

Questions for the ACSW Candidates

Question 3 - Could you speak to the Canadian Human Rights Tribunal Decision January 26, 2016 regarding allegations that the Department of Indian and Northern Affairs (INAC) provision of First Nations Child and Family Services and implementation of Jordan's Principle is flawed, inequitable and discriminatory and why this important in Social Work?

Responses:

Baiju Vareed

Jordan's principles advocates for child - first policy, where the care and treatment of First Nation Children are first priority, and arguments on who will pay for the treatment should not affect the care of children. However, the principle was narrowly interpreted and inadequately implemented. The Canadian Human Rights Decision on Jan 26, 2016 commented the flawed and inequitable implementation of Jordan's principle. This showed how Aboriginal children were treated discriminatorily in spite of principles and laws supporting them. Social workers need to be aware of such inadequate interpretation of service provisions and uphold the right of the people they work with to get the best service.

Cardinal Fomradas

In Jordan's Principle was passed by Parliament in 2007 and stipulated that government must adopt a "child first" principle to resolve jurisdictional disputes involving First Nations Children.

The Canadian Human Rights Commission ruled in 2016 that the Federal government has discriminated against First Nations Children by not providing an equal level of child welfare services on reservations as are provided to non-reservation areas. As such the implementation of Jordan's Principle has been flawed, inconsistent, and ineffective.

This is of vital importance to Social Workers as Social Workers are on the front lines, we are "child welfare services". Social Workers as individuals, and as a profession have an enormous responsibility and role in the provision of child

welfare services. We must work together collectively with First Nation groups to address discrimination and inequalities. Our practice must change. We must lead change by changing our approach, we should not expect First Nations groups to change. Rather it is us who need to learn and have dialogue and work together to address these systemic and societal barriers and inequalities.

Carla Bertsch

Again, after almost 10 years this is the first time the Canadian government has been held to account for current unlawful treatment of Indigenous children. The federal government was seen to be discriminatory based on unequal funding First Nations Child and Family Services (FNCFS) compared to provincial counterparts, an uncovering of a system that created incentives to place Indigenous children in foster care, a system that once in care does not address the cultural needs of children, a process that denies an equal opportunity for Indigenous children and families to remain together or work quickly towards reunification, and that has been applying a constricted version of Jordan's Principle. The INAC has been ordered to reform its practices to correct the findings listed above. The equitable treatment of Indigenous children in care as well as the proper enactment of Jordan's Principle are top on the TRC's calls to action.

This is important to social work because part of the reason these policies are discriminatory is that they are steeped in dominant ways of knowing and being. We must as social workers find and promote ways to "get out of the way" of those we serve and educate others about how power is hidden in everyday language and behavior. This division of power constantly needs to be uncovered and named. Human Rights work cannot be left to legislators. All gains have to be monitored and someone has to be vigilant about it. Otherwise, gains are quickly lost to the lowest common denominator. We must help monitor and stand with Indigenous people.

Connie Hesjedal

Allegations brought forward during January 26, 2016 clearly showed funding discrepancies between Indigenous children living on reserve and non-Indigenous

children in Canada. Further, as Federal, provincial, and municipalities dollars differ it is relevant for Social Workers to understand these inequalities at all levels and that new information and changes are occurring frequently.

Rick Guthrie

Jordan's Principle is named in memory of Jordan River Anderson who is a First Nations boy from Norway House Cree Nation who spent over 2 years unnecessarily in a hospital because Health Canada/INAC and the Province of Manitoba could not agree on payment for his at home care due to his First Nations status. Jordan died in the hospital in 2005 never having spent a day in a family home. Jordan's Principle aims to ensure First Nations children can access ALL public services normally available to other children on the same terms.

Parliament passed Motion 251 on December 12, 2016 in support of Jordan's Principle and then quickly crafted a definition for Jordan's Principle (children with complex medical needs and multiple service providers) that was so narrow that no child ever qualified despite prolific evidence in Government of Canada documents that First Nations children were routinely denied or delayed access to services. The Federal Court found Canada's approach to Jordan's Principle to be unlawful in 2013 and the Canadian Human Rights tribunal found it to be discriminatory in 2016.

- Info Sheet: Canadian Human Rights Tribunal Decisions on First Nations Child Welfare and Jordan's Principle-October 31, 2016

For more information and to read the rulings go to www.jordansprinciple.ca

Finally it is important to Social work, because awareness helps us to embrace Social Work course values of Respect for inherent Dignity and worth of persons, Pursuit of Justice, and ongoing Service to Humanity. In addition, social workers are constantly involved in making decisions on the wellbeing of children. Very often these are indigenous children, either in the Children Services, Health, or Community and Social Services sector. The ACSW council, and the indigenous

committee have addressed issues that relate to Jordan's Principle, and future implications

Thank you for this opportunity to discuss such an important and ongoing issue

Jody-Lee Farrah

Family Services and implementation of Jordan's Principle is flawed, inequitable and discriminatory and why this important in Social Work?

The Canadian Human Rights Tribunal Decision of January 26, 2016 was a landmark decision in that it found the federal government's implementation of Jordan's Principle to be limited and discriminatory. It ordered the government to immediately implement the full scope and meaning of Jordan's Principle. Since this decision, there has been four non-compliances issued, stating that the government continues to implement the principle in a narrow focus, resulting in continued unnecessary and unlawful delays and gaps in services to indigenous people.

This is important to Social Work in advocating for fair and equitable services that are reflective of the cultural needs of indigenous people and recognize the historical disadvantage caused by colonization. Being informed of this decision will empower social workers to continue to denounce discriminatory practices and advocate for change, like the implementation of the full scope of Jordan's Principle, so that indigenous people are not denied the services they need based on status.

Katie Borek

Jordan's Principle was developed after a Manitoba boy unnecessarily died in hospital when Health Canada and the province could not decide who would pay for his care. Parliament created Jordan's Principle which meant which ever health care entity was the first point of care was responsible for costs. However the definition for Jordan's Principle that was so narrow that no child ever qualified despite evidence was found that treatment for First Nation Children's was

denied or delayed. The Federal Court found Canada's approach to Jordan's Principle to be unlawful in 2013 and the Canadian Human Rights Tribunal found it to be discriminatory in 2016.

This is important to social work as it is our goal to eliminate the discrimination of First Nations people and their children. No child or person should be denied access to services because of their status and social work as a profession should be work diligently into making the inequities public knowledge and making steps to change the current flawed systems.