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Subcommittee of the Standing Committee

on

Privileges and Elections

Chairperson
Mr. Peter Dyck
Constituency of Pembina



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE SUBCOMMITTEE OF THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Thursday, May 15, 1997

TIME – 1 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Peter Dyck (Pembina)

ATTENDANCE – 5

Members of the Committee present:

Messrs. Dyck, Helwer, Kowalski, Martindale,
Tweed

**WITNESSES: (by Teleconference from Brandon,
Manitoba)**

Ms. Beth Sanders, Women for Equality; Manitoba
Action Committee on the Status of Women

Ms. Jennifer Howard, Women for Equality;
Manitoba Action Committee on the Status of
Women

MATTERS UNDER DISCUSSION:

The review of the sections of The Child and Family Services Act pertaining to the Office of the Children's Advocate.

Mr. Chairperson: Good afternoon. Will the Subcommittee of the Standing Committee on Privileges and Elections please come to order. This afternoon this subcommittee will be considering a review of the sections of The Child and Family Services Act pertaining to the Office of the Children's Advocate.

We have had one person registered to speak to this subcommittee, Jennifer Howard, and now Beth Sanders, who is joining her as well, of the Manitoba Action Committee on the Status of Women. I should indicate that it has already been agreed by the subcommittee that no additional registrations will be

accepted. The presenter was asked to fax any material to be distributed to the subcommittee prior to the meeting. Nothing has been received to date, although you possibly will be doing that later.

I should point out that the subcommittee has established a time limit on presentations and questions. The time limit for presentations is 20 minutes, and the maximum time for questions to the presenter is 10 minutes.

Before we proceed, what I would like to do is introduce the committee to you. I am going to be starting at the head of the table. There is Mr. Tweed; he is the MLA for Turtle Mountain. Next to him is Mr. Kowalski, and he is the MLA for The Maples. Yes, identify yourselves somehow. Mr. Martindale, the MLA for Burrows. Next to me here is Mr. Helwer, the MLA for Gimli. I am Peter George Dyck. I am the MLA for Pembina, and I will be chairing the meeting here this afternoon.

Also, before I ask you to give your presentation, after we have heard your presentation, what we do is open it up to the committee members to ask a question. What I do is I identify the committee members, and then I will identify you. That is simply for later on when we have Hansard, that they can identify the different people who are speaking, so that will be the route that we will be taking this afternoon.

Again, I wish to thank you both for coming here.

Mr. Gary Kowalski (The Maples): I have a couple of questions to a point of order. The recording, is it both the presenters and are we being recorded also?

Mr. Chairperson: Yes, that is correct. Yes, in order to make a Hansard tape later on.

Mr. Kowalski: The other question I have is, is this being treated as one presentation of 20 minutes or two presentations of 20 minutes?

Mr. Chairperson: It is one presentation of 20 minutes.

Very good. Then, again, I wish to thank you for coming and for accommodating us in this way. Whoever would like to begin, I will allow you to do that. I believe Ms. Sanders is going to be doing the first presentation. Please proceed.

Ms. Beth Sanders (Women for Equality; Manitoba Action Committee on the Status of Women): Originally, I was under the understanding the Women for Equality had registered to make a presentation, and some of our members are the same as the Manitoba Action Committee, so there is a bit of overlap, but it fits if that is okay with you.

Again, my name is Beth Sanders. Before proceeding, I guess what I will start with is that we concur with the recommendations that have been made by the Children's Advocate, Mr. Govereau. While we are taking this opportunity to address three issues specifically that he has spoken of in his recommendations, I also would like to make it clear that we support all of his recommendations. Our intent today is not to diminish the recommendations that we are not mentioning, but rather to address three specific areas that we have pulled out of his recommendations.

The first area we would like to discuss with you is the dual role of the Advocate and the Ombudsman. Within the existing Office of the Children's Advocate there are two distinct roles: advocacy for children and an ombudsman role between the children and the system. Both of these roles are important and critical in dealing with the issues that affect children. These roles, as Mr. Govereau has pointed out, are quite different, and we support his recommendation that they be separated legislatively.

We would like to take this opportunity to reinforce the idea of a Children's Advocate. We often hear adults talking about what is in the best interest of children. Every adult has his or her own idea of what the best interest is without giving much consideration to what the children think. Advocacy services can ensure that children and youth have the chance to have their views and preferences heard, and those are views and preferences that are often defined by adults in the

system. On the other hand, a children's ombudsman has a role then to investigate and to provide recommendations to resolve disputes. To be effective, it follows that this office must also have the ability to enforce its recommendations. The distinction between these roles lies in their focus. The role of the advocate focuses on the rights and interests of children and youth while the ombudsman role focuses on investigation. In order to effectively distinguish these roles, they must be legislated separately.

The second issue we would like to raise with you this afternoon is that of accountability to the Legislature. The mandate of these offices must be broad enough to include children's issues across departments and agencies that deal with children or have programs that affect them. This is perhaps the most logical reason for a children's advocate and a children's ombudsman to report to the Legislature. Another perhaps more significant reason is that the Legislature, not simply a minister of a single department, should be aware of issues affecting children and the status of our government's effort to deal with issues that do affect our children. This measure could begin to ensure accountability and also to ensure that government responds to the systemic issues that have been identified by the Children's Advocate.

The third issue that I would like to raise with you today is that children are everywhere across the province, and the roles of advocacy and ombudsman-ship should reach out to rural and northern areas of communities of Manitoba and the communities in our province that are linguistically and culturally different in our province. Field officers outside of Winnipeg and staff that are appropriate for the communities they work with are essential then.

To conclude my presentation, I just have a couple more comments, and that is that for any individual in such a role as an advocate or an ombudsman, for their role to have any impact on how we address issues that affect our children, that individual must have the authority not only to make recommendations but see that those recommendations are acted upon, and that individual must be able to instigate change. If we cannot investigate the necessary changes, then we are not serious about helping these children.

Again, as a concluding remark, I would like to reiterate that our emphasis this afternoon is on three of Mr. Govereau's recommendations, and we are not diminishing the importance of his other recommendations that he has made to you. These are all critical to the effective provision of advocacy for children and the ombudsman role required to mediate between children and this system. We thank you for your time this afternoon. Jennifer has some spots to fill in, I am sure.

Mr. Chairperson: Okay. Thank you, Ms. Sanders, and I will now recognize Ms. Howard please. Go ahead.

Ms. Jennifer Howard (Women for Equality; Manitoba Action Committee on the Status of Women): When I heard about a Children's Advocate position, one of my hopes was that one of the things that will happen, and I think this is possible to happen, is that there be a more holistic vision of child welfare than there has been in the past.

What I speak of particularly in this case is the whole aspect of child poverty that we have all heard very much about. We know that poverty is a contributing factor to children who are overrepresented in the court system, in the justice system, children who have learning difficulties in school, and it is important for government to recognize that when it makes decisions in one area, it affects many other areas. If you are concerned about the welfare of children, you cannot only make decisions in the Children's Advocate area of responsibility or in the department of social services. All of the decisions you make impact on the welfare of children, and there needs to be an understanding of that.

I work with a lot of single mothers who are on social assistance, and I need to tell you that some of the recent changes to the social assistance act have caused a lot of stress on these families, particularly the new sort of emphasis on finding out-of-the-home work for mothers whose children are over six. The way that this is shaking down for a lot of women is that they are put under a tremendous amount of stress to look for jobs that simply are not there, and they are very scared because they face penalties if it is decided by their worker or the director of social services that they are

not looking hard enough. Those penalties can include reducing their payments, their cheques, by \$50 or \$100 a month. So this is some of the stress that is being placed on single-parent families.

* (1310)

Another aspect of this is the lack of subsidized child care spaces in this province. The freeze of subsidized child care spaces as well as the narrowing and narrowing of the eligibility for those spaces mean that a lot of children, a lot of families who would like to be out in the workforce cannot participate adequately because their children do not have access to care.

My comment would be I have looked at the report of the current Children's Advocate, I agree that the position needs to be maintained, and I think it is a very progressive thing to have someone who is there for the rights and values of children, but it is not enough to just advocate in one area. The government needs to have a focus on the rights of children throughout all of their decisions, and when you make decisions to cut social assistance payments and to cut child care spaces, and when decisions are made that lay off workers, this creates great stresses on families.

I think you will see that, if you want to prevent children from being placed into the system, as we call it, one of the best ways to do that is to support families. You need to look at all of the legislation you put in with that question of, does this support families? One of the best ways to do that is to support families economically through the creation of good jobs and ensuring that social programs have the funding that they need to make a difference in people's lives.

So I think, in terms of children, one of the first priorities has to be bringing children out of poverty, and the way we do that is bring their families out of poverty. I think if we can do that, we are going to have many fewer children in the system. That would be one of the best ways to advocate for children's rights in this province.

That is all I had to add. I agree with what Beth said as well. So we can answer your questions if you like now.

Mr. Chairperson: Thank you, Ms. Howard, for your presentation as well. Yes, we will do that now. We have a question from Mr. Martindale.

Mr. Doug Martindale (Burrows): Thank you, Ms. Sanders and Ms. Howard, for your presentations. You might be interested to know that you made history today. This is the first time that a committee of the Manitoba Legislature has allowed for presentations via video conferencing and the first time that has been available for Brandon. I think that is a good thing. We can consult a lot more people in rural Manitoba who might not otherwise have made it to Winnipeg to make a presentation.

I was interested in your supporting the Advocate and his recommendation that there be an advocate and a child's ombudsman, or ombudsperson we should say, and that this be put into separate pieces of legislation. We do have a model that we could follow, and that is the existing ombudsman legislation whereby there is a term of office, and that term is renewable, and the person can only be removed before the end of the term by a vote of the Legislature. I think it is a two-thirds vote, although I am just going by memory, so I am not sure that is entirely accurate.

Would you see having parallel legislation for a children's ombudsperson working in a similar way, that is, reporting to the Legislature, having a term of office, allowing for the term of office to be renewed and only being removed by a vote of the Legislature? The second related question: Do you think that would give the child ombudsperson more independence, since now the Advocate reports to a minister rather than to the Legislature?

Ms. Sanders: I think the key thing that you have raised there, Mr. Martindale, is the idea of accountability for the child ombudsman to the Legislature, and that would be the most significant change in the proposal you are making or the model you are referring to. Without being very familiar with that one, I do not know how much further I can comment on it, but to me it is common sense to have that individual report to the Legislature purely for accountability reasons and to let the entire government and opposition know what is happening to our children in the system.

Mr. Martindale: We had another presenter. In fact, we have had several presenters from rural and northern Manitoba since yesterday we met in Thompson who have commented on the fact that the Children's Advocate office is not very visible in rural and northern Manitoba, and there have been recommendations about expanding the office so that they might have staff in rural and northern Manitoba. Do you see a need for that in Brandon?

Ms. Howard: Yes, I think there should be visibility in rural Manitoba as well as northern Manitoba. I mean, the reality is that, if you ask members of the public here about Children's Advocate, most of them would not know that one exists in the province of Manitoba, and that is because there is no local visibility.

Also, I think that, in terms of culturally, there are not necessarily different needs. I think there are some different needs, but there are also different realities in rural Manitoba and northern Manitoba from the city. I think it is important that those are taken into account in any sort of dealing with the child welfare system, so having offices and local staff would probably help to do that.

Mr. Chairperson: Ms. Sanders, anything to add to that?

Ms. Sanders: I concur.

Mr. Chairperson: Okay, very good.

Ms. Sanders: No, that is fine.

Mr. Edward Helwer (Gimli): Thank you, Ms. Howard and Ms. Sanders. Ms. Howard, you talked about holistic vision of child poverty. What did you mean by that? Could you explain what you meant really?

Ms. Howard: What I mean is that a holistic vision takes into account that, when social assistance levels are cut back or when conditions are put onto single parents in terms of being able to access the social welfare system, that affects children. It affects what we have heard called child poverty. It puts children into poverty. It puts stress on families, and sometimes those children end up in the system. But that could be

prevented, right? It is not enough to create a Children's Advocate position to advocate for the rights of children who are in the system, if you have other policies that are putting more children in the system than should be there.

If the government is concerned about children's rights, then it has to have that vision throughout all of its legislation and all of its decision making. So that is what I meant by holistic vision; really looking at prevention is one of the key aspects of keeping kids out of the system.

Mr. Kowalski: Yes, when we were up in Thompson yesterday, one of the common themes was the lack of knowledge, especially amongst children, but even amongst a number of organizations, of even the existence of a Child Advocate office or what it does or what resources it had there.

Do you think it would be wise to include in the legislation a mandatory requirement that, with any child coming in contact with Family Services, there be a mandatory notification, either by a document or some sort, that every child knows of its right to consult with the Child Advocate that is dealing with any Children and Family Services department?

Ms. Howard: I do not see anything wrong with that. I mean, rights can only be accessed if people know that they have them and know how to do that. The way that you are talking is one way to do that. I think there are also other sort of publicity campaigns that can be undertaken. I think it is important to get the information out to organizations like the one that I work for; every place that children are going to come into contact with the system. I think that is crucial in terms of letting people know that a Children's Advocate exists and what the process is to access those services.

Mr. Chairperson: Ms. Sanders, go ahead.

Ms. Sanders: The only thing I would add to that is just to keep in mind that we are dealing with children on that. As adults, it is fine to receive a document and be able to understand what the implications are. For most people they can understand that kind of thing; Jennifer has mentioned publicity campaigns and that kind of thing. But I think you would really have to tailor-make the initiative to children and make that effort.

* (1320)

Mr. Kowalski: The other thing—and I have mentioned this before, so do not take the question as a position—is that some people say that, if we create a dual bureaucracy, and if we put a Child Advocate's office in every town in Manitoba, we create another level of bureaucracy, it will take resources away from actual treatment of children and helping children. That would be at one end of the spectrum. I guess at the other end of the spectrum is to have a Child Advocate centred in Winnipeg and nobody would be aware of it.

Do you have any comments about where the right place to be is? We need resources for the Child Advocate, but where do we stop that we are not creating another bureaucracy that is actually taking resources away from helping children?

Ms. Howard: Well, you know, this is sort of, we hear this a lot, I think, when we are trying to address social policy these days; that you cannot have everything, so make a choice. What I would say is that I do not think you have to go and put a Child's Advocate's office in every town and village in the province, but certainly in major centres like Brandon and Thompson and perhaps Dauphin, there needs to be some visibility.

Now that can also be created—I am not sure if there is a 1-800 number that the Children's Advocate can be accessed through. If there is, certainly not a lot of people know about it. That is one way to also ensure that all of the province has access to those services, as well as just posters, advertising, and talking about what it is for. Perhaps television advertising is another way.

As Beth was saying, if children are the target, then those messages need to be put in appropriate language and an appropriate way to get through to children, but I think, having some visibility—and it may not be the equivalent of a Children's Advocate. It may be enough to have one person in that position, but to have whether it be assistance or some visibility in major centres, I think that is quite important.

Mr. Martindale: The Children's Advocate recommended, and you agreed, that there should be an ombudsperson who could investigate issues in all government departments who provide programs or

services to children. How do you see this being helpful? To use your example of poverty, for example, if the new office could only investigate and make recommendations, would it be helpful if the annual report said, we have an unacceptable level of child poverty and this is what we should do to address it? Do you think that would help children?

Ms. Sanders: I do not think it would hurt. I do not think that certainly is going to harm anything. I think the incidence of child poverty in Manitoba is a black mark on Manitoba. It is a black mark on the country. There are people around the world that are stunned how a country as fortunate as Canada could have the poverty rate that we have in Manitoba, and that, if anybody in the provincial government can actually say we have an unacceptable level of poverty amongst our children, that is beneficial.

Ms. Howard: The other thing, too, is to look at the model of—and again, you know, we do not want to say every piece of legislation. I do not think we have to go from sort of zero to 60 right away here, but there is also the possibility of a function of an advisory position and looking at legislation as sort of a testing ground where legislation could go through that is being considered. It could through a children's ombudsperson or advocate of whatever kind of position who could look at it and sort of vet it and say, well, this is how children will be affected by this legislation in the same way that, in some places, the Status of Women has been able to look at legislation that is going through and point out how it will affect women, because it is not always legislation that directly says the word "child" or directly has it as its area but that will affect children. I mean, one example that I can think of is the rural dental program that we lost in rural Manitoba that was for children, and that has had an impact on the health of children in rural areas. I think that would be a place where a child ombudsperson could have stepped in or made some recommendations or even talked about how this was going to damage the health of children in rural Manitoba.

Mr. Martindale: I think that is a very good suggestion, and it has actually been recommended in other jurisdictions that there be a requirement that all government departments be required in any new

programs or initiatives to state what the effects would be on children, so I concur with that suggestion.

We have heard suggestions about the use of mediation and family group conferencing and healing circles. Do you think those methods would be good ways to settle problems involving children in government agencies? Do you think we should write that into the legislation?

Ms. Howard: I hesitate on that question because, while I have a great deal of respect for the sort of alternative methods of family conciliation in terms of mediation and healing circles, I have also seen especially family mediation used in ways that disempower particularly women and children, where mediation is brought in and sort of—not forced upon but really put upon people for whom there is no room for mediation.

In some cases, where abuse has taken place, there is no sitting down to work things out sometimes. There just has to be the two—the parties have to separate and try and rebuild their lives, but I do see a place for it. However, I think that not all problems can be solved through mediation, and there is certainly a place for the court system, particularly when criminal offences have taken place in terms of the abuse of domestic violence or abuse of women or children. I would be cautious how I proceed with handling those particular offences in terms of mediation or healing circles, but I do have at the same time—I have seen, especially in aboriginal communities, and I think Hollow Water is an example of this, where the healing circle method can be used to really heal a community and not simply take people out of the community.

Mr. Martindale: We were told this morning that Westman Child and Family Services agency refused to put up the Children's Advocate posters, and the Children's Advocate tells us that he sent posters to every Child and Family Services agency and other agencies working with children.

Have you seen any of his posters in Brandon? Do you know whether or not they are in Child and Family Services agency offices?

Ms. Howard: I do not know for sure whether there—

Mr. Chairperson: Go ahead.

Ms. Howard: There is a little time delay here. I do not know for sure if the posters are in Child and Family Services here. I do recall seeing one poster. I cannot tell you for sure where it was. I think it was maybe in the friendship centre in town, but I do recall seeing a poster.

Ms. Sanders: I have not seen any either. I have not really been out looking for them, but I have not seen any.

Mr. Martindale: Do you know anyone, either a child or an adult, who has contacted Children's Advocate office for assistance, and did they find that helpful or not?

Ms. Howard: I do know one family or one woman who contacted the Children's Advocate office, and she did not find the type of assistance she was looking for. I do not know if that—I think that may be because Children's Advocate was not the best for her to go to look for it. It had to do with sexual abuse of children and the registry for child abuse. So I do not know if she was in the right place or not, but she did not find it helpful anyway. I think eventually she did get what she

was looking for, but not through the Children's Advocate office, but I know that is the only one person that I have come into contact with who has contacted the Children's Advocate.

Mr. Chairperson: Thank you very much for your presentation, for taking time to come out and speak to us and give us your thoughts. As was mentioned before, you have helped us to make history, and maybe we can do this sort of process more often. But I wish, on behalf of the subcommittee, to thank you again for your presentation and for taking time to come and meet with us in this way.

Ms. Howard: Thank you.

Ms. Sanders: Thank you.

Mr. Chairperson: The time is now 1:30 p.m. What is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 1:30 p.m.