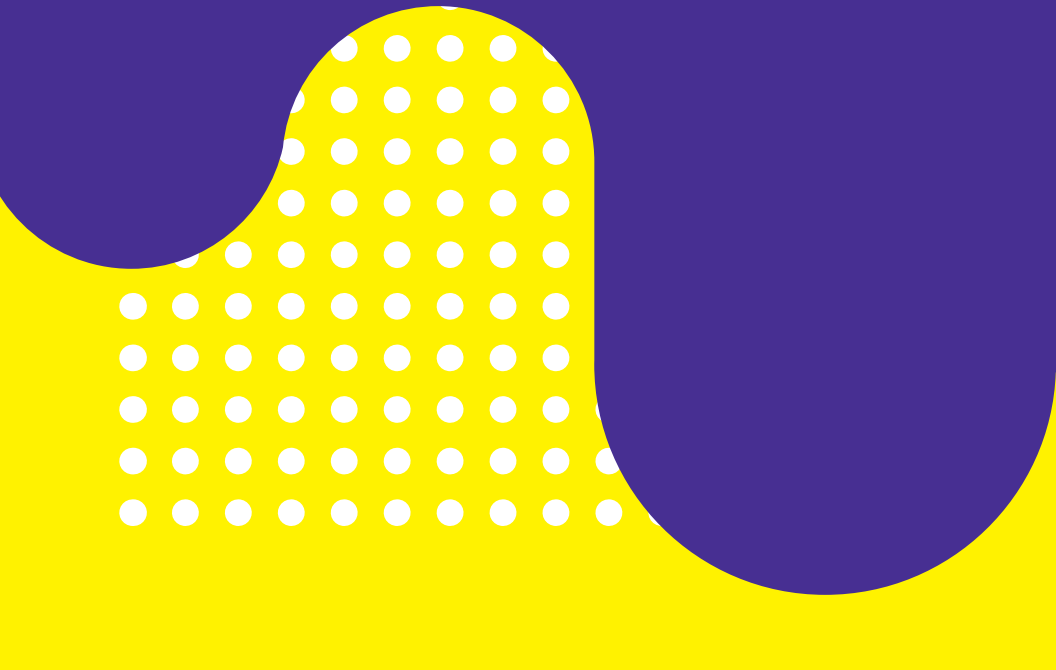


ODSP & Arts Grants



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This brochure will give you information about reporting your arts grant to ODSP to help ensure your funds are assessed fairly. While there are arts grants for underrepresented groups, specific grants for Deaf artists and artists with disabilities are new. Uncertainty about how ODSP assesses arts grants can prevent some artists from applying.

On December 13, 2017, the Ministry of Community and Social Services announced that arts grants are exempt as both income and assets for people on the Ontario Disability Support Program and Ontario Works. This exemption also applies to grants from the Indigenous Culture Fund administered by the Ontario Arts Council.

Any portion of an arts grant that is specifically intended to pay for living costs will not be exempt, but that amount will be prorated over the entire duration of the arts grant.

In September 2017, MCSS also increased the dollar limit on assets and cash gifts for ODSP recipients.

Your ODSP caseworker will be able to use this brochure to reference the appropriate Ministry directives. Telling your caseworker in advance that you might be awarded an arts grant could help you avoid difficulties if your application is successful.

Deaf & Disability Arts

The Canada Council for the Arts, the Ontario Arts Council and the Toronto Arts Council have all prioritized funding for Deaf Artists and Artists With Disabilities by acknowledging:

Disability is an experience of exclusion or disadvantage. People with actual or perceived impairments experience disability when they are disadvantaged as a direct result of that impairment, or due to social, policy or environmental barriers, including discrimination and prejudicial attitudes.

Deaf and disability arts are diverse artistic practices, where artists explore the complexities, perspectives, embodiments, histories and lived experiences of disability or Deaf culture, respectively. These practices bring distinct perspectives and ways of being into the arts ecology, shifting perceptions and understanding of human diversity and artistic expression.

(from “Expanding the Arts” by Canada Council for the Arts)

The Ontario Arts Council has a simple definition of artists with disabilities:

People who have physical, mental or learning conditions with long-term, temporary or varying effects that may be apparent or not.

The Toronto Arts Council, Ontario Arts Council and the Canada Council for the Arts ask that you make a simple self-declaration that you live with a disability, or are Deaf. You do not have to provide a medical professional's opinion.

What is an Arts Grant?

Arts grants are funds that are given to a professional artist to help them create artwork. These grants are typically given by a government granting agency, like an arts council. In applying for grants, artists must say how they will use any money they receive. If they receive a grant, they have to submit a final report to the arts council saying how they spent the money.

The majority of the grant will be used to cover the artist's professional and production expenses. Professional expenses might include workshops or training courses, master classes, the cost of going to conferences or festivals, or costs associated with a mentorship. Production expenses could include artistic, production, venue, marketing and administrative costs; workspace and equipment rentals and transportation; or travel, accommodation and meals.

Artist fees are granted to all the artists who are involved in a project, either as individual creators

or as collaborators. An artist can use their fee however they wish, but they usually spend their artist fees on project related necessities that are not covered in their budgets. It is increasingly rare for arts grants to cover living expenses.

Arts grants are competitive awards. Usually, grants are awarded on a combination of artistic merit, the potential for a positive impact on the artist's career, and the overall viability of the project. The grants are not based on financial need. Most often, it's a jury of fellow artists who make decisions about which projects will receive an arts grant.

Professional artists are generally defined as artists who:

- have completed basic training in their artistic discipline or field, either through formal study or by teaching themselves
- are recognized as professional practicing artists by other artists working in the same field
- have a history of public presentation or publication of their work, and
- spend a significant amount of time practicing their art.



How ODSP Treats Arts Grants

You will continue to receive ODSP benefits when you get an arts grant. Arts grants are, in general, not counted as income by ODSP. While you still have to report your grant to ODSP, all the money you receive, except for “living costs”, is “exempt as income and assets.” This means your grant money is yours to spend, according to the terms of your grant, and you won’t be disqualified from ODSP.

This exemption applies to you, or your dependents, who get an arts grant for:

- creation, production, and/or presentation of works
- professional development activities
- promotion
- residency or travel
- creative research

- networking and building market opportunities
- commissioning
- other activities necessary for the development or creation of art
- accessibility expenses during the duration of their project

ODSP will consider the portion of your grant that is intended for living costs to be income. Any amount of your grant that is intended for living costs will be specified in the Notification Letter that you get from the granting agency. During the time you are working on your arts project, ODSP will deduct a portion of that amount each month, dollar-for-dollar, for the duration of the period of time that your arts grant was intended to cover. ODSP will still pay for prescription drugs, medical supplies, dental, and vision care.

Your granting agency will provide you with a Notification Letter that specifies whether the funds are to cover living costs or not. For grants that do cover some living costs, the Notification Letter should specify the amount. Even though your arts grant won't be counted as income, you

still have to report it, so give your caseworker a copy of the letter from the granting agency.

If you use your arts grant to create work that then earns you money, then that money will be considered income, or self-employment income by ODSP.

Assets & Other Exemptions

Assets

A single ODSP recipient can have up to \$40,000 in cash assets. A couple on ODSP can have up to \$50,000.

Tools of the Trade

Any tools you need for employment or for your own business are exempt from your asset limit.

Business Assets

If you are self-employed, your business can have up to \$20,000 in assets. This includes things like inventory and raw material.

Gifts & Voluntary Payments

You can receive a gift or a voluntary payment of up to \$10,000, once a year, without it being deducted from your ODSP entitlement. Gifts or voluntary payments, of any amount, that are used for approved disability related items or services are exempt. Your ODSP worker will have to approve that the items or services are related to your disability.

Other Exemptions

Many other assets, such as residences, insurance payments, life insurance policies and compensation awards are exempt, or partially exempt, from being considered income. Please refer to ODSP Policy Directive 4.1; Definition and Treatment of Assets for further information.

Artists with Additional Income & Self-Employment

An artist who earns income from their artwork, from performances, or from teaching and consulting, is self-employed. It is possible to work for yourself while you continue to receive ODSP benefits.

ODSP looks at self-employment income differently from employment income. Only half of your self-employment income will be deducted from your ODSP entitlement. Also, most business expenses are exempt and will not be deducted from ODSP. For these reasons, we strongly recommend that you tell ODSP that you are self-employed.

In general, net income from self-employment (ie, after approved expenses are deducted) is treated in the following way: there are no deductions from your monthly ODSP benefit for the first \$200 in net income, but 50% of any net income above \$200 is deducted. As well, the \$100 “Work-

Related Benefit” is added to your monthly ODSP when you have net earnings.

Net self-employment income is usually reviewed and calculated once per year and averaged over the year. This is different from other income, which has to be reported and deducted monthly, so that a person’s monthly ODSP cheque changes each month if income changes.

A single ODSP recipient is normally only allowed to have \$40,000 in savings or liquid assets. However, a self-employed person is allowed to have up to \$20,000 in business assets as well. The artist does not need to have an incorporated business for this asset limit to apply, but will need to declare to ODSP that they are self-employed and provide all their income and expense information.

It’s very important to keep careful records of all income received from any source related to the business or art, and all expenses. Your ODSP worker will review the paperwork to decide what expenses are approved, then calculate any deductions that should apply.

Expenses approved for Revenue Canada purposes are NOT necessarily accepted by ODSP.

If you have received your maximum ODSP monthly payment during the 12 months of self-employment, ODSP may decide, after reviewing the year's income and expenses, that you have an overpayment. If so, your monthly payments will typically be reduced by 5% until the amount of the overpayment is recovered. You can appeal the amount of overpayment and the rate of recovery.

To avoid overpayments, ODSP recipients and workers can choose to estimate yearly income before the person starts self-employment. This is done by adding up the total amount of gross income from your arts grant plus any other self-employment income you expect for the year, then subtracting the estimated amount of expenses you will have. You would then divide that net amount by 12 to calculate how much ODSP you should get each month.

Project Grants to Collectives

Some arts grants might be given to two or more artists working as a collective. The artists' collective would need to have a separate bank account and bookkeeping records. The expenses for the project would all be paid out by the collective.

Assuming that an artist on ODSP who is a member of this collective does not receive the grant money in their own name, only whatever amount is actually paid out to the artist (as an artist fee) should be considered the individual's self-employment income.

Note on Self-Employment

Self-employment is uniquely well suited to people with disabilities. It allows us to enter or re-enter the workforce in ways that accommodates our needs and abilities while offering us the potential for self-fulfillment without suffering the stigma of discrimination from employers and co-workers.

ODSP states that the intent of their policy around self-employment is “to support self-employment as a means of increasing financial independence,” so ODSP staff are expected to be generous in their interpretation of the rules when deciding, for example, what expenses are allowed. ODSP will also pay for small business training so that you can start up your own business.

Dealing with Problems

If you have a problem with the way that your ODSP caseworker treats your arts grant – for example, if they count it as income even though there are no living expenses included in the grant, and suspend or reduce the amount of your ODSP benefits – you have several rights.

These are the same rights that you have around disagreements with other decisions that your case worker might make about other issues:

- You may meet with your caseworker;
- You may bring a friend or advocate to a meeting with your caseworker;
- You must receive any decisions in writing;
- You have the right to have any decision reviewed.

1st Step

Internal Review

You must send or drop off a “Request for Internal Review” in writing to the ODSP office within 30 days of receiving any decision to suspend or reduce the amount of your ODSP benefits. Your written request does not need to say much other than that you disagree with the decision, but if you have additional information to give them such as a letter outlining the grant from the arts council then include it in your request.

You can get more information and download the one-page form here:

www.mcass.gov.on.ca/en/mcass/programs/social/odsp/income_support/financial_review.aspx

2nd Step

Appeal to Social Benefits Tribunal

If ODSP still maintains a decision that you feel is unfair, you can appeal to the Social Benefits Tribunal (SBT). There is a simple appeal form that you must file. The SBT is independent — not part of ODSP — and usually fair in their interpretation of issues. ODSP must write a report to the SBT explaining their decision.

The Appeal Form is available at any ODSP office, at community legal clinics, from the SBT office, and online:

www.sjto.gov.on.ca/sbt/

Appealing is a lengthy process. If you will suffer financial hardship while you wait for your hearing, the Social Benefits Tribunal can order ODSP to continue your payments. Simply fill in the Request for Interim Assistance section on the regular SBT form. However, if your appeal is unsuccessful, you will likely have to repay the Interim Assistance.

Temporary Withdrawal from ODSP

If you have a high income from arts grants and feel it would be better to leave ODSP while you pursue your project, it's possible to temporarily withdraw from ODSP for the duration of your project and apply for "rapid reinstatement" when you're done. However, there are several issues, such as upcoming medical reviews or continuing your health benefits, to think about if you might do this, so it would be best to seek legal advice before withdrawing.

Where can people on ODSP get legal help?

This brochure gives only general information. You should obtain legal advice about your own situation.

Legal Aid Ontario provides free legal assistance to low-income people by funding Community Legal Clinics throughout Ontario.

Community legal clinics can offer expert advice on ODSP and can sometimes intervene with ODSP for you. A legal clinic may also be able to advise you on how to file a Social Benefits Tribunal appeal and could represent you at SBT hearings.

You can quickly find out where your closest clinic is by calling 1-800-668-8258 (416-979-1446 in Toronto), or by going to their website: **www.legalaid.on.ca**.

You may want to share this brochure with your local legal clinic when asking them for assistance with arts grants funding.

Where can artists with disabilities get help or information?

Arts Councils

Canada Council for the Arts

London Arts Council

City of Mississauga Culture Projects Grant Program

Ontario Arts Council

City of Ottawa Arts Funding Program

Toronto Arts Council

City of Windsor Arts, Culture + Heritage Fund

Arts/Advocacy Groups

ACTRA Toronto

Canadian Actors' Equity Association (Toronto)

CARFAC Ontario (province-wide)

Creative Spirit Art Centre (Toronto)

Deaf Culture Centre (Toronto)

H'art Centre (Kingston)

Income Security Advocacy Centre (Toronto)

Media Arts Network of Ontario (province-wide)
ODSP Action Coalition (province-wide)
Picasso PRO (Toronto)
Propeller Dance (Ottawa)
ReelAbilities Toronto
Tangled Art + Disability (Toronto)
Workman Arts (Toronto)

Free Self-Employment training for people living on ODSP

Causeway (Ottawa)
CoachWorx (Windsor)
CSE Consulting (Brockville)
ER Employment Consulting (Sault Ste. Marie)
Focus Community Development Corporation
(Alliston)
Goodwill Career Centre (London & other cities)
Job Skills (York Region)
Learning Initiative (Sudbury)
Lutherwood (Cambridge, Guelph, Kitchener)
PARO Centre for Women's Enterprise (Thunder Bay)
Rise Asset Development (various cities)
School of Social Entrepreneurs (Toronto)
Toronto Business Development Centre (Toronto)
Youth Employment Services (Toronto)

The Government of Ontario runs dozens of Small Business Enterprise Centres throughout the province. While they're not dedicated only towards people with disabilities they are an excellent resource for people who don't live in cities.

www.ontario.ca/page/small-business-enterprise-centre-and-community-based-provider-locations



ODSP Policy Directives

ODSP is governed by the Ontario Disability Support Program Act and the associated Regulations. The staff of ODSP are guided in their interpretation of the law by detailed Policy Directives which help staff make decisions.

ODSP Social Assistance Policy Directives that deal with arts grants can be found at following links:

4.1 Definition and Treatment of Assets
(December 2017)

www.mcass.gov.on.ca/en/mcass/programs/social/directives/odsp/is/4_1_ODSP_ISDirectives.aspx

5.1 Definition and treatment of Income
(December 2017)

www.mcass.gov.on.ca/en/mcass/programs/social/directives/odsp/is/5_1_ODSP_ISDirectives.aspx

5.4 Treatment of Self-employment Income
(January 2018)

www.mcass.gov.on.ca/documents/en/mcass/social/directives/odsp/income_Support/5_4.pdf

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For more information on the ODSP Action Coalition visit: www.odspaction.ca

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ONTARIO ARTS COUNCIL
CONSEIL DES ARTS DE L'ONTARIO

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