RESPONSE TO THE MINISTRY OF THE SOLICITOR GENERAL DISCUSSION PAPER ON THE VOLUNTARY PROVISION OF SERVICES

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EXECUTIVE SUMMARY

The Ministry of the Solicitor General Discussion Paper proposes to increase the role of the voluntary sector in service provision and as such is intended to privatize services provided by the Solicitor General's Department. Therefore, privatization should be the focus of discussion.

The human services in Canada have operated as a mix of government, nonprofit and for-profit organizations, so privatization in itself is not the concern but the shift in the relationship between these three sectors is of concern. Government services developed out of the inability of the marketplace to fulfill all of society's needs but the balance is being upset by the drive to turn government services over to the for-profit and non-profit sectors without regard to the differences between these three sectors. The move towards privatization can be seen in the shifting of responsibility to the voluntary sector which includes for-profit operators and strategies such as redefining public goods as private goods, fee for service contracts and decreasing the government's role in funding.

The argument for privatization of the human services is an ideological position with little evidence to support it. An emphasis on profit can lead to lower quality of service. The private sector has no incentive to service those most in need so "skimming" or "creaming" is a problem. Competition of an increased number of independent service deliverers results in fragmentation of services. It is not simply an issue of private versus public delivery of services since the public subsidizes private services directly and indirectly. This is a public expenditure regardless of whether the service is public or private if the ultimate cost is paid by the taxpayer. The fundamental issue regarding privatization is not performance and cost but the legitimacy of government and the role of social welfare. Certain services must be provided and funded by government to promote justice and to ensure an equitable distribution of resources. Social policy priorities set by organizations motivated by profit may not be in the public interest as regional policies could discriminate against minorities and result in service gaps. Services that serve the public good may not be appropriate to privatize. What is needed is a discussion of what services are of social concern in order to establish which services must be kept in the public sector and which services can be privatized.

Voluntarism serves as a smokescreen for government to transfer its responsibility to the private sector. It is also used as a cost cutting measure through staff cuts, the elimination of some services and the substituting of voluntary nonprofit and for-profit services for government programs. But the government's responsibility to meet social needs is not diminished by involving the voluntary sector.

There are three general concerns with this Discussion Paper. The first is that the privatization issue is not addressed. There is an initial assumption made that privatization is a good thing without evidence to support this. Secondly, the implications of the Free Trade Agreement are not considered. Thirdly, no information processing mechanism is specified. Concerns with the content of this Discussion Paper include funding criteria, fee-for-service contracts, project selection criteria, accountability as only fiscal accountability and information sharing. The Edmonton Social Planning Council is a private non-profit agency not involved in the provision of services falling within the responsibility of the Ministry of the Solicitor General. As an independent observer, the Edmonton Social Planning Council welcomes the opportunity to contribute an outside perspective to this discussion. This proposal by the Ministry of the Solicitor General to increase the role of the voluntary sector as service providers is a move to privatize services provided by the Solicitor General's Department. Therefore, the focus of this discussion must be on privatization. This report will also address some specific concerns regarding the content of the discussion paper.

2. The Public and Private Sector Relationship

Human services in Canada have been provided through a mixture of government, non-profit and for-profit organizations. It is not privatization itself that is significant but a dramatic shift in the relationship between government, non-profit and for-profit operations towards commercialization that is cause for concern. A relationship exists between the public and private sectors, the balance of which will be upset by the movement towards privatization. Government provision of services developed because the marketplace and the family could not provide for significant proportions of the population. The Depression of the 1930s made this obvious. Now, there is the belief that most of the services delivered by government should be turned over to for-profit and non-profit operators. Privatization is a policy intended to decrease the involvement of government in the delivery, regulating and funding of human services by shifting the responsibility to families, community agencies, volunteers and private enterprise (Faid et al, 1986, p. 1). The privatization debate has put all non-governmental agencies into one category ignoring important differences between them (Citizens for Public Justice, 1986, p.3).

3. Privatization Strategies

Privatization as a concept includes strategies for transferring responsibility for human services from the public sector to voluntary agencies, for-profit organizations, churches and private individuals. Strategies of privatization include redefining public goods as private goods, introducing competition, replacing universal programs with selective ones, user fees for service, decreasing the government's role in funding and regulating human services and encouraging the commercialization of the human services (Freila, 1984, p. 2). The intent of the Ministry of the Solicitor General towards privatizing its services can be seen in the shifting of responsibility to the voluntary sector and strategies contained in this discussion paper such as redefining public goods as private goods, fees for service contracts and decreasing the government's role in funding.

4. <u>The Privatization Argument</u>

4.1 Lack of Evidence that Private Sector is More Productive and Efficient

Those advocating privatization believe government services are nonproductive and inefficient. But, spending on government programs is an investment in people which is a prerequisite for economic growth. The Welfare State was created to ensure a stable and healthy labour supply, thus it is the basis of a healthy economy (Faid et al, 1986, p.2). Social spending is considered a drain on the economy but social spending is the highest in some of the most productive European countries such as West Germany, Belgium and the Netherlands (Social Planning Council of Metro Toronto, 1984, 1984, p. 8). For-profit organizations are seen as having a profit incentive to perform efficiently and effectively for the least costs by advocates of privatization (Freila, 1984, p. 2). It has not been proven that privately owned services are more cost effective than public services of a similar kind so this is a matter of ideological belief (Walker, p. 19). Little evidence has been produced to prove private services are less costly than public services with the exception of garbage collection (Social Planning Council of Metro Toronto, 1984, p. 8). Since administrative health care costs have risen much higher in the U.S. than in Canada, private delivery of services may be more expensive than public delivery (Social Planning Council of Metro Toronto 1984, p. 8).

4.2 Profit Focus Leads to Lower Service Quality

There is a contradiction between human service delivery and the profit motive which can lead to lower quality of service. Effects on equity can be seen in the United States where the presence of for-profit hospital corporations have resulted in a two tiered system of health care with access restricted to those unable to pay (Freila, 1984, p. 2). If profit is an organization's goal, there is no inherent loyalty to a client, a community or a service. Unprofitable client groups or services will be dropped for profitable ones. The profit motive is also incompatible with government regulation as can be seen by the private sector's attempts to cut down government licensing and regulation in Day Care and the Nursing Home fields (Social Planning Council of Metro Toronto, 1984, p. 20). Without regulations, accountability to the public could be a problem with the private sector delivering services.

4.3 Private Sector Has No Incentive to Serve Those Most in Need

There may not be incentive for private agencies to provide services to those most in need. Services presently funded by government may not be continued by private agencies. A problem related to gaps in service is "skimming" or "creaming" in which agencies expend time and resources only on clients with whom a high rate of success is expected or that require less expensive services. The profit motive is an incentive for agencies to concentrate on clients with easier problems to deal with and who take up less agency time and resources (Reamer, 1983, p. 455).

4.4 Fragmentation of Services

Privatization increases fragmentation of services by increasing the number of independent service deliverers so the co-ordination of services is more difficult and there is less accountability to clients (Alberta Association of Social Workers, 1986, p. 7). Furthermore, the decision making process for contracting out services fosters competition rather than co-operation between agencies interested in meeting a need (Citizens for Public Justice, 1986, p. 2).

4.5 Private Sector Subsidized by the Public

The issue of privatization also includes public subsidy of private alternatives and indirect public subsidies that influence the market in ways that go unnoticed. Some examples are a for-profit enterprise of which the government is sole customer, a non-profit voluntary agency whose greatest percentage of funding comes from the government, a for-profit home health care service whose services are paid through third party payments by medicare and a babysitter whose rates are partially repaid to parents through the child tax credit. In many instances the ultimate cost of public or private services are paid by taxpayers so are public expenditures (Kamerman, 1983, p. 9).

4.6 A Bureaucratic Private Sector

For-profit organizations are also seen as flexible and innovative because of their need to take risks while government is considered to be bureaucratic and inflexible (Freila, 1984, p. 12). Blaus defined a bureaucracy as an organization designed to carry out administrative tasks on a large scale through a system that co-ordinates the work of many individuals. This definition includes as bureaucracies both public and private organizations of various sizes. Rigidity and inflexibility are not only problems of government bureaucracies but of corporate bureaucracies as well (Faid et al, 1986, p. 2). Depending on such factors as organizational structure, formal and informal communication systems and leadership styles, the rigidity of organizations whether public or private varies.

4.7 The Fundamental Issue is the Role of Government, Not Economics

The debate is not only about economics but also includes the nature of human needs and how to respond to them. Also included is the role of government, the community, the family and the individual (Hinton et al, p. 1). One of the most fundamental issues regarding privatization is not the performance and cost of government but is the government's legitimacy, and role in social welfare (Social Planning Council of Metro Toronto, 1984, p. 10).

Those who advocate privatization hold a residual view of government in which the government is limited to protecting citizens from the worst market abuses and providing a safety net for those who can't compete in the marketplace. This view disregards the right of all citizens to a decent standard of living. Human services are justified in fulfilling the right of citizens on the basis of the extent to which they meet human needs and contribute to a society that is just for all citizens (Social Planning Council of Metro Toronto, 1984, p. 11). The role of government is to ensure social justice and equity are maintained (Hinton et al, p. 1). In order for equity to exist different geographical areas and groups in society must be allocated a fair distribution of resources (Hunter et al, p. 1).

4.8 Discriminatory Regional Policies as a Result of Private Social Policy

If private financing and service delivery replaces public funding the determination of social policy priorities will be made by organizations who are chiefly interested in profit (Freila, 1984, p. 3). The self-interest seeking of non-governmental organizations may oppose the public interest as the profit motive is pursued. There is the argument that local control is more democratic than central control, but local communities may impose on the rights of certain groups in society because the community disagrees with the existence of these rights (Reamer, 1983, p. 456). Privatization can lead to regional policies discriminatory to minorities and that result in service gaps (Reamer, 1983, p. 457).

4.9 Government as the Promoter of Justice

The government is the promoter of the public interest with the specific task of ensuring justice is carried out. Government responsibility is not defined by size or the services it does or does not provide (Citizen's for Public Justice, 1986, p. 3). Justice is a public responsibility not a private responsibility because a decision must be divorced from the self-interest of the decision maker in order to be a just decision. Services that serve the public good such as the police, correctional services and parole board services may not be appropriate to privatize as this would be against public interest. For instance, in privatizing the correctional system an important issue is whether any institution other than the state may deprive citizens of their liberty (Social Planning Council of Metro Toronto, 1984, p. 74). There is need for a discussion of what services are of a social concern and which are not in order to establish what services can be made subject to private interests and which services must be kept for the public good (Beesley et al, 1983, p. 8).

5. <u>Voluntarism</u>

5.1 Voluntarism as a Smokescreen

The emphasis on voluntarism is an attempt by government to transfer responsibility for social services behind the ideology of preserving individual initiative and family and community responsibility. It is a means to cut social spending through breaking public sector unions and substituting voluntary non-profit and for-profit services for government programs (Struthers, 1985, p. 12). Since human services are labour intensive, cuts will be made at the expense of staff salaries and training so the quality of service will deteriorate (Faid, 1985, p. 10). Tensions may arise between professionals employed by voluntary agencies and volunteers. If government reduces funding, voluntary agencies will have to rely on a limited share of the charitable dollar and be faced with the elimination of some services (Faid, 1985, p. 11). Voluntarism cannot adequately replace government provision of services because it can't match the coverage, equity and entitlement provided by government services (Faid, 1985, p. 10).

5.2 Voluntary Service Does Not Eliminate Government Responsibility

The government's responsibility for social need is not reduced by involving the voluntary sector. In all likelihood volunteers will be burdened with responsibility for dealing with pervasive economic problems and structural social needs and the government's and society's responsibility for dealing with these will be ignored (Langdon, 1981, p. 11). There is need to distinguish between agencies suited to the use of volunteers in service delivery (Faid, 1986, p. 11). Volunteers usually are active for a limited time

period that may be shorter than a program or advocacy attempt on behalf of a client.

6. General Concerns with Discussion Paper

6.1 Privatization Issue Not Addressed

This discussion paper is proposing the privatization of services provided by the Ministry of the Solicitor General without first considering whether or not it is appropriate to privatize these services. There is the initial assumption made that privatization is a good thing without evidence to support it. Only when one gets to page fifteen of the discussion paper is the question of debating the privatization of services related to the Solicitor General's Department addressed. As a result, the questions within this document seek information from the public within a narrow framework focused on how to privatize these services thereby avoiding questions related to how appropriate the privatization of these services is. Fundamental questions are ignored by the discussion paper and respondents are led by the questions to address policy details that can only be dealt with after the fundamental questions are answered.

6.2 Free Trade Argument Implications Omitted

Another important omission from this discussion paper is the impact of the Free Trade Agreement on the privatization of the services provided by the Ministry of the Solicitor General. Consider that Chapter 14 of the Free Trade Agreement gives U.S service firms operating within Canada the same rights as The principle of "national treatment" obligates Canada, Canadian firms. including the provincial governments, to provide the same arrangements concerning taxes, regulations and requirements to American companies seeking to do business in the Canadian service sector. According to the Free Trade Agreement both countries may require licensing or certification for service providers but any such requirements must not be discriminating or used to restrict trade. In Chapter 14, the Free Trade document addresses coverage, rights and obligations covering trade in commercial services included in the agreement. But the listing is not clearly specified and the

reader is told to consult the Statistics Canada Standard Industrial Classification catalogue from number 861 to 868. This omits 864, services. Therefore, according to the Free Trade Agreement, American companies must be given non-discriminating access in any tendering process of a wide range of health, institutional and social services. Article 1405 states that the Free Trade Agreement will be extended over time to include any services not already covered. As a result, services not identified now because of public concern can be easily added in the future (Edmonton Social Planning Council, 1988, p.4)

The opposing interests Canada and the United States have in the service sector can be seen in the fact that the United States has one-fourth of the total world trade in services which consistently provides the United States with a trade surplus in this area. In Canada two-thirds of the national income and 70% of jobs are in the service sector. Canada's domestic economy is dominated by the service sector but Canada frequently runs a trade deficit in services. The Free Trade Agreement will not help Canada's export of services because it gives U.S. firms almost complete access in Canada. According to the Free Trade Agreement the U.S must be notified before any government monopoly is set up in order to protect U.S. interests. This makes it difficult for provincial or federally run programs to be established (Edmonton Social Planning Council, 1988, p.5)

6.3 No Information Processing Mechanism

A final concern with this Discussion Paper is there is no specified mechanism in place for processing and utilizing the information gathered in this discussion. It is hoped information submitted to the Ministry of the Solicitor General in response to this Discussion Paper will be utilized and incorporated in a final report to be made public.

7. Specific Concerns With this Discussion Paper

7.1 Funding

Within the discussion paper's contents there are some concerns regarding funding. As part of the grant eligibility criteria an organizations'

objectives and activities are to be related to the mandate of the Ministry. This is vaguely worded and is of concern as how closely related an organization's objectives and activities are to the mandate of the Ministry will clearly reflect an organization's autonomy. Also vague is the criteria that the organization must have a visible constituency. The meaning of visible constituency must be defined. It is also stated that at least 25% of core funding comes from sources other than the government and organizations are expected to increase their non-government funding. This may not be realistic as there is already a lot of competition for the charitable dollar and the clients of the correctional system are not popular with public sentiment. Funding is granted for five year periods subject to Parliamentary confirmation each year. It is important that funding be on a minimum of five year periods as expenses such as office space are most cost effective on a five year basis and if funding is received every one or two years this discourages the hiring of competent staff (Laing, January 1988). Funding uncertainty also discourages innovative programming.

7.2 Fee-for-Services Contract is Most Restrictive Form of Funding

The fee-for-service contract is another proposed source of funding. This is the most restrictive form of funding for non-government agencies. Fee for service contracts require close monitoring to ensure funds are used properly so involve an audit rather than a client impact evaluation of services delivered. In most cases service contracts are overt social controls as they have a sanction body such as with parole programs. As fee for service contracts increase as a funding source, an agency becomes more an agent of social control than rehabilitation (Hawes et al, 1984, p. 17). Such agencies will be restricted in taking on a proactive stance and in offering preventative services.

7.3 Contracts Increase Agency Vulnerability

A contract does not guarantee service from year to year so an agency is directly vulnerable to governmental policy changes. Agencies would find it necessary to provide services in areas where government funding is offered rather than where community needs exist. Advocacy for clients may be restricted since criticism of the government or public criticism of the agency may result in the withdrawal of government funding (Faid, 1985, p. 11).

7.4 Length of Contract not Specified

This discussion paper does not specify the length of time a contract will cover. Frequency of contract competitions is important as much effort is required and small agencies lack the resources to prepare proposals. Needs can be defined in a narrow fashion to eliminate certain agencies or the competition can be limited to organizations already providing the service. This may lead to inside dealing or sweetheart arrangements (Terrell et al, 1984, p. 34). Competition among agencies for government contracts can result in agencies serving those clients who show quick progress as a success rate that is obvious would be appealing to application committees (Reamer, 1983, p. 455).

7.5 An Impartial Tendering Process Needed

The tendering process must be systematic and impartial in order to protect the public interest. An explicit and balanced contract agreement stating the rights and obligations of the contractor and provider must be worked out. In order to ensure compliance provider's performance must be measured but at the same time this means government contracting brings a large degree of governmental control over voluntary agencies (Terrell et al, 1984, p. 33).

7.6 Contracting as Cost-Cutting

Contracting out can be used as a way to terminate parts of service programs (Gordon and Associates, 1984, p. 14). Used in this way, its real purpose can be to cut spending on services. With contracting-out central support services such as personnel, accounting, etc. are no longer necessary to maintain as internal departments but the expense for taxpayers is still there with the contracting out to highly paid professionals (Gordon and Associates, 1984, p. 19). Contracting also is an avenue for patronage where friends of the government find it easier to obtain government support (Faid, 1985, p. 11).

7.7 Fiscal Accountability is an Inadequate Concept of Accountability

The Discussion Paper states accountability mainly as fiscal accountability. Accountability requires not only open financial records for agencies receiving public funds but also avenues for client advocacy and appeal procedures without fear of repercussions (Citizens for Public Justice, 1986, p. 6). These are two important points that need to be addressed. One is the right of voluntary agencies to advocate on behalf of clients without fear of reprisal and the other is the need for some arms length mechanism for awarding contracts to prevent patronage (Citizens for Public Justice, 1986, p.5). Since charitable funding has its limits and is spread among many different services and agencies government funding is required. It should be provided on a basis similar to funding given to universities, academic research, the arts and the public broadcasting systems (NCVO, 1983, p. 3). This would allow agencies to bring in innovative programming and to have the independence to advocate on behalf of clients.

7.8 Project Time is Too Short

Project selection criteria put forward in the Discussion Paper states that projects must be carried out over a short period of time not exceeding three years. A problem here is that in order to measure the impact of some programs, much less for them to take effect, a much longer time may be required. Treatment may be over several years as may a longitudinal study to collect client data. The criteria that projects must be monitored and evaluated to assess their contributions to the criminal justice system will call for studies spanning several years if any meaningful and lasting contribution is to be discovered. Such monitoring will require qualified personnel and involve

extra costs to carry out so this will be an additional cost that must be included in the funding.

7.9 Partnership With Government Requires Full Access to Information

Information sharing requires that voluntary organizations have access to reports and information produced by the Ministry of the Solicitor General in order for them to participate in policy setting in an informed and equal manner in the partnership with government (Faid, February 9, 1988).

8. <u>Conclusion</u>

The provision of human services is not a simple choice between public provision of services and private provision of services. An interrelated public sector, non-profit sector and for-profit sector deliver human services. Each sector has a role and responsibility to fulfill that needs to be clearly identified and understood. This response has attempted to examine some of the fundamental issues involved.

The Edmonton Social Planning Council appreciates the invitation to be involved in this discussion process and commends the Ministry of the Solicitor General in providing the opportunity for this process to take place. We are in general agreement with most of the principles contained in the Discussion Paper as they apply to the voluntary sector. The concern we have is that there is a large potential for the agreement on these principles to pave the way for the for-profit sector to assume a role in service provision that upsets the relationship between the public, non-profit and for-profit sectors. This would not serve the public interest. The Edmonton Social Planning Council hopes the perspectives and issues presented in this report will be useful to the Ministry of the Solicitor General in this discussion.

9. <u>Recommendations</u>

Privatization

- 9.1 The Edmonton Social Planning Council recommends that privatization must be discussed as the primary issue taking into account the following points:
 - a) The difference between the public sector, the non-profit sector and the for-profit sector regarding the role and responsibility of each.
 - b) The general categories of services that should be delivered by the public sector, the non-profit sector and the for-profit sector.
 - c) Evidence, rather than ideological rhetoric, that privatization is advantageous in relation to services provided by the Ministry of the Solicitor General.
 - d) The degree to which privatization still entails public expenditures and public responsibility for services provided by the Ministry of the Solicitor General in the public interest. This indicates the appropriateness of privatization and the possible requirement of accountability mechanisms to ensure the private sector delivers the required services according to appropriate standards.
- 9.2 The equal provision of services must be maintained in this proposal to prevent the fragmentation of services and gaps in service with uneven availability, access and standards of service between regions.

Voluntarism

9.3 The situation where volunteers working for a non-profit organization on behalf of their community is different from volunteers working in government programs carrying out the will of the government so where volunteers should be used must be considered.

General Concerns

9.4 The impact of the Free Trade Agreement must be considered.

- 9.5 A mechanism to put together information gathered through this Discussion Paper and to report the results to the public is required.
- 9.6 It is important to consider the impact these proposed policies will have on clients.

Specific Concerns

Funding

- 9.7 The awarding of government funding on an arms length basis would ensure the autonomy of the non-profit and for-profit sector.
- 9.8 The contract tendering process must be as systematic and impartial as possible in the interest of fairness.
- 9.9 Funding must be provided to carry out project monitoring and impact evaluation.

Accountability

9.10 Accountability requires avenues for client advocacy and appeal procedures.

Project Selection Criteria

9.11 The three year project limit should be modified to suit the time required to carry out each individual project.

Information Sharing

9.12 Voluntary organizations must be given access to reports and information produced by the Ministry of the Solicitor General in order to fully participate in formulating policy.

Wording

9.13 It is recommended that wording such as "visible constituency" be clearly defined.

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