

November 2023 – ONWAA

**A HISTORY OF FIRST NATIONS
SOCIAL SERVICES
ARRANGEMENTS WITHIN MCCSS
AND ITS PREDECESSORS**

November 15, 2023



From 1950-1965

- ❑ William Goodfellow, the Minister of Public Welfare noted the importance of these issues
- ❑ Goodfellow headed a committee which issued:

The Report on Civil Liberties and Rights of Indians (1953)

“To study the entire matter of civil liberties with respect to the Indian population of Ontario and to consider all matters which the committee may consider relevant to the present status of Indians in Ontario towards the end that they may enjoy improved standards of living and equality of opportunity.”



Report recommendations:

- ❑ Entitlement to vote in provincial elections
- ❑ To be provided better educational opportunities
- ❑ Extension of Disabled and Blind Persons Allowances (when enacted in 1955)

The Province and the Federal Indian Affairs Branch would agree to provide:

- ❑ Homes for the Aged (1947)
- ❑ Services of Children's Aid Societies on Reserve.



The Report on Civil Liberties and Rights of Indians (1953)

The report stated:

“The time is not far off when the Indian will take his rightful place alongside the non-Indian neighbour with full equality – neither retaining his exceptional benefits nor his now almost imaginary disadvantages.”

Indian Act Revision

- ❑ 1876-1962 Indian Act:
Unwed mothers were not allowed to receive assistance unless they were non-Indian not living on a Reserve.
- ❑ This discriminatory policy was amended in 1962.



Indian Social Services' Act of 1955

- ❑ Mothers' Allowances
- ❑ Old Age Assistance
- ❑ Disabled/Blind
Persons' Allowances



Members of the Kwa Swelth, 1881
BC Archives B-03537



Child Welfare Act 1954

- Children were often put into non-Native foster homes to reinforce the assimilation of First Nations
- First Nations children often encountered abuse and neglect



Governance within the Department of Public Welfare:

- ❑ Indian Advisory Committee was convened following the passage of the Indian Social Services Act of 1955
- ❑ The Committee met with the new Minister of Public Welfare, Louis Cecile (the longest serving Minister of Public Welfare) to address:
 1. The recession of 1956-57 resulted in the revamping of Unemployment Relief culminating under the General Welfare Assistance Act (1958).
 2. Single employable persons could now receive social assistance for the first time since the beginning of World War II;
 3. There was authority for Indian Bands who were permitted to deliver their own social assistance



General Welfare Act

- Formation of a new Committee, chaired by Chief Elliott Moses of Six Nations, Minister Cecile and Deputy Minister James Band
- Committee visited most of the Reserves in Ontario over the 15 year mandate.
- April 1, 1960 GWA Act granted to First Nations
- Department of Public Welfare stood at the forefront of the movement for self-determination



Elliott Moses

▣ Obituary

MOSES — At the Brantford General Hospital on Thursday, February 23, 1978, Nelson Elliott Moses of R. 2 Ohsweken in his 90th year; beloved husband of Ethel (Bea) Moses; loving father of Arthur of Toronto, Mrs. Arthur (Martha) Anderson, David and Marion, all of Ohsweken, Mrs. William (Ethel) McKenzie of Winnipeg, Robert of Fort Erie and John of Kitchener; dear brother of Alfred of Ohsweken and Mrs. Kermit (Luella) Susan of Largo, Florida; also survived by 17 grandchildren and 6 great-grandchildren. Mr. Moses was retired from the Dept. of Indian Affairs after 30 years of service; honorary director of Ontario Plowman's Association; honorary member of Ohsweken Agricultural Society; past president of the Brant Historical Society; member of the Onondaga Lodge No. 519 AF and AM; life-long active member of St. Peter's Anglican Church, Ohsweken, serving as Warden and Sunday school superintendent. Resting at the Thorpe Brothers' Funeral Home, 96 West Street, Brantford, for visitation Friday, 2 to 4 p.m. and 7 to 9 p.m. Then to St. Peter's Anglican Church, Ohsweken, from Saturday 12 noon for funeral service at 2 p.m. (casket will remain open at the church from 12 noon to 2 p.m.). Interment in adjoining cemetery. Rev. R. Hayne officiating. Evening prayers Friday 7:30 p.m. Masonic service Friday 8:30 p.m. Donations to the Canadian Arthritic Association would be greatly appreciated. Styres Funeral Home, Ohsweken, in charge of funeral arrangements.

Elliott Moses

		Memoranda re church history by E. Moses	
1	10	<u>Ontario Provincial Indian Advisory Board</u>	1958-1970
		Minutes 1970; chart of community development projects 1969/70; report of visits to gain information on the living conditions of Indians, 1958, and other memoranda	

Lead up to 1965 Agreement

- ❑ 1959, S.N. Asbury was appointed as Executive Officer to liaise with First Nations people to initiate social services
- ❑ First Nations are permitted to offer the same services available in municipalities (child care/day nurseries), homemakers and nurses' services and child welfare through local Children's Aid Societies)
- ❑ 1963-64 Two federal-provincial conferences discussed these matters and a cost sharing agreement
- ❑ Canada Assistance Plan (CAP)



Lead up to the 1965 Agreement

- The Department started plans to implement community development above social assistance: a success in the early 1960's.



Lead up to the 1965 Agreement

- At the same time, Municipalities began to deliver services in the areas of child care (day nurseries), homemakers and nurses services, and child welfare through local Children's Aid Societies.



Lead up to the 1965 Agreement



- Given the unique parallel right to administration in GWA, pressure grew to permit First Nations to offer and control the same services.

Lead up to the 1965 Agreement

- Two federal provincial conferences (November 1963 and October 1964) discussed these matters and a cost sharing agreement was offered.



The Cost Sharing Agreement:

- ❑ The federal government would cover the extraordinary social services costs in accord with the federal Constitutional trust responsibility; and
- ❑ The province and federal government would cost share in the remaining (ordinary costs) on a 50-50 basis.

The Cost Sharing Agreement:

- ❑ At the same time, the federal government and the Provinces discussed a social services agreement to cost share in programs for persons in need across the country.
- ❑ The new deal was called the Canada Assistance Plan.



Lead up to the 1965 Agreement



- The main sticking points in CAP were the requirement that provinces end residency requirements and the implementation of a harsher asset test.

Lead up to the 1965 Agreement

- These were not major issues on Reserve as pressure was growing just to implement social services.



Lead up to the 1965 Agreement



- At the same time the cost sharing formula was settled, new legislation for Homemakers, Child Welfare (1965), and Day Nurseries (1964) was put in place.

Lead up to the 1965 Agreement



- In 1965, Cecile signed the Indian Welfare agreement to cover cost sharing of GWA, Child Welfare, Homemakers and Nurses Services, and Day Nurseries under the arrangement negotiated in 1964.

The 1965 Agreement and aftermath

- ❑ Huge meeting held at the **Holiday Inn** in Ottawa – three days – to set out what provinces and feds would do – March 1966 – record of meeting important!
- ❑ Not attended by First Nations
- ❑ In April 1966, the Canada Assistance Plan (CAP) was proclaimed without Part II of the CAP Act.
- ❑ Other provinces continued to hold out for 100% funding by the federal government while ironing out the cost sharing for services to disabled persons, lone parents, and 60-64 year old widows.

the 1965 Agreement

- Due to the impasse, the 1965 Agreement was not extended to other legislation like the Family Benefits Act (that covered lone parents, the disabled and elderly widows).



the 1965 Agreement

- When negotiations were complete, Ontario was asked to wait for the proclamation of Part II of CAP.
- The 1965 Agreement would be subsumed under CAP.



the 1965 Agreement

- ❑ Part II of CAP was never implemented.
- ❑ When CAP ended in 1996 in favour of the CHST, Part II of CAP had spent 30 years as written Legislation but never proclaimed.



the 1965 Agreement

- The 1965 Indian Welfare Agreement survives as the only cost sharing agreement between the federal and provincial governments.



The 1965 Agreement

- ❑ 1966 Canada Assistance Plan (CAP) was proclaimed without Part II of the CAP Act.
- ❑ Other provinces continued to hold out for 100% funding by the federal government while negotiating cost sharing services for disabled persons, lone parents, and 60-64 year old widows.
- ❑ Ontario was asked to wait for the proclamation of Part II of CAP
- ❑ The 1965 Agreement would be subsumed under CAP
- ❑ Part II of CAP was never implemented.
- ❑ When CAP ended in 1996 in favour of the CHST, Part II of CAP had spent 40 years as written Legislation but never proclaimed
- ❑ The 1965 Indian Welfare Agreement survives as the only cost sharing agreement between the federal and provincial governments

The Indian Development Agreement

- In parallel to the “1965” Indian Welfare Agreement (IWA), Ontario also signed an Indian Development Agreement (IDA).
- It was to be extremely short lived.



- The IDA was signed under the same cost sharing auspices as the IWA but was aimed at community development projects.
- A new Indian Development Branch was formed under Director Joseph Dufour with a staff of 17.





- ❑ With a change in Minister, the federal government interpreted the new Act as obligating the federal government to share in operating costs but not capital costs.
- ❑ The projects did not move forward.
- ❑ Only 1/7 of the Branch budget was expended by 1969.

- The Opposition leapt on the issue and Dufour wrote to the Premier with a deadline to reply.
-
- The deadline passed and Dufour and seven other staff resigned and joined protestors at Queen's Park demanding that the province go it alone without the IDA.



- ❑ With headlines like *“Indian Welfare Staff Resigns – House in Uproar,”* Premier Robarts held firm.
- ❑ The government defeated a motion of censure that said the government misled Parliament.
- ❑ In 1970, the program was reassigned to the Department of Culture and Recreation.





From 1972 to Present: The MCSS period

Ministry Developments: 1972-78

1969:

- ❑ The administration of First Nations social Services came under the Municipal Welfare Administration Branch.
- ❑ Indian Services Officers were reassigned to this Branch until decentralization in the late 1970's.

Ministry Developments: 1972-78

- ❑ Policy work was subsumed under the newly formed Income Security Secretariat.

The federal initiatives included:

- ❑ The Senate Report on Poverty (Croll: 1969)
- ❑ The Victoria Charter (Trudeau:1970)
- ❑ The Orange Paper on Income Security (Lalonde: 1973)

Ministry Developments: 1972-78

- ❑ With the Chretien's (assimilationist) White Paper of 1969, the prospects for First Nations were considered to be subsumed under these larger initiatives.



Ministry Developments: 1972-78

- ❑ With two oil shocks (1973 and 1979), a worldwide recession, Government deficits, high interest rates and inflation, money for new initiatives was not forthcoming.
- ❑ Social assistance rates, per diems, and other costs generally kept up with inflation.



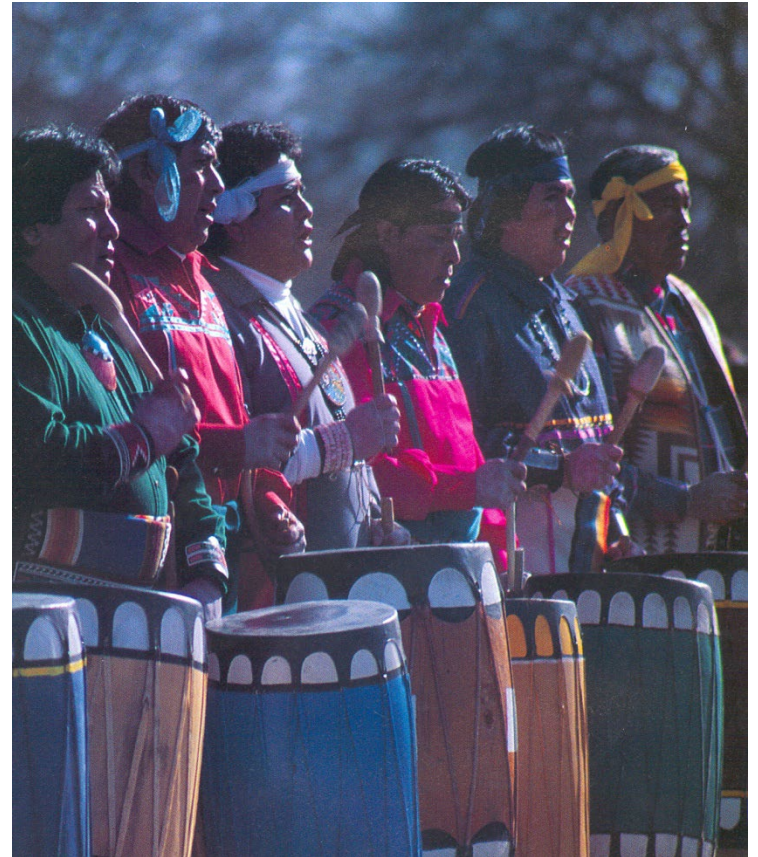
Ministry Developments: 1972-78

- Within the Ministry, one policy analyst (Wallis Smith) was assigned to First Nations policy issues.



Indian Welfare Agreement

- ❑ Required that provinces end residency requirements and the implementation of a harsher asset test
- ❑ 1965 Cecile signed the Indian Welfare agreement to cover cost sharing of GWA, Child Welfare, Homemakers and Nurses Services, and Day Nurseries
- ❑ The federal government would cover social services costs in accord with the federal Constitutional trust responsibility
- ❑ The province and federal government would cost share in the remaining (ordinary costs) on a 50-50 basis.



Indian Welfare Agreement

- ❑ The 1965 Indian Welfare Agreement survives as the only cost sharing agreement between the federal and provincial governments
- ❑ Ontario signs Indian Development Agreement (IDA)
- ❑ IDA signed under the same cost sharing auspices as the IWA but was aimed at community development
- ❑ Indian Development Branch formed under Director, Joseph Dufour



From 1972 to Present: The MCSS period



- ❑ Administration of First Nations Social Services comes under the Municipal Welfare Administration Branch
- ❑ With Trudeau's and Chrétien's (assimilationist) White Paper of 1969, prospects for First Nations were subsumed under larger initiatives (Senate Report on Poverty, Victoria Charter, Orange Paper on Income Security)

The Founding and Growth of ONWAA

- ❑ New Social Services Association begin with the founding of the Ontario Native Welfare Administrators Association (ONWAA)
- ❑ Kathleen Taylor, Social Services Administrator with Curve Lake Band and her Vice Presidents, Art Beaver (Alderville), Jim Loft (Tyendinaga) and Max Kakapetum
- ❑ Purpose of ONWAA: to convene workshops, make administrators' concerns known and implement training

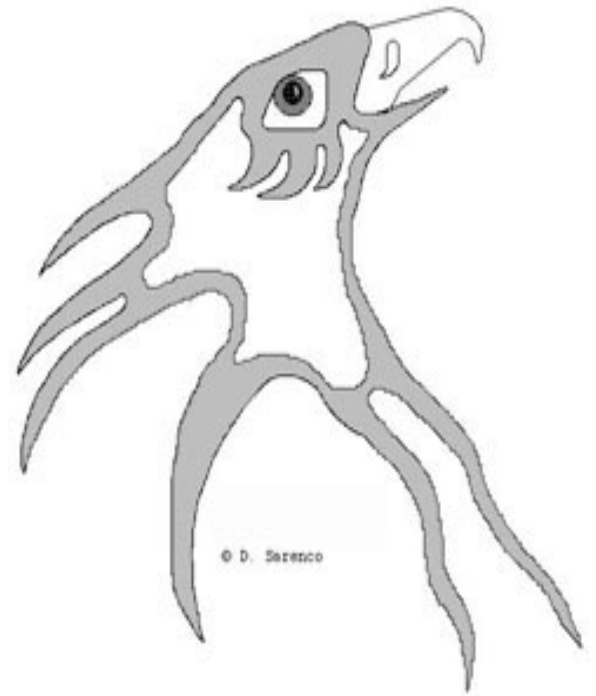


The Founding and Growth of ONWAA

- ❑ 1970's ONWAA and OMSSA worked together for common goals
- ❑ With the growing self-determination movement, ONWAA broke from OMSSA in 1980
- ❑ 1970's and 1980's First Nations are added to the schedule in the GWA Act, most reserves had signed on by 1990

Anigawncigig Institute

- ❑ Institute founded in 1984 by Kathleen Taylor and Marlene Brant Castellano, Dr. Charles Pascal and government for training of social services administrators
- ❑ Policy and Procedural Guidelines for GWA translated in part into Oji-Cree



The Era of the Reports 1986-1992

- ❑ Largest review of social assistance in Ontario launched by Associate Deputy Minister George Thomson
- ❑ Chapter, *Transitions* illustrates First Nations-controlled approach to administration and delivery of social services--this was a landmark.
- ❑ Advisory Group formed under Carleton University Professor Allan Moscovitch to implement *Transitions*
- ❑ Moscovitch reports: *Back on Track* and *Time for Action* used self-determination as the impetus for two reports on short/long term recommendations for social assistance legislation



The Era of the Reports – 1986 -1992

- ❑ *First Nations Project Team Report: Principal Report on New Legislation for First Nations in Ontario* called for provincial legislation with a section concerning First Nations people with separate funding
- ❑ Federal government did not recognize self-government, any separate legislation would result in a loss of right to opt-in to Provincial legislation
- ❑ Key decisions were vetted through Ontario Native leaders represented by Committee Member and Grand Chief Miskokomon of the Union of Ontario Indians and signatory for 1991 First Nations' Accord



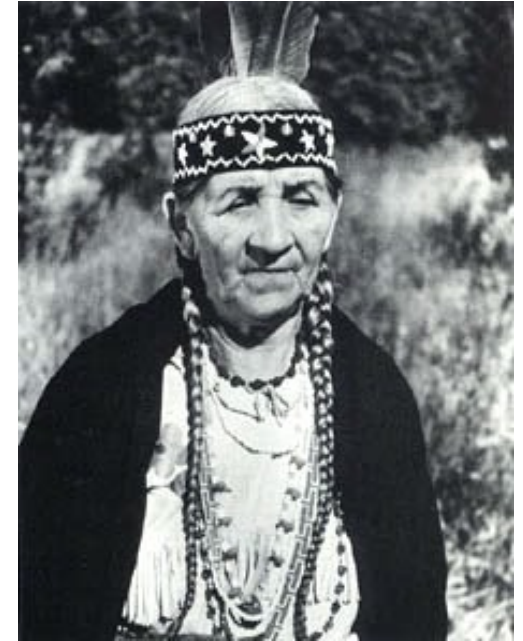
The Era of the Reports – 1986 -1995

- ❑ Short term changes made by the Rae government but, did not go forward with new Social Assistance legislation.
- ❑ First Nations Accord was not renewed under the Harris government in 1995.
- ❑ Long Term Care, Homemakers and Nurses Services were transferred to the Ministry of Health, renamed the Ministry of Health and Long Term Care (MOHLTC)



New Approaches to Native Services: 1993 -2000

- ❑ ONAS gained prominence in the Rae government; focused on alternative arrangements for many services (i.e.. land claims)
- ❑ Attention turned to other social services especially:
 - Midwifery legislation that had a specific native component and
 - The Aboriginal Healing and Wellness Strategy



New Approaches to Native Services: 1993 -2000

- ❑ Deputy Minister Sandra Lang appointed Alayne Bigwin to be First Nations Services Director
- ❑ Her major initiative was the Aboriginal Healing and Wellness Strategy
- ❑ New Ontario Works Act was ushered in
- ❑ There was no Aboriginal Section of the Act

New Approaches to Native Services: 1993 -2000

- ❑ Court case brought forward to protest the obligation of First Nations to deliver workfare programs
- ❑ ONWAA lost core funding and relied on Band membership fees for the first time since the early 1970's
- ❑ Alayne Bigwin left MCSS and policies were covered in a number of MCSS Branches
- ❑ The Child Welfare Review of 1997-98 resulted in more First Nations Child Welfare Agencies



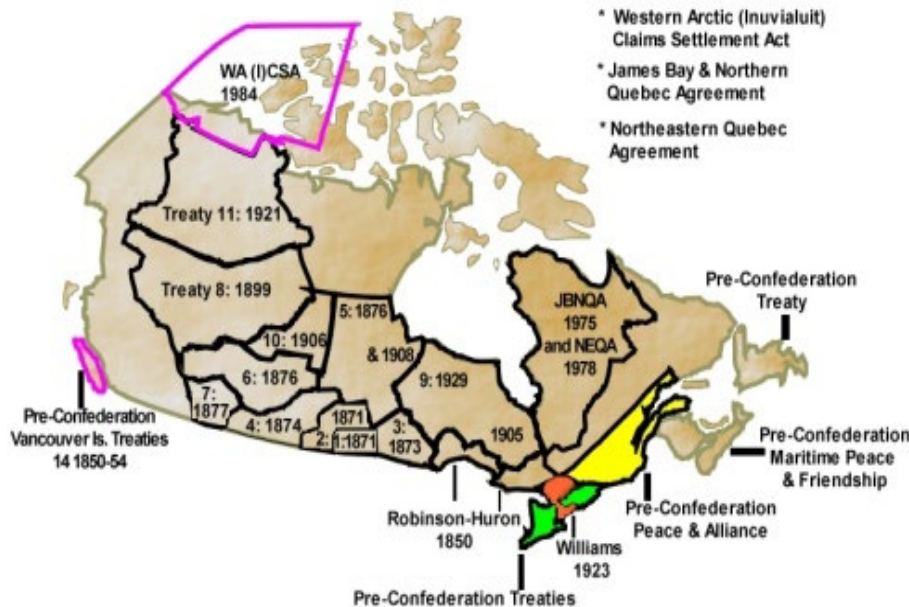


MCSS Aboriginal Policy and Program Areas as of 2007

- ❑ MCSS is the government administrative lead for the Aboriginal Healing and Wellness Strategy (AHWS)
- ❑ Under the 1965 Indian Welfare Agreement, the Ontario Works Program is delivered by MCSS and ministry expenditures are cost-shared with the federal government
- ❑ MCSS funds some provincial agencies and support services that are delivered by First Nations in the areas of Violence Against Women (VAW), Homelessness and Development Services (DS)



Ministry's Millennial Initiatives



- First Nations in Ontario receive equitable access to a range of social services
- Cultural understanding and sensitivity
- Key issues are centred around Ontario Works (OW), the Ontario Disability Support Program (ODSP), and the Aboriginal Healing and Wellness Strategy (AHWS)

Federal First Nations Implementation Plan

- ❑ Reflect federal commitment to promote goals of First Ministers Meeting (FMM)
- ❑ Recognition of the importance of First Nations governance
- ❑ Implementation will focus on developing approaches through existing tripartite/ bilateral processes
- ❑ First Nations Multilateral Forum will be established to facilitate discussions with the Government of Canada and all provincial and territorial governments except Nunavut on First Nations-specific issues to improve health, housing, education and economic development informed by treaty discussion and fiduciary context



Challenges in 2007

- ❑ Shift from individual delivery to group delivery of full OW program
- ❑ Funding between MCSS, INAC and First nations OW administrators regarding cost of administration of First nations delivering full OW program
- ❑ Capacity development for First Nations

MUSHKEGOWUK CREE DEFENSE

- On February 29, 2000, the Ontario Court of Appeal set aside an August 23, 1999, decision of the Superior Court of Justice initiated by an application by the Mushkegowuk Council. The Superior Court had ruled that the delivery agent responsibilities under the *Ontario Works Act*, 1997 and Regulation, were constitutionally inoperative in respect of Indian Bands as there was no meaningful prior consultation with the Bands or Band councils and no concurrence of the Bands to implement the *Ontario Works Act*.
- The Ontario Court of Appeal reversed the Superior Court decision without deciding the constitutional issues. The Court held that the 1965 Indian Welfare Agreement provided that the Minister could only designate delivery agents or revoke designations with the consent of the band, and ordered that First Nations were to notify the provincial government by July 1, 2000 if they did not consent to serve as a delivery agent for Ontario Works.
- Since then, the Ontario Court of Appeal has granted or is in the process of granting the Mushkegowuk Council four extensions to the deadline date for First Nations to indicate if they no longer wish to be delivery agents for Ontario Works. All of these extensions were granted on consent of all parties.

¹ ΓΓΓ- ΔΠΡ ΡΥΛΣ) Ρ ΔΥΟ ΡΥ ΓΑ ΔΡΡ. ² ΔΣΛ ΔΡΡ ΑΛΔ-Υ Ρ ΡΡΡΑΔΥΑΒ-Υ ΓΑ Ρ ΑΥΥΒ-Ο; ΥΔΥ Δ-ΣΝ- ΑΥΟ Ρ ΔΥΟ ΝΓΧ; ΥΔΥ ΔΥ ΔΥΒ- ΡΥΛΣ) Ρ << ΓΔ-ΡΑΔ- Υ ΔΥΡΝΥΥ-Υ ΣΑΛ. ³ ΡΥΛΣ) ΛΒ Ρ ΔΥΟ, ΛΥΝ ΡΔ ΔΥ-ΥΟ; ΥΔΥ Ρ ΔΥ-ΥΟ. ⁴ ΡΥΛΣ) ΛΒ Ρ ΔΥ-ΥΟ ΔΥ-ΥΟ Υ ΓΥ-Υ-Υ; ΥΔΥ ΡΥΛΣ) Ρ ΑΥΡΝΑΔ ΔΥ-ΥΟ Δ-ΣΝΑΥΟ ΔΥΥ. ⁵ ΡΥΛΣ) ΓΑ Υ ΔΥ-Υ-Υ ΡΥΒΟ Ρ ΔΥ-Υ-Υ, ΥΔΥ Υ Δ-ΣΝΑΥΟ-Υ ΝΑΥΟ Ρ ΔΥ-Υ-Υ; ΥΔΥ Υ ΔΥ-Υ ΓΑ Υ ΡΥΥ-Υ ΣΥΥ Υ Ρ ΡΥΒ.

⁶ ΥΔΥ ΡΥΛΣ) Ρ ΔΥΟ, ΡΥΥ ΡΔ Δ(Υ-Υ Υ ΑΥΔ(ΔΥΥ ΓΥ- ΣΑΧ, ΥΔΥ ΡΔ ΔΥΥ ΑΥΡΝΣΒΥΡ ΣΑΛ ΣΑΧ ΔΥΥ. ⁷ ΡΥΛΣ) ΛΒ Ρ ΔΥΟ Υ ΑΥΔ(ΔΥΥ, ΥΔΥ Ρ ΑΥΡΝΑΔ ΔΣΔ ΣΑΛ Υ << β ΑΥΔ(ΔΥΥ β ΔΥΡ, ΔΣΔ ΣΑΛ ΔΥΥ ΔΥΑΥ ΔΥ β ΑΥΔ(ΔΥΥ β ΔΥΡ; ΥΔΥ ΛΒ Ρ ΔΥΥ. ⁸ ΥΔΥ ΡΥΛΣ) β ΑΥΔ(ΔΥΥ ΡΥ Ρ ΔΥ-Υ-Υ, ΥΔΥ Υ ΔΥ-Υ ΓΑ Υ ΡΥΥ-Υ ΣΥΥ Υ Ρ ΡΥΒ.

Mushkegowuk v. Ontario

- ❑ In 1999, the Mushkegowuk Tribal Council initiated a court action challenging the constitutional validity of the *Ontario Works Act, 1997*. This resulted in a deadline for First Nations to either opt out of OW delivery, or to deliver OW in compliance with provincial legislation
- ❑ During the court challenge, INAC initiated bilateral discussions with First Nations for the delivery of social assistance
- ❑ However, in late 2004, INAC withdrew from bilateral discussions with First Nations. In doing so, INAC committed to supporting existing arrangements with the province, and indicated that it would update its contributions to First Nations for their 50% share of the cost of administration
- ❑ Since the withdrawal of across the province to support implementation of the full OW program



Mushkegowuk v. Ontario

- After Mushkegowuk, 13 First Nations accepted the decision to move to the full delivery of the program in 2006/7.
- Today there are 59 delivery agents servicing 70 First Nations that are delivering the full program

Strategic Plan to Coordinate MCSS Aboriginal Policy and Programs

- ❑ Clarity and consistency
- ❑ Collaboration and Cooperation
- ❑ Efficiency and Effectiveness
- ❑ Capacity Building and Knowledge Transfer
- ❑ Consolidated Vision



Fast Forward to 2012

- 2012, Brighter Prospects report was rolled out. There have been some changes to the way in which SA is delivered in Ontario.
- TSF is one of them.
- Low Income Dental Initiative is soon to be delivered by Ministry Of Health (Old Healthy Smiles Program). A new Employment Related benefit is being discussed that will replace seven existing employment benefits into one discretionary benefit.

April 1, 2013

- Effective April 1, 2013, the province introduced the Transitional Support Fund (TSF) for First Nations. Through the TSF, the Ministry of Community and Social Services provides 100% provincial funding to First Nation Ontario Works delivery agents to address housing-related needs on-reserve.

April 1, 2013

- The funding includes the transfer of savings from the former Community Start-Up and Maintenance Benefit (CSUMB), the Emergency Energy Fund (EEF) for First Nations, and a portion of First Nations Ontario Works discretionary benefits expenditures.
- The TSF provides low-income individuals and families on-reserve assistance with housing-related supports. The fund will be delivered First Nations Ontario Works delivery agents.

2015-2022: Where are we now?

- ❑ 1965 Indian Welfare Agreement (IWA) is in many ways a 'stranded document'.
- ❑ All the legislation referred to in the IWA no longer exists: now in successor legislation
- ❑ Had a vision of First Nations as municipalities, not Nations.
- ❑ But no one really knows what abandoning the IWA would mean. Many possible **unintended consequences!**

Possible unintended consequences

- ❑ Pressure to fold Ontario FN services into the federal model in other jurisdictions?
- ❑ Further 'municipalization'?
- ❑ Funding cuts easier to do?
- ❑ Impedes or facilitates further reforms?
May or may not! A case could be made for either view.

Closing Thoughts

“Some of the old people...talk about the water...and it is really nice to hear them talk about the whole cycle of water, where it all starts and where it all ends up.”

Chief Albert Saddleman
Okanagan Band
Kelowna, British Columbia, 16 June
1993

