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Panel: The dynamic world of nonprofit organizations' advocacy work

Extended abstract - Differing Perspectives, Uneven Opportunities: Social Policy and Advocacy in Canada's Nonprofit Sector

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This paper reviews existing policies of Canada's nonprofit sector with a focus on advocacy and associated functions such as political activities. Based on a national qualitative study the perspectives of governmental and social justice NPO representatives are reviewed highlighting views rooted in historical jurisprudence (Elizabethan Laws 1601), with some indication of anachronism at play. Despite a fairly comprehensive dialogical review of the sector between representatives of the federal government and of the nonprofit sector, advocacy was generally kept off the Voluntary Sector Initiative (VSI) agenda by the government. The reasons for not addressing advocacy are interrogated, the rationale for maintaining the status quo is excavated and the implications for Canada's nonprofit sector is examined, regarding key stakeholders. Subtle systemic limitations imposed upon Canada's nonprofit sector are exposed in the findings, with NPOs self guarded based on fear and protectiveness of their status. Macro implications of a system that restrictively regulates advocacy are critically analyzed regarding Canada's democratization process. The results of this study reveal that despite Canada's reputation for being a progressive welfare state (much of it eroded in the last couple decades), the antiquated policies that regulate advocacy activities can have a detrimental effect not only on its nonprofit sector but Canadian society in general.

The legitimacy of advocacy activities is at the core of the relationship between charity and social justice in this study. Legally, the extent of advocacy activity by charities has been historically and legislatively restricted based on the 'doctrine of political purposes.' What is being argued is that if charities are to effectively address their respective mandates they must get at the root "causes of the causes" that is at the core of their ultimate purpose, and this requires the ability to advocate for social reforms. Advocacy restrictions placed on charities, often reduces their work to service provision, in effect restricting their ability to undertake the social changes required to adequately address the very issues the charity has been created for. Argued here is that restricting nonpartisan advocacy is antithetical to a charity's capacity to fully carry out its mission.

Legally, the 'doctrine of political purposes' has enormous influence on this issue, based on the principle that advocacy activities by charities are incongruous. Doctrine arguments are steeped in tradition and legal authority, pointing out the incapacity of the judiciary to rule on public benefit as derived from political purposes, and ascribing a differentiation between charity and politics. Charities are thus conceptualized as needing, for the most part, to separate themselves from political matters, which are seen as controversial, as though charities and their good works are

incompatible with controversy. What is being posited is a concept of charity that allows for nonpartisan political activity inclusive of advocacy which is in keeping with a charity's purposes. This argument is principled on the premise of the importance and relevance of their work that charities have a valuable voice to contribute to society through the democratic process. Placing advocacy restrictions on charities, regardless of their mission or their location on the political spectrum, limits their freedom of speech and expression, curtailing their ability within the democratic process to reform law or engage in influencing social change.

In the past eight years (C)CRA have produced three policies that attempt to address the issue of advocacy in the voluntary sector. These policy statements are: *Political Activities* (CCRA 2003), *Registering Charities that Promote Racial Equality* (CCRA 2003) and *Upholding Human Rights and Charitable Registration* (CRA 2010). Although from the outset they represent progress in recognizing the progressive work of charities in trying to effect change sometimes via advocacy, an in-depth analysis reveals an incremental approach that continues to fall short of that available in the UK and US, both in iteration and leeway in participating in the democratic process. In other words, these policies improve circumstances for charities, but only minimally.

In essence, the values of social justice conflict with current CRA policies. Social justice, values fairness, equality, equity, dignity, and diversity, and as such, is not always aligned with the parameters of legal justice. The pursuit of social justice (i.e., human rights) can indeed be controversial, but part of the role of civil society in a democracy is to identify, raise, and educate about such issues and to publically grapple with them as a charitable purpose towards ultimately benefitting society. Canada's parliamentary democracy neither facilitates nor encourages political activism, particularly when compared to the U.S. republican democracy. The structural apparatus underpinning Canada's voluntary sector, effectively restricts the extent to which charities may undertake advocacy activities. By extension, nonprofits are also restricted as they cannot issue tax receipts for donations, negatively impacting their ability to fundraise.

Efforts to change laws and/or government policies and influence public behaviour and community opinion, on the part of all of its actors, is highly controlled and restricted due to how charities are regulated. Such an environment of restriction contains registered charities and the people they serve under systemic oppression. The current political environment will not be of assistance to the broader voluntary sector as it will require political will at the federal level to address the changes required to better acknowledge the importance of advocacy in the work of the sector. Although the Panel on Accountability and Governance in the Voluntary Sector (1999), brought this issue to the government's attention and subsequently (C)CRA policies were updated to reflect broader policy changes, no federal party to date has taken up the explicit issue of advocacy and its limitations in the voluntary sector.

For changes to happen, this will require a collective voice of voluntary sector charities and nonprofits that are most directly affected. Although a collaborative effort on the part of the major sectors (public, private, and nonprofit) could ideally encourage a concerted change, this scenario is highly unlikely as differing interests and losses expected to be felt by some in levelling the field could hamper the process. A movement needs to develop in which the most affected organizations (recognizing not all are) will need to organize and inform themselves, then strategize on how and where to call for a reconceptualization of charities and nonprofits. Such a movement would need to see the value and importance of advocacy as an integral and indispensable part of their work for social justice within Canada's democratic system.