

An Act to Combat Poverty and Social Exclusion (R.S.Q., chapter L-7)

Highlights of the Act and Its Application

June 2009

Today, the links between poverty and health are well-established (Phipps, 2003) and the resulting inequalities in health have proven to be persistent (Whitehead & Dahlgren, 2007). Indeed, the population groups with the worst health status are materially underprivileged and socially excluded (De Koninck et al., 2008), leading many analysts to single out poverty as one of the primary determinants of health.

In 2002, the Government of Québec adopted *An Act to Combat Poverty and Social Exclusion* (R.S.Q., c. L-7). This legislation is the first of its kind in North America.

This series of background papers presents the history that preceded this legislation, and highlights key elements of its application. This paper addresses the following questions:

- How is *An Act to Combat Poverty and Social Exclusion* formulated and applied?
- What impact has this legislation had on poverty and social exclusion in Québec?

Introduction

An Act to Combat Poverty and Social Exclusion was passed unanimously on December 13, 2002 in Québec's National Assembly (the provincial legislature). It marked the beginning of a *National Strategy to Combat Poverty and Social Exclusion*, in the aim that Québec would progressively join the ranks of industrialized States with the lowest poverty rates, by 2013 (*Ministère de l'Emploi et de la Solidarité sociale* [MESS], 2002).

The first legislation of its kind in North America, this law is innovative because it makes the reduction of poverty and social exclusion an explicit government priority (Noël, 2002, p.101).

The origins of the Act are particularly striking, in that it is the direct result of broad-based, grassroots mobilization by community organizations involved in the *Collectif pour un*

Québec sans pauvreté (Collective for a Poverty Free Québec) (formerly the *Collectif pour une loi sur l'élimination de la pauvreté* – Collective for a Law on the Elimination of Poverty), which carried out a widespread process of public consultation and deliberation (Noël, 2002, p.101).

The Act is enabling legislation, meaning that it is a legislative text that sets out general principles and gives the Government the authority to decide how these principles will be applied (Ninacs, Béliveau & Gareau, p.10). As such, it provides the Government with guidelines for implementing the measures required to reach its objectives with regard to poverty and social exclusion (MSSS, 2008).

Formulation of *An Act to Combat Poverty and Social Exclusion*

In its Preamble, the Act refers to Québec's *Charter of Human Rights and Freedoms*. Also mentioned are:

- The imperative to enhance the social, cultural and economic development of all human beings;
- The harmful effects of poverty and social exclusion on social and economic development;
- The fact that people living in poverty are the first to act to improve their situation;
- The desire of Québec society as a whole to act in a concerted manner and to pursue a course of action to combat poverty and social exclusion (*An Act to Combat Poverty and Social Exclusion*, 2002).

The Act comprises 70 sections, divided into 8 chapters. Highlights of the Act are outlined below.

- **Object:** "The object of this Act is to guide the Government and Québec society as a whole towards a process of planning and



implementing actions to combat poverty, prevent its causes, reduce its effects on individuals and families, counter social exclusion and strive towards a poverty-free Québec” (*An Act to Combat Poverty and Social Exclusion*, 2002, Section 1).

- **Definition of poverty:** “... the condition of a human being who is deprived of the resources, means, choices and power necessary to acquire and maintain economic self-sufficiency or to facilitate integration and participation in society” (*An Act to Combat Poverty and Social Exclusion*, 2002, Section 2). This definition is innovative in that it goes beyond the economic aspects of poverty to include its social dimensions (W. Ninacs, personal communication, January 29, 2009).
- **Five axes** for action are laid out in section 7:
 1. Preventing poverty and social exclusion, with a focus on developing the potential of individuals;
 2. Strengthening the social and economic safety net;
 3. Promoting access to employment and increasing the attractiveness of work;
 4. Promoting the involvement of society as a whole;
 5. Ensuring consistent and coherent intervention at all levels (*An Act to Combat Poverty and Social Exclusion*, 2002, Section 7).
- **Power to take initiative.** The Act empowers the *Ministère de l'Emploi et de la Solidarité sociale* (MESS) to take initiative and play an advisory role to the Government on issues concerning the fight against poverty and social exclusion (*An Act to Combat Poverty and Social Exclusion*, 2002, Section 19).
- **Impact clause.** Section 20 of the Act calls for action from any minister who estimates that its legislative or regulatory proposals could have direct and significant impacts on the incomes of persons or families who, according to the indicators retained under the Act, are living in poverty. These ministers are required to give an account of any foreseeable impacts when presenting proposals to the Government.

The Act stipulates that the Government must:

- Submit an **action plan** that sets goals that must be reached, within sixty days of the Act coming into effect (sections 13–21).
- Create a **Comité consultatif de lutte contre la pauvreté et l'exclusion sociale** (Advisory committee on the prevention of poverty and social exclusion) to advise the Minister on actions to be taken within the scope of the national strategy to combat poverty and social exclusion (sections 22–34).
- Establish an **Observatoire de la pauvreté et l'exclusion sociale** (Observatory on poverty and social exclusion) to gather, compile, integrate, analyze and disseminate information on poverty and social exclusion (sections 35–45).
- Establish the **Fonds québécois d'initiatives sociales**, a fund for social initiatives dedicated to the financing of initiatives to combat poverty and social exclusion (sections 45–57).
- Lastly, the Act sets out standards for reporting and accountability (sections 58–63).

Application of An Act to Combat Poverty and Social Exclusion

ACTION PLAN

On April 2, 2004, the Government unveiled the definitive version of the action plan entitled *Reconciling Freedom and Social Justice: Government Action Plan to Combat Poverty and Social Exclusion* (*Ministère de l'Emploi, de la Solidarité sociale et de la Famille* [MESSF], 2004). This plan was solidly anchored in measures announced a few days earlier in the 2004-2005 provincial budget, which allocated 2.5 billion dollars over five years (2004-2009) to carry out the provisions of the Act (Collin, 2007). The Action Plan is comprised of four axes and 47 measures. The four axes as well as various measures are listed below.

Axis 1: Improve the lives of people living in poverty

- Enhance unemployment insurance to meet commitments under the Act
- Improve the situation of low-income workers by promoting work
- Facilitate employment searching by increased support

- Create a particular support system for those with significant employment limitations
- Improve access to decent, affordable housing
- Ensure access to sufficient quantities of good quality foods
- Provide access to medication through a prescription drug policy

Axis 2: Prevent poverty and social exclusion by promoting people's potential

- Support children and their families to ensure equal opportunity
- Contribute to the success and integration of young people
- Develop an integrated continuum of services for young people
- Fight the social exclusion of seniors

Axis 3: Involve society as a whole

- Develop tools for solidarity with underprivileged communities
- Support local and regional initiatives
- Support the collective fight against poverty and social exclusion

Axis 4: Ensure consistent, coherent action

- Develop tools to coordinate efforts, involve citizens and measure progress
- Step up discussions and work in collaboration with the federal government
- Adapt action to the needs of Aboriginal nations (MESSF, 2004)

COMITÉ CONSULTATIF DE LUTTE CONTRE LA PAUVRETÉ ET L'EXCLUSION SOCIALE (CCLP)

The work of the advisory committee began in March of 2006. The 17 members appointed by the Government are representatives of organizations involved in the fight against poverty and social exclusion, people living in poverty, employers' groups, unions, municipal and community groups, and other sectors of civil society (CCLP, 2007a). The mandate of this committee is to advise the Government on its actions implemented under the Act, as well as to monitor government policies that have an impact on poverty and social exclusion (CCLP, 2007b).

OBSERVATOIRE DE LA PAUVRETÉ ET L'EXCLUSION SOCIALE

This observatory was replaced by the *Centre d'études sur la pauvreté et l'exclusion sociale* (Centre for studies on poverty and social exclusion).

CENTRE D'ÉTUDES SUR LA PAUVRETÉ ET L'EXCLUSION SOCIALE (CEPE)

Implemented in the spring of 2005, the CEPE is linked to the *Ministère de l'Emploi et de la Solidarité sociale* (MESS). This Centre is coordinated in collaboration with an executive committee, which is comprised of people from academic, government and research sectors, as well as of people who work with those living in situations of poverty. The CEPE's mandate is to collect, analyse and diffuse information, particularly statistical data, pertaining to poverty, social exclusion and social inequalities (CEPE, 2007). Using indicators chosen by the MESS, the CEPE surveys the social and economic situation of people living in poverty in the aim of measuring change, following the application of *An Act to Combat Poverty and Social Exclusion*.

FONDS QUÉBÉCOIS D'INITIATIVES SOCIALES

This fund was instituted in 2002 to support various local and regional strategies to combat poverty and social exclusion. Currently, the Fund contributes to programmes in various municipalities that target priority intervention zones. It also contributes to food security programs including the Québec Breakfast Club, as well as to work-integration programs for people who are isolated from the job market (MESS, 2007a).

Impact of the Act

It is still too early to judge the effects of *An Act to Combat Poverty and Social Exclusion* (Noël, 2008). Generally speaking, this Act has been welcomed favourably and considered to be a political innovation (Noël, 2004, p.511). That being said, its interpretation and application have been closely monitored by various groups, who criticize the "piecemeal" rather than broad approach taken by the government, as well as the government's inaction on many fronts, in the years following the adoption of the action plan (W. Ninacs, personal communication, January 29, 2009). Community groups fear "the transformation of the battle against poverty into a battle against the poor, a return to square one with

regards to the prejudices from which the law had begun to dissociate itself" (Ninacs et al., 2003, p.15).

The *Individual and Family Assistance Act* constitutes one of the main criticisms levelled by the Collective for a Poverty-Free Québec and by other anti-poverty groups and organizations. Adopted in July 2005, this Act was presented as part of *An Act to Combat Poverty and Social Exclusion*. However, it was condemned for twisting the spirit of the anti-poverty legislation through its stigmatization of the concept of aid in Québec's public assistance system (*Collectif pour un Québec sans pauvreté*, 2004; Ulysse, 2007, p.56).

The Collective also considers that, despite *An Act to Combat Poverty and Social Exclusion*, the Government of Québec has "abandoned" people living alone (Collectif ..., 2008). Statistics Canada data from 2005 (cited in CEPE, 2008) does, in fact, indicate that people living alone, as well as single-parent families, are more at risk of low income than couples or two-parent families (CEPE, 2008). Indeed, in 2005 the low-income rate was 35% for people living alone, compared to 7% for economic families¹ (CEPE, 2008). People living alone do not benefit from the same premium incentives to work as adults within families or as handicapped people, among other benefits (Roy, Fréchet & Savard, 2008). The situation of single-parent families has improved, but remains far more fragile (poverty rate of 20%) than for other types of economic families (Roy et al., 2008). Furthermore, low-income families live, on average, 30% below the poverty line.

In its own assessment of the Act and its *Government Action Plan to Combat Poverty and Social Exclusion*, the Government of Québec has highlighted the positive impact of the measures that have been taken. Combined with other factors, such as economic growth, the Government believes that these measures have contributed to an overall alleviation of poverty in Québec, and have "helped improve Quebecers' living conditions, particularly those of families" (MESS, 2007b, p.2). Indeed, various authors maintain that the economic situation of families living in poverty is better in Québec than

¹ According to Statistics Canada: "Economic family refers to a group of two or more persons who live in the same dwelling and are related to each other by blood, marriage, common-law or adoption. A couple may be of opposite or same sex. Foster children are included." http://www.statcan.gc.ca/concepts/definitions/economic_family-familles_economiques-eng.htm.

elsewhere in Canada, with the exception of Newfoundland and Labrador (where there is also a governmental anti-poverty strategy) (Noël, 2008; Fortin, 2008).

The *Ministère de l'Emploi et de la Solidarité sociale* highlights measures and achievements with regards to the Act:

- Four raises in minimum wage since the Action Plan was first implemented, starting at \$7.30 in 2004 and reaching \$9.50 by 2010;
- Increases to the amounts promised in April 2004 for social housing, in order to provide 20,000 new low-cost or affordable housing units by 2009;
- Free medication for over one million people in vulnerable financial situations, under the government's new medication policy;
- Greater participation in job-entry measures: since March 2003, participation has grown by 10% among people from cultural communities and visible minorities, by 20% among people aged 50 or over, and by over 12% among people with handicaps (MESS, 2007b).

Conclusion

An Act to Combat Poverty and Social Exclusion has placed Québec at the forefront of the fight against poverty in Canada (Roy et al., 2008). However, despite the innovative nature of this legislation, 11.5% of the population of Québec - 875 000 people - still live below the poverty line (Fortin, 2008). Consequently, efforts to eliminate poverty are ongoing. The work ahead will include documenting the implementation of the Act and assessing its impacts. Since poverty is a significant determinant of health, we can expect that the public health community will take an active role in these undertakings.

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Web sites

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June 2009

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ACKNOWLEDGMENTS

The NCCHPP gratefully acknowledges the helpful comments of Alain Noël, William Ninacs and Catherine Ford.

The National Collaborating Centre for Healthy Public Policy (NCCHPP) seeks to increase the expertise of public health actors across Canada in healthy public policy through the development, sharing and use of knowledge. The NCCHPP is one of six Centres financed by the Public Health Agency of Canada. The six Centres form a network across Canada, each hosted by a different institution and each focusing on a specific topic linked to public health. In addition to the Centres' individual contributions, the network of Collaborating Centres provides focal points for the exchange and common production of knowledge relating to these topics. The National Collaborating Centre for Healthy Public Policy is hosted by the Institut national de santé publique du Québec (INSPQ), a leading centre in public health in Canada.

Production of this document has been made possible through a financial contribution from the Public Health Agency of Canada through funding for the National Collaborating Centre for Healthy Public Policy (NCCHPP). The views expressed herein do not necessarily represent the views of the Public Health Agency of Canada.

Publication N°: 1185

This document is available in its entirety in electronic format (PDF) on the Institut national de santé publique du Québec website at: <http://www.inspq.qc.ca> and on the National Collaborating Centre for Healthy Public Policy website at: www.ncchpp.ca.

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LEGAL DEPOSIT – 1st QUARTER 2011
BIBLIOTHÈQUE ET ARCHIVES NATIONALES DU QUÉBEC
LIBRARY AND ARCHIVES CANADA
ISBN: 978-2-550-60706-9 (FRENCH PRINTED VERSION)
ISBN: 978-2-550-60707-6 (FRENCH PDF)
ISBN: 978-2-550-60708-3 (PRINTED VERSION)
ISBN: 978-2-550-60709-0 (PDF)

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