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Working for Welfare: A Response to the Social Assistance Review Committee

Paula Rochman

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Social assistance has long been viewed as an essential income maintenance scheme for the truly poor and disadvantaged. Historically, in Canada, a person in need of social assistance was referred to a local charitable agency. As a result of the Great Depression, unemployment and the inability to support oneself came no longer to be seen as matters of personal inadequacy. This lead to the development of a more comprehensive program of social assistance over the next decades. In the 1950s, the Old Age Security Act, the Blind Persons' Right Act, Disabled Persons' Allowance Act and the first Unemployment Insurance Act were passed. In 1966, the Canada Assistance Plan was enacted to allow for comprehensive federal-provincial cost-sharing of provincially designed social assistance programs.

While the programs have made a difference from the times when one was expected to rely on charity, many of the attitudes held by those in positions of power about social assistance recipients have not. According to the National Council on Welfare:

"What is particularly problematic about this historical legacy is the unquestioned assumption of negative attitudes toward people who,
for whatever reason, are unable to support themselves. These attitudes find expression in the current welfare system in a variety of forms including exhaustive sets of rules designed to separate out 'deserving' from 'non-deserving' persons and extensive monitoring to help catch welfare 'cheats'."²

The same point is made more strongly by Leon Muszynski:

"Welfare is the historical descendent of public charity. It is considered shameful to be on welfare. The system is explicitly or implicitly designed and administered to reinforce the idea that to be a welfare recipient is an inferior class of citizen. There is an explicit purpose in this which is rooted in the origins of public assistance: to assure that welfare will be sufficiently unattractive as to make it more desirable to work than to be dependent on the state."³

Others have argued that welfare has developed from a charity to a right, and should be seen as an essential component of a liberal state. According to Ian Johnstone:

"Welfare entitlements are conceived as rights, not favours—a fulfilment of the ideal that each person [is] entitled to his/her due as citizen and individual deserving of dignity. In liberal egalitarian theory, welfare is among those rights that are essential to the enjoyment of all other rights... the ideal of universal welfare rights and a relatively equal distribution of wealth is, to a significant extent, a precondition for equalizing participatory opportunities, which in turn is a prerequisite of collective self-government."⁴

Indeed, the Canada Assistance Plan, which transfers federal money to the provinces to pay for welfare, provides that social assistance is a

2. Supra, note 1a at 10.


right if a recipient is in need, a view endorsed by the Toronto Star:

“The very concept of welfare is as a universal right for those who demonstrably are in need. At the core of the social contract which binds this nation together is the agreement that those in economic trouble have an unquestioned claim on a share of the bounty that is Canada’s heritage. It is need—not an arbitrarily defined contribution—that is that basis for welfare and this is how it should stay.”

The concept of a right to welfare is, however, increasingly being challenged. Many argue that instead of a right, welfare must be part of a reciprocal obligation in which recipients are required to enter into a work or training programme. If a person refuses, thereby not living up to her/his obligation, the State ought not to be under any obligation to continue benefits. A leading exponent of this view, Professor Lawrence Mead of New York University, defended this conception of welfare in this way:

“Compared to politicians, the public is humanitarian but not permissive. It doesn’t want simply to give things to people. It wants to give things to them but also to uphold social standards. This is why workfare is potentially attractive, because it speaks to both sides of the public mind. It helps people but at the same time requires that they function in ways other people expect.”

This public attitude is arguably at the root of efforts to incorporate work requirements in welfare legislation:

5. A person in need is defined as “a person who, by reasons of loss of the principal family provider, illness, disability, age or other cause of any kind acceptable to the provincial authority, is found to be unable (on the basis of a test established by the provincial authority that takes into account the person’s budgetary requirements and the income and resources available to him to meet such requirements) to provide adequately for himself or for himself and his dependents.” Canada Assistance Plan, supra, note 1a, s. 5.1.

The Report of the Social Assistance Review Committee: Transitions also accepted that “all members of the community have a presumptive right to social assistance based on need”, infra, note 11 at 11.


"The supply of public assistance by governments is in part dependent upon taxpayers' perceptions of the neediness of those receiving benefits. The willingness of the poor to work for benefits seems, for most people, to be a convincing demonstration of need... Work requirements make welfare more equitable. It has been an abiding principle of welfare reform efforts that those who work should be better off financially than those who do not."  

This general attitude was confirmed by a recent Gallup Poll which found that 84 percent of Canadians believe that welfare recipients should be made to work as a condition of welfare. The motivation to change our concept of welfare has been influenced by a number of factors.

First, the number of persons on welfare has increased dramatically since the inception of social assistance, thereby drastically increasing the costs of these programs. For example, in 1951-2, the Federal Government paid $83,204,000 to the provinces under Federal Provincial Cost-Share Programs. By 1981-2, this had increased to $2,205,805,000. In Ontario, between 1969 and 1987, the number of persons on social assistance increased by about 175 percent. There are currently 281,074 persons receiving social assistance in Ontario. In 1988, more than $2 billion will be spent in Ontario by the federal, provincial and municipal governments on social assistance. In Ontario, the provincial portion of social assistance costs increased between 1980-1 and 1986-7 from $777 Million to $1.73 billion.

Second, many of the people now on welfare are seen as employable or potentially employable. The Report estimates that one in six single persons on welfare is employable. It is also estimated that since 1969 the


12. Ibid. at 31.

13. Ibid. at 1.

14. Ibid. at 79.

15. Ibid. at 30.
number of employable recipients has increased by 400 percent. This category accounts for 70 percent of the increase in General Welfare Assistance cases since 1981.

A similar concern was raised in the Federal Nielson Task Force Review on the Canada Assistance Plan. It estimated that in 1979 'employables' represented 12 percent of Canada Assistance Plan expenditures, and this figure rose to 50 percent by 1986. Thus, in the view of some, "costs attributable to employables may soon become intolerable if historical rates of increase in these costs continue." Because there is no clear definition of the term "employable", some of this increase may be explained by different usages of the same term. Furthermore, "structural unemployment, and increased competition for scarce jobs... effectively render marginally employable individuals unemployable for all intents and purposes".

Others have argued that the problem is not a welfare problem but rather a problem endemic to the labour market:

16. This category does not include recipients of Family Benefits.
17. Report, supra, note 11 at 35.
19. For example, as women have moved into the workforce, proponents of changing eligibility guidelines have recently argued that women on welfare can also move into the workforce and should no longer be viewed differently than unemployed men. Does this mean that more women on welfare will now be viewed as "employable" due to the changing role of some women in the workforce?


“In our society the freedom to conceive or bear children should carry with it a responsibility to provide support. Today, more than half of all mothers with children are working to support themselves and their children or to contribute to their family income. A mother has as great an obligation to support her children as a father.”

Mr. Carleson and Mr. Hopkins were senior policy advisors to former President Reagan.

For a discussion of the contradiction in seeing women as equally employable while maintaining gender inequality both in the workforce and in the welfare structure, see Sylvia Law, "Women, Work, Welfare and the Preservation of the Patriarchy" (1983) 131 U. Penns. L.R. 1249.

"Income security protects groups deemed to be at risk in the market, the elderly, the sick, the disabled and those who can't find work. But it also to a varying extent removes the immediate compulsion to work or starve. It is after all the explicit intention of major social programs like welfare and unemployment insurance to allow certain groups to opt out of employment either permanently or temporarily because work is unavailable or inappropriate. The issue according to some is that income security has protected people too much and the problem now has become one of too many work disincentives in the face of available jobs... [but] (t)he issue of work disincentives is to a large extent a subjective and political issue. It boils down to the extent to which we as a society are willing to use the income security system to influence the quality and rewards offered by employment... (as) the problem of work disincentives is really a problem of the relative decline in the rewards offered by the labour market rather than the inherent attractiveness of welfare per se."21

Third, welfare is seen as an affront to the work ethic.22 Since work is integral to our economy and culture, it is argued that those on welfare are not participating in the values that make us a nation. In introducing workfare in Saskatchewan, Minister of Social Services Grant Schmidt argued this point:

"Show me any law in Canada, either moral or legal that says you should be able to live in this country and refuse to work, ever. And, if a few, a small minority, have no interest in working, I have no qualms about cutting them off welfare."23

In response to factors such as these, Ontario's former Minister of Community and Social Services, John Sweeney, established the Social Assistance Review Committee (hereinafter the Committee) in 1986 to review social assistance in Ontario. Mr. Sweeney defined the need for a review of welfare legislation in this way:

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21. Muszynski, supra, note 3 at 3 and 45.

22. Former United States President Nixon stated that "continued dependence on welfare induces a spiritual and moral disintegration fundamentally destructive to the national fiber" New York Times (29 December 1971). However, others have argued that work in the context of welfare is what is antithetical to our work ethic. See R. Polangin, "Conscripted Labor: Workfare and the Poor" (1982) 16 Clearinghouse Review 542 at 544: "Requiring the poor to perform public labor contradicts our traditional views of work, and merely affords society an opportunity to extract retribution from the disadvantaged."

"Those [social assistance] statutes were designed for a different age—a time of much lower unemployment and a time when most women stayed home, the great majority of families had two parents, and fathers were typically the sole wage earners in the family. For many, that is not the reality of life in Ontario in 1986. As a result, I am convinced our system of social assistance needs a thorough overhaul. One of the main purposes of the review I am announcing today will be to examine the overall direction of social assistance in Ontario."24

In its review of Ontario’s welfare system, the Committee made recommendations designed to improve the welfare system for recipients and to encourage the establishment of programmes to get people off welfare. It also explicitly adopted the view that welfare is part of a mutual obligation:

"We have also accepted the proposition that society operates by way of mutual responsibilities and shared obligations between the state and the citizenry. The state has certain responsibilities for its citizens, and all citizens have certain responsibilities for one another, which are fulfilled through the state. In our view the state has a responsibility to ensure that realistic and meaningful opportunities are made available to recipients of assistance to help them increase their capacity for self-reliance and reduce their dependence upon assistance. If the state fulfils its responsibility, it is legitimate and reasonable to insist that some recipients also have responsibilities that they must fulfil."25

Some of the Report’s recommendations reflect the change in attitude toward welfare as a component of a mutual relationship between state and individual, specifically its recommendations with respect to job training and working for welfare, that is, workfare. These recommendations suggest that a condition of receiving social assistance ought to be a recipient’s willingness to enter into a job training program or “opportunity planning”, but that work for welfare be explicitly prohibited. Specifically, recommendation 79 requires that “recipients other than those who are disabled, sole-support parents, elderly, or temporarily unemployable should be required to participate in opportunity planning as a condition of receiving full social assistance benefits”.26 Refusal to participate in a job training program would result in a

24. Ontario, Legislative Assembly, Debates at 2161 (7 July 1986).
decrease in benefits. Recommendation 111 provides that "the requirement to 'work for welfare' should be prohibited".

For persons other than members of an exempted group recognized in Recommendation 79, a recipient would be required to report to an "opportunity planner" within two months of beginning to receive benefits. Failure to enter into an available program could result in the reduction of benefits. The Committee has proposed that the "opportunity planner" not have the role of deciding if benefits should be reduced as the kind of assistance provided by such planning can be more "successful and effective if delivered by persons whose ability to influence behaviour is not the result of their power to affect entitlement to financial assistance."

The Minister has indicated to a number of groups which have consulted with him about the Committee that he "likes" opportunity planning. He also indicated that many of the other recommendations are being studied. However, Mr. Nixon, Ontario's Treasurer, has also indicated that the next budget is to be "lean and mean" and, therefore,

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28. Ibid. at 311.

29. Ibid. at 211–212, Recommendation 73.

Mr. Sweeney, in meeting with a member of the Social Planning Council suggested that the "separate role" model used for Vocational Rehabilitation in the Workers' Compensation context be adopted. It is ironic that he suggests adopting this model as it has been criticized for its failure to separate the rehabilitation function from the compensation function. See The Report of the Ontario Task Force on the Vocational Rehabilitation Services of the Workers' Compensation Board, An Injury to One is An Injury to All (Ontario, 1987) at 61–61:

"Rehabilitation must be separated from compensation in the minds of the injured workers, the counsellors, the employers, and the organizations and individuals from whom services are purchased... the structure of WCB must be changed to separate the functions of claims and rehabilitation and rehabilitation must be made a full partner in the process."

This recommendation was also reflected in the submission of Sean O'Flynn, Secretary Treasurer of the Ontario Federation of Labour to this Task Force:

"Rehabilitation deserves the trust and faith of the injured worker, and this cannot be fostered in an atmosphere of threats and intimidation. We believe that the rehabilitation services of the board should be separated entirely from claims adjudication and become the second fundamental cornerstone of the system", ibid. at 199.
while he likes the *Report* overall, he will probably only be able to implement the recommendations that have minimal cost implications.30

While few would challenge the need to develop training programs,31 it will be argued in this paper that the recommendation to make such programs mandatory is not only unnecessary, but is potentially punitive. While the Committee viewed mandatory work for welfare as completely unacceptable, it accepted the assumption that without a mandatory training program condition, people would not “maximize their opportunities”.32 It thereby implicitly accepted the questionably accurate notion that people indeed have opportunities (for employment) to maximize. It will also be argued that it is unlikely that these two options, that is, training for work versus work itself, will be kept completely separate. As a practical reality, many training programs re-

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30. These general remarks were made to members of the Social Planning Council in a meeting they had with Mr. Sweeney the Fall of 1988. A number of representatives of groups that met in a recent meeting sponsored by the NDP Caucus also indicated that they had been told the same thing in meetings or communications with Mr. Sweeney and Mr. Nixon. Based on these general reactions by the Ministries, there is a strong feeling amongst those involved with the *Report* that some form of “opportunity planning” will be implemented. Other participants at this meeting have heard that job descriptions are being formulated for “Opportunity Planning Developers” and people are already vying for these jobs.

Since the writing of this paper, a response to the *Report* was announced on May 18, 1989. Mr. Sweeney indicated that S415 million would be spent on reforming the social assistance system. In part of the announcement, the Ministry recognized that there are barriers to employment for social assistance recipients and made a commitment of S54 million to expand employment and training programs. In addition, S8 million was designated for literacy training. While the announcement says that this initiative is in keeping with the principles of the *Report* and “opportunity planning”, it is unclear if the Ministry intends to make this program mandatory.

31. Indeed this was the recommendation of many groups to the Social Assistance Review Committee, including Parkdale Community Legal Services, the Social Planning Council, the New Democratic Party, and the United Steelworkers of America. It was also recommended in a number of the *Report’s* background papers, including: Burt Perrin Associates, “A Review of Training and Educational Programs for Social Assistance Recipients Entering the Labour Force” (March 1987) and M. Hess, “Education and Skill Requirements for Future Employment” (April 1987). [Background Paper for the Social Assistance Review Committee, in *Report of the Social Assistance Review Committee: Transitions (Appendix G)* supra, note 11.]

quire placement in a worksite. Furthermore, many jobs can be seen as training for another job. This is not wrong per se, but is problematic if one thinks of training and working as two distinguishable categories.

This paper will look at the Social Assistance Review Committee's recommendations and in the light of workfare in the United States and Canada, job training in Canada and the current availability of jobs in Canada.

WORKFARE IN THE UNITED STATES

The concept of workfare was not born during the recent period of U.S. neo-conservatism. In 1625, the Chief Minister of France, Cardinal Richelieu, called for the "creation of institutions in all cities in our realm where able-bodied poor could be employed in public works". And the English Poor Laws questioned whether "it [was] possible to assist the poor without, by that very act, giving people incentives for behaviour that perpetuates poverty and dependency?"

In the late 1960s, the United States started its program of Work Incentives (WIN). While the program varied in each state, recipients were required to register for work and if offered a job under the program, they were obliged to accept it or forfeit benefits. The program was always poorly funded; as a result, few jobs were offered, and few recipients were adversely affected by the program. WIN programs have continued, although the actual form has changed over the years and varies by state.

If the purpose of the program was to get recipients off Aid for Families with Dependent Children (AFDC) and into meaningful jobs,

33. In fact this has been suggested by some trade unionists, see United Steelworkers of America, Submission to the Social Assistance Review Committee (1987) at 88 [unpublished]:

"Training by itself is not enough. It is becoming increasingly clear that training by itself is not effective and that it must be accompanied by concrete work experience. The Steelworkers would fully support an initiative (for job placements)."

34. Report, supra, note 11.

35. Ibid.


the program was a failure. In 1972, only 15 percent of WIN participants were able to retain jobs more than 3 months after completing the program.38 In 1973, less than half of WIN participants had a job for greater than 3 months.39 In terms of rate of pay, the program was even less successful for women than for men. In 1973, the average hourly rate of pay for men placed under the WIN program was $2.58 per hour; for women it was $1.87.40 Furthermore, WIN, like the programs which followed under Presidents Carter and Reagan, was implemented for recipients of AFDC.41 As most AFDC recipients are women, one would have expected that the vast majority of persons in these programs would be women.42 However, Congress allowed that priority be given to unemployed men receiving AFDC on the theory that men were superior wage workers and women were needed to stay home with their children.43

President Carter introduced a program called the Comprehensive Employment and Training Act (CETA) which guaranteed full time public service employment, at a cost of $15 billion per year.44 The program was ended by President Reagan who introduced the “Community Work Experience Program” (CWEP) as part of the Omnibus Budget Reconciliation Act (OBRA). The program was not mandatory federally, but the legislation allowed States to introduce a mandatory requirement. Jobs were created that were usually part-time and temporary. Ironically, the same legislation eliminated what many see as a positive inducement to get people off welfare: the guideline that recipients can keep some of their earnings from outside employment. The OBRA reduced the amount of money one could earn while on AFDC, and stipulated that after four months of employment one could no longer receive AFDC.45

39. Ibid. at 79.
40. Ibid. at 81.
42. Polangin, supra, note 22 at 545.
43. Law, supra, note 19 at 1288.
44. Gueron, supra, note 37 at 10.
Most states required recipients to fulfill specific job-search activities and an unpaid work experience. The cost of the program varied from $165 per recipient in Arkansas to $1050 in Maryland. States were able to maintain low cost programs if their major component was a job search requirement. Those states which did have a work requirement usually provided entry level jobs which lasted a maximum of 13 weeks. California's program, Greater Avenues for Independent (GAIN), specifically allocated $434 million for child care, paid recipients on average what Californians receive, and prohibited the displacement of union jobs. While numerous studies have shown that recipients thought the work requirement was fair, it might not have been viewed as positively had the requirement to work been longer than 13 weeks. While success is difficult and controversial to measure, recipients who participated in the program were 3 to 9 percent more likely to have a job than those who did not, and they enjoyed an 8 percent to 37 percent increase in income.

Perspectives on the success of the program vary greatly depending on the nature of the program implemented by the various states. For example, both Pennsylvania and Massachusetts set up very contrasting workfare programs. The program in Massachusetts was completely voluntary and provided job training, education, placement in wage paying jobs, day care and transitional medical services. The average cost of job placement was $3,000, most of which was used for childcare. One year later, 86 percent of those who had been placed into jobs were still employed. The average starting salary was $12,000

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46. Gueron, supra, note 37 at 19.
47. The Sacramento Bee, October 13, 1985.
49. Ibid. at 22. Variations depend upon which particular state program is assessed.
50. What is success? Is a program successful when it has overall cost the government less to place people in jobs than maintain them on welfare? Is a program successful when few recipients were actually able to move into jobs but those that did had not previously worked for a number of years? Is it a success to move people into jobs that pay less than average wages for a particular industry but this pay is greater than what they would have received on social assistance? Is a program a success if fewer people are now receiving social assistance but the lines at a soup kitchen are longer? T. Rofuth, "Moving Clients into Jobs" (1987) 45 Public Welfare 10.
51. Ibid. at 13.
52. Ibid.
per year, compared to $8,000 that a person could receive on AFDC. Eight-two percent of the persons placed in jobs were women. The main criticism of the program was that it enrolled only 24,000 persons, and that, because it was voluntary, it helped those who had the fewest problems in terms of skills, education and motivation.

By contrast, in Pennsylvania, a compulsory program was established which placed 180,000 persons in jobs, saving the state $380 million. No money was provided for childcare, and job training was minimal. Only 24 percent of the placements were women. As a result, the program was not successful from the perspective of helping women enter the workforce or persons who needed skill development before they could enter the workforce. The programs have recently been evaluated by two U.S. Senate Committees. The success of the program seems to vary depending now only on which program is being considered, but also, and more significantly, on what one sees as the purpose and result of these programs.

Judith Gueron, of Manpower Demonstration Research Group, showed that employment opportunities and earning levels had increased for those who participated in CWEP, but noted that "it is important that the expectation about what a program can achieve be consistent with the level of funding it receives". At the Federal level, the WIN programme was funded at $365 million in 1980, but to $220 million in 1981, and further reduced to $110 million in 1982 thereby making it impossible to improve or maintain any type of program. Ms. Gueron’s analysis has been echoed by Morton Sklar, former director of Jobs Watch:

"The key point in discussing and evaluating the situation of workfare that needs to be made, and it is true about job training in general, is that you get out what you put in. Workfare and other

53. Supra, note 50 at 13.

54. Ibid. at 20.

55. These are the Social Security and Family Policy Committee on Finance, infra, note 56, and the Subcommittee on Trade, Productivity and Economic Growth of the Joint Economic Committee, supra, note 7.


57. Ibid. at 169.
very low cost interventions that are aimed primarily at discouraging people from continuing to participate really do nothing to change the circumstances of the recipients that lead them to a situation where they had to be participating in welfare in the first place."\textsuperscript{58}

The cost of workfare in relation to regular AFDC benefits varied from 2:1 (Florida) to 5:1 (Georgia).\textsuperscript{59} In a report of the U.S. General Accounting Office, workfare was found to cost $360,000 while saving only $115,000 in benefit payments.\textsuperscript{60} Therefore, for those who saw workfare as a cost saving measure, the program was a failure (at least in the short term) nor was much success achieved in terms of skill development. According to Mead, "the work positions have not provided much in the way of skills development, largely because most participants had the required skill level for the assignment when they started."\textsuperscript{61} It was felt that:

"Work requirements for AFDC recipients seem to reflect changes in public attitudes about welfare and the appropriate role of women, and apparently are not based on evidence of the effectiveness of work programs in helping women become economically independent."\textsuperscript{62}

In addition, guarantees that public sector employees would not be displaced were not met.\textsuperscript{63} In New York, for example, a group of sanitation workers was laid off, became eligible for welfare, and within two months was performing the same tasks as when they were working, except that they were now on workfare.\textsuperscript{64} Although litigated in various

\begin{itemize}
\item \textsuperscript{58} Trade, supra, note 7 at 3.
\item \textsuperscript{59} Ibid. at 5.
\item \textsuperscript{60} Polangin, supra, note 22 at 545 quoting U.S. General Accounting, "Insights Gained in Workfare".
\item \textsuperscript{61} Trade, supra, note 7 at 79.
\item \textsuperscript{62} Sorenson, supra, note 45 at 119.
\item \textsuperscript{63} Trade, supra, note 7 at 5.
\item A similar concern was raised by Leo Gerard, of the United Steelworkers of America, in their brief, supra, note 33 at 8, to the Social Assistance Review Committee:
\begin{quote}
"Specifically, we want to ensure that the job placement strategy does not undermine the job security of existing employees, and that it does not depress wages paid to existing employees."
\end{quote}
\item \textsuperscript{64} Trade, supra, note 7 at 6.
\end{itemize}
states, the government was often able to show that the public sector layoffs happened as a result of budget cuts, not because of workfare.65

Other critics pointed out that since AFDC recipients were mainly single mothers, it would make more sense to enforce support payments against fathers rather than to view the problem as being created by women on welfare who weren't working. For others, though, workfare was an essential way to remove recipients from welfare by making work more attractive than welfare. According to workfare proponent, Lowell Gallaway, "How are these individuals to acquire the work experience that would offer than the possibility of upward mobility in our society if we make life on welfare more attractive than life in an entry level job in the labor market?"66

According to Professor Mead, the mandatory nature of the programs has been seen as essential to their success:

"My interpretation is that obligation is what makes the programs tick. It is essential that some activity be required of recipients. It is much less critical what that activity is. Job search, training and education as well as immediate work in government can promote employment—provided they are mandatory."67

Professor Mead goes so far as to claim that people on welfare are a fundamentally different type of people and need the authority of welfare administrators. He states that:

"The basic fact about these people is that they live under authority; they live under the authority of the welfare department, and they need to take direction from that authority because they themselves don't have it as clearly in mind as many other people as to what they are supposed to do... But the recipients are different enough from the rest so that they in fact accept it (work requirement) and it fills a need they have."68

Mead feels that one need not be concerned about the certain social conditions such as racism and sexism which might create people's dependence on welfare:

65. Trade, supra. note 7 at 6.
66. Ibid. at 51.
67. Subcommittee on Social Security and Family Policy, supra, note 56 at 219.
68. Trade, supra, note 7 at 99.
"The traditional explanations for non-work and welfare are no longer persuasive... One of them is that racial discrimination keeps many of the poor out of the job market. Some claim that there is not enough employment or that daycare is a problem or that training is necessary or that there are disincentives to working in welfare itself. The research doesn't support any of these theories. .. My own view is that a better explanation is simply that the welfare poor have simply not been expected to work... The main reason the long-term poor (women, Blacks, teenagers) do not work steadily is problems of work discipline peculiar to them, not the limitations of the labor market." 69

Or that people are not seeking jobs because of poor work conditions:

"A fear that available jobs will be inhumane is unreasonable as long as they meet federal standards for pay and conditions. Perhaps these standards must be raised before, politically, we can mandate such jobs, for instance through raising the minimum wage or requiring health coverage. But this is an issue separate from welfare reform." 70

While Professor Mead supports the mandatory nature of the programs as essential for welfare recipients and desired by them, others saw that "the principal effect of the mandatory work registration requirement is to suggest to employable persons that they need not apply for AFDC to begin with, unless the need is urgent". 71

The special priority given to unemployed men, and the fact that a women whose spouse worked was exempted from workfare even if she had no children meant that this AFDC program structurally discriminated against women. Thus:

"Despite substantial formal support for the legal ideal that women be offered equal access to traditionally male occupations, the welfare system discriminates against poor women in allocating jobs. Such discrimination is seen as justified by the need to preserve the stability of the traditional family. Thus, the welfare system operates to preserve and reinforce patriarchy by assuming that women should be dependent on men: when and only when, male economic support is withdrawn will the state provide aid. Yet, at the same

69. Trade, supra, note 7 at 36-41.

70. Subcommittee on Social Policy and Family Policy, supra, note 56 at 221.

71. Law, supra, note 19 at 1337 quoting Robert Anderson, Administrator of Comprehensive Employment Development of the Department of Labour, author of the 9th Work Incentives (WIN) report.
time that the welfare system favours men in the allocation of scarce jobs, by placing a formal requirement on poor women the system declares that childwork is not legitimate work.”

With respect to women recipients, other authors also criticized the motives of the workfare program. According to Mr. Sorenson:

“Work requirements for AFDC recipients seem to reflect changes in public attitudes about welfare and the appropriate role of women, and apparently are not based on evidence of the effectiveness of work programmes in helping women become economically independent.”

An outline of the different programs illustrates how job searching, placement and training have been used as part of welfare requirement programs. The success of these programs varied both by state and by what one sees as the goal of these programs. Cutting the amount of money spent on welfare was not synonymous with successfully placing people into jobs. For example, in contrasting the programs in Pennsylvania and Massachusetts, if the goal is to take people off welfare, the Pennsylvania program was a success. However, if the goal is to get those who most depend on AFDC, that is, women, off welfare, it was a failure.

The programs also did not place all recipients equally. Women were less likely to be placed in jobs and little attention was given to providing childcare except in California and Massachusetts. Again those most dependent on AFDC did not benefit. These programs were also less ‘successful’, as relatively fewer recipients were placed, and they were also relatively more expensive to implement.

WORKFARE IN CANADA
The most recent example of workfare in Canada has been in Saskatchewan. In 1984, the provincial government introduced a program whereby employable recipients without children had to accept job training or placement. The onus was on the recipients to show that they were not employable. Benefits were cut from $581 to $384 a

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72. Law, supra, note 19 at 1281.
73. Sorenson, supra, note 45 at 119.
month if recipients did not accept a job offered through workfare. In most cases, the jobs lasted about 20 weeks. Although the *Canada Assistance Plan* specifically states that "no person shall be denied assistance because he refused or has refused to take part in a work activity project", the Saskatchewan government has maintained that its workfare program is about employable opportunities and is not a mandatory work requirement. Grant Schmidt, then Minister of Social Services, justified the program in this way:

"Maybe there's something wrong with the way I was raised, maybe there's something wrong with the way my church taught me... There must be something wrong with the system because they made me into a person who believes there is nothing illegal about work."

While few permanent jobs have been created in Saskatchewan, recipients forced to take advantage of "employment opportunities" have built a golf course, cleared ditches and built a private health spa. The Saskatchewan Government Employees Union has also found that since 1984 over 50 percent of park maintenance workers have been laid off because of lack of work.

In Manitoba a limited workfare program was established in 1982 in Portage la Prairie. Welfare recipients were forced to clear brush at $4.00 per hour. The program was stopped a few months later as the government felt it had spent enough on brush cutting.

In Alberta, a program was to be started in 1982 requiring welfare recipients to work up to 40 hours per week in the home of a disabled elderly person. However, the program never got underway because people were reluctant to hire the recipients.

To date, then, there has been little experience with workfare in Canada except in Saskatchewan. While it *prima facie* seems to be contrary to the *Canada Assistance Plan*, the program has so far survived in

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75. Elliot, *supra*, note 23 at 16.
76. *Supra*, note 5, s. 15(3).
77. Elliot, *supra*, note 23 at 15.
that Province despite a Court challenge by the Saskatchewan Union of Unemployed Workers.  

JOB TRAINING IN CANADA  

Few would argue that it is wrong for the government or industry to provide training programs for workers or for those who want to enter the workforce. It is a rather basic notion that most jobs require some skills and people must, therefore, be assisted to learn the required skills.  

The most basic skill needed in our information-based economy is literacy. Yet 18 percent of the general population is functionally illiterate, including more than 50 percent of social assistance recipients. The Forget Commission recognized this as a great barrier to employment:  

"From the perspective of the labour market, the lack of language and numeracy skills is a significant problem. Jobs for those who lack basic skills are rare; consequently they remain unemployed or limited to employment in unstable, low-paid jobs... For those seeking to increase the nation's productivity and competitiveness, the existence of an undereducated segment of the adult labour force constitutes a serious barrier."

A review of General Welfare caseloads has shown that 64 percent of recipients have less than a secondary school education. The Ministry of Community and Social Services has estimated that at least 120,000 social assistance recipients need some form of job training, a fact reflected in a number of briefs to the Social Assistance Review Com-  

81. Training programs may include any skills from literacy training to English as a Second Language to a post-secondary degree. They may be relatively short in duration, a few days, to a few years, although one year is the most typical maximum. Programs may involve only the actual training or may include support services such as money for child-care, transportation, and health benefits. Therefore, disagreements over training programs centre more on what training programs need to include rather than the actual training, per se.  
84. Ontario Federation of Labour, Submission to the Social Assistance Review Committee (1987) at 31 [unpublished].  
mittee. The Social Planning Council of Metropolitan Toronto, for example, stated that:

"In order to provide alternatives to welfare dependency, Ontario’s social assistance program must have in place a full array of employment support services. The SPC recommends substantially increasing funding for support services including life-skills, vocational assessment, job search and placement assistance, opportunities for training and education upgrading, as well as subsidies for child care, transportation and other employment related expenses. Such services must be flexible and capable of being adopted to meet the particular needs of individual recipients."  

Leo Gerard, Director of the United Steelworkers of America, also suggested that:

"If recipients are to overcome barriers to employment, training in the broadest sense of the word is essential. A wide variety of training programs—everything from basic literacy, to life skills, to more formal instruction—must become the central elements of the social assistance program."  

The Ontario Federation of Labour called for “workplace centred training” because:

"There is no solution to the problem of low wages and marginalised labour which does not incorporate systematic, work-place training."  

And, in the brief submitted by Parkdale Community Legal Services, non-mandatory training programs were advocated:

86. Social Planning Council of Metropolitan Toronto Submission to the Social Assistance Review Committee (1986) [unpublished].

87. United Steelworkers Submission, supra, note 33 at 7-8.

These concerns are also reflected by the Social Planning Council, Living on the Margin (Toronto, 1986) at 106-107.

"In order to provide productive alternatives to welfare dependency, Ontario’s social assistance programs must have in place a full array of employment support services including life skills, vocational assessment, training and educational upgrading, job search and placement assistance, as well as subsidies for child care, transportation and other employment related expenses."

88. Ontario Federation of Labour Submission, supra, note 84 at 31-32.
"It is certainly worthy of note that demand for these programs (training and job placement) has far exceeded the supply of services which would certainly lay to rest the notion that recipients do not wish to be independent of the welfare system... Under no circumstances should receipt or levels of benefits be determined on the basis of participation in these programs except where financial benefit increases above adequate compensation for all basic needs."89

While the need for training programs in general is not disputed, a review of previous attempts at job training illustrates that it is not the ultimate solution for social assistance recipients or anyone else for that matter. Many studies have shown that there is a relatively poor matching between training and job opportunities. In an overall evaluation of Federal Job Training Programs, the Canadian Advisory Council on the Status of Women found that 33 percent of trainees in 1975 were being trained for jobs for which there was an excess of available workers.90 A study of Ontario's Employment Support Initiatives program found that of 4954 participants, only 10.4 percent found full-time work and 8.8 percent found part-time work. This general lack of matching of training to jobs was summed up by the Forget Commission:

"Employers and workers are cynical about the ability of programs to train for occupations in which there are shortages. In 1983/84 almost 65% of trainees were registered in programs in areas of occupational surplus. It is not clear how much of the incorrect matching of training to jobs is caused by incorrect forecasting and how much by failing to follow forecasts. There is widespread concern, however, that occupational forecasts currently produce are not accurate and are perhaps inadequate to the task."91

In addition to this general problem of matching trainees to jobs, programs have remained underfunded and demand outstrips opportunities to enter training programs. For example, the provincial Employment Strategies Initiative92 has a waiting list for each program

89. Parkdale Community Legal Services, Submission to the Social Assistance Review Committee (1986) [unpublished].


91. Forget Commission, supra, note 83 at 141.

92. This program offers employment counselling and is a referral service for education programs.
equal to about half the number of participants. The Federal Government cut the budget of its job training program called Canadian Job Strategies by 10 percent in 1986, and by a further 10 percent in 1987. In addition, every federal literacy program currently has a waiting list.

In addition to the general problem of matching trainees to programs, certain classes have derived disproportionately few benefits from these programs. While women tend to have a higher unemployment rate than men, they are still grossly unrepresented in national and provincial training programs. In 1983/84, women represented 30 percent of full-time participants in skills training courses. In 1975, women represented 3 percent of the participants in federal apprenticeship training programs. In 1983/84, women’s representation in apprenticeship training programs increased to 3.8 percent of the 56,519 participants. This program cost the federal government $200 million representing a sizeable contribution of the federal government whose primary beneficiary is overwhelmingly male. In provincial apprenticeship programs, women made up 7 percent of the participants. The majority of these women were in hairdressing or cooking programs.

Persons with disabilities also experience an unemployment rate higher than the general population. In a survey conducted by the Employment Equity Branch of Employment and Immigration Canada, dis-

94. Ibid. at 6.
95. Ibid. at 71.
96. In Ontario, the unemployment rate for women is 16 percent higher than it is for men. See New Democratic Caucus Toward a New Ontario: Redesigning Ontario’s Social Assistance Program (23 January 1987) at 22. Nationally, between 1971 and 1985, the unemployment rate of women has been 2 percent higher than for men, except in 1982 when it was lower. See Canadian Advisory Council on the Status of Women Integration and Participation (Ottawa, 1987) at 39.
98. Dale, supra, note 90 at 52.
99. Boothby, supra, note 97 at 17.
100. Ibid. at 47.
101. L.M. Calzavara, Barriers to Women’s Employment Opportunities (City of Toronto, 1987) [unpublished].
abled persons were found to have an unemployment rate over 100 percent higher than the national average. General problems experienced by disabled persons in training programs include:

"Negative attitudes of able-bodied students and teachers; schools not equipped with technical aids to assist in minimizing the disability; educational institutions refusing to accept into programs those whom they feel will not be employed after completion of the program; physical access to classrooms."

Age also impacts on the likelihood of participating in a training program. Persons over 40 are very unlikely to enter a training program most likely because they feel they will be unable to learn a new and marketable skill or lack the confidence to return to school.

People who are unemployed for a longer period of time are also less likely to participate in training programs. Nearly 17 percent of persons employed full-time took part in short-term government training programs. However, only 11.3 percent of persons unemployed for less than 6 months participated, and 9 percent of persons unemployed for greater than 6 months enrolled in a training program.

Persons with less education were also less likely to participate. Persons who had a post-secondary education were four times as likely to take part in a training program than a person with an elementary education probably because they had the confidence in the skills they had acquired through formal education. This self-selection only reinforces that those with skills will get training and those without don't see formal training programs as part of their cultural norm. The fact that some persons have less experience with education programs than others may be a general deterrent to entering a training program. According to Picot:

"Those with below average education in their youth may be unlikely to seek out training as adults. This may be related to their family

102. Calzavara, supra, note 101 at 73.
105. Ibid. at 9.
106. Ibid. at 14.
background, the degree of difficulty they have in education or training programs, the norms of the social group in which they were raised, their beliefs about benefits of education (or lack of), or various other reasons. Furthermore, many of these people work in occupations and industries where there is no history of training. Thus, the habit of training does not develop among these workers and industries... Older persons experiencing long-term unemployment are also unlikely to turn to training to assist their adjustment process, because many have been away from such activities for many years."107

In order to encourage these persons to participate in training, it is often suggested that support systems are essential. For example, childcare has been seen as a necessary service to offer to involve more women in training:

"Childcare is probably the single biggest barrier to the participation of sole-support women in training programs."108

"Lack of childcare facilities, little or no childcare allowance, the burden of housework and other family responsibilities, all combine to make educational training and upgrading either a burden or an impossibility for most women."109

It has also been pointed out that the accessibility of public transportation and locations where training programs are offered must be improved in order to make training a reality for disabled persons.110

In order to be seen as a practical option by those on social assistance, general support services are also needed. As noted by Burt Perrins:

"Severely employment disadvantaged people, which account for many social assistance recipients, require a variety of supports to enable them to participate and benefit from training. Many either have never worked or have a history of failure in work, school, and frequently other aspects of their lives. They require understanding and assistance in developing self-confidence and overcoming very practical barriers to training and employment."111

107. Picot, supra, note 104 at 5.
109. Calzavara, supra, note 101 at 37.
110. Ibid. at 86.
Overall, therefore, it seems that when the range of auxiliary support services is not offered and social assistance recipients are forced to enter into "opportunity planning" programs, the programs have become punitive. Without consideration of why some people are not participating in training programs, the Social Assistance Review Committee has proposed an unnecessary and potentially harsh condition on recipients. Given that numerous studies have shown that current job training programs are already underfunded and cannot meet current demand, why threaten recipients with reduction or loss of benefits if they do not participate in training programs? Rather than creating a bureaucracy to see if persons have fulfilled their obligations, it may be more efficient to simply create accessible training programs for persons to participate in.

**JOB OPPORTUNITIES IN CANADA**

While it is an accepted assumption that people need training to enter most jobs, the question remains: What jobs?

In these post-recession years one is led to believe that there are numerous jobs, if people would only take them. In November 1988, Canada's unemployment rate was 7.8 percent. While this represents over a million unemployed persons nationwide, this is often seen as a figure representing near full-employment. When the figure is broken down, the situation looks somewhat different. For example, the unemployment rate for those between 15 and 24 was 12 percent. In Ontario, the 1988 unemployment rate was lower at 5.0 percent. Regionally however, Sudbury had an unemployment rate of 7.5 percent, while Toronto's figure was 3.7 percent in the first quarter of 1989.

One indicator of general job availability is the Help-Wanted Index, which calculates the number of want ads in 18 newspapers in major metropolitan areas. With 1981 as the base year (i.e. 100), the Help Wanted Index in Ontario in 1962 was 26 and by 1987 was 162 com-

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115. Statistics Canada, *Estimates by Metropolitan Area: Table 14* (Microfiche #71-001).
pared to a national figure of 120.\textsuperscript{116} It reached a record high in November, 1988\textsuperscript{117} indicating that more employers were looking for help (or at least advertising for help). However, of the jobs created in 1988, over one-third were part-time.\textsuperscript{118} This trend of creating part-time jobs is not new. In 1983, 44 percent of the increase in the labour force was due to the creation of part-time jobs.\textsuperscript{119} Since 1981, the proportion of full-time jobs has decreased.\textsuperscript{120} However, many of the over 1.5 million workers in part-time jobs would have preferred full time employment.\textsuperscript{121} In 1983, 24.5 percent of married women and 31.7 percent of single women were working part-time because they could not find full-time work. This compares with 37.3 percent of married men and 28.2 percent of single men working part time and wanting full time work.\textsuperscript{122} Therefore, approximately one-third of part-time workers were underemployed in terms of the number of hours they wanted to work. Lack of satisfaction is not surprising given that 78.8 percent of women working part-time and 66.5 percent of men working part-time earned less than $10,000 a year.\textsuperscript{123}

In addition, legislation to ensure that workers receive a minimum compensation for their work has not kept up with inflation. Since 1980, the increase in the minimum wage has fallen well behind the inflation rate. In real dollars, the current minimum wage is 20 percent lower than it was 8 years ago.\textsuperscript{124}

Low rates of pay and the lack of full-time employment raise the question of what would we be training workers to do. These are in addition

\begin{itemize}
\item 118. \textit{Ibid.} at B-4.
\item 120. Muszynski, \textit{supra}, note 3 at 10.
\item 121. Statistics Canada, \textit{The Labour Force} (Ottawa: Ministry of Supply and Services, 1984) at 63.
\item 122. \textit{Ibid.} at 57.
\end{itemize}
to the structural impediments within the social assistance scheme which discourage workers from taking part-time work.\textsuperscript{125}

After reviewing both Federal and Provincial job training programs in a background paper for the Social Assistance Review Committee, the consulting firm, Burt Perrins Associates, concluded:

"There is a definite trend towards redistribution of existing jobs to those which are lower paying, part-time or temporary in nature—yet requiring at least a minimum of basic literacy skills. There is also a suggestion that our economy requires a cadre of available workers to fill such marginal jobs when they are needed: but when these workers are not required, social assistance is needed to fill the gap.

Given this picture, does it make any sense to provide training for social assistance recipients?

The answer to this question is not clear: With a less than full employment economy, there will always be some people who require social assistance. Training and education will help only so much."\textsuperscript{126}

A number of submissions to the Committee showed that there was a need to couple job training with job creation.

"What is needed above all else is a public and political commitment to full employment. And by full employment we do not mean "an acceptable level of employment"; or the economists "no accelerating inflation rate of employment"; or the "normal" rate of employment. What we mean is the right of every person to a well-paid job."\textsuperscript{127}

The need for a full-employment program was also shared by the Social Planning Council.

\textsuperscript{125} These impediments are discussed in the \textit{Report, supra}, note 11. The main disincentive is that the amount of money which recipients can earn in wage paying jobs is so low that recipients are discouraged from attempting to find work for fear of loosing their benefits. A number of recommendations are made in this \textit{Report} to remove these barriers to employment.

\textsuperscript{126} Burt Perrin Associates, \textit{supra}, note 31 at 65.

\textsuperscript{127} United Steelworkers of America Submission to Social Assistance Review Committee, \textit{supra}, note 33 at 9.
“Any meaningful program to furnish welfare recipients with stable jobs as an alternative to welfare will ultimately depend on the implementation of policies designed to reduce unemployment, including a renewed commitment to full employment.”\(^{128}\)

If the purpose of job training is to help social assistance recipients into jobs, there must be jobs available. But not only must there be jobs available, there must be jobs available which allow people to earn sufficient income to meet their needs. Otherwise, the question remains: What are we training people to do?

**CONCLUSION:**

**THE IMPACT OF THE RECOMMENDATIONS**

This paper has shown that there is a change in attitude towards welfare recipients which may in fact reflect the origins of social assistance as charity. Increased costs to government and the number of “employable” persons on social assistance is also a part of this change in attitude. As a result, the much touted War on Poverty has been transformed into a War on the Poor.

While one would find few political allies in advocating that the government *not* offer training programs, a review of training programs in Canada and “work incentive” programs in the United States make it clear that: (i) not all training programs are the same in terms of how comprehensive they are, and (ii) the purpose of the programs will greatly affect who the beneficiaries will be.

As there seems to be some indication that “opportunity planning” will take place in Ontario, the concern for social assistance advocates should be with the reasons the government is adopting this recommendation. If it is being adopted as a way of reforming social assistance without much capital outlay, social assistance advocates have great cause for concern. Programs in the United States which were implemented for this reason offered few, if any, support services and became a way of simply moving people off social assistance. However, if the reason is to improve the employment opportunities for those on social assistance, it is imperative to remind the government that social assistance recipients are not a homogeneous group of people. While sole-support parents and handicapped persons will be exempted from the requirement to enter into opportunity planning, those who are required to enter the program will still require support services. Further-

more, it should be a responsibility of the government to offer programs with child care for sole support parents and accessibility for the disabled so they will not be excluded from volunteering for training programs.

As training programs currently available already have waiting lists, the government should implement "opportunity planning" on a voluntary basis. If training programs are effective and perceived as effective in helping persons move into the workforce, there is every indication that people will volunteer to enter them. Creating a bureaucracy to enforce this condition on social assistance should only happen if the government is able to show that it has offered effective programs which are being under-utilized. Given the current waiting lists and the lack of capital now available for training programs, this is not likely to happen for some time.

Training can easily turn into a punitive exercise. This must be avoided so as to afford social assistance recipients with proper training programs which may enable them to move into the workforce. This of course accepts the assumption that there will be jobs for people to move into; an assumption which should also be challenged.