

**ANTI-POVERTY ACTIVISTS DEMAND A PUBLIC REVIEW OF DISCRIMINATORY  
INCOME ASSISTANCE REGULATIONS, REPAY PEOPLE LIVING IN POVERTY**

Community representatives across Nova Scotia's anti-poverty and social justice networks are heralding the November 8, 2017 Nova Scotia Court of Appeal's watershed decision, *Sparks v. Nova Scotia*, that found the Department of Community Services' interpretation and application of the Income Assistance regulations was unjust and punitive.

Community advocates are also welcoming the Nova Scotia Department of Community Service's recent announcement that it will review the totality of its welfare caseload in view of last Wednesday's Court of Appeal decision.

"We are demanding a public review of the Department of Community Services actions in order to change the longstanding and widespread practices that mirror those same practices that have been dubbed 'unjust' and 'unreasonable' by the Nova Scotia Court of Appeal," says Fiona Traynor, Community Legal Worker at Dalhousie Legal Aid Service. "The government can no longer continue operating the Income Assistance program in a fundamentally unjust way."

The situation that gave rise to the Court of Appeal's decision, where the Department of Community Services took away the "bare minimum needed to survive" from a family including three young children and a dependent spouse, as a result of the father's failure to attend an appointment with his employment counsellor.

The Department of Community Services' collective punishment of children and other dependents continues unabated in a wide range of situations based on perceived failures to meet program 'conditions' – practices that the Court of Appeal has described as punishment.

The Department cuts off children and dependents spouses from the bare minimum needed to survive where:

- an applicant fails to provide proof of citizenship,
- an applicant is on strike or locked out of their place of employment,
- an applicant or recipient quits a job or is fired,
- where an applicant or recipient has not disclosed information
- a recipient has 'refused' to participate in an employability assessment,
- a recipient has 'refused' to undergo a medical assessment,
- a recipient has failed to pursue child maintenance or other court action.

In addition, the termination of assistance occurs *before* the individual and their family has access to a fair hearing and a right to an independent review of the Department's decision – resulting in immediate and often devastating consequences in terms of eviction and hunger, raising the spectre of child

protection and mental and physical health concerns, as families struggle without the basic means of survival.

“Those who are supporting families who are on social assistance know all too well the reality,” explains Michelle Malette, Housing Support Worker for Adsum for Women & Children. “People on social assistance in Nova Scotia cannot make ends meet, are being stigmatized and robbed of their dignity.”

As Amy Moonshadow, Chair of the Community Advocates Network says of living in poverty, “Poverty is like screaming out into the world and no echo comes back.”

For once there *is* an echo, as the Court of Appeal clearly recognizes the vulnerability of those living in poverty, and the unfairness of the government’s treatment of these vulnerable people. As the ruling indicated, “... this punishment (and it is nothing short of punishment) visits those who are most vulnerable: those living in poverty. Nor can it be reasonably denied that these allowances represent the bare minimum needed to survive financially.”

“In particular, the Court of Appeal highlighted the importance of Nova Scotia’s international human rights obligations – including the right to an *adequate standard of living and social security* in a non-discriminatory manner as per the UN International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child – in interpreting Nova Scotia’s Income Assistance legislation,” says Megan McBride, Social Worker at the North End Community Health Centre.

As well, the Court’s decision recognized the *racialized nature of poverty* in Nova Scotia, and in particular the disproportionate impact of poverty on African Nova Scotian and Indigenous communities.

Equally significant is that the Court of Appeal adopted an interpretation of the regulation that respects the *equality rights of women under the Charter*, especially in light of their economic disadvantage.

Therefore the undersigned call upon Cabinet to address the systemic discrimination and collective punishment embedded in our Income Assistance system in order to address the values and principles underlying the Court of Appeal’s judgement in order to reform the way it treats people who receive Income Assistance in order to respect their human rights to non-discrimination, an adequate standard of living, and social security.

It is crucial that government immediately publicly provide their directions to welfare workers and Income Assistance Board chairs across the Province concerning the program changes necessitated by the Court of Appeal’s ruling.

As well, in accordance with the Court of Appeal’s ruling, we call for the government to provide immediate and full restitution to all families who have had their Income Assistance illegally terminated.

## **Signatories**

Adsum for Women & Children  
Antigonish Poverty Reduction Coalition  
Antigonish Women's Resource Centre and Sexual Assault Services  
Benefit Reform Action Group  
CCPA-NS  
Community Advocates Network  
CSEP-NS Board of Directors  
CSEP End Poverty Steering Committee  
CUPE NS  
Dalhousie Legal Aid Service  
Every Woman's Centre, Sydney  
Halifax Chapter, Access & Awareness NS of the Canadian Council of the Blind  
Martha Justice Ministry, Sisters of St. Martha  
Northend Community Health Centre  
SHYFT Youth Services  
Dalhousie Social Work Community Clinic  
Colchester Anti-Poverty Network  
Tri County Women's Centre, Yarmouth  
Women's Centre CONNECT!  
Women's Place Resource Centre, Annapolis Royal

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