WORKING DOCUMENT

SOCIAL SPENDING, SOCIAL RESULTS

Options for a Social Justice Audit Component in the Context of the CHST

Havi Echenberg

May 1997

WD1997-2e

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EXECUTIVE SUMMARY

The introduction of the Canada Health and Social Transfer (CHST) in the 1995 federal budget began a process of recreating, recasting and redefining the social union of Canada. Two years after the announcement that the social map would change, the values, principles and objectives to underpin the new one are still being negotiated, largely behind closed doors, in ways that exclude public engagement. Superimposed upon the social union redesign, the lack of public engagement in the process, and the absence of an overarching goal or "picture" of where we are headed is the fiscal constraint facing all governments in Canada. The public wants to know what it is getting for its tax dollars and social insurance contributions; it knows it is getting less than it used to, but it doesn't have reason to believe that what it's getting is good value for the money.

This paper considers current alternatives to values, principles and objectives for the CHST, how different options might affect issues of democratic accountability and social justice, what data and what accountability frameworks could serve those options and the development of the social and economic union, then outlines next steps, both generally and more specifically for the Department of Justice Canada.

The options considered are: the principles, values and objectives outlined by the Ministerial Council on Social Policy Reform and Renewal; ACCESS, developed for the Ontario Government by Dr. Thomas Courchene of Queen's University; and models developed by the Caledon Institute of Social Policy, the Canadian Policy Research Networks, and the Canadian Council on Social Development. For each option, discussion focusses on the framework and structure proposed, the data needs of each, and the consultation framework outlined (if any).

Models of social engagement considered are: benchmarks (as implemented in Washington State and Multnomah County); social indicators, including the two being developed experimentally by Statistics Canada, the Genuine Progress Indicator and the Fordham Index; the public judgment model piloted by the Canadian Policy Research Networks; a Social Charter, as an adjunct to the *Canadian Charter of Rights and Freedoms*; and a social audit. Each is described briefly, and then discussed in terms of its "pro's" and "con's".

Most importantly, the paper takes from the current situation some possible directions that the Department of Justice Canada ? a "small player" in the CHST with a disproportionate interest in the accountability processes ? might take to assist in enhancing accountability and public engagement as the CHST continues to be implemented. In particular, the paper proposes ways the Department might use justice data as proxies for social well-being, might promote the social justice model, and might pilot models for social engagement in the current context.

The use of justice data is already of interest to the Department, as a measure of the performance of society as a whole. While social well-being is difficult to measure, there is

currently extensive use of health data and income/education data as proxies. Given the close relationship between social disadvantage and risk of intervention by the criminal justice system, it seems clear that a "determinants" model could be developed, like that used in health promotion. Particularly as the Organization for Economic Cooperation and Development gears up to consider "social cohesion", criminal justice data can be helpful locally and could be promoted by Canada as a proxy for international use as well.

Similarly, the social justice model is of interest in the Department of Justice Canada, and often underpins policy discussions about the criminal justice system in Canada. Yet it is often not considered by those who do not have a direct connection to the criminal justice system. Considering how "justice", both formal and informal, is distributed, implemented and enforced is a useful paradigm for the consideration of social outcomes of public spending, beyond the money spent on criminal justice itself. Department officials could actively promote the adoption of this model through interdepartmental and intergovernmental organizations and opportunities, thereby assisting in the measuring of returns on spending in the social sphere. While illness is not a direct opposite of health, and intervention by the criminal justice system is not the opposite of social cohesion, there are links that are instructive and illuminating to pursue.

Finally, given the enormity of the task ahead of any body ? any governmental, non-governmental or intergovernmental structure ? that seeks to monitor social outcomes of public spending, there is ample room for modest pilots of different ways to go about the daunting task. The Department of Justice Canada could pilot any of the models described, relying primarily on relations with other departments and governments to access the data and develop a model useful to all stakeholders.

1.0   INTRODUCTION

Beginning with the introduction of the Canada Health and Social Transfer (CHST) in the 1995 federal budget, continuing through the negotiation of bilateral labour market agreements between the federal and individual provincial governments, and looking toward the creation of new broad social initiatives by federal and provincial governments in the areas of child poverty and income security for persons with disabilities, the social union of Canada is being recreated, recast, redefined. Two years after the announcement that the social map would change, the values, principles and objectives to underpin the new one are still being negotiated. Despite compelling arguments on many fronts that Canadians wish to be actively engaged in this exercise, that the resulting union would be strengthened by their engagement, and that the economic future of the country may rest on their engagement, thus far the exercise has been held in closed meetings, often unbeknownst to stakeholders, and with limited information being made available to media or interested individuals until the components of the union are already completed.

Superimposed upon the social union redesign, the lack of public engagement in the process, and the absence of an overarching goal or "picture" of where we are headed is the fiscal constraint facing all governments in Canada, as debts get wrestled into submission, demands for spending increase, and capacity and willingness to pay taxes is constrained by public mistrust about the effectiveness of public spending.[1] The public wants to know what it is getting for its tax dollars and social insurance contributions; it knows it is getting less than it used to, but it doesn't have reason to believe that what it's getting is good value for the money. Given that the only choices offered to the public about the federal "contributions" they make come at election time, the public is understandably cynical about social programs in particular, and is fearful about the social upheaval that is accompanying economic restructuring.

This paper, then, will consider current alternatives to values, principles and objectives for the CHST, how different options might affect issues of democratic accountability and social justice, consider what data and what accountability frameworks could serve those options and the development of the social and economic union, and outline next steps, both generally and more specifically for the Department of Justice Canada.

2.0   BACKGROUND

The issues surrounding the new social union and accountability necessarily involve how we got from where we started to where we are. Rather than outline the entire history of social policy, however, the focus will be on recent developments.

2.1   CAP and EPF

The federal infrastructure for the social union was historically contained in two admittedly imperfect instruments: the Canada Assistance Plan (CAP) and Established Program Financing (EPF). Together, these instruments wrote the rules and transferred federal money to provincial governments for social services, social assistance, post-secondary education, and health care. Taken together with public pensions and unemployment insurance, these instruments formed the social protection system in Canada. CAP and EPF in particular funded the services and programs that Canadians could rely on when the labour market and/or their health and physical and mental capacities failed them, or when child-rearing made earning an income impossible. No matter where Canadians lived, they knew that they would not be without income, if they were in need, and they would not be without health and social services that they required for their own well-being and the well-being of their loved ones.

The "standards" inherent in CAP and EPF were actually conditions attached to the transfers of funds from federal to provincial governments. Those related to the health care system are still in place under the CHST;[2] there were never conditions attached with regard to post-secondary education. The conditionality that is most changed by the introduction of the Canada Health and Social Transfer relates to social assistance, and social services. Under CAP, anyone in need had to receive assistance sufficient to cover their basic needs, with both the needs and the level of assistance to be determined by the provincial governments. It is notable and significant, though, that *only* those in need could benefit from assistance funded through CAP. Also under CAP, there could be no conditions attached to the receipt of the assistance, there could be no minimum residency requirements attached, and there had to be a right to appeal, with regard to assistance. Services were eligible for federal cost-sharing if they served those in need or those likely to be in need without the services. Again, services intended for those who could afford to pay for them could not be cost-shared under CAP. Additionally, provinces were required to ensure that new services or assistance plans met the conditions in advance, and to report on all programs funded with the moneys and who they served.

All of these conditions can be seen as protections for those most vulnerable, or as federal constraints placed upon provincial governments in an area that is, after all, in their jurisdiction. Additionally, these conditions were known to prevent experimentation with such laudable programs as income supplementation for the "working poor", who were arguably not "in need", and therefore ineligible for any income assistance funded with CAP dollars.

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2.2 CHST and Principles, Values and Objectives

The CHST legislation created only one condition: that no residency requirement be imposed on those seeking social assistance. Arguably, however, there are Charter protections that could be invoked to get the same protections as those provided under CAP, particularly with regard to appeal and requiring work or training as a condition of receipt of assistance.[3] Beyond that, the legislation called on the Minister of Human Resources Development at the federal level to invite his provincial/territorial counterparts to a meeting to discuss principles, values and objectives that might underpin the new transfer.

As events have transpired, that meeting took place in November of 1996, some time after the provincial governments developed their own proposed national values, principles and objectives, and created their own council to deal with such questions. They expanded their council to include the federal ministers of Human Resources Development and Health, but only after they had proposed the national framework and priorities to a meeting of First Ministers in June of 1996. It is fair to say that this provincial leadership in the arena of national principles, values, and objectives ? and social priorities ? was unanticipated. In fact, most observers predicted that, left to their own devices and in the absence of strong federal leadership, provincial governments would "race to the bottom"[1] in a patchwork of uneven and uncoordinated social initiatives and spending cuts. As well, a number of think-tanks and advocacy organizations representing the more vulnerable sectors of the social economy have put forward proposals for principles, values and objectives ? even national standards, in some cases. Only the federal government has thus far been silent on the subject.

2.3 Engaging Canadians in the New Social Union

Never have so many organizations and institutions and opinion leaders been calling so consistently on governments to engage citizens in the policy-making and monitoring process. In June of 1993, the Public Policy Forum called on government to forge "better public participation."[4] Also in 1993, a report commissioned by several federal departments advised that ".. A mosaic consultative strategy is needed to reach or represent diverse segments of Canadian society."[2] The extensive consultations by the Canadian Policy Research Networks on Canadian values indicated that Canadians both want results-based measurement of results of social spending, and want to be involved directly in "the renovation process."[3] Just last year, the President of Treasury Board, in his annual report to Parliament, wrote that program managers and departments "must involve the public more directly in the performance assessment process."[4]

On a separate but related track, scholars in other fields have been putting forward the argument that building public engagement will be pivotal to our economic and social well-being

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[1] This phrase was used widely in discussion about the death of CAP, including by Howse (see above).
[2] *Rethinking Government '94: An Overview and Synthesis,* Ekos Research Associates Inc.*,* 1993, p. 8.
[3] Suzanne Peters, *Exploring Canadian Values: A Synthesis Report*. Canadian Policy Research Networks, 1995, p. 22.
[4] *Getting Government Right: Improving Results Measurement and Accountability*, Annual Report to Parliament by the President of the Treasury Board, 1996, p. 8.

as we survive and emerge from the current economic restructuring that is creating the fiscal constraints and new demands that underpin the redesign of the social union. In her address to the University of Alberta last year, former Economic Council of Canada president, Judith Maxwell, described the importance of engaging the public to building a resilient society.[5] Even best-selling futurists and business writers are now talking about the importance of "the values of its citizens" as the new "foundation on which the new Canada should rest", [6] and the great importance of the "third sector" in revitalizing and saving the modern nation-state.[7]

Additionally, almost every model for the development, management, and/or delivery of social policy and programs includes a mechanism or mechanisms for accountability.

The specifics for the involvement of the public, as individuals and/or as voluntary organizations it forms in its midst, is largely missing from the models, however. Therefore, the paper will outline social engagement models that might be considered, regardless of the accountability/standards model finally chosen or developed.

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[5] Judith Maxwell, "Social Dimensions of Economic Growth", Eric J. Hansen Memorial Lecture, University of Alberta, January 1996. Draft, p. 15..

[6] Angus Reid, *Shakedown: How the New Economy is Changing Our Lives*, Doubleday Canada, 1996, p. 306.

[7] Jeremy Rifkin, *The End of Work: Technology, Jobs and Your Future: The Decline of the Global Labor Force and the Dawn of the Post-Market Era*, G.P. Putnam's Sons, 1995, p. 241.

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3.0 MODELS OF PRINCIPLES, VALUES AND OBJECTIVES FOR THE NEW SOCIAL UNION

While more and more organizations and thinkers are entering the fray as time goes on, the most thoughtful models of principles, values and objectives that might underpin the CHST and related social union instruments have come from the provincial governments, from Thomas Courchene, from the Caledon Institute of Social Policy, from the Canadian Policy Research Networks, and from the Canadian Council on Social Development. Each of these will be considered in light of the frameworks and structures it recommends, what data would be required to tests the success of its implementation, and what public consultation frameworks it would suggest.

3.1 The Ministerial Council on Social Policy Reform and Renewal

In its "Report to Premiers" in December of 1995, the Ministerial Council on Social Policy Reform and Renewal mapped out, for the first time, what the new social union might look like and how it might operate. It mapped out clear principles that might underpin social policy reform and renewal:

- "social programs must be accessible and serve the basic needs of all Canadians;
- social programs must reflect our individual and collective responsibility;
- social programs must be affordable, effective and accountable; and
- social programs must be flexible, responsive and reasonably comparable across Canada."[5]

3.1.1 Framework and Structure

This report set out a national agenda that would reflect these principles, would incorporate an agenda for reform, and "establish a mechanism for settling differences and monitoring progress on the national scope of progress in social policy reform and renewal."[6] It seemed that the Ministerial Council, and in turn the Premiers who approved this report "got it": they understood that principles and values were important, that the public wanted accountability, and that progress would need to be monitored. However, since this report, the Council and the Premiers, as far as is evident in their limited public statements, have focussed on content, rather than the process by which accountability and monitoring might take place. At the same time, they have been silent on protecting those who rely on the programs, with appeal mechanisms or a statement of entitlements, as a matter of principle.

While the Ministerial Council has clearly taken the lead on setting a national social policy agenda, it has been delinquent in assisting with the establishment of measures or processes that would demonstrate the degree of success or failure governments achieve in implementing the agenda or in achieving the principles that have been stated.

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It is too soon, however, to be certain that this new pan-Canadian national policy-making mechanism will be entirely effective. To date, the Council and the Premiers have been successful in defining the priority action items: child poverty and comprehensive income security for persons with disabilities. The First Ministers and now the federal Ministers of Human Resources Development and Health have agreed to these priorities, and have received a progress report on their progress. Although the federal Finance Minister committed new federal dollars on child poverty as soon as provincial governments were ready to proceed, it still remains to be seen how the programs will be finally developed and implemented.   Even now, the interprovincial consensus is rumoured to be more fragile that it has thus far appeared, and it may not hold up when the details of programs are to be decided.

Nonetheless, it is the clearest momentum to date in the definition of the new social union. That decisions have been made behind closed doors, without so much as a press release following the meetings in some cases, is disturbing to those who have argued for accountability and transparency. It is particularly ironic, given the emphasis on accountability in the Principles developed by the same group.

3.1.2 Data Needs

What is most disturbing, however, is a parallel track that provincial and federal governments are on, with regard to labour market agreements. In the 1996 federal budget, the federal government announced its intentions to turn the "developmental uses" portion of the new Employment Insurance funds to provincial governments who wished to take over labour market services in their provinces. Thus far, several such agreements have been signed, including with Alberta, New Brunswick and Newfoundland and Labrador. In "backgrounders" released with announcements of the agreements, each emphasized "accountability".

The "accountability", however, was to be measured entirely by the numbers of individuals in training programs, and who moved off employment insurance benefits after their training.[7] While these numbers are evidence of something, they are not evidence that anyone's well-being has been enhanced, or that anyone's income has increased, or that anyone's productivity has been harnessed by Canada's economy. Rather, they are evidence that the person is no longer reliant on employment insurance support. Such a measure of success is not a measure of the program's compliance with the principles established by the Ministerial Council ? to date the only official statement of principles by any government with regard to the social union. However, the data are, of course, easily available, and will be provided to the federal government. At the very least, the federal government will know how many people participated in the programs offered by provincial governments and funded by employers and employees. Presumably, these data would be included in the annual report of the Employment Insurance Commission, which is available to those who fund the program.
Data on the achievement of broader goals will be less easy to collect and report. Thus far,

they have not been identified. However, if the labour market agreements are any indication, the programs relating to child poverty and income security for persons with disabilities can be expected to have some measurable goals, however simplistic.

3.1.3   Consultation Framework

To date, the Ministerial Council report and the negotiations that have resulted from it have involved *no* public consultation. Since timing of meetings and their agendas are often intentionally not made public, it's almost impossible for even sophisticated advocacy organizations to influence or intervene in the policy development process. And thus far, if we are to judge based on the labour market agreements, there is to be no involvement of the public in monitoring the results or impacts of the policies and programs.

However, the saving grace may be Parliament, at least in the short term. Since the scale of policy and program changes anticipated in the child poverty initiative and the comprehensive income security benefit for persons with disabilities will likely require federal legislation, and possible budgetary measures, there will be opportunities through conventional Parliamentary mechanisms for some public input. The proposals will be the result of careful federal-provincial negotiations, however, and will be laden with the specter of upsetting the balances achieved if they are amended in any way.

More importantly, the broad goals and values have not been put to any public test or any public scrutiny. A mechanism to measure the success or failure of their implementation is also absent. In short, this initiative, particularly as it recommends on-going and perhaps increasing "entanglement" between federal and provincial governments, is unlikely to be more transparent, or more inclusive of the public, or more enhancing of the civil society, than the current arrangements. In fact, because it is being formed by the most elusive of executive federalism instruments ? interprovincial and federal/provincial/territorial meetings ? , it is less open to public scrutiny and intervention than prior processes that determined social policy and programs for Canada.

3.2   ACCESS: A Convention on the Canadian Economic and Social Systems

In a paper prepared for the Government of Ontario with the above-noted title, Professor Tom Courchene of Queen's University proposed a new social union ? new jurisdictions, new funding arrangements, and new monitoring mechanisms. While the paper was released prior to the Premiers' meeting last August and was quickly withdrawn in response to responses from other provincial governments, it represents one of the most detailed models developed to date.

3.2.1   Framework and Structure

The paper actually proposed two models: one interim model, and another "full ACCESS" model. Under the interim model, the conditions of the CHST would continue to apply, with enforcement by a federal-provincial body, rather than exclusive federal enforcement. Labour market training would be devolved (as has begun to happen), and both levels of government would "make best efforts to deliver on the provisions of the Agreement on Internal Trade."[8]

Under the full model, provincial governments would have "full responsibility for the design and delivery of social programs, and the development and enforcement of national social standards",[8] all federal transfers would be converted into tax points (leaving the federal government no enforcement lever in any case), provincial governments would "develop a new interprovincial mechanism to enforce national social standards and resolve disputes",[9] labour market training would be entirely devolved to the provinces, and unemployment insurance would be co-managed by federal and provincial governments or would be managed by provinces alone. The full model includes continued equalization payments, provincial commitment to the removal of remaining trade barriers by a specific date, and "mutual recognition" by provinces of each other's training and accreditation.

It is, of course, the full model that is most radical, and is premised on the "Convention" being legislated in every province.

3.2.2 Data Needs

Because the full model includes legislated "principals and standards", it is possible that Courchene envisions litigation as an instrument for individuals or organizations to prove lack of compliance. As well, a complaints/appeals process would be required.[9] However, it is notable that the model doesn't include any reference to public engagement in monitoring, at any level. Since the funds would be raised from provincial tax room created by federal reductions in tax rates, it would seem that provincial governments would be free to provide as much or as little data as it chose to its voters and taxpayers.

3.2.3 Consultation Framework

As noted above, this model doesn't anticipate any on-going consultation as part of the monitoring or enforcement scheme. Presumably, since it anticipates provincial legislation of the Convention, the public, as individuals and organizations, would have opportunities through the regular legislative process to intervene, perhaps proposing an on-going consultative role. While the Convention would probably also require federal legislation (either in one piece or as amendments to existing laws), intervention at the federal level would be unlikely to result in the creation of an on-going framework, since all standards would be established provincially, and the monitoring and compliance body would be created by provincial governments alone.

3.3 The Caledon Institute of Social Policy

In a report published in May, 1995, the Caledon Institute of Social Policy asked, as its recent study did, *Can We Have National Standards?* The report goes on to propose standards, and objectives, and enforcement mechanisms for the CHST.

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8 *Ibid.*
9 *Ibid.*

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3.3.1 Framework and Structure

The Caledon Institute model begins with objectives for Canada's social security system:

> "compensate for the inadequacies of the labour market; protect against commonplace risks and threats to economic security including unemployment, illness, accident and disability; and guarantee a basic income below which no citizen should fall."[10]

According to the Institute, the 1995 federal budget, including the CHST, jeopardizes "not only Canada's capacity to realize the basic objectives of its social security system, but indeed its commitment to the objectives themselves. The third objective ? ensuring a basic income for Canadians in need ? is most in jeopardy."[10]

The Institute proposes a rather elaborate framework for the CHST, including principles (including a statement of rights and responsibilities), pointing to existing and proposed principles as models. As well, they propose standards, which "set benchmarks by which to judge the adequacy of programs or services."[11] In particular, they wish to see standards in the definition of basic needs, levels of benefits and indexation. As an example, the Institute proposes that the standard for the level of benefits be set as a percentage of the poverty line or average incomes. The Institute proposes that the standards would, ideally, be included in regulation as part of the CHST legislation.

3.3.2 Data Needs

Interestingly, the Institute identifies gaps in data as a concern even under CAP and exacerbated under the CHST; however, the Institute does not identify what data would be required to enforce the standards it has proposed. The Institute concludes on the subject of data:

> "It will become increasingly difficult to get a national picture of provincial social spending if there is no requirement under the CHST to report how the money is spent. In fact, there may be insufficient information to conduct a valid audit of the use of federal funds; the Auditor General may have some thoughts on this issue."[11]

3.3.3 Consultation Framework

The Institute's model focusses on enforcement of standards, but not consultation with stakeholders about the measurement of the extent to which standards have been met. The paper suggests that a floor on cash transfers to provincial governments will provide the necessary "stick" for the federal government to use to ensure that standards are met. Presumably, as they would be quantitative in nature, they would not require consulting front-line workers or beneficiaries, for example, as to the extent to which they were being met.

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[10] *Op Cit.*, p. 3.
[11] *Op Cit.,* p. 7.

3.4 The Canadian Policy Research Networks

In the most elaborate of the discussions of principles, values and objectives following the passage of the CHST into law, the Canadian Policy Research Networks (CPRN) produced a study that considered a wide variety of options for rearranging how Canada goes about defining and providing health, education and social services. Citing the CHST as a watershed in Canadian intergovernmental relations, the CPRN study focusses on "...the building blocks and architecture for this new social undertaking in Canada ? new mechanisms for managing the federation's social policy business, and in particular, for effective intergovernmental cooperation and problem-solving; new ways to engage and account to citizens; and new means to enhance social policy innovation and renewal."[12]

By elaborating six models for the building blocks and architectures, three domestic and three international, the CPRN paper is careful not to be prescriptive, but rather to outline options. The domestic models ? the Canada Assistance Plan, education and the Agreement on Internal Trade ? are described in the context of models of intergovernmental relations that have had greater or lesser success in developing mechanisms that might work for the new challenge created by the CHST. The international models ? the European Community, the bicameral German state, and the Australian reforms to executive federalism ? are also selected for lessons they might offer to Canada in the current process of renewing and reforming social policy and programs.

While not prescribing a particular model, the CPRN paper does articulate ten "building blocks" "... that need to be put in place as Canadians embark on the process of rebuilding the social union".[12] The building blocks are: "Establishing trust and common interests; providing leadership; establishing common goals, charting a collective course; monitoring performance and progress; engaging and accounting to citizens; exchanging views, identifying and defining problems; creating policy frameworks and a modus operandi; mediating differences, resolving disputes; and enforcing, sanctioning, ensuring compliance."[13] Implied in these building blocks and specifically described in the models described are the form and structure, data needs, and consultation model that could be inferred from the CPRN paper.

3.4.1   Form and Structure

Drawing on the six models, the CPRN paper concludes that Canada has lessons to learn from each, including the examination of their strength and weaknesses. The author concludes, however, that "by comparison, the machinery of intergovernmental relations in Canada, particularly on national-level issues, is underdeveloped."[13] Looking specifically at the CHST and its requirements, the paper proposes something like a *Statement on the Social Union* or a *Social Covenant* or *Social Charter*, which would include principles of a policy nature, democratic principles and federalism principles. The options for the "architecture" of a social union are articulated as confederalism (like the European Community), provincial federalism (like the Ministerial Council), collaborative federalism (like Germany or

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[12]   CPRN, "Highlights of the Research Findings of *Building Blocks for Canada's New Social Union*", p. 4.
[13] *Ibid.*

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Australia), cooperative federalism (a kinder, gentler version of the status quo), and unilateral federalism, which move along a continuum, in the order listed, from provincial lead and control to federal lead and control.

The paper seems to endorse an Australian model, with a Council of Governments, described as "a more regularized intergovernmental forum to manage 'national' issues",[14] for emulation in Canada. The keys to the success of the Council have been, according to the paper, initial impetus and on-going support from heads of state and senior officials, a "genuine and proven commitment to power sharing" from the Commonwealth government, the establishment of early successes, and the improved perspective made possible by the Council's existence.[15] In contrast to Canada's current fascination with a ministerial council approach, however, the Council in Australia reduced the number of ministerial councils to less than half of its original 45, in the space of two years.[16]

The CPRN model, while undefined, includes strong components of national performance and social indicators (with a focus on outcomes rather than inputs), the establishment of common goals, and opportunities for public engagement. The discussion is silent on the mechanics of standards and enforcement, but is clear on their importance:

> "... total reliance on the power of information to safeguard the social union would be too little enforcement occurring too late. The system might eventually self-correct but people's lives will have been profoundly affected in the meantime, and intergovernmental commitment would likely have unraveled."[17]

The paper identifies issues about who should enforce what, but is clear that sanctions must be either financial or legal, and suggests that the "who" could be Parliament, the courts, an intergovernmental grouping, a third party, or citizens themselves. The criteria for selecting an enforcement body or agency should be transparency, accessibility, expertise, expense, and ultimate legitimacy and sustainability.

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[14] *Ibid.*, p. 44.
[15] *Ibid.*, pp. 27-28.
[16] *Ibid.*
[17] *Op cit.*, p. 38.

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3.4.2   Data Needs

The CPRN paper outlines the importance of evidence-based decision-making as part of social renewal not only to achieve better policy results, but as a way of legitimizing the social sector with those who pay for it ? Canadian taxpayers. Specifically, the paper calls for monitoring performance and progress as one of the ten building blocks for the new social union.

The specific instruments identified are social indicators, at the level of overall social trends, and performance indicators, based on policy and program outcomes. The paper is less clear on what those indicators might be, or who would design and produce them. The issues, the paper says, are the scope of the monitoring mandate and who is charged with this function.[14] The specific data to be collected, however, is not defined or discussed, though current domestic models cited are the Auditor General and the Canadian Human Rights Commission, both of which investigate and report on performance.

3.4.3   Consultation Framework

Again, the CPRN is more articulate on the importance of consultation than on the form or framework it might operate within in. However, unlike the other models, the CPRN discussion identifies engaging and accounting to citizens as " the cornerstone" among the building blocks of a new social union.[15] Describing accountability as both an end unto itself, worthy of doing for its own merits, and as a means to enhance and strengthen the social union, or a contribution to it, the CPRN paper contends that executive federalism is often the most opaque of decision-making methods in Canada.

Further, describing democratic engagement and accountability as one of the three "first steps" in rebuilding Canada's social union, the CPRN paper states categorically that "...The pursuit of more effective and efficient means of intergovernmental relations must not be allowed to create more 'democratic deficits.' *Avenues for citizen participation and accountability* [italics in original] need to be built in early and often..."[18] Further, the paper says, "The goal of strengthening democratic governance and civil society in Canada would be well-served by early action to create *mechanisms for monitoring and review and direct accountability for results*." [italics in original][19] Possible strategies cited earlier in the paper include providing information on program results (performance indicators), instruments for accountability (like benchmarking and charters), the provision of baseline social indicators, and independent monitoring and review mechanisms, with opportunities for citizens to participate.[20] Several of these models are discussed in the next section of this paper.

3.5   The Canadian Council on Social Development

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[18] *Op cit.*, p. 44.
[19] *Ibid.*
[20] *Op cit.,* p. 9.

The Canadian Council on Social Development (CCSD), with funding from Human Resources Development Canada (HRDC), convened three roundtables of "experts" on the CHST, held in Toronto, Montreal and Halifax, in 1995-96. At the conclusion of these roundtables, in addition to a summary report, the CCSD issued its own "position statement" on the CHST.[16]

3.5.1 Framework and Structure

Pointing to changed circumstances between the time the CHST legislation was introduced in February 1995 and the time it issued its position statement in March 1996, the CCSD highlighted the growing testimony to the importance of the social safety net to Canadians, and the obvious threat to the social safety net when governments like the new Conservative government in Ontario choose to sharply reduce their spending.

CCSD called for continuing federal funding, at 1995-96 levels for the subsequent four years, a stabilization of the cash portion of the transfer at $10 billion, and the establishment of national standards within the federal legislation. In particular, the position paper highlights the need for standards with regard to social assistance, recommending "..that the federal government amend the CHST to include standards for social assistance/services that would ensure the right to assistance based on an adequate level of assistance to meet basic needs, and would include an appeal mechanism."[17]

Additionally, the CCSD position paper calls for a "social investment framework," with the CHST being seen as one component, with a measurable set of goals and objectives and more clearly defined responsibilities at each level of government. The CCSD proposal called for the development of such a framework within 18 months.[21]

Given the recommendation for a minimum cash component in the transfer, and the amendment of federal legislation to include standards, it is implied that the standards would be enforced by the federal government, though no enforcement mechanism is made explicit.

3.5.2 Data Needs

While the proposal is lacking specifics, it defines a social investment framework in the context of its measurability:

"A social investment framework would be built around agreed-upon goals and objectives, with appropriate indicators for measuring progress towards achieving of those goals."[18]

The specific examples provided are employment and wage levels. The proposal concludes, on data needs, *The CCSD recommends that new indices or measures of social progress be developed within the next 18 months and that they be used to measure progress and account for the use of public resources.*" [italics in original][22]

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[21] *Op Cit.*, p. 4.
[22] *Ibid.*

3.5.3   Consultation Framework

The only explicit reference to social engagement in the CCSD proposal is implied in relation to the above-noted recommendation, where the federal government is directed to engage in an "open process" and to work "in conjunction with the provincial governments". As well, there is reference to establishing benchmarks ? "societal goals" ? but there is no description of how such goals would be set, or who would be involved in their setting.

Since the time of the proposal, however, CCSD ? again with funding from HRDC? undertook to begin the conversation about establishing such goals, and creating such indices. At a symposium on "social indicators", the CCSD brought together experts from a number of jurisdictions and interested stakeholders to consider what tools might be used, what might be required, and how the process might unfold.[19] Additionally, CCSD has provided, within its Internet site, a focal point for further discussion and the sharing of documents and materials on this area.[23]

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[23] This site is located at http://www.achilles.net/~council/soc_ind.html

4.0   MODELS FOR PUBLIC ENGAGEMENT

The federal government and its constituent parts have developed a wide range of mechanisms and processes by which the public is engaged in the development and monitoring of public policy and programs. However, there is some consensus that the processes haven't engendered the public engagement or the necessary legitimizing effect for the resulting policy and program changes that were hoped for or anticipated. As the cash and tax transfer value of the CHST diminishes the levers available to the federal government, a mechanism to determine, sustain and monitor the state of the social union is desirable at the national level, as pointed out by numerous sources cited above.

To date, thinkers on the subject have proposed a variety of approaches: benchmarking, social indicators, public judgment processes, a social charter for Canada, and social audits. Each has strengths and weaknesses, yet each brings informed public consideration of performance and future directions, which can be helpful in the program and policy planning and refinement processes as well.

4.1   Benchmarks

In the engineering context, benchmarks were tests that were applied to a wide range of machines to provide comparable performance measures, or were tests that could be applied to the same machine over time to give indications of performance in a specific area. The latter has been the model adapted for use in the social setting. Taking their roots from the latter engineering meaning, benchmarks have become a mechanism by which decision-makers (which can include all stakeholders or be more limited) determine existing empirical measures of some social performance, and establish targets for their future direction and levels.

The most elaborately developed system of benchmarks to date have been established and implemented in the State of Oregon, where the state legislature began an exercise of establishing state-wide benchmarks for performance in social and other arenas.[20] The process, since carried down to lower levels of government, has been undertaken by Multnomah County, with more local benchmarks established. Again, the process involved an articulation of an existing empirical measure of performance in an area, e.g., teen pregnancies, and established future numerical goals and time-lines for their achievement.

The process brought together elected officials, bureaucrats, and citizens who had self-identified as being interested in the future of the county. Through a series of monthly meetings, focus groups, community meetings, and ballots among interested individuals, a number of urgent priority areas that were consistent with state benchmarks were established. For each, a relatively simple numerical measure was found from existing data, that permitted comparison with state and national situations, and that could be measured over time. An example is the number of teen pregnancies per thousand teens in the county. Progress on each priority area, then, could be measured by going back to more up-to-date data for each, and checking it against earlier numbers. Annual reports on progress were to be published, identifying actions taken and planned in each area, as well as performance to date, using the pre-determined indicator. As

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well, there was an understanding that indicators, like priorities, could and probably would change, over time.

4.1.1 Pros and Cons

The strengths of this process are that a wide range of stakeholders can be engaged in understanding, empirically, existing performance measures; in establishing future goals; in measuring future performance against future targets; and in advocating for the necessary programs and policies for the achievement of the targets. The weaknesses of the process are that it is somewhat cumbersome, requires consistent participation of stakeholders over time, and relies on the commitment of future governments to an elaborate process in the beginning of which they were not involved. One can easily foresee a time when a government might quietly stop the evaluation of performance or the setting of future targets, especially if that government's goals differed from those established by the previous government.

4.2 Social Indicators

For decades, Canadian statisticians and social policy analysts have been considering simple numbers, which, when calculated, would represent an overview of how we were doing socially as a nation, the social equivalent of the Gross Domestic Product, if you will.[21] And for decades, the discussion and debate have focussed on which numbers would be most reliable and easily understood as representative of Canadian social health.

Most recently, Statistics Canada has been participating in discussions hosted by the Canadian Council on Social Development, first on the CHST itself, and later on social indicators and measurements of well-being.[24] In the latest rounds of public presentations, Statistics Canada has been presenting preliminary work on two indicators that might be more helpful than GDP as a raw measure not only of social well-being, but also of meaningful economic growth and prosperity. Each is based roughly on an American model.

4.2.1 Genuine Progress Indicator

Although a long-standing effort to revamp the Gross Domestic Product measurement to take into account pollution and civil litigation, for example, as costs to society rather than economically productive additions to wealth, the Genuine Progress Indicator gained fame through a cover story in *The Atlantic Monthly* magazine.[22] Those who had been tracking both economic and social performance were noticing that while the economy was growing, Americans were feeling more economically vulnerable, working longer hours, and generally feeling that life was getting worse, not better, even if they did have jobs. There was cognitive dissonance between the economic indicators and the experience of individuals, families and communities throughout the nation. That is, it had long been assumed that increases in GDP resulted in significantly improved social well-being for the vast majority

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[24] Michael Wolfson, "Concepts for a Framework for Socio-Economic Development", *Roundtables on the Canada Health and Social Transfer: Final Report*, Ottawa: Canadian Council on Social Development, January 1996, pp. 153-159, and Hans Messenger and Robert Sauve, "National Accounting: Looking Beyond GDP", *Measuring Well-being: Proceedings from a Symposium on Social Indicators, Final Report*, Ottawa: Canadian Council on Social Development, November 1996, pp. 20-22.

of residents in the economy; new evidence, however, showed that that GDP was rising, but other economic measures were not doing so well. These alternative measures included hours of work, pollution, civil litigation, and volunteer hours. In short, the formal measure of economic growth was doing well, but the people of the country were not. As the title of the cover story said, "If the Economy is Up, Why Is America Down?"

So far, according to early Statistics Canada models revealed at a conference in 1996,[25] the Canadian divergence in the same period is the same, and is measurable by a divergence between GDP and GPI. Here, too, it is becoming clear from the divergence in these indicators that wealth is not necessarily contributing to the overall improvement in well-being for Canadians.

4.2.2   The Fordham Index

The Statistics Canada officials also showed Canadian equivalencies of the Fordham Index, which measures 16 socio-economic indicators, e.g., infant mortality, average weekly earnings, homicides, and so on, in relative terms over the analysis period. While the comparability between US and Canadian indicators is far from perfect, because of differing health insurance schemes, for example, and social assistance and service distribution, the Fordham Index applied to Canada demonstrates a best performance period in 1983, sharp declines to 1985, and continuing decline since that time, despite increasing economic growth.

4.2.3   Pros and Cons

The intention behind one or more social indicators is to create widespread literacy in the informed public, if not the general public, about the social status of the nation, and how it is moving up and down. As well, the goal is to demonstrate the interrelatedness of economic growth and social well-being, whether positively or negatively correlated in any particular economic phase. While public understanding of GDP may be limited, among those who influence public policy, it is oft cited, and having a new or additional indicator that is known to the same *cognizenti* has its benefits.

The disadvantage of using social indicators to engage the public in the thinking about social policies and programs is that they are simple numbers, and can be deceptive in their simplicity, just as GDP has turned out to be. Also, it will take years for Statistics Canada to become comfortable with the methodology, and then another period for its currency among the public, however narrowly defined, to become entrenched. Most importantly, a social indicator may be a tool for public debate and engagement, but it does not provide a medium for that involvement, in the way that other options might.

4.3   Public Judgment

In an innovative effort to engage Canadians in discussions about social values in Canada, Suzanne Peters of the Canadian Public Research Networks Inc. designed and undertook a

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[25] Messenger and Sauve, *Ibid.*

research project to get beyond first reactions to questions about social values. Peters began with a notion of "public judgment" introduced by Daniel Yankelovich; this author defined public judgment as a form of public opinion which exhibits ".. (1) more thoughtfulness, more weighing of alternatives, more genuine engagement with the issue, more taking into account a wide variety of factors than ordinary public opinion... and (2) more emphasis on the normative, valuing, ethical side of questions than on the factual, information side."[23]

Using this model, Peters undertook to organize focus groups, some members of which were drawn at random, and some of which were selected for their role as intended beneficiaries of social policies and programs, and explored their public judgment on Canadian values. The results of this project reflected the dichotomy but not mutual exclusion of two sets of core values: self-reliance, collective responsibility and children on the one hand, and democracy, freedom and equality on the other. It became clear from this project that Canadians were willing to renovate the social safety net, but not to demolish it. Peters undertook to engage other organizations in similar "public judgment" exercises, but the results have not been made public.

4.3.1   Pros and Cons of the Public Judgment Model

The advantages of the model are the depth of engagement of those involved in focus groups. Each member is put in a situation of considering trade-offs in policy making, and considering carefully what priorities should prevail and what the abandonment of other priorities might cost socially. Participants in such a process not only become more thoughtful and informed by it, but they also provide the substance behind the opinion. Their conclusions could be used by policy makers as evidence of a more thoughtful view of what government should be doing and how.

The disadvantages are its labour-intensiveness, and the need to ensure that those selected for focus groups are representative over time. To make such an approach systematic and regular would either rely heavily on components of civil society or an elaborate set of relationships and processes. If the process relied on volunteers, comparability of results over time would be jeopardized; if it relied on an independent research organization, or government, or a consortium of interested parties, it could be cumbersome and expensive to undertake systematically.

4.4   Social Charter

The roots of the Social Charter as a method of social engagement in policy making and program accountability evolved from the human rights sophistication that developed following the taking effect of the *Charter of Rights and Freedoms* in the repatriated Canadian constitution. At the time the constitution was being reformed, women in particular saw an executive federalist approach to the reforms leaving out their interests and concerns. Through extraordinary organizing and cohesion, women across Canada rallied other disadvantaged groups, and were successful in ensuring that the Charter was written in a way that gave those groups a justiciable set of rights that they could take to court. This development, combined with the Court Challenges Program to support test litigation that challenged federal laws in light of the Charter

rights articulated, contributed to an understanding among disadvantaged groups that the courts might be more responsive to their exclusion, and better placed to remedy it, than legislators.

However, it rapidly became clear that the Charter would not be helpful except under the relatively narrow grounds of prohibition of discrimination. Issues related to social or economic status, and discrimination resulting from them, could not be litigated under the Charter.[24] In fact, by most measures, economic and social inequality have increased sharply since the passage of the Charter.

When further amendments to the Constitution were being considered, particularly during the Charlottetown round, a movement developed that advocated the amendment of the Constitution to include a Social Charter, with community groups arguing vociferously that such a charter must be justiciable.[26] In fact, there was some concern that a non-justiciable charter would result in a diminishment of opportunities to improve social status through litigation, as the courts would be precluded from interpreting existing equality rights more broadly in the future. The Charlottetown round of constitutional reform negotiations failed, to the relief of many community-based activists, once the non-justiciable nature of the proposed social charter became apparent.[27]

When the CHST was introduced, the notion of a social charter again emerged, advocated most frequently by Professors Lars Osberg and Keith Banting. Each suggested that a social charter could be passed as federal legislation, in the absence of constitutional entrenchment, and could be used by stakeholders to hold governments accountable. While the charter was not proposed as a justiciable instrument, it was suggested that, like preambles to legislation and existing social conventions that Canada has signed, they could be used to guide the courts in their decisions, and most importantly, set the tone and intent of at least the federal government that would underpin the CHST. It is noteworthy that both Osberg and Banting see the social charter as relatively "soft" instruments, but ones that would provide a focal point around which discussions and evaluations of the social union might take place.

4.4.1   Pros and Cons of a Social Charter

The advantage of a social charter approach is its human rights focus, and its clear bias in favour of disadvantaged Canadians, who are, after all, increasingly the target of social policy and programs. There is an empowerment inherent in being able to cite legal entitlements, as compared to public policies.

The disadvantages, however, are almost overwhelming. First, such a charter, even if it were passed concurrently by all governments in Canada, would be subject to the political whim of future legislators in every provincial and territorial capital, in addition to Canada. It is evident that even if it were entrenched in the constitution, it would likely be non-

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[26] For a complete discussion of these issues, see Havi Echenberg, *et. al.*, *A Social Charter for Canada: Perspectives on the Constitutional Entrenchment of Social Rights*, part of The Canada Round: A Series on the Economics of Constitutional Renewal, Toronto, C.D. Howe Institute, 1992.

[27] The principal advocate inside the meetings of first ministers was Ontario Premier Bob Rae. The kind of social charter he was to propose became apparent with the release of a discussion paper in September, 1991: "A Canadian Social Charter: Making Our Shared Values Stronger", Ministry of Intergovernmental Affairs, Ontario.

justiciable, and could limit future interpretations of existing Charter rights and freedoms. And, finally, such entitlements are only as effective as the ability to litigate, even if they are only interpretive clauses rather than justiciable ones.

Although the Court Challenges Program has spawned a range of collective and strategic responses to litigation of Charter rights and freedoms, even its reinstated incarnation, can fund only test cases and only cases testing federal programs and legislation. Hence, if there is increasing provincial autonomy inherent in the CHST, there would be no public funds to test any charter rights at this level. It would be highly unlikely that all provincial and territorial governments would establish funds for this purpose, especially when they are cutting legal aid budgets more generally in most jurisdictions. And the federal contribution to legal aid is further jeopardized by restraints on transfers under the CHST, particularly with regard to civil legal aid, under which most social service issues would be heard.

4.5   Social Audit

A social audit has been discussed since before the CHST was introduced as draft legislation, as a possible replacement for the conditionality of the transfers under CAP, and a way in which information on programs funded with federal taxes could be accumulated in a useful way. Introduced in discussions with the Ministers of Human Resources Development (by the Council of Canadians with Disabilities) and Finance (by the Canadian Association for Community Living), a social audit was seen as a mechanism, or a process, whereby stakeholders including intended beneficiaries could be involved in the assessment of the effectiveness of programs and policies funded with CHST in the social arena.

As part of the development of the concept, the Council of Canadians with Disabilities (CCD) commissioned a literature review, along with the National Anti-Poverty Organization.[25] That literature review showed that the concept of a social audit was not a new one, although the term was first used to refer to an audit of a social services organization in the early years of this century. The literature referred a wide range of functions as "social audits", ranging from empirical analyses of results of social spending ? the meaning it usually has when used in relation to the CHST ? to audits performed by private companies of their social goals and outcomes.[28]

The concept, as used by CCD at least, was intended to combine empirical analysis of spending on social assistance and social programs, based on indicators or other analysis, with more experiential analysis of stakeholders including intended beneficiaries. The notion was to "reality-test" the numbers among front-line workers, policy makers, intended beneficiaries, academics, and other interested organizations and individuals on an annual basis, and to report annually, ideally to all governments and the Canadian public. However, this model has never been developed beyond this rough notion, and thus far, no work has been done to develop a model further.

It is noteworthy that efforts like a social audit in the past have been undertaken by

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[28] Recent "social audits", for example, have been performed by The Body Shop and by Ben & Jerry's Ice Cream. In the first instance, the audit was undertaken in response to public concern about the practices of the company; in the latter, it was undertaken as part of its on-going self-evaluation.

independent agencies, and have not been repeated on a regular basis to allow comparability or a measurement of progress. It is also notable that at least some of those involved in early discussions of this concept have considered whether a Social Auditor General should be established, to give this function the same legitimacy as the less focussed Auditor General's Report, tabled at least annually in Parliament.

4.5.1   Pros and Cons of the Social Audit

Without a clearly articulated model, it is difficult to assess the strengths and weaknesses of this approach to social engagement. However, the theoretical advantages would be the marriage of empirical analysis with experiential "reality-testing", the development of a diverse group of opinion leaders, inside government and out, with an interest in and knowledge of the outcomes of social spending in Canada, and the encouragement of replication of the model at more local levels feeding into a national " social audit".

The disadvantages are equally compelling. While complete symmetry of information reporting from all territorial and provincial governments would not be required, the more detailed the information, the more useful the audit would be. Hence, at least some provincial governments would have to "buy in" to the concept, and agree to be partners as funders, information providers, and experiential analysts. To provide a relatively comprehensive audit of social spending, the audit would be cumbersome and time-consuming, and likely be at least a year or two out of date by the time of the public report.

5.0   NEXT STEPS

While the Department of Justice Canada is a relatively small participant in the programs previously covered under CAP that are now funded through the CHST, it has a role to play in the discussions and monitoring of the new social union far beyond its dollar-value participation. Both the overwhelming evidence of linked risks associated with social and economic distress and criminality,[26] and the continuing increase in spending on criminal justice when government resources are constrained point to the importance of the Department of Justice Canada to the development and monitoring of the state of the social union.

Additionally, and equally importantly, there is interest and will in the Department of Justice Canada to take a broad social justice approach both to its own work and to any assessment of a social union model. This approach points to the interjurisdictional, interdepartmental dynamics that underpin the socio-economic experience of individual Canadians and their organizations. The overtaxed resources and minimal role it plays in CHST-funded programs, however, require strategic initiatives for the department, rather than any broad leadership role, which lies more appropriately with other departments and central agencies. However, strategic initiatives can render results far greater than their spending or scope might suggest. What follows are a range of options for the Department to consider.

5.1   Justice Data as Proxies for Social Well-being

While there are sensitivities about the collection and reporting of data related to engagement with the criminal justice system, the administrative justice system, and incarceration, there is little doubt that the "incarceration crisis" is an indication of social policies and programs failing significant minorities of the population, and costing enormous amounts of money to contain the effects of the failure. It seems, therefore, that the Department could be instrumental in developing and reporting on data with regard to the justice system that could be as helpful as proxies for social well-being as health data have become.

When the health care system, in all its facets, began to focus on prevention, it began simultaneously to focus on what it called "determinants of health". Through domestic and international fora, those in the health care field began to focus on what created health and what induced or contributed to its absence. Parallels clearly exist with determinants of criminality.

There is evidence, persuasive though inconclusive, that economic and social conditions are determinants of the probabilities of criminal involvement, just as they are indicators of ill health status. Also, there is an economic case to be made that it is more expensive to deal with the failures of the economic and social systems than to prevent the failures in the first place.

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While these data exist, and discussions have begun in quiet rooms in Ottawa about the links between socio-economic and criminality status, they are not understood by the public the way that health data are. The Department of Justice Canada has a role to play in deciding what data will be collected, how they will be reported, and what proxies can be developed that will be easily understood as related to social well-being.

5.2   Promoting the Social Justice Model

While it seems obvious to those inside the Department of Justice Canada that access to civil and criminal justice systems and well-being are linked, especially for the most disadvantaged, it is not so obvious to those outside the justice field. Social policy analysts and activists rarely focus on legal aid, for example, or access to justice issues, despite the overwhelming importance of these services for those on the margins of economies and societies.

Adding the "justice" component to "social well-being" discussions is a vital role that only the Department of Justice Canada can play effectively.

5.3   Piloting Models for Social Engagement

While the Department of Justice Canada can continue to play a supportive role in the development of social indicators, with Statistics Canada appropriately and inevitably being the lead department, the Department could play an invaluable role by taking the lead in piloting other models of social engagement, most notably benchmarking and social auditing. The Department could identify willing provincial partners (two or three would be sufficient), and develop a five-year pilot for each approach.

Each approach, as outlined above, requires the involvement of government officials, academics, other opinion leaders, non-government organizations, and interested individuals, engaging them in the common task of deciding what is important, and how it can be measured using existing data, as well as in the on-going monitoring process. It would assist the Department in educating opinion leaders about justice data, and in determining which are the best proxies for social well-being. And it might, indirectly, correct misinformation that persists about crime, sentencing and incarceration rates in Canada.

While either model or both models would require elaboration for piloting, the time line for implementation would be relatively short, and the costs could be relatively low. Given the widespread interest in public engagement being expressed by other federal departments, provincial and municipal governments, corporations and foundations, it is likely that partners to fund such pilots could be found and engaged in the process as well.

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In short, piloting could meet many of the goals of the Department of Justice Canada, and could have an enormous impact on the body of knowledge about social justice and Canada's justice system, and on the engagement of Canadians in the social union at this critical juncture.

6.0 CONCLUSIONS

The CHST is in place, spending floors have been established, and provincial governments have shown unexpected and unprecedented leadership in the discussion about values, principles and objectives to underpin the transfer. Additionally, provincial and territorial governments have thus far demonstrated cohesion in their leadership role vis-à-vis the federal government. However, what is not in place, in any mechanism whereby the results of the social spending are accounted for, or individuals, groups, and intended beneficiaries of the policies and programs thus funded are engaged in any evaluation or planning process.

In the two limited instances of federal-provincial activity since the passage of the CHST ? two labour market agreements, between the federal government and each of New Brunswick and Alberta ? have demonstrated that the federal government is prepared to demand numeric evidence of bodies served, but not to engage either provincial governments nor the publics involved in any evaluation process of the programs delivered. Yet, all around, Canadians are telling political leaders and pollsters that they want their social safety net maintained, they want to be involved, and they want programs to demonstrate their effectiveness.

What seems to be lacking is political leadership at either the federal or provincial/ territorial level to engage in such an evaluation process of social engagement, and leadership within government or civil society to take some initiatives toward the achievement of such a process and engagement. While the Department of Justice Canada is not a "major player" in the CHST, it has a willingness to engage governments, stakeholders, and Canadians in an evaluation of the social spending it does. Hence, the initiatives proposed for the Department could serve its own goals, and could provide the impetus for further experimentation and engagement from other departments and other levels of government. A small initiative in the Department of Justice Canada could be the seed that is required to get others to act on their words of increased accountability and engagement. The expenditure (in dollar and human resources terms) would be small, but the social return could be significant beyond its investment.

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[1] This discussion relies heavily on *Rethinking Government '94: An Overview and Synthesis,* Ekos Research Associates, Inc. and Suzanne Peters, *Exploring Canadian Values: A Synthesis Report*, Canadian Policy Research Networks, 1995.

[2] The standards guaranteed under the *Canada Health Act* are portability, accessibility, universality, comprehensiveness, and public administration.

[3] Robert Howse, "After CAP: Standards, Social Assistance and Canadian Federalism. A Review of the Options, Prepared for the Coordination Group on Persons with Disabilities and SSR, Human Resources Development Canada, June 1995, Draft, pp. 19-20.

[4] *Making Government Work*, Public Policy Forum, June 1993, p. 6.

[5] Ministerial Council on Social Policy Reform and Renewal, *Report to Premiers*, December 1995, Executive Summary, page 1.

[6] *Ibid.*

[7] *Canada-Alberta Agreement on Labour Market Development*, signed December 6, 1996 and *Canada-New Brunswick Labour Market Development Agreement*, signed December 13, 1996.

[8] Thomas J. Courchene, "ACCESS: A Convention on the Canadian Economic and Social Systems", Executive Summary, p. 2.

[9] Thomas J. Courchene, *ACCESS: A Convention on the Canadian Economic and Social Systems*, A Working Paper Prepared for the Ministry of Intergovernmental Affairs, Government of Ontario, August, 1996, p. 38.

[10] Sherri Torjman and Ken Battle, *Can We Have National Standards?*, The Caledon Institute of Social Policy, May 1995, p. 2.

[11] *Op Cit.*, p. 6.

[12] Margaret Biggs, *Building Blocks for Canada's New Social Union*, Working Paper No.F02, 1996, p. 2.

[13] Biggs, *Building Blocks for Canada's New Social Union*, p. 29.

[14] *Op cit.*, p. 36.

[15] *Ibid.*

[16] Canadian Council on Social Development, "Maintaining a National Social Safety Net: Recommendations on the Canada Health and Social Transfer", March 5, 1996.

[17] *Op Cit.*, p. 3.

[18] *Ibid.*

[19] *Measuring Well-being: Proceedings from a Symposium on Social Indicators, Final Report*, Canadian Council on Social Development, November 1996.

[20] Megenne Steele, *Multnomah County Benchmarks: A Framework for Action and Government Accountability*, Portland, Oregon, Office of Multnomah County Chair, August 1995, p. 2.

[21] See, for example, Gillespie, W." Irwin Fool's gold: the question for a method of evaluating government spending", Ottawa: Carleton University, 1978, and Canada. Office of the Auditor General, " Social Imperatives in Audit Projects" Ottawa: Office of the Auditor General, 1980. Discussion Paper no. 1.

[22] *The Atlantic Monthly*, October, 1995

[23] Daniel Yankovich, *Coming to Public Judgment: Making Democracy Work in a Complex World*, as cited in Suzanne Peters, *Exploring Canadian Values: A Synthesis Report*, Ottawa: Canadian Policy Research Networks Inc., 1995, p. v.

[24] Havi Echenberg and Bruce Porter, "Poverty Stops Equality: Equality Stops Poverty", and Shelagh Day, "The Process of Achieving Equality", in *Human Rights in Canada: Into the 1990s and Beyond*, edited by Ryszard I. Cholewinski, Ottawa: Human Rights Research and Education Centre, University of Ottawa, 1990.

[25] Havi Echenberg, "Social Audit: A Literature Review", submitted to Council of Canadians with Disabilities and the National Anti-Poverty Organization, April 1996.

[26] *Child Poverty and Adult Social Problems: Interim Report of the Standing Senate Committee on Social Affairs, Science and Technology*, December 1989, pp. 15-17.