

Pre-Budget Submission

to the Ontario Minister of Finance
and the Ontario Legislature's Standing Committee
on Finance and Economic Affairs

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Income Security Advocacy Centre
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The Income Security Advocacy Centre (ISAC)

The Income Security Advocacy Centre is a provincially incorporated specialty legal clinic funded by Legal Aid Ontario to advance the rights, interests and systemic concerns of low-income Ontarians with respect to income security programs. Founded in 2001, we are the only legal clinic in Ontario wholly devoted to systemic advocacy on income security issues. We carry out our law reform mandate through test case litigation, policy advocacy, community development and public education.

We are governed by a community Board of Directors representative of all regions of Ontario and composed of low-income individuals, advocates with particular expertise in issues of income security and poverty, and academics working in this policy area. Our fifteen Board members include legal clinic caseworkers and people who identify as low-income, and represent Indigenous communities, persons of colour, people with disabilities and recipients of income support programs.

We work closely with sixty local legal clinics who work every day with the challenges faced by low-income people relying on Ontario's income security programs. We also work in coalition with advocacy groups and organizations such as Campaign 2000, the 25 in 5 Network for Poverty Reduction, and the ODSP Action Coalition. Our analysis and recommendations are informed by ongoing consultation with our partners.

Recommendations

While we look forward to government's promised consultations on transformation of the social assistance system, as per the Budget 2015 commitment, significant smaller steps can be taken immediately to improve the lives and living conditions of the more than 900,000 Ontarians who receive benefits from Ontario Works (OW) and the Ontario Disability Support Program (ODSP). In addition, a number of important actions can and should be taken to make progress on improving the income security of all Ontarians.

1. Social Assistance Incomes

a) Make incomes adequate

Despite a series of small annual benefit rate increases since 2004 and new tax-delivered benefits and credits, current incomes received by people on Ontario Works and the Ontario Disability Support Program are inadequate to meet the basic cost of living and allow people to live in health and dignity. Necessary investments in base incomes have not been made to make up for the 22% cut to Ontario Works rates in 1995 and the many years in which OW and ODSP rates were frozen and subsequently eroded by inflation.

People receiving benefits from Ontario's social assistance programs make up a significant proportion of those who are forced to rely on food bank charity to feed themselves and their families. In 2015, nearly 70% of people using food banks were receiving social assistance as their primary source of income¹. Given that public income assistance programs were set up in part to prevent exposing people to the vagaries of charitable assistance, this growing reliance is a stinging indictment of the lack of attention that has been paid in Ontario to ensuring income adequacy.

The problem will only get worse. Food costs in 2016 are slated to rise much higher than the general rate of inflation, at up to 4.5%ⁱⁱ. This increase will come on the heels of a 3.7% increase in overall food costs in the 12 months ending in November 2015ⁱⁱⁱ and a 9.1-10.1% increase in the cost of fruit and vegetables^{iv}. And these increasing food costs are accompanied by continued rises in the cost of housing. In the 12 months ending October 2015, average rent for bachelor apartments in Ontario increased by 3.3%^v. These real and increasing costs of living are not taken into account when social assistance rates are set.

Another 1% increase to social assistance benefit rates, especially under these circumstances, will do very little to improve the ability of people receiving benefits from OW and ODSP to afford to feed themselves and their families the nutritious food that all of us need or to pay their housing costs, let alone other regular costs of living. People on OW and ODSP will continue to fall further behind and the government's policy goal of reducing poverty, for both children and adults, will become increasingly remote.

We support the government's current practice of providing a disproportionately higher increase to the OW singles rate and encourage government to continue to make progress on what remains a dangerously low income level for singles. We do not, however, support the practice of freezing the benefits of the dependent family members of people with disabilities on ODSP and urge government not only to end this practice but also to significantly increase incomes for all.

- We recommend that government invest significantly in improving the incomes of people receiving benefits from OW and ODSP with a rate increase far exceeding the recent 1% benchmark and with improvements to additional tax-delivered benefits such as the Ontario Trillium Benefit.
- We also continue to recommend that benefit rates reflect current costs of living, and that an expert community-based panel be created and charged with providing advice on the levels of income support required for people to live in good health and dignity.

b) Pay for identification for recipients of social assistance programs

As the provincial government increasingly moves away from issuing paper cheques, benefit program administrators are putting increasing pressure on people receiving benefits to open bank accounts in order to receive their benefits through direct deposit. However, banks require photo identification to open accounts. Obtaining provincially-issued photo identification means paying a \$35 fee, which many people receiving social assistance cannot afford. Some people in this situation must first obtain a birth certificate in order to apply for photo identification, which costs an additional \$35. In addition, many people require help with the paperwork required to obtain identification.

- We recommend that the province investigate providing free photo identification to people on social assistance who are opening bank accounts to receive benefits through direct deposit, potentially through waiving the fees.
- We further recommend that the province provide support to community groups and agencies to assist people on social assistance with associated paperwork.

2. The Commitment to Reduce Child Poverty

We commend government's commitment to reduce child and family poverty in Ontario. The 2008 Poverty Reduction Strategy set an ambitious target of reducing child poverty by 25% in five years. But, as noted in the 2014 Strategy, this goal has not been met. Targeted and sustained policy and investments made good progress on child poverty in the early years of the first strategy. However, the child poverty rate is now back to the same level as in 2008^{vi}. A reinvigorated commitment to reach the 25% target is required.

a) Fully exempt child support payments as income in social assistance

Parents on Ontario Works and the Ontario Disability Support Program who receive child support payments have those payments deducted dollar-for-dollar from their benefits. As such, their children receive no benefit from child support orders and arrangements. For those children for whom both parents receive benefits, this problem is even worse. The payor parent pays support from their already below-poverty level benefits, while the recipient parent's benefits are reduced by that support. This leaves the family unit as a whole with a net loss and the child even further behind.

British Columbia has recently become a Canadian leader in the treatment of child support for people receiving income assistance benefits. Starting in September 2015, the BC government fully exempted child support as income from both basic income and disability assistance, becoming the first province in Canada to do so. As a result, 5,400 BC children will benefit from an additional \$32 million in support over three years^{vii}.

In the past, we have recommended that child support payments be treated under the same income exemption regime as that for earned income. However, given BC's leadership on this issue, we believe that Ontario can and should go further.

- We recommend that child support be fully exempted as income from both Ontario Works and ODSP benefit calculations.

b) Support families by making pursuit of child support voluntary

Fully exempting child support as income will mean that the current coercive and punitive rules in OW and ODSP that require single parents to pursue support, despite seeing no benefit from child support orders, will no longer be necessary.

These rules often require custodial parents to pursue litigation against the payor parent. While family law policy and best practices move toward non-adversarial processes, families on social assistance continue to be pushed toward litigation, which can have a negative impact on families. Child support applications often trigger counter-applications to re-open settled custody arrangements, disrupting family relationships and putting some women at heightened risk of violence. Disrupting settlements can mean inappropriate expenditure of public resources in the courts and legal aid, particularly given that these resources are being used to recoup money for the Ministry of Community and Social Services and municipalities rather than for children and families.

Families receiving social assistance should have the same options as everyone else, to pursue obtaining child support orders or entering into voluntary arrangements with the non-custodial parent. Legal aid services must be available to all low-income families seeking resolution to family law disputes, particularly if this change would mean the loss of Family Support Workers in the Family Courts.

- We recommend that, along with the full exemption of child support as income, OW and ODSP recognize that single parents would no longer be required to pursue this source of income.
- We further recommend that sufficient legal aid resources be made available to assist all parents to pursue family law remedies through litigation or alternative dispute resolution mechanisms, to ensure that parents meet their obligations to support their children.

c) Increase the Ontario Child Benefit

The Ontario Child Benefit (OCB) was a workhorse in reducing child and family poverty in the early years of the last five-year poverty reduction strategy. The introduction of the OCB and the government's acceleration of investments in OCB benefits at the start of the late-2000s recession resulted in an 8.7% decrease in child poverty in the first two years of the strategy^{viii}. Most recently, government committed to indexing both OCB benefit amounts and income eligibility thresholds, which are positive steps. However, without significant further increases in the base maximum benefit amounts, among other investments, the government's own 25% child poverty reduction target will not be met.

Currently, a single parent on Ontario Works with one child under 16 lives at more than \$11,000 below the LIM-AT (Low Income Measure – After Tax)^{ix}, which is the benchmark Ontario has adopted to measure progress on poverty reduction. And, while government has stated that a single parent working full-time at the minimum wage now has a total income of \$34,000 per year^x, growing precarity in the labour market means that that scenario is not the norm. More than half of minimum wage workers in Ontario work less than full-time, with nearly 60% of female minimum wage workers in this position^{xi}. Insufficient or unpredictable hours of work now characterize the majority of the low-income workforce in Ontario.

In 2014, Ontario Campaign 2000 called for the Ontario Child Benefit to be increased by \$100 / year in each year to the end of the current poverty reduction strategy^{xii}, to reach a target amount of \$1,829 by 2018. Given that these increases have not been put into place by the province, we recommend that government increase the OCB by \$163 per child per year to reach Ontario Campaign 2000's target.

While the level of the OCB has been of particular benefit for low-income workers, those who live in the deepest poverty – those on social assistance – require more support. These families have not seen the full benefit of OCB increases since 2008, given that basic needs rates in both OW and ODSP have been restructured downward in order to “take children off welfare”. However, all child-related amounts in social assistance have

now been removed from OW and ODSP rates. Remaining sole support parent supplements are a benefit to the parent, not to the child. The children of parents receiving OW and ODSP should gain the full benefit of increases to the Ontario Child Benefit.

- We recommend that the OCB be increased by \$163 per child per year in each of the next three years.
- We further recommend that there be no further restructuring of social assistance rates with any future increases in the OCB.

d) Ensure no clawbacks from the proposed new Canada Child Benefit

The federal government has made a commitment to creating a new Canada Child Benefit (CCB) by consolidating existing federal child benefits, the Universal Child Care Benefit, funds from changing the tax regime, and new investments. The new benefit will mean that the lowest income families with children will see an income boost in the range of \$50 to \$68 per month per child^{xiii}. As such, the new CCB will be an important contributor to Ontario's goal of reducing child and family poverty by 25% by providing an additional source of income for low-income families with children. However, this restructuring of federal child benefits raises concern about the impact on those families with children who are on social assistance.

When the National Child Benefit Supplement (NCBS) was introduced in 1998, program rules explicitly allowed the provinces and territories to claw back this new income source from social assistance recipients. Ontario's NCBS clawback was the subject of a large and long-standing Hands Off! Campaign. Individuals, organizations, and municipalities across the province came out against the clawback, which also garnered criticism from the UN Committee on Economic, Social and Cultural Rights^{xiv}. Along with other advocacy and policy efforts, the campaign was instrumental in convincing government of the need to take decisive action on child poverty. In 2007, Ontario announced the creation of the Ontario Child Benefit (OCB) and the end of the NCBS clawback. This was the right decision and has improved support for all Ontario children, regardless of their parents' source of income. In 2016, we cannot go backwards.

The federal Liberals' plan for the new CCB stipulates an increase in the total child benefit amount provided to all those with household incomes under approximately \$40,000, with a gradual decrease in the amount of the benefit as incomes increase^{xv}. Tax-delivered benefits like the CCB, and the OCB itself, are an important mechanism through which additional income can be delivered outside the social assistance system, avoiding that system's needs-based rules that stigmatize and punish recipients. The income-based policy rationale of tax-delivered benefits should govern benefit levels. There must not be any clawbacks of a new Canada Child Benefit from social assistance incomes.

- We recommend that government ensure that all Ontario children, regardless of the source of their parents' incomes, get the full benefit of any new federal child benefit that is created, by continuing to specifically exempt federal child benefits from social assistance incomes and by ensuring that Ontario Works and Ontario Disability Support Program benefits are not restructured in any way.

3. Investing in People with Disabilities

Improving life for people on social assistance, and particularly those with disabilities, must be the end goal of social assistance reform. Reforms must be undertaken for the sake of the people who rely on these programs and not for the sake of the system or of reform in and of itself. As such, government should be commended for reversing its decision to eliminate the ODSP Work-Related Benefit and for responding positively to advocacy around improvements to the ODSP medical review process. We trust that these moves are a signal not only of government's responsiveness to stakeholder input but also of a willingness to be mindful of the impacts and staging of reforms to Ontario's social assistance programs. As we wait for government to announce its vision for social assistance reform and undertake consultations committed to in Budget 2015, we call on government to make the following changes to improve conditions for people with disabilities who receive ODSP and their families.

a) End the practice of not providing benefit rate increases to the family members of people with disabilities

People with disabilities face a number of barriers and challenges. A primary and ongoing challenge for those receiving Ontario Disability Support Program (ODSP) benefits is the insufficiency of the income they receive to support themselves and their families. However, since Budget 2013, government has chosen to exacerbate this problem by limiting the application of benefit rate increases to people with disabilities and not to their family members. Benefit levels for family members have effectively been frozen in this time.

This practice ignores the increased costs of disability that the whole family of a person with a disability faces, such as increased housing and transportation costs, as well as costs associated with primary caregiving. As noted above, the real costs of living should be the basis for setting rates in the context of total incomes; as such, the costs associated with disability should be taken into account when setting rates.

The practice also runs directly counter to current ODSP financial eligibility rules. On the one hand, current rules mean that income and assets earned or held by other family members are counted against and deducted from benefit eligibility. On the other hand, current practice means that only the person with a disability is provided with an increase in benefits. Government has a responsibility to people on ODSP to take a consistent approach – either the person with a disability should be treated as though they have a family, or they should be treated as an individual benefit unit.

- We recommend that government end the practice of not increasing benefit amounts for the family members of people with disabilities on ODSP at the same time that benefits are increased for others on social assistance.
- We further recommend that government ensure that the costs of disability are calculated and accounted for in upcoming processes to restructure social assistance benefit rates.

b) Support efforts to improve ODSP and recognize the connection between improving ODSP, ending homelessness and improving mental health

In 2014, the government's Poverty Reduction Strategy committed to ending homelessness in Ontario and in 2015 government committed to ending chronic homelessness in ten years, as recommended by the Expert Panel on Homelessness. We applaud this ambitious goal and welcome opportunities to work with government to meet it. One opportunity that government can and should take advantage of is to recognize the connection between access to ODSP and both ending homelessness and improving mental health outcomes, and to support improvements to access to ODSP for people with mental health disabilities.

People who are chronically homeless "are typically long term shelter users, and 'absolutely homeless' individuals who live on the streets, the vast majority having serious mental health or addictions issues, and / or a physical disability"^{xvi}. The rate of mental health disabilities among people who are homeless is significant – between 24% and 74% of people who are homeless in Canada report having a mental health disability^{xvii}. Continued homelessness can worsen mental health disabilities, and mental health problems can contribute to the duration of homelessness^{xviii}. Secure and affordable housing is an important part of improving mental health outcomes.

For people who are chronically homeless, the income supports available through ODSP are a lifeline. Often the only source of income available to people in these circumstances, ODSP benefits ensure a stable source of income to pay for housing needs. And yet access to ODSP is very difficult. The current application process has barriers that people who are chronically homeless cannot navigate on their own. As a consequence, community-based supports have sprung up around the province to assist them^{xix}. These supports coordinate the often burdensome medical evidence required by ODSP, and have a very high success rate in obtaining benefits for people who would otherwise be excluded. However, it should not be up to a handful of community-based programs with uncertain funding to ensure that people receive benefits for which they are eligible.

Barriers to access are compounded by decision-making around mental health conditions that often reflects outmoded and outdated expectations and treatment modalities. We commend the Ministry of Community and Social Services for beginning the important work of improving the application forms that health care providers must use to support their patients' ODSP applications. We look forward to continuing to work with them to improve the quality of adjudication of those applications. But the provincial government as a whole must take responsibility for ensuring that its income support programs are actually available to those who need them the most.

Improving access to ODSP is a critical part of the policy mix that will contribute to reaching the goal of ending chronic homelessness in Ontario. It will also contribute to meeting the goals of the Mental Health and Addictions Strategy, which has as its mission the reduction of the burden of mental illness through providing timely access to an integrated system of supports^{xx}. Government needs a shift in culture with respect to ODSP. Growth in caseloads that result from moving people from homelessness to stable lives should be seen as an indicator of success, not a "problem" to be solved. ODSP must

also provide the supports required to help its clients realize their goals of social inclusion and access to the labour market. The important role of ODSP in ending homelessness and improving mental health should be acknowledged in the government's current Poverty Reduction Strategy, the Comprehensive Mental Health and Addictions Strategy, and the Long-Term Affordable Housing Strategy. Central policy and budgetary support for making improvements to ODSP access is long overdue.

- We recommend that government ensure that all provincial policies related to ending homelessness and improving mental health include specific reference to the critically important role that ODSP plays in ensuring a secure source of income for people with mental health disabilities.
- We further recommend that current moves by MCSS to improve access to ODSP for people with mental health disabilities be supported, through new investments or policy as required.

4. Action on Income Security

Making improvements and reforms to social assistance programs is only one step in ensuring income security for all Ontarians. Social assistance reform must be accompanied, as we have said in the past, by improvements in a number of other policy areas, including extending access to health benefits to more Ontarians and improving the quality of jobs available in the labour market. Making improvements in these and other policy areas can only be accomplished by addressing the problem of restoring the province's lost fiscal capacity. Only a coordinated strategy, with targeted policy proposals supported by sufficient investments, will make progress on reducing poverty and increasing income security for all Ontarians.

a) Provide Health Benefits for All

As the labour market in Ontario has become increasingly precarious, fewer working Ontarians have access to extended health benefits. One-third of workers in Ontario do not receive employer-provided health benefits, and those with low earnings are more likely to lack coverage than those with higher earnings^{xxi}.

As part of its 2014 Poverty Reduction Strategy and efforts to transform social assistance, government has recently moved to expand income eligibility for dental services for more low-income children, which we commend. Government has also committed to expanding health benefits, including prescription drug, vision, mental health, and assistive device coverage, to children and youth in low-income families^{xxii}, and to provide dental, drug and other extended medical benefits to all low-income Ontarians by 2025^{xxiii}.

These commitments are critically important in the context of an increasingly degraded labour market. But the need is real. We urge the government to accelerate these commitments to ensure they are met in this term of the current Poverty Reduction Strategy.

As well, we urge the government to work to resolve the issue of access to dental services for both children and adults receiving social assistance benefits. Children's dental benefits which means increased access to dental benefits for more low-income children. However,

we continue to receive information from across Ontario that access to HSO and to regular dental coverage through ODSP is being compromised in communities where dentists refuse to take on clients of these programs.

While we understand that the issue of fees is complex, government has the responsibility to resolve problems with compromised access to a provincial program. We urge the province to seek resolution of this issue, whether through the Ontario Dental Association or through extending additional supports to public health units and community health centres to provide service through these programs.

- We support the 25in5 Network for Poverty Reduction recommendation to extend public dental benefits to all low-income adults by 2018.
- We also support the 25in5 recommendation that Ontario take a leadership role in the creation of a federal universal PharmaCare plan.
- We further recommend that promised consultations on providing extended medical benefits to all low-income Ontarians begin as quickly as possible, as committed in the 2014 poverty reduction strategy.
- We further recommend that government resolve the problem of limited access to dental services through both Healthy Smiles Ontario and ODSP, whether through the Ontario Dental Association or through extended support to public health units and community health centres to provide service through these programs.

b) Enact a Good Jobs Strategy

Changes in the economy and labour market have resulted in a decline in the quality of work in Ontario. As a result of these changes, Ontario workers have lost the assurance that paid employment will provide them the income security they need to support themselves and their families and the ability to live free from poverty.

Good quality jobs with fair wages, benefits and working conditions are becoming increasingly unavailable to many. The labour market is increasingly becoming bifurcated, with a growing pool of low-wage jobs counterposed against a growing pool of high-wage jobs, with very little available – and very little upward movement – in between^{xxiv}. Unionization rates have fallen in lockstep with rising income inequality^{xxv}. Outsourcing, temporary work, erratic scheduling, discrimination, unfair and insufficient wages, and other increasingly adverse conditions are experienced by a growing number of Ontarians^{xxvi}. Precarious work is becoming an increasingly standard condition in Ontario's labour market, which is a departure from the “standard employment” model that informs current provincial labour market policy^{xxvii}. And the impact of these negative conditions is felt more by historically disadvantaged groups in Ontario society than others: women, racialized communities / communities of colour, Indigenous and Aboriginal peoples, newcomers, and persons with disabilities^{xxviii}, as well as migrant workers^{xxix}.

- We support the 25in5 Network for Poverty Reduction's recommendations aimed at addressing Ontario's growing precarious labour market, which include:

- Raising the minimum wage to \$15 to bring a worker's income 10% above the poverty line.
- Ensuring a minimum of 7 paid sick days for full-time workers, pro-rated for those working part time.
- Ensuring respect at work so that workers can assert their rights and be protected from discrimination, workplace harassment, bullying and unjust dismissal.
- Putting in place rules that protect everyone with employment standards that cover all workers and are enforced.
- Addressing unfair and inequitable barriers to employment for racialized and marginalized people through employment equity programs.
- Expanding training and internship programs for newcomers.
- Legislating the principles of community benefits to ensure provincially-funded infrastructure projects promote inclusive and equitable economic development, through implementing a government wide plan that delivers employment and career opportunities to historically disadvantaged and marginalized communities.

c) Increase Public Revenues to Support Investments

Poverty reduction strategies work. But Ontario's experience demonstrates that they only work when government maintains a steadfast commitment to provide the resources necessary to make progress on meeting their targets.

Between 2008 and 2011 – the height of the global recession – the government's commitment to invest in poverty reduction led to a decline in the child poverty rate. Since then, the commitment to invest has waned. The Ontario government's 2014 Speech to the Throne and 2014 Budget Speech both celebrated the fact that we have the lowest level of per capita government program spending in Canada^{xxx}. And, as mentioned above, child poverty in Ontario is now back to the same level as in 2008.

A commitment to effective poverty reduction and income security programs requires an associated commitment to a significant investment of public funds. These funds can only be found by fixing Ontario's revenue problem and restoring lost fiscal capacity^{xxxi}.

- We recommend that government work to build a consensus in support of increasing government revenues, and pursue various options to increase those revenues, to pay for important policy priorities like poverty reduction.

Conclusion

There are a number of steps that government can take in Budget 2016 to improve income security for all Ontarians and support a variety of government's policy goals. We appreciate the opportunity to comment in the pre-Budget period on the priorities that we believe Ontario should pursue, and welcome any opportunity to provide further information on our perspectives and recommendations.

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