

9th Annual Justice Forum Report
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Introduction

On October 17, 2011, Northumberland Community Legal Centre (NCLC) held its 9th annual Justice Forum at the Cobourg Columbus Community Centre. Approximately 40 people from the Northumberland community attended this year. This year's focus was the Ontario government's Social Assistance Review (SAR).

In 2008, the Ontario government announced its Poverty Reduction Strategy, which included reviewing social assistance. In November 2010, the provincial government appointed Francis Lankin and Munir A. Sheikh to co-Chair the Commission for the Review of Social Assistance in Ontario (Commission).

On June 9, 2011, The Commission released its first discussion paper looking for feedback about Ontario Works (OW) and the Ontario Disability and Support Program (ODSP) legislation. In particular, they wanted to know how to move people off of ODSP/OW and back into the workforce.

The Commission only held consultations in some communities. Northumberland was not one of them. Therefore, like many other service providers, and other communities, we held our own meeting in order to gather feedback about local issues with ODSP/OW to provide to the Commission.

Overview

Our first guest speaker, Dana Milne, a provincial organizer with the Income Security & Advocacy Centre (ISAC) and the Ontario Disability Support Program Action Coalition (ODSP-AC) provided background information about the SAR and some key points of concern.

Firstly, the Commission has been tasked with looking at current social assistance legislation and making recommendations for change. It has not been tasked with researching external factors, such as job markets (i.e. unemployment rates, rural v. urban issues, etc.), child care availability and costs, transportation, barriers new-comers face in finding employment and racialized communities to name a few. For persons with disabilities, who already face barriers to employment, it is particularly difficult to face any further barriers.

Further, as Dana explained, it has become clear that the Commission, along with the Ministry of Community and Social Services (Ministry), is more focused on making changes to current ODSP legislation than on making changes to OW legislation. While ISAC, ODSP-AC and many of the Justice Forum attendees would agree that there

needs to be a review of ODSP legislation, they do believe that there also needs to be a review of OW legislation.

One big issue regarding ODSP eligibility is the test applied for qualifying. The Disability Adjudication Unit, the Ministry of Community and Social Services, has been applying a very narrow test for determining whether Applicants qualify. They tend to require more information than the legislation does. Typically, legal clinics within Ontario are largely successful in appealing decisions of the Disability Adjudication Unit, in part, because of the improper application of the legislation. However, in some recent cases, the Ministry is further appealing Social Benefits Tribunal to Divisional Court.

The Income Security Advocacy Centre and Ontario Disability Support Program Action Coalition have heard from agencies and people throughout the province who believe that some of the questions the Commission asked in their consultations were misleading and did not answer questions that recipients of Ontario Works and Ontario Disability Support Program Benefits have. Therefore, the discussion of our Forum would relate to employment supports, defining disability by employability, delinking benefits from social assistance, tax-delivered income supports and their relationship with social assistance and inequities and barriers in the labour market.

We then heard from guest speaker, Christine Watts, a local activist, also a member of the ODSP-AC, who provided some further insight from the perspective of a person in receipt of Ontario Disability Support Program benefits.

Christine explained that a major concern for persons in receipt of ODSP benefits is that the cost of living has been steadily increasing and benefits have not. This has led to people on social assistance often feeling of a sense of shame and embarrassment because they cannot adequately support themselves or their family.

Christine has found that ODSP rules are generally confusing and unnecessarily punitive. It is her sense that social assistance caseworkers often do not treat OW/ODSP clients with the dignity and respect that they deserve.

What We Heard From Participants at the Forum

Dana opened the Forum by going around the room asking participants to introduce themselves and to tell the group one thing that they would change about either ODSP or OW. Overwhelmingly, participants were concerned about low social assistance rates and a lack of quality employment supports.

We heard from Dana what the Income Security Advocacy Centre and the ODSP-AC is doing, and how they are ensuring the Commission stays on task with respect to the Justice Forum topics. We then discussed each of the questions that ISAC and the ODSPA-AC had developed.

There was discussion about employment supports, and how there are not enough supports once employment has begun. Also, one participant described her difficulty accessing and maintaining mental health supports, which was a barrier to her maintaining employment. The funding to a residential program she had been successfully participating in had been cut, turning it into a day program. As there were no similar programs in her community and she had no access to transportation, she could no longer continue with the treatment program. Participants with disabilities indicated that it was difficult for them to connect with their broader community to access the necessary supports, particularly employment supports. Many participation agreements assume that the case worker drafting them has the ability to determine what treatment is necessary, or how disabilities should be accommodated.

There are few opportunities for employment in the predominantly rural communities of Northumberland. This has been particularly true with layoffs from workplaces such as Kraft Canada, TransComm, CPK and even the hospital. Many recipients of social assistance do not have transportation available and single parents (mostly women) do not always have access to child care during work hours. Many were concerned that the financial burden associated with obtaining employment, such as transportation to and from a job interview and childcare while attending the job interview, the clothing necessary for an interview or for employment, etc. were creating barriers for low income people in Northumberland. While there is a small amount of funds available to recipients looking for work from social assistance, it does not remove the barriers.

Another issue that people from the community found frustrating about Ontario Works specifically was that they often have more than one worker with whom they must stay in contact. For example, an OW client could have a worker for finding employment, another for case management and one for family supports etc. Participants explained that the way OW has structured its programming has become very confusing for many OW clients.

It becomes difficult to know what information has to be provided and to whom. If an OW/ODSP client does not provide the information requested by their caseworker in a timely manner they are routinely penalized by being cut-off from social assistance. The process of challenging the decision of a caseworker is time consuming and extremely stressful for those on social assistance.

Dana concluded, and most Forum participants agreed, that the OW system is broken and that it is designed to be inadequate. Caseworkers end up spending more time monitoring and enforcing the rules instead of assessing and supporting their client's needs. Often the focus of OW caseworkers is to get people off of the system into any job whether suitable or not. Whether a person who is on OW has escaped poverty or not is completely irrelevant.

Many participants confirmed that when Social Assistance recipients do find employment, they receive little support in actually maintaining it. We heard in several cases that case workers often require information and contact from employers to the

point that it creates a burden on employers. Once recipients find employment, there is no follow up with their workers. For example, if an OW recipient were to find work in a workplace with a poor human rights record, the onus remains on a recipient to maintain the employment. In fact, they may be punished – failing to comply with a participation agreement – if they terminate employment. OW recipients have been required to participate in often unnecessary or irrelevant mandatory training programs that do not take into account their skills, goals, barriers and education. Therefore, they often do not have skills to maintain employment once they have found it. They are pushed into low-wage jobs with little or no assistance or benefits, positions which do not reflect the training programs that they were forced to take part in.

Most Justice Forum participants agreed that they wanted to see an actual reduction of poverty in keeping with the government's commitment to their Poverty Reduction Strategy. This would include the creation of good jobs; appropriate employment supports for those with disabilities; and adequate income, housing, childcare, transportation, education and training programs.

There seemed to be a consensus in the room that for real poverty reduction to take place the Commission would have to look outside of the social assistance system to labour market factors (such as unemployment and underemployment) when addressing poverty and social assistance issues in Ontario. Considering the effect between Ontario Works/Ontario Disability and Employment Insurance (i.e. starve now or starve later) would benefit poverty reduction.

Justice Forum Recommendations

After much discussion throughout the presentation, forum participants concluded that there is a need to respond to the Commission's questions as well as ensure they hear our community's recommendations with respect to changing social assistance legislation. The Northumberland Community Legal Centre will work with the community to make sure these recommendations are heard by the Commission and the government. The recommendations are as follows:

- The need for an adequate financial bottom line that no low income person should ever go below;
- The focus of the SAR should be about adequacy of social assistance and not about the reshuffling of provincial money;
- An actual measured reduction in poverty in keeping with the government's promise to implement their Poverty Reduction Strategy;
- An understanding that obtaining employment does not mean freedom from poverty;
- That inequities in the labour market, and other external factors, must be addressed to have a meaningful consultation about social assistance;
- An acknowledgement that the Ontario government should take responsibility for the lack of employment opportunities and supports instead of shifting the blame onto the individual.

What's Next?

The Legal Centre took feedback from participants during the discussions and we noted the speakers' concerns. We heard many questions over and over again and have drafted a list of questions that were the most commonly expressed during the forum, that we intend to ask at a Community Consultation to be held once the Commission has released their paper. We have narrowed our list to the following questions:

1. How are we going to get the changes we need in Northumberland?
2. How do we ensure that the Government of Ontario keeps their commitment to their Poverty Reduction Strategy?
3. How do we ensure that the Government of Ontario implements the recommendations from the Commission?
4. How do we ensure the Commission does a fair and complete review?
5. How do we ensure that the Ministry of Community and Social Services applies the legislated test for disability and not a narrow test that the Disability Adjudication Unit has determined is the test?
6. How do we ensure that social assistance recipients are not punished, but supported and assisted?
7. How do we ensure that the cost of employment is not a barrier to finding employment?

It is expected that the Commission will release a paper – “Options” paper – in December 2011 and its final report in June 2012. It is unknown what the Provincial Government will then do with the Commission's Report.

The Northumberland Community Legal Centre commits to hosting a community consultation once the “Options” paper has been released by the Commission. We will pose these and other questions to the community and gather community input. We will submit our findings to the Commission and to the Province to push for fair and equitable change to Social Assistance legislation.

We will list the information about a public consultation on our website, at www.thehelpcentre.ca. We will also advise the media and send emails to anyone who provided an email address at the Justice Forum.

Those interested in getting involved with the SAR should attend our community consultation in the New Year. We also have an online questionnaire that we hope community members will take the time to fill out to have their views heard. It will further assist us in gathering information. Those interested can access this questionnaire at <http://www.thehelpcentre.ca/documents/ninth-justice-forum-questionnaire.pdf>. The SAR is the best opportunity right now for those on social assistance to have their voices and concerns heard and to advocate for real change to ODSP and OW legislation, policy and rules.

Again, thank you to all of those who participated, we look forward to working with you in the upcoming months.

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