



# CCPA

## research for communities

CANADIAN CENTRE FOR POLICY ALTERNATIVES - MANITOBA

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## Justice Starts Here: A one-stop shop approach for achieving greater justice in Manitoba

In the report *Justice Starts Here: A one-stop shop approach for achieving greater justice in Manitoba*, authors Allison Fenske and Beverly Froese from the Public Interest Law Centre spoke with community groups who provide programming, opportunities, and services to people who have been or are at risk of being involved with the justice system about what they see as the way forward to fixing a broken system. While the groups provide different services, and as such have different opinions about the best ways to make justice accessible, there were some commonalities to their experiences and the stories they heard, and some of the barriers people face.

### What Does “Access to Justice” Mean?

The Canadian justice system is intended to ensure that all people are treated fairly and equitably before and under the law. When a person experiences unjust or unlawful treatment, or has a conflict with another party, a resolution can be pursued through the justice system.

Access to justice means everyone in Manitoba should have the knowledge, resources, and services to seek an effective resolution to a legal problem. This

is achieved through fair processes and fair outcomes. A fair process means a justice system that is transparent, affordable, and as easy to navigate as possible. A fair outcome results from a person having the opportunity to be heard in a meaningful way.

Some key principles in understanding whether someone has access to justice from an information, services, and system perspective are:

- Availability: whether the necessary information or services exist or not;
- Accessibility: whether a person can access the necessary information, services, or system;
- Acceptability: whether the system is set up and information and services are delivered in a way that is needs-based and culturally appropriate; and
- Adequacy: whether the information and services are delivered and a person experiences the system in a way that is meaningful and sufficient.

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## **What Stands in The Way of Access to Justice in Manitoba?**

One of the biggest factors in whether someone will have access to justice is that person's socioeconomic status.

The consequences of poverty, especially complex poverty, are significant. People living in poverty are simply trying to survive, so they either cannot deal with their problems as they arise, or they are dealing with problems that give rise to more than one legal issue. These issues are often compounded by other vulnerabilities including health or disability-related challenges.

In addition to people dealing with the consequences of poverty, there is a significant gap in access to justice between those people who do not qualify for legal aid and those who can afford a lawyer.

In Manitoba, there are several groups that are particularly vulnerable to access to justice barriers. Inadequate access to justice is disproportionately experienced by:

- People living in rural or remote parts of Manitoba;
- People living in poverty;
- Indigenous people;
- Newcomers to Canada;
- People with health conditions or disabilities (both physical and mental);
- Precarious workers; and
- Women survivors of family violence.

There are many organizations working in Manitoba to meet the legal needs of the population, including the province's most vulnerable residents. However, many

are not able to meet the current demand for legal services, and gaps in services persist. These gaps generally arise based on the kind of services provided, how the services are provided, where the services are provided, and how community needs are understood.

### **Kinds of Services**

There are different kinds or levels of legal services — namely, legal information, legal advice, and legal representation. For example, there are several organizations in Manitoba that will provide legal information, but who do not provide full representation services.

### **How Services are Provided**

It is not just the type of service being offered or who is offering the service that is important, it is how that service is provided — people need to feel comfortable going to a specific place and must feel they are treated with respect and dignity or they will not access the service.

### **Where Services are Provided**

Another kind of gap arises when services are simply not available. In Manitoba, there is a significant disparity between services offered in urban areas (namely Winnipeg) and services offered in rural and Northern Manitoba. Geographic disparities in access to services, including legal services, are exacerbated for individuals living in particularly remote rural and Northern or First Nations communities.

### **Understanding Community Needs**

There remains a lack of publicly available empirical data relating to the supply of and demand for legal services in the province. Coupled with an ad hoc approach to coordination of legal ser-

vices, there is a potential for duplication of services, inefficiencies, and gaps in service.

## What Can Be Done to Increase Access to Justice?

### Needs-Based Service Delivery

Access to justice initiatives must be based on the needs of the people being served. It is expected that those needs will vary based on things like cultural and geographical differences. Consideration should be given to how to improve the law and legal services for those populations disproportionately impacted by issues of access to justice.

Efforts to improve access to justice should not focus only on what services should be offered, but how services are provided. Do people have the necessary supports in place to benefit from the services that are being provided? Are services provided in a culturally competent manner?

### Coordination of Services

Coordination between services providers could be improved among organizations or programs which provide some form of legal assistance/legal services.

Better coordination of services could provide opportunities to sufficiently resource and/or expand existing innovative programs or allow for new strategic projects to flourish.

### Transparency — The Collection and Sharing of Empirical Data

There is a lack of transparency and of standardized data regarding the demand for and the supply of legal services (including legal information, advice, and advocacy services) in Manitoba. There is also a lack of coordination between organizations providing legal services in Manitoba, resulting

in potential duplication of services, inefficiencies, and gaps in service.

There needs to be a way to capture supply and demand issues within the justice system. Information collected could inform other aspects of the dialogue occurring regarding access to justice, as well as be communicated in a publicly accessible way — to both stakeholders and the public — for example, as an annual survey or report card

### Monitoring, Evaluating, and Adapting

Building on the need for increased transparency and information sharing, the use of evaluative tools is part of an ongoing and necessary exercise in monitoring, evaluating, and adapting. The state of access to justice in Manitoba should be evaluated on a regular basis in a manner that allows for appropriate adaptation to better meet the needs of Manitobans. An inventory of legal services offered in Manitoba could be created, made publicly available, and updated annually.

### One-Stop Shop — Part of a Broader Approach

For many, there is a recognized need for a one-stop shop. There are many ways that one could organize a one-stop shop that would have significant potential to have a meaningful impact on people seeking access to justice.

Any one-stop shop must be carefully designed and implemented to be most effective. Important characteristics that are a necessary part of any successful one-stop shop include:

- Stable and sufficient funding;
- Shared vision and operating

standards;

- Care with respect to the types of services joined under a one-stop shop model;
- Operations with an integrated (or holistic) approach; and
- Accessibility.

While a one stop shop may seem like a cure-all, it should be noted that it is not the only way to meet the needs of people interacting with the justice system, or of providing better access to services and relationships with service providers. Providing services through a one-stop shop delivery model should not come at the expense of other improvements, such as greater access for people living in rural or Northern communities.

### **Conclusion**

Understanding unique access to justice challenges faced by specific groups highlights the importance of a more holistic or integrated and consumer-driven approach. This means moving away from a “one-way street” approach where the legal community views itself as the catalyst for solutions. Instead, access to justice work must be situated in understanding all facets of peoples’ lives, including the economic, political, and social spheres.

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