

# **ONTARIO DISABILITY SUPPORT PROGRAM - EMPLOYMENT SUPPORTS**

## **DIRECTIVE 2.1**

### **PROGRAM ELIGIBILITY**

#### **SUMMARY OF DIRECTIVE**

To describe who is eligible for ODSP Employment Supports and to outline the eligibility determination process.

#### **LEGISLATIVE AUTHORITY**

[Sections 32 \(2\) and 33 of the ODSP Act](#)  
[Section 2 of the Regulation](#)  
[Section 3 of the Regulation](#)

#### **INTENT OF POLICY**

To ensure that applicants meet eligibility criteria for ODSP Employment Supports.

#### **APPLICATION OF POLICY**

##### **Basic Program Eligibility**

People may be eligible for Employment Supports if they have a disability/impairment that is continuous or recurrent and expected to last one year or more and the disability/impairment results in a substantial barrier to competitive employment.

The determination of whether a person's disability presents a substantial barrier to competitive employment will be made by considering its impact on an applicant preparing for, obtaining and maintaining employment. The determination will be based on whether the impairment significantly disrupts these activities and/or places the applicant at a substantial disadvantage relative to others in the labour market.

Eligibility criteria for ODSP Employment Supports is different than the eligibility criteria for ODSP Income Support. *A person does not have to be in receipt of ODSP Income Support to be eligible for ODSP Employment Supports.*

All applicants must provide documentation that he/she:

- has a disability/impairment that results in substantial barriers to employment

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that is verified by a prescribed professional (excluding people with disabilities receiving ODSP Income Support);

- is 16 years of age or more;
- is a resident of Ontario (not including tourists, visitors or temporary residents); and
- is legally entitled to work in Canada.

If an applicant is in receipt of ODSP Income Support, Employment Supports staff only need to verify that the above noted information is available in the applicant's ODSP Income Support file in order to satisfy basic program eligibility. This will reduce the amount of paperwork required by the applicant.

Valid proof of an applicant's legal entitlement to work in Canada can include any one of the following documents:

- Social Insurance Card – generally, Social Insurance Numbers (SIN) constitute proof of a person's legal entitlement to work in Canada, except for numbers that begin with 9. SIN numbers that begin with 9 must be accompanied by a valid work permit.
- Work Permit - applicants who hold work permits may be eligible for Employment Supports for the length of time the permit is valid. Since work permits may be extended or cancelled at the discretion of Immigration Canada, these files should be monitored on an on-going basis.
- Record of Landing document (Form IMM1000), commonly referred to as "landed immigrant paper", or a Permanent Resident Card.
- Canadian Birth Certificate.
- Canadian Passport.

### **Verification of Impairment / Disability**

Except as noted below, applicants must provide verification of a physical or mental impairment that is continuous or recurrent and expected to last one year or more and which presents a substantial barrier to competitive employment.

The Verification of Disability/Impairment Form must be completed by one of the following prescribed persons:

- An audiologist or a speech language pathologist who is a member of the College of Audiologists and Speech-Language Pathologists of Ontario

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- A member of the College of Chiropractors Of Ontario
- A registered nurse who is a member of the College of Nurses of Ontario
- A member of the College of Occupational Therapists of Ontario
- A member of the College of Optometrists of Ontario
- A member of the College of Physicians and Surgeons of Ontario
- A member of the College of Physiotherapists of Ontario
- A member of the College of Psychologists of Ontario (includes Psychological Associates)

The following applicants are *not* required to complete a Verification of Disability/Impairment Form:

- Applicants already in receipt of ODSP Income Support as a person with a disability.
- Applicants who have a previously completed a Verification of Disability/Impairment Form if:
  - the previous form was completed by any of the prescribed persons noted above; and
  - in the opinion of Employment Supports staff, the impairment still exists.
- Applicants registered as legally blind with the Canadian National Institute for the Blind (CNIB).
- Former or current students of a school for students with disabilities.
- Applicants with other documentation completed by a health-care professional that confirms the disability.

Applicants who are *not* required to complete a Verification of Disability/Impairment Form must provide supporting documentation, such as a CNIB ID card, school report, letter of reference, professional assessment report, or consent to the release of such documentation.

***It is expected that the vast majority of applicants will have previous verification of disability and that very few applicants will be required to have the Verification of Disability/Impairment Form completed. ODSP Employment Supports does not cover the costs of having the form completed.***

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## **Eligibility Considerations**

### Eligibility for Other Private or Public Supports

All applicants who are eligible to receive vocational rehabilitation and/or employment assistance benefits from other public or private sources such as the following, are *not* eligible for Employment Supports as these programs provide supports necessary to prepare to return to work.

- Canada Pension Plan Disability (CPP-D) Vocational Rehabilitation Program;
- Workers' Safety and Insurance Board (WSIB);
- Employment Insurance (EI);
- Ontario Works;
- The *Insurance Act* for automobile injuries, or
- Other private insurance.

Applicants are required to access these services for assistance.

However, applicants for ODSP Employment Supports who have “*exhausted*” services/funding provided by the above programs may be eligible for Employment Supports. In such cases, Employment Supports staff must verify that the applicant has indeed used all the services/funding available to him/her pursuant to the program in question prior to determining eligibility for ODSP Employment Supports.

### Non-compensable Disabilities

Applicants who receive benefits from one of the sources or programs listed above *may* be eligible for ODSP Employment Supports if they have other disabilities which are not covered by the program. In these situations, applicants must provide documentation to show that they are not receiving rehabilitation or employment benefits to address the employment barriers resulting from these other disabilities.

### Services under Human Resources and Social Development Canada (HRSDC)

#### *Employment Insurance Act.*

Applicants who qualify to receive employment benefits under the *Employment Insurance (EI) Act* are ineligible for Employment Supports with the exception noted below.

People who are eligible to receive EI are eligible to participate in Human Resources and Social Development Canada (HRSDC) Employment Assistance Services. A range of employment and training options are offered. Financial assistance is also available to purchase personal supports (disability-related accommodations) for people with

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disabilities participating in these HRSDC funded programs. The types of personal supports that may be funded include specialized equipment and services, such as sign language interpreters or job coaches to assist the person with a disability make the transition to employment.

Applicants may be eligible for ODSP Employment Supports while participating in these HRSDC Employment Assistance Services if they have exhausted the services and supports available from HRSDC/EI but require further supports to remove disability-related employment barriers. Applicants are not eligible for general employment services (e.g. skill training, job search support, etc.) from Employment Supports as they can access these services through HRSDC.

### *Employment Insurance “Reach Back”:*

Employment Insurance “reach back” clients are individuals who are no longer receiving Employment Insurance income support but for whom a claim has been established or ended within the 36 months prior to the date of requesting assistance (60 months in the case of someone claiming maternity or parental benefits). Employment Insurance “reach back” clients are eligible for the same range of employment services and supports from HRSDC as regular Employment Insurance clients. Once a person in the Employment Insurance “reach back” category obtains employment, they are no longer eligible for assistance from HRSDC (unless they were placed in the job through a HRSDC training wage subsidy).

In this case where the person is no longer eligible for assistance under HRSDC, they may be eligible for ODSP Employment Supports as an employed applicant in job crisis if (1) the employer cannot provide the required job accommodations, and (2) they meet all other eligibility criteria.

If the person is already employed at the time of application for ODSP Employment Supports, it is not necessary to ask them to reapply for EI assistance in order to confirm eligibility.

### *Opportunities Fund for Persons with Disabilities:*

Opportunities Fund for Persons with Disabilities services are not provided under the *Employment Insurance Act*. Therefore, Employment Supports applicants who are receiving funding from the Opportunities Fund are not categorically ineligible for Employment Supports. However, in order to maximize the funds available under ODSP Employment Supports, and to eliminate duplication of services, applicants should access services through the Opportunities Fund, where appropriate, and ensure there is no duplication of services if applicants are receiving employment supports from both programs.

### Ontario Works

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A person receiving financial assistance under the *Ontario Works Act* is not eligible for ODSP Employment Supports. However, ODSP Income Support recipients voluntarily participating in OW employment assistance may also be able to receive ODSP Employment Supports. Service providers will need to ensure that there is no duplication of services.

### **Appeals of Eligibility Decisions by Other Programs**

Please note that applicants who have been deemed to be ineligible by the other programs mentioned above and who are awaiting the results of an appeal, are not categorically ineligible for Employment Supports as these applicants do not fall into one of the classes listed in Section 2 of the Regulation as ineligible for Employment Supports. Therefore, while awaiting an appeal of a decision declaring him/her to be ineligible by another program, an applicant may be eligible for Employment Supports if he/she meets the eligibility criteria.

### **Imprisonment**

Individuals incarcerated in a lawful place of confinement are not eligible for Employment Supports as they are deemed to not be "able to prepare for, accept or maintain competitive employment". A "lawful place of confinement" includes a federal penitentiary, a provincial correctional facility, an open custody facility, a secure custody facility and a municipal lock up. Upon release from a lawful place of confinement, an applicant may be eligible for Employment Supports if the applicant meets all applicable criteria.

For applicants who are on temporary absence, parole or probation, or serving a conditional sentence and residing in a community residence funded by the Ministry of Community Safety and Correctional Services or Correctional Service Canada, the employment services and supports available through the correctional system (if any) should be accessed first in order to avoid any duplication of funding.

### **Competitive Employment**

As a condition of program eligibility, applicants must intend to and be able to prepare for, obtain and maintain competitive employment. Service providers will work with clients in order to identify a competitive employment goal, disability-related employment barriers, as well as an action plan identifying the supports required in order to achieve the competitive employment goal.

### **Students**

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Students with disabilities who wish to work part-time while attending school may be eligible for ODSP Employment Supports. Individuals attending any secondary school, college, or university in Ontario as well as other institutions such as private and vocational schools, schools for the deaf, blind, and deaf/blind may apply.

Students with disabilities applying for ODSP Employment Supports must satisfy all eligibility criteria, including the requirement that they seek competitive employment. Students are required to participate in the Employment Information Session similar to all other applicants, except employed applicants and applicants with firm job offers. Service providers should be encouraged to develop a streamlined employability determination for students seeking part-time employment, including a simplified employment plan. Students are treated in the same manner as all other ODSP Employment Supports applicants/clients. It is recognized that some students may not be at a point in their employment readiness to be able to identify a specific employment goal. However, they must be capable of pursuing competitive employment to be eligible.

Students with disabilities who are requesting help with *summer* employment should be redirected to the summer jobs programs offered through HRSDC's student employment centres or the Ministry of Training, Colleges and Universities Job Connect program. However, students who began participation in ODSP Employment Supports in order to be employed on a part-time basis during the school year, beyond the summer months, should not be redirected to these other publicly funded student programs.

### **Employed Applicants and Applicants with Job Offers**

ODSP Employment Supports may be provided to employed applicants who are in a "job crisis" and who require employment supports in order to maintain their current employment. Applicants who have firm job offers but require employment supports in order to accept the job and start work may also be eligible.

Refer to [Directive 2.2 - Employed Applicants and Applicants with Job Offers](#) for more information.

### **Re-applications**

Applicants who were previously in receipt of ODSP Employment Supports, and who voluntarily withdrew or had their supports cancelled may be eligible for Employment Supports.

Re-applicants are not required to complete a new application form and verification of disability/impairment *unless* there has been a relevant change in the person's medical condition, disability or employment barriers, source of income, or eligibility for other program funding.

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Re-applicants *are* required to sign a new Employment Supports Funding Agreement.

Re-applicants should participate in the Employment Information Session, unless, in the opinion of Employment Supports staff, it is not necessary. If the applicant is not required to participate in the Employment Information Session, he/she should be encouraged to consider and/or discuss with Employment Supports staff the questions and concerns that are normally raised in the Employment Information “follow-up discussion”, including questions related to motivation, commitment, disability/health status, family supports, etc.

All re-applicants to Employment Supports will be required to demonstrate how their circumstances have changed and how they will be better able to succeed in achieving their competitive employment goal prior to being deemed eligible. Regional Offices may also establish conditions for re-application. For example, conditions may include a requirement that the applicant complete anger management training, find stable housing, participate in a volunteer activity to demonstrate motivation, or submit a doctor’s note stating the applicant has completed a specific treatment. In addition, the Regional Office may establish a waiting period before the applicant can re-apply. This may be appropriate for applicants who quit or were fired from previous employment.

If the applicant’s previous job placement ended *less* than 33 months prior to the re-application (15 months for non-ODSP Income Support recipients), there is an expectation that the original service provider will continue to provide job retention supports to the client. However, in some circumstances, the relationship between the client and the service provider may no longer be appropriate and Employment Supports staff must decide if it is in the best interest of both parties if the client selects another service provider.

The above considerations also apply to re-applicants who were self-employed. These re-applicants are required to demonstrate how both their business and personal circumstances have changed to allow them to achieve their new self-employment goal.

### **Ongoing Eligibility**

Eligibility is not a static condition established at the time of application. It is ongoing. A client’s impairment/disability may change, competitive employment goals may require adjustment, and disability-related employment barriers may no longer exist. Eligibility requirements continue to apply at all times.

Clients are required to inform Employment Supports staff and their service provider of any changes in circumstances that may affect their continuing eligibility for Employment Supports.

ODSP Income Support staff will advise Employment Supports staff if a determination is

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made that an Employment Supports client is no longer eligible to receive Income Support so that eligibility for Employment Supports can be reviewed. In addition, Employment Supports staff will advise Income Support staff, where appropriate, of changes in the client's circumstances that may affect their eligibility for Income Support.

### **RELATED DIRECTIVES**

[2.2 Employed Applicants and Applicants with Job Offers](#)

[3.2 Employment Information Session, Employment Supports Funding Agreement, and Selection of Service Providers](#)