

# Income Support

By: Jasmine Singh

# The Peterborough Community Legal Centre

Community Legal Centres are non-profit organizations funded by LAO and situated in different communities throughout Ontario.

CLCs were developed to provide legal advice, assistance, and representation to people living in poverty.



# Where are We?

- ▶ We are located at:
- ▶ 150 King Street, 4th Floor, Peterborough

- ▶ Our intake hours (generally) are:

9:00 am to noon, Mon-Fri

(Please show up around 8:30 to ensure that you can be served)

We are open to the public until 4:30 pm on Mon/Tues/Thurs/Fri

We are also available by phone and appointment at 705 749 9355

# Why Come See Us?

- 1) **You can receive actual legal advice** (not just what your friend thinks should happen)
- 2) **It doesn't cost you** (we, at most, only charge for the costs we incur – no billables)
- 3) **You can save time** (we can help navigate the legal system and provide you the right contacts for a specific issue)
- 4) **We're Confidential!**

# What Areas of Law Fall Under “Clinic Law”

- ▶ Housing (tenants rights, arrears, evictions etc.)
- ▶ Income (ODSP, Ontario Works, Canada Pension Plan (CPP))
- ▶ Employment (Employment Insurance, wrongful dismissal etc.)
- ▶ Seniors Law (Wills, POA’S etc.)
- ▶ Consumer (collection agencies, door to door sales etc.)
- ▶ Abuse/Violence (CICB, 2 hours family law certificates)
- ▶ Human Rights
- ▶ Workers compensation/WSIB
- ▶ Referrals

# Who am I?

- ▶ Justice in Health Project Manager, funded by The Law Foundation of Ontario
- ▶ Aim to create unique partnerships with local health care providers

# SOCIAL ASSISTANCE

(a brief overview)



# ONTARIO WORKS



**Ontario**

# What is Ontario Works?

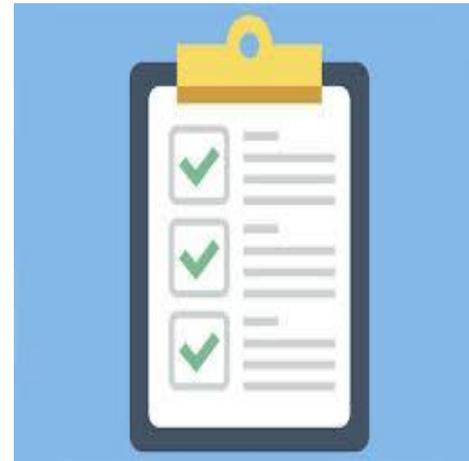
- ▶ Ontario Works helps people who are in financial need. It offers two types of assistance:
  - **Financial assistance**, including:
    - income support to help with the costs of basic needs, like food, clothing and shelter
    - health benefits for clients and their families
  - **Employment assistance** to help clients find, prepare for and keep a job. This assistance may include:
    - workshops on resume writing and interviewing
    - job counselling
    - job-specific training
    - access to basic education, so clients can finish high school or improve their language skills

# Eligibility

- ▶ Must live in Ontario
- ▶ Assets cannot be higher than a certain amount
- ▶ Income cannot be higher than a certain amount
  - ▶ Depends on the number of people in your household etc.

# Provide Information

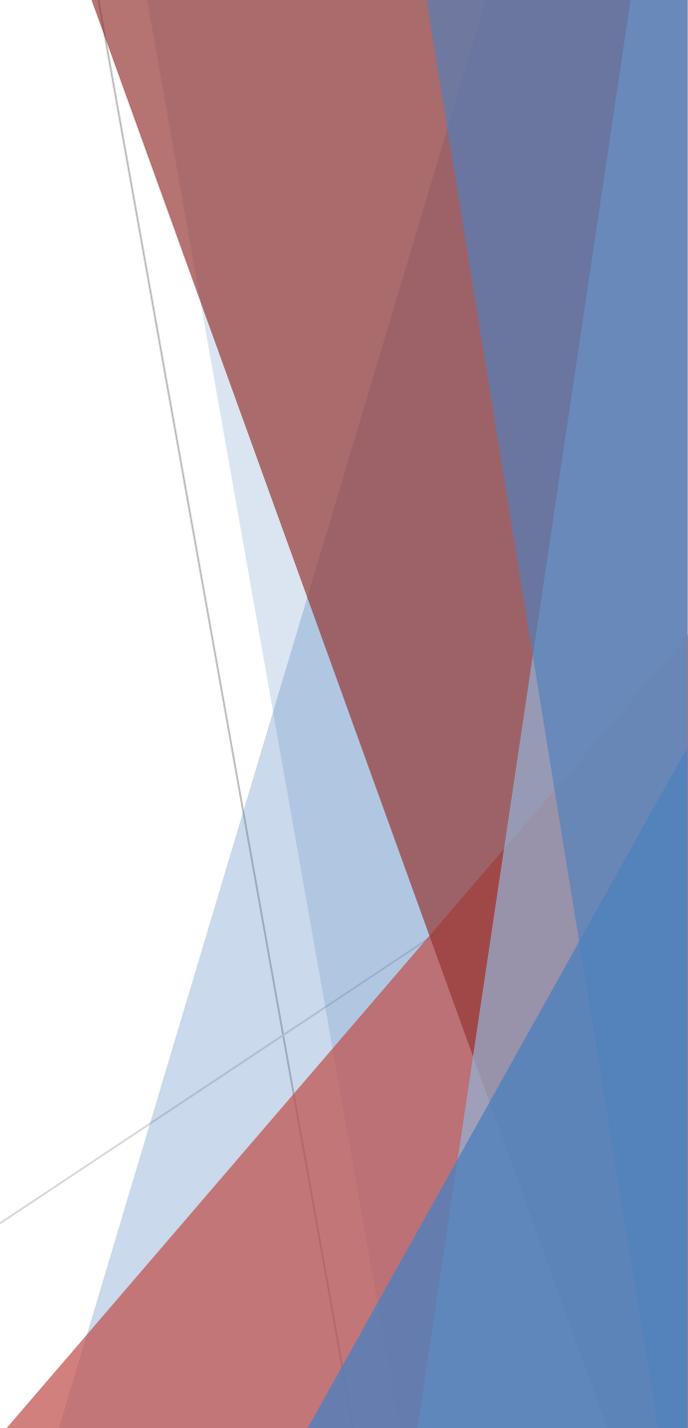
- ▶ You need to give the following information about yourself and anyone else in your household:
  - name and date of birth
  - immigration status
  - income
  - assets
- ▶ You also have to give:
  - your address
  - what type of housing you live in and your housing costs
  - information about other costs, for example, child care or costs that are related to a disability



# Special Considerations

- ▶ Adult who live with their parents
- ▶ People under the age of 18
- ▶ If you live with a spouse or common law partner
- ▶ If you cannot get the documents they need
- ▶ Special Diet
- ▶ And much more!

# Ontario Disability Support Program (ODSP)



# What is it?

- ▶ ODSP financial assistance for low income individuals who have a disability
- ▶ You must qualify financially and meet the test for disability



# What is the Legal Test for Eligibility

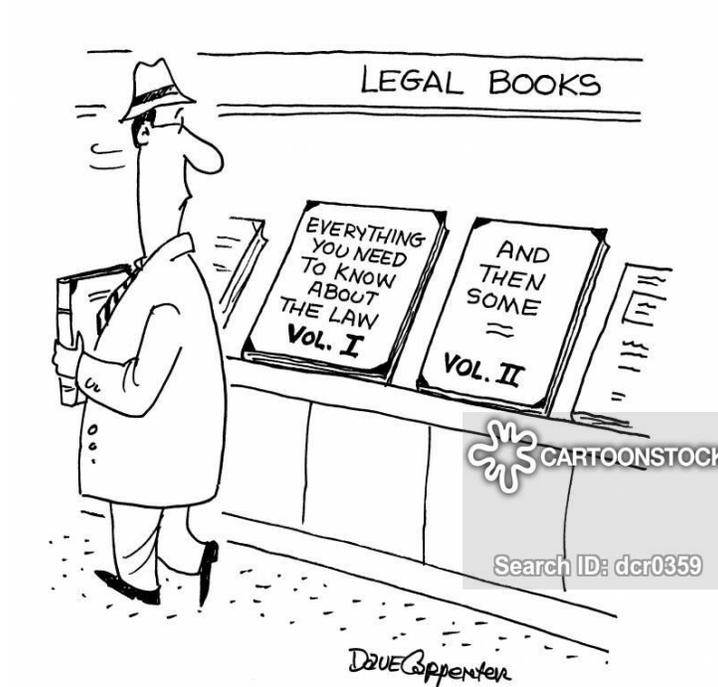
- ▶ The program's definition of a person with a disability is found in the ODSP Act.
- ▶ Meeting the definition means that:
  - ▶ you have a substantial mental or physical impairment that is continuous or recurrent, and is expected to last one year or more **and**
  - ▶ your impairment directly results in a substantial restriction in your ability to work, care for yourself, or take part in community life **and**
  - ▶ your impairment, its duration and restrictions have been verified by an approved health care professional

# No Need to Complete the Disability Determination Package If...

- ▶ you get disability benefits from the Canada Pension Plan (CPP-D) or the Québec Pension Plan
- ▶ you're over 65 years old but are not eligible for Old Age Security
- ▶ you get services or support because you have a developmental disability, whether you:
  - ▶ own or rent a home
  - ▶ live in a group home
  - ▶ live in housing where you get support
- ▶ you're getting payments from the Mercury Disability Board because your health was affected by mercury poisoning in the English and Wabigoon river systems
- ▶ you used to get Family Benefits and were transferred to ODSP

# What if You Get Denied ODSP Benefits?

- ▶ Don't Panic
- ▶ Submit an Internal Review
- ▶ Submit an Appeal
- ▶ Go to Your Hearing
- ▶ Get Legal Help!



# ODSP Benefits



If you are receiving Ontario Disability Support Program Income Support, you and your family may also be eligible to receive other benefits and supports:

- ▶ health benefits, such as prescription drug coverage and vision care
- ▶ disability-related benefits, such as help to pay for hearing aids
- ▶ employment incentives and benefits, such as help to pay for child care costs or items you need for work
- ▶ housing-related benefits
- ▶ Transition Child Benefit.

# Canada Pension Plan (CPP) Benefits



# What Are CPP Benefits?

- ▶ The Canada Pension Plan (CPP) retirement pension is a monthly, taxable benefit that replaces part of your income when you retire. If you qualify, you'll receive the CPP retirement pension for the rest of your life. To qualify you must:
  - ▶ •be at least 60 years old
  - ▶ •have made at least one valid contribution to the CPP
- ▶ Valid contributions can be either from work you did in Canada, or as the result of receiving credits from a former spouse or former common-law partner at the end of the relationship.
- ▶ You Must Apply!

# How Much Will You Get?

- ▶ Amount of Benefits Based on 3 things:
  - 1) Average Earnings throughout your working life
  - 2) Your Contributions to CPP
  - 3) Age you decide to start CPP retirement pension (standard age is 65 but you can start at 60)

# Canada Pension Plan Disability Benefit (CPP-D)

- ▶ Canada Pension Plan (CPP) provides disability benefits (disability pension and post-retirement disability benefit) to people who have made enough contributions to the CPP and who are disabled and cannot work at any job on a regular basis. Benefits may also be available to their dependent children

# What is the Legal Test For CPP-D?

- ▶ To qualify for disability benefits (disability pension and post-retirement disability benefit) under the Canada Pension Plan (CPP), a disability must be both "severe" and "prolonged," and it must prevent you from being able to work at any job on a regular basis.
- ▶ **Severe** means that you have a mental or physical disability that regularly stops you from doing any type of substantially gainful work.
- ▶ **Prolonged** means that your disability is long-term and of indefinite duration or is likely to result in death.

# What if You're Denied CPP-D

- ▶ Don't panic.
- ▶ Apply for a reconsideration within **90 days** of receiving the written decision on your application for CPP-D benefits
- ▶ Reconsideration can take several months to complete, depending on the case. Service Canada will re-examine your application and will send the reasons for their decision to you by mail.
- ▶ If you disagree with the reconsideration decision the next step is to contact the Social Security Tribunal to appeal

# FAQ

## Can I do volunteer work or go to school?

- ▶ Yes. Without having any effect on your CPP disability benefits, you can:
  - ▶ do volunteer work
  - ▶ go back to school to upgrade or complete a degree, or
  - ▶ take a re-training program.

## Can I do paid work?

- ▶ You can earn up to a certain amount without telling us and without losing your benefits. For 2019, this amount is \$5,700 (before taxes). This amount may increase in future years.
- ▶ If you earn more than the amount allowed, you must contact CPP

# FAQ (contin)

- ▶ **Can I get help to return to work?**
- ▶ Service Canada may be able to help you return to work through the **CPP Disability Vocational Rehabilitation Program**.
- ▶ **Will my case be reassessed from time to time?**
- ▶ Your case may be reviewed from time to time. Reassessments are conducted to ensure that only eligible people receive disability benefits.
- ▶ If your case is being reassessed, you may be asked to provide current medical and other information. Because everyone's medical condition and capacity to work is unique, each case is looked at individually.
- ▶ Once all the necessary information has been collected, a decision to continue or stop disability benefits is made. You will always be informed of this decision in writing. When a CPP disability benefit is cancelled, any related children's benefits are also cancelled.

# Workplace Safety and Insurance Board (WSIB)



# What are WSIB Benefits?

- ▶ Workers' compensation benefits are payments for injuries or diseases that are related to the work you were doing. Workers' compensation is paid by the Workplace Safety and Insurance Board (WSIB). The WSIB may also help you return to work with your employer or with another employer.
- ▶ Even if you continued to work at your regular job and didn't lose any wages, it's important to make a claim because:
- ▶ you might get benefits to pay for your medical expenses
- ▶ your injury could get worse



# Three Types of Benefits

- ▶ Loss of Earnings (LOE) - benefits that pay for wages you didn't get because of your injury
- ▶ Health Care Benefits - benefits that pay for healthcare costs, like physiotherapy, medication, etc., to help you recover from your injury
- ▶ Non-Economic Loss (NEL) - if your injury is serious and permanent, the WSIB may pay you for the impact of your injury. This type of benefit is sometimes called a “permanent impairment benefit”.
- ▶ **Other benefits**
  - ▶ WSIB may also pay other costs that you have because of your injury, such as:
  - ▶ expenses that help you return to work, such as training or education, when you cannot return to your old job



# WSIB

- ▶ You may be able to get workers' compensation benefits for health care related to the workplace accident or injury, such as:
  - medication
  - things you need to buy to help make you function better, like orthotics, braces, crutches, canes, wheelchairs, hearing aids, or other aids or assists that you need because of your accident at work.
  - money to pay for clothing that is damaged by braces and wheelchairs
  - doctor's bills, medical treatment bills, and travel costs to go to your doctor or therapy approved by the WSIB
- ▶ You may also be able to get:
  - wages you didn't get because of your injury
  - retirement income you didn't save for because of your injury
  - training or education which is meant to help you get work if you can't return to your old job
  - an independent living allowance if you have a severe permanent disability
- ▶ Sometimes WSIB will pay for your costs directly. If WSIB does **not** pay for your costs directly:
  - keep your receipts
  - ask your case manager at the WSIB if the cost is something the WSIB will pay

# During the WSIB Process

- ▶ Keep records of your health costs
- ▶ Keep records of conversations with your employer and attempts to return to work
- ▶ Co-operate with the Board



# If You Get Denied WSIB Benefits

- ▶ Don't Panic.
- ▶ Reconsideration
- ▶ Intent to Object Form: 30 days vs. 6 months
- ▶ Contact Your Local Legal Centre.

PETERBOROUGH COMMUNITY  
LEGAL CENTRE

100 King St W - 4th Floor  
Call Us at (705) 749-8888

# Employment Insurance (EI)



# What is EI?

- ▶ The Employment Insurance (EI) program provides temporary income support to unemployed workers while they look for employment or to upgrade their skills.
- ▶ The EI program also provides special benefits to workers who take time off work due to specific life events (illness; pregnancy; caring for a newborn or newly adopted child, a critically ill or injured person, or a family member who is seriously ill with a significant risk of death).
- ▶ Workers receive EI benefits only if they have paid premiums in the past year and meet qualifying and entitlement conditions.

# Can You Get EI If You Quit Your Job?

- ▶ It depends. If you choose to leave your job, you can only get Employment Insurance (EI) if you have just cause for leaving. “Just cause” means that you have no other reasonable choice except to leave your job.
- ▶ There are many different situations that might give you just cause for leaving your job. Some examples are:
  - ▶ •you experienced sexual or other harassment
  - ▶ •you experienced discrimination
  - ▶ •your working conditions were unsafe
  - ▶ •your employer was not paying you the wages that were legally owed to you
  - ▶ •your employer made major changes to your work duties

# Can You Get EI If You Quit Your Job?

- ▶ Quitting your job without just cause will only affect regular EI benefits. You might still be able to get other EI special benefits like maternity, parental, sickness, compassionate care, or critically ill child benefits if you meet the criteria for these benefits.



# Old Age Security (OAS) Pension



# When are You Eligible?

- ▶ Your employment history is not a factor in determining eligibility: you can receive the Old Age Security (OAS) pension even if you have never worked or are still working.
- ▶ If you are living in Canada, you must:
  - be 65 years old or older
  - be a Canadian citizen or a legal resident at the time we approve your OAS pension application, and
  - have resided in Canada for at least 10 years since the age of 18
- ▶ If you are living outside Canada, you must:
  - be 65 years old or older
  - have been a Canadian citizen or a legal resident of Canada on the day before you left Canada, and
  - have resided in Canada for at least 20 years since the age of 18

# Applying



- ▶ Most people who are eligible to get OAS receive a letter from Service Canada in the month after they turn 64. The letter tells them that they'll automatically get OAS when they turn 65. If you get this letter, you don't have to do anything more.
- ▶ But if any of the information in the letter is wrong, or if you don't want to automatically start getting OAS, you must write to Service Canada and tell them.
- ▶ If you don't get a letter, you must fill out an application and mail it to Service Canada.
- ▶ You can delay getting OAS until you're past the age of 65. This means you'll get more each month when you do start. You can delay for up to 5 years after you become eligible or until you turn 70, whichever comes first.