

Business Case for MCSS Administered ODSP



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Frances Lankin and Munir A. Sheikh
The Commissioners
Commission for the Review of Social Assistance in Ontario

2 Bloor St. West, 4th Fl., Suite 400
Toronto, Ontario
M4W 3E2

Dear Commissioners Lankin and Sheikh:

Please find the following business case, which is a follow up to our initial submission to your Commission.

To ensure a better Ontario, it is vital to reflect on how we care for the marginalized members of our society. The clients of Ontario Disability Support Program (ODSP) fall into the category of the marginalized, and their individualized special needs must guide us to guarantee a better system. The Ontario Ministry of Community and Social Services (MCSS), being in direct contact with the clients, is best positioned to provide specialized social support like Employment Support, Income Support, Eligibility Review, Program Review, and Family Support to the most vulnerable Ontarians – people with disabilities.

Ontario Public Service Employees Union (OPSEU) firmly advocates for a client-focused ODSP, in which the provincial level delivery model directly administered by the MCSS is the best way to serve the people with disabilities in our Ontario. MCSS is the funding source, and it is ultimately accountable for the services it delivers. Downloading ODSP responsibility to the municipalities will not serve the clients, but will just add another bureaucratic layer creating more confusion and distance. A direct accountability is required when dealing with human services. MCSS is best situated with administering and delivering it, with able ODSP staff.

We urge that your final Report reflects the needs of the ODSP clients and not only upholds the current delivery model, but rather strengthens it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Warren Thomas'.

Warren (Smokey) Thomas
President, Ontario Public Service Employees Union (OPSEU)

A handwritten signature in black ink, appearing to read 'Roxanne Barnes'.

Roxanne Barnes
CERC Chair OPSEU, MERC Chair MCSS, OPSEU

Business Case for MCSS Administered ODSP

Executive Summary

This business case is a follow up to our initial submission to the Commission. It further builds and reaffirms the essence for maintaining and enhancing the well-being of a particular vulnerable segment of Ontarians, i.e., the recipients of the Ontario Disability Support Program (ODSP).

Ontario Public Service Employees Union (OPSEU) firmly advocates for a client-focused ODSP, in which the provincial level delivery model directly administered by the Ministry of Community and

Social Services (MCSS) is the best way to serve the people with disabilities in the province of Ontario.

The clients of ODSP have specific and unique needs that are best aided by specialized services of the provincial ODSP staff, and to ensure the viability of a well-serving ODSP, further broader conditions have to be addressed as well. In the latter section of this document, those broader recommendations are addressed.

Background

ODSP and OW

Currently in Ontario, the two main programs that are operational to address social assistance are Ontario Disability Support Program (ODSP) and Ontario Works (OW). When juxtaposed for the purpose of comparing and contrasting ODSP and OW, their differences are very apparent.

Under the Ontario Disability Support Program Act, ODSP was created to meet the unique needs of people with disabilities. The program provides income support including health and other benefits for people with disabilities in financial need. The

program also provides employment supports to help people with disabilities, to prepare, obtain, or to maintain a job. The objective of the program is to provide the necessary support to enable individuals and families to live as independently as possible in the wider community and lead productive and dignified lives.

OW on the other hand came about through the Ontario Works Act, to provide the provision of employment assistance and financial assistance to help people in temporary financial need. OW clients tend to have tangible needs with clearer solutions to their problems, e.g. underemployment, lay-offs,

poor choices, etc. Their barriers may be education, training or skill related, so supportive solutions are required for them to be reintegrated into the labour market.

ODSP has the mandate to effectively serve people with disabilities who need assistance; and be accountable to the taxpayers of Ontario. ODSP clients' needs are more about inclusion, reversing stigmatization, and increasing their self worth. The broader society – governments, stakeholders, and citizens – need to be mindful that ODSP clients generally were not in control of the circumstances that led to their eligibility. There is a difference within the culture and mandates of ODSP and OW. Within the OW system, there is pressure to get off benefits and transition to paid employment as soon as possible.

Addressing Negative Bias

One of the major challenges facing our social safety net is the negative bias generated by the publicity of extraordinary examples of abuse. The Auditor General of Ontario's Report on "Ontario Disability Support Program" listed a few examples of fraud that became widely reported in the media without providing sufficient context to explain the extreme nature of the highlighted cases. The fraud rate, as reported by the Ontario government, consistently averages around two percent. If compared to any retail business this would be an enviable rate and yet, public perception is misplaced viewing the system as being rife with abuse. This is symptomatic of how the executive leadership and the Minister of Community and Social Services failed to address the media stigmatization of so many vulnerable Ontarians in not doing a better job of depolarizing this debate

by highlighting facts that show the benefits and successes of this program for all of society.

Thriving Communities: A Strategic Direction for the MCSS

Taking the backdrop of the Harris/Eves government's plundering of the working people of Ontario, the current McGuinty government started off with the conviction and the promise to rebuild public services. As part of that process, the Ministry of Community and Social Services (MCSS) produced a strategic direction document titled Thriving Communities. There was a clear sense of unequivocal support and continuation of the ODSP in that major policy document. The current suggestion by the Commission to download ODSP to OW is a major blow to the vision outlined in that document.

Other Provinces

In recognition that social assistance delivery in Canada is consistently and primarily delivered by each Province and Territory, it would be unwise for the Province of Ontario to look at this issue differently than the rest of Canada. In particular, the Province of Saskatchewan has recently implemented a social assistance framework that is comparable to the Ontario model after intense consultation with clients and stakeholders. Given that they had a blank slate to develop a new framework and landed on a model close to the current Ontario model suggests the superiority of a provincially delivered two stream social assistance framework that exists here.

— The Imperative of Being Client Focused —

To ensure a better Ontario, it is vital to reflect on how we care for the marginalized members of our society. The clients of ODSP fall into that category of the marginalized, and their individualized special needs must guide us to guarantee a better system. The Ontario Ministry of Community and Social Services (MCSS), being in direct contact with the clients is best positioned to provide specialized social support like Employment Support, Income Support, Eligibility Review, Program Review, and Family Support to the most vulnerable Ontarians – people with disabilities. Unfortunately, a culture of cost-cutting and constant re-structuring since ODSP was created in 1998 has hampered the efforts to make it function better. The Commission for the Reform of Social Assistance must take this opportunity to call for structural improvements to ODSP so the Ministry can better carry out its mandate.

ODSP is currently providing income and employment supports to eligible persons with disabilities. We must recognize that government, communities, families and individuals share responsibility for providing such supports, and MCSS is best located to ensure this program's viability.

Continuation of ODSP directly under MCSS supervision

MCSS is the funding source, and it is ultimately accountable for the services it delivers. Downloading ODSP responsibility will not serve the clients, but will just add another bureaucratic layer creating more confusion and distance. A direct accountability is required when dealing with human services. MCSS is best situated with administering and delivering it, with able ODSP staff.

There are 444 municipalities with 138 OW offices; the fear is that downloading ODSP will create ghettoized areas where service levels will concentrate clients rather than support broader community integration and inclusion as per MCSS vision. At times larger municipalities ignore their smaller hamlets. The political climate may differ considerably from one municipality to another; MCSS is much better located to administer and deliver the services directly, rather than negotiating ODSP funds with various municipalities. It is also better located to negotiate for future social assistance funds with the federal government. The mandate, power, and accountability structures of municipalities are insufficient to address the wider needs of ODSP clients and thus will lead to poorer response and services.

A direct MCSS administrated ODSP will ensure consistent and fair service delivery no matter where a client lives, and it will also avoid any confusion amongst Ontarians as to which tax base is used for Social Assistance. The program is also thus much easier to monitor all across the province, with no fear of added costs in the pipeline for unnecessary use of consultants.

There is also the issue of fairness and integrity of the program. The province has the ability to maintain its services. Downloading to municipalities will expand the gap between the “have” and the “have not” areas. Larger municipalities will take over hamlets but not provide the level of service as core areas.

Municipalities cannot be self monitoring, as there are no Program Review Officers within the municipal structure and more importantly, downloading responsibilities will generate further problems

associated with monitoring transfer payment agencies.

The advantage of Provincial ODSP Staff

People with disabilities in Ontario have been well-served by capable provincial staff for about eight decades. Parallel models to ODSP, like General Welfare Assistance (GWA) and Family Benefit Allowance (FBA), have served Ontario for years. During this period, ODSP staff has received special training more sensitive to the needs and situations of people with disabilities. The years of experience has positioned and conditioned ODSP workers to meet the needs of Ontarians with disabilities with a humanized service. Proper training and daily interactions with clients makes ODSP workers more client-centered. The overall nature of workplace culture is to help, not hinder, well-being of the clients. Social Benefit Tribunal (SBT) decisions, proper training and broader policies are consistent to build a much kinder and gentler approach to serving people with disabilities.

Caseworkers, who have been around since FBA days, state that client feedback has been very positive with the new model. The ability to call and speak directly to the caseworkers to discuss their needs, questions and concerns is a vast improvement in customer service. Caseworkers in the new model get to establish a working relationship with their clients. They get to know the circumstances of their clients better and thereby help them identify their needs, and where necessary, refer them for additional assistance.

This can be verified by looking into the Customer Feedback Forms completed by clients in the ODSP local offices. In the meantime, to illustrate the point,

here are two statements from ODSP caseworkers:

“Just today I was talking to a client about an eviction notice she had received. After our discussion I advised that the eviction notice did not properly allow the client enough time to find alternate accommodations. I referred her to our local Community Advocacy and Legal Clinic who will represent her next week at the hearing. She called me back and was so relieved that she had someone to turn to and thanked me for the referral... These types of interactions happen daily in ODSP offices across the province. The time it takes to dig a little further most times, can make a big difference in a persons’ life. When the caseload was over 400 or 500 or 600, these interactions were far and few between”

“A young man, angry and confused, took a deep breath today in a visit, thanking me for explaining things to him. He had been worried that his ‘disability’ would abruptly end and what would he do? The visit took less than 15 minutes, and by the end, he was noticeably relieved, and said he would now be able to focus on helping his Father.”

These positive feedbacks ought to be seen in the light of the fact that the current staffing levels in the ODSP program result in processing delays, and a crisis management philosophy that is counter intuitive to the goals of the programs. In 2008 there were over 320,000 recipients and 240,000 “benefit units” receiving ODSP. There were another 370,000 recipients and 197,000 “cases” receiving benefits from Ontario Works. Adequate staffing levels are required to be able to effectively support almost 700,000 Ontarians a month. An over taxed workforce is also subject to a great deal of stress that compromises both physical and mental health. The current caseload range per worker is 230-380 cases.

The commitment of staff in these programs often results in significant amounts of unpaid overtime as they try to respond to real people's lives.

Humanizing the System

Policy documents like the one by John Stapleton titled The 'Ball' or the 'Bridge' at some level correctly identifies barriers to access and administration of the program through cumbersome eligibility and rules criteria. However, we strongly disagree with an

entitlement model like Old Age Security (OAS) and Guaranteed Income Supplement (GIS), as the ODSP was created to provide enhanced and dedicated customer service for the most vulnerable Ontarians. Each client should be assessed (means tested) on an individual basis. Dehumanization is the outcome of entitlement based programs as people become abstractions with a file number. Professional support must be available to tailor products and services to the actual needs of the clients.

– Recommended Solutions for a Viable ODSP –

ODSP must continue to be administered directly by the Ministry of Community and Social Services (MCSS). The provincial government cannot walk away from its commitment and mandate to serve the people of Ontario directly.

Social assistance has assumed a low priority by many governments with little movement on the portfolio. As mentioned earlier, this is due in large part to negative public perception that would make any plan for reform a hard sell. Support for reforms to improve the quality of social assistance is viewed as 'anti-business' even though there are few direct relationships to show this. The government must show its resolve to make this a political priority and consult with frontline employees who can make valuable contributions to improve the system.

The government must counter polarizing political messaging depicting recipients of social assistance as "drains" on society as this serves to further disenfranchise those who are most at risk.

To make ODSP and OW work better, we recommend to co-locate ODSP (45 offices) and OW (138 offices) offices to increase access for anyone to both (and

additional) programs. Access to programs in a timely fashion is crucial to successful social assistance programs. Several ODSP offices have been cut back since 1998. This has eroded the community connectivity and visibility of ODSP. Northern and other large geographical locations require satellite operations. We suggest ODSP partner with municipal and federal bodies for office space in smaller communities. This will reduce the negative impact on clients for extra travel, inaccessibility to distant offices, limited frequency of access, costs of parking, etc. There is also a need for better promotional materials to be available in offices of all stakeholders.

In terms of community liaison, ODSP Managers' job description designates them to build and maintain relationships with community partners and stakeholders. This has not happened to support the program. Reduction in the number of caseloads is vital for all ODSP staff; there needs to be increases of staffing levels that allow ODSP staff to deliver the mandate they were given. ODSP staff ought to be allowed more flexibility in the exercise of worker clinical judgment, as they are best positioned to

understand the needs of the clients. There also must be reduced rigid rule structures that do not serve individualized needs. The ODSP program does not have a discretionary structure. It is based on prescribed benefits with limited flexibility. To better support the complex and varied needs of ODSP clients workers need the capacity to make determinations on the provision of benefits and supports. It is important to allow greater discretionary capacity for ODSP workers to assist in complex individual cases. For example, instead of using Community Start-Up & Maintenance Benefit (CSUMB) all the time, it will be better to create a discretionary benefit structure.

There is also a need to bring back Employment Support and Family Supports workers. Specialized professional services are required to expedite services provision (e.g. Employment Support Specialist - ESS had intense labour market research and experience that does not fold into a combined position), which is difficult for generalized workers to have. There is a difference between competitive employment and community inclusion. ODSP has a focus on community inclusion and OW has a focus on competitive employment. "Employment" is a broader concept for ODSP. This enhances the community inclusion mandate of Thriving Communities – the policy document by MCSS as stated earlier.

Disability adjudication is a lengthy and complex

process that is disconnected from the local office environments. We recommend a regional distribution of adjudication staff to improve the connection between the application and adjudication process. We believe that this will reduce wait times for clients to receive assistance.

In addition to general ODSP/OW improvements, there needs to be supports above and beyond those frame works to provide benefit access to the working poor and others constrained by fixed incomes (WSIB, CPP) who are otherwise ineligible for supports. For example, having an income of \$100 above the cut-off when factoring costs like vision care, drug coverage and transportation means that a client has less net disposable income than what ODSP/OW would provide.

To support Ontarians in moving from social assistance to employment, there needs to be a "good jobs" strategy in place. For many, the choice between living in poverty on social assistance while receiving some benefits (Drug Benefit program, dental services for children) and working full-time and still living in poverty without benefits is no choice at all. There needs to be a realistic understanding that despite available supports and incentives, there could be a portion of Ontarians who may be unable to secure regular gainful competitive employment. The current programs have no framework to provide assistance to non-disabled clients who require long term support.

Below are some further recommendations reaffirming our initial submission.

Appropriate Benefit Structure

- Increase asset limits to ½ of the Low Income Cut-offs (LICOs)

- Raise Income Cut offs and provide exemption for RRSPs
- Index the shelter amount to the averages established by the Ministry of Municipal Affairs and



Housing for Ontario.

- Provide public transportation access passes to all clients.
- Raise the mileage amount from \$0.18/km to \$0.26/km or higher.
- Provide a greater amount of financial assistance and transitional support in the first 6 months of receiving assistance.
- Create a basic nutrition benefit in addition to the Special Diet for medical conditions.
- Create rules to allow individuals to retain benefits when in a co-residency.

Easier to Understand Social Assistance to Navigate the System

- Improve communication between programs so that when benefits expire timely referrals are generated to the appropriate programs such as ODSP.
- Greater tools for medical professionals to better understand OW/ODSP processes.
- Better relationship between jurisdictions for information sharing.
- Joint federal/provincial communication strategy.
- Encourage community participation in getting information out to the public.
- Create resource books (or online) that list services. Create better promotional materials, application guides and FAQs.
- Reduce stigmatization – PR campaign – OW/ODSP clients are also Ontarians.
- Assess applicants for eligibility for specialized benefits at time of grant.
- Change to a culture of trust instead of scrutiny as almost all recipients obey the rules.

Reasonable Expectations and Necessary Supports to Employment

- Better connection with Human Resources and Skills Development Canada (HRSDC) – Job bank kiosk in waiting rooms.
- Employment resource area for ODSP offices.
- Learning and development opportunities through volunteer roles.

- Employee profile sheet accessible to employers (could be accessed by website).
- Living wage laws to be enacted to fight the cycle of poverty.

Viable over the Long Term

- Provide the resources and staffing needed to maintain a sustainable program.
- Allow for additional time required to better assist recipients with goal setting and the creation of action plans.
- Recognize that not all recipients will be able to become self supporting.
- Better connection to labour force activity.
- Dedicated payroll tax of \$0.01 per \$1,000 of income to help fund social assistance.
- Institute a 5 year, 10 year and 20 year action plan with measurable targets.
- Exclude any company with \$10m or more in profit from receiving tax breaks.
- Eliminate/waive NSF and disconnection fees for social assistance clients.
- Bring down the number of caseloads from the current 230-380 range per worker.

An Integrated Ontario Position for Income Security

- Do not use a one-stop shopping model. Recipients require a flexible and specialized referral process to appropriately match needs.
- Embrace nuance and complexity, recipients present with complex issues that do not always fit into obvious solutions.
- Focus on recipients as individuals and not as “benefit units” or other abstractions in order to remain a humanized experience for clients.
- Empower staff to liaise with support networks.
- Ensure that individuals who qualify for ODSP receive specialized services when they are referred to government funded community programs and services.

