum is warranted in the context of the attached research report, because the outcome of the Gosselin appeal is a benchmark in the history of public welfare.

Social work practice has taught me the reality of incrementalism. Neither the Covenant nor the Charter of Rights and Freedoms came about overnight. After they became a reality, one can detect incremental progress and the fundamental impact that emanated from the covenant and charter. The outcome of the Gosselin appeal case is of lighthouse significance, and the dynamics between the judiciary and political processes should not be underestimated. The Supreme Court has spoken and it is now up to elected politicians to act, humanely one would hope, in the matter of adequacy of financial assistance. As we know in politics, never is never ever forever. I trust that the ruling on the Gosselin appeal will be debated in public forums and studied by policymakers as well as by students and staff in Schools of Social Work.

February 2003.