

# **Conclusions from a Review of Eligibility Requirements in Income Security Programs in Canada**

**DISC – Disability Income Support Coalition**

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**This report identifies:**

- ♦ **Eligibility requirements for Income Assistance programs that are typical from province to province**
- ♦ **Program features that support people with disabilities**
- ♦ **Program features that should be avoided**
- ♦ **Points for further consideration**

**All provinces provide to lesser and greater degrees:**

- Shelter allowance
- Money for basic needs such as food
- Basic telephone rental costs
- Exemptions for employment income
- Extra benefits for people with disabilities

## **Eligibility Requirements:**

Determining whether or not a person is eligible is typically done by a form of assessment. The process varies somewhat from province to province, but all include these features:

- You must be in need
- You must report all of your assets
- You must have assets less than allowed by provincial legislation
- You are expected to liquidate some or all of your assets
- You must provide documentation to lesser and greater degrees to prove disability
- You must provide documentation to lesser and greater degrees that prove income and circumstance
- You must apply in writing and then meet with a worker (sometimes you can meet with a worker who will help you fill out an application)
- You must agree to let a worker check into the information you gave them

- You must be a resident of the province in most cases (Nova Scotia requires that you be physically present in the province when you apply)
- You must pursue and accept other income
- You must be an adult (or meet the criteria for minors)
- You cannot live in an institution
- Most provinces require you to take on training, rehabilitation or medical treatment

### **To Maintain Eligibility:**

The things that people must do to maintain eligibility vary from province to province and from worker to worker, whose job it is to interpret the legislation. Eligibility requirements that are clear and common to each province include:

- You must comply with the rules and regulations many of which are not clear
- You must provide updates as requested and as mandated
- You must work if you are able to
- You must agree to let a worker check into the information you gave them

### **Recommended Program Features That Support People With Disabilities**

This list is compiled from existing programs throughout Canada. Many of these features are currently available somewhere in Canada, while other features are recommended by advocacy research material. No existing program has all of these features.

In order to provide adequate income supports for people with disabilities we need to build a program that:

#### **During the Application Process:**

- Provides a variety of ways to access the application form or application process
- Allows for person to meet in their home with a worker
- Provides a list of required documentation and describes what a client needs to do if required documentation is difficult to obtain
- Provides access to an advocate who works for the applicant
- Provides for full disclosure of all possible benefits, including over the counter drugs and remedies, in a plain language handout that clearly identifies what is needed to access benefits
- Provides the applicant with information about the appeal process should their application be denied

- Identifies the kind of contact the applicant should expect to have with their worker and the process that should be followed if the applicant's expectations are not met
- There should be an emphasis on support and understanding
- Shortcuts the application process for those seen as in immediate need of food, shelter or medical attention without requiring them to visit the food bank or to visit a shelter

**Once an application is approved:**

- Establishes a way to fund people with disabilities that is separate from the regular intake/income program
- Allows people to contract support services
- Allows for the provision of assistive aids
- Provides for cost of living increases
- Assesses need based on previous income rather than on a month-to-month basis
- Includes a list of incomes that are fully exempt from claw back
- Provides higher liquid assets exemptions
- Assumes people are in need and are telling the truth
- Establishes protocols for home visits from workers
- Provides clear employability criteria and program exemptions for those who cannot work—relaxes pressure to find employment
- Allows people to qualify for one time assistance to meet a short-term need
- Provides for people leaving abusive situations
- Limits liquidation for fixed assets by not including personal/household effects
- Bases eligibility amounts on a formula that is fairly applied
- Provides supplementary health without the need to apply or qualify separately
- Ensures rapid reinstatement of benefits for those who lose their employment income
- Ensures all decisions can be appealed
- Provides for a 1-800 number for no cost calls
- Provides for all reasonable dental expenses including some cosmetic work
- Provides a nutritional supplement benefit for people who have specific nutritional needs
- Allows a supplement for those who serve their community through volunteer labour
- Provides for a reasonable amount for transportation vouchers to attend social events
- Recognizes the static nature of a long term disability; does not require repeated verification of disability
- Assumes that worker discretion should favor the applicant
- Identifies the kind of contact an applicant should expect from their worker, and the workers role and responsibilities

- Be based on the fundamentals of fairness (i.e. means people have to be given the reason why decisions are made and those reasons must be full and substantiated and made in writing)
- Provides complete disclosure to the applicant including access to related records for individuals who are seeking appeal
- Provides copies of all documents and information on which the Ministry based its decision
- Allows for compensation retroactively when errors by the government have resulted in an error in eligibility
- Protocol for workers when entering an applicant/recipient's home pertaining to adequate notice and privacy
- Ensures that protocol design involves people who receive income support
- Is based on need, not on subjective perceived labor force attachment
- Includes typical insurances, over the counter drugs and remedies
- Ensures that health coverage continues for as long as needed even if the person begins working

### **Recommended Program Features that Should Be Avoided:**

- Programs that are described as 'last resort'
- Criteria that allows workers to cut a person off arbitrarily
- Eligibility protocols that are left entirely up to the discretion of the intake worker
- Telephone screener that determines eligibility
- Arbitrary determination of what is an 'excess' asset
- Assessed based on the theory on "Economic Household"
- People who live in institutions exempted from entitlements
- Criteria that limits access, (i.e.) call centre as the only first step
- Advisory panels that are allowed to determine eligibility without having met the person
- Annual or more frequent reviews for those people whose disabilities will not change
- Protocols that require regular intake before being allowed to apply for disability supports
- Multi-stepped processes for reporting income (i.e. call in income and then mail in stubs).
- Mandatory or practical waiting period
- Non-negotiable employment plans
- Mandatory job searches
- Re-submissions of mandatory medical information or multiple submissions for each different benefit
- Requirements for non-medical documents that may impose an unfair burden on applicants
- Any element that cannot be appealed

- Criteria that allows or seems to allow workers to invade privacy of the applicant
- Caps that limit the number of years that a person can qualify for assistance
- Based on month to month reporting
- Based on recipient's ability to read their cheque stub
- Programs that require person to be on income support before they can access them
- Excessive medical reporting
- Eligibility based on a staff determination of whether or not a person is employable
- Mandatory requirements to attend orientation sessions for assistance
- Any asset restriction on personal/household effects

### **Points for Further Consideration:**

- Support/education may be needed to ensure that social workers interpret the policy as it was intended to be used and that individual workers comply with the policy
- Workers who act unprofessionally or in a way that demeans or humiliates an applicant should be dealt with and a process for complaints needs to be made very clear; those who are advocates must be prepared to follow through these channels when someone is abused, demeaned or humiliated by a worker
- Some workers are assumed to have discretionary authority, when in fact the legislation requires them to respond in a specific way. Discretion of the worker is considered to be necessary when workers are required to:
  1. Resolve an issue of credibility
  2. Resolve two competing interpretations of the applicable legislation
  3. Determine how to apply the legislation to the particular facts in circumstances where the outcome was not automatic.