

Full Citizenship

Defining Disability for the Employment and Income Assistance Program

***Consultations
on Definition of Disability
for the Employment and Income Assistance
Program***

Spring 2002

Background

- In May 2001, Manitoba released *Full Citizenship: A Manitoba Strategy on Disability*.
- This report sets out an action plan to extend full citizenship to Manitobans with disabilities, focusing on income supports, access to government, disability supports and employment.
- This consultation focuses on the *Full Citizenship* recommendations about the definition of disability for income assistance.

Disability and Employment

- *Full Citizenship* recommended:
 - redefining disability so that it is not linked to employability;
 - removing disincentives to employment; and
 - ensuring financial assistance is available promptly when individuals are not able to support themselves.
- By creating a new definition, Family Services and Housing is attempting to eliminate barriers to employment.
- A new definition must recognize that disability does not mean unemployability, as demonstrated by the thousands of persons with disabilities who work.
- Disability is a factor in determining how much support people need to find and keep jobs.

Trends Across Canada

- British Columbia and Ontario currently define disability and employability separately:
 - B.C. has a two-tier system, based upon severity and duration of the disability, as well as additional costs incurred each month due to the disability and hours of extra supervision and care required.
 - B.C. is now moving to eliminate Disability Level 1, which supports persons with shorter-term disabilities, and place those participants in the regular caseload with medical exemptions from their work search.
 - In Ontario, the Ontario Disability Support Program is a separate program that provides income and employment supports based on participants' ability to attend to personal care, function in the home and function in the community. Participants must have a physical or mental impairment that is continuous or recurrent and expected to last one year or more.
- Alberta, Saskatchewan, and Nova Scotia continue to determine eligibility for assistance based on a determination of employability. In Nova Scotia, persons with disabilities who are determined able to work with disability supports have employment expectations placed on them.
- Prince Edward Island has a new program that provides supports to participants related to their disability through their department of Health. If participants require additional financial support, they have to apply for the Welfare Assistance Program.

Manitoba's Current Definition of Disability

- Employment and Income Assistance is a last-resort program for people requiring financial assistance to meet basic needs. All applicants, regardless of whether they have a disability, must meet a standard financial need test to qualify for benefits.
- Currently, people with a disability may receive income assistance at a higher rate than other people if:
 - their disability is likely to last for more than 90 days; and
 - they are unable to earn sufficient income to meet basic necessities for themselves and their dependants; or
 - they are unable to care for themselves and require assistance.
- Applicants normally get an assessment from their doctor which is reviewed by a medical panel to determine eligibility. Essentially, this definition means a doctor determines whether or not someone can work.
- The problems with the current definition include:
 - A medical assessment is being used to determine what may not be a medical question – can someone work?
 - Labelling people as disabled and unemployable can be a barrier to finding work.

A New Definition

- Family Services and Housing is planning to change the definition of disability to separate disability and employability.
- Two options have been developed.

Option 1: Two-Level Definition

- *Full Citizenship* proposed two levels of disability:

Eligibility for Level One:

- A certificate of a medical practitioner states that a condition is likely to continue for at least six months; and
- A medical condition results in the need for ongoing assistance, supervision or other supports to attend to personal care and to function in the community or workplace.

Eligibility for Level Two:

- Certificate of a medical practitioner states that a severe mental or physical impairment is likely to continue for at least two years, or is likely to continue for at least one year and is likely to recur; and
 - The medical condition results in the need for extensive assistance, supervision, or other supports to attend to personal care and to function in the community or workplace.
- This definition is based upon the British Columbia model.
 - Applicants would also have to meet a standard financial needs test.
 - Under this model, the medical panel process would be replaced by an administrative procedure where diagnosis is determined by a medical practitioner and the Program receives written documentation by an assessor (for example, a physiotherapist) indicating that extra supports are required to function in the community.

Option 2: Full Inclusion Definition

- Under this option, persons with disabilities would receive the same “basic assistance” as non-disabled people.
- However, an additional benefit would be available for persons meeting a new ‘disability’ definition in recognition of the higher living cost that they typically experience.
- All applicants for assistance would first have to meet a basic financial test, where Employment and Income Assistance compares the amount of money someone has with the amount of money needed.
- Regardless of whether or not they have a disability, everyone would be eligible to receive the same amount of basic assistance.
- If they need it, everyone could receive assistance for medical or health-related needs, such as wheelchairs, drugs and medical supplies and equipment.
- People do not have to be ‘disabled’ to receive this help, they just have to need the assistance.
- These things are referred to as ‘itemized’ disability supports.
- Persons with disabilities could also get help for other things.
- If a person:
 - has a severe mental or physical impairment that is likely to continue for at least two years,
 - or is likely to continue for at least one year and is likely to recur; and
 - the medical condition results in the need for extensive assistance, supervision, or other supports to attend to personal care and to function in the community or workplace,

then he or she can get additional assistance in the form of a "disability support" benefit.

- As with Option 1, the medical panel process would be replaced by an administrative procedure where diagnosis is determined by a medical practitioner with an assessor indicating that extra supports are required to function in the community.
- If people meet this definition, they would be eligible for additional benefits to meet the non-itemized costs associated with having a disability.
- This change would not reduce benefits for anyone, but would provide a clear definition of who can receive the additional disability-related assistance.
- Everyone would be eligible to participate in programs which help people get ready for, find or keep jobs, if they choose to pursue employment.

Restructuring Income Assistance

- Right now persons with disabilities receive higher rates than non-disabled recipients.
- Persons with disabilities currently receive:
 - higher basic rates,
 - higher shelter allowances,
 - higher additional benefits which vary depending on individual circumstances such as living arrangements, and
 - those living in the community receive an additional benefit called *Income Assistance for Persons with Disabilities*.
- Under Option 2, rates could be restructured to help simplify the rates and more clearly identify disability-related benefits.
- People who meet the new definition could receive a new benefit, *Supports for Persons with Disabilities*.

- This benefit would combine existing benefits for persons with disabilities which exceed benefits for non-disabled recipients.
- Benefits would not be reduced under this restructuring. Recipients would continue to receive the same amount of assistance they currently receive.
- However, this new benefit would more clearly recognize disability support costs and would separate these costs from other benefits.
- Assistance for itemized disability supports or health and medical needs would be provided for all recipients, such as drug, dental and optical benefits, medical transportation and technical aids and equipment.

Work Expectations

- Persons with disabilities are not currently required to look for work and are not subject to any sanctions if they do not seek employment. This policy would not change under any new definition or under either option.
- Supports would be provided to help people who want to work.

Other Enhancements

- With either option, the Department is proposing to make other improvements and to maintain recent enhancements to promote full citizenship.

Replacement of the Medical Panel

Under either model, the medical panel process would be replaced by an administrative procedure where diagnosis is determined by a medical practitioner and the Program receives written documentation by an assessor (for example, a physiotherapist) indicating that extra supports are required to function in the community.

Employment Supports

People will have access to employment and training opportunities if they want to work.

Earnings Exemption

The new earnings exemption formula that was introduced in 2001 will be maintained. This allows participants with disabilities who are employed to retain more of their income.

Rapid Re-enrolment Policy

Employment and Income Assistance recently implemented a rapid re-enrolment policy. Persons with a disability who return to income assistance after attempting employment no longer have to have their medical eligibility re-assessed to re-enroll, if their return to the program is prior to their next scheduled medical review date. This policy was designed to assist interested participants to attempt employment, knowing that it will not jeopardize their return to assistance if they are not successful.

Lump-Sum Payment/Trust Funds

The Department will be implementing a new policy to enhance the lump-sum exemption provisions for persons with disabilities.

Next Steps

- Comments from persons with disabilities are critical if the Department is to move ahead and remove work disincentives.
- Your opinion is valued and needed.
- If you are attending the consultation meeting, please ensure that your voice is heard.
- If you are not attending, but would like to comment, please address your comments to:

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