

# Advocacy-

# The Sound of Citizens' Voices

*A Position Paper From the Advocacy Working Group*

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# **Advocacy- The Sound of Citizens' Voices**

*A Position Paper From the Advocacy Working Group*

*by Laurie Rektor*



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# Advocacy – The Sound of Citizens' Voices

## A position paper from the Advocacy Working Group

By Laurie Rektor  
Revised September 2002

### Who are we?

The Advocacy Working Group (AWG) is comprised of seven individuals, from across Canada<sup>1</sup>, who work in non-profit organizations and who have significant experience as advocates within it. Our group was created to explore and develop the sector position on advocacy within the Voluntary Sector Initiative (VSI). We had our first meeting in November 2000 and continue to meet regularly.

### A definition of advocacy

The AWG uses the definition of advocacy from *Working Together*<sup>2</sup> in which the term is described as "...the act of speaking or of disseminating information intended to influence individual behaviour or opinion, corporate conduct, or public policy and law."

Beyond this definition, advocacy is a complex process and a difficult one to explain. Some have suggested that it is a continuum of activities that include, but are not limited to, research, public education and increasing awareness. We believe that it is more like a circle with different activities coming in and out of play at various times in the process. For example, research can lead to an information/awareness campaign that may result in the need for further research followed by the development of education materials. The order and range of advocacy activities employed will vary depending on the issue and the organization. Of course, the value, impact and essence of advocacy go far beyond the actual activity.

### Purpose of this paper – what we hope to achieve

Our purpose in writing this paper is to provide some new thinking and perspectives on advocacy in order to move quickly toward innovative and much-needed changes that will enhance, support and recognize the advocacy work of voluntary sector organizations. We wish to initiate a creative conversation that will move beyond the rhetoric, fear and entrenched positions currently surrounding this issue. The AWG is convinced that advocacy must be fully recognized and supported as a legitimate activity of non-profit organizations and charities.<sup>3</sup> This paper is designed to generate debate, discussion and responses within the sector, government and general public.

### How we developed our position

The AWG developed the position from the expertise of our members and our research paper, *Advocacy in the Voluntary Sector: Current Challenges and Some Responses*<sup>4</sup>. In addition, we built on recent work in the voluntary sector.<sup>5</sup> In the winter of 2002, we took the first draft of this paper to seven cities and discussed it with over 150 people who work or volunteer in the voluntary sector.<sup>6</sup> The response was enthusiastically positive - there was overwhelming support for the position taken in *Advocacy - The Sound of Citizens' Voices*; no one voiced disagreement.<sup>7</sup> This version of the paper has been revised and improved based on the comments and suggestions that we received.

## The concerns and issues related to advocacy

From the perspective of the voluntary sector, the issues are very clear. Essentially, there are four problem areas that need to be addressed:

- 1 There are many groups and organizations that are unable to obtain registered charitable status<sup>8</sup> because they work in areas that are not considered to be charitable, or because advocacy forms too large a percentage of their activities. Groups in the first category include women's organizations, environmental groups, organizations that promote cultural pluralism and tolerance, human rights and civil liberties groups, organizations that promote international cooperation, cultural organizations, groups that promote the arts, and recreation and umbrella groups.<sup>9</sup> Many organizations that are unable to obtain charitable status because of the amount of advocacy that they engage in are working in areas that are currently considered charitable.
- 2 The distinctions between the types of advocacy activities that are allowed, disallowed or restricted are unclear, artificial and inconsistent. It is difficult to understand why some types of activities are permitted, while others are not. This makes it challenging for organizations to plan strategy and approaches to their work.
- 3 The rule that limits allowable advocacy activities to 10 percent of an organization's resources is problematic. The limitation is not reasonable and it is unduly restrictive. Organizations cannot advocate as much as they need to and are often forced to plan their activities based on what the rules allow rather than the best strategy for achieving their goals and mandate.
- 4 The restrictions on advocacy by registered charities reinforce a false distinction between 'real charity' and 'not charity.' Advoca-

cacy tends to be viewed as negative and controversial rather than charitable. This analysis of advocacy moves the focus from an assessment of the values and issues that organizations advocate to a judgment of the means used to achieve their goals.

A significant impact of these problems is that groups with charitable status often keep their advocacy to a minimum and do it very quietly. They are afraid to speak out because of the risk of losing their registered status. It also means that organizations that might otherwise qualify for status do not apply for it.

## The discussion about advocacy so far

There are many excellent pieces of work and research that have gone into this issue over the past few years. Several of these are referenced in our research paper entitled "*Regulation of Advocacy in the Voluntary Sector: Current Challenges and Some Responses*."<sup>10</sup>

To date, most of the debate about advocacy has focused on access to tax benefits (charitable status) and the regulatory framework. While changes are needed in this area, the AWG believes that the work on advocacy needs to be much more extensive. It must include work to increase awareness of and support for the critical importance of advocacy, as well as proposals for a broad range of options for regulatory change.

## Where do we start?

In order to create the best environment for this to happen, it is essential to begin with a conversation about the understanding, knowledge and perceptions of advocacy held by the sector, the public and government. Each of these comprehends and values advocacy differently. For example, current rules, regulations and tax treatment of advocacy clearly indicate that there is a very different understanding on the part of government than in the voluntary sector.

The AWG believes that a shared understanding of and appreciation for the centrality of advocacy to the work of sector organizations will provide necessary context for the development of regulatory and tax changes. It also ensures that the range of solutions and proposals for change will inevitably extend beyond those that are presently under discussion.

### **Our assumptions – what we believe**

We believe that the history of advocacy parallels the development of democratic societies. In Canada, individuals have always come together through voluntary associations to help each other and to share their ideas, values and beliefs. The natural outcome of this is for people to promote (advocate for) change in many areas of public interest. The result of this is a society that evolves as it responds to the needs of its people, communities and environment.

This form of advocacy is at the core of the voluntary sector's work. It is the articulation of the vision toward which sector organizations are working, while also providing services and delivering programs. The sector would be negligent if it failed to communicate this vision and recommend the policy changes that are required to achieve it.

Society must support and encourage advocacy in all of its varied voices. People and organizations will inevitably promote ideas that are not generally shared; yet it is important for these voices to be heard. New ideas and perspectives are frequently ahead of popular opinion when they are first advocated, yet over time many are accepted by and integrated into our society. It is rarely necessary to advocate a view that already has the support of the general public.

We all need to ensure that a broad range of communities have the opportunity for their voices to be heard regardless of how controversial they may be at the time. When there is no place for the full range of voices to speak, some messages move underground and our

society loses the opportunity to openly discuss and debate important issues.

We recognize that there are groups that may advocate positions that do not support peace, order and good government. Canada has laws and a Charter that prohibit the promotion of ideas such as hatred and violence. Certainly, groups advocating unlawful activity must not be supported and can be dealt with by the justice system.

### **Our understanding and experience of advocacy**

The voluntary sector is comprised of thousands of organizations and groups that have come together to respond to an issue or need in their community. The response takes several forms including advocacy, service delivery, program development and research.

Advocacy happens in many different places and ways in the voluntary sector. It occurs in organizations whose sole purpose is advocating, as well as in those that combine advocacy with other activities. Some organizations advocate frequently while others do so seldom or never. The amount of advocacy that any one organization does depends upon a number variables including its assessment of the best means to achieve objectives, the type of issues on which it works, the availability of resources and the political, social and economic climates.

The advocacy efforts of the sector are the backbone of positive change and growth within our communities, benefiting all members of society through creating changes that help people as individuals and in groups. In many areas of voluntary sector advocacy the so-called 'lunatic fringe' of seventy years ago has become the mainstream of today's society. Significant examples include the development of public awareness of and support for protecting our environment, changes in our understanding of smoking and its effects on our health, achievement of legal and other rights for women, including the vote and the creation of a more inclusive and diverse society.

In spite of this, there is a fairly high level of fear and anxiety when voluntary sector advocacy is discussed. This fear exists both inside and outside the sector – but in very different ways. Inside the sector it is related to charitable status and the risk of having it revoked. For many sector organizations, this means that they will not advocate on any issue and for others it means that they will advocate less than they are legally entitled to. Outside of the sector the fear is related to the assumptions that advocacy is controversial, threatening and is not real charity.

This apprehension has led some in the sector to suggest that we simply find another less threatening word for advocacy. For the AWG this is not the solution. Changing a word will not change what the sector does when it advocates.

Advocacy is the voice of voluntary sector organizations and the values and interests that they represent. It is the means that organizations use to articulate their concerns, perspectives and vision for society. The voices are not those of individuals, but rather the members and constituencies of sector organizations. These voices are an important thread in weaving the tapestry of an inclusive, just and civil society.

Many organizations advocate on behalf of individuals and groups of individuals who are disadvantaged and marginalized, and whose voices would otherwise have a difficult time being heard. They also advocate for entities that are voiceless such as air, wild species, heritage buildings and water. This role is taken seriously by the sector – organizations continually consult with boards of directors, members, both individual and organizational, as well as consumers to ensure that the positions they put forward are credible and legitimate.

Like the canary in a coalmine, the sector serves as an early warning system for society. Organizations that work at the community level, on the front lines and in the field are often the first to recognize a pattern, or gap that indicates a public policy that needs to be

addressed systemically. It would be irresponsible and self-serving if the sector did not use its experience to advocate – how many years should food banks watch the demand for their services go up without speaking about the underlying poverty that drives the need? In choosing to advocate for changes, the sector makes it clear that they have a vision and responsibility that go beyond the survival of individual organizations.

Voluntary sector advocacy is neither scary nor threatening. It is the way that organized groups of individuals express their visions and hopes for our society.

### **How advocacy is (un) related to charity**

Many of the challenges that the sector faces when it seeks understanding and support for advocacy are related to the notion of charity that Canada inherited from Elizabethan England. The rules and regulations that govern registered charities are tied to a 400-year-old notion of charity that is built on the premise that people who have more resources should give to those who have less. Generally it is up to those with the resources to decide who deserves their gifts of charity and how much they are entitled to.

A charity approach is focused on individuals and their needs. For the most part, charity accepts the status quo and finds ways to improve the circumstances of individuals or groups. Advocacy takes a different approach. It looks critically at our society and identifies areas where changes and improvements can be made in a systemic way. The goals of advocacy are to change the conditions that create inequality and injustice and to work together to create a better society for everyone.

Advocacy does not fit with the Elizabethan concept of charity and as long as we continue to work with it the AWG believes that advocacy will be considered problematic. Because our current understanding of charity provides a very limited scope for advocacy, it is necessary to broaden and update our collective idea of charity.

## Our recommendations and goals

The AWG seeks solutions that will be effective over the long term and address the root of the challenges and problems currently being experienced. Our two goals and the steps to achieve them are noted below:

### I. Recognition of advocacy as a legitimate and charitable activity

*To be achieved through:*

#### 1. Raising awareness with government officials, MP's and voluntary sector organizations

- Disseminate paper and recommendations to government officials, all members of Parliament and sector organizations
- Meet with MP's and officials to discuss the paper and recommendations
- Use the Accord document and the Code of Good Practice on Policy Dialogue to facilitate recognition of legitimacy of advocacy
- Prepare materials for broad dissemination (sector, government, general public) to highlight the value and significance of voluntary sector advocacy
- Sector organizations to distribute AWG paper to networks and member organizations
- Sector organizations to include information about advocacy in all materials for and meetings with government, including pre-budget consultations
- Provide training/briefing opportunities with organization boards and staff
- Sector organizations to discuss advocacy, their experiences and recommended options

#### 2. Regulatory/Legislative changes

- A regulatory environment that is current, clear and consistent
- Expanded eligibility for registration; a greater range of organizations able to register as charities specifically from groups currently experiencing difficulty achieving registration e.g. women's, environmental, multi-cultural, human rights, arts and culture and sports organizations
- Regulations and interpretative guidance that recognize advocacy as a legitimate charitable activity when undertaken in pursuit of charitable purposes
- Replacement of the 10% rule with clear guidance on the activities that are not allowed
- Reform or replacement of the concept of charity with a model/framework/definition that reflects the voluntary sector of the 21<sup>st</sup> century

### II. Support for advocacy work

*To be achieved through:*

- Changes and improvements in the funding programs for voluntary sector advocacy; secure sources of funding for advocacy
- Deepened support for and understanding of all legal voluntary sector advocacy from the sector, the VSI, and the federal government.
- Improved and increased opportunities and resources for sector input into policy development.

## **In summary**

This paper is a statement from the AWG on beliefs, concerns and recommendations about advocacy within the voluntary sector. We hope to stimulate productive, creative and innovative discussions about advocacy and future directions. We seek to generate a broader understanding of the value of advocacy and mechanisms to ensure its support.

There is agreement that the current system is not working well. Changes are needed both for sector groups that hold registered charitable status and for those who do not.

The AWG does not see a need for further research; we want to mobilize the sector and the government for progress and changes in the treatment of and support for advocacy. Several stakeholders within the sector have led discussions about advocacy over the past five years. These have taken place across the country and have produced sufficient research and information to fuel the development of effective solutions. We have reached the point where action is required.

## Endnotes

- 1 The members of the AWG are – Megan Williams (chair), *Canadian Conference for the Arts*; Laurie Beachell, *Council of Canadians with Disabilities*; Charlotte Cochran; Julie Gelfand, *Canadian Nature Federation*; Claudette Lambert, *Fédération des femmes du Québec*; Esperanza Moreno, *Canadian Council on International Cooperation*; Sepp Tschierschwitz, *Canadian Mental Health Association BC* and Michael Baffoe (advisor), *Black Star Big Brothers*
- 2 *Working Together: A Government of Canada/Voluntary Sector Joint Initiative* is the document that was produced from the joint tables process that the sector and the federal government undertook in the summer of 1999. The Regulatory Table put the definition noted here forward.
- 3 The December 2001 *Accord Between the Government of Canada and the Voluntary Sector* provides some recognition that advocacy by the voluntary sector is both legitimate and desirable. It will be important to ensure that the implementation of the *Accord* can make this recognition concrete. The *Accord* is available on the VSI web site – [www.vsi-isbc.ca](http://www.vsi-isbc.ca)
- 4 *Advocacy in the Voluntary Sector: Current Challenges and Some Responses*, written by Betsy Harvie for the Advocacy Working Group is available on the VSI Web site – [www.vsi-isbc.ca](http://www.vsi-isbc.ca) and from the VSI Secretariat – 1 800 821-8814 or [Irektor@vsi-isbc.org](mailto:Irektor@vsi-isbc.org)
- 5 *Building on Strength: Improving Governance and Accountability in Canada's Voluntary Sector – Final Report, February 1999*, available at <http://vsr-trsb.net/pagvs/index.htm>, *Working Together: A Government of Canada/Voluntary Sector Joint Initiative*, and IMPACS Charities and Advocacy Project, see [www.impacs.org](http://www.impacs.org)
- 6 In February and March of 2002 we consulted with organizations and individuals from the voluntary sector in seven cities – Calgary, Halifax, Saskatoon, St. John's, Toronto, Winnipeg and Vancouver. The consultations focused on the AWG position paper, *Advocacy – The Sound of Citizens' Voices*, and our purpose was to learn if it reflects the voluntary sector's beliefs and experiences with advocacy.
- 7 For a full report of the consultations please see *Advocacy – The Sound of Citizens' Voices: Report to Participants of February/March 2002 Consultations* – [www.vsi-isbc.ca](http://www.vsi-isbc.ca)
- 8 According to Canada Customs and Revenue Agency numbers cited in Peter Broder *Legal Definition of Charity and Canada Customs and Revenue Agency's Charitable Registration Process* (Toronto: Canadian Centre for Philanthropy, August 2001) the number of applications for charitable status that are approved were: 84.6% in 92/93, 79.5% in 93/94, 84.6% in 94/94, 90% in 95/96, 65% in 96/97, 62.5% in 97/98 and 67% in 98/99
- 9 For an analysis of groups that have difficulty in becoming registered charities please see Peter Broder *Legal Definition of Charity and Canada Customs and Revenue Agency's Charitable Registration Process* (Toronto: Canadian Centre for Philanthropy, August 2001), available at [www.ccp.ca](http://www.ccp.ca)
- 10 *Advocacy in the Voluntary Sector: Current Challenges and Some Responses*, written by Betsy Harvie for the Advocacy Working Group is available on the VSI Web site – [www.vsi-isbc.ca](http://www.vsi-isbc.ca) and from the VSI Secretariat – 1 800 821-8814 or [Irektor@vsi-isbc.org](mailto:Irektor@vsi-isbc.org)

