



**SOCIAL JUSTICE TRIBUNAL OF ONTARIO (SJTO)**  
**New Common Rules of Procedure and Practice Directions Consultation**

**K-W Poverty Free Action Group**  
**Submission**  
June 14, 2013

**Purpose:** The Social Justice Tribunal of Ontario (SJTO) has invited community input on the new common rules of procedure and practice directions for the SJTO. This submission is provided by the Kitchener-Waterloo Poverty Free Action Group and focuses on the accessibility of the consultation process itself.

*The Kitchener-Waterloo Poverty Free Action Group includes individuals with lived experience and representatives from community organizations and poverty reduction advocacy groups in Kitchener-Waterloo and area. The Poverty Free Kitchener-Waterloo Action Group has mobilized voices as a part of the Poverty Free Ontario, mostly recently in consultations during the Ontario Social Assistance Review. Through this work, the criteria was developed for measuring successful outcomes of social assistance reform that are meaningful to the local Kitchener-Waterloo community<sup>i</sup>. This set of criteria has proven to be a useful tool to analyse and review a range of reports, plans and policies to assess how well these might support of our most vulnerable community members. The following summarizes the results of applying this framework to the consultation process itself.*

**Process**

Members of the KW Poverty Free Action Group have met to discuss the recent announcement made by the Social Justice Tribunal of Ontario inviting input on the proposed changes to the Common Rules of Procedure that govern the SJTO cluster. Key questions are whether the consultation process and time frame provided a meaningful opportunity for public feedback on these important issues: the rules governing the legal process and representation before the STJO. The group wanted to support less advantaged community members in giving input and influencing the rules that guide the appeal processes for Ontario's most basic support programs.

We have applied the Local Criteria for Successful Social Assistance Outcomes Framework to assess the accessibility of the consultation process for members of the public. We wish to comment on the manner in which the review process has taken place with specific reference to the adherence of the SJTO to the *Guiding Principles of Clustering*<sup>ii</sup> in carrying out the consultation process.

We support the SJTO in opening the consultation process to the public. The input provided by the people that have been before the tribunal or people that are the likely participants in an appeal process would ensure the design of a process that is more accessible, understandable and respectful. This increased focus on inclusivity would aid in the effectiveness of the tribunal process and further promote the core values of *Professionalism and Public Service*<sup>ii</sup>.

The following conveys the discussions held by the KW Poverty Free Action Group and reflects areas where our criteria relate closely to the values of the SJTO.

**Criteria: There are accessible and meaningful ways to participate in the planning, decision making and assessment process**

The broader community, specifically individuals who would find themselves before the tribunal, need the SJTO to follow its commitment to *Professionalism and Public Service*<sup>ii</sup> as outlined within the *Our Value*<sup>ii</sup> section under *Guiding Principles of Clustering*<sup>ii</sup>. Specifically, the commitment to being “responsive to stakeholder needs by engaging in meaningful outreach and consultation” is not emphasized in the current consultation. Group members found that by not making an effort to get the feedback from service recipients in a direct way, the SJTO was not respectful of their needs and concerns.

The SJTO’s commitment to receiving stakeholder feedback would have been enhanced if there was more inclusive community engagement during the consultation process and if materials were provided that were more accessible to lay people. Materials written in less technical language would encourage a wider range of respondents to review, discuss and submit feedback on the proposed amendments.

The limited promotion of the SJTO’s consultation suggests that input was expected only from the legal community. Only provincially based legal networks were aware that the consultation was taking place. The limited time frame for the consultation made it even more difficult to give meaningful input. For example, with more time and support, local service providers and advocacy groups could have taken steps to facilitate the inclusion of voices, concerns or needs of the broader community.

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The conclusion of the Poverty Free K-W Action Group is that the SJTO consultation process and accompanying information did not speak to the broader community. Of greater concern is that the consultation process neglected those who may require assistance in having their voices heard, namely those who are likely to find themselves needing to use the tribunal process

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<sup>i</sup> Social Planning Council of Kitchener-Waterloo, *Local Criteria for Successful Social Assistance Outcomes Framework* [http://www.waterlooregion.org/sites/default/files/Resolutionfor2013\\_Report.pdf](http://www.waterlooregion.org/sites/default/files/Resolutionfor2013_Report.pdf)

<sup>ii</sup> Social Justice Tribunals Ontario. *Policies, Mission, Mandate, and Values*. Retrieved on June 11, 2013, from: <http://www.sjto.gov.on.ca/english/Resources/Policies/index.htm>