

Defining Disability: What plans to change the ODSP definition would mean to people with disabilities in Ontario

On November 22, the Minister of Children, Community and Social Services announced proposed changes to the social assistance system in Ontario. One change would make the ODSP definition of disability more like definitions used in federal government benefit programs.

This proposed change would result in many low-income people with disabilities in Ontario who would qualify for ODSP today not being eligible. They would instead have to rely on the Ontario Works program, which provides a lot less money in benefits. They will also be subject to Ontario Works rules, which are much stricter around work requirements and other expectations, and it is unclear whether they would have access to critically important disability-related health benefits.

What is a “definition of disability” and why does it matter?

The “definition of disability” in income support programs is the test that people with disabilities have to meet in order to qualify for benefits from those programs. Different programs have different definitions, so a person with a disability may qualify for one program but not another.

ODSP currently uses a definition of disability that is flexible and more inclusive. It recognizes that people with disabilities may face serious barriers to getting a job, participating in the community and doing regular daily life activities, even if their disability is not “severe”. To qualify for ODSP, a person must have:

- a) a substantial physical or mental impairment that is continuous or recurrent and expected to last one year or more;
- b) a substantial restriction resulting from the impairment in one or more activities of daily living – the ability to tend to personal care, function in the community and function in the workplace; and
- c) their impairments and restrictions verified by a prescribed health care provider.

How are federal definitions different?

The provincial government has not yet said exactly what the new ODSP definition of disability will be, just that they want it to “align with federal guidelines”. But we know that federal benefit program definitions are much more restrictive, like the one in the CPP-Disability program.

In CPP-D, a person must have a “severe and prolonged” mental or physical disability in order to be considered “disabled” and therefore eligible for CPP-D benefits. A disability is defined as “severe” if, because of the disability, the person can’t work at all or on a regular basis. And a person’s disability is “prolonged” if it is likely to last a long time, or if the length of time it lasts is unknown – or if it is likely to result in the person’s death.

The CPP-D definition was developed in 1970, before people with disabilities joined together to fight for their rights through the disability rights movement, and before Canada signed on to the international Convention on the Rights of Persons with Disabilities. Many people have called for the CPP-D definition to be changed to better reflect current knowledge around disability and how disabilities impact people’s lives. It is not a model to be followed in 2018.

Important differences between the ODSP and CPP-D definitions are outlined in this table:

	CPP-D definition	ODSP definition
Level of disability	Severe	Substantial – more moderate than severe, and provides assistance to those with “significant” but not “severe” functional barriers
How long the disability has to last	Prolonged – i.e., long continued and indefinite	Recurrent or continuous and expected to last at least one year
The impacts of the disability	In employment only – person must be incapable of regularly pursuing any substantial gainful occupation	In any of three activities of daily living – personal care, community and workplace

The ODSP definition is important because it means that there are fewer restrictions on who can qualify to get ODSP benefits. It also better reflects the reality of how having a disability impacts people’s lives.

Are there other differences between ODSP and CPP-D?

Yes. These programs have very different purposes.

CPP-D is for people who have made payments into the Canada Pension Plan while they were working. You can only get CPP-D benefits if you have worked and contributed to the CPP program. CPP-D acts as a kind of “social insurance” so that people who have paid in get income benefits out if they become disabled and are unable to continue to work. Other sources of income, like a spouse’s earnings or benefits from other programs, are not counted against the amount of benefits that they receive.

ODSP, on the other hand, is a social welfare program. Its purpose is to act as a “last resort” for people who are in need and don’t have enough income to support themselves. Eligibility does not depend on having worked in the past. Instead, it depends on having virtually no income from other sources and few assets (as well as being disabled according to the definition). You have to be poor to receive ODSP.

What would changing the definition mean for people with disabilities in Ontario?

Adopting a definition of disability that’s more like the CPP-D definition would mean that many people with disabilities who would qualify for ODSP benefits now won’t qualify in future. Using a more restrictive definition would limit access to the program for people with disabilities who are already very poor and have few other options.

This could include people with a number of different disabilities, like multiple sclerosis, mental health disabilities, rheumatoid arthritis, hepatitis C, chronic fatigue syndrome, chronic pain, migraine, and some forms of cancer. These conditions are considered “episodic” disabilities, which means that the impacts of their disabilities can be better or

worse and that their ability to function can improve or worsen depending on their individual circumstances.

People with disabilities who don't qualify under a more restrictive definition will instead have to rely on Ontario Works. This will mean getting a lot less in monthly benefits despite having additional disability-related costs. A single person on OW currently gets only \$733 / month, while a single on ODSP gets \$1169. That represents a 37% cut in benefits, which would push people with disabilities who are already very poor and have few other options into even deeper poverty.

What will happen to people who are currently on ODSP?

The Minister has said that people who are on ODSP right now will be “grandparented” onto the new program. “Grandparenting” usually means that everyone currently on the program will seamlessly move to the new program. However, Ministry materials say that “we anticipate that most people currently receiving ODSP will transition into the new program without having to undergo a reassessment”. There are no further details about which or how many people may have to be reassessed under the new definition, and what will happen to them as a result.

We do know that the new ODSP program will likely look very different from the current program. The Minister has repeatedly talked about a difference between people who “can” work and those who “can’t” work. Moving to a more restrictive definition of disability appears to be an effort to redefine people on ODSP as being unable to work. We don't yet know if the new ODSP program will continue to provide access to employment-related supports. Failing to provide these supports to people who may have “severe” disabilities ignores the reality that many can and want to work, with appropriate supports and services.

We also know that the Minister announced that the Ministry will “redesign ODSP to consolidate complex supplements and benefits”. During her announcement, she spoke of a new “Health Spending Account” that people on ODSP would get to spend on health care needs. Some disability-related health benefits that currently exist include the Special Diet Allowance, the benefit for diabetes supplies, incontinence supplies and medical travel, the guide dog benefit, benefits for hearing aids, mobility device batteries and repairs, assistive device program co-payments, and vision care. We don't know which of these the Ministry will eliminate and shift to the Health Spending Account – it could be any or all. We also don't know how the Health Spending Account will work – people may be given a fixed amount of money to pay for their disability-related health expenses themselves. Whether that amount of money will be enough to pay for all their needs and how they will access that money is not yet known.

What supports will be available to people with disabilities who end up on OW?

During her press conference, the Minister said that people with disabilities who go on to OW will get the same “wrap-around supports” that she is planning on providing to everyone on OW. She talked about working with other government ministries to ensure that people on OW get better access to services like childcare, housing, life skills, and job training, in order to better prepare them for employment.

Providing wrap-around supports to people on OW is long overdue. It recognizes that many people currently on OW face multiple barriers to employment, and that they need specific life-stabilizing supports before they can think about looking for work. If these supports are

offered in a supportive and non-punitive way, it will be the first time that OW gives people who enter the program in crisis for a variety of reasons (like illness, escaping violence or homelessness) with what they need.

This is good, but it's not enough. The new model of support for people on OW seems to presume that it is a straight line from crisis to employment as long as good supports are provided, and that once a person gets a job, they won't return to social assistance.

Many disabilities don't work that way. Many people with disabilities face potential lifelong barriers to work, but are able to work for periods of time. People with mental health disabilities, for example, may be able to work but then find themselves unable to continue for a period. Some medical conditions go into remission but return. And some people are able to work part-time but not full-time. Yet one of the objectives of the government's changes is to reduce the number of people who return to OW after leaving to work.

Since a new, more restrictive definition of disability in ODSP would mean that many more people with disabilities will be on OW, what kind of specialized disability-related supports will they be offered? Will they be expected to work enough to never have to rely on OW again? How will they be treated when they do need to return to OW?

And we don't yet know if people with disabilities who have to rely on OW instead of ODSP would have access to disability-related health benefits currently available through ODSP or to the "Health Spending Account".

The changes to OW are contradictory. The government seems to want to ensure that OW is a "welfare to work" program, moving people into jobs and reducing the number of people who go to work and then cycle back. But the change to the ODSP definition of disability could actually transform OW into a program that primarily serves people with disabilities. Yet what disability-related supports, and the dignity that comes with them, will be given to people on OW? Will they be restricted only to people on ODSP?

Some changes to ODSP are also contradictory. The Minister has touted the increase to the amount of money that people on ODSP can keep without deductions from their benefits – from the first \$200 / month to the first \$6000 / year. This is an improvement, but it comes alongside changes that will restrict ODSP to people with disabilities who are assumed to be "unable to work" and who may not be given supports to work, even if they want to.

When will we know more?

The government has said that more details about the changes will be available in winter 2019, and that the changes will be implemented over the next 18 months.

ISAC will provide more information and analysis as more details become available.