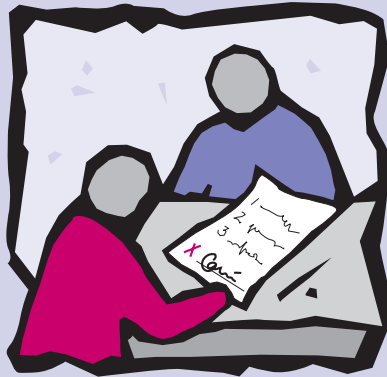


# Participation Agreements and your Ontario Works assistance



### **If you speak French**

Ask a lawyer or a community legal clinic about your language rights. You may have the right to get OW-related government services in French.

If you are appealing a decision about your right to social assistance from OW, this could mean that you have the right to a hearing before a French-speaking member of the Social Benefits Tribunal, as well as other French-language services. Information about appealing a decision begins on page 18.

To get social assistance from Ontario Works, you must sign a Participation Agreement. This pamphlet is about rules that relate to these Agreements. It begins with some general information about social assistance.

## Social assistance in Ontario

If you have a low income or no income and you live in Ontario, you may qualify for help from one of these social assistance programs:

1. **Ontario Works (OW)**, which some people call welfare. This program is delivered by municipal governments. In other words, it is run by the local government of the town, city, county, district, or region you live in.
2. **The Ontario Disability Support Program (ODSP)**, which some people call disability benefits. This program is for people with serious health problems. It is run by the Ontario government's Ministry of Community and Social Services.

OW and ODSP both provide income support and employment support. Income support is also called income assistance.

When you get **income support**, you get money to help with living expenses, such as food and housing. You also get help to pay for prescription drugs and some dental services. You may also be eligible for benefits such as the Community Start Up and Maintenance Benefit. If you own your home, you might be eligible for help with necessary home repairs.

To get income support from OW or ODSP, you must qualify financially. This means that you must be in financial need and meet other rules about income and assets.

When you get **employment support**, you get help to find a job or upgrade your skills. The Participation Agreements that OW requires are related to employment.



## What is a Participation Agreement?

To get income assistance from OW, you must agree to participate in “employment assistance activities” which are supposed to help you prepare for and find a job as soon as possible. These activities are set out in a document called a Participation Agreement.

The Participation Agreement is part of your application for OW assistance. You and an OW worker are supposed to develop the Agreement together.

- ! You cannot get assistance from OW unless you sign a Participation Agreement. It is important to understand what you are agreeing to do **before you sign**, because you are expected to do what you agree to.

Within 30 days of your application for assistance, an OW worker will review your Participation Agreement with you. After that, while you are getting assistance, an OW worker will review your Agreement with you at least once every 6 months.

If you have not been doing the activities in the Agreement, your assistance could be cut off or reduced for 3 months. And if this is not the first time your assistance has been cut off or reduced because you did not do what you agreed to do in your Agreement, then your assistance could be cut off or reduced for 6 months. To find out what you can do if this happens, see the section on appeals, starting on page 18.



## Can I bring someone with me when I go to the OW office?

Yes. You have the right to bring someone with you when you go to the OW office. For example, you could choose to bring a relative, a friend, or someone from a community group or agency.

If you have any difficulty reading or understanding English or French, you might want to bring an interpreter who can help you to understand clearly what you are agreeing to do **before** you sign a Participation Agreement.

## Does everyone on OW have to sign an Agreement?

When you apply for assistance, you have to sign a Participation Agreement before OW will consider your application to be complete.

If your spouse lives with you, he or she must also sign an Agreement. A spouse can be someone of the same or opposite sex. The two of you may or may not be married to one another.

In some cases, your spouse might not have to sign an Agreement. This might be the case if, for example, your spouse is in another country waiting for a visa to come to Canada, or your spouse is in another province because of work or for personal reasons. If OW refuses assistance because your spouse is not completing the application with you, get legal advice. See page 21 to find out how to get legal advice.

Other adult family members who live with you might also have to sign Agreements.

You do not have to complete an Agreement if:

- you are applying only for temporary care assistance for a child, or
- you are on “interim assistance” because you have appealed a decision about your eligibility for OW.

If you are a single parent who is 16 or 17 years old, special rules apply to you. You can find more information about these rules in the CLEO booklet called **Under 18 and on your own: Getting social assistance**. Turn to the back cover of this pamphlet to find out how to order it. CLEO publications are also available online at <[www.cleo.on.ca](http://www.cleo.on.ca)>.



Some people who get income support from the Ontario Disability Support Program (ODSP) must sign a Participation Agreement and follow the same rules as people on OW.

This applies to you if you are **not** a person with a disability and you are getting income support from ODSP as:

- the spouse of someone with a disability, or
- the child of someone with a disability and you are 18 years old or older.

But if you are the caregiver for your disabled spouse or parent, you might not have to do the activities in the Agreement.

See pages 13 to 17 for information about when people can be excused from doing the activities in the Agreement.



## **What activities might be listed in a Participation Agreement?**

A Participation Agreement usually requires you to actively look for a job, or to take steps that could help you find work. So, for example, you might have to agree to spend a certain number of hours each week on the following activities:

- contacting employers to ask about job openings,

- going to job interviews,
- attending workshops about how to get a job,
- taking part in a job club with other people who are looking for work, or
- going to see employment counsellors.

The activities in your Agreement should be suitable for you. They should be based on what you need to do to find work. You can suggest activities that you think could help you get a job.

If the OW office thinks you need to improve your education or skills, you might have to agree to go to an upgrading or training program. You could be referred to a literacy program or for classes in English as a Second Language (ESL). If you did not finish high school, you might have to agree to take courses that will lead to a high school diploma.

If the OW office approves, you could work towards becoming self-employed. It is important to talk to your OW worker if you are interested in running your own business.

If you need help with drug or alcohol dependence, you could be referred to a treatment program for substance abuse.

You might have to do a community placement. Information about community placements begins on page 11.

You could be required to do more than one type of activity. For example, you might have to look for a job and do a community placement.

OW can pay for expenses you have because you are doing the activities in your Agreement. For example, OW can pay for work clothes, tools or equipment that you need, and transportation and childcare costs. Ask your OW worker or contact a community legal clinic for more information. Page 21 tells you how to find a community legal clinic.



## **What if I am already working or if I am offered a job?**

While you are on OW you are expected to make reasonable efforts to find and keep work. If you have a part-time job or casual

employment, you are expected to make reasonable efforts to find more work.

Your assistance could be reduced or cut off if you have not made reasonable efforts to find and keep work, unless OW thinks you had a good reason. This is known as having **reasonable cause**. Examples of reasonable cause could include:

- a workplace that is unsafe or dangerous to your health,
- having a health problem that keeps you from doing your job,
- experiencing sexual harassment at work, or harassment for other reasons such as race, religion, sexual orientation, or disability,
- needing to be at home consistently to care for a dependent child, or
- having no way to get to a workplace that cannot be reached by public transit.

If you quit or refuse a job for health reasons, you will need a letter from your doctor.

When deciding if you had reasonable cause, your OW worker should consider

any reason you had for quitting or refusing a job. Your OW worker should meet with you and listen to what you have to say. You will have to show your Record of Employment (ROE) and any written notice that you got from your employer.

Make sure you tell your OW worker if you have started any legal action against your employer, such as:

- an Employment Standards claim with the Ministry of Labour,
- a union grievance,
- a human rights complaint, or
- a wrongful dismissal case.

## **What is a community placement?**

Community placements are sometimes called “community participation” or “voluntary placement”. People in community placements work at non-profit, community, or public organizations. Schools, daycare centres, food banks, libraries, and community centres are a few examples of such organizations.

If you already do volunteer work or have a placement in mind, you can ask your OW worker to consider your volunteer hours as your community placement.

A community placement is usually no more than 6 months long, but it can be up to 12 months long if it is part of a skills-training plan. And if you complete a placement, you may be able to stay on and do another placement at the same organization if you will be doing different things and learning new skills.

OW cannot require you to spend more than a maximum number of hours at a community placement. The maximum is equal to the number of hours you would have to work at minimum wage to earn the amount you get as OW monthly income support. And, placements cannot be more than:

- 8 hours a day,
- 44 hours a week, or
- 70 hours a month.



## What if I cannot do the activities OW wants me to do?

If you find that you cannot do what you agreed to do, you can ask for changes to your Participation Agreement. Any change must be negotiated with OW and each change should be put down in writing.

In some circumstances, you should not have to do certain activities. OW will ask you to provide evidence, such as a doctor's letter or other documents, to show why you should not have to do a particular activity. Here are some examples of activities you should not have to do:

- You should not have to do activities that are dangerous to your health or safety. For example, if you have back problems, you should not have to do a job that requires heavy lifting.
- You should not have to do activities that go against your personal or religious beliefs.
- If you are a member of a union or professional association, you should

not have to do placements that go against its conditions of membership.

- If you and your spouse have dependent children, both parents should not have to be at placements at the same time, unless your children are in school or you have childcare.

If you are 65 years old or older, you do not have to do the activities in a Participation Agreement.

If you think you should not have to do the activities in your Agreement because of your circumstances, you should tell your OW worker. If your circumstances change, you are expected to tell your OW worker. A change in your circumstances might mean that you have to start doing the activities in your Agreement.



## **What if I have a disability?**

You are expected to make reasonable efforts to do the activities in your Participation Agreement. OW might excuse you from your activities for a short time if you have an illness, injury,

or disability. You will have to get a letter from a doctor or other health professional that explains why you cannot do any of the activities.

But, in most cases, you will still be expected to do some activities. Your activities should be limited to accommodate your disability, and you should only have to do activities that you are capable of doing.

If you expect that it will be a while— for example, more than a week or two— before you can do the activities in your Agreement, you will need to have a doctor or other health professional fill out a **Limitations to Participation** form for OW. You can get this form from the OW office.

If you have a disability that is expected to last a year or more, you may also want to consider applying to the Ontario Disability Support Program for disability benefits.

You can find information about applying for ODSP benefits in the CLEO booklet called **Disability benefits in Ontario: Who can get them, How to apply**. To find out how to order it, turn to the back cover of

this pamphlet. CLEO publications are also available online at <[www.cleo.on.ca](http://www.cleo.on.ca)>.

## What if I cannot start right away?

In some situations, you might not have to do the activities in the Agreement right away. For example, you can delay the activities if:

- you are a single parent and there is no publicly-funded education available for your child who lives with you, or
- you have a letter from someone, such as a doctor, saying that you cannot participate because you are the caregiver for a family member who needs your ongoing physical help every day because they are disabled, ill, or elderly.

In some other situations, your OW worker might excuse you from doing the activities in the Agreement, but only if you can show that it is very difficult for you to do any of the activities. For example, you might be excused if:

- you are a foster parent,

- you are on workers' compensation benefits,
- you are on pregnancy or parental leave,
- you are a victim of family violence,
- you are taking family medical leave for up to 8 weeks to care for or support a family member or close friend who is gravely ill and has a serious risk of dying within 26 weeks.

You will need to provide the OW office with documents or other evidence to support your request to be excused.

If your circumstances change, you are expected to tell your OW worker. A change in your circumstances might mean that you have to start doing the activities in your Agreement.

OW reviews Participation Agreements regularly. Even if you were excused from doing the activities in your Agreement for some time, the OW worker who reviews your Agreement could decide that you have to start doing the activities.



## What if my assistance is refused, reduced, or cut off?

Ask for the decision in writing immediately.

You can appeal to the **Social Benefits Tribunal (SBT)**. The SBT is independent from OW and has the power to make a different decision.

But first you must **write** to the OW office and ask for an **internal review**. An internal review means that a different person in that office reviews the original decision and decides whether or not to change it.

On the next few pages you will find basic information about internal reviews, appeals, and the time limits that apply to them. For more details and a form that you can use to request an internal review, see the CLEO booklet called **Appeals and internal reviews**. To find out how to order it, turn to the back cover of this pamphlet. CLEO publications are also available online at <[www.cleo.on.ca](http://www.cleo.on.ca)>.

## Ask for an internal review

Your request must be made **in writing**.

You must ask for an internal review within **30 days** from the date you receive the decision to refuse, reduce, or cut off assistance.



### Note about mail

The rules assume that if a letter is mailed to you, you receive it **3 days** after it is mailed. The mailing date should be stamped on the envelope by Canada Post. It might not be the same as the date on the letter, so keep both the letter and the envelope.

It is important to try to meet the time limit. If you miss it, you should still ask for an internal review. Make sure you ask for an extension of time in your request for an internal review and explain why your request is late.

The OW office is supposed to make a decision on your internal review within **10 days** from the date they receive your request.

## **Appeal to the Social Benefits Tribunal**

If you get an internal review decision within the 10 days, and it says that assistance is still refused, reduced, or cut off, you have **30 days** from the date of this decision to file an appeal with the SBT.

If you do not get an internal review decision within the 10 days, you can go ahead and appeal the original decision to the SBT. You must appeal within **40 days** from the date of your request for an internal review.

To make your appeal, you must use the SBT's Appeal Form. You can get one from your OW or ODSP office, a community legal clinic, or by calling the Social Benefits Tribunal at their toll-free number, **1-800-753-3895**. TTY users may call the SBT collect through Bell Relay service.

The Appeal Form is also available on the SBT's web site at <**[www.sbt.gov.on.ca](http://www.sbt.gov.on.ca)**>. Look in the "Forms" section.

If you miss the time limit for appealing, you can still file an appeal. In the Appeal Form, ask the SBT for more time and explain why you missed the time limit.



## How can I get legal help?

For legal help or advice about problems with Ontario Works, contact your community legal clinic, Legal Aid Ontario, or a lawyer.

Here are a few ways to find the nearest community legal clinic or to contact Legal Aid Ontario:

- Check Legal Aid Ontario’s web site at <[www.legalaid.on.ca](http://www.legalaid.on.ca)>.
- Phone Legal Aid Ontario:  
Toll-free . . . . . **1-800-668-8258**  
Toll-free TTY . . . . **1-866-641-8867**  
TTY in Toronto. . . **416-598-8867**
- Try looking in your phone book under “Legal Aid” or “Lawyers”.
- Look in the CLEO booklet called **Getting legal help: Community Legal Clinics in Ontario**. To find out how to order it, turn to the back cover of this pamphlet. CLEO publications are also available online at <[www.cleo.on.ca](http://www.cleo.on.ca)>.



**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario

The law can change, and policies and practices can also change or vary. This pamphlet contains general information. It is not a substitute for getting legal advice about your particular situation.

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