

# Settlement Accord

**Discussion paper developed for  
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**Prepared for:**

National VSI working Group III on the application of the Accord between the Government of Canada and the Voluntary Sector, the Code of Good Practice on Funding and the Code of Good Practice on Policy Dialogue to the Settlement Sector

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A collaboration of the Settlement Sector and Governments  
in association with the Voluntary Sector Initiative Project

*The summaries of opinions and interpretations expressed in the VSI working group discussion papers are those of the working group members, either individually or collectively, and do not necessarily reflect the views of CIC, nor do we guarantee the accuracy of the information provided.*



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# Executive Summary

The Working Group on the Settlement Accord is interested in how the Accord between the Government of Canada and the Voluntary Sector and the Codes of Good Practice on Funding and Policy Dialogue can be applied to the settlement sector. The Working Group originally considered developing a separate Accord for the settlement sector, but upon consideration felt that it would be more useful to write a document on the application of the Accord to the settlement sector.

The original intention was to base this document on significant input from government officials and representatives of the settlement sector. However, limited time and resources challenged the project. As well, the project was carried out in March, a notoriously busy time for both the government and the settlement sector. Compounding this situation was the fact that many of the key stakeholders were effectively unavailable to the consultant as they were attending a national Metropolis Conference and a meeting to select the papers for the NSCII.

Some interviews were held and a small teleconference focus group was conducted with three CIC managers, (one national and two regional). Significantly, it was not possible to interview anyone from Ontario.

An additional challenge to this project was that very few key informants were familiar with the contents of the Accord and Codes. Most had only a general notion of what they contain. As a result, the Accord and Codes have been summarized and are attached as appendices.

With the challenges to the creation of this document, parts of it are quite theoretical. However, the consultant has been able to generate this discussion document by adding his over ten years' experience as executive director of a settlement agency to the wisdom of the Working Group.

The paper opens with a series of definitions of the settlement sector. This is followed by a brief history of settlement services and their relationship with CIC.

This is followed by an examination of Shields' (2002) analysis of the voluntary sector and the control exerted over it by the government through service contracts. Some of the issues raised by Shields provide a useful context in which to discuss the application of the Accord and Codes to the settlement sector.

Next, there is an examination of the challenges of applying the principles of the Accord and Codes to the settlement sector. As far as possible, the information is drawn from the experience of a few key informants, plus Shields' analysis. Each principle of the Accord and Codes is examined in light of the experience of the settlement sector. Discussion Points are clearly identified to conclude the discussion of each principle.

A number of themes arise from this examination, and many of the issues could be addressed with the establishment of a satisfactory feedback and dialogue process and a dispute mechanism.

A model for dialogue is outlined.

Negotiation, mediation and an ombudsman are examined as possible mechanisms for handling disputes. The engagement of an ombudsman appears to be the best solution.

# Section One

## Background

The Voluntary Sector Initiative (VSI)<sup>1</sup> is a joint undertaking between the voluntary sector and the Government of Canada. It is an opportunity to focus on the voluntary sector as one of the three pillars of Canadian society, equal in importance to the public and private sectors.

The long-term objectives of the VSI are to strengthen the voluntary sector's capacity to meet the challenges of the future and to enhance the relationship between the sector and the federal government so that they can serve Canadians more effectively.

The VSI Project on Strengthening the Settlement Sector is one project of this initiative. Its overall objectives are to provide a national forum for meaningful dialogue around priority policy issues, to assist in enhancing the overall capacity of the sector for policy development, and to facilitate learning within the sector. The initiative is divided into three phases. The first phase was completed with the First National Settlement Conference (NSCI) in Kingston Ontario, June 2001. The conference was a working forum designed to provide meaningful dialogue on settlement policy in Canada, to enhance overall service delivery capacity in the sector and to facilitate learning within the sector.

Four Working Groups were formed in phase two in order to continue addressing the settlement issues identified at NSCI. Working Group III was assigned the task of examining the Accord between the Government of Canada and the Voluntary Sector as it applied to the settlement sector. The task was to consider whether a supplementary Settlement Accord needed to be developed. After discussion and reflection, the Working Group decided that a separate Settlement Accord is probably not needed. However, the application of the Accord and the Codes of Good Practice to the settlement sector is a complex and challenging issue and should be the subject of sector-wide discussion.

Therefore the Working Group retained a consultant to compile a discussion document on the practical application of the principles of the Accord and Codes of Good Practice to the working relationship between the settlement sector and Citizenship and Immigration Canada (CIC) as well as other federal government departments. This discussion document is to be circulated for additional input in advance of the National Settlement Conference II (Phase 3) and will be brought forward to the conference for further discussion. The main thrust of the discussion document is to:

- document the history of the sector and its relationship with CIC;
- highlight areas of uniqueness of the sector and their implications for the Accord and Codes;
- present useful practices found in the relationships between government and the voluntary sector relationships in British Columbia, Manitoba, Alberta, Quebec, the United Kingdom, and Australia;
- examine feedback mechanisms and dispute resolution models in light of the needs of the settlement sector in Canada; and
- make recommendations for the Addendum/Implementation Document.

Appendices, containing summaries of the Accord and Codes of Good Practice, have also been added.

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<sup>1</sup> Voluntary Sector Initiative (June 2000): <http://www.vsi-isbc.ca/eng/about.cfm> [March 22, 2003]

## Section Two

### Research Methodology

The Working Group intended to collect data by reviewing documents and the Internet, speaking to key informants by phone, and holding focus groups.

The comprehensiveness of the project was challenged by the limited time and resources available. As well, the project was carried out in March, well-known to be a busy time for both government and the settlement sector. Compounding these obstacles was the fact that many of the key stakeholders were attending a national Metropolis Conference and a meeting to select the papers for the NASCII, and were thus effectively unavailable to the consultant.

As a consequence, it was not possible to interview all the identified key informants. It was also possible to arrange only one teleconference focus group with three managers from CIC (two regional and one national).

Many of the key informants, both in the settlement sector and in government, had only a general idea about the content of the Accord and Codes of Good Practice and therefore could give only their impressions rather than considered opinion.

Because of the low level of awareness of the Accord and Codes of Good Practice, summaries of these documents have been included as appendices. Readers who are not familiar with them are strongly recommended to read these summaries before reading this document.

# Section Three

## Defining The Settlement Sector

### Definition of Settlement

A generally accepted definition of *settlement* used by the settlement sector is a “long-term, dynamic, two-way process through which, ideally, immigrants would achieve full equality and freedom of participation in society, and society would gain access to the full human resource potential in its immigrant communities.”<sup>2</sup>

The process of settlement continues throughout the life of the newcomer and often into the second generation. Goss Gilroy<sup>3</sup> defines three distinct phases of newcomer integration:

- *Settlement* refers to the meeting of the basic needs of newcomers including: housing, food, registering children in school, signing up for language training, accessing general mainstream services with the assistance of the service provider, and understanding basic rights and responsibilities.
- *Adaptation* refers to the next step in the process, characterized by an immigrant’s ability to realize some benefits of settlement—that is, being able to access mainstream services independently, understanding Canadian social and cultural norms, improving language skills, developing contacts and building friendships in the community, and reassessing personal goals.
- *Integration* refers to the ultimate goal of the process, at which point immigrants act as fully functioning members of Canadian society. Among other things, have found and are maintaining employment appropriate to their skills and background; they participate in mainstream organizations; they offer a portion of their time to the community; they feel comfortable with Canadian values, and participate in the political process (voting, running for office, etc.).

### Definition of the Settlement Service Sector

Settlement services exist to facilitate the successful settlement and integration of immigrants and refugees into the economic, social, cultural and political life of Canada.

The federal government has a primary enduring responsibility to ensure that settlement services are available to all immigrants and refugees. However, in 1998, the governments of Manitoba and British Columbia signed realignment agreements with the federal government and now administer settlement services.

No matter which level of government is administering the programs, the capacity to implement these services depends upon shared responsibility between governments and other sectors of the community. For example, governments contract with immigrant serving agencies, “mainstream” organizations, public institutions such as colleges, and with private companies.

There is a debate about the precise delineation of the settlement service sector.

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<sup>2</sup> Immigrant Settlement Counselling: A Training Guide, OCASI, 1991

<sup>3</sup> Evaluation Framework for Immigrant Settlement and Adaptation Program, 2000

One side of the debate focuses on the specialized knowledge that is required for a program to be legitimately referred to as a settlement service. Some define the settlement sector narrowly as services provided by those with specialized knowledge of the settlement, adaptation, and integration processes. These services are delivered mainly by settlement service organizations. Others define the settlement sector more widely, as embracing services delivered by people with varying degrees of expertise. This view encompasses the settlement assistance provided in various settings by ESL teachers, child care workers, school counsellors, and employment counsellors. British Columbia Settlement and Integration Workers Association (BCSIWA) includes anyone who is providing settlement assistance in any role or setting.

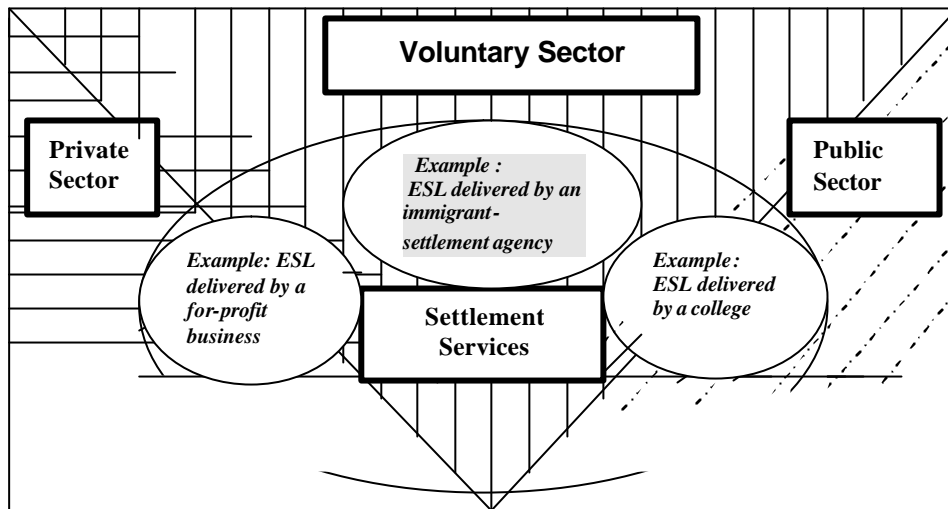
A second aspect of the debate is concerned with defining the settlement sector according to the organizations that deliver the services. Some observers limit the settlement service sector to non-profit settlement service agencies. They feel that while programs delivered by for-profit businesses, public institutions and mainstream agencies may in some manner be settlement services, the agencies themselves are not part of the settlement sector. Others believe that, regardless of the delivery organization, any settlement assistance offered is a legitimate part of the settlement sector.

A third focus of debate is whether the services delivered by the settlement sector cover settlement, adaptation and integration (as in the Goss Gilroy definitions), settlement only, or settlement and adaptation. The ultimate goal of settlement is to help immigrants use community resources to the same degree as any other citizen of Canada. In order for this to occur, mainstream community organizations must also be involved. They too must help accommodate newcomers—for example, by offering introductory programs in other languages, translating brochures, or providing interpreters. Some believe that these services should be seen as settlement services and included as part of the settlement sector, while others do not.

Finally, the settlement sector could be defined as “those with whom a government contracts to provide services to assist newcomers.” However, funds to support the integration of newcomers come from a range of sources, such as community foundations, the United Way, fees for service, donations, and provincial and municipal governments.

We cannot resolve all these issues here. However, as we discuss the Accord between the Government of Canada and the Voluntary Sector, and the Codes of Good Practice on Funding and Policy Development, we use a definition of the settlement sector based on the agency delivering the service. This is because the Accord and Codes apply only to services delivered by non-profit, volunteer-based organizations. In Figure 1, it is the service area shaded grey that is covered by the Accord and Codes of Good Practice.

Figure 1: Settlement Services and Service Deliverers.



## Section Four

### The History of The Settlement Sector

From the start, Canada's immigration policy has been driven by economic policy and the need for human resources. Often described as a nation of immigrants, Canada has, for the last several hundred years, been shaped by waves of immigration from around the world. In fact, Canada today has one of the highest ratios of immigrants to total residents of any country in the world and is considered to have one of the most open and welcoming immigration policies anywhere. The majority of Canada's citizens are themselves immigrants or descendants of immigrants, with only 5 percent of the population made up of First Nations people.

Settlement services, both formal and informal, have a long history in Canada. Before the First World War, very few organizations specialized in immigrant services. Newcomers were informally assisted by family members, friends, ethnic associations, benevolent societies, religious institutions and self-groups, the majority of which relied on volunteers. A few organizations came into being after the First World War, such as the Jewish Immigrant Aid Society established in 1922.

Important developments in the conception and delivery of settlement services came after the Second World War, which produced large numbers of Holocaust survivors. The Jewish Immigrant Aid Society was the first agency to hire professional social workers and to develop specialized social service for newcomers. Founded in 1947 in Montréal, the Centre social d'aide aux immigrants (CSAI) offered material assistance and temporary emergency housing, found housing and jobs, and offered medical and legal assistance and loans to help newcomers bring their families to Canada. At around the same time, the Manitoba Interfaith Immigration Council was created by various denominations seeking to help their own groups integrate in Canada. The Italian Immigrant Aid Society was formed in 1952, with initial services provided by women volunteers. In response to the underutilization of skilled tradespeople, Centro Organizzativo Scuole Tecniche Italiane (COSTI) was formed in 1961, initially providing training and retraining to members of the Italian community, later expanding services to members of other communities. Gradually a specialized settlement sector emerged.

The Immigration Act of 1953 listed countries by preference. As a result of pressure from domestic human rights advocates and international diplomacy, this discriminatory law was replaced in 1976 by one in which racial criteria for immigration were formally eliminated and broad classes of immigration were established: independent class (skilled professionals or business immigrants), family reunification class, refugees, and "others" (caregivers, retirees, etc.).

Since the Second World War, approximately 7.8 million immigrants have arrived in Canada.<sup>4</sup> Over the years, the principal source countries of immigration into Canada has shifted from Europe and the United States, to Africa, the Middle East, Latin America, the Caribbean, and, more recently, Asia. In 1999, approximately 30 percent of immigrants came from China, the Philippines, Korea, Taiwan, and Hong Kong, while approximately 15 percent of immigrants came from India, Pakistan, and Sri Lanka.<sup>5</sup> This shift reflects not only changes in immigration policy and regulations but also the changing preferences of prospective immigrants.

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<sup>4</sup> Citizenship and Immigration Canada, 1998

<sup>5</sup> Citizenship and Immigration Canada, 1999

The Federal Settlement Service initiative, which started in 1948 with federal settlement officers hired to help settle Canadian soldiers and war refugees, was disbanded in 1966 with the creation of the Department of Manpower and Immigration. With this change, the government withdrew from the provision of direct settlement services and focused on funding immigrant serving agencies to provide initial settlement services. In 1974, the Department of Manpower and Immigration expanded its mandate to provide for the reception of immigrants and to help newcomers with employment, accommodation, and settlement. In addition, it became responsible for the overall coordination of voluntary organizations that provided immigrant adjustment and settlement assistance. This direction resulted in the establishment of the Immigrant Settlement and Adaptation Program (ISAP), which provided funding for initial settlement services, such as information, orientation, and referral to mainstream service agencies. In 1993, the Department was appropriately renamed Citizenship and Immigration Canada (CIC).

Canada was the first country to adopt an official multiculturalism policy in 1971 and incorporated this policy into the Multiculturalism Act of 1988. Chief among the goals of the Act was the government's recognition and commitment to promote the full and equitable participation of individuals and communities of all origins in Canadian society and to eliminate barriers to such participation.

The Federal Immigrant Integration Strategy, introduced between 1991 and 1995, is a key element of the Federal Immigration Plan. This aims to provide a wide range of coordinated settlement services normally associated with, but not restricted to, the year of arrival. This Strategy placed a new emphasis on helping immigrants learn about Canadian values and on helping Canadians understand the diverse backgrounds of newcomers. It is through this same Strategy that the Host Program was made permanent (later expanded to link any newly arrived immigrants with Canadian hosts, not only refugees) and the Language Instruction for Newcomers to Canada (LINC) Program was introduced.

While the Integration Branch of CIC has the overall responsibility of providing funds for settlement services for all newcomers under ISAP, it is the Refugee Branch of CIC that operates the Resettlement Assistance Program (RAP) for all Convention refugees, providing temporary accommodations, clothing, household effects, and living expenses for up to one year.

The government of Quebec took on responsibility for settlement services as early as 1991, receiving funding from CIC under the Canada-Quebec Accord. By 1995, the federal government launched the Settlement Renewal Process as an attempt to devolve the administration of settlement services to the rest of the provinces. In 1998, agreements were signed with the provinces of British Columbia and Manitoba to transfer funds for the administration of settlement services.

With its enduring role in settlement services, the federal government took on the responsibility of developing national standards, to be agreed upon and upheld by all stakeholders for the purposes of accountability, comparison, and the protection of settlement clients. The *Best Settlement Practices*<sup>6</sup> of the Canadian Council for Refugees identifies core values: access, inclusion, client empowerment, user-defined services, holistic approach, respect for the individual, cultural diversity, community development, collaboration, accountability, orientation towards positive change, and reliability. These core values form the basis of a Settlement Service Standards Framework<sup>7</sup> which, in its preamble, asserts the importance of a shared responsibility between all levels of government in partnership with immigrant serving agencies in the successful implementation of settlement standards.

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<sup>6</sup> Canadian Refugee Council, 1998

<sup>7</sup> Canadian Council for Refugees, 2000

As an integral component of its immigration program, Canada has always maintained a policy of refugee resettlement. Canada accepted large number of refugees from Ireland in the mid 1800s, Jews from Russia in the late 1800s, from Hungary in the 1950s, from Vietnam and Uganda in the 1970s, and from Kosovo in the late 1990s. On a smaller scale, thousands of refugees continue to resettle in Canada each year, some sponsored by the government, others by private groups. In 1999, the five leading source countries of refugees were Bosnia-Herzegovina, Sri Lanka, Afghanistan, Iran, and Somalia.<sup>8</sup>

The majority of immigrants to Canada settle in urban areas. Approximately 70 percent of immigrants reside in Canada's three largest urban cities: Toronto, Vancouver, and Montréal. According to the Statistics for Canada of 2001, a large percentage of recent immigrants (that is, those who have been in Canada for less than five years) settle in Montréal (13 percent), Vancouver (18 percent), and Toronto (42 percent). Immigrants account for up to 10 percent of the populations of these cities. M.S. Mwarigha (2002) suggests that one current challenge in settlement service delivery is how to effectively combat the escalating emergence of an immigrant underclass which concentrates mainly in poorer urban neighbourhoods.<sup>9</sup>

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<sup>8</sup> Citizenship and Immigration Canada, 2000

<sup>9</sup> "Immigrant Settlement and Social Inclusion in Canada," Ratna Omidvar and Ted Richmond, 2003

## Section Five

# The State and The Voluntary Sector

In order to examine the Accord and Codes, it is important to have an understanding of the voluntary sector.

At the beginning of the 21st century, there is a growing recognition that Canadian society rests on three pillars, the public, the private and the voluntary sectors. The voluntary sector is often known as the “third sector.” The Accord and Codes formalize a long-term relationship between the government and this third sector.

Over the past 15 years, political and social changes in Europe and North America have altered and expanded the role and size of the voluntary sector. The decreasing role of government and an increase in social and economic disparities have contributed to the expectation that the voluntary sector will fill many service gaps.

According to Voluntary Sector Initiative statistics, the voluntary sector includes 175,000 charities and non-profit organizations, engages 7.5 million volunteers, employs 1.3 million people with annual revenues of \$90 billion, and has assets of \$109 billion. Until recently, the voluntary sector expanded at a faster rate than both government and business.

According to John Shields,<sup>10</sup> the voluntary sector consists of organizations that are formally constituted to serve a public benefit, are self-governing, do not distribute any profits to members, and depend to a meaningful degree on volunteers. Membership or involvement in these organizations is not compulsory, and they are independent of, and institutionally distinct from the formal structures of government and the private sector. Although many voluntary sector organizations rely on paid staff to carry out their work, all depend on volunteers, at least on their boards of directors.

The mandates of voluntary sector organizations are:

- to “do good” in providing service to the community;
- to advocate and thus contribute to public policy dialogue;
- to mediate and maintain social cohesion; and
- to help to build citizenship through participation and membership in a community.

The mediation role is particularly important, as voluntary organizations build social capital by fostering the kinds of relationships that enable people to work efficiently together in pursuit of shared goals. Social capital is closely connected to social cohesion. Social cohesion is about “*how well institutions manage diversity and resolve conflicts by funding mutually satisfactory accommodation*”<sup>11</sup> (emphasis in the original). A society that is cohesive is one in which public, private and voluntary institutions are able to manage conflict, where institutional supports exist to foster inclusiveness and where disparities within society are prevented from becoming too wide.

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<sup>10</sup> Shields, John. (February 2002) *Capturing Civil Society: The Third Sector in the Shadow of the State. The SRC Sarwan Sahota Lecture, Ryerson University*

<sup>11</sup> Murray 1999: 26 cited in Shields

According to Shields, the key concepts that distinguish the third sector from the private sector are philanthropy, altruism, charity, reciprocity, mutuality, and the ethic of giving and caring. However, as the sector embraces a considerable diversity of organizations with varying aims and perspectives, attempts to characterize them as homogeneous are misplaced.

The values that come from the government flow from the concepts of state and citizen. However, these are being displaced by other values: markets, individuals, consumers, and clients. This translates into a policy framework and political culture based on the notion of self-reliance and competition.

According to Shields, as the delivery of social services is increasingly transferred to the third sector, non-profit organizations become ever more controlled by the government's extensive use of service contracts. In addition, with the increasing use of fee-for-service and the rationalization and professionalization of services, community involvement in the running of non-profit service provision is being replaced by professional management with accountability to the state.

Shields argues that fundamentally different relationships are being created between those who deliver the services (non-profits), those who consume them and the state. The citizen is redefined as the purchaser of services available from a universe of competing providers. The government's role becomes that of service manager and policy director. The government is no longer readily or easily identified as the source of any problem. In this sense, the third sector acts as a buffer zone for the state.

Other important roles served by the third sector, such as research and advocacy, are marginalized. Research and advocacy are important to the larger issue of policy development, and so the voluntary sector's capacity to offer alternative perspectives is undermined. As a result, the most marginalized and under-represented in society have even less ability to influence policy development.

Shields believes that as a result of the reorganized relationships, Canadian society is becoming less capable of working together to solve problems. Social cohesion is being undermined.

The introduction of the Accord and Codes of Good Practice can be viewed as an attempt to redress some of the issues discussed by Shields. While the work of Shields is the commentary of one academic, his point of view does shed some light on the dilemmas that are likely to surface when thought is given to how the Accord and Codes will be implemented.

## Section Six

### The Settlement Sector and The Accord and Codes

This section briefly examines the challenges of applying the principles of the Accord and Codes to the settlement sector, and identifies discussion points.

There is no facility with which to address the questions that relate to the administration of settlement funds raised by this discussion in Manitoba, British Columbia and Quebec, as the Accord and Codes apply only to the relationship between the federal government and the voluntary sector. The discussion, however, does apply in these provinces when settlement agencies relate to other departments of the federal government.

The methodology section has already pointed out that limited timing and resources resulted in preliminary findings only, and this discussion should be read as such.

#### Principles of the Accord

##### Independence

Key informants from the sector mentioned this principle more than any other principle of the Accord.

CIC is by far the most significant source of financial support for the settlement sector. Although the voluntary sector in general receives funds from a wide variety of sources (various federal government departments, provincial governments, municipal governments, the United Way, community foundations), these funding agencies generally see the settlement of immigrants and refugees as *primarily* a federal government responsibility. As a result, the sector has had limited access to funds other than those from the federal government. To a significant extent, the sector is not independent of the federal government but is dependent on the government for survival. On the other hand, the settlement sector is independent of the government in that (as a member of the Working Group said) if federal government funding were removed, the settlement sector would continue to find a way to provide settlement services, albeit in a much different form.

In all provinces except Quebec, Manitoba and British Columbia, immigrant settlement agencies relate directly with CIC. An arm's-length relationship exists in Quebec, Manitoba and British Columbia, where the provincial governments administer funds delivered by the federal government.

The dependence of settlement agencies on CIC funds, either direct or indirect, is a challenge. Given Shields' analysis, this would be expected because he believes that as the delivery of social services is increasingly transferred to the third sector, non-profit organizations become ever more controlled by the government's extensive use of service contracts. They come to be treated merely as "convenient conduits for public services." One issue in this context is the question of whether Code of Good Practice on Funding provides any redress to this imbalance.

One of the challenges is that there is no mechanism through which the sector can speak to government. There is no national body, and the regional bodies are inconsistent, ranging from dormant to very active.

According to key informants, the ability of community agencies to carry out the CIC-funded portion of their mandate depends upon how well the relationship between CIC and community-based agencies is managed. That is, it is the result of how well the individuals involved respect each other and are able to communicate with one another. Key informants from both sectors shared stories about how well this communication worked in some cases and how poorly it worked in others.

The independence of a settlement agency becomes very fragile when it depends upon the ability of two human beings to get along with each other. So the fact that the Government of Canada has agreed to the principle of independence in the Accord is important.

However this also poses dilemmas for both the federal government and the settlement sector. If the federal government needs the settlement sector to deliver services related to its responsibility for immigration, it has a strong interest in controlling the delivery of these services. How can the government maintain this interest and adhere to the principle of independence at the same time? On the other hand, what can a settlement agency do to address a situation where it believes that its independence is being jeopardized?

It is interesting that Quebec has taken a very different direction from that taken by the federal government. The Quebec Policy on Community Action explicitly recognizes the role of rights advocacy organizations and is refocusing funding to support these organizations. The Quebec government is, in effect, funding organizations to criticize it.

### ***Discussion Points***

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- How can imbalances in the interdependence between government and the settlement sector be addressed?
  - *Do new mechanisms need to be developed (dispute resolution methods, regional or national bodies)?*
- 

### **Interdependence**

The issues related to the interdependence of the two sectors are closely related to those of independence.

There is no question that the two sectors are interdependent. It is the nature of this interdependence that is of concern to the settlement agencies.

The power imbalance in this interdependence is clearly demonstrated by the effects experienced by the settlement sector as a result of funding cutbacks and imposed restructuring. Landing statistics suggest that cutbacks in recent years have affected all provinces except Ontario and Quebec. In addition, many provincial governments have also cut back on the funds provided to immigrant settlement agencies. The effect has been that many agencies have had to curtail their services and some of the smaller ones have had to shut their doors. Those that continue to function are operating under conditions of extreme stress due to a combination of overloaded services and limited funding.<sup>12</sup>

The restructuring of government funding further complicates the situation. Most government funders have shifted from core funding to program-specific funding, thus favouring larger agencies with more administrative resources and leaving the remaining settlement agencies with extremely limited resources for community education, needs assessment, program planning and advocacy.

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<sup>12</sup> Omidvar, R. & Richmond, T. (2003) *Immigrant Settlement and Social Inclusion in Canada*. Laidlaw Foundation, [Internet]. [www.laidlawfdn.org](http://www.laidlawfdn.org) (Children's Agenda/Resources/Working Papers Series on Social Inclusion) [March 19, 2003]

The effect of cutbacks and imposed restructuring illustrates the point, made by Shields, about the control exerted over the voluntary sector by the government through contractual agreements. A more sustainable sector with a diverse funding base would not be subject to the same control.

## Dialogue

There is universal agreement that dialogue between the two sectors is of prime importance. Given the issues raised above, full implementation of the Accord and Codes will require sustained dialogue.

However, before the government and settlement sector can begin, structures must be put in place to sustain the dialogue.

Roundtables or committees in some provinces bring the settlement sector together with the federal government and others at regular intervals to discuss topics of concern. Here are some examples:

- The BC/Yukon Advisory Committee brings together individuals including representatives of CIC, settlement agencies from each area of the province, legal services, refugees, admissions, labour, health, police, the City of Vancouver, business, and education. This committee meets quarterly and holds some form of annual gathering in each of the four geographic regions of the province. The provincial government is not represented. The purpose of this committee is to promote feedback between CIC and the sectors of the community that are involved with immigration-related and settlement issues.
- Affiliation of Multicultural Societies and Service Agencies (AMSSA) in British Columbia has an Immigrant Integration Coordinating Committee (IICC) with a strong regional base throughout the province. Information from regular regional meetings is fed to the IICC. Issues of concern are identified at the IICC and transmitted to government through AMSSA.
- Alberta's round table includes representatives from CIC, Canadian Heritage, the provincial government, the City of Calgary, and all the settlement agencies. This group meets for two days twice a year. The agencies meet alone on the first day; all parties meet on the second day.
- Saskatchewan's Regina and Region Community Advisory Committee meets four times a year. This committee consists of CIC, settlement agencies, Health, Metropolis, the provincial government, the police, the Regina Refugee Coalition and a newcomer representative. They have discussed holding a symposium for business.
- The provincially coordinated Manitoba Settlement Group meets four times a year. It includes representatives from CIC, the provincial government, and settlement agencies, plus the City of Winnipeg Race Relations Officer. The group meets to share information and solve problems.

Groups like these are important to sustained dialogue.

Time and resource constraints and the lack of availability of key players made it impossible for the Working Group to interview anyone from Ontario.

### ***Discussion Points***

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- How can dialogue be sustained across the country?
  - Is there a place for regional or national settlement bodies in this dialogue?
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### **Cooperation and Collaboration**

Dialogue builds cooperation and collaboration, and the round tables and committees described above are excellent venues for this.

In addition, many respondents believe that there is significant collaboration and cooperation at the local level despite constraints of the structure within which government departments function and the limited resources of settlement agencies.

The challenge to this collaborative and cooperative atmosphere arises when the rigidity of the bureaucracy and CIC's fixed annual funding allocation prevent agencies from meeting the needs of newcomers or hinder the administration of the agency. Individuals from both CIC and the agency involved can be frustrated by this lack of flexibility.

A classic example of this was described often by keyinformants from both sectors: the situation that keeps contribution agreements from being signed until well after March 31, leaving agencies in limbo.

Some responses to such a situation make agencies appear to be responding aggressively; some in fact may be. Likewise, CIC employees can appear to be unwilling to assist the agency in guiding them to the appropriate person at the next level (manager, regional office) with whom they may discuss the situation. This too may be a reality.

To actualize the principle of cooperation and collaboration, it will be necessary to address the systemic issues inside government (such as developing budgets earlier in the year). It will also be important to develop mechanisms to address these issues when they become a matter of dispute.

### ***Discussion Points (to facilitate cooperation and collaboration)***

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- What systemic issues need to be resolved?
  - How can unresolved systemic issues be worked out?
  - Should a dispute mechanism be developed?
-

## Accounting to Canadians

The issue of accountability is a complex one. Everyone agrees that accountability is important in principle. However, there are questions about who defines the accountabilities, how they are measured, and who is to pay for the evaluation process.

There is concern in the sector about how many resources are being put into accountability structures as defined by government, as opposed to those defined by the sector. None of the respondents went as far as Omidvar and Richmond,<sup>13</sup> who assert that imposing evaluation schemes on immigrant-serving agencies as part of the new contractual terms of service are “*nothing more than administrative mechanisms to maintain state control of third party (and third sector) service providers.*” *Chambon and Richmond (2001)*

Respondents also commented that while it is easy for the federal government to demand accountability, it is almost impossible to hold federal government departments accountable. Some informants felt that there should be a dispute resolution mechanism or an ombudsman.

### **Discussion Points**

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- How can the settlement sector put its accountability issues on the agenda?
  - How does the settlement sector hold government departments accountable?
  - What mechanism should be developed to resolve disputes or complaints from either party?
- 

## Principles of the Code of Good Practice on Funding

### Voluntary Sector's Value

It can be argued that the settlement sector is on the margins of the voluntary sector. It holds a body of professional knowledge, but this is not well recognized. There remains the belief that anyone—particularly anybody from the same linguistic and ethno-cultural background—can help immigrants to settle. People from the same language background and family members are routinely asked to interpret, even though this violates the privacy rights of newcomers and shows a lack of understanding of the technical and ethical issues involved in interpretation. The lack of value placed on the professional and technical expertise required to do good settlement work contributes to the undervaluing of the settlement sector.

Some steps are being taken to address this issue. For example, the BC Settlement and Immigrant Worker Association (BCSIWA) has been created as a professional association for settlement workers.

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<sup>13</sup> Omidvar, R. & Richmond, T. (2003) *Immigrant Settlement and Social Inclusion in Canada*. Laidlaw Foundation, [Internet]. [www.laidlawfdn.org](http://www.laidlawfdn.org) (Children's Agenda/Resources/Working Papers Series on Social Inclusion) (March 19, 2003)

Another factor behind the undervaluing of the settlement sector is the undervaluing of clients. Newcomers are subject to racism, systemic discrimination and undervaluation as members of the labour force. In fact, the settlement sector may be the only one in which the economic status of the client is actually declining as the skills and expertise of immigrants are consistently undervalued and underutilized.

The low value placed on the settlement sector is reflected in its pay scales, which are lower than elsewhere in the voluntary sector.

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### **Discussion Point**

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- What can be done to increase the awareness of the value of the work of the settlement sector?
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### **Strengthened Sustainable Capacity**

Capacity building and sustainability are major issues for the settlement sector, particularly in smaller agencies.

As discussed above, the settlement sector depends to a large extent on the federal government, especially CIC. This is not only frustrating for the sector, it is also a challenge for federal government departments. One key informant from CIC said that they could not be “all things to all people.” CIC wants the settlement sector to diversify its funding base in order to be sustainable.

Some individuals in the settlement sector feel that it is the federal government’s responsibility to fully fund services to newcomers. Others believe that it is appropriate to look for innovative funding strategies.

In the Code, the voluntary sector commits to investing in organizational and human resource development and to developing a diversified funding base. In order to carry out this commitment, the settlement sector will need additional support, for developing strategic and financial plans and for implementing them. This will require a transition process over a number of years. It is interesting that in the *Framework of Partnership between Government and the Black and Minority Ethnic Voluntary and Community Sector*,<sup>14</sup> the United Kingdom government makes a commitment to “consider the case for setting aside additional funds for BME organisations to build capacity, prepare and deliver projects.”

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### **Discussion Points**

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- How can the settlement sector strengthen capacity and become more sustainable?
  - What innovative funding strategies can be developed?
  - What transitional assistance is needed?
  - What role can the federal government play to assist this process?
- 

<sup>14</sup> Government of UK, (1998) *Framework of Partnership between Government and the Black and Minority Ethnic voluntary and community sector* [Internet] <http://www.homeoffice.gov.uk/acu/bmecomwork.htm> [March 30, 2003]

## Cooperation and Collaboration

The principle of cooperation and collaboration was first discussed in Section Three. However, under the principle of cooperation and collaboration in the Code of Good Practice on Funding, the government commits to “solicit and consider voluntary sector views on better ways to meet new or existing needs through funding programs.”

It has already been stated that no universal consultation mechanism exists for the settlement sector and that the process varies by province. So when the government carries through with this commitment, the question arises: To whom will it talk?

In order to have an effective dialogue with the government about funding, the sector needs to develop a mechanism through which the concerns of the sector can be solicited, synthesized, communicated, and negotiated. It should be a mechanism that allows the sector to respond when approached by government.

### ***Discussion Point***

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- What mechanism can be used in discussions between the settlement sector and the federal government on funding issues?
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## Innovation

It can be argued that the settlement sector is one of the most innovative sections of the voluntary sector. Because the needs of newcomers, especially refugees, are often varied and diverse, agencies have to be able to change and adapt service delivery to emerging needs quickly and often.

On the other hand, the sector has not generally been very innovative in the area of funding. The need for innovation in the area of funding has been discussed above under “Strengthened Sustainable Capacity.”

## Diversity and Equitable Access

There is a risk that this principle will be seen primarily as applying to the four equity groups (Aboriginal people, visible minorities, women, and people with disabilities). Although there are immigrant settlement agencies that serve visible minorities and women, the needs of the sector are not synonymous with those of either equity group.

An articulation of the equity needs of the settlement sector might be useful to the government so that they can pursue their commitment to “make an effort to provide equitable access to funded programs for organizations that may face greater challenges.”

### ***Discussion Point***

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- How can the sector communicate the equity needs of the settlement sector to the federal government?
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## Accountability

Some of the elements of accountability have already been discussed in Section Three.

Under the Code of Good Practice on Funding, the settlement sector essentially agrees to engage in sound fiscal management and ethical fund raising. For its part, the government makes a commitment to use standards and procedures “flexible enough to accommodate a variety of approaches and the limited capacity of smaller organizations.” By resulting in financial accountability procedures that are more tailored to the size and sophistication of each settlement agency, this commitment will help small settlement agencies.

## Transparency and Consistency

The commitments made under this principle by the federal government are essentially to harmonize funding processes across government and to make them more intelligible and realistic. The commitment of the sector is to be open and transparent and to cooperate with external reviews.

## Efficiency and Effectiveness

The commitments made under these principles should be well received by the settlement sector. They simplify and streamline processes of funding. The government also commits to recognizing the cost to voluntary sector organizations of monitoring and evaluation.

The problem of delays in the signing of contribution agreements has been discussed above. According to the spirit of the Code of Good Practice on Funding, these delays should no longer occur.

### ***Discussion Point***

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- If a contribution agreement is not signed in a timely manner, do the Accord and Codes provide a framework for addressing this concern?
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## **Code of Good Practice on Policy Dialogue**

The Code of Good Practice on Policy Dialogue states that the Government of Canada will confer with the voluntary sector at all stages of the public policy process: issue identification, agenda setting, policy design, implementation, monitoring and impact assessment.

The Code envisions an environment of continuous learning and improvement, in which the sectors work together to smooth the way for policy dialogue.

The biggest challenge for the settlement sector in this area is the amount of time that policy dialogue takes. When there is little or no core funding, executive directors and others are stretched beyond their capacity, and they cannot easily make time to participate in policy dialogue. There is no commitment on the part of the government to provide additional funds to enable voluntary sector organizations to participate. As a result, only large organizations will participate in policy dialogues.

This constitutes a two-fold challenge. First, settlement agencies must develop the capacity to participate meaningfully in policy dialogue. Second, a framework must be in place for sustained policy dialogue.

One of the complaints of the settlement sector has been that agencies sometimes do not have access to the final reports of consultation processes in which they have invested significant amounts of time. In the Code of Good Practice on Policy Dialogue, the government commits to making final reports available to those engaged in the policy process so that they will know how their input was used and how it might have affected federal government proposals or decisions. This will make a significant contribution to the development of a respectful learning environment. This feedback could occur through whatever mechanism is designed.

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### ***Discussion Points***

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- How will the settlement sector find the resources to build their capacity to discuss policy development?
  - What dialogue framework would be most useful?
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## **Emerging Themes**

In summary, a number of themes have emerged, including the following:

- Given the contractual relationships between settlement agencies and the federal government, how can the principles of independence and interdependence be upheld?
- What systemic issues need to be addressed in government?
- How can the settlement sector put its accountability issues on the agenda?
- How does the settlement sector hold the federal government accountable?
- What innovative funding strategies can be developed?
- Is transitional assistance needed?
- What role can the federal government play in this process?
- How can the settlement sector communicate its equity needs?

A mechanism or framework for dialogue, feedback, and dispute resolution will be helpful in addressing these themes. However, one remaining issue—how to increase the awareness of the value of the work done by settlement agencies—is probably a matter of communicating this value to the general public.

The control that is exerted over settlement agencies as a result of their contractual agreements with the federal government is clearly a challenge to the implementation of the principles of the Accord and Codes of Good Practice. On the one hand, the Accord and Codes can be seen as an attempt by government to ensure that the voluntary sector can continue to fulfil its traditional functions of community service, advocacy and research. On the other hand, the contractual relationship puts severe restraints on the sector's ability to fulfil these functions.

This dilemma might be at least partially resolved by the development and implementation of a mechanism or a framework for dialogue, feedback, and dispute resolution.

## Section Seven

### Suggested Models

The Accord and Codes of Good Practice are not legal documents. There is no recourse in law if either party to these documents violates them; rather, they have the power of moral persuasion.

The Settlement Accord Working Group is interested in whether mechanisms can be put in place that will aid in the success of the application of the Accords and Codes to the immigrant-serving sector. The above discussion has indicated that mechanisms or frameworks are needed to support dialogue and feedback and to resolve disputes.

This discussion uses the following definitions:

- Dialogue means “to engage in an informal exchange of views.”
- Feedback is “the return of information about the result of a process or activity; an evaluative response.”
- A dispute is “a verbal controversy, a debate.”

#### Current Practices

Key informants were asked what dialogue, feedback and dispute resolution mechanisms they currently use.

All informants stressed the primary importance of the relationship between the agency’s representative, usually the executive director, and the CIC project officer. Nurturing this relationship allowed good communication within which feedback could be conveyed and disputes resolved. This works in a vast majority of cases.

However, there are occasional disagreements that cannot be resolved at the local level. Then it is necessary to go to the next person in the hierarchy, usually the manager of the local office. If the concern is not resolved at this level, it might be necessary to contact the regional office and so on, up to national headquarters. If the issue is not resolved at this level, the remaining option is to contact the local Member of Parliament.

This process for dispute resolution is useful to a point. It is entirely appropriate that the issue should first be dealt with through the CIC project officer at the local office. However, if it is not resolved at this level, the situation becomes more difficult. First, there is a power differential caused by the fact that the agency depends on CIC for most of its funds. There is a fear of retaliation if the agency goes above the local manager’s head.

In addition, it is sometimes difficult to locate the individual at the next level. This is especially difficult if the local office refuses to provide a name, as happened to one key informant from the settlement sector who was unable to get this information from a government department.

The process of going up the ladder is fraught with difficulty as extraneous issues of power, loyalty and fear cloud the issues.

The current methods used for dialogue are described above. Committees and roundtables have generally been excellent mechanisms for preventing problems. One key informant said of the committee in which he was involved, “I don’t know what I would do without it!” However, because government representatives are invariably in charge of meeting agendas and because a variety of stakeholders are always present, these meetings are not usually appropriate opportunities for airing differences and settling disputes.

## **Some suggestions for models**

### **Dialogue**

Ongoing dialogue is crucial to any relationship. This promotes understanding, provides speedy feedback, and reduces the risk of misunderstandings and disputes.

### **A multilevel approach**

The settlement sector and the federal government must engage in dialogue at three levels: local, regional, and national. However, before this can occur, either new mechanisms must be developed or existing mechanisms must be expanded or strengthened.

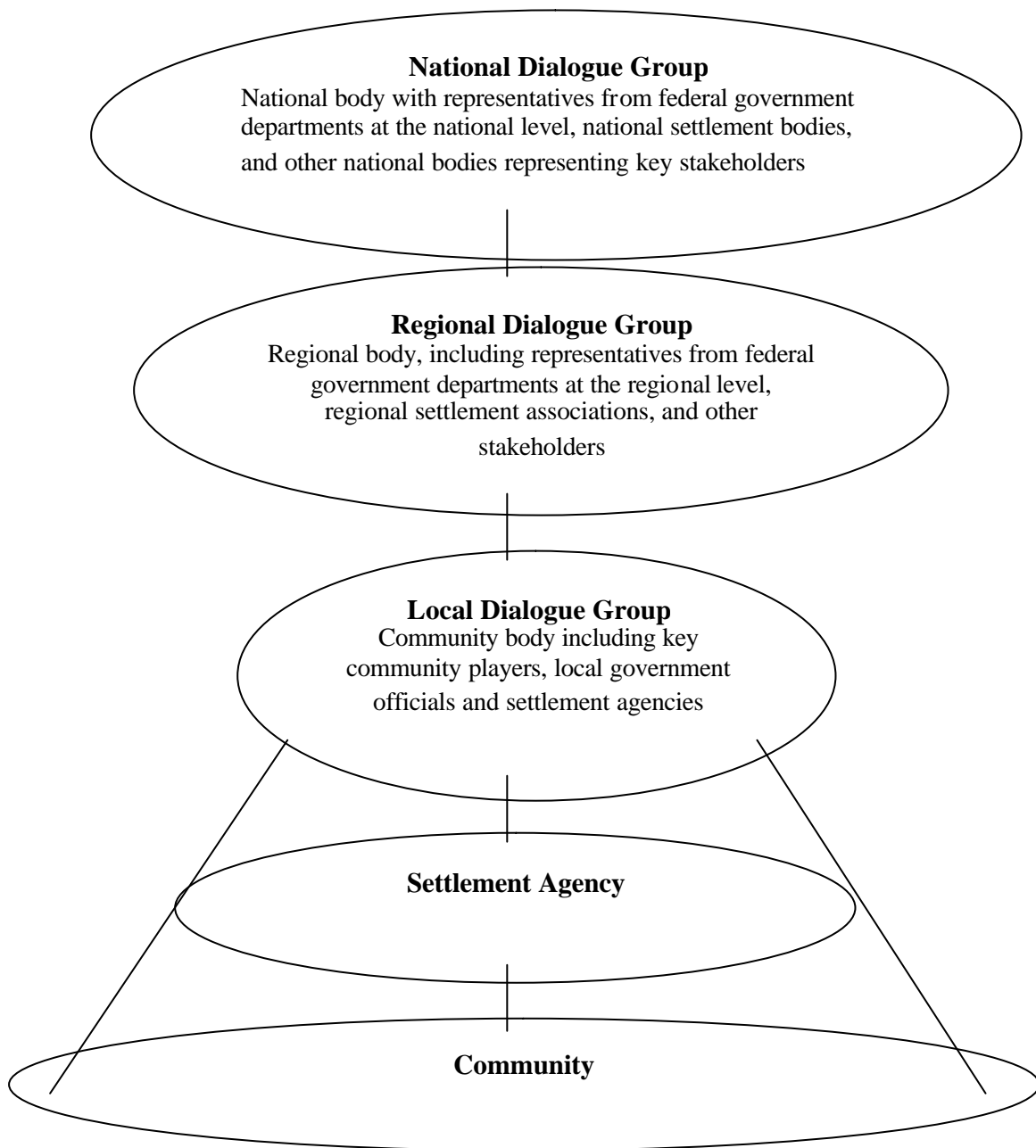
### **Participants in the dialogue**

As the Accord and Codes are designed for the voluntary sector, an argument could be made that the dialogue should be limited to non-profit agencies and government officials. However, this runs contrary to how the settlement sector operates. To best meet the settlement needs of immigrants, non-profit agencies work closely with other community players who may or may not offer settlement services.

The most productive kind of dialogue would then include other service providers.

Figure Two is a schematic representation of this model of dialogue.

Figure 2: A Model for Dialogue



## Possible Dispute Resolution Models

### 1. Negotiation<sup>15</sup>

When disagreements arise, it is always best to try to negotiate a resolution.

#### What is negotiation?

In its most basic form, negotiation means bargaining to try to bring about a settlement directly with the other party. This is the most common method of resolving conflicts. Parties discuss the dispute and exchange ideas until they can agree on a solution. This process continues until the parties reach a settlement or until one of the parties decides to end the process.

#### Has it been tried?

This process is being used by settlement agency executive directors and CIC project offices.

The Canadian Council for Refugees (CCR) conducts negotiations, with some success, in its conversations with government about refugee issues. However, no national body representing the settlement needs of newcomers in Canada has tried negotiating with the settlement sector because there has not been a national body with this focus.

However, the problem with applying this model of dispute resolution to the application of the Accord and Codes lies in the contractual relationship between the settlement agency and the federal government.

#### Conclusion

When disputes arise, it is always best to negotiate a solution. In order to do so at regional and national levels, existing structures need to be strengthened or new structures developed. However, there will always be a limit to how useful the negotiating process will be because of the contractual relationship between the settlement agencies and the federal government.

### 2. Mediation

#### What is mediation?

Mediation is another model for dispute resolution. The fundamental difference between negotiation and mediation is that in mediation an impartial third party helps parties toward an agreement. Critical to mediation is the relationship between the mediator and the parties at interest. This relationship has four critical dimensions:

- Independence from the parties and the immediate issues in dispute;
- Mutual acceptance of the parties;
- A focus on the process not the substance of the negotiations; and,
- A focus on helping the parties find a mutually acceptable settlement. The content of the settlement, however, is the responsibility of the parties.

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<sup>15</sup> Modified from *Dispute Resolution Models and Land Use*, Regan Schlecker, Lower Mainland Treaty Advisory Committee February 2002

## **Has this been tried?**

This has been tried in England, and an examination of the 1998 Compact on relations between the government and community sector in England is instructive in this context.

The Compact in England is based on the belief that the voluntary and community sector has a vital role as the nation's third sector, alongside the state and the market. The Compact is very similar to the Voluntary Sector Accord in Canada. There is also a special Compact between the government and the black and ethnic voluntary and community organizations.

It is interesting that the English Compact discusses the resolution of disagreements. It states that, as far as possible, disagreements over the application of the framework should be resolved between the parties. To assist in this process, where both parties agree, mediation may be used, and a Compact Mediation Service has been created. Where the complaint constitutes maladministration, it is the usual practice in England for the complaint to be taken to the Parliamentary Commissioner for Administration.

In a review of the Compact Mediation Service it was found that there was an inconsistent implementation of the Compact. As a result, in March 2003 the Compact Advocacy Programme was launched under the National Council for Voluntary Organisations (NCVO).

The Compact Advocacy Programme invites voluntary organizations to seek their support over breaches of the national Compact by government departments and agencies. Breaches in the national Compact:

- A government agency unreasonably delays a funding decision.
- A government department threatens to withdraw grants because an organization is campaigning against government policies.
- The government fails to consult with an organization on policy changes that will affect it directly.

The Compact Advocacy Programme negotiates with the government on behalf of voluntary organizations and, with the support of NCVO and its partners in the voluntary sector, takes complaints to the highest level.

The Compact Advocacy Programme advises organizations seeking assistance to approach it at the earliest possible stage in a dispute. NCVO treats all cases in confidence and goes public only with the express permission of the affected voluntary organization. In some cases, the Compact Advocacy Programme may take cases to the Compact Mediation Service on behalf of a voluntary organization.

As well as taking on cases, the Compact Advocacy Programme is currently developing a Compact DIY Tool Kit, which will enable voluntary organizations to use the Compact themselves in disputes with government.

## **Conclusion**

The experience in England indicates that if a mediation model for dispute resolution is adopted, provision needs to be made for a mechanism that will support the settlement agency involved to effectively organize its case before it enters the mediation process.

### 3. An Ombudsman

A number of key informants suggested that an ombudsman might be a good idea.

#### **What is an ombudsman?**

The ombudsman's job is to investigate complaints about government organizations. Typically an ombudsman is:

- independent of government;
- responsible for making sure that administrative practices and services of public bodies are fair, reasonable, appropriate and equitable;
- an officer of the provincial legislature;
- able to conduct confidential investigations that are non-threatening and protect complainants against retribution; and
- required to file an annual report with the Legislative Assembly.

An ombudsman is not:

- an advocate;
- a defender of the actions of government;
- a civil servant; or
- an elected politician.

A Voluntary Sector Ombudsman would:

- investigate complaints;
- talk to all concerned parties and see any documents or evidence relevant to a dispute;
- make sure that administrative practices and services of public bodies were in accordance with the spirit and letter of the Accord and Codes of Good Practice;
- recommend changes in any policy, practice, process, guideline, regulation or decision in order to bring it in line with the spirit and letter of the Accord and Codes; and
- negotiate a settlement or recommend a resolution.

#### **Has it been tried?**

It does not appear that any country with agreements between the voluntary sector and government has had a Voluntary Sector Ombudsman.

#### **Conclusion**

The introduction of a Voluntary Sector Ombudsman is appealing. Such a person would be responsible for making sure that administrative practices and services of public bodies were in accordance with the spirit and practice of the Accord and Codes of Good Practice. Ensuring the fairness of the mediation process should not require any additional advocacy body, such as that in England.

# Appendices

## An Accord Between The Voluntary Sector and The Government Of Canada

*An Accord Between the Government of Canada and the Voluntary Sector*,<sup>16</sup> signed in December 2001, describes the key elements of a strengthened relationship between the voluntary sector and the Government of Canada. It sets out common values, principles and commitments that will shape the sector's future practices with the intention that they work together for the benefit of all Canadians.

The voluntary sector consists of organizations that exist to serve a public benefit, are self-governing, do not distribute any profits to members, and depend to a meaningful degree on volunteers. Membership or involvement in these organizations is not compulsory, and they are independent of, and institutionally distinct from, the formal structures of government and the private sector. Although many voluntary sector organizations rely on paid staff to carry out their work, all depend on volunteers, at least on their boards of directors.

For purposes of this discussion, "The Government of Canada" refers to all departments and agencies of the Government of Canada.

While the Accord is not a legal document, it is designed to guide the evolution of the relationship by identifying the common values, principles and commitments that will shape future practices. It focuses on what unites the two sectors, honours the contributions of both, and respects their unique strengths and different ways of working. The Accord represents a public commitment to more open, transparent, consistent and collaborative ways of working together.

### The Values

The Accord is based on the following six Canadian values:

*Democracy* - upholding the right to associate freely, to express views freely and to engage in advocacy.

*Active Citizenship* - welcoming the active involvement or engagement of individuals and communities in shaping society whether through political or voluntary activity or both.

*Equality* - respecting the rights of Canadians under the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act, and the rights of individuals worldwide as defined by the United Nations Universal Declaration of Human Rights.

*Diversity* - respecting the rich variety of cultures, languages, identities, interests, views, abilities, and communities in Canada.

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<sup>16</sup> An Accord between the Voluntary Sector and the Government of Canada (December 2001) Letter of Transmittal from Accord Table Co-chairs:  
<http://www.vsi-isbc.ca/eng/joint%5Ftables/accord/the%5Faccord%5Fdoc/doc4.cfm> [March 22, 2003]

*Inclusion* - welcoming the expression and representation of diversity and upholding the right of each to speak and be heard.

*Social Justice* - ensuring full participation in the social, economic and political life of communities.

## The Principles

The Accord is based on the following guiding principles:

### **Independence**

The Government of Canada and the voluntary sector are autonomous, have unique strengths and separate accountabilities, and agree that:

- The Government of Canada is accountable to all Canadians for its actions and has a responsibility to identify issues of national concern and mobilize resources to address them, establish policies and make decisions in the best interest of all Canadians;
- Voluntary sector organizations are accountable to their supporters and to those they serve in providing services, organizing activities and giving collective voice at the local, national and international level;
- The independence of voluntary sector organizations includes their right within the law to challenge public policies, programs and legislation and to advocate for change; and,
- Advocacy is inherent to debate and change in a democratic society and, subject to the above principles; it should not affect any funding relationship that might exist.

### **Interdependence**

The voluntary sector and the Government of Canada recognize that:

- The actions of one can directly or indirectly affect the other, since both often share the same objective of common good, operate in the same areas of Canadian life, and serve the same clients; and,
- Each has complex and important relationships with others (business, labour, provincial, territorial and local governments, etc.) and the Accord is not meant to affect these other relationships.

### **Dialogue**

The voluntary sector and the Government of Canada, recognizing that sharing of ideas, perspectives, and experiences contributes to better understanding, improved identification of priorities, and sound public policy, agree that:

- Dialogue should be open, respectful, informed, sustained, and welcome a range of viewpoints;
- Dialogue should be carried out in a way which respects each party's confidential information, and builds and maintains trust; and,
- Appropriately designed processes and governance structures are necessary to achieve sustained dialogue.

## **Co-operation and Collaboration**

The Government of Canada and the voluntary sector agree that the social fabric of communities is strengthened, and civic engagement is increased, when they work together to address issues of mutual concern, and that:

- Working together to identify common priorities or complementary objectives will help facilitate co-operation and collaboration; and
- Working relationships should be flexible and respect what others contribute and the challenges and constraints under which they operate.

## **Accounting to Canadians**

In addition to their separate accountabilities, the voluntary sector and the Government of Canada are accountable for maintaining the trust and confidence of Canadians by:

- Ensuring transparency, high standards of conduct and sound management in their work together; and
- Monitoring and reporting on the results.

## **Implementation of the Accord**

The voluntary sector and the Government of Canada have agreed to develop, in a timely fashion:

- Appropriate organizational structures in the Government of Canada and the voluntary sector to give effect to the provisions of the Accord;
- Processes for monitoring the Accord, reporting to Canadians on the status of the relationship and the results that have been achieved, resolving disputes, agreeing on next steps, and discussing the strategic opportunities for future collaboration;
- Codes or standards of good practice to help guide interactions between government departments and voluntary sector organizations on aspects of the relationship such as policy dialogue, funding, and other issues as identified;
- A regular meeting between Ministers and sector representatives to discuss the results that have been achieved; and
- Ongoing actions to increase awareness about the Accord within the sector and the Government of Canada, and among Canadians.

## **Commitments to Action**

The values and principles of the Accord are the starting point for the development of the relationship. Success in building the relationship will depend on the actions and practices of both the Government of Canada and the voluntary sector for the benefit of all Canadians. In moving into the future the following commitments will be essential.

<b>Voluntary Sector Commitments</b>	<b>Government of Canada Commitments</b>	<b>Shared Commitments</b>
<ul style="list-style-type: none"> <li>• Continue to identify important or emerging issues and trends in communities, and act on them or bring them to the attention of the Government of Canada.</li> <li>• Serve as a means for the voices and views of all parts of the voluntary sector to be represented to and heard by the Government of Canada, ensuring that the full depth and diversity of the sector is reached and engaged.</li> <li>• Address the issue of responsibility for the continued development of the relationship with the Government of Canada.</li> </ul>	<ul style="list-style-type: none"> <li>• Recognize and consider the implications of its legislation, regulations, policies and programs or voluntary sector organizations including the importance of funding policies and practices for further developing the relationship and strengthening the voluntary sector's capacity.</li> <li>• Recognize its need to engage the voluntary sector in open, informed and sustained dialogue in order that the sector may contribute its experience, expertise, knowledge, and ideas in developing better public policies and in the design and delivery of programs, and</li> <li>• Address the issue of ministerial responsibility for the continued development of the relationship with the voluntary sector.</li> </ul>	<ul style="list-style-type: none"> <li>• Act in a manner consistent with the values and principles in this Accord.</li> <li>• Develop the mechanisms and processes required to put the Accord into action.</li> <li>• Work together as appropriate to achieve shared goals and objectives, and</li> <li>• Promote awareness and understanding of the contributions that each makes to Canadian society.</li> </ul>

## The Code of Good Practice on Funding

A Code of Good Practice on Funding has been recognized since 2002. Under its terms, the voluntary sector agrees to share a number of responsibilities for good funding practices. They include the following:

- Ensure that impact assessments of funding policies and practices on projects and programs take into account varying circumstances in different regions of the country.
- Ensure that accurate and sufficient information is uniformly available to support quality decision-making and reporting on results.
- Develop evaluation tools (including third-party evaluations) for measuring longer-term outcomes of funding at the departmental and agency program level (as opposed to the project level).
- Establish collaborative processes with clearly delineated roles and responsibilities, and reach decisions about the funding process through collaborative processes.
- Exchange information and build awareness to improve mutual understanding.
- Outline agreed-upon results for financial programs and activities.
- Communicate shared results and successes jointly, wherever possible.

The “good practices” are grouped according to a number of principles. Both the voluntary sector and the Government of Canada have committed to upholding these principles in a number of ways. These have been reported here in chart form for ease of reference.

## The Code of Good Practice on Funding

Principle	Voluntary Sector Commitments	Government of Canada Commitments
<b>Voluntary Sector's Value</b>	<ul style="list-style-type: none"> <li>• Demonstrate and communicate value in the delivery of programs and services.</li> <li>• Inform federal government departments and agencies of areas in which the voluntary sector possesses particular expertise and knowledge.</li> <li>• Stay informed about federal government policy and program areas that are relevant to their areas of operation.</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate with voluntary sector organizations that may be qualified to compete for research funding alongside the private sector and universities.</li> <li>• Include as one criterion the “particular value” that voluntary sector organizations bring to specific activities they undertake with the Government of Canada (such as access to networks, knowledge of specific issues, expertise in service delivery, and the ability to promote equality and social inclusion) when considering a funding proposal.</li> <li>• Include a legitimate proportion of the cost of providing this particular value as part of the budget for a funded activity when it is integral to the project's successful implementation.</li> <li>• Establish opportunities for voluntary sector organizations to access federal contracts through means such as:               <ul style="list-style-type: none"> <li>• the creation of standing offer lists of voluntary sector organizations that have been “pre-qualified,” and</li> <li>• the development of lists of voluntary sector organizations with particular expertise.</li> </ul> </li> </ul>

Principle	Voluntary Sector Commitments	Government of Canada Commitments
<p><b>Strengthened Sustainable Capacity</b></p>	<ul style="list-style-type: none"> <li>• Invest in organizational and human resource development management.</li> <li>• Develop its funding sources and diversify them to the extent possible.</li> <li>• Demonstrate through the application of equitable and efficient operating policies and practices its readiness to work with government.</li> <li>• Explore with government funders the possibility of using multi-year funding agreements and identify the potential impact of such agreements on the stability and long-term planning processes of organizations.</li> <li>• Identify and include infrastructure-type costs, such as information management and information technology, memberships, facilities, human resources and financial management obligations (for example, audits), when developing budget estimates.</li> </ul>	<ul style="list-style-type: none"> <li>• Use multi-year funding agreements and develop and implement mechanisms to facilitate their use, in appropriate circumstances, in order to enhance the stability and capacity for longer term planning of organizations.</li> <li>• Allow a reasonable and flexible transition period when major changes are made to an existing funded activity; use flexible arrangements available to departments and making advance or installment payments to meet program objectives, including the carry-forward of nominal unused advances over year-end.</li> <li>• Make payments according to an agreed-upon timetable and consider both the size and nature of the proposed funding and the applicant organization.</li> <li>• In proposed budgets for programs or projects to be delivered by voluntary sector organizations, include among allowable expenditures infrastructure-type costs (such as information management and information technology, memberships, facilities, human resources and financial management obligations—for example, audits) that are integral to successfully implementing eligible initiatives.</li> <li>• Manage funds effectively to eliminate problems caused by the distribution of a concentrated amount of funding to organizations at the end of the fiscal year.</li> <li>• Use the Strategic Investment Approach to strengthen the capacity of voluntary sector organizations to collaborate over the longer term with government on key policy and program goals of mutual interest (see Appendix 6 of the Code).</li> </ul>

Principle	Voluntary Sector Commitments	Government of Canada Commitments
<p><b>Cooperation and Collaboration</b></p>	<ul style="list-style-type: none"> <li>• Acknowledge funding sources, including the Government of Canada, in promotional material.</li> <li>• Use its extensive networks to communicate information and co-ordinate among organizations, as appropriate, to avoid duplication.</li> <li>• Take steps to stay current with existing government planning tools such as program expenditure priorities and plans, and contribute to these as required.</li> <li>• Work to improve the effectiveness of the sector's related planning tools and practices, and work with government funders to identify ways to make programs more responsive to local needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Solicit and consider voluntary sector views on better ways to meet new or existing needs through funding programs.</li> <li>• Provide voluntary sector organizations with access to useful planning tools, and routinely share information on departmental, agency and government-wide priorities and plans (for policies, programs and research), to facilitate long-term planning in voluntary sector organizations.</li> <li>• Be flexible in implementing new programs that conform to broad federal priorities and, where appropriate, tailor these programs to meet local needs.</li> </ul>

Principle	Voluntary Sector Commitments	Government of Canada Commitments
<b>Innovation</b>	<ul style="list-style-type: none"> <li>• Identify innovative funding practices to improve existing program delivery.</li> <li>• Engage with federal departments and agencies in dialogue about innovative funding approaches to address emerging community issues and needs.</li> <li>• Where appropriate, examine opportunities to share innovative approaches with other voluntary sector organizations and government funders.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify and deal with emerging issues that relate to funding policies and practices, and use new funding approaches to satisfy community needs.</li> <li>• Recognize the potential of voluntary sector organizations as a source for innovations that could be used to advance departmental or agency or program priorities.</li> <li>• Recognize the benefit of targeting a portion of new program funding for innovation at the design stage, incorporating appropriate risk assessment, risk management and accountability measures.</li> </ul>
<b>Diversity and Equitable Access</b>	<ul style="list-style-type: none"> <li>• Implement policies to ensure equality of opportunity, both in employment practices and service provision, and</li> <li>• Publicize government or other funding policies broadly and share that information across the diverse sector.</li> </ul>	<ul style="list-style-type: none"> <li>• Recognize the potential of diverse community organizations (e.g., faith, cultural) to contribute to program development and delivery of services, and demonstrate sensitivity to cultural differences, and</li> <li>• Make an effort to provide equitable access to funded programs for organizations that may face greater challenges in accessing federal funding (such as groups representing women or visible minorities) by: <ul style="list-style-type: none"> <li>• making information available on existing and new funding programs, including application procedures, in a variety of easily accessible formats,</li> <li>• writing application forms in plain language to increase clarity and reduce complexity, and</li> <li>• ensuring that eligibility criteria and funding practices do not create unintended barriers for smaller organizations with limited resources or without federal experience.</li> </ul> </li> </ul>

Principle	Voluntary Sector Commitments	Government of Canada Commitments
<b>Accountability</b>	<ul style="list-style-type: none"> <li>• Ensure sound financial management, including accounting procedures that are in accordance with generally accepted accounting principles.</li> <li>• Provide effective board governance and adhere to ethical fund-raising practices.</li> <li>• Ensure that sufficient monitoring, internal management and client and funder accountability systems are in place.</li> <li>• Ensure that organizations have the level of financial expertise needed to fulfil all their financial-management, recording and reporting obligations.</li> </ul>	<ul style="list-style-type: none"> <li>• Make application and accountability standards and procedures flexible enough to accommodate a variety of approaches and the limited capacity of smaller organizations, while still ensuring effective protection of, and proper accountability for, public money.</li> <li>• Take into account monitoring procedures already agreed to by a voluntary sector organization's other funders, as well as any quality assurance system introduced by the organization, when discussing the content, quality and format of federal information needs.</li> <li>• Agree on well-defined, measurable results and clear roles and responsibilities.</li> <li>• Encourage mutual respect for diversity and recognize that different community groups can meet the federal government's accountability requirements while managing their resources in different ways.</li> </ul>

Principle	Voluntary Sector Commitments	Government of Canada Commitments
<p><b>Transparency and Consistency</b></p>	<ul style="list-style-type: none"> <li>• Ensure openness and transparency of activities and financial records, including management and overhead costs, and volunteer involvement.</li> <li>• Provide essential financial information and notify the federal government of any changes, delays or irregularities related to funding, in a timely manner.</li> <li>• Co-operate with any external reviews of funding that may be required, including monitoring, evaluation and audit.</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a harmonized process across the Government of Canada to facilitate the joint funding of projects when several departments or agencies are working collaboratively on the same initiative or several initiatives with a common client.</li> <li>• Ensure a clear understanding and consistent application of the Treasury Board of Canada's funding policies across the federal government (e.g., transfer payments, contracting, risk management) and make them known to the voluntary sector organizations they work with.</li> <li>• Clearly state the objectives of funding programs and their eligibility criteria, and ensure that application forms are understandable and concise.</li> <li>• Use common elements in application and reporting forms across the federal government.</li> <li>• Ensure that all applicants receive precise information concerning the application process and the stages and timing of decision-making.</li> <li>• Establish realistic planning time frames, service standards for funding, and performance commitments that define which departments and agencies will provide full information in a timely manner.</li> <li>• Identify a point of contact for each funding program and include it in the application guide.</li> </ul>

Principle	Voluntary Sector Commitments	Government of Canada Commitments
<b>Efficiency and Effectiveness</b>	<ul style="list-style-type: none"> <li>• Ensure that systems are in place to monitor and evaluate activities against agreed-upon objectives.</li> <li>• Ensure the timeliness of responses to accountability requirements.</li> <li>• Plan program investments strategically.</li> <li>• Periodically, and in consultation with users, evaluate the use of public funds so that it can meet “value for money” criteria.</li> <li>• Work with government funders, where appropriate, to develop user-friendly forms and reporting requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure minimum duplication and maximum ease in application and reporting requirements by requiring only essential information and encouraging the development and use across the Government of Canada of generic, user-friendly forms and software, electronic application and reporting procedures, and one-time-only basic boilerplate data, to be updated as required.</li> <li>• Develop less complex and shorter agreements for lower cost, lower risk projects that will facilitate the application process.</li> <li>• Use a “risk-based” approach, based on modern financial management principles, that is appropriate to the organization’s level of funding, size and nature, to assess and monitor initiatives.</li> <li>• Recognize the cost to voluntary sector organizations of monitoring and evaluation by including support toward such costs when they are identified in the budget submitted for an eligible initiative.</li> </ul>

## Code of Good Practice on Policy Dialogue

A Code of Good Practice on Policy Dialogue was developed in 2002. It uses the following definitions:

- *Public Policy*: a set of inter-related decisions, taken by public authorities, concerning the selection of goals and the means of achieving them.
- *Public Policy Dialogue*: interaction between governments and non-governmental organizations (in this Code, the voluntary sector) at the various stages of the policy development process to encourage the exchange of knowledge and experience in order to have the best possible public policies.
- *Public Policy Development*: the complex and comprehensive process by which policy issues are identified, the public policy agenda is shaped, issues are researched, analyzed and assessed, policies are drafted and approved and, once implemented, their impact is assessed.

The “good practices” are grouped according to a number of principles:

### ***The Voluntary Sector's Value***

A healthy and active voluntary sector plays an important role in helping the federal government identify issues and achieve its public policy objectives. By its very nature and particularly because of its connection to communities, the voluntary sector brings a special perspective and considerable value to its activities, including those it undertakes with the Government of Canada.

### ***Mutual Respect***

Both sectors will listen to and consider the views of all participants and respect their legitimacy and input.

### ***Inclusiveness***

Both sectors will involve the broadest possible range of groups or individuals who may be affected by a policy or who can make a meaningful contribution to the debate. Increasingly, policy development must take account of the specific needs, interests and experiences of the diversity of the voluntary sector, including, for example, groups representing women, visible minorities, persons with disabilities, Aboriginal people, linguistic minorities, sexual orientation, remote, rural and northern communities and other hard-to-reach subsectors. Policies must also respect the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, the Employment Equity Act, the Official Languages Act, the Multiculturalism Act and the United Nations Universal Declaration of Human Rights, as well as Canada's obligations as a signatory of relevant international treaties and conventions, for example, on the rights of children, women and indigenous peoples. Policies must also respect all amendments, extensions or replacements to these laws and policies.

### ***Accessibility***

Both sectors will take the appropriate measures to ensure that all those invited to participate in a dialogue have access to the process. This will take account of factors such as language, region, distance, ethno-culture, religion, socio-economic background, age, knowledge and capabilities.

### ***Clarity***

Recognizing that a clear mutual understanding of the objectives, purpose and process of participation and feedback is vital, both sectors will establish the terms of the policy dialogue in advance and communicate them to participants.

### ***Transparency***

To build trust, both sectors will establish open lines of communication, provide information readily and invest in working relationships. Participants must clearly understand the context within which each decision will be made, including the scope of and limitations on dialogue.

### ***Responsibility***

Both sectors will participate in good faith and recognize that adequate resources and time are required for an effective process.

### ***Accountability***

Both sectors will provide feedback to their respective constituencies on the full range of views expressed, and clearly communicate how this input has been considered in the public policy process.

Both the voluntary sector and the Government of Canada are committed to upholding these principles in a number of ways, reported here in chart form for ease of reference.

<b>Voluntary Sector Commitments</b>	<b>Government of Canada Commitments</b>	<b>Shared Commitments</b>
<ul style="list-style-type: none"> <li>• Develop and strengthen knowledge and policy capacity in their areas of expertise.</li> <li>• Develop a better understanding of the Government of Canada's formal and informal policy development process.</li> <li>• Take specific steps to ensure that diverse groups within the sector are given an opportunity to consider issues and provide input.</li> <li>• Represent the views of their constituents and articulate those positions clearly.</li> <li>• Identify whose views are represented when intermediary bodies express opinions on behalf of parts of the sector on issues of major importance to its members, supporters and users.</li> <li>• Where appropriate and where possible, build consensus within the sector.</li> <li>• Perform an intermediary role on behalf of sector organizations by using a range of methods to extend the dialogue's reach; canvassing an organization's members, users or volunteers before presenting views, and by including a summary of the views of the groups consulted and methods of consultation used.</li> <li>• Identify and maintain contact with policy makers and actively seek opportunities to share policy ideas with them.</li> <li>• Pursue opportunities to identify and raise emerging issues with the Government of Canada.</li> </ul>	<ul style="list-style-type: none"> <li>• Develop ways for all departments and agencies to recognize and consider the impacts and implications for the voluntary sector and its organizations of new or modified legislation, regulations, policies and programs.</li> <li>• Develop ways to routinely listen to concerns and issues identified by voluntary sector organizations, and make these methods of dialogue known.</li> <li>• Find mechanisms to encourage dialogue with the voluntary sector in all its diversity.</li> <li>• Draw on the full range of methods to interact with the voluntary sector at the various stages of the public policy process, including written consultations, opinion surveys, focus groups, and Internet-based approaches.</li> <li>• To the fullest extent possible, make appropriate statistical and analytical information – such as survey data, research studies and policy papers – readily available in accessible and useable formats to enhance the voluntary sector's capacity for analyzing and developing informed policy positions.</li> <li>• Respect and seek out the expertise and input of the voluntary sector and include it in the analysis and design of policy initiatives.</li> </ul>	<ul style="list-style-type: none"> <li>• Engage in an open, inclusive and ongoing dialogue through the various stages of the public policy process.</li> <li>• Include issue identification, agenda-setting, policy design, implementation, monitoring and impact assessment.</li> <li>• Identify and allocate resources and time to policy activities.</li> <li>• Ensure appropriate and significant representation from across the voluntary sector.</li> <li>• Develop and strengthen knowledge and policy capacity to promote more effective dialogue during the policy process and deepen understanding of their respective issues and processes.</li> <li>• Be aware of the policy implications of their experiences and activities, and inform one another of important conclusions.</li> <li>• Ensure that assessment takes into account the differing regional impacts of policies.</li> </ul>

Voluntary Sector Commitments	Government of Canada Commitments	Shared Commitments
	<ul style="list-style-type: none"> <li>• Make every effort to plan and co-ordinate policy dialogue with the voluntary sector on related topics, avoiding overlapping requests for participation in the same time period.</li> <li>• Ensure that policy initiatives capture the fullest spectrum of views and give due consideration to all input received, paying particular attention to those likely to be most affected by policy proposals.</li> <li>• Include opportunities for the voluntary sector to discuss the rationale for and implications of decisions, thereby building understanding and trust.</li> <li>• Use appropriate means to make available information about the results of dialogue and consultations (e.g., final reports and approved policies) to those engaged in the policy process, so that they know how their input was used, including how it might have influenced federal government proposals or decisions.</li> </ul>	