

In November of 2012, the Provincial Ombudsman launched an investigation into the crisis that existed with respect to access to Developmental Services for people who have an intellectual disability and their families. In August of 2016, the Ombudsman released his final report on this investigation which addressed more than 1436 complaints received by his office. The report, titled *Nowhere to Turn*, includes 60 recommendations for reform.

The Ministry of Community and Social Services, which has responsibility for the delivery of developmental services, undertook reform to respond to the crisis even while the Ombudsman investigation was underway. The reform included an unprecedented three-year investment in new supports and services in 2014 that increased annualized funding to the sector by more than \$300 million dollars. Further, the Ministry immediately accepted all the recommendations of the Ombudsman's report in August 2016 and is working with stakeholders to implement ongoing changes.

Community Living Ontario applauds the actions taken by the Ombudsman and MCSS. Given the depth of the crisis that the sector faced however, there is still much more work needed. Here are some examples of the challenges we still face:

- Approximately 6,900 people were added to the Passport waitlist in 2015-16, a key program for the funding of daily living supports. As of March 2016 there were more than 14,800 people on the Passport waitlist;
- The developmental services residential service waitlist increased by approximately 1,300 people from March 2015 to March 2016. As of March 31, 2016, there were approximately 14,900 people on the residential service waitlist, approximately 9,700 of whom are ready to receive support today;
- Of the 819 new residential spaces created from the 2014 funding between 2014 and 2016, two thirds of the services (535 spaces) went to young people transitioning from already funded youth services rather than to people waiting in the community without support; and
- In a recent story in the media about a parent who refused to take her son home after a stay in a respite service because of lack of support at home, the Ombudsman's office told the reporter that since their report came out in late August, the office has been contacted by 45 families in similar situations.

Community Living Ontario is a member of the Provincial Network on Developmental Services which represents over 300 non-profit agencies working in the Developmental Services Sector. To address the need to expand supports and services to people who have an intellectual disability described above, we endorse the joint recommendations of the Provincial Network that:

- Ongoing investment be made in new, innovative residential services that expand capacity and adhere to the principles of inclusion and independence;
- Direct funding services be expanded and measures be put in place to ensure quality assurance and community participation; and
- Supports for youth transitioning to adult services from child welfare do not impact funded vacancies that could be provided on the community waiting list.

### **Addressing poverty faced by people who have an intellectual disability**

The Ontario Disability Support Program (ODSP) provides financial assistance, health and other types of benefits to individuals between the ages of 18 and 65. Financial eligibility for ODSP is affected if:

- a recipient's non-exempt assets exceed \$5,000 (\$7,500 for a person with a spouse); and/or
- a recipient receives more than \$6,000 in the form of voluntary gifts and payments in any 12-month period (subject to certain exemptions).

Thus, it is very difficult for ODSP recipients to accumulate assets or to access funds from supporting family members, friends and/or allowable trusts. For example, an ODSP recipient may be the beneficiary of a testamentary trust established using proceeds of \$250,000 from the estate of the person's parents. Under the current system, the ODSP recipient is unable to access more than \$6,000 in any 12-month period to support his or her well-being, including expenses related to rent, food or clothing. The restrictions significantly impact one's quality of life and guarantee an annual income well below the poverty line or low-income cut-off (LICO) thresholds.

Our recommendations:

- We ask that section 43(1) 13 of Ontario Regulation 222/98 under the *Ontario Disability Support Program Act* (the "Regulation") be amended so as to remove the \$6,000 limit on voluntary gifts and payments.
- We request that section 27(1) of the Regulation be amended so as to increase the prescribed asset limit to \$100,000 for a single recipient and \$200,000 if there is a spouse in the benefit unit.

We note that there is no limit on payments made from a recipient's Registered Disability Savings Plan ("RDSP") – see section 43(1)15.6 of the Regulation. The Ministry of Community and Social Services made a conscious decision in 2008 to allow recipients to access unlimited funds from their RDSPs in order to enhance their quality of life. Voluntary gifts and payments from family members, friends and trusts would serve substantially the same purpose; the difference being that RDSP payments cannot typically be accessed until much later in the person's life, whereas payments from supporters and trusts can be accessed at any time.

We further note that on November 5, 2015, the Government of British Columbia announced an increase to the asset limit from \$5,000 to \$100,000 (\$200,000 for a couple) and completely removed the limit on voluntary gifts and payments. Asset limits of \$100,000 were established in Alberta several years ago. Community Living Ontario believes that it is time for Ontario to follow suit.

Additionally, we recommend that Ontario makes changes to the ODSP Income Support system with respect to the impact of employment wages on ODSP Income Support. At present, a person can earn up to \$200 a month in wages without having their ODSP Income Support reduced. If the person has earnings of more than \$200 a month, income supports are reduced by half the amount of earnings from wages beyond \$200. For

many people, this reduction of income support represents a disincentive to seek employment that would result in wages of more than \$200 per month. The result is a continuing reliance on higher levels of ODSP Income Support that might not have been the case otherwise. A further result is a perpetuation of poverty for those affected. Under current regulations, an individual on ODSP living on his or her own, earning \$800 per month in employment income, would keep the first \$200, and then have \$300 clawed back from the remaining \$600. When combined with income support, their total income would be a little over \$16,000.00 per year, **which is still about 18% below the poverty line**. We believe a person should be able to get to the poverty line before income supports begin to be clawed back.

Our recommendations:

- Community Living Ontario asks that section 38(1) ii of Ontario Regulation 222/98 under the Ontario Disability Support Program Act be amended so as to increase the monthly exemption of earnings from wages from \$200 a month to \$800 a month.
- This proposal would result in a person earning a combined income from wages and ODSP Income Supports approximately the equivalent of living at the poverty line or low-income cut-off (LICO) thresholds before ODSP Income Supports were reduced.
- British Columbia and Alberta both have an income exemption of \$800 a month for people who have a disability. In addition, British Columbia allows a person to calculate income exemption annually (\$9,600 per year) and does not penalize a person if their income exceeds the \$800 average on any particular month. Implementation of such an annual reconciliation system in Ontario would result in a more efficient and far less costly system. It is time for Ontario to implement a more progressive income exemption.

The 2016 Provincial Budget acknowledged that Ontarians with higher levels of education and skills have better employment prospects, earn higher wages, and have improved health and longevity. The government implemented the new Ontario Student Grant (ODG) which will come into effect in the 2017/18 school year. This grant will make average college or university tuition free for students with financial need from families with incomes of \$50,000 or less, and will make tuition more affordable for middle-class families. It is our understanding that students enrolled in Community Integration through Co-operative Education (CICE) programs offered by many colleges are not eligible for the ODG. Many people who have an intellectual disability have relied on the CICE programs as a vehicle for achieving a college diploma.

- We recommend that people enrolled in Community Education through Co-operative Education programs have access to the Ontario Student Grant equal to that of students enrolled in other programs.

### **Renewed Investment in Support Agencies**

Community Living Ontario supports the position of the Provincial Network on Developmental Services with respect to this next area of concern. The Network notes that base budgets to Developmental Service agencies haven't increased in seven years. This has eroded the ability to expand capacity, develop new services that increase opportunities for community activities and maintain service levels.

Further, agencies are experiencing difficulty in retaining staff trained and skilled in providing support as other sectors; the health care sector pays higher wages for similar work. This also impacts the next generation of

leadership, as the pool of qualified candidates to lead agencies into the future of transformation is decreasing.

Pay equity and the gender wage gap have begun to seriously destabilize many Developmental Service agencies, particularly those who have had to utilize the proxy comparison method. It is important that the government funds pay equity agreements to enable agencies to attract and maintain professional, experienced staff. With resources, agencies are able to meet their pay equity obligations and offer competitive wages where pay equity has already been met.

These issues put the stability of Ontario's Developmental Service sector at risk. Without stable, quality supports and services by agencies that adhere to quality assurance and safety measures, people who have an intellectual disability and their families are impacted. We believe that the recent release of the Final Report of the Gender Wage Gap Strategy Steering Committee provides a fresh opportunity to consider solutions that will address the issues we have raised. In particular, Part 2 of the paper that looks at "valuing work" points to some solutions that would likely prove very helpful to our sector including recommendations six through eight:

6. The government should address barriers to compliance and support employers in ongoing obligations by amending the Pay Equity Act.
7. The government should assess the state of proxy pay equity and examine ways to coordinate achievement of pay equity with wage enhancement programs in the Broader Public Sector.
8. The government should consult with relevant workplace parties on how to value work in female-dominant sectors using pay equity or other means.

Community Living Ontario joins our partners in the Provincial Network on Developmental Services in recommending that investments be made in:

- Developmental Services agencies' operating budgets. It is estimated that a 2.5% increase in base funding per year for three years (\$50 million increase per year, for a total of \$150 million increase to annualized budgets after three years) would restore stability to agencies and enable them to continue providing quality supports and services.
- Pay Equity Regulations be examined and measures taken to reduce hardship on agencies and to maintain high level of quality services for people with intellectual disabilities and their families.

We are hopeful that the upcoming budget will seek to improve support to people who have an intellectual disability and their families by:

- Investing in residential services, direct funding and Passport, so people can achieve their person-directed goals of living a full life in community;
- Ensuring youth transitioning to adult services who are entitled to services under the child welfare system do not impact funding or vacancy space in the adult system, further blocking people on community needs lists;
- Making critical changes to the Ontario Disability Support Program that will help to address levels of poverty experienced by too many people who rely on this program; and
- Investing in Developmental Service agencies' operating budgets to provide financial stability, while enabling retention of trained and qualified staff that provide critical supports and services to people who have an intellectual disability. This includes addressing issue of pay equity and the gender wage gap.