

# Resisting Two Year Limits on Welfare in British Columbia

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The *Employment and Assistance Act* and its companion the *Employment and Assistance for Persons with Disabilities* were passed in June 2002 by the Liberal government in B.C. Eligibility, benefits, and access to advocacy and appeals were significantly reduced. Documented proof of being “truly in need” increased for welfare claimants as did surveillance of assets and penalties for inaccurate reporting or non compliance with employment plans. Total benefits were cut by as much as 40% per month, including a 100% claw back of all employment earnings and child support, unless deemed disabled. Parents whose youngest child was three years old were re-categorized as ‘temporary assistance’ cases and needed to seek employment. Post-secondary students were no longer eligible to apply for welfare unless disabled but able to attend full-time studies. Offices and services were closed in dozens of communities. The Income Assistance Advisory Board was abolished and the right to appeal denial or reduction of benefits limited. Other policies and program changes meant most advocacy groups, women’s centres, housing registries, and community law clinics that offer services to those on low income had their provincial funding reduced in 2002, and eliminated by 2004. Legal aid was virtually unavailable for poverty law or tenant complaints as of January 2002.

The most drastic and qualitatively different changes in B.C.’s welfare new law and regulations were four types of time limits.<sup>2</sup> First, there is the “*three week wait*” for welfare after making an official application during which claimants must continue to seek employment including those caring for children. Second there is the “*two-year independence test*” meaning applicants, usually youth, must demonstrate they have worked for 840 hours or earned at least \$7,000 in each of two consecutive years before applying, unless disabled, fleeing abuse or caring for children. Third, there is the “*two years out of five*” eligibility for welfare. Employable persons are to be cut off all

assistance after two years of assistance, unless exemptions are permitted by officials, while employable parents who have claimed benefits for 24 months and whose youngest is older than three years are to have monthly benefits reduced by at least \$100. Finally, there is the *lifetime ban on access to welfare for those convicted of welfare fraud*. Ontario had passed a lifetime ban but the current Liberal government rescinded the ban following concerted public pressure. Unique to British Columbia, however, is its two year limit to benefits. It is this time limit that became the concentrated focus of public debate and resistance.

### **Opposition to the new welfare era**

Dissent against the various regressive and problematic provisions of the new bills began immediately. Social justice, faith, unions, and some professional and academic groups registered their opposition in the mainstream and alternative media, and provided the two opposition legislative members (out of 77 elected members) with critiques of key provisions for legislative debates.<sup>3</sup> The opposition also read into the Hansard record the names of persons and groups who registered opposition to the bills. Although all the provisions came into effect in September 2002, the two year time limit, named “the ticking welfare clock” by its opponents, started retroactively as of April 1, 2002.

There were numerous sessions organized by established social justice groups and new coalitions to analyze the provisions and build oppositional connections across the provinces during 2002 and 2003. Local and provincial research projects were initiated to monitor how the policy changes and funding cuts, including those to welfare, were affecting people and communities. Results were systemically distributed using internet and personal links.<sup>4</sup> Some of the opposition was dramatic and personal, when for instance the Ministry of Attorney General fired the entire Legal Services Society Board in February 2002 for refusing to implement the elimination of legal aid for poverty law. Conversely, the Law Society of BC proposed a motion to censure the Ministry of Attorney General. A similar motion of censure was passed in May 2002 by the B.C. Association of Social Workers against the Minister of Human Resources, a former social worker.

One emphasis of the protests during the fall of 2002 and subsequent spring was opposition to the process initiated by the Ministry of Human Resources to re-assess the eligibility of claims of 62,000 persons living with disabilities. Disability benefits accounts for one-third of the Ministry's budget; those eligible receive modestly higher monthly benefits than regular claimants. The Ministry had been instructed by the larger Liberal government agenda to cut costs. Savings were predicted if a reduced number of people were assessed as being eligible for the higher "continuous" monthly rates for unlimited years or re-classified for the time limited lower benefits of those "expected to work." The massive re-assessment exercise was costly, difficult, and systematically opposed by 400 disability groups across the province. It also was ineffective: in 2002 there were 56,254 persons with disabilities eligible; two years later there were more--62,808 clients in Jan 2004. The Office of the Auditor General examined the conduct of the review, finding only 46 cases were actually closed. Of the \$5 million needed to pay for the review, 60% was used to pay assessors and doctors to complete the full eligibility documentation required by the government.<sup>5</sup>

A subtle aspect of opposition to the laws and their limits was the use of cumbersome, administrative processes by employees, claimants and advocates to help people find employment as intended by the new laws or to justify the legal exemptions. There was a surge in innovative approaches to "stop the clock ticking" by exempting people from the welfare time limits through for example registration in short-term training courses. Most significant was the re-classification of many persons into the new administrative category of "persons with persistent and multiple barriers" or PPMB including serious but not permanent health limitations or unemployability due to effects of relationship abuse. There were no persons classified as such in 2002; two years later, 14,733 clients had a PPMB designation, meaning they were temporarily excused from time limits and eligible for limited training benefits.

### **The 'Campaign' to Abolish the Two Year Time Limit on Welfare**

Opposition to the new laws intensified by the fall of 2003, with a focus on the time limits effective April 1, 2004. Estimate of persons facing the cutoffs ranged from 14,000 to 27,000, without appeal, recourse, or alternatives.<sup>6</sup> There were several

significant features of the efforts of the opposition.

First, organizations, large and small, concentrated on lobbying the provincial government and their individual MLAs to rescind or abolish the two year rule. This singular abolitionist focus minimized prolonged debates on non-competing alternatives, such as longer, but still arbitrary limits of three or five years.<sup>7</sup>

Second, the opposition included formal, public challenges and official motions passed by Boards of Directors and elected officials. There was for instance the constitutional challenge to the two-year time limit on eligibility for social assistance on the grounds launched Oct 20, 2003 by the Poverty and Human Rights Project in Vancouver, the British Columbia Public Interest Advocacy Centre and various community groups<sup>8</sup> on the basis that it violates basic human rights in the Canadian Charter of Rights and Freedoms and in international treaties that Canada has ratified. It was the motion approved by the City of Vancouver, however, that galvanized a whole new level of protest. A group of elected reform councillors passed a motion November 6, 2003 that stated the City would “actively and immediately lobby the province to rescind the law imposing welfare time limits, and provide Vancouver community groups with regular updates on their efforts.”<sup>9</sup> In addition, the councillors approved a motion to “send a letter to other municipal councils in BC outlining its concerns and urging that other councils lobby the province to stop welfare time limits.” Rapid electronic distribution of this approved motion throughout the activist community and official letters sent by Vancouver city staff to officials in every municipality across the province prompted other cities, including those of the City of Victoria and the 14 municipalities represented by the Capital Regional District to pass similar motions. Governing bodies of professional groups such as the Deans and Directors of Canadian Schools of Social Work, the B.C. Association of Social Work, and various school boards approved similar motions to rescind the time limits, as did social planning councils, housing societies, faith groups, and voluntary agencies.

The third feature of the campaign was the remarkable absence of coordinated strategies or attempts to organize coalitions, with the exception of the singular focus on rescinding the two year limit. Instead, journalists reported there were “many levels protest[ing] impending welfare cutoff” and not just anti-poverty groups.<sup>10</sup> People and groups used diverse tactics and relevant arguments to register their protest of the time

limits grounded in their own experiences and knowledge. Solidarity Coalitions in Victoria and Prince George for example used rallies and put posters with pictures of the ticking welfare clock on telephone polls to reach their audience. A group of 62 academics associated with the University of Victoria used research arguments about the ineffectiveness and illegality of time limits in their protest letter to the premier and Minister of Human Resources. The City of Vancouver argued the province had promised to minimize negative impacts of the 2010 Winter Olympic Games on low income people. Elected councils across the province were concerned about the impact of hundreds, maybe thousands of persons being cut off, downloading responsibility for their survival on the cities and towns. By way of contrast, the Diocesan Council of the Anglican Church, in a letter sent to 60 Anglican churches for debate and decision, reasoned the welfare limits had to be rescinded because of the “profoundly moral” nature of income assistance policies and that the true character of a society is measured “by the ways we support, encourage and care for the least fortunate.”<sup>11</sup> Similar letters were read from pulpits in the United Church, while multifaith action groups urged individuals and groups to write letters to the Premier and Minister of Human Resources requesting the limits be abolished on compassionate grounds. Others joined the 12 hour multifaith vigil on the Legislature steps on February 25<sup>th</sup> followed by a night sleeping on the streets.<sup>12</sup> Throughout December and January of 2004, the City of Victoria, the Capital Regional District, other municipalities, social planning councils, school boards, and large and small voluntary organization used different arguments and local evidence to pass motions to rescind the limits on welfare.

Lastly, there was sustained visible and invisible linking undertaken by many people and groups, especially during the months of November 2003 to February 2004. The intent was to spread information about the law and the welfare limits. The aim was also to initiate strategies about how policy could be interpreted and messages represented. This linking and taking the initiative are related, but not the same as coordinating activities or coalition building, of which there was little in the campaign. The internet was used to spread factual information immediately after a motion was passed, or when an informative analysis or argument was made. Activists, academics, faith groups, and concerned citizens used personal emails, telephone and small group meetings to debate and select strategies, and to practice them. For instance, there was

significant behind the scenes work to coach participants of a January 30, 2004 Victoria press conference that attracted all local print, radio and T.V. media, and national coverage. This press conference was timed to put pressure on the Minister of Human Resources to respond as promised by the end of January to requests for specific information on how many people would be affected by the time limits.

### **Outcome and Commentary**

Did the campaign work? Yes and no. This linked, diverse, multi level, uncoordinated but singularly focused campaign to abolish the arbitrary two year limits on welfare did capture a measure of positive, albeit fleeting public support. It was the government who had to defend the limits and only a few allies came forward to defend publically the limits.<sup>13</sup> The arbitrariness and inhumaneness of the two year limit captured the public's compassion and imagination. No one knew who would be cut off, nor what would happen to the anticipated hundreds or thousands who could be "on the streets" without recourse or appeal. Supporters of the campaign to rescind were helped by a real worry that no one claimed responsibility for those cut-off welfare. Others were annoyed with the unwillingness of provincial politicians to give information about the impact of the cuts on those most affected—the claimants and their communities.

The time limits, however, have not been abolished. Neither the law nor the regulations on time limits have changed. Yet, there is a significant public policy clarification on exemptions. In 2002 and 2003 the Ministry noted eighteen or 20 exemptions to the cutoffs.<sup>14</sup> As of February 6, there was a new exemption. Exemption 25 included "people who have an employment plan, are complying with their plan, are actively looking for work, and have not been successful in finding employment."<sup>15</sup> The Ministry argued this exemption was not new, but a clarification of existing policy and thus there had been no cause for alarm. Opponents of the welfare limits, however, claimed a small victory as all the exemptions, especially the 25<sup>th</sup> one, included virtually all persons who are eligible for welfare. Even the mainstream media stated in front-page news items on February 7, 2004 that the "province backs off plan for dramatic cuts to welfare."<sup>16</sup>

Although significant, the victory is small. The public and government debates

continue to focus on the importance of employment, not its adequacy nor relevance to a person's situation. Parenting and caregiving for the sick are not considered work. Without minimal support and maximum surveillance, it will be simple to cut people off welfare for not complying with what the Ministry calls the 'legally binding employment plan.' In addition, the welfare rates are even more inadequate than before the 2002 cuts pushing people further into debt every month after paying for food and shelter.<sup>17</sup>

Most important, far more people are denied assistance, than cut off. With the new laws it is increasingly difficult to become eligible for welfare because of the three week wait, the two year independence tests, the assets tests, and the higher expectations for documented proof of eligibility. In 2002, 214,516 persons were eligible for assistance, already a significant decrease from a high of 371,427 in 1995, the year before the *Canada Assistance Plan* was abolished and the new *B.C. Benefits* law was proclaimed. Nine years later, only 166, 479 persons were eligible to claim benefits in January 2004 even though unemployment rates, especially for youth or those with less than university education have not decreased in B.C. while costs of living have increased.

The B.C. Ministry of Human Resources continues to argue for a policy narrative that instructs citizens to believe that regardless of access to adequate employment, childcare, or training, "a job is better than welfare and that people who are able to work should work."<sup>18</sup> To enforce this narrative, punitive measures such as time limits - with exemptions - are required to lead Canada in "a fundamental shift in the culture surrounding income assistance from one of entitlement to one with a renewed sense of personal responsibility".<sup>19</sup>

The opposition to B.C.'s new welfare era and the campaign to abolish the two year welfare limits appeared to have fostered thoughtful public debate on the meaning of welfare limits, encouraged different people to become allies, and secured an important new exemption in welfare policy that put money into the hands of many who needed it for survival. More campaigns are required, however, to reclaim citizens' entitlement to human dignity and rights to economic security. From our analysis of this campaign, there may be value in determined, diverse and yet linked efforts to uncover and abolish the inhumane, ineffective and arbitrary aspects of public policies.

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2. Section 36 of the Employment and Assistance Act states that the lieutenant Govern-in-Council *may* make regulations for providing income assistance on a time-limited basis, and *may* make reductions in incomes after time periods. But it Regulations 26 and 27 that states assistance is provided for 24 out of 60 months, and how much monthly benefits *must* be reduced, and which months *must be excluded* from the count towards the maximum of 24 months.

3. For example "A Policy analysis of the proposed B.C. Employment and Assistance Law" by M. Reitsma-Street, paper published electronically and in alternative media when Bill 26 and 27 introduced. See [www.uvic.ca/spp/publications](http://www.uvic.ca/spp/publications). April 1, 2003. See Debates of the Legislative Assembly, 3<sup>rd</sup> Session, 37<sup>th</sup> Parliament, Volume 6, starting April 16<sup>th</sup>, 2002.

4. Seth Klein and Andrea Long *A Bad time to be Poor: An Analysis of BC's Welfare Policies*. CCPA-BC and SPARC -BC, Vancouver. [www.policyalternatives.ca](http://www.policyalternatives.ca). Various Welfare Fact Sheets written by the Public Legal Education Program and distribution on [www.povnet.org](http://www.povnet.org). See also six month reports by Community Reconstruction Project beginning June 2003 by Community Social Planning Council, Victoria, [www.communitycouncil.ca](http://www.communitycouncil.ca) and Lesley Moore "Income Assistance after the Cuts" Vancouver: End Legislated Poverty, August 28, 2002.

5. Office of the Auditor General of British Columbia Wayne Strelieff, "Review of Eligibility for Disability Assistance" Feb. 2004, [www.bcauditor.com/PUBS/2003-04/Report6/Audit1.htm](http://www.bcauditor.com/PUBS/2003-04/Report6/Audit1.htm) downloaded March 1, 2004.

6. Seth Klein "Leaked numbers sound alarm on welfare time limits" Canadian Centre for Policy Alternative (BC), Opinion piece. October 30, 2003.

7. T. Mathiesen, *The Politics of Abolition*. Oslo: Universitetsforlaget and Martin Robertson, 1974, p.15.

8. "Community groups prepare for constitutional challenge to welfare cut-off" BC Public Interest Advocacy Centre, [www.bcpiac.com](http://www.bcpiac.com) downloaded November 14, 2003; Sheilagh Day "Are welfare time limits constitutional?" *BC Commentary*, Vol 7(1), 2004, p. 4-5.

9. Motion on Reductions and Cutoffs of Income Assistance Benefits moved by Councillor Woodsworth sent in email to [ewoods@vcn.bc.ca](mailto:ewoods@vcn.bc.ca), and other activists, from WE\*ACT Women Elders in Action 1 October 24, 2003

10. Sheila Potter "Many levels protest impending welfare cutoff" Weekend Edition, Victoria News, January 30, 2004, p. 3

11. Letter approved December 11, 2003 by the Diocese Council of the Anglican Church in the



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Vancouver Island Region, and received in a January 18, 2004 email from the Rev. Canon Dr. Harold Munn, Rector, The Church of St. John the Divine.

12. February 25 was selected for the vigil and night on the streets as it was Ash Wednesday and the last date cheques would go out to eligible persons before the April 1<sup>st</sup>

13. T. Gabel, J. Clemens, & S. LeRoy, "The reason for welfare time limits: They work" *Vancouver Sun*, November 15, 2003, p. C7.

14. Murray Coell, "Giving British Columbians every chance to work" *Times Colonist*, October 23, 2003, p. A11.

15. Ministry of Human Resources in British Columbia, "Time Limit Policy to Protect people in need" News release, February 6, 2004. [www.news.gov.bc.ca/nrm\\_new\\_releases/2004MHR0001-000080.htm](http://www.news.gov.bc.ca/nrm_new_releases/2004MHR0001-000080.htm) Downloaded Feb. 6, 2004

16. Lindsay Kines, "Province backs off plan for dramatic cuts to welfare" *The Vancouver Sun*, February 7, 2004 p. A1; see also Judith Lavoie "Welfare extension sees needy retain benefits" in *Times Colonist*, Feb. 7, 2004, P. B4.

17. "Cost of Eating in BC-Low income families are more desperate than ever", October 2003. Vancouver Costal Health Authority, [www.dietitians.ca/news/media.html](http://www.dietitians.ca/news/media.html) summarized by one of authors Shefali Raja in Oct. 22, 2003 email distributed to social planning councils.

18. Murray Coell, "Giving British Columbians every chance to work" *Times Colonist*, October 23, 2003, p. A11.

19. Honorable Stan Hagan, Debates of the Legislative Assembly, Hansard, April 1, 2004, morning Vol 23, no. 4, page 10037.