

SUBMISSION TO THE SOCIAL SECURITY TRIBUNAL – Self-represented appellants and managing large volumes of documents

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Contact:

Anu Bakshi
416-597-5820
anu.bakshi@isac.clcj.ca

Staff Lawyer
Income Security Advocacy Centre (ISAC)
1500-55 University Ave.
Toronto, ON M5J 2H7
info@isac.clcj.ca
www.incomesecurity.org

About ISAC

The [Income Security Advocacy Centre \(ISAC\)](#) is a specialty legal clinic funded by Legal Aid Ontario. ISAC's mandate is to advance the rights and interests of low-income Ontarians about income security and employment. We carry out our mandate through test case litigation, policy advocacy, community development, and public education. Founded in 2001, we are governed by a community Board of Directors representative of all regions of Ontario. ISAC works closely with local legal clinics that work every day with the challenges faced by low-income people relying on Ontario and Canada's income security programs.

Our perspective is informed by the experience of the Canada Pension Plan inter-clinic working group. The working group's membership is drawn from over 70 community legal clinics throughout Ontario whose mandate is to increase access to justice by providing free legal services to low-income people in Ontario and advocating on their behalf. The group aims to provide quality information, advice, and representation on various legal issues, including Canada Pension Plan disability benefits.¹

Self-Representation Challenges

At a minimum, procedural fairness requires a person to know the case they have to meet and to have an opportunity to respond. However, many people appealing a CPP disability benefits denial face significant barriers to meaningfully meeting these minimum requirements. These appellants are often people with disabilities who live on low incomes and struggle in navigating the many steps leading to a hearing. For those with cognitive disabilities, it may take longer to grasp new information, and they may struggle to focus or retain it.² Others may be physically exhausted while preparing and may have to pace themselves over many days.

The appeal process can be emotionally overwhelming; having to explain their severe impairments, failed work attempts, revisit failed treatment and disclose deeply personal information—only to then defend it under scrutiny—can be profoundly discouraging and even dehumanizing.

The majority of appellants before the Tribunal do not have professional representation.³ Navigating through the required paperwork involved in the appeal process on one's own can be onerous. Given the demands of managing their health and daily needs, appellants often struggle with sorting through upward of 1,000 pages in documentation, identifying the key documents, and understanding their relevance in the appeal. Many do not have relatives, support workers, or others in the home who could assist with sorting through papers, listening to a recording, filling out paperwork, and the numerous other tasks required to competently prepare for a hearing.⁴

¹ Thank you to Michael Dytyniak from the Clinic Resource Office in co-chairing the working group..

² Shannon Meikle, Silvia Battaglia & Julie Macfarlane, *Struggling for Accommodation: Barriers to accessibility faced by cognitively disabled self-represented litigants*, (National Self-Represented Litigants Project, November 2021) CanLIIDocs 14017, online: <www.canlii.ca/t/7nfhk>

³ Social Security Tribunal, *Annual report for the 2023 to 2024 fiscal year: Empowering people to participate fully* (Ottawa: Social Security Tribunal, 2023), online: <<https://sst-tss.gc.ca/en/our-work-our-people/annual-report-2023-2024-fiscal-year-empowering-people-participate-fully>>

⁴ Jacobs, Laverne & Tomkinson, Sule, *Examining the Social Security Tribunal's Navigator Service: Access to Administrative Justice for Marginalized Communities* (University of Windsor, 2022) at 6-7, online: <<https://scholar.uwindsor.ca/lawpub/133>>

Some appellants face challenges managing large volumes of documentation due to low literacy, or a limited ability to read or write in English or French. For some, support depends on a family member—often a child—helping with translation. Discussing private medical information with one’s child can be uncomfortable and may lead an appellant to avoid preparing for the hearing altogether.

While appellants may report having “access” to digital documents, they often do not disclose that they lack reliable access to computers, printers, scanners, or the internet. Many low-income households face digital barriers, including unaffordable internet, limited devices, slow internet, and low digital literacy.⁵ Socioeconomic status significantly influences digital equity, with the cost of Internet services being a major barrier for low-income appellants. According to Statistics Canada, in 2022, 94% of Canadians reported internet access, but at least 600,000 relied solely on mobile phone plans.⁶ Rural and remote areas face pronounced connectivity challenges due to Canada’s vast and diverse geography. Preparing for and participating in a virtual hearing using only a mobile phone makes it extremely difficult to review materials and follow the proceedings, raising serious concerns about an appellant’s ability to meaningfully know the case they have to meet and fairly engage in their appeal.

Key Recommendations

ISAC makes the following recommendations:

1. Refer low-income appellants living in Ontario to legal clinics

In addition to challenges with navigating documents in preparation for their hearing, many appellants face broader access to justice issues. These include unaffordable legal fees, difficulty understanding the disability test, the technical nature of gathering and presenting relevant evidence, and the impact of disability, stress, or trauma. These overlapping access to justice barriers often cannot be addressed solely through access to legal information or support with document navigation.

There is no substitute for competent legal services for the most vulnerable. Ontario’s community legal clinics offer free or low-cost legal services to low-income individuals and families. While Ontario legal clinics have limitations and strict eligibility requirements, we recommend that information about how to contact Ontario’s [community legal clinics](#) be proactively sent to low-income Ontario appellants after they file their appeal, rather than being available only on the Tribunal’s website.

Navigators should also provide this information directly to Ontario appellants, who identify as low-income. While not all legal clinics offer services in all areas covered by the Tribunal’s jurisdiction, some legal clinics may be able to provide summary advice—even if the appellant does not meet the eligibility criteria—and may be able to refer them to other services in their community.

⁵ Bridging the Gap: Unraveling the Digital Divide (DDN2-A26) [Bridging the Gap: Unraveling the Digital Divide \(DDN2-A26\) - CSPS](#)

⁶ Statistics Canada, “Canadian Internet Use Survey, 2022”, *The Daily*, (20 July 2023) online: <[The Daily — Canadian Internet Use Survey, 2022](#)>

The Tribunal website section on "[Help from other people](#)" for Ontario can be improved. The information can appear buried within the Tribunal's dropdown menus and may require scrolling through up to eight separate webpages to find possible organizations. In contrast, the [Legal Aid Ontario](#) website is much more user-friendly, allowing individuals to simply enter their address or postal code to locate their local legal clinic. The Tribunal's website ought to link directly to Legal Aid Ontario's legal clinic search page for Ontario appellants.

2. Proactively provide a self-help guide to appellants

The Disability Alliance BC has designed a [Guide](#) to help people who are representing themselves in Canada Pension Plan Disability appeals to the Tribunal. Representatives may also find the Guide helpful if they have clients with appeals before the Tribunal.

The Tribunal should proactively provide a copy or link to this Guide or others similar in communications with the Appellant.

3. Identify appellants who face digital inequity

While appellants may report having "access" to technology and digital documents, they often do not disclose underlying barriers—such as limited access to devices (i.e., computers, printers, or scanners), low digital literacy, unreliable or slow internet, affordability concerns, reliance on public devices, or an uncomfortable reliance on others to navigate the digital environment. Some individuals without access to digital devices at home may rely on friends, public computers at libraries, or community organizations to prepare for their hearings. However, relying on public devices comes with significant challenges. Public computers often have time limits and restricted hours of availability. Even getting to a public computer can depend on access to transportation, disability-related challenges, childcare, and the ability to attend during library hours.⁷ There are also privacy challenges with reviewing or printing documents on a public computer.

Using only a mobile phone to prepare for and participate in a virtual hearing presents additional difficulties. Reviewing documents to prepare for a hearing, participating in a hearing, and navigating through documents all while using a small screen is extremely challenging. These barriers all raise serious concerns about an appellant's ability to participate meaningfully in their hearing.

Navigators should be trained to identify individuals who have some digital access but face barriers in navigating digital documents and virtual hearings. Early identification of these barriers can help ensure that appellants receive the support they need to engage fully in the hearing process.

4. Flexibly address the needs of appellants who face barriers in navigating documents

The SST should provide multiple methods to identify and address the difficulty of navigating large volumes of documents in preparation for a hearing. There are several opportunities to prompt appellants to identify their needs. For example, on the appeal form, consider adding an option for appellants to choose how they would like to receive their documents—whether in print, digitally, or on a USB drive. Additionally, when navigators call appellants to review the documents, they

⁷ Hannah Jorgenson, Laura Olsen & Lisa Wanlin, *GenAI & Access to Justice* (Saskatchewan: The Dean's Forum on Access to Justice, 2024) online (pdf): <[attachment-2-group-1-genai-paper-public-deans-forum-11-mar-202466.pdf](#)>

should ask questions to assess how easily the appellant can review the documents and locate relevant medical information.

Including a USB option is important because, in some cases, it is the easiest way for appellants to bring their documents to a local legal clinic, community centre, or library for printing—especially in smaller or rural regions. Often legal clinics are only able to provide limited summary advice and do not want to take the formal steps of going on record, and a USB enables appellants to easily bring their file to a clinic for printing or review.. The USB option also helps bypass common barriers, such as not having access to email or being unable to use the upcoming document portal. Additionally, a USB option reduces the risk of losing or mixing up pages that can occur when printed documents are sent by mail if they are not bound.

For those who prefer printed copies directly from the Tribunal, consider enhancing usability by providing bound documents with a clear, organized, and color-coded table of contents in larger print. This would improve navigation and reduce cognitive load, particularly for those with impairments or challenges processing large volumes of information. Also consider enclosing legal information regarding key documents to locate and their potential significance as outlined below.

5. Develop resources to assist self-represented appellants in identifying key documents and their significance

For some appellants, the first time they see their appeal-related documents is at the appeal stage, often with the help of a Navigator who reviews the file with them. The Tribunal should proactively identify and flag key documents in CPP disability appeals, such as: the CPP contribution record; the MQP date; medical evidence leading up to and at the time of the MQP; and ESDC adjudication summary notes for both the original application and reconsideration decision. The Tribunal should also provide a resource sheet that helps appellants understand and identify these key documents, such as a CPP disability appeal related [glossary of legal terms](#).

The Tribunal should consider collaborating with trusted stakeholders to develop legal resources for CPP disability appeals that are accessible in multiple formats. These should explain (for example):

- The SST page numbering system
- How to locate and review key documents
- How to prepare for a CPP disability hearing
- Typical issues that arise in these hearings
- How to respond to those issues using file documents, new evidence, and written submissions

These resources should be made available through various channels, including brochures, interactive tools, videos, and video shorts.

6. Portals can be helpful but proceed with caution

While a portal case management system can increase access to justice for appellants facing challenges in keeping track of documents and steps leading up to their hearing, they are not a standalone solution and may create additional barriers. We recommend that the Tribunal consider concerns previously raised publicly about case management portals, particularly their impact on low-income communities and people with disabilities.

Community legal clinics report mixed experiences with administrative tribunal portals. On the one hand, portals can be helpful for checking the status of an appeal and accessing documents in one place. However, they are often not fully accessible on mobile devices, and relying too heavily on them can widen the digital divide—especially when requests for paper documents or accommodations must also be submitted through the portal. Often, appellants must rely on third parties to access the portal.

There are also technical and procedural issues:

- Portals typically require a PIN, which cannot be shared and is difficult to retrieve if lost.
- Family members or legal representatives providing limited summary advice often face multiple steps just to gain access to a file, making it frustrating and inefficient.⁸
- **Limited mobile accessibility:** Portals are often not fully accessible or user-friendly on mobile phones, which many low-income users rely on as their primary device.
- **Compounding complexity:** While exceptions exist for those without digital access, the need to take additional steps can further complicate an already difficult process for vulnerable appellants.

Finally, the use of a portal requires sufficient staffing. If the Tribunal includes a “Help” feature, it must ensure the capacity to respond promptly and effectively to technical inquiries.⁹

Conclusion

In developing a fair and efficient approach to the use of documents, the Tribunal should keep self-represented and under-represented appellants top of mind. The appeal process is already onerous for appellants with disabilities. Through flexibility and resources for appellants, the Tribunal can reduce barriers and ensure a more just hearing for all parties.

⁸ Tribunals Ontario, “Tribunals Ontario Portal – Personal Identification Number (PIN) Information Sheet” online (pdf): <[Tribunals Ontario Portal - Personal Identification Number \(PIN\) Information Sheet](#)>

⁹ Paul Dubé, *Administrative Justice Delayed, Fairness Denied* (Toronto: Office of the Ombudsman of Ontario, May 2023) at 31, online (pdf): <[Ombudsman Ontario-Administrative Justice Delayed-May 2023-report](#)>