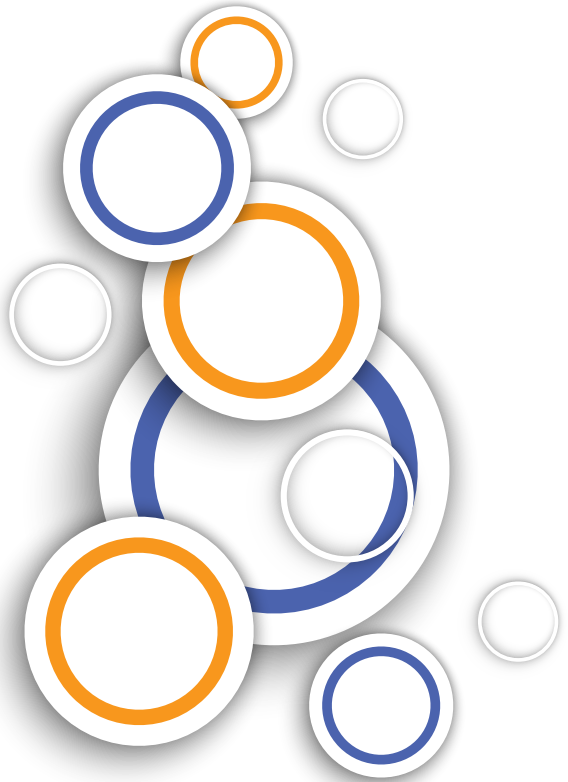




**CLEO | Social Assistance Series**

# **Participation Agreements and Ontario Works**



**May 2016**



## Is this booklet for you?

Read this to learn about Participation Agreements, which most people have to sign to get financial assistance from Ontario Works (OW). It explains:

- what sorts of activities can be in an Agreement
- what happens if you cannot do what you agree to
- how to make changes after signing an Agreement



## Other booklets that may help you

- **Need welfare? How to apply to Ontario Works** explains how to apply to OW, which is for people who need money because they do not have a job or do not make enough money at work
- **Disability benefits in Ontario: Who can get them and how to apply** explains how to apply for assistance from the Ontario Disability Support Program (ODSP), which is for people with serious health problems

CLEO has more booklets on social assistance and other legal topics. You can read them on our website or order free copies.

Go to [www.cleo.on.ca](http://www.cleo.on.ca) or call **416-408-4420**.

# Contents

Social assistance programs .....	1
What is a Participation Agreement? .....	2
What happens if I do not do what is in the Agreement? .....	4
Who has to sign a Participation Agreement? .....	5
Who does not have to sign an Agreement?.....	7
What types of activities could be in an Agreement? .....	8
What if I want to quit a job or refuse a job offer? .....	12
Are there types of activities I should not have to do? .....	15
How do I make changes after I sign an Agreement? .....	17
Will OW excuse me from doing activities if I have a disability? .....	18
What if there are times when I cannot do the activities? .....	20
What can I do if OW refuses, reduces, or cuts off my assistance? .....	22
How can I get legal help?.....	23

## **If you speak French**

Ask a lawyer or a community legal clinic about your language rights. You have the right to get government services related to Ontario Works (OW) 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.

## **Si vous parlez français**

Communiquez avec un avocat ou une clinique juridique communautaire, et informez-vous de vos droits linguistiques. Vous avez droit à ce que les services gouvernementaux reliés à Ontario au travail (OT) vous soient fournis en français.

Si vous avez fait appel d'une décision concernant votre droit à l'aide sociale d'OT, vous pourriez avoir droit à une audience devant un membre du Tribunal de l'aide sociale qui parle français, de même qu'à d'autres services en français.

## Social assistance programs

If your income is low and you live in Ontario, you may be able to get financial help from one of these social assistance programs:

### **Ontario Works (OW)**

Some people call this program welfare. OW is run by municipal or local governments, for example, towns, cities, counties, districts, or regions, and by First Nations.

### **The Ontario Disability Support Program (ODSP)**

Some people call this program disability benefits. ODSP is for people with serious health problems. It is run by the Ontario government's Ministry of Community and Social Services.

Both OW and ODSP give people money to help pay for living expenses, like housing and food. They also help pay for some prescription drugs and may help pay for some dental services. And some people can get:

- extra money to help pay for a special diet
- other benefits, such as costs for travelling to medical appointments

This kind of help to pay for things you need is called financial assistance or income support.

# What is a Participation Agreement?

You cannot get financial assistance from OW unless you sign a Participation Agreement.

When you sign it, you are agreeing to do what OW calls “employment assistance activities”.

These activities are meant to help you get ready for work and find a job as soon as possible. The activities are listed in your Agreement.

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

## Reviewing the Agreement

Within 30 days of when you apply for assistance, an OW worker reviews your Agreement with you.

After that, an OW worker reviews your Agreement with you at least once every 6 months.

## **Make sure you understand the Agreement**

When you meet with an OW worker, you have the right to bring someone with you for support.

For example, you could bring a family member, a friend, or someone from a community group or agency.

You have to sign the Participation Agreement and say that you will do what is in the Agreement. So if you need help with reading, you may want to bring someone who can help you with that.

And if you need an interpreter who speaks your language, tell the OW office. But you may need to bring your own interpreter.

## What happens if I do not do what is in the Agreement?

It is important to understand what you are agreeing to do **before** you sign the Participation Agreement. This is because OW expects you to do what you agree to.

If you do not do the activities in the Agreement, OW can cut off or reduce your assistance for **one month**.

If it is not the first time OW has cut off or reduced your assistance for not doing the activities, they could cut off or reduce your assistance for **3 months**.

See [What can I do if OW refuses, reduces, or cuts off my assistance?](#) on page 22.



### Contact a community legal clinic

Community legal clinics help people who have problems with OW.

It's a good idea to contact a community legal clinic for help if OW says you are not following your Participation Agreement.

See [How can I get legal help?](#) on page 23.



## Who has to sign a Participation Agreement?

OW does not consider your application to be complete until you sign a Participation Agreement.

If your spouse lives with you, they also have to sign an Agreement.



Your **spouse** can be someone of the same or opposite sex. You could be married to one another or not.

To learn more about the rules OW uses to decide if someone is your spouse, see CLEO's **Social assistance rules about couples: What you need to know if you live with someone.**

You can read it online or order a free copy. Go to [www.cleo.on.ca](http://www.cleo.on.ca) or call 416-408-4420.

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

## Agreements for people getting ODSP benefits

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 getting income support from ODSP because you are:

- the spouse of someone who is on ODSP
- the child of someone who is on ODSP and you are 18 or older

If you are the caregiver for your spouse or parent who is on ODSP, you do not have to do the activities in the Agreement. But first you must get **a letter** from your doctor or other health-care professional confirming that you cannot do the activities because you are a caregiver.

Examples of other health-care professionals who can write a letter are nurse practitioners, psychiatrists, and social workers.

## Who does not have to sign an Agreement?

You will not have to sign a Participation Agreement if:

- you are applying only for Temporary Care Assistance for a child
- you are on interim assistance because you appealed a decision about your right to get OW
- you are getting Extended Health Benefits or Extended Employment Health Benefits but not basic financial assistance from OW

## What types of activities could be in an Agreement?

A Participation Agreement usually says that you have to be looking for a job, or doing things that will help you find work.

OW might say that you have to do more than one type of activity. For example, you might have to look for a job and do a community placement. See [Doing a community placement](#) on page 10.

### Looking for a job

You might have to agree to spend a certain number of hours each week doing things like:

- applying for jobs
- going to job interviews
- going to workshops to learn about how to get a job
- going to a job club with other people who are looking for work
- meeting with employment counsellors

The activities that the OW worker wants you to do should be ones that can help you find work.

You can suggest activities that you think could help you get a job.

## **Going to training or other programs**

If the OW worker thinks you need to improve your education or skills, you might have to agree to go to an upgrading or training program.

OW could also refer you 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 so you can get a high school diploma.

If you are a single parent who is 16 or 17 years old, there are special rules that apply to you. This includes taking part in the Learning, Earning and Parenting program (LEAP).

If you have problems with drugs or alcohol, OW could refer you to a treatment program.

## Starting your own business

If the OW office agrees, you could work towards starting your own business.

It is important to talk to your OW worker if this is something you would like to do.

## Paying for costs of activities

OW can pay for costs you have because you are doing the activities in your Agreement. For example, they can pay for work clothes, tools and equipment, travel, and childcare.

Ask your OW worker or contact a community legal clinic for more information. See [How can I get legal help?](#) on page 23.

## Doing a community placement

OW may say that you have to do a community placement.

Community placements are sometimes called “community participation” or “voluntary placement”. Some people call it “workfare”.

People in community placements work at non-profit, community, or public organizations.

Examples of these types of organizations are schools, daycare centres, food banks, libraries, and community centres.

If you are already doing volunteer work, you can ask your OW worker if your volunteer hours can be a community placement.

And if you have an idea for a community placement, you can ask your OW worker about it.

### **Time spent at a 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 plan to give you training on specific job skills, or
- the best way to help you get a job as soon as possible.

If you finish a placement, you may be able to stay on and do another placement at the same organization. But you will have to do different things and learn different skills.

There is a limit to the **number of hours** that OW can ask you to spend at a community placement.

This amount cannot be more than the number of hours you would have to work at minimum wage to earn the amount you get from OW each month.

And community placements cannot be more than:

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

## **What if I want to quit a job or refuse a job offer?**

OW expects you to take steps to get a job and keep any job that you have.

And if you work part time or have casual work, OW expects you to look for more work.



OW can reduce or cut off your assistance if you are not trying to find and keep work. But they may not do this if they think you have a good reason. This is known as having “reasonable cause”.

## **Reasons for quitting or not taking a job**

Examples of “reasonable cause” to quit or refuse to do a job might include:

- a workplace that is not safe or is dangerous to your health
- having a health problem that stops you from doing your job
- sexual harassment at work, or harassment for other reasons like race, religion, or sexual orientation, or because you have a disability
- needing to be at home on a regular basis to care for a child
- having no way to get to a job because public transit does not go there

When your OW worker is deciding if you have “reasonable cause”, they should meet with you and listen to what you have to say.

## Giving proof to OW

If you quit or refuse to take a job for health reasons, you need to give your OW worker a letter from your doctor.

You will also have to show your OW worker your Record of Employment (ROE) and any written notice that you get from an employer.

Make sure you tell your OW worker if you have taken any steps against your employer, such as:

- making an Employment Standards claim with the Ministry of Labour
- making a union grievance
- making a human rights application
- suing your employer in court

## Are there types of activities I should not have to do?

There are some activities that you should not have to do, for example:

- You should not have to do activities that are **dangerous** to your health or safety or could make a medical condition get **worse**.

So, if you have back problems, you should not have to do a job where you have to lift heavy things.

- 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 things that go against its membership rules.
- If you and your spouse have **children** who live with you, you may not have to do activities at the same time. But this will not apply when your children are **at school** or you have **childcare** for them.

- If you have a **learning disorder**, you should not have to do activities that you are not able to do.
- If you are a **caregiver** for a family member, you should not have to do activities that stop you from looking after the person.

### **Giving proof to OW**

OW will ask you to prove why you should not have to do an activity. For example, you might need:

- a letter from a doctor
- a letter from your religious leader
- proof that you belong to a union or professional association, along with a document that shows the rules members must follow

## How do I make changes after I sign an Agreement?

After you sign your Participation Agreement, you might find that you cannot do what you agreed to do. If this happens, you need to ask OW if you can make changes to your Agreement.

You must work out the changes with your OW worker. And the changes you agree on must be in writing.

If you think you should not have to do an activity that is in your Agreement because something in your life has changed, tell your OW worker.

OW might agree to let you stop doing that activity for a while. But if you are able to do that activity again in the future, you must tell your OW worker.

## Will OW excuse me from doing activities if I have a disability?

OW expects you to make “reasonable efforts” to do the activities in your Participation Agreement.

OW might excuse you from **all** of the activities in your Agreement for a short time, for example, a week or so.

But you need to have a letter from a doctor or other health-care professional that explains why you cannot do **any** of the activities.

Usually, if you have a disability, you still have to do **some** of the activities in the Agreement. But you should only have to do activities that you are able to do and that are possible with your disability.

You may know that it will be a while, for example, more than 2 weeks, before you are able to do the activities in your Agreement.

For OW to excuse you from the activities until you can do them, you need to have a doctor or other health-care professional fill out the OW form called **Limitations to Participation**. You can get this from the OW office.



Examples of other **health-care professionals** who can write a letter or fill out the Limitations to Participation form are:

- nurse practitioners
- psychiatrists
- social workers

## **Applying for disability benefits**

If you have a disability that is likely going to last a year or more, you may also want to think about applying to the Ontario Disability Support Program (ODSP) for disability benefits.

There is more information in CLEO's booklet **Disability benefits in Ontario: Who can get them and how to apply**.

# What if there are times when I cannot do the activities?

## Waiting to start activities

There may be times when you do not have to start the activities in your Participation Agreement right away.

For example, if you are a **single parent** you can delay starting the activities if:

- Your child has not started school yet.
- Your child is old enough to go to school, but there is not a publicly funded school near you that offers a program for your child.

Or, you may be able to delay the activities, if you are a **caregiver** for a family member. You will need to have a letter from your doctor or other health-care professional saying why you cannot do the activities.

Examples of other health-care professionals who can write a letter are nurse practitioners, psychiatrists, and social workers.



The letter needs to explain that your family member needs your help every day, for example, because they are sick or have a disability, or they are elderly.

## **Being excused from activities**

There are other reasons why your OW worker might excuse you from doing the activities in the Agreement.

But you need to prove why it would be very difficult for you to do any of the activities. For example, this might be true if:

- you are a foster parent
- you are on workers' compensation benefits
- you are on pregnancy or parental leave
- you are under house arrest
- you are a victim of family violence

Your OW worker might also excuse you from doing the activities if you are working while you are on OW and you are taking “family medical leave”. This is a leave that can last up to 8 weeks and is to care for or support a family member or close friend who is dying.

You need to give the OW office documents or other evidence to show why you cannot do the activities.

## **Reporting changes to OW**

If there are changes in your life, you need to tell your OW worker. This might mean that you have to start doing the activities.

OW reviews Participation Agreements on a regular basis. So when an OW worker does a review, they could decide that you have to start doing the activities.

This could happen even if you have not had to do the activities for a long time.

## **What can I do if OW refuses, reduces, or cuts off my assistance?**

Ask for the decision in writing right away.

To appeal, the first thing you have to do is write to the office that made the decision and ask for an “internal review”.

After you have asked for an internal review, you can appeal to the **Social Benefits Tribunal**. The Tribunal is not part of OW. It has the power to make a different decision.

CLEO's booklet **Appealing a decision about social assistance** has more details, including important information about **time limits** and a form that you can use to ask for an internal review.

## How can I get legal help?

For advice or help dealing with OW or with appealing a decision by OW, contact a community legal clinic.

To find the legal clinic that serves your area, go to [www.yourlegallrights.on.ca/find-services](http://www.yourlegallrights.on.ca/find-services).

You can also go to the Legal Aid Ontario website or call them:

Website .... [www.legalaid.on.ca/en/contact](http://www.legalaid.on.ca/en/contact)  
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 gives only general information. You should get legal advice about your own situation.

**Published by:**

CLEO (Community Legal Education Ontario /  
Éducation juridique communautaire Ontario)

**With funding from:**

Legal Aid Ontario

Department of Justice Canada

This booklet is part of a free series on social assistance. Thanks to the Steering Committee on Social Assistance for their collaboration on this series. CLEO has free publications on other legal topics as well.

We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

For our **Discard List**, or to order or view our publications online, visit [www.cleo.on.ca](http://www.cleo.on.ca). You can reach us by phone at **416-408-4420**.



**CLEO** | **Social Assistance Series**