

CPP benefits: Are you entitled?

Disability Pensions

If you cannot work because you have a physical or mental disability, you may be able to get a disability pension from the Canada Pension Plan.

Your disability does not have to be caused by your job.

You must be under 65 years of age to get a disability pension.



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

What is the Canada Pension Plan?

The Canada Pension Plan (CPP) is a benefits plan for workers. Workers who pay into the plan might get a retirement pension when they retire, or a disability pension if they can no longer work because of a disability. There are also benefits for the children of people who are receiving CPP disability pensions and for survivors of CPP contributors who have died. The amount of the pension depends on how many pension credits the contributor earned while working. Pension credits are based on contributions.

Most workers make regular contributions. Their employers deduct money from their wages and send it to the CPP. The employers then contribute a matching amount. Most self-employed workers make CPP contributions with their income tax returns. The government keeps a record of all contributions.

Contributions to the Quebec Pension Plan count toward the Canada Pension Plan. Contributions to the pension plans of some other countries can also count to help you qualify for CPP, but they do not affect the amount of your benefits.

Someone who is divorced or separated may be entitled to a share of the pension credits of their former spouse or common-law partner.

When would I be entitled to a CPP disability pension?

You might be entitled to a CPP disability pension if:

- you have enough pension credits, and
- you have a “severe” and “prolonged” disability.

“Severe” usually means that your disability prevents you from earning more than a small amount of income from work. Your disability can be physical, mental, or both.

“Prolonged” means that your disability is likely to last for a long and unknown amount of time, or to eventually cause death.

If you qualify, your dependent children can also get benefits if they are under 18 years old, or if they are full-time students and under 25 years old.

How can I apply for a CPP disability pension?

You can have an application kit sent to you by calling Service Canada free of charge at **1-800-277-9914**.

If you use a TTY device, call **1-800-255-4786**. You can also download an application kit from the “People with Disabilities” section of their web site at

<www.servicecanada.gc.ca>.

After you receive your application kit, fill out the forms and return them as soon as possible. Someone else can apply for you if you cannot apply on your own. But it is up to you to make sure your application forms are sent in. Your employer or the government will not apply for you.

If you think it will take some time for you to complete the application, send a letter to CPP asking for your disability pension. It is important to send this letter as soon as possible. Send your letter to the address shown in the kit. Keep a copy of the letter and make a note of when you sent it. You will still need to fill out an application.

Apply for CPP disability benefits as soon as you know you have a serious disability. You might be eligible even if you apply later, but the longer you wait, the worse your chances will be. You may end up with a smaller pension or none at all.

If you waited too long to apply or have been turned down because you were late, you may be able to apply again. It is a good idea to get legal advice before doing this.

If you are not sure about your right to a disability pension, contact your community legal clinic. To find the community legal clinic nearest you, see the contact information on [page 6](#).

You may also want to contact Service Canada. Their contact information is listed on [page 2](#).

How do I prove that I have a disability?

The application kit asks for a lot of detailed information about how your disability affects you. You will need to get your doctor to fill out the medical form in the kit.

A medical professional hired by the government will look at the medical information you send in. This person will tell CPP whether or not they think you have a disability that could qualify you for benefits. They will just read your file, not actually examine you. So it is very important to clearly explain in your application exactly how your disability prevents you from working. A community legal clinic or lawyer may be able to help you with this.

How much would I get with a disability pension?

The amount depends on how long you worked and how much you contributed before you had the disability.

There are 2 parts to a disability pension:

- a flat rate that is the same for everyone getting CPP disability benefits, and
- an additional amount that depends on your past contributions.

Special rules may apply if there were times when you could not contribute because you were receiving CPP disability benefits, or because you were raising young children.

Are there other benefits I can apply for?

There is another disability benefit program called the Ontario Disability Support Program (ODSP). It is for people who have disabilities and do not have much money. If this is your situation, you should apply to this program even if you are applying for CPP Disability benefits. Many people who do not qualify for CPP Disability pensions can get ODSP benefits. Also, if your CPP Disability pension is less than what you could get from ODSP, you may be able to get some money from ODSP to “top up” your CPP pension.

It can take months to find out if you qualify for ODSP or CPP. If you need money right now for food and housing, you can apply to another program called Ontario Works (OW).

To find out how to apply for ODSP and OW benefits, see CLEO’s publications, *Disability benefits in Ontario: Who can get them, How to apply and Need welfare? How to apply to Ontario Works for assistance*. Information about how to order CLEO publications or view them online is on the [back cover](#) of this pamphlet.

Depending on your situation, you may be entitled to other benefits, such as Employment Insurance sickness benefits, Veterans Affairs disability benefits, pension benefits from another country where you once lived, or benefits from workers’ compensation or a workplace insurance plan.

What if I am already getting a retirement pension?

You cannot get a CPP disability pension once you have turned 65 years of age. But if you are under 65 years of age and have taken early retirement, you might be able to switch your retirement pension to a disability pension. A disability pension is usually more than a retirement pension.

The rules about this are complicated, and there are time limits. Try to get legal advice if this is your situation.

Can I appeal if I am refused?

Most decisions about CPP pensions and benefits can be appealed. If you want to appeal, you must do it within 90 days after receiving the decision. If you have been refused or you do not agree with the amount, get legal advice right away. Many people who are denied CPP disability pensions when they first apply win their appeal. Your community legal clinic may be able to give you free legal help.

For a list of community legal clinics and how to contact them, see the CLEO booklet called *Getting legal help: Community Legal Clinics in Ontario*. Information about how to order CLEO publications or view them online is on the back cover of this pamphlet. You can also check Legal Aid Ontario's web site at <www.legalaid.on.ca>, or call:

Toll-free:	1-800-668-8258
Toronto area:	416-979-1446
Toll-free TTY:	1-866-641-8867
Toronto area TTY:	416-598-8867

This booklet contains general information.
It is not a substitute for getting legal advice
for your particular situation.

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