

The Experience of People with Disabilities in Ottawa and the Ontario Disability Support Program (ODSP)

Report of the Public Forum

Held November 29, 2000

Report by Panel Members, October 2001
Prepared by the Social Planning Council of Ottawa

"It's draining trying to get your needs met. Financial stress contributes to depression. The way the system is set up it causes stress and anxiety. Some feel the system turns them into a monster to get their needs met."

Comments from the Focus Group
held at The Well

"Currently there are more obstacles to overcome by people like myself than opportunities."

Roy Wilson
Ottawa Chapter of the Multiple Sclerosis
Society of Canada

"I have been scared of the system from the start. I don't have family support so I am really terrified of the system. I can't see how the system can be good for you if you are terrified of it."

A member of the audience
at the forum

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Table of Contents

INTRODUCTION	4
ACKNOWLEDGEMENTS	5
OVERVIEW OF THE ODSP	6
Description of the ODSP and its Delivery	6
The Definition of Disability	6
The Application Process For ODSP Income Support	8
Applying for Employment Supports	10
ODSP IN OTTAWA-CARLETON - WHAT IS THE EXPERIENCE?	11
I. GETTING ON ODSP	11
Qualifying for ODSP	11
Applying Through the Ontario Works Office	12
The Appeal Process	13
II. DELIVERY OF THE PROGRAM	13
Access to Information	13
The ODSP Office and Staffing	14
The Team Concept	15
Technology and Changes to Service	16
III. THE IMPACT OF PROCEDURES AND POLICIES	17
Accommodating People With Disabilities	17
Misconceptions about People with Disabilities - The Entrenchment of Infantilization	17
Consolidated Verification	18
An Atmosphere of Fear	19
The Spectre of the Lifetime Ban	19
IV. EMPLOYMENT AND OTHER SOURCES OF INCOME	20
Finding Meaningful Work	20
Accessing Education and Training	22
The Relationship with Other Income Support Programs	23
The Relationship with the Canada Pension Plan	24
V. MEDICAL ISSUES	24
Access to Prescribed Medications	24
Which Drugs and Medical Services are Covered	25
VI. COST OF LIVING, GETTING AND KEEPING HOUSING, AND SHARING ACCOMMODATIONS	26
ODSP Benefit Rates and the Cost of Living	26
The Housing Crisis	28
The Process of Renting While on ODSP	28
Sharing Accommodations while on ODSP Benefits	29
CONCLUSION	31
RECOMMENDATIONS FOR IMPROVEMENT	32
For The ODSP Office	32
For the Municipal Ontario Works Offices	34
For the Federal Government	34
For Others, Including Community Agencies	35
Suggestions for Further Research	35

INTRODUCTION

The Social Planning Council of Ottawa and the Financial Assistance Committee of the Canadian Mental Health Association (Ottawa-Carleton) held a Public Forum on the Ontario Disability Support Program, to provide an opportunity for people directly involved in the ODSP process to speak out about their experiences with the program. The forum was held on November 29, 2000, and was attended by roughly 80 members of the public.

The forum organizers assembled a panel of seven¹ respected members of the community with an interest in or knowledge of the issues. The panel drew representatives from many sectors of Ottawa's population. The panel members were:

- **Donna Lee Holley**, Community Member, B.S.W., Chairperson;
- **Janice Fine**, Arthritis Society
- **Dr. Roy Hanes**, School of Social Work, Carleton University
- **Jane Hueston**, Lawyer, Community Legal Services
- **Sue McLatchie**, Health Promoter, Somerset West Community Health Centre
- **Dr. James Mullin**, Psychiatrist
- **Katie Paialunga**, Executive Director, Independent Living Centres Ottawa-Carleton

Presentations to the panel were given by individuals receiving ODSP, staff from community groups serving or representing ODSP recipients, and representatives of municipal social services and the Provincial ODSP office. The presenters were:

- ♦ **Terrie Meehan**, member of the CMHA Financial Assistance Committee
- ♦ **Bob Eton and Pam Smith**, Ont. Public Service Employees Union (OPSEU)
- ♦ **Julie Zurakowski**, O.D.S.P. Program Manager (Ministry of Community and Social Services)
- ♦ **Donna Sargeson**, O.D.S.P. Employment Support Specialist (Ministry of Community and Social Services)
- ♦ **Hilary Robinson** (supervisor) Region of Ottawa Social Services Dept. (Ontario Works) Catherine Street office
- ♦ **Jane Bacile** (O.D.S.P. Liaison Worker), Region of Ottawa Social Services Dept. (Ontario Works) Catherine Street office
- ♦ **Roy Wilson**, Ottawa Chapter of Multiple Sclerosis Society of Canada
- ♦ **Peter Timusk**, Psychiatric Survivors of Ottawa Focus Group
- ♦ **Sonia Levesque-Parsons**, Community Legal Worker, West End Legal Services
- ♦ **Bob McDonald**, Case Worker, Housing Help
- ♦ **Keenan Wellar**, Chief Executive Officer, Special Needs Network
- ♦ **Steve Sanderson**, Ottawa-Carleton Association for Persons with Developmental Disabilities
- ♦ **Larry Weissman**, concerned person receiving ODSP
- ♦ **Gerry McGee**, Civil Liberties Association Nation Capital Region
- ♦ **Reuel Amdur**, Advocate assisting people on appeals for ODSP, former Supervisor in the Region of Ottawa-Carleton Social Services Dept.

¹ Andrew Hansen of the Association for Learning Disabilities of Ottawa-Carleton was to sit on the panel, but was unable to attend on the day for health reasons.

- ♦ **Barbara Basker**, The Well Focus Group
- ♦ **Anne Hubbard**, Registered Nurse
- ♦ **Gary Holmes**, Financial Assistance Committee, the Canadian Mental Health Assoc. Ottawa-Carleton
- ♦ **Dianne Urquhart**, reading on behalf of the St. Joe's Women's Centre focus group.

The goal of this report is to provide a glimpse into the impact of the ODSP program on people applying for and receiving ODSP at the time of the public forum. The report is not intended to provide an update on all aspects of ODSP, and in consequence, there may have been some changes to certain procedures referred to in this report since the date of the forum.

This report is based on the testimony received at the forum, and from three focus groups that were held on the same subject - one in September 2000 by the Psychiatric Survivors of Ottawa, one August 29, 2000 held at The Well, and one September 5, 2000 held at St. Joe's Women's Centre. On the day of the public forum, some participants shared their direct experiences about ODSP by writing comments on file cards, which were posted on the wall to form a "Wall of Impact". Some of those comments are also included in this report.

The report has been prepared by the Social Planning Council of Ottawa, under the direction of the panel members, and includes the panel's recommendations for action.

ACKNOWLEDGEMENTS

The Social Planning Council of Ottawa-Carleton and the Financial Assistance Committee offer sincere thanks to the panelists, who were extremely accommodating of their time, to all those who prepared presentations to the panel, to the concerned individuals in the community who attended the forum, and to the organizing committee members who worked for many months on this project. The organizers would also like to convey their gratitude to Larry Weissman for exhibiting his compelling photographs, Timothy Maxwell for his assistance with logistics and the sound system, the Public Service Alliance of Canada for donating the excellent meeting space, and to the United Way/Centraide of Ottawa-Carleton for generously providing the funds to hold the forum.

OVERVIEW OF THE ODSP

Description of the ODSP and its Delivery

Prior to June 1998 there were two social assistance programs in Ontario: Family Benefits and General Welfare. Family Benefits was for single parents, elderly people and people who were disabled, while General Welfare was for two parent families and single non-disabled people. In June 1998, Family Benefits was replaced by the Ontario Disability Support Program (ODSP) and General Welfare was replaced by Ontario Works (OW). Under these new laws the only people who can receive ODSP are people with a disability and people over 65 who do not get Old Age Security. All others who need social assistance must apply for OW.

The Ontario Disability Support Program has two components: income support and employment support. The income support component provides financial assistance and benefits to eligible people with disabilities, whereas the employment component offers supports designed to reduce or eliminate disability-related barriers to finding and keeping a job.² The program as a whole is intended to provide greater security and at the same time, take people with disabilities off welfare; meet the unique needs of people with disabilities; protect disability benefits for people with disabilities, and support people with disabilities toward the goals of independence and employment.³ As of November 2000, 16,225 families were receiving ODSP in Ottawa-Carleton.⁴ The monthly average for 2000 (January to August) was 16,181 ODSP cases per month. Of those, roughly half have applied via Ontario Works and roughly half applied directly. On average, only one or two of the direct applications per month are found to be financially ineligible. In terms of employment supports, 591 applications were received by the Ottawa office in the year prior to the public forum; of those, 95% were found to be eligible.

The Definition of Disability

Under the Ontario Disability Support Plan Act, the definition of “disabled” was changed substantially from the definition under the previous law. Some people automatically qualify as “disabled”, although they would still have to meet the income and assets test. They are:

- People who were receiving Family Benefits because they had a disability;
- People who get Canada Pension Plan disability benefits;
- People who are in a psychiatric facility;
- People in a facility designated under the Developmental Services Act;

² From a Ministry of Community and Social Services announcement, February 3, 1999, as noted in the public forum.

³ From a Backgrounder released by the Ministry of Community and Social Services, June 5, 1997, as noted in the public forum.

⁴ The program serves approximately 190,000 provincially; however, new case and new beneficiary statistics may differ since certain cases are for a head of a household where others in the household also depend on this income.

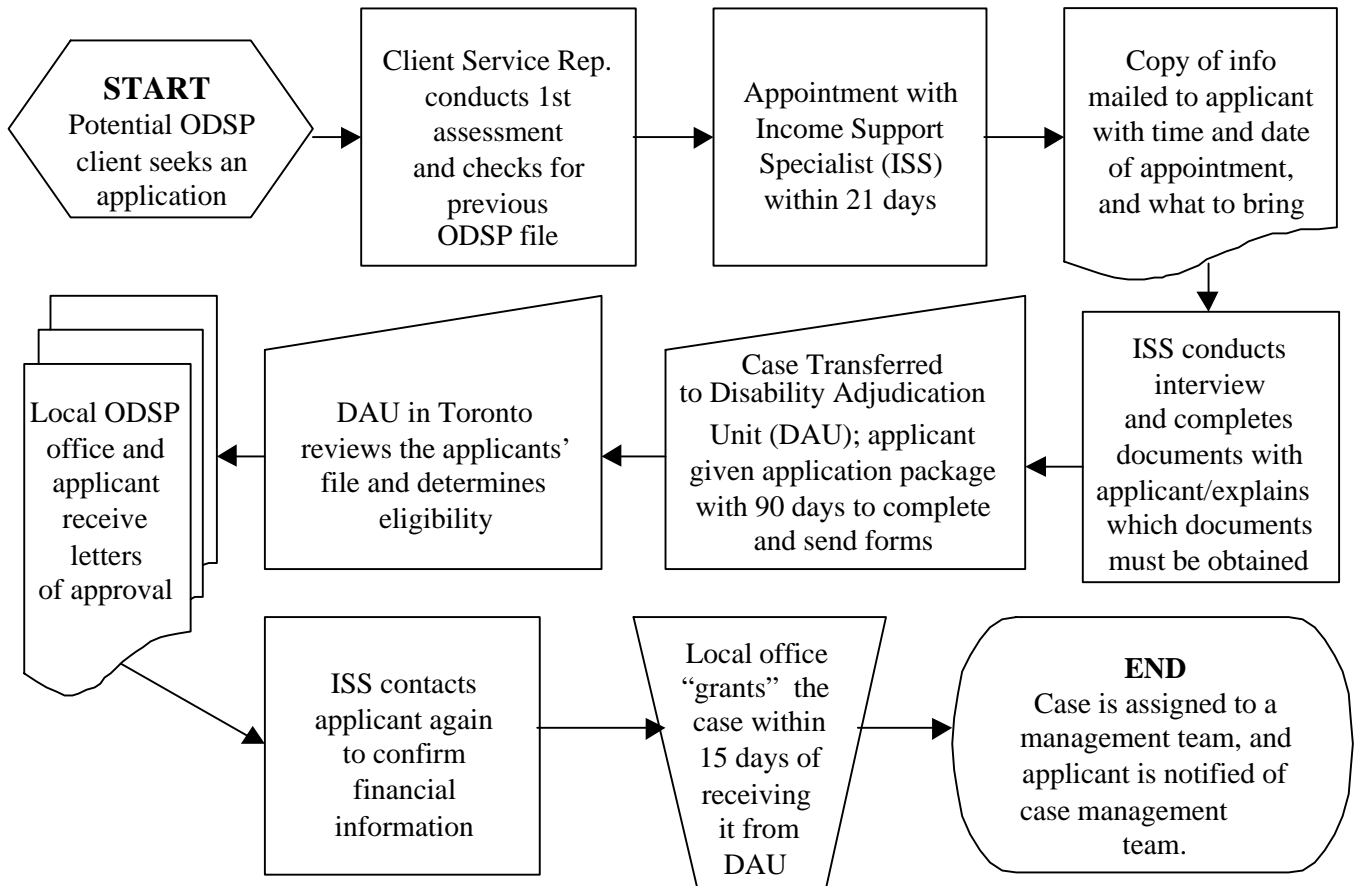
- People in a home designated under the Special Care Act;
- People over 65 who do not receive Old Age Security.

Anyone else who applies for ODSP income support must meet certain criteria. In applying for ODSP income support a person must prove financial eligibility (i.e. he or she meets the asset and income criteria), and prove that he or she meets the definition of disability laid out in the ODSP legislation. They must have a substantial physical or mental impairment that is continuous or recurrent and is expected to last one year or more. A further stipulation is that the impairment must have a direct and cumulative effect, and result in a substantial restriction on the person's ability to attend to his or her personal care, function in the community or function in a workplace. Finally, the impairment in question and its likely duration, as well as the restrictions on the person's daily living activities, must be verified by a person with the prescribed qualifications, normally a medical doctor.

The Application Process For ODSP Income Support

A person applying for ODSP can start the process at the OW office, or with the ODSP office in person or by phone.⁵ The application process for income support is lengthy. The flow chart below (Figure 1) shows the process of applying for ODSP through an ODSP office.

Figure 1. A Successful Application to ODSP through the ODSP Office



When an applicant contacts the ODSP office to apply, a client service representative will check if there is a previous ODSP file and will conduct a preliminary financial assessment. If the applicant passes this initial means/needs test, an appointment is usually scheduled within 21 days with an income support specialist, and the person is provided with the date, time and place. The next day, a copy of an information confirmation letter is sent, confirming the appointment and listing the information to bring.⁶

⁵ People who need immediate financial assistance are referred to the local Ontario Works office.

⁶ The appointment is usually at the ODSP office but may be at the client's home in exceptional cases.

At the appointment, the income support specialist conducts an interview and completes a series of documents with the applicant, including a Consent to Disclose form. A representative from the Ministry of Community and Social Services stated that each client is also given a copy of a “Rights and Responsibilities Form” and, if the person has any earnings, the staff will explain how earnings affect the amount of benefits that can be received. The client is informed of any other documents that he or she must provide.

If the person qualifies financially and all the necessary information has been provided, the local office will give or mail an application package to the client. The application package includes a Health Status Report and an Activities of Daily Living Report, both of which must be filled out by a doctor or similar medical professional; a Self Report, which is not mandatory; and a Medical Consent to Release Form. The applicant has 90 days to have the forms completed and sent to the Disability Adjudication Unit (DAU) in Toronto. A reminder is sent at the 60-day point. The local office transfers the file electronically to the Disability Adjudication Unit, and has no further role until notified by the DAU. If an individual applies through the OW office, the same information is gathered by the OW office and sent to the DAU.

When the applicant sends the completed package to the Disability Adjudication Unit in Toronto (DAU), the DAU looks at the clinical information provided and determines eligibility from the documents, taking into consideration the disability, the expected duration, and the impairment of daily living.⁷ A member of the DAU can contact the doctor, based on the Medical Consent form, if necessary.

Finally, the client and the local office (ODSP or OW office, depending on the source of the application) receive a letter stating if the client is eligible or not. If the client is eligible, and had applied from an OW office, the file is transferred to the local ODSP office. There it will be assigned to a worker, who must contact the applicant before proceeding. If the application started at the ODSP office, the “income support specialist” who had interviewed the person contacts the client to confirm all the financial information. If the financial information is confirmed, the local office “grants” the case within 15 days of receiving the letter from the DAU. The client is normally entitled to payment retroactive to the month after the DAU received the medical documentation. The case is assigned to a case management team, and the successful applicant is notified of the case management team.

If a person’s application for ODSP is turned down, he or she can ask for an appeal. First the person has 10 days from the day the application was refused to ask in writing for an internal review. This is a process where the application is looked at again in the ODSP office. If the person is still turned down, he or she has no more than 30 days to ask in writing for an appeal. This appeal would be heard by the Social Benefits Tribunal. A successful application that does not require an appeal takes six to nine months. In contrast, an application that is turned down at the DAU but then is accepted after an appeal may add an additional twelve months *above and beyond* the regular time it would normally take before the application is finalized.

⁷ The DAU is a multi-disciplinary team of health professionals (nurses, physiotherapists, etc.) Normally only one member of the team would look at and assess a file. The DAU is supposed to make a decision in six to eight weeks.

Applying for Employment Supports

The application process for Employment Supports is entirely different. Employment supports are available to individuals with disabilities, who are on ODSP or OW, are 16 years or older, a resident of Ontario, and legally permitted to work in Canada. 10 Rideau Street in Ottawa is the central intake point for the Eastern Region, and an individual can start the process in person or by phone. Anyone can call for and receive information on the program, including family members or agency staff, and information brochures and sheets are easily accessible. The definition of disability used for this portion of the program is less restrictive – the person must have a physical or mental impairment expected to last one or more years, and which presents a substantial barrier to getting a job. Most significantly, clients receiving ODSP income support identify what they feel is their disability and what barriers to employment they face, and the Ministry accepts the client’s assessment of his or her capabilities. The Ministry representative says this information is not shared with the income side.

Clients who do not receive ODSP need to have their health professional complete a Verification of Disability Form, and the application is complete when this form is received. For employment supports, the local ODSP office accepts the assessment by the health professional without having it scrutinized by the DAU. When the completed application form is received, an acknowledgement is sent to the client, and an appointment is set with an employment specialist. There are seven employment specialists for the Eastern Region, and an appointment is usually scheduled within two to three weeks. If employment supports are denied or terminated, the client can appeal that decision to a dispute resolution committee comprised of “independent community members”. There has not yet been an appeal to this committee locally.

ODSP IN OTTAWA-CARLETON - WHAT IS THE EXPERIENCE?

I. GETTING ON ODSP

Panel members were told repeatedly that the application process is complex, not user-friendly, and does not acknowledge the fact that some applicants cannot read or write. Information for clients is not clear, and at the time of the public forum, basic pamphlets were still not available through the ODSP office. Although the application forms have been simplified somewhat, they are still not user-friendly, and not easy to obtain in the community or in general. The costs of gathering background information that is needed to qualify, such as bank records and divorce papers, are expensive and not covered in any way.

Qualifying for ODSP

It is harder to qualify for benefits under the ODSP than under the old system. Under the former legislation (Family Benefits), people could receive benefits if they medically qualified (were disabled) or if they were “permanently unemployable”.⁸ This was changed in the ODSP legislation so that only people who are substantially disabled can receive benefits. People who are not employable can no longer qualify. Although these people are, in practice, permanently unemployable, they remained on the Ontario Works caseload.

Under the previous legislation, the decision as to whether a person was disabled rested with the decentralized Medical Advisory Board, and the written assessment provided by the individual’s doctor carried considerable weight. The panel was told that in order to achieve “increased consistency with the legislative definition of disability” it was deemed more appropriate to dismantle the decentralized MAB and set up one Disability Adjudication Unit in Toronto to make these decisions. However, presenters noted many problems with this centralized DAU. The panel heard of numerous situations where the DAU denied the claim even though the DAU “scored” the individuals as being substantially disabled. Some of the examples cited were:

- a person deemed 74% disabled from effects of a brain tumor, denied because “more information was needed”;
- a person deemed 73% disabled from MS, denied;
- a person deemed 81% disabled from effects of an injury, denied;
- a person deemed 87% disabled from effects of an injury, but denied because a specialist's report had not been provided to support the GP’s report;
- a person deemed 62% disabled from effects of severe head injury, denied because the person was “not going to get worse”.

⁸ For example, older workers with some impairment, literacy or language difficulties, people with skills no longer in demand, or people with a history of serious addictions.

Another problem with respect to qualifying affects people who re-apply for ODSP. Those who re-apply for ODSP, within a year of leaving the program to work, are "fast-tracked". This means they would have to prove financial eligibility, but they would not have to prove their disability again. The panel heard that for some disabilities, especially some mental illnesses, a one-year limitation is inadequate, as a recurrence of the disability may not normally occur within a one-year period.

Applying Through the Ontario Works Office

“How does the worker contact the homeless person? How does the worker contact the client who is in the cancer ward in the General? [...] Try asking a gentleman with dementia, who is living under a bridge, for his divorce judgment. Try asking an in-patient in the Royal Ottawa Hospital to provide documentation that his bank account in B.C. has been closed. Try asking a couple, who escaped from Bosnia with nothing but the clothes on their back, to provide a marriage certificate. ODSP will need to know from an 80 year-old Chinese immigrant what the value of her mud hut in China is. They will need a 70 year-old widow to provide the death certificate of her husband, who died 30 years ago in Vietnam. How are these clients to obtain these documents? These are the obstacles I face every day before I am even able to give the client the medical application package. We should be concerned less with the paper and more with the people.”

Jane Bacile, ODSP Liaison Worker
with Ontario Works

Through the previous legislation, municipal social assistance workers co-ordinated the application for disability benefits. Under ODSP, merely obtaining the ODSP application package is an intricate process. The panel heard that although OW clients have already had to prove their financial eligibility for OW by providing extensive documents, the OW worker is mandated by the Province to obtain an extensive list of documents from the client before even giving out the ODSP application package. These include, but are not limited to birth certificates, S.I.N. and O.H.I.P. cards, life insurance policies, divorce judgements, and tax assessments. If clients are able to obtain the necessary documents, they receive the application package, including the forms to be completed by their health professional. The completed forms are sent to the DAU.

If the DAU makes a positive decision, the OW office is notified, and they transfer the file to the local ODSP office. The panel heard that a file may sit at the ODSP office for up to three months before it is assigned to a worker. Once it is assigned, the ODSP worker has to have contact with the client before the case will be opened and the ODSP worker will require the client to produce more financial records, such as 12 months of bank records. All the requested documents requested must be provided before the client receives their first cheque. Unfortunately, the documents required are often not realistic, and ODSP will not reimburse the cost of any of related expenses.

The Appeal Process

People whose application for ODSP is denied have ten days to give a written request for an internal review of the decision. This is very difficult for some people with disabilities and for individuals who are not able to read or write English or French.

If the application is still denied, following the internal review, the applicant has only 30 days to file an appeal in writing. It usually takes about one year to have the appeal heard and decided by the Social Benefits Tribunal. While on appeal, people only get OW levels of income, that is, they have a long wait for ODSP and have a very low income during the long wait.

Many of those denied are ultimately successful in their application. With legal assistance, there is a high incidence of cases in which the applicant is found by the Social Benefits Tribunal to meet the definition of disability within the legislation. However, they have had to go through the appeal process, which is lengthy for the individual and expensive to the taxpayer. The situation was summarized at the forum by Sonya Levesque-Parsons, speaking of the observations of legal clinic workers: *"A lot of people being denied ODSP really do qualify at the very onset when they apply. But they are denied. [...] Some of these people have to go through the whole appeal system, and it's costing a lot of taxpayers' money, when they shouldn't have been denied in the first place. I fail to see how this is streamlining the process to work better for disabled people and to work better for the taxpayers."* The panel was repeatedly told that the process was very lengthy, the forms were intrusive, and that each step of the process had considerable opportunity for delay or error, as testified by advocate Reuel Amdur: *"I just dealt with one case where the medical adjudicator mis-read the doctor's handwriting. I called and complained about it, and it was cleared up. Now I am fighting with them about when they should start paying him from."*

II. DELIVERY OF THE PROGRAM

Access to Information

"The teams, phone numbers and fax numbers are changed frequently. This is incredibly frustrating for those who know this information by memory due to developmental delay, cognitive problems, or illiteracy. [...] For example "David" was faxing his pay stubs to ODSP every month. One month ODSP changed their fax # and didn't tell David. When he went to the bank there was no deposit. David had to phone to find out what had happened. ODSP had put a hold on David's cheque. "

Psychiatric Survivors of Ottawa

One of the main concerns communicated to the panel is that basic information is not being provided by the ODSP office. The focus group from St. Joe's Women Centre summarized the difficulties echoed by most presenters throughout the day. Firstly, clients are not given clear, written information on all entitlements and supports, and because of this, are not in a position to enforce their own rights.

Secondly, recipients are not given clear, written information on what is reportable income and what is the impact of earnings on the monthly benefit. There are no pamphlets or information sheets available from the ODSP office on this issue. At the time of the public forum, the representative from the Ministry indicated that there were plans to develop “tip sheets” on this topic, most presenters felt such information should have been in place from the start of the program. The representative from the Ministry acknowledged that the impact of earnings on the monthly benefit is often the first question clients ask. Apparently there is no plan to have this information available in any language other than English and French. Women in the focus group from St. Joe's Women's Centre highlighted the fact that people were very nervous about meeting their obligations, because they were not made clear to the recipient. *“So people wonder, for example, if they won a little bit at bingo did they have to report it? There is no written information on what needs to be reported and what does not need to be reported, what is income and what is not income. People often do not know what to report.”*

As well, it was noted that physicians were not given any information by the Ministry about the program itself or the forms they would be completing for their patients. It is vitally important that physicians know the expectations with respect to information they provide, particularly when filling in the application forms for their patients.

The ODSP Office and Staffing

A new staffing model was implemented in June 1999, a year after ODSP was introduced, but forum participants asserted that there was inadequate staff to provide quality service. A survey of ODSP staff across the Province conducted in June 2000 by the OPSEU found that almost 70% of the offices surveyed reported temporary or permanent vacancies, and 10% of offices had never had a full complement of staff. The panelists heard that the Ministry is not filling staff vacancies, but rather, leaves positions vacant, delays posting positions, or relying on contract or temporary agency staff.

Front line workers are very concerned about the potential for an inferior quality of the service. The fact is, it is particularly necessary to have knowledgeable and permanent staff in an environment where policies and practices are constantly changing, especially for understanding the unique and varied needs of the disabled clientele. As stated by Steve Sanderson, Ottawa-Carleton Association for People with Developmental Disabilities: *“One of the things that has happened as part of the “Transformation Project” is that we have lost people in government who did this job and knew it quite well and understood the needs of individuals. Most of the people now are on a contract basis which is a real problem.”* This opinion was echoed by the focus group held by Psychiatric Survivors of Ottawa, noting that new staff sometimes gave incorrect information, and were not sufficiently informed. By adding these problematic staffing practices to the already substantial workload, the Ministry creates problems of added stress on the permanent staff, and inconsistency and lack of continuity for the clients.

An added difficulty for staff has resulted from the introduction of a new program, called "Mandatory and Special Necessities", without providing additional staffing. The program covers items such as diabetic, surgical, and incontinent supplies, as well as costs for medical transportation. People who would have received this from Ontario Works now must deal with the ODSP office, and although the vast majority of potential clients probably do not even know

about the program, its volume and turn-around time is an added workload pressure. Requests are to be processed within two days, but there is not adequate staff to meet this target. This creates tremendous pressure for the staff, who are aware that people are depending on this service.

The Team Concept

"The team concept is just that: a concept. It doesn't work. It is utter chaos. It is very confusing to the client and there is no accountability. There are too many people handling the same case. No one knows what the other is doing, and it is not good service to the clients."

Pam Smith, OPSEU

The panel heard a great deal of criticism of the "team concept" model of delivery, which was implemented in the summer of 2000 in Ottawa. A survey by OPSEU found that 86% of all participating offices indicated that the team concept does not work; clients and agencies hate it and there is duplication of reporting. Specifically, the survey found that people were frustrated with having to deal with a number of people to have their issues addressed. This was also expressed repeatedly during the forum. Under this new "team" model, staff and clients cannot develop a rapport. Phone calls are in a queue, thus each time clients call, they will have to explain their situation to yet another worker on the "team". Even more problematic, different staff may provide different - even conflicting - information to the client, and no one at the ODSP office is accountable. The focus group held at The Well also found that *"the worker you speak with on the phone will not give you his or her name so it is impossible to do a follow-up, and that can lead to difficulties."* There is no clear responsibility for caseload management, and no case tracking.

At the same time as the team concept has been introduced, workers are being discouraged from making house visits and some regional offices in Ontario have closed.⁹ These practices taken together have had a dramatic effect on how service is provided, and make it very difficult for many clients to access services, as public transportation is scarce or non-existent outside urban areas.

In June 2000, the Ministry conducted its' own review of what was working and not working in the ODSP program (the Business Plan Review). The panel heard that, based on this review, the Government determined there was a lack of consistency between offices, and prioritized correcting this situation. As well, adjustments were made to the service delivery model to create smaller teams based on the life cycle of the client's relationship with ODSP.¹⁰ Now the maximum number that a team would work with is 8,000 clients. The approach is being called a

⁹ 19 offices surveyed by OPSEU indicated they had had office closures in their geographic region. In some communities, the Ministry closed the local office, and rents space for one day of service a week, by appointment only.

¹⁰ These include the Application Team, Case Management Team, Consolidated Verification Process Team, and the Office Administration Team.

“client centered approach” . Presenters at the forum noted that in this "new" model, the clients still have no say, and there is still no one person they can contact or hold accountable.

Technology and Changes to Service

The panel heard tremendous frustration with the manner in which technological change has been and is being implemented within ODSP. Many presenters felt the technological changes were not designed for the benefit of clients. In particular, many presenters expressed frustration with the new “Interactive Voice Response” phone system implemented by Anderson Consulting.¹¹ Voice response systems are very difficult for some people to use, particularly people who do not speak English or French and people with certain disabilities.

According to one of the representatives from the local ODSP office, one of the most significant changes stemming from the “Business Plan Review” is that the paperwork and workflow process have been substantially systematized. The Ministry representative noted that the Ottawa office was farther ahead in the changes stemming from the Business Plan Review, and that many of the criticisms raised in previous presentations with respect to workflow issues no longer applied to Ottawa. However, the OPSEU representative suggested that the changes stemming from the Business Plan Review, as seen across the Province, did very little to address the substantive criticisms raised with respect to the delivery system, particularly the problematic team concept.

The panel heard that Anderson Consulting was contracted to put in place a system for constant monitoring of the work. Staff of the ODSP offices expressed extreme frustration that the monitoring has nothing to do with the quality of the service. It is monitoring details such as the targets for Consolidated Verification, and case statistics at the end of the day. There is no attempt, for example, to systematically record or retrieve the average wage received by people when they leave the Employment Supports Program for employment, or of the client's employment status six months after leaving the program. This sort of information would seem to be essential to evaluate if the employment supports program is being successful in its goal of moving people to paid employment, and therefore, if the ODSP program is meeting its employment related objectives.

The kind of computerization that would aid the workload and workflow for the benefit of clients does not seem to be a priority. For example:

- Although the legislation permits direct payment of the shelter portion directly to a third party, (i.e. the client's landlord), this is not done because the computer system cannot process this.
- The issuing of cheques is an automated process. Some clients who have employment receive their pay cheques every two weeks. However with the Anderson Consulting computer system, when people receive three pay cheques in one month (as happens twice a year because of the number of weeks in the year) they automatically get cut off ODSP benefits.
- Some satellite offices do not have computers, so when clients contact the office, they cannot receive any information about their case.
- The policy directives are not computerized within the offices, therefore staff must look them up manually each time they are needed. The legislation is on the internet, so workers could take the time to access it there, but the directives are not.

¹¹Anderson Consulting is now called Accenture Consulting.

III. THE IMPACT OF PROCEDURES AND POLICIES

Accommodating People With Disabilities

Stringent paperwork-based bureaucracies do not fit with the reality of people with intellectual and some psychological disabilities. This message was communicated consistently by presenters to the panel through many compelling stories. The high levels of paperwork require a certain level of literacy and comprehension, which can be a barrier for people with intellectual or psychiatric disabilities. The focus group from St. Joe's Women's Centre shared one example of a person who unsuccessfully applied to ODSP five times - *"the person gathered the information over and over again, but was never able to accomplish everything that was required to apply."*

Human contact is often a necessity to assist and accommodate people with particular disabilities. Take for example the recent experience shared at the focus group held at The Well: *"I happen to have been at the ODSP office recently conducting some business. I noticed the red light flashing my number, and I went up after having sat for some time across from a blind man. It turned out he had had a number which preceded mine by several numbers but he didn't realize his number had come up. Nobody announced the numbers, and he was unable to see the red sign flashing."* In general, the forum saw a strong need expressed for disability and poverty sensitization training for the workers, and it was suggested that a code of ethics be established for the office.

Another difficulty that arose was that all medical information is held at the Disability Adjudication Unit in Toronto. There is no information in the local office regarding the type of disability that a recipient has. The impact of this, particularly where there is no specific caseworker assigned to a case, is that the worker who is speaking to the client on the phone has no idea whether they are requiring something that the client simply cannot do because of his or her disability. Pam Smith of OPSEU clarified the situation: *"if you don't know what the disability is, you don't know whether there should be a home visit or whether the client can come into the office.[...] Some of the offices are not even wheelchair accessible!"*

Misconceptions about People with Disabilities - The Entrenchment of Infantilization

"While claiming the goal is to foster independence, the program makes recipients feel as though they are children. Every choice you make in your life has to be approved and condoned by someone else. The clients' word is never trusted. Someone else has to vouch for each aspect. You need permission if you want to move or live with someone else. It's not enough for you to know how much you are capable of. It makes you dependent on others, including on those from whom you need letters to validate your claims, bus passes, etc. With this comes the insecurity that others can take away their help."

Psychiatric Survivors of Ottawa

Several ODSP recipients who shared their experiences reported that they often feel that the staff "talk down" to them, and that the process itself treats them like children. For example, the Bus Pass Log Book feels much like a hall pass, in that each doctor or health care professional the person sees must sign it. This process reveals that the person in question is on ODSP and, at the same time, implies a change in the nature of the doctor / client relationship to that of trusted adult vouching for someone less trustworthy.

Another way in which ODSP recipients feel infantilized is the existence of certain criteria to go travelling out of province, and how a person who is out of the province for more than 30 days¹² will lose their benefits. This is an unfair restriction that other residents of the Province (except those on OW) do not face; it is these types of regulations from the provincial government that promote the view that people on assistance are unequal citizens.

Finally, people on ODSP have to justify what they are spending money on and why they want or need it. If an individual lives in a boarding house, the bulk of the cheque bypasses the recipient altogether and is paid directly to the boarding house operator. However, if a recipient who does not live in a boarding house asks for his or her rent to be paid directly to the landlord, that is rarely permitted. As Larry Weissman, a concerned person receiving ODSP, stated: *"What is fundamental is we are all the same in terms of what we are really concerned with. We need to get away from being a society of blame. We need a re-distribution of dignity."*

Consolidated Verification

The Consolidated Verification Process (CVP) was introduced shortly after the ODSP was implemented. It is ostensibly to ensure, by "thoroughly reviewing all files", that people receive the correct amount of assistance. In the Consolidation Verification Process, a recipient is required to attend an interview and bring certain documentation. At the time of the Forum, in November 2000, staff were required to complete eight CVP interviews per week. The documentation that is required is usually extensive and often costly. For example, the cost for ID, back paperwork, and particularly copies of old bank documents or court documents such as divorce judgements can be prohibitive. Regardless of the expense, there is no support given to pay for documents required, nor an accommodation of time to save money to pay for these expenses. As well, many documents which are requested take substantial time to obtain. One participant at the forum gave an example where the necessary document was from fifteen years previously. Despite these access difficulties and delays, if for any reason some information is missing or if there is a demand for additional information, the individual's cheque is put on hold, and deadlines are put in place for producing this information. The person has effectively been cut off ODSP even though he or she still qualifies in every other way and has done nothing wrong. Many people who are cut off through the CVP process, wrongly believe that they no longer qualify and they do not know to proceed to get the requested information or to file an appeal.

¹² There are some exceptions for extenuating circumstances.

An Atmosphere of Fear

The panel heard repeatedly that many ODSP clients are intimidated. As the presenter for the Psychiatric Survivors of Ottawa focus group explained, *"Everyone is wondering what of the little they have will be cut next."* One presenter explained how fear affects people on ODSP. Clients are hesitant to call the ODSP office when they need something, like a new pair of glasses, because they fear that somehow, something will be found in their file that will cut them off from the program. There is also the fear that they are dealing with an uncaring bureaucracy and will just get bounced around from worker to worker, with no concern for the client's needs. Without warning or notice and with no time to vindicate themselves, an individual may find himself or herself with no money - and many find out only when the money is not in the bank. The focus group held at the Well emphasized that people on ODSP are generally presumed guilty until proven innocent.

The participants of the forum insisted that an investigation must be done before a client is cut off from his/her ODSP benefits and the person must be given a reasonable chance to answer the accusation. If it is decided that he or she will be cut off, the client should be told immediately when this will occur, why, and all the pertinent details. Finally, there was some concern the terminology and tone of the letters were often threatening, and the communications were often insensitive and sometimes contradictory. The focus group held at The Well expressed concern about the terminology used in correspondence or communication that may not be understood by non-English speaking people. In general, the tone of communications, the confusion and contradictions, and the attitude of ODSP staff instilled within the recipients the fear of being homeless or destitute. This can cause serious harm to people, as the presenter for the Psychiatric Survivors of Ottawa noted: *"For those on assistance for a psychiatric disability this [atmosphere of fear] can be devastating. Such an atmosphere of fear, uncertainty and pressure can perpetuate illness. Persons already fighting with anxiety can become more anxious. Those dealing with paranoia can find it validated here. And those in severe depression may find themselves at their breaking point. It is certainly not conducive to good mental health."*

The Spectre of the Lifetime Ban

"Recipients are particularly concerned with the spectre of the lifetime ban. They want to meet their obligations but they need to be told what those obligations are. Furthermore, it is difficult for anyone to meet their obligations because they are complex, but it is particularly difficult for people with a cognitive impairment, a memory disorder, and so on. We are not criminals. We have a disability."

The focus group from St. Joe's Women's Centre

The Psychiatric Survivors of Ottawa focus group found that consumers were very fearful of the lifetime ban, and confused by the conflicting information they receive. The presenter from the Psychiatric Survivors of Ottawa focus groups stated that, in terms of the lifetime ban, *"Its mere existence means recipients are in perpetual fear that they will lose their benefits. [...] If they lose their benefits they will have no income and no access to medication, dental or eye benefits. It's not fair. There are no other options for us. People with disabilities don't live long with no money."*

While rumors of high levels of welfare fraud circulate widely, in 1999, the number of investigated fraud cases resulting in conviction in Ontario was a mere 1.7%.¹³ Despite this chasm between fact and fiction, the provincial government has promoted a great deal of publicity about the "lifetime ban". This is a new power under ODSP and OW law that permits people who are convicted of fraud to be denied any social assistance benefits (ODSP, OW, and other supports) for their entire life. Sharing his concern, Gerry McGee, of the Civil Liberties Association National Capital Region, noted that "if you keep these people off [the program] forever, they are going to end up as street people."

Several presenters spoke of the harshness of the lifetime ban, and the fact that no other sector of society has their basic rights interfered with in this way. As one presenter said, *"People on ODSP are assumed guilty until proven innocent. The impacts we are talking about are not things that only impact upon people who are the most marginalized in society. The harshness of the law, especially section 54 of the ODSP has to do with eligibility review officers (EROs). In this section you find that a person, without need of the approval of a court or a Minister (of the government) or even of their superior, can, if they have reasonable grounds to believe they may find evidence of welfare fraud, can go into any place of business, provide a paper which they themselves prepared, and rifle the files of that place. This applies to everyone. Now, it can be argued those possibilities are so remote it would never be used. I argue that this is a threat to all our freedoms. It relates to the marginalized poor, but it affects everybody."*

Given the very low incidence of fraud in the system, the real impact of the lifetime ban must be evaluated as it affects the more than 98% who are complying with the requirements. The panel heard over and over how the threat of the lifetime ban results in feelings of worry, unease and helplessness. Participants in the forum noted it is very ironic to expect ODSP clients to know all the regulations when they are not given written information, while the staff cannot keep the regulations straight themselves.

IV. EMPLOYMENT AND OTHER SOURCES OF INCOME

Finding Meaningful Work

"I was born blind. I have been jumping through flaming hoops my whole life to get any kind of training in order to get a job from anywhere I can. No one seems to take blind people seriously for employment anywhere. Believe me, I have tried and tried repeatedly. I am forced to survive on \$627 a month. This is an unbelievable struggle with no quality of life. I am desperate to escape my situation but am finding no help for people like myself."

Statement from the Wall of Impact

¹³ <http://www.welfarewatch.toronto.on.ca/press/baird.html>

The intent of the employment supports program is to provide a voluntary program, where individuals do not have to participate and can end their involvement at any time. Some presenters noted that it was very beneficial that the employment side of the program is voluntary and separate from the income side.

Others noted that many recipients still fear working because they could lose their drug card or their benefits. The earnings rules are complex, and these rules entrenching disincentives to overcome the barriers to employment; 75% of earned income is taken away after the base exemption, and if clients work more than a year before becoming unwell again they have to repeat the lengthy application process.

The panel heard how some individuals who have attempted to access the employment supports have not been able to do so, particularly if they receive part of their income from ODSP and part of their income from another source, especially CPP Disability. People must have exhausted all other employment supports available to them through public and private sources (such as CPP or the Workplace Safety and Insurance Board). While this appears logical, the panel heard how the requirements of one program can conflict with the those of another program, leaving the individual unable to get support from any system, as noted by Roy Wilson, from the Ottawa Chapter of the Multiple Sclerosis Society of Canada: *“People are saying all these [employment] supports and services are there, but in fact when you try to use them they say you don’t qualify because you are on one of these other programs, like CPP.”*

The employment supports program is ostensibly oriented toward competitive employment.¹⁴ Some participants noted that the willingness of the program to support some novel initiatives was a positive feature. Others suggested it would be beneficial for the program to be very flexible in its definition of employment, as not all employment is during regular business hours and not all employers are willing to give time to the related paperwork. A particular challenge of the employment supports system is to be responsive to the very diverse needs of the clientele. One residential counselor stated that *“The clients I work with are dual diagnosis (visual and developmental disability). The majority of the clients are referred and sit on a waiting list. Even in cases where clients are priority #1 (highest) some still wait over 6 years. There are not enough services available, especially sheltered workshops and employment supports, to help them feel they are contributing in society. Where do these clients go?”* The national average unemployment rate for people with disabilities is 60 – 65%.¹⁵ However, the representatives from ODSP were not able to say if the rate of employment for people using the Employment Supports program was similar or not.

The ODSP staff do not directly provide the employment supports as was previously the case. The employment supports have been contracted out to a roster of private organizations. The ODSP employment support staff may help the person make a choice of which service provider they will use, but once that is done, the ODSP staff have very little role. Through this process, however, the clients are to identify the supports they need and the service providers they wish to give them this support, decisions which people with certain disabilities cannot effectively make.

¹⁴ This means paid employment at least at minimum wage.

¹⁵ As stated by Professor Roy Hanes, panelist for the Public Forum.

“There are a lot of positive things about the system, in that it uses language like “client direction” and “empowerment” but if you don’t have the information to make your own decisions, the effect of giving someone all that responsibility and telling them they are empowered is in fact, not empowering at all. [...]“...probably our clients (people with developmental disabilities) have less support now under this so called “client direction” because they don’t have the information and ability to make those choices. [...] We are all in favour of a client directed system. It’s a wonderful idea and has marvelous potential, but how do we get past the fact that a person with developmental disabilities is not great at processing 36 forms and making these decisions. So it’s kind of a tricky spot.”

Keenan Weeler, Special Needs Network

The representative from the Special Needs Network identified that employment support staff have been very receptive about the challenges faced by people with developmental disabilities. However, many of the service providers who are contracted to provide services have no experience or knowledge of people with disabilities, particularly people with developmental disabilities, which can lead to poor service to the client, mis-assessments, and other problems. there is no system to monitor the effectiveness or quality of the contracted services.

“If anyone thinks that filling out a resume and giving people on the job training for a limited period of time will ensure they become and remain employed, they are clearly out of touch with the lives of people with developmental disabilities. Some of the agencies which are available to provide employment supports are not familiar with the clients or with what is available for them in the community, or even what to offer as support. The new Ministry model is designed for individuals with normal cerebral abilities who may have a physical disability and excludes many others from that.”

Steve Sanderson, Ottawa-Carleton Association for People with
Developmental Disabilities

Accessing Education and Training

The panel heard how the ODSP regulations and guidelines create barriers to accessing education for many people. Accredited institutions are not covered under ODSP Employment Supports. Recipients are expected to apply for OSAP. However, participants who have had a loan forgiven are not eligible for any OSAP support. One comment on the Wall of Impact read: *"I am 45 years old, intelligent, and want to be a social worker and get off ODSP. OSAP will not help me. I had a loan forgiven."* Any schooling must be completed in under six months. This is very difficult for people with some disabilities, including those with some psychiatric problems. Participants in the focus group from St. Joe's Women's Centre reported: *"Under this program there is essentially no right to education. What do people do if they can't get OSAP? One option is through the work/study plan, where they work on the campus and through this they get their tuition dollars. ODSP considers the work part of this arrangement as income, but they don't*

consider the tuition part of the arrangement as an expense. So it doesn't work for people on ODSP."

The Relationship with Other Income Support Programs

"The Province has to take the resource problem seriously in every area. If the Province decides ODSP is important they need to be more specific. Our focus is employment because that is where the Province attaches the funding."

Hilary Robinson, Ontario Works Supervisor

People with disabilities who need immediate financial assistance are referred to the Ontario Works office, and clients coming onto Ontario Works may or may not be told about ODSP¹⁶. OW recipients who start an application to ODSP stay on OW through all steps of the application process. OW rates are substantially lower than ODSP rates. Roughly 50% (73 per month) of the applications for ODSP in Ottawa come via Ontario Works. The panel heard that in poor economic times roughly 5% of the OW caseload is people who would qualify for ODSP but are not on the program. In good economic times this would rise to between 10 – 15% of the OW caseload. However, the OW offices are woefully under-staffed with respect to ODSP transfers. This lack of resources contributes to people remaining on the municipal Ontario Works system, when they should be receiving Provincial ODSP benefits. As well, OW workers are required to focus on employment issues rather than ODSP, as the province sets OW employment targets for the City¹⁷. If the staff at OW are not able to meet that target, the Province will pull the funding for OW, requiring that the focus of OW be on employment in order to preserve the program.

The problems have been exacerbated by the tremendous changes due to restructuring, both in changes in the delivery of OW (new policies and delivery practices set by the Province) and in the recent amalgamation of Ottawa-Carleton into the new City of Ottawa. As a result of the latter, the former social services department no longer exists. Instead, a new department has been created called "People Services"¹⁸. The top level of directors in the former social services department have been lost and the offices are in a state of flux. At the time of the forum, the panel heard that, in some cases, the staff did not know to whom they would be reporting in one month, and some did not even know where they would be reporting for work! This has a huge impact on the work being done, leading to ODSP becoming an even lower priority. Furthermore, with the loss of the former senior management, there is a loss of corporate memory, which could be a further problem, as there is no designated funding for ODSP liaison work.

¹⁶ Clients must attend an employment information session before they receive their first cheque. In Ottawa, the locally developed employment information session has been replaced by the provincially designed information session, which does not mention ODSP. When these clients subsequently see their OW worker, there may not be time to discuss ODSP then either, so clients coming to Ontario Works who might be eligible for ODSP may not even be told about the program

¹⁷ The speaker identified the target of 5,200 community placements by Spring 2001.

¹⁸ People Services incorporates social services, public health, homes for the aged, culture and recreation, and libraries

Despite the tremendous lack of resources, some local OW offices have put in place systems and resources to facilitate moving people to ODSP. Of particular note were the initiatives of staff from the Catherine Street OW office. They initiated and continue to co-ordinate a monthly meeting with the ODSP intake unit to address problems.

The panel heard that there were modifications that could be implemented to improve the situation in Ottawa, even without changes at the Provincial level. It would be possible to establish processes/systems whereby larger numbers of people could be referred to ODSP, for example, by having a system in place at the hostels for assisting with this. With OW being the entry point to ODSP for so many applicants, the panel heard from several presenters the need for specialized workers in the OW offices who are completely familiar with and trained in disability issues, especially ODSP. Each office should have one team of workers dedicated to this.¹⁹

The Relationship with the Canada Pension Plan

Some people with disabilities, who had previously worked, may qualify for CPP Disability benefits. CPP Disability benefits are based on previous contributions to the plan while employed. When an application is granted, the benefits can be paid retroactively for a period up to one year. If an individual is receiving ODSP at the time the retroactive payment is received, the amount is deducted from the ODSP benefit, even if the person may have been an employee for years.

It is not uncommon for a person to have an income that is a combination of ODSP and CPP Disability benefits. However, some presenters expressed frustration that ODSP sometimes requires an individual to apply for CPP Disability before they will grant the application, with all the paperwork and expense that entails, even if it is clear that the client could not possibly be eligible. Gary Holmes, from the Financial Assistance Committee of the Canadian Mental Health Association of Ottawa-Carleton, summed up the situation best when he declared *“All of the systems are extremely frustrating to deal with, especially while disabled.”*

V. MEDICAL ISSUES

Access to Prescribed Medications

People on ODSP who need medication are provided free of charge with medication approved under the Ontario Drug Benefit Plan, as listed in the “Formulary” or “Comparative Drug Index” (CDI). The CDI is regulated by the Ontario Drugs Programs Branch, specifically by a Committee called the Drug Quality and Therapeutics Committee. If a doctor prescribes a medication that is not listed on the CDI, the patient’s doctor must send a letter to this committee explaining what drug he or she wishes to prescribe, and the committee accepts or denies payment for the prescription. The process for getting approval can be lengthy and the client has to pay the doctor for the letter, whether or not the Committee approves payment for the prescription. In

¹⁹ One presenter made the recommendation that the percent of OW resources dedicated to advancing ODSP applications should be equivalent to the percent of the caseload which would qualify, estimated by the presenter as 15%.

effect, this process second guesses the necessity of the health professional's diagnosis and prescription.

Which Drugs and Medical Services are Covered

The panel also heard that the CDI is too restrictive with respect to the list of available drugs. Many of the newer drugs, including many with fewer side effects, are not on the list. As well, other important drugs were removed. For example, around 1998, thirty-seven medications were removed from the CDI. People who were prescribed these drugs either had to do without or pay for them out of their own pocket. Of particular concern, all muscle relaxants were removed from the list, except some which are used for specific neurological problems, such as MS and particular spinal cord injuries.

"There are many people on disability with chronic pain who need some kind of muscle relaxant. Nothing was left [on the CDI]. The Drugs Programs Branch has listed other medications that can be used instead. Not one of them is a muscle relaxant. There are some patients who have had good control over their pain and they have been functioning, but by removing the pain killers, they become hopeless and helpless and give up and become suicidal."

Anne Hubbard, R.N.

Not all doctors are familiar with which drugs are listed in the CDI. In some situations, there is no drug on the list comparable to that which the doctor is prescribing. Even when a drug is on the list, a recipient is required to cover part of the costs under the co-payment rules. The co-payment hurts people financially.

The panel heard that, although the Mandatory Special Necessities program will cover certain items such as diabetic supplies, surgical supplies, incontinent aids, medical transportation costs, it is not well known and not marketed. This results in many people paying for these and other necessary expenses out of their own pockets. As well, there is a Special Diet supplement available, but the panel heard workers rarely have information on this program, and it is difficult for clients to access. Finally, neither the drug plan nor the Mandatory and Special Necessities program covers many of the standard items and treatments which people with disabilities require. The following are *not* covered:

- over the counter drugs;
- sunscreen, tensor bandages, etc.;
- complementary therapies and supplements
- certain creams and related items
- certain medical tests, including antibody tests

VI. COST OF LIVING, GETTING AND KEEPING HOUSING, AND SHARING ACCOMMODATIONS

ODSP Benefit Rates and the Cost of Living

“The amount of income that I presently secure equates to a gross income below the poverty line. 25 years ago I was gainfully employed operating my own business. Today I live with an incurable disease and I still have a desire to be a contributing citizen of this community. However, the barriers I have encountered to date ... have been discouraging to say the least.”

Psychiatric Survivors of Ottawa focus group

The panel heard from several presenters that the current ODSP rates are inadequate to pay for current market rents. ODSP benefits have not been increased from the rates paid under the Family Benefits plan prior to the introduction of ODSP. There is not enough money to cover the real costs of living, let alone all the hidden costs of living with a disability.

The amount a person or family receives from ODSP depends on the number of people in the family, the amount of any other income the family has, and the amount of their rent or mortgage. The maximum amount a single person on ODSP can get is \$414 for shelter plus \$516 for basic needs, for a total of \$930. Taking into consideration that the average rent for a bachelor apartment in Ottawa was \$572 in 2000, a single person would have to spend almost one hundred dollars out of their basic needs to cover their rent. The maximum amount a family of two adults and two children below the age of twelve could get on ODSP is \$768 for shelter plus \$1,002 for basic needs for a total of \$1,770.²⁰ Given that the average rent for a three bedroom apartment in Ottawa was \$1,059 in 2000, this family would have to pay almost \$200 from their basic needs allocation to cover the rent.

Although people have to use their basic needs allocation to cover rent which is above the maximum shelter allowance, they cannot improve their situation by finding rent below the maximum shelter allowance, even if it were available. The recipient of an ODSP cheque receives a housing portion (called the shelter allowance) and a basic needs portion. There is a maximum amount that a person or family can get for their shelter allowance. If their rent is more than the maximum shelter, they have to pay the extra out of their basic needs portion, which also has a maximum. If their rent is less than the maximum shelter, they only get the actual amount of rent for their shelter allocation. So people in subsidized housing, for example, have cheaper rent, but they still only get the actual amount for rent that they pay and the same basic needs portion as all other recipients. They do not have to use their basic needs allocation to cover the rent, but they receive no net benefit from their shelter savings to allow them to cover other necessary expenses.

²⁰ *Calculation of Income Support, Policy Directives*, Ontario Disability Support Program, Accessed August 7, 2001 <http://www.gov.on.ca/CSS/page/brochure/odspis/0401-01.pdf>

"Consumers of ODSP generally have to spend \$550 to \$600 for market rent, and they are not given enough shelter allowance. So people have to take the difference out of the food money. Because of this, many cannot afford a telephone because of the high cost of rent and the inadequate monthly amount. And certainly a telephone is very important for people with a disability and people looking for employment. As well, in many places, the only way to contact a person is to ring the buzzer at the front door -- which is connected to the phone. If the person has no phone they cannot know that someone is at the front door to visit them. So it further isolates people when they are not able to have a phone."

From the focus group held at The Well

After paying rent, ODSP recipients have very little left for all expenses, including food, heat, electricity, clothes, transportation, disability related expenses, and daycare. This leads to a situation where people cannot afford basics such as a phone or transportation, both of which are extremely important for people with disabilities. Even if the recipients were able to stretch what they received far enough to afford these things, there would be no leeway in the case of an emergency.

People who are on OW during the lengthy application process for ODSP (from six months to almost two years) face tremendous hardship. The Ontario Works benefit rates are extremely low, a maximum of \$520.00 for a single person or \$1,234 a family of four. Clearly a quicker application process is necessary.

One member of the audience critiqued the assumptions of the current structure, saying that *"There seems to be an expectation that people will turn to their family for help. Not everyone has family. Not everyone has family that is in a position or wants to assist them."* ODSP rates have to be increased to reflect actual current costs especially the real costs of shelter and utilities. Furthermore, there was consensus at the forum that the benefit structure must include cost of living increases, and that transportation costs (via a bus pass or other means) should be a standard benefit for all ODSP recipients.

The Housing Crisis

"I would like to talk briefly about people on ODSP coming into our office – how the policies have failed to keep them housed and how the policies prevent them from getting housing when they have fallen into the ranks of the homeless. With a vacancy rate of .2%, and most of that at the high end of the market, there is not a lot for our people. If they have managed to find a place, then they still have to get through the red tape, which often prevents them from securing the housing once they have found the landlord who is willing to rent to them."

Bob MacDonald, Housing Help

It is generally accepted that not having stable housing has a negative impact on health, and as pointed out from the focus group at St. Joe's Women's Centre, it affects the stability and finances of people as well. Given the very low vacancy rate that Ottawa is experiencing, and the rising costs of housing, the situation of people on ODSP in terms of getting and maintaining housing is increasingly alarming.

The panel heard that with the vacancy rate so extremely low (0.2%), 50 to 80 people apply for each apartment advertised in the paper. To have an idea as to the extent of the shortage of options, consider that there were only 144 apartment units (i.e. individual apartments) built in Ottawa in 1999, and all had rents over \$840, most with utilities extra. The effective elimination of rent control has resulted in rent increases averaging about 10% per year on the housing stock. However, ODSP recipients have not had any increase in their income in nine years.²¹ Subsidized housing would be the preferred option for many people on ODSP, but finding available subsidized housing is extremely difficult. No new subsidized housing has been built since 1995. This directly affects people on ODSP, as they face increased barriers to accessing private market housing. Even when the housing market was better, disabled people on ODSP (or FB) often did not get access to affordable units as landlords would often choose someone else, particularly if the individual was coming from a shelter or a health care facility. Thus it is not surprising that many presenters stressed the great need for additional, affordable, non-profit housing

The Process of Renting While on ODSP

The panel heard of five ODSP policies which make it increasingly difficult for clients to keep the housing they are in, or to get into housing once they have become homeless:

- ♦ The cancellation of the shelter allowance for people in hospital beyond three months;
- ♦ The policy of providing a last month's rent guarantee letter instead of providing last month's rent;
- ♦ The lack of rent direct;
- ♦ The policy of paying the shelter portion at the end of the month;
- ♦ The difficulty in obtaining Community Start Up Benefits.

²¹ There was no increase from the Family Benefit rates and no increase since ODSP was introduced.

When a person who receives ODSP is in the hospital beyond three months, the shelter portion of their benefit is cancelled, as the assumption is that since they are not in their housing, they should not be entitled to money to pay for housing. Through this policy, disabled people who end up in hospital lose their ability to pay their rent and therefore their ability to keep their housing.

The presenter from Housing Help explained that many ODSP recipients, especially recipients with severe mental health problems, want Housing Help to arrange rent direct for them. They identify that they will have difficulty keeping the rent paid because of the nature of their disability. They would like the full rent paid directly to the landlord each month, in order to preserve their housing. Although the ODSP legislation allows for rent direct, ODSP staff say the computer system cannot accommodate this unless the individual is a tenant of public housing.

Most landlords require a prospective tenant to pay first and last month's rent. Instead of providing the necessary funds to secure shelter, ODSP policy is to provide the client with a letter for the landlord guaranteeing last month's rent. Few landlords are willing to accept the guarantee letter when they have dozens of applicants willing to pay the first and last month's rent right away.

Even if a person is fortunate and finds a landlord who will accept a last month's rent guarantee, the process presents yet further problems. ODSP pays the shelter allowance only after the cost of shelter has been incurred. A client trying to move out of a shelter or hospital is unable to pay a landlord the first month's rent because ODSP will not pay the shelter portion of his allowance until he or she has incurred the expense. The individual cannot obtain rent money from ODSP until he or she has already paid the rent to the landlord. Advocates must intervene to try to negotiate rent money from other funds, through Essential Health and Social Services (the municipality), through churches, or through the Community Start Up Benefit. By the time all the red tape is sorted out, what often happens is the landlord has rented to someone else and the client is left without housing.

The Community Start Up Benefit (CSUB) is a discretionary amount which can be available to ODSP and OW recipients, once per year, to help them get established in an improved housing situation. However, the panel heard that it is much more difficult for clients in Ottawa to access CSUB if they are on ODSP, than it is for people on OW. ODSP requires much more documentation and is much more stringent. Therefore, people with disabilities in Ottawa do not have equal access to this benefit which is a further disadvantage to disabled people attempting to access scarce housing resources in the City.

Sharing Accommodations while on ODSP Benefits

People on ODSP do not have the same independence with respect to their relationships as others in the community. Under family law in Ontario, people are considered to be in a common law relationship after living together for one year in a familial relationship. Under ODSP, as soon as two people move in together, they are immediately assumed to be a common law couple, regardless of what the relationship might be. Several presenters pointed out that if under any

circumstances a client chooses to live with someone, ODSP deems it to be equivalent to a spouse relationship, and benefits are adjusted accordingly. It is up to the individual to disprove the assumption. This example emerged from the focus group at the Well: *"A woman's father walked in during a home visit and the ODSP worker alleged that this was the client's partner, and that she was living with someone. The onus is on the consumer of ODSP to prove that there is no common law relationship."* If both people had been receiving ODSP, only one of them will continue to receive a cheque, and the ODSP office will decide which individual this will be.

While ODSP immediately reduces the benefit based on another adult in the home, ODSP will not adjust the benefit to take into consideration the financial implications of children visiting their non-custodial parent in the parent's home. Participants in the focus group at the Well noted: *"It can be very difficult for non-custodial parents on ODSP who have their children visiting for summer months and Christmas break and so on. They are on a very meager income and can't afford to meet the expenses with respect to their visiting children. Money is only given if the parent has joint or full custody."*

Finally, ODSP scrutinizes a person's relationships with others outside the home. Recipients are required to report all "natural supports", such as people with whom unpaid chores are exchanged. Having to declare exchanges of service interferes with "natural supports" because some do not want their names and involvement declared to ODSP.

CONCLUSION

The information provided at the forum and recorded in this report gives a compelling picture of the impact of the implementation of ODSP on the daily life of disabled people in Ottawa-Carleton. A number of themes have emerged regarding the impact of the program.

There was a great deal of emphasis placed on the feeling of helplessness felt by clients due to a lack of information about their obligations, rights, and benefits. Also, the documentation that is required is simply overwhelming, both for the application process and for other processes such as Consolidated Verification.

Much frustration was expressed regarding the ODSP staffing structure and lack of permanent workers, especially when clients sought assistance or information. The system itself was seen as very unfriendly, with inappropriately complex computer-generated letters and rigid deadlines. The panel heard over and over again that there was a lack of understanding and accommodation of the reality of living with a disability.

There was also much discussion about failed applications for people who really did meet the criteria. The forum participants emphasized that the application process should be set up so that people who meet the criteria for ODSP are not unnecessarily denied, and do not have to go through the financial and emotional hardship of an appeal.

Furthermore, ODSP clients should not be treated like children, and should also have the right to be innocent until proven guilty in terms of fraud.

People directly involved with the employment supports felt the program was well intentioned and the permanent staff were supportive. However, the implementation model interferes with its effectiveness, particularly in relation to the fragmentation of supports, lack of accountability with respect to contracted services, and conflicting criteria with other income support programs.

Finally, the ODSP benefit rates are inadequate and do not permit clients to meet the real costs of living in Ottawa with a disability. As well, certain policies of the ODSP program make it even harder for people with disabilities to obtain and maintain housing in the tight rental market in Ottawa.

Those who planned and participated in the forum did so in the hope that improvement to the program and its delivery could be made, based on a clearer understanding of how the program impacts on the daily reality of people with disabilities in Ottawa. The recommendations below are based on the suggestions of the presenters, and reflect the conclusions of the panel members as to the most significant findings.

RECOMMENDATIONS FOR IMPROVEMENT

For The ODSP Office

1. Provide comprehensive, accurate, clear and written information.

- All applicants should be given clear written information about
 - All entitlements and supports,
 - All responsibilities, particularly on what is considered "income",
 - All relevant phone and fax numbers, and
 - Rights of appeal.
- Additional means must be established to provide information in a way that accommodates the needs of people who do not have English or French as a first language and people with diverse disabilities, such as people who are visually impaired, people with developmental disabilities, people with head injuries, individuals with cognitive impairment, and individuals who cannot read, including but not limited to
 - Written material in languages other than English and French
 - Translation services for people with a first language other than English or French
- Provide accurate and clear written information to physicians in the Province
 - regarding the program,
 - about the application forms, and
 - clarifying expectations regarding information provided by physicians.

2. Simplify and speed up the application process.

- Have application forms easily available, in the community and at government offices,
- Streamline and simplify the application forms, and reduce the documentation required. Affidavits should be satisfactory in lieu of documents which are difficult, expensive or impossible to obtain, as is the case in court proceedings
- Provide funds for required documents which carry a fee
- Establish a quicker decision-making process and faster turnaround time for processing applications and re-applications,
- Give more credibility to the health professionals completing the forms,
- Change the process so people who are entitled to ODSP benefits qualify the first time around and do not have to go through an unnecessary appeal process
- Maintain "grandparenting" and "fast track" processes for the recipient's entire life,
- Fund advocates, including other recipients, to assist new applicants.

3. Increase the benefit levels to reflect the real cost of living.

- Adjust the maximum shelter allocation to reflect real current market rents;
- Adjust the basic needs allocation to reflect the real current market costs of normal expenditures including food, clothing, transportation, heat, utilities, phone, childcare (if applicable), health related expenses, education
- Provide transportation costs to all ODSP recipients (bus pass or equivalent)
- Provide cost-of-living increases
- Cover the cost of information related to qualifying and the Consolidated Verification Process
- Make the drug plan and the Mandatory and Special Necessities program more responsive to the real needs of people with disabilities, and cover drugs prescribed by the client's doctor

4. Strengthen supports for employment for people with disabilities

- Eliminate financial disincentives for working, and expand the amount of time ODSP recipients can work before losing their reinstatement.
- Provide more assistance in helping ODSP recipients find meaningful work (for some clients this would require allowing an integrated approach by one service provider)
- Allow more funding for education and training, and lengthen the training time permitted under the Employment Supports program
- Undertake a review of all existing funding programs in place for persons with disabilities with the purpose of identifying and eliminating conflicting requirements
- Implement an evaluation process to monitor if clients are getting quality service from the contracted employment supports.

5. Change policies which detract from ODSP clients' ability to find and maintain housing

- Allow rent-direct when requested by client or advocate of client
- Provide first and last month's rent to clients seeking new accommodations
- Create flexibility so that homeless individuals are able to find a place in the middle of the month, and can receive a shelter allocation before the end of the month to enable them to secure the housing
- Implement more flexibility in allocating the Community Start-up Benefit
- Continue the shelter allocation for people in hospital for extended periods of time, if they will be returning to housing after their recovery.

6. Improve service delivery by accommodating disabilities, ensuring accountability, and requiring respectful treatment of clients

- Make offices and means of communication accessible to people with diverse disabilities
- Ensure that workers give assistance to clients on ODSP who, due to different types of disabilities, may not be able to fully participate in a typical "client-directed" system.
- Ensure that the ODSP administrative structure treats its clients fairly, respectfully, and with consideration
- Use friendlier, more accessible language in communications, and give people an opportunity to clarify any misunderstanding, rumour, or lack of information before punitive action is taken
- Have realistic timelines for the CVP process, and do not suspend benefits while the CVP is undertaken. If a negative decision is made, notify the client of the decision and of the right to appeal,
- Remove the lifetime ban
- Increase staffing levels in the ODSP offices in order to permit quality, in-person services
- Ensure the workers on the phones are trained to answer questions accurately,
- Modify computer programs so that they benefit the clients first, the workload second
- Implement sensitivity training with respect to accommodating different disabilities
- Modify the team approach so recipients can access an individual worker who has specific knowledge of their case,
- Establish concrete mechanisms by which recipients can ensure accountability with respect to their case.

7. Increase financial support for ODSP liaison workers in the municipal OW offices

For the Municipal Ontario Works Offices

1. In every OW office there should be dedicated staff specifically to help applicants through the ODSP process

- These staff should not have an OW caseload
- A designated percentage of OW resources should go to ODSP liaison work (possibly target 15% of resources).

For the Federal Government

1. Assess CPP and other federal disability income support programs to identify and eliminate provisions which conflict with provincial legislation.

2. Establish a Federal-Provincial-Territorial Working Group on Disability (as discussed in the Unison Reports).

For Others, Including Community Agencies

- 1. Establish a support network of recipients and advocates so information can be shared.**
- 2. Advocate for the recommendations in this report to be adopted by the appropriate government departments.**

Suggestions for Further Research

Research on the following would be beneficial:

- Identify how many people with disabilities are on OW because they cannot navigate the ODSP application process.
- Evaluate how well the employment supports are working for people with different disabilities.
- Identify how many people are not taking the medication prescribed to them by their doctor because the government will not cover the cost.