

End-users, Public Services, and Industrial Relations: The Restructuring of Social Services in Ontario

Usagers, services publics et relations industrielles : la restructuration des services sociaux en Ontario

Usuarios, servicios públicos y relaciones industriales: la restructuración de los servicios sociales en Ontario

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Résumé de l'article

Dans la foulée de la crise financière et économique, le gouvernement de l'Ontario s'est engagé à réduire les dépenses publiques. Sur la base d'une étude détaillée, cet article illustre comment, dans ce contexte, les usagers s'imposent comme des acteurs-clés des transformations qui touchent le secteur des services d'aide et de support aux personnes souffrant d'un handicap. L'étude permet ainsi de mieux saisir le rôle important, mais complexe, joué par les usagers dans les transformations qui ont lieu dans les formes de prestations des services et de régulation du travail. Les usagers ont un impact significatif à au moins trois niveaux du système des relations industrielles (Bellemare, 2000). Au niveau stratégique, ils sont des acteurs de la gouvernance des réseaux d'élaboration des politiques publiques sans pour autant délaisser les activités traditionnelles de lobbying. Les organisations représentant les usagers ont, par exemple, joué un rôle central dans la fermeture des établissements publics de traitement des personnes avec des déficiences intellectuelles en faveur de l'insertion dans la communauté. Au niveau organisationnel ensuite, les usagers occupent de plus en plus le rôle d'employeur. Cela peut prendre la forme d'un régime de cogestion des services avec, en plus, l'inscription des droits des usagers dans les conventions collectives de travail ou encore celui d'employeur à part entière et ainsi se substituer aux agences gouvernementales. Enfin, les usagers participent à la transformation du procès de travail lorsque, par exemple, ils redéfinissent la finalité du rôle d'intervenant social pour y inclure des objectifs complexes de développement de la personne et d'inclusion sociale. Bref, le cas du secteur des services aux personnes handicapées illustre que les réponses à la crise financière sont façonnées par l'action des usagers qui doivent être considérés comme des acteurs du système des relations industrielles.

End-users, Public Services, and Industrial Relations: The Restructuring of Social Services in Ontario

Robert Hickey

The global financial crisis beginning in 2008 resulted in a ballooning public debt and government efforts to constrain public expenditures. Responses to the financial crisis and its impact on human services in Ontario demonstrate the complex interactions across key actors – employers, government, unions, and family advocates. The case explores the role of end-users, including families and people with developmental disabilities, as actors in the industrial relations system. At the strategic level, end-users have precipitated significant public policy changes, including the closure of large, state-run institutions. End-users have displaced agency managers as employers at the organizational level. Finally, the case shows how end-users have changed the nature of the work process itself, shifting direct support from custodial care to a model of individual and community development.

KEYWORDS: direct support workers, developmental services, unions, transformation

Introduction

In March 2009, Ontario closed the last three provincially-run institutions for people with intellectual and developmental disabilities. Advocates celebrated the closures as the culmination of a decades long movement to end the policy of segregation of people with disabilities in large state-run institutions. Disability rights advocates have sought inclusive policies which provide supports and services for people with intellectual disabilities within the community rather than at isolated institutions. Governments have pursued restructuring and privatization of developmental services within the broader context of neo-liberal public management reforms which seek to constrain and reduce costs. Workers displaced by the transformation from institutional to community based services have typically experienced substantial losses in compensation (Braddock and Mitchell, 1992; Lakin, Polister, and Prouty, 2003). The interests of these three stakeholder groups – disability advocates, government reformers, and unionized workers – result in

complex patterns of conflict and coalition. Unions have allied with family advocates to press for more government funding. At the same time, advocacy organizations have pushed for policy changes, such as direct funding, which align with the neo-liberal reform agenda of marketization of public services. The global financial crisis beginning in 2008 resulted in a ballooning public debt and more aggressive government efforts to constrain public expenditures. Responses to the financial crisis and its impact on human services in Ontario demonstrate the critical role that end-users, including family advocates and people with disabilities, have as actors in the industrial relations system.

The case of provincially funded services for people with intellectual disabilities provides important insights into the complex web of stakeholder interactions and responses to the financial crisis in the broader public sector. The main focus of this study is to explore the dynamics of end-users as significant actors in the industrial relations system. Building on previous scholarship which has explored the role of end-users as industrial relations actors (Bellemare, 2000; Kessler and Bach, 2011) this study deepens our understanding of the role and impact of end-users on the process and outcomes of industrial relations in the social services sector. The current study adds to this foundational theoretical work by connecting this literature to similar studies of service users in the sociology of work (Brook, 2007; Lopez, 2010), disability studies (Barnes and Walker, 1996; Sanders, 2012), and critical social work theory (Beresford and Croft, 2004; Carr, 2007; Smith *et al.*, 2011).

The main contribution of the paper shows how end-users play unique and complex roles as industrial relations actors in Ontario's developmental services sector. End-users have had a significant impact at three distinct levels of the industrial relations system (Bellemare, 2000). First, at the strategic level of public policy, in addition to the more traditional forms of grassroots lobbying, end-users have taken on formal roles in the governance network shaping public policy. The impacts of end-user advocacy have contributed to the significant transformation of the developmental services sector, including the closure of the remaining provincially-run institutions in 2009. Second, at the organizational level, end-users have displaced the traditional roles of employers. In some cases, this displacement has resulted in end-users operating as co-managers, with end-user management rights enshrined in collective agreements. In more significant ways, end-users have entirely replaced agency-based managers and become the employer of direct support staff. Third, end-users have driven changes at the level of the work process itself, going beyond the co-production of services, contributing to changes in the nature of direct support work. The work process has shifted from a focus on custodial care to more complex objectives of community development and social inclusion.

The paper proceeds with a review of the literature, connecting several distinct streams which explore the dynamics of end-users in human and social services. In addition to the end-user literature, this section also reviews the contending frames for understanding the transformation of human services. Privatization and marketization of human services reflect neo-liberal reforms of New Public Management. Such transformations in public policy are also framed as responding to the demands of end-users. The theoretical contribution of this case seeks to better understand the dynamics of end-users, and the conflict and cooperation across industrial relation actors. The case description begins with a brief review of the public policy context and, specifically, of the trends towards direct funding programs in Ontario. The findings sections present qualitative, descriptive data drawn from interviews with family advocates, government officials, unionized staff, and agency-based managers. The case analysis applies the theoretical framework for assessing whether end-users should be considered unique industrial relations actors (Bellemare, 2000). This analysis shows how end-users have unique roles in the process of industrial relations in Ontario's human services sector. Furthermore, the case provides evidence that end-users have made significant impacts on the outcome at all three levels of the industrial relations system. The conclusion critically considers whether end-users are unique or hybrid actors.

End-users as Industrial Relations Actors

As noted by Kessler and Bach (2011), the end-user has received little attention from industrial relations scholars. Indeed, the field has remained largely focused on employers, unions, and the state since the theory of industrial relations system was first articulated (Dunlop, 1958). However, changes in public policy, especially in the provision and delivery of human and social services require that we reconsider the unique role that end-users may have as industrial relations actors.

Bellemare (2000) first raised the question of whether end-users are actors in the industrial relations system. Critical of both the systemic model (Dunlop, 1958) and the strategic choice model of industrial relations (Kochan, Katz, and McKersie, 1994), Bellemare turned to structuration theory (Giddens, 1984) to define actors and test whether end-users met that definition. Conceptually, Bellemare's approach provided for a more generic definition of an actor as an individual or group capable of influencing the industrial relations process and reaching a negotiated outcome with other actors. The analysis of urban transit users in Montreal examined multiple levels in the industrial relations system, focusing on workplace activities, organizational, and institutional levels (Bellemare, 2000: 387). In addition to analyzing actors at multiple levels, the author considered two distinct dimensions. The instrumental dimension considered how the actor

exerted influence and more specifically, whether the end-user was capable of acting at all three levels of the industrial relations system in a sustained or continuous manner. The outcomes dimension considered whether end-users were able to achieve their desired outcomes.

Bellemare found that end-users reflected a number of different roles in the industrial relations system: co-producer, co-supervisor, and co-designer. In the outcomes dimension, the author found that end-users influenced both the design of public transit and the work process, or how the service is delivered.

Kessler and Bach (2011) returned to Bellemare's original question regarding the role of end-users as industrial relations actors. Kessler and Bach identified several limitations of Bellemare's framework. First, the end-user should not be considered a homogeneous actor. Instead, scholars need to recognize the differentiated character of end-users and account for these differences through more nuanced analyses. Second, the authors emphasized the importance of organizational governance and context in shaping the role of end-users as industrial relations actors. Finally, their study of the social care sector called for more critical analysis of the public service reform rhetoric. Specifically, the reforms related to end-users have significant implications for power relations across end-users, service providers, and workers.

New Public Management and the Rhetoric of End-user Empowerment

As suggested by Kessler and Bach, exploring the rhetoric of public service reform reveals a complex set of factors shaping the role of end-users as industrial relations actors. Drawing from the literature on public policy, disability studies, and critical sociology, this review connects these studies of service users in the context of public service reform. Shifts in public policy rhetoric conceptually reflect efforts to co-opt and control the role of end-users. At the same time, shifts in public policy reflect the capabilities of end-users to exert genuine influence on the industrial relations system.

The transformation of government funded services for people with developmental disabilities reflects the confluence of distinct social and political pressures. On the one hand, the privatization of disability services and the rise of managerialism among non-profit service providers reflect the ascendancy of New Public Management theories. This institutional regime has been driven by advocates of using market mechanisms to improve the delivery of public services (Osborne and Gaebler, 1992; Savas, 2000). Scholars in this "New Public Management" (NPM) stream of the public policy literature argue that government bureaucracies are inherently inefficient and poor providers of services to public

consumers. To improve efficiency and deliver more public goods at lower costs, scholars on this side of the debate argue for managerial reforms, such as contracting and privatization, in order to bring the disciplining force of the market into government provided services.

However, the transformation of disability services in Ontario and elsewhere cannot be understood simply as the unilateral act of government reformers. While government restructuring and fiscal pressures on charitable service providers reflects the neo-liberal narrative “paradoxically, however, this policy has also articulated some of the grassroots pressures for change” (Barnes and Walker, 1996: 2). Transformation reflects the success of the social movement pressures by family advocates and end-users to end state-sponsored segregation and institutionalization of people with disabilities (Borbasi *et al.*, 2008; Lord and Hutchison, 2007). State-run institutions were seen as part of a broader set of public policies which systematically discriminated against people with disabilities. Institutions isolated people who were labelled as dangerous or unable to live as full citizens in the community. State sponsored eugenics programs, such as forced sterilization of people with developmental disabilities, were official legal policy in Alberta and other North American jurisdictions until the 1970’s. In this context, involuntary end-users (Smith *et al.*, 2011) had few legal rights and no bargaining power relative to the other actors in the industrial relations system.

Despite tremendous social pressures, including claims by medical professionals that they had everyone’s best interests in mind, families increasingly chose not to send their children with disabilities to institutions in the 1950’s. People with disabilities formed People First and similar advocacy organizations which pressed for public policy changes to end segregation and discrimination. In this way, trends towards de-institutionalization did not simply reflect a purely neo-liberal agenda to privatize social services. The transformation of human services reflects a complex intersection of government reforms and social movement advocacy (Tarrow, 2011).

Comparing attempts to co-opt end-users through the rhetoric of public service reform from the distinct and genuine interests of end-users reveals important conceptual tensions. These tensions are reflected in the literature between these two conceptual frames for government restructuring (Reinders, 2008). At a broader theoretical level, critics of NPM contend that public administrators must weigh efficiency pressures against many other factors, including the costs of managing outsourced services, political accountability to citizens, and the agency’s mission to provide a public good (Denhardt and Denhardt, 2003; Sclar, 2000). The claims that private markets provide greater economic efficiency than government monopolies prove problematic due to lack of competition (Baines, 2004b; Sclar, 2000), administration and related transaction costs (Hefetz and

Warner, 2004), and principal-agent problems (Salamon and Elliott, 2002). These scholars further argue that even when markets improve efficiency, privatization and contracting appear less capable of satisfying equity and voice concerns (Warner and Hefetz, 2002).

In line with this critical assessment of NPM, previous research on the restructuring of human services in Canada found that the shift towards market-oriented service provision has increased the commodification of disabilities and resulted in the degeneration of services (Pedlar and Hutchison, 2000; Pedlar et al., 2000; Pedlar, Schneider, and Fowke, 2000). Specifically, Pedlar and her colleagues found that privatization and the emergence of for-profit service providers forced all agencies within the sector to maximize revenues and lower costs. The disabilities studies literature has also considered the implications of government restructuring on direct support workers and acknowledged conflicting social justice frames between disability advocates and union activists (Riddell et al., 2005).

End-users, Support Workers, and the Nature of Human Service Work

The existing research on direct support workers has found that shifts in the provision of developmental services from the public sector to the private sector is generally associated with lower wages and fewer benefits for front line employees (Braddock and Mitchell, 1992; Lakin, Polister, and Prouty, 2003). For human service professionals, the ascendancy of NPM and neo-liberal restructuring of not for profit and voluntary service providers have been detrimental to workers and placed tremendous downward pressures on the working conditions of professionals in the sector (Baines, 2004a; Baines and Cunningham, 2011; Cunningham, 2008). Deteriorating conditions for workers has direct correlations and implications for the quality of services and outcomes for people supported.

There is general consensus in the literature that support workers play a critical role in the lives of individuals with developmental disabilities (Hatton et al., 1999; Hatton, Rose, and Rose, 2004). As a result, concerns over low wages, high turnover rates (Braddock and Mitchell, 1992) and other workforce challenges (Hewitt and Larson, 2007) translate into threats to the quality and provision of services. Research of union organizing in the context of human service reforms has found that “unions have struggled to organise and defend employees in what is perceived to be a difficult sector and to produce a coherent strategy on public service reform” (Hemmings, 2011: 2). In contrast to much of the union renewal literature, which attributes organizing success to comprehensive union-building strategies (Bronfenbrenner, 1997; Bronfenbrenner and Hickey, 2004), Baines found that union organizing success in Canadian social services was attributable to the social justice values of the largely female workforce (Baines, 2010).

Despite the common interests of human service workers and the people they support, there is a distinct tension between workers and end-users in the literature. These tensions between workers and end-users are not simply financial, although limited government funding does create distributive conflicts. For example, Bellemare (2000: 399) noted that, “the bus drivers’ union has deemed the actions of end-users to be anti-union, without really attempting to forge an alliance with them in order to prod the government in offering more support for public transit.”

Similarly, the disabilities studies literature (Lord and Hutchison, 2003; Sanders, 2012) highlights several factors related to the nature of direct support work and the relationship between workers and end-users that may contribute to conflict between the groups. Lord and Hutchinson (2007) found that the role of a personal support worker in the family-based or person-centred (end-user) model differed from agency-directed supports in three distinct ways. First, the authors argued that the purpose of personal supports in family-based settings was to build a good life in the community rather than to adhere to the limitations and regulations of custodial care in a group home setting. Second, they described support as embedded in a co-creative relationship in which the person with disabilities and their network lead. Third, creativity is required to deliver supports in a way that ensures choice, control and full participation of the person supported. The authors further recognized that the transformation from traditional approaches to direct support to the type of relational support described in their study may involve tensions. Lord and Hutchinson (2007: 152) recommended that a facilitator may be needed to mediate tensions in order to resolve the power issues before they lead to a more serious dispute.

Hulgin (2004) found also that the shift to person-centred plans was associated with tensions in staff management. Agencies in her study changed the nature of work from providing a pre-programmed set of services to everyone enrolled in an agency program, to developing a plan of services and supports based upon that individual’s needs, strengths, and preferences. The human resource implications of this shift were substantial, involving changes in skills, responsibilities, and attitudes towards the nature of work in the sector. Hulgin (2004) found that organizations which adopted a person-centred approach to the provision of services experienced significant turnover in staff.

The literature growing out of the disability rights movement argues that the control of resources and services is a fundamental feature of the move towards self-determination and full participation in the community (Lord and Hutchinson, 2003). However, the enhanced benefits generated by the control of resources to hire support staff and purchase services also come with significant transaction costs, especially in the management of human resources (CUPE, 2008). These questions also reflect political tensions between advocates for a funding model that emphasizes

individual rights through consumer control versus those seeking universal coverage through citizenship entitlements (Kastner and Walsh, 2008). The trends toward a consumer-oriented approach may have a deleterious impact on the universal rights of inclusion and citizenship long-sought by disability advocates (Cumella, 2008).

Control over resources reflects a broader critical debate concerning the differences between consumerism and empowerment (Barnes and Walker, 1996). The public policy debates surrounding shifts towards direct funding once again reflect the tensions between co-optation and genuine independent action. Under direct funding programs, governments provide funds directly to people eligible for services. Viewed through the lens of NPM, direct funding creates markets for social services as the people are free to purchase the services they want from providers in the market. For disability advocates, direct funding represents a fundamental shift in power (Lord and Hutchison, 2003). Despite the decline in institutions, proponents of direct funding claim that end-users continued to encounter unresponsive bureaucracies in community-based, non-profit service providers. These scholars (Breihan, 2007; Caldwell, 2006; Finlay, Walton, and Antaki, 2008) argue that direct funding is essential to self-determination.

In contrast, critical assessments of the rhetoric of public service reform find that consumerism does not lead to end-user empowerment, but may result in a number of negative outcomes including disempowerment (Barnes and Prior, 1995; Barnes and Walker, 1996; Wilberforce *et al.*, 2011). Consumerism can have particularly perverse effects when the only choice given to end-users is to accept the new regime of direct funding or remain on a waitlist. Barnes and Walker (1996) outline several principles of end-user empowerment which directly contribute to the conceptual framework for understanding end-users as industrial relations actors. In terms of the relationship between end-users and workers, they argue that "empowerment of one person should not result in the exploitation of others: either family or paid carers" (Barnes and Walker, 1996: 382). At the public policy level, Barnes and Walker (1996: 385) argue that "empowerment is not an alternative to adequate resourcing of services." The conceptual clash between consumerism and citizenship (Carr, 2007) contributes to our understanding of the power relations between end-users, workers, and managers (Lopez, 2010).

Methods

The current study focuses on the case of end-users in the developmental services sector in Ontario. Developmental services include a variety of residential supports, day services, employment supports, and similar services for adults with developmental disabilities. The data used in this study were drawn from a variety of qualitative research methods including key informant interviews, primary documentary evidence, participant observation, and case studies. This study was part of a larger

research project on labour relations and human resource practices in the developmental services sector. The research project, including the participant recruitment protocols, interview guides and related data collection procedures were reviewed and approved by the General Research Ethic Board at Queen's University. Potential informants were invited to participate in the study by e-mail or telephone. As part of the invitation, they were provided with a copy of the interview guide and a letter of information explaining the research ethic protocols of the study. Key informants were selected based on multiple criteria. Most participants were recruited based on their organizational positions. For example, executive directors, managers, union representatives and government officials were identified by their title and role in the sector. Additional participants, especially family members and other disability advocates, were recruited through snowballing techniques.

Interviews were conducted in person at times and locations convenient to the participants. Participants read and signed a consent form at the beginning of each interview. The principal investigator used interview guides to lead semi-structured conversations. Interviews typically lasted between 45 minutes and one hour. The interviews were recorded and transcribed. Table 1 presents a summary of the interview participants.

TABLE 1

Qualitative interviews

Category of interviewees	Number of interviews
Executive directors of service providers	13
Human resource managers	13
Direct support workers and union officials ¹	12
Family members	5
Government officials	4
Other ²	4
Total	51

1. While a few full-time union staff were interviewed, most union representatives were part-time officers, working full-time as direct support employees.

2. The "other" category includes disability advocates and activists, trainers, independent facilitators and non-family activists.

Analysis of the qualitative data included reviewing the interview transcripts and documentary data for patterns and themes reflected in the conceptual framework. Specifically, how did end-users and other actors perceive the role and influence which end-users have at the public policy level, the organizational level, and the work process level. These patterns were subsequently cross-referenced between and within actor groupings. Finally, a limited number of quotations were identified as descriptive markers of the qualitative data and presented as part of the findings.

Context: Transformation of Ontario's Developmental Services

The government of Ontario officially began the de-institutionalization process in 1977 with the launch of the first in a series of multi-year plans to provide community living opportunities. By 1986, five of the 19 government-run institutions had closed, and the number of residents at the remaining institutions was in decline. The Ministry of Community and Social Services (MCSS) announced a new transformation initiative for the developmental services sector in 2004. The government replaced the thirty-year old *Developmental Services Act* with the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act*, 2008. Final closures of the three remaining state-run institutions took place in early 2009.

Direct funding is not a new phenomenon in Ontario. The direct funding program, Special Services at Home (SSAH), began in 1982 as a mechanism to support families providing care at home for their child with developmental disabilities rather than having her placed in an institution. The SSAH program provides a limited amount of funding to individuals and families to purchase services and supports directly. In 1992, the program was expanded to include children with physical disabilities and adults with developmental disabilities. The MCSS enacted additional changes in 2005 to provide supports for individuals not living at home or a ministry-funded supported residence. The second policy change allowed SSAH funds to be used to hire some relatives to provide respite and other family supports. Family participation in the program has grown substantially, especially in the past 15 years. By 2008, over 28,000 Ontario families accessed funds directly through SSAH. However, funding levels are modest, providing less than \$4,000 on average and capped at \$10,000 maximum annually. While the province budgets nearly \$1.5 billion for developmental services annually, only \$98 million flows to families directly through SSAH.

In 2005, the Ontario government launched a new initiative to support individuals transitioning from school to community through a program titled Passport. The new program provides up to \$25,000 in funding flowed either through existing transfer payment agencies or directly to families to purchase day supports. Passport provides support to 2,700 people across Ontario, but over 4,500 people were on a wait list in the 2010 fiscal year (McCarter, 2011).

In addition to these two established programs, the Ontario government has funded a variety of pilot projects, small scale programs which provide funds directly to families. Generally, these projects have been the result of persistent lobbying efforts by families and advocacy organizations (Family member interview). One such project provided various levels of direct funding to ten families in the Toronto region. Families administered the funds and took responsibility for all aspects of hiring and managing support staff.

End-users and Public Policy Reforms

Two distinct, and seemingly contradictory trends, can be observed in the Ontario government's reaction to the global financial crisis. First, public managers swung quickly from a stimulus-based market correction strategy to an austerity-oriented program infused with the principles of NPM. Second, in the broader public sector in general, and in developmental services in particular, the government promoted a tripartite centralized bargaining arrangement with employer representatives and the main unions in the sector. End-users were central to the first strategic shift in public policy, but end-users were not involved in the operational shift in collective bargaining structures.

Government reforms in response to the financial crisis shifted from stimulus to austerity by 2011. This shift was reflected in the report by the Commission on the Reform of Ontario's Public Services (Drummond, 2012). The mandate of the commission was to advise the government on how to balance the budget by 2017. The commission estimated the current provincial deficit to be \$16 billion and predicted that it could balloon to over \$30 billion without significant reforms. The mandate of the commission precluded the politically charged topics of privatization in health and education as well as discussion of tax increases. Significantly, the discussion of Ontario's developmental services sector, while consisting of only one short paragraph in the 542 page report, clearly articulated the NPM frame of government reform for the provision and delivery of human services.

Shifting funding from transfer payment service providers to service recipients over time could encourage changes in the developmental services sector by promoting a more competitive and market-driven approach to the provision of services and supports, based on individual need and demand. If the individuals and families had the purchasing power to choose the community participation supports they preferred, service agencies would be driven to realign in response to this market (Drummond, 2012: 272).

The shift to direct funding under this logic is designed to create markets in which the "consumers" of human services would have the power to transform service agencies. Union resistance to the rise of direct funding in the sector is generally a reaction to the government's austerity narrative. In contrast, the government has framed public policy reform to appeal to end-users through the rhetoric of consumer empowerment.

End-users have pursued a variety of mechanisms to assert their influence on the debates regarding public policy reforms of Ontario's developmental services sector. Most independent family organizations, like the Family Alliance of Ontario, and self-advocate organizations, such as People First, are made up of a small group of highly committed but poorly resourced individuals. These

groups engage in traditional, grassroots lobbying efforts but have taken on a more formal role in the governance network regarding public service reform. When the Government of Ontario launched the Transformation of developmental services sector in 2004, it created a standing body known as the “Partnership Table” which included government ministries, services providers and end-user organizations. (It is important to note that unions have generally been excluded from these types of government-sponsored governance networks.) Through the Partnership Table, end-users shaped the discussion of public policy reforms, including the main discussion paper *Opportunities and Action: Transforming Supports in Ontario for People who have a Developmental Disability* (MCSS, 2006). The publication of this document was followed by a series of government sponsored public consultations regarding transformation. In terms of tangible outcomes at the level of public policy, end-user groups viewed the passage of Bill 77, the *Social Inclusion Act* in 2009, as a major step forward for disability advocates. A significant public policy shift enshrined in this legislation was the explicit adoption of direct funding as an option for end-users.

Labour unions in Ontario have been adamantly opposed to the expansion of direct funding mechanisms. Union researchers point to studies that find individualized funding has negative effects on the labour market outcomes of direct support professionals (CUPE, 2008). Furthermore, the employment status of the support worker is generally not clear. Most staff hired under this arrangement are considered independent contractors and therefore not entitled to most provisions of the provincial *Employment Standards Act*. According to this argument, public sector restructuring in the developmental services sector is generating a race to the bottom for both the quality of life for people with disabilities and the quality of employment conditions for support staff (unionized worker interview). In effect, labour unions argue that the cost reduction motivations of government displaces and ultimately undermines the objective of disability rights advocates who seek a system of supports that promote community inclusion.

End-users and Organizational Change

We found that the rise of direct funding has significantly changed the role and impact of end-users at the organizational level. Specifically, there is limited but increasing evidence that end-users are partially or completely displacing agency-based managers as the employer. At the organizational level, end-users influenced the design of services and took a more direct role in the management of staff. The outcomes include a different model of services, such as the shift from sheltered workshops to more community-based employment supports. Co-management has resulted in significant changes in the ways that staff are matched with end-users.

Changes in the design of services were related to the availability of services as well as the type of services offered. First, access to adequate resources was one factor. The transition from an inclusive school setting to an unsupported adult setting generated real frustrations with the existing system. One family, when faced with pressure to send their young child to a segregated preschool, had moved in order to live in a school district that promoted full inclusion from kindergarten through high school graduation. While the school provided mechanisms for inclusion, that support disappeared upon graduation.

It's the toughest transition that we've gone through. It's not so much finding welcoming places for who will welcome young people with disabilities, there are lots of places and businesses in town that will do that. But again it's around financing and finding support workers to accompany the young person to be able to participate in these different businesses and opportunities. It's been difficult to find good support people to be able to pay them to have enough money. If you don't have enough money, you're out of luck. (Family member interview)

Choice in the types of services and supports was the second motivating factor for families to pursue individualized funds. Families expressed dissatisfaction with existing programs and agency-based supports which they felt did not match the interests and aspirations of their family member, or kept people with disabilities in segregated settings. Along with more choice and control over the types of supports and activities, families sought flexibility for greater community inclusion and a more natural integration with the network of families and friends as well as the broader community. Thus, families sought managerial authority to shape the design of services and supports.

One important feature of the direct funding model has been that it re-casts families and people eligible for services as employers and not just service recipients. The lines of demarcation of management responsibilities between end-users and agencies share were blurred into a spectrum, especially in the context of direct funding. In general, these arrangements involved contractual, fee for service agreements with the end-users. Most families did not attempt to manage the supports themselves, preferring instead for the agency to handle the administrative details of the supports. However, we found evidence of innovative co-management practices by end-users in the sector. This included joint-management arrangements negotiated into a collective agreement. The outcome in this case was language in the collective agreement that provided end-users and families with greater roles in the selection and management of support staff.

In another example of co-management, a 'grassroots' agency (Hulgin, 2004) was established based on the direct funding model, providing family supports in a way that represented a hybrid model that combined agency-based administrative

capacity with a significant role for end-users as co-managers. In effect, support staff were co-managed by the agency and the family or the broader circle of supports.

Just because somebody has a child with a disability doesn't mean that you have got all the answers. People are susceptible to self-limiting assumptions about their child's future and you need someone from the outside to help you look at that and then about what we do about it. Where parents are into having to be businesses by hiring people and accept the responsibility that is associated with that, more power to you. But the only reason they are doing it is because they don't have [the supportive hybrid agency] in their backyard. (Manager interview)

Most families that received direct funding chose not to assume the role of employer due to the administrative challenges, specifically the recruitment and management of staff. Instead, most families used the direct funds to contract services from a traditional agency provider. Agency managers reported that very few families choose to manage the direct funds themselves.

I think a lot of people come to us with their Passport dollars because they don't want to have anything to do with the hiring and firing of staff. They want us to make sure that we hire somebody that they are well trained, and we are watching over them. Quite honestly, once you get into a position where you have people calling in sick all the time and you have to fill in or you have to stay home from work because your son or daughter is not being taken care of, then you realize it is kind of nice for somebody else to deal with it. (Management interview)

A critical challenge families face when they assume control of funding is the recruitment and management of staff. While recruitment and retention has been a chronic problem in the sector (Eakin and Thelander, 2005, Test *et al.*, 2003), agency managers reported that turnover rates were very low among full-time staff, but retention remains a concern among part-time and casual employees (Management interviews). Compared to transfer payment agencies, families experienced much greater challenges in these key areas of human resource management. Limited and stagnant funding levels generally required families to pay wages much lower than those offered by agencies. Families which hired staff with SSAH funds averaged only a few hours a week and the opportunities for full-time employment through direct funding are very limited. As a result of the difficulties with staff recruitment and retention, families lose stability in the network of supports and have been forced to retain staff with whom they were uncomfortable.

We had one situation, well more than one, but one situation where we kept somebody longer despite the fact that we felt uncomfortable with it. Partly because if we let him go, we did not have anybody left. This was when he was still living at home. But then we started seeing signs of physical abuse, you know we started seeing a lot of bruises on him all of a sudden and our son did not want to go out with him [the support worker] anymore... (Family member interview)

End-users which displaced agency-based managers recruited staff from more peripheral labour markets, a significant albeit undesired impact on the industrial relations system. Such detrimental outcomes resulting from more informal labour markets are a key reason for union opposition to direct funding.

End-users and the Nature of Direct Support Work

End-users sought to influence, and in some cases, significantly change, the way workers approached the nature of the work process. Several families reported that workers from agencies carried with them pre-conceived notions of supports that were driven by rules and regulatory compliance rather than individual outcomes and community inclusion.

We interview them, we look at their resumes. Sometimes we say no, this is not going to work. It's interesting, usually people almost always have worked at [a former provincial institution] or educated in a DSW [developmental service worker] kind of program. We say I don't think this person will work, they don't quite get it. They've been trained by the system. (Family member interview)

Families selected and trained staff according to a particular social/philosophical profile that emphasized the individuality of their son or daughter. Rather than hiring a support worker who would approach the person with intellectual disabilities as a client, characterized by a clinical list of deficiencies, end-users wanted staff who would recognize the valuable contributions the person receiving supports could make to the community first, and their support needs second.

People who I hired myself, I moulded myself and my daughter moulded. The experience was they stayed to be part of her circle [of support] and some of them were moving on. One of the girls that I hired on my own, there was a real bonding, she's been a friend of the family. I think it's about moulding and understanding of who the person is and tailoring things to that person and not come with any preconceived ideas. (Family member interview)

In this way, end-users sought to change the work process from one which emphasized custodial care to a work process profile that focused on community development and social inclusion. However, such efforts to change the nature of the work process were not limited to end-users, many organizations require staff to participate in person-centred training programs. At a public policy level, government quality assurance measures require that organizations create individualized service plans for every end-user.

Discussion

The case of Ontario's developmental services sector contributes to the limited but important scholarship on end-users as industrial relations actors. Building on the work by Kessler and Bach (2011), the case highlights the diverse characteristics

of end-users, the importance of the broader environmental context, and the influence of other actors and organizational governance systems on end-users. End-users in this study met the basic criteria of an industrial relations actor (Bellemare, 2000) by demonstrating influence across the strategic, organizational, and work process levels of the industrial relations system. Furthermore, end-users have achieved a number of desired outcomes as part of the transformation of developmental services. However, despite these achievements, end-users have experienced increasing frustration in the implementation of new policies and lack of adequate government funding for the sector.

End-users are diverse actors, weakly organized, with poorly resourced organizations. The vast majority of families are not members of local agencies or independent family organizations. This results in relatively constrained opportunities to influence industrial relations processes and achieve desired outcomes. For people with intellectual disabilities, especially those who cannot communicate their interests, the challenge of being an effective actor in the industrial relations system is even greater. Such weakened bargaining positions make end-users in this sector particularly vulnerable to co-optation by other actors. End-user participation in the formal governance structures at the public policy level and co-management structures at the organizational level were generally dependent on the sponsorship of other actors. Only in the limited number of cases where families chose to displace agency-based managers as employers did end-users exert independent influence. However, given the limited levels of direct funding and the administrative burden of managing employees, it is unlikely that the end-user as employer model will become widespread or remain sustainable over time.

The context of transformation of the sector and shifts in both public policy and management practices towards end-user engagement and person-centred services has created opportunities for end-users to influence the process and outcomes of the industrial relations system. However in key arenas, such as the centralization of bargaining structures in the broader public sector (Sweeney, McWilliams, and Hickey, 2012) and policies stemming from more aggressive austerity measures, end-users appear more excluded from the process with little impact on the industrial relations outcomes.

End-users influenced the process of industrial relations across all three levels of the industrial relations system. At the strategic level of public policy, end-user participation in governance network resulted in desired changes in the legislation and public policy frames. At the organizational level, end-users were found to be involved as co-managers or, in a limited number of cases, replaced managers as the employer actor. The nature of direct support work has been shaped by management and public policies which promote person-centred practices. End-users have taken advantage of these opportunities to further shape the nature of direct support work, shifting the work process orientation from custodial care to community development.

Conclusions

The case reflects a number of factors unique to the sector and the province of Ontario. First, services and supports for people with intellectual disabilities are different from other public services in a number of ways. Human services in this sector are not an entitled benefit of citizenship as are health, education, or child welfare. There are long waiting lists of families and people eligible for these services. Given funding constraints imposed by government, wage gains by unions translate into reduced services and reduced hours of support for families and people with disabilities. Despite these unique features, the primary contribution of this case to the existing literature is to promote a more nuanced understanding of the dynamics of end-user actors in industrial relations in the human services sector.

While the case suggests that end-users are unique actors in accordance with Bellemare's framework (2000), playing a significant role in the process of industrial relations at multiple levels and making a significant impact on the outcomes, closer analysis questions the unique character of end-users. Specifically, it is not theoretically clear that end-users constitute a unique actor, but rather, assume hybrid characteristics, partially or completely displacing (or being co-opted by) other actors in the system. End-users assume formal roles in the governance structure, shaping public policy. Likewise end-users have increasingly become co-managers, in some cases displacing agency-based managers to become the sole employer in the system. Finally, co-production and more explicit power sharing roles in the delivery of direct services suggests that end-users may be assuming some of the characteristics of workers shaping the nature of the work process.

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SUMMARY

End-users, Public Services, and Industrial Relations: The Restructuring of Social Services in Ontario

The global financial crisis beginning in 2008 resulted in a ballooning public debt and government efforts to constrain public expenditures. Responses to the financial crisis and its impact on human services in Ontario demonstrate the complex interactions across key actors – employers, government, unions, and family advocates. Building on previous scholarship which has explored the role of end-users as industrial relations actors (Bellemare, 2000; Kessler and Bach, 2011) this study

deepens our understanding of the role and impact of end-users on the process and outcomes of industrial relations in the social services sector. The main contribution of the paper shows how end-users play unique and complex roles as industrial relations actors in Ontario's developmental services sector. End-users have had a significant impact at three distinct levels of the industrial relations system (Bellemare, 2000). First, at the strategic level of public policy, in addition to the more traditional forms of grassroots lobbying, end-users have taken on formal roles in the governance network shaping public policy. The impacts of end-user advocacy have contributed to the significant transformation of the developmental services sector, including the closure of the remaining provincially-run institutions in 2009. Second, at the organizational level, end-users have displaced the traditional roles of employers. In some cases, this displacement has resulted in end-users operating as co-managers, with end-user management rights enshrined in collective agreements. In more significant ways, end-users have entirely replaced agency-based managers and become the employer of direct support staff. Third, end-users have driven changes at the level of the work process itself, going beyond the co-production of services, contributing to changes in the nature of direct support work. The work process has shifted from a focus on custodial care to more complex objectives of community development and social inclusion.

KEYWORDS: direct support workers, developmental services, unions, transformation

RÉSUMÉ

Usagers, services publics et relations industrielles : la restructuration des services sociaux en Ontario

Dans la foulée de la crise financière et économique, le gouvernement de l'Ontario s'est engagé à réduire les dépenses publiques. Sur la base d'une étude détaillée, cet article illustre comment, dans ce contexte, les usagers s'imposent comme des acteurs-clés des transformations qui touchent le secteur des services d'aide et de support aux personnes souffrant d'un handicap. L'étude permet ainsi de mieux saisir le rôle important, mais complexe, joué par les usagers dans les transformations qui ont lieu dans les formes de prestations des services et de régulation du travail. Les usagers ont un impact significatif à au moins trois niveaux du système des relations industrielles (Bellemare, 2000). Au niveau stratégique, ils sont des acteurs de la gouvernance des réseaux d'élaboration des politiques publiques sans pour autant délaisser les activités traditionnelles de lobbying. Les organisations représentant les usagers ont, par exemple, joué un rôle central dans la fermeture des établissements publics de traitement des personnes avec des déficiences intellectuelles en faveur de l'insertion dans la communauté. Au niveau organisationnel ensuite, les usagers occupent de plus en plus le rôle d'employeur. Cela peut prendre la forme d'un régime de cogestion des services avec, en plus, l'inscription des droits des usagers dans les conventions collectives de travail ou encore celui d'employeur à part entière et ainsi se substituer aux agences gouvernementales. Enfin, les usagers

participent à la transformation du procès de travail lorsque, par exemple, ils redéfinissent la finalité du rôle d'intervenant social pour y inclure des objectifs complexes de développement de la personne et d'inclusion sociale. Bref, le cas du secteur des services aux personnes handicapées illustre que les réponses à la crise financière sont façonnées par l'action des usagers qui doivent être considérés comme des acteurs du système des relations industrielles.

MOTS-CLÉS : travailleur de soutien direct, services de développement, syndicats, transformation

RESUMEN

Usuarios, servicios públicos y relaciones industriales: la restructuración de los servicios sociales en Ontario

Bajo el impacto de la crisis financiera y económica, el gobierno de Ontario se ha comprometido a reducir los gastos públicos. Sobre la base de un estudio detallado, este artículo ilustra cómo, en este contexto, los usuarios se imponen como actores claves de las transformaciones que afectan el sector de servicios de ayuda y de apoyo a las personas que sufren de un hándicap. El estudio permite captar mejor el rol importante, pero complejo, que juegan los usuarios en las transformaciones que se llevan a cabo en las formas de prestaciones de servicios y de regulación del trabajo. Los usuarios tienen un impacto significativo al menos en tres niveles del sistema de relaciones industriales (Bellemare, 2000). A nivel estratégico, ellos son actores de la gobernanza de redes de elaboración de políticas públicas sin abandonar sin embargo las actividades tradicionales de lobbying. Las organizaciones que representan los usuarios han jugado, por ejemplo, un rol central en el cierre de establecimientos públicos de tratamientos de personas con deficiencias intelectuales favoreciendo así la inserción en la comunidad. A nivel organizacional, los usuarios ocupan cada vez más el rol de empleador. Eso puede tomar la forma de un régimen de cogestión de servicios con la inscripción de derechos de los usuarios en las convenciones colectivas de trabajo o también, del empleador de pleno derecho pudiendo remplazar las agencias gubernamentales. Por último, los usuarios participan a la transformación del proceso de trabajo cuando, por ejemplo, redefinen la finalidad del rol de intervención social para incluir los objetivos complejos de desarrollo de la persona y de inclusión social. En resumen, el caso del sector de servicios a las personas con hándicap ilustra que las respuestas a la crisis financiera son forjadas por la acción de los usuarios que deben ser considerados como actores del sistema de relaciones industriales.

PALABRAS CLAVES: trabajador de apoyo directo, servicios de desarrollo, sindicatos, transformación