

# **A New Era of Welfare: Analysis of the B.C.'s Employment and Assistance Acts**

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## Abstract

On June 5, 2001, Murray Coell was appointed Minister of Human Resources and, since then, he has lead the way in reducing welfare rates and increasing welfare regulations. The *Employment and Assistance Act*, Bill 26, and the *Employment and Assistance for Persons with Disabilities Act*, Bill 27, will not propose a new benchmark of civility or citizen responsibility, but instead will increase the poverty of material and civil life in B.C. The goals of this government are to reduce provincial government operating expenses for social policies, and to offload policies, responsibilities, and costs to private individuals, non-profit organizations, for-profit businesses, and local governments. Performance targets have already been posted on the Ministry's website stating that more people who contact the Ministry for assistance "are to be diverted to employment." If eligible for temporary assistance, the performance target is to ensure that assistance is only temporary, so more people "achieve independence through employment." Both workers and applicants will be expected to decrease their use of welfare and to increase paid employment, regardless of pay or working conditions, the job market, housing or transportation issues, or other obligations to children and family members.

## Introduction

Historically, countries driven by capitalism have made provisions for citizens "separated from the means of life."<sup>1</sup> Although these relief provisions were usually miserly and woefully inadequate, state relief has nonetheless existed for those without land to grow food and for those without opportunities to sell their labour in exchange for wages. Regardless of inadequate rates, officials and interest groups, who themselves may often benefit from generous tax breaks, have repeatedly demanded cuts to relief and have launched schemes to cut welfare rates, ensuring that welfare levels are lower than minimum wages.

Since winning a majority in the 2001 provincial election, the Liberal government in British Columbia, like others before, has assumed the task of cutting valuable social programs across all provincial sectors. On June 5, 2001, Murray Coell was appointed as Minister of Human Resources and, since then, has lead the way in reducing welfare rates and increasing welfare regulations. As of April 1, 2002, it will be far more difficult to apply for assistance and easier to be terminated from the program. Minister Coell has proceeded with cuts and changes, which are unlike any made previously. These significant cuts in benefits, eligibility, and appeals, and the drastic increase in surveillance imply a qualitatively and ethically different legislative framework for people living in British Columbia, not just for those in need, but also for those who serve them, for relatives, for neighbors and communities, and for politicians. It was precisely these ethical concerns that impelled the BC Association of Social Workers' board of directors to hold a special meeting on June 13, 2002, which unanimously voted to censure Minister Coell for abandoning his responsibilities "to uphold the BC Social Work Code of Ethics and Standard of Conduct."<sup>2</sup> The *Employment and Assistance Act*, Bill 26, and the *Employment and Assistance for Persons with Disabilities Act*, Bill 27, will not propose a new benchmark of civility or citizen

responsibility, but instead will increase the poverty of material and civil life in B.C. Paradoxically, neither will the proposed laws save money, as the contemporary government claims; rather, the social and, consequently, monetary costs will actually increase.

### **Contemporary Canadian Welfare History**

In the preamble to the 1966 *Canadian Assistance Plan (CAP)*, the Canadian people recognized that “the provision of adequate assistance to...persons in need and the prevention and removal of the causes of poverty...are the concern of all Canadians.”<sup>3</sup> Thirty years ago this modest federal law authorized the use of our taxes to pay 50% of operating costs incurred by provinces for income assistance and other related social services. The *Canadian Assistance Plan* also set national standards and conditions for provincial delivery of assistance and welfare services. There were no residential requirements as a condition of eligibility for assistance; however, assistance could be denied to those who had assets above a determined minimum. Most radical was Section 15 of this old law, which stated, in regard to assistance and work activity programs, that officials “shall provide that welfare services shall be made available as required to participants” (Sec. 3b) and “that no person shall be denied assistance because he refuses or has refused to take part in a work activity project” (Sec. 3a).<sup>4</sup> Welfare applicants still had to demonstrate need or willingness to seek paid work, but under this federal law, the provinces—if they wished the fiscal support of those federal dollars—could not deny welfare assistance to those in need, nor could they make workfare or involuntary volunteering and retraining programs a condition of welfare.

Since 1966, each province has designed provincial welfare laws and regulations with federal dollars in response to these federal standards. During the 1970s there were three progressive developments in the provision of welfare. First, there were more thoughtful and comprehensive definitions of adequacy, and welfare rates and programs expanded to promote opportunities to participate in community life. Second, laws, regulations, and court judgments expanded the definition of who was eligible and worthy of assistance. Seeking or engaging in work—whether in a paid job or in parenting duties—has always been a condition of eligibility, but its definition changed, as did exemptions and alternatives to paid work, including access to education. Third, the administration of welfare became less arbitrary and decisions were negotiated more openly according to specific standards and due process procedures.<sup>5</sup> Arguably, these progressive developments are indicative of an expanded public acceptance of society’s duty to ensure the well being of its citizens.

This is not to suggest that there was ever a golden era of welfare. However, even these cautious changes in Canadian welfare policy were halted and then reversed in the 1990s, first by stealthy, nearly invisible cuts and changes, and later in bold and dramatic ways. In 1995, the *Canadian Assistance Plan*, with its standards, resources, and obligations, was abolished. The *Canadian Assistance Plan* was replaced by what was thought to be a temporary policy referred to as the *Canadian Health and Social Transfer*. This particular policy was thin and weak compared to its predecessor. Significant was that this policy would not oblige the federal

government or the provincial governments to provide for persons in need. Provinces and municipalities could pass, and have passed, new welfare laws that cut rates to even lower levels of inadequacy, and have successfully instituted involuntary participation in work, volunteering, and/or training as a condition of eligibility. With Minister Coell's proclamation of Bills 26 and 27, he has failed to subscribe to his societal responsibility to encourage and inspire a society that ensures the well being of all citizens.

### **Recent Welfare Legislation In British Columbia**

The modest *Guaranteed Available Income for Need Act* of 1972—notice the words guaranteed, income, and need—was replaced with the *B.C. Benefits (Income Assistance) Act* of 1996. Eligibility was tightened for most applicants, especially youth, and more employment or training conditions were required. If eligible, a single person had to exist on \$510 per month in 2001. While rates for families with children and persons with disabilities were higher, all welfare rates remained far below commonly accepted standards of adequacy for necessities of dignified living.<sup>6</sup> Despite steady increases in the number of people living on very low incomes in British Columbia during the same years that employment insurance was significantly reduced for the unemployed, the numbers of persons eligible for *B.C. Benefits* decreased by 100,000 during the last five years to approximately 246,000 in September 2001.<sup>7</sup> What is unacceptable and clearly unethical is that Minister Coell, who chose to highlight his background as a social worker, has continue the momentum of further restricting eligibility, and of reducing already inadequate welfare rates.<sup>8</sup> A clear contradiction exists between Minister Coell's obligations and his actions, since the BCASW requires members to “make reasonable efforts to advocate for the equitable distribution of societal resources and act to ensure that all persons have reasonable societal resources, services and opportunities which they require.”<sup>9</sup> It is difficult to conceive Minister Coell's negation of the very Code of Ethics and Standards of Practice that he promised to uphold for a twenty-year period prior to his appointment as Minister of Human Resources in order to enact the laws and policies sketched by the Liberal party.

Gordon Campbell, leader of the provincial Liberal party, was sworn in as Premier of British Columbia on June 5, 2001. Premier Campbell had laced his pre-election campaign with promises of significant tax cuts, but emphasized continued fiscal support to our most valued services, including health care, education, and social services. Personal provincial income taxes were reduced immediately after the election, especially for middle and upper income families. Shortly thereafter, rumors began to flood government offices that core provincial services would undergo significant cuts within the next fiscal year. But, in August 2001, Premier Campbell officially announced the start of the Core Service Review and required the provincial ministries to submit scenarios outlining budget reductions in line with what he was calling “accountable government in a New Era of commitments.” Phrases such as “personal responsibility” and “accountability” have been used to rationalize the need for this New Era of commitments. Citizens have received messages extolling the necessary reduction of “dependency” in order to prevent further damage to the economy.<sup>10</sup> The dissemination of messages emphasizing budget deficits, mismanagement of funds, and out-of-control state dependency has created a deliberate

diversion from the examination of systemic poverty and related issues while focusing solely on economic growth and confidence.

On Black Thursday, the name given by labour organizers to January 17, 2002, the province of British Columbia was informed by the Liberal government of the plan to reduce thousands of full time equivalent positions across all provincial ministries, and to slash services needed and accessed by our most vulnerable citizens. On that same day, Minister Coell, released a document entitled *Ministry of Human Resources Service Plan Summary 2002/2003—2004/2005*. The Liberal government has sold these reforms as fiscally responsible measures to its citizens to promote the appearance of efficiency and opening up B.C. “for business,” including for-profit health, social, forestry, mining, and technology businesses. The current government has goals of reducing government operating expenses for social policies, and offloading policies, responsibilities, and costs to private individuals, non-profit organizations, for-profit businesses, and local governments.

The two goals of “employment” and “assistance” are reflected in the name of the laws. The goals may not be compatible; they could be contradictory. The goal of employment is more important than the goal of providing assistance. For instance, in the performance standards proposed for the Ministry of Human Resources and for those public servants and for-profit companies who will be paid to implement the proposed acts, there is more clarity and insistence on meeting standards that move people from welfare to paid work, whether short-term, bad jobs, or good jobs, than on performance standards proving that assistance has been provided.<sup>11</sup> Targets are already posted on the Ministry’s website stating that more people who contact the Ministry for assistance “are to be diverted to employment.” If eligible for temporary assistance, the performance target is to ensure that assistance is only temporary, so more people “achieve independence through employment.”

## **The Seven Major Changes**

*1. Significant Cuts in Welfare Benefits.* There are cuts affecting all applicants and workers. For all applicants, monetary benefits are reduced by up to 40% of current maximum income assistance for single parents, starting with immediate cuts of \$51 in monthly cheques, plus cuts to all child support payments and paid employment wages, as they will be taxed 100%. And, as of July 1, 2002, shelter rates have been reduced for families with three or more persons. There have also been many specific cuts to crisis grants and Christmas allowances, each taking away dollars from people without adequate income for necessities. Applicants are expected to spend significantly more time filling out the required forms accurately before they are able to access desperately needed services. Once the file is opened applicants have to wait three weeks without help as they are diverted to conduct employment searches for that period of time. If a worker, through the instructions of the software program, decides a recipient has not met the Employment and Assistance Agreement, welfare is terminated. To reapply, the process begins over again, including a call to the call centre and the three-week diversion to conduct an employment search.

2. *Significant Elimination of Benefits.* Many monetary and service benefits are abolished, while monthly welfare benefits will be subject to a deduction of the entire amount of any child support payments made to the recipient. Most significant and puzzling is the elimination of all monetary incentives for paid employment. Every dollar earned will mean a deduction of a dollar from income assistance, a 100% tax rate that flies in the face of studies conducted by academic and ministry officials about what helps people move from welfare to paid work.<sup>12</sup> The only exception to this 100% tax rate is the exemption of \$300 per month earned, if possible, by those who meet the stringent criteria for Continuous Assistance category (formerly Disability II).

3. *Drastic new restrictions on eligibility.* As all current laws for assistance and regulations will be changed under the new laws, not all the new restrictions are yet known. Nevertheless, at this time it is known that students are no longer eligible. No matter what their circumstances, age, family situation, or willingness to educate themselves, persons interested in post-secondary education are ineligible for assistance as they are viewed as being unavailable for any and all work; they must apply for loans or scholarships. The only exception to the ineligibility of students is those who are able and willing to prove they meet the rigorous criteria for continuous eligibility and who are able to pursue post-secondary full time may receive assistance. Furthermore, young persons over 18 years of age are ineligible for two years. Whether they have left parental homes by choice or have been forced out by abuse or neglect, young persons are ineligible until they have lived independently, possibly on the streets or somewhere else, for two years. For these youth, current practices already severely restrict their eligibility for assistance, and it is expected these restrictions will continue and become more onerous. For example, unofficial conversations are occurring among Ministry of Children and Family Development (MCFD) social workers outlining concerns that youth over the age of 16 years will no longer be served by MCFD. In the event that such a policy is implemented, what will be the fate of these youth? Two other significant restrictions are that “eligible employable singles and couples will receive assistance for a maximum of two years out of every five years;” and that parents are considered eligible for employment when their youngest child reaches three years of age, which is reduced from the current age of seven years.<sup>13</sup> Also, under the *Employment and Assistance Act*, Section 8 (1) outlines that at least one of the applicants in the family unit must prove 24 months of employment, or is waiting, or has received benefits under the Employment Insurance Act to be eligible for assistance.<sup>14</sup>

4. *Significant increase in the use of for-profit organizations to determine eligibility and endorsing cuts and restrictions.* New players are being introduced into the B.C. welfare scene, particularly large for-profit technology firms, which will be paid millions of contract dollars to implement the hardware and software programs with the new B.C. eligibility rules and benefits embedded. Other players who will implement the proposed acts, and have power to enforce its procedures, include the smaller for-profit companies with contracts to train welfare applicants, to place them in jobs, where available; their contracts and profits depend on meeting targets, such as “clients do not return within 12 months.” Both the transnational and local for-profit firms must earn profits for their shareholders.

5. *Significant increase in monitoring the daily behaviors of workers and applicants.* There will be more procedures that regulate and monitor applicants, neighbours, workers, and other professionals. Compliance will be enforced much more vigorously with enhanced verification and criminal fraud investigations—even though Canadian and international research by scholars and auditors have repeatedly discovered overpayment and fraud in fewer than 5% of cases, often for minimal amounts of less than \$100. Rather than finding fraud, investigators are more likely to find underpayment.<sup>15</sup> Applicants and recipients will be expected to complete more electronic and paper forms that investigate every aspect of people’s lives—their finances, their relationships, and their job and volunteer performance. Computer technologies will also restrict workers from all aspects of professional judgements, such as providing crisis grants above the amount set out in new policy.

6. *Significant increase in punishments.* The punishments for applicants are particularly severe: no benefits and cuts in benefits if information is supplied incorrectly or late, or if a condition of the Employment and Assistance Agreement signed by the applicant is not met. When the second author investigated the first year of the implementation of the harsh Ontario Works law in Sudbury in 1996, the findings indicated that one-third of applicants were cut off welfare each month because forms were not completed correctly or on time, a finding corroborated by other research on reasons people “exit” or are forced off welfare.<sup>16</sup> Unique to British Columbia is that those convicted of welfare fraud, under Section 15 (2)(c) of the Employment and Assistance Act, will be forced to undergo a lifetime ban of income assistance.<sup>17</sup> A similar ban does not apply to those convicted of income tax evasion, a clear form of welfare fraud, regardless of how extensive the evasion

7. *Drastic reductions in accessible, public, fair negotiating procedures regarding eligibility and benefits.* With the introduction of more managerial standardization and computerized rules that workers cannot override, discretion and room to negotiate to respond to needs for assistance will decrease. Furthermore, the current and independent Income Assistance Appeal Board has been abolished and replaced with an Appeal Tribunal as noted under Section 19 (2) of the *Employment and Assistance Act*, which consists of “(a) a chair and at least one vice chair appointed by the Lieutenant Governor in Council, and (b) the members appointed by the minister.”<sup>18</sup> In addition, funding has been cut to most Native and Community Law Centres. And, there is no longer a statutory mechanism for legal assistance for poverty and welfare law appeals, nor is there any legal aid funding for matters related to disputes regarding welfare eligibility, termination, or cuts. Without any access to legal aid, legal knowledge, or representation, what real access will there be to appeals?

### **Costs of the New Era of Welfare**

In recent months, the Liberal government has outlined some of the most significant restructuring of welfare since the establishment of the Canadian welfare state. With any policy implementation, particular social costs are embedded. The current government’s commitment to a *New Era* will deny persons living in British Columbia access to financial assistance. These

laws will be implemented first through regulated cuts in rates, layoff of staff and closures of 36 offices, then through the introduction of performance targets for public workers and for-profit companies, through the Employment and Assistance Agreements that applicants must sign to get benefits, and finally through the increased investigations and punishments for non-compliance, fraud, and overpayments.

As of April 1, 2002, thousands of the 247,000 persons currently receiving assistance will lose benefits immediately, and the process of eliminating the right to welfare for the remaining will begin as well. What is truly significant about these initiatives is that British Columbia is the first province in Canada to propose that some people can be totally cut off, eliminated, ignored, and considered ineligible after two years, whatever their circumstances or the situation in the community. If they are able to survive “independently” for three years—on the streets, with friends, with or without work—they may then reapply for assistance. With these laws, B.C. joins the United States which in 1995 passed a federal law, followed by many state laws, putting time limits on welfare: five years for families and two years or less for employable individuals. In the United States, following the proclamation of the harsh welfare law in 1995, the *Personal Responsibility and Work Opportunity Reconciliation Act*, welfare rolls have declined by approximately 40% as a result of change in eligibility.<sup>19</sup>

The actual costs of these reforms include financial uncertainty for many, as the health and safety of citizens are increasingly jeopardized. Under the new laws, general crisis grants, often used for food, will be limited to \$20 per person per month. With the implementation of such rigid initiatives, frontline workers fear for those they serve and for those who are in need of support beyond what will now be provided. For example, if single parents with young children call emergency services and request emergency food, will the Ministry of Human Resources have provisions to prevent applicants from being denied emergency support if their monthly maximums have already been exceeded? Unfortunately, no such provisions exist to date and, alternatively, what will likely occur are required investigations by child protection social workers, especially given that recent policies implemented by the Ministry of Children and Family Development eliminate the spending authority of front line social workers in particular regions.

In British Columbia, child protection workers have begun discussing the societal costs of government spending cuts, as increased protection reports are received outlining neglect directly resulting from denial of financial support. Such a proposition is quite paradoxical given that the Minister for Children and Family Development Gordon Hogg has announced his commitment to the *New Era* in governance in reducing the number of children in care. The board members of the BCASW also noted in their resolution to censure Minister Coell that Bills 26 and 27 will inevitably work against supporting families through least intrusive measures, and instead “will break up more families.”<sup>20</sup> It is difficult to conceive how families are going to survive when basic needs are denied. Parents and children will suffer the nutritional effects of surviving on whatever food they are provided, including whatever happens to be left at local food banks, which reportedly has been rotting fruits and vegetables at times. A recent study from the University of Toronto found that 70% of female parents using food banks “had gone moderately

or severely hungry in the past year, and 57% had done so within the past 30 days.”<sup>21</sup> Another significant concern is a potential increase in homelessness as another consequence. A review of the Ontario welfare cuts revealed that an appalling “2500 parents with children are currently living in Toronto shelters, an increase of 125% over the past five years.”<sup>22</sup>

Forcing citizens into paid employment—when employment can be found, given that the B.C. unemployment rate is at 9.6%—presents its own set of societal costs. Those who do happen to find paid employment will be forced into high turnover, low-skill, and low-wage work. Forced employment also leaves citizens open to human rights violations. What is quite paradoxical is the Ministry of Human Resources’ elimination of the Work Entry Assistance program. It seems ludicrous to divert citizens into paid employment without assisting them with basic needs, such as appropriate work clothes or transportation.

Finally, the impact of the cuts and new working conditions on Financial Aid Workers must be explored. What are the implications if workers do not meet performance targets for diverting applicants or reducing the time recipients spend on assistance? What is the impact on workload and working conditions with the introduction of computer technology that minimizes the time workers spend with applicants and limits worker discretion? What will be the professional and personal impacts on workers who will be virtually forced to abandon the BC Social Work Code of Ethics and Standard of Practice, to which many have adhered for years? Workers may resent increased surveillance of their performance with the aim of reducing the number of welfare recipients on their caseloads. The use of increased surveillance is an obvious tool for the for-profit business contractor who has been given an objective by the Ministry of Human Resources of “clear outcomes.”<sup>23</sup> Workers are subjected to meeting performance targets and ensuring correct information is updated in the specified time frames, with the fear that poor evaluations could lead to loss of employment or denial of bonuses. Office audits explicitly arouse fears of permanently recorded non-conformities that outline the worker’s failure to comply, and it has been our experience that these non-conformities often result in disciplinary action. This continuous fear regulates each decision made by workers in relation to their practice. In essence, the proposed law will not only increase the policing of recipients, but also the practice of workers. Workers have also been vigorously reminded of the Ministry’s policy on political affiliations and have been told that commenting on activities of the government while performing work duties will not be tolerated. What will be the morale and dignity of workers when they must refuse requests for needed aid in order to maintain job “competency” and “efficiency,” knowing their by-the-book decisions, made according to rules they have not created and may not agree with, will create serious hardship for applicants? Such hardship is central in the case of a Sudbury woman convicted of welfare fraud. Kimberly Rogers was convicted of fraud for failing to declare student loans while receiving assistance. She was sentenced to six months of house arrest, 18 months of probation, and ordered to pay back income assistance and student loans received. On August 9<sup>th</sup> 2001, pregnant Kimberly Rogers was found dead in her Sudbury apartment, and what will follow is an inquiry into her death by the Government of Ontario after the tragedy has occurred.<sup>24</sup>

Furthermore, there is evidence that welfare cuts do not represent true savings to either the government or to taxpayers. For instance, it costs the British Columbia government an average of \$30,000 to \$ 40,000 for the court, police, hospital, and shelter costs associated with one person living on the streets for one year compared to \$25,000 annually for supportive housing.<sup>25</sup> Clearly, with the very real reforms that are now in progress, the costs and benefits extend far beyond any monetary value. Our entitlement or right to live with an acceptable level of decency and dignity is threatened by ideologies that aim at dismantling our social rights for the perceived benefits of economic growth. As some have argued, the “use of social policy to alter society perhaps marks out the twentieth century more distinctly than pervious centuries.”<sup>26</sup>

### **In Conclusion**

With the closure of 36 Ministry of Human Resources offices across the province, including 15 offices in smaller rural communities, the B.C. government is sending a fundamental message about access to financial assistance. It is puzzling to consider the government’s agenda to launch a strike against our most vulnerable citizens as rational, but clearly the current government has been able to persuade a majority of its citizens with its neo-liberal ideological framework and references to the sluggish United States economy. By emphasizing the need to reduce government spending, and by invoking office closures, Bills 26 and 27 will have been legislated with limited opposition from the public and private sectors. That is, the public sector has been invited to conclude that welfare reforms will reduce citizens’ dependency on the government and encourage self-determination. Simultaneously, the private sector has been encouraged by the prospect of a larger pool of available labour, reductions in wages and benefits, reductions in employment equity programs, and a consequent increase in profits.

It is not a new concept that individuals and families without wealth, land, or paid employment have to submit to continuous investigations, scrutiny, and conditions to justify modest public assistance. What is new for those without is that British Columbian people are legislating that some of us—some of our family members, neighbours, or even ourselves—will be totally expendable after two years of meager assistance. British Columbian officials and those who have benefited from tax breaks are deciding that some people are unworthy of any assistance, regardless of their capacity or societal conditions. Hopefully, Minister Coell will listen and act on the demands put fourth by the BC Association of Social Workers and will lead fellow British Columbians in the fight against these laws, which determine some people as obsolete, unworthy of any assistance, regardless of their capacity or societal conditions.<sup>27</sup> If these laws remain as the criteria for deciding who is worthy of assistance, all of us will live with the consequences. Ironically, those people who have wealth, land, and decent employment benefit proportionately more from welfare and public assistance in the form of roads, airports, security, civil courts, tax breaks, trade agreements, and higher education, without needing to justify their assistance or risking the loss of their dignity of citizenship. Will they be the ones to support legislation that those without get less or nothing?

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**Endnotes:**

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- <sup>9</sup> Perspectives Newsletter; BC Association of Social Workers
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