

ONTARIO DISABILITY SUPPORT PROGRAM - EMPLOYMENT SUPPORTS

DIRECTIVE 2.2

EMPLOYED APPLICANTS AND APPLICANTS WITH JOB OFFERS

SUMMARY OF DIRECTIVE

To describe the application process, eligibility requirements, and the provision of services for applicants who are already employed or who have firm job offers but who require employment supports.

LEGISLATIVE AUTHORITY

[Section 33 \(b\) and \(d\) of the ODSP Act](#)
[Section 4 \(2\) 6 of the Regulation](#)

INTENT OF POLICY

To ensure that eligible applicants who are employed or who have firm job offers receive the employment supports they require as quickly as possible to ensure that they remain employed, in the case of employed applicants, or are able to accept employment in the case of applicants with firm job offers.

APPLICATION OF POLICY

Employed Applicants

Employed applicants, including applicants who are self-employed, may be eligible for ODSP Employment Supports if they meet all basic eligibility criteria ([See Directive 2.1 Program Eligibility](#)). To be eligible, the employed applicant must be at risk of losing their job if they are unable to access disability-related work supports.

The applicant must be unable to maintain employment due to a disability-related barrier that is preventing the person from performing the essential duties of the job. Circumstances that would be considered "a job crisis" and allow an applicant to be eligible for Employment Supports include the following:

- The applicant is at risk of losing his/her employment or self-employment because the disability prevents him/her from performing the essential duties of the job and certain goods and/or services are required to help him/her retain the job.

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- The applicant has a very erratic employment history because of his/her disability and is likely to lose his/her current job.
- The applicant's current employment or self-employment is negatively affecting his/her disability.
- The applicant's disability will eventually necessitate changing vocation.
- The applicant had to leave his/her former employment because of the disability and is at present employed in a capacity significantly below his/her previous level (e.g. reduced hours or reassigned job duties). In these cases, Employment Supports may be provided to assist in returning to full-time hours and/or resume previous job responsibilities.

Applicants whose employment can no longer support himself/herself and his/her family, and applicants who are seeking job advancement supports, are eligible for ODSP Employment Supports. However, these applicants are eligible for job retention supports only. ([See Directive 4.2 Job Retention and Advancement](#))

Applicants with Firm Job Offers

Applicants who have firm job offers but who may need a particular good or service (e.g. work equipment or tools, a workplace accommodation, etc.) in order to accept the job offer may also be eligible for Employment Supports if they meet all basic eligibility criteria ([See Directive 2.1 Program Eligibility](#)).

Application Process

The application process for employed applicants and applicants with firm job offers differs depending upon whether the applicant is a former client of ODSP Employment Supports, or if he/she is a new applicant.

New Applicants

The application process for new applicants is similar to the process for all other applicants. Employed applicants and applicants with job offers must satisfy all eligibility criteria for Employment Supports. However, they are not required to participate in the Employment Information Session unless Employment Supports staff and/or the applicant believe it is absolutely necessary. The goal is to ensure the applicant is able to access the supports needed in a timely manner so that he/she can stay employed or accept the job offer. Service providers will develop streamlined procedures for these clients.

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In many cases, employed applicants and applicants with firm job offers who are determined to be eligible, may only require a one-time support in order to obtain or maintain the employment. In those situations, Employment Supports staff may directly provide the necessary good/service to the client. These clients should *not* be referred to a service provider. A streamlined Employment Supports Funding Agreement (ESFA) should be completed by these applicants who do not require the services of a service provider.

Applicants Who Were Former Employment Supports Clients

Employed applicants and applicants with job offers who were previously receiving Employment Supports may be eligible for Employment Supports.

If the applicant is no longer eligible to receive job retention supports/services from the service provider who originally found the job placement, the applicant should be treated as all other new applicants, as described above.

If the applicant's previous job placement ended *less* than 33 months prior to the re-application (18 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. Generally, clients are eligible for job retention services for the periods described above. This includes providing supports to clients who are experiencing job crisis and at risk of losing their job.

Employment Supports staff should assist the applicant to reconnect with the original service provider. 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.

Employer Obligation to Accommodate under the *Ontario Human Rights Code*

Service providers must be familiar with employer obligations under the *Ontario Human Rights Code*.

Before providing goods or services to a person who is employed, the service provider should determine whether the employer is able and willing to meet their obligation to accommodate the employee under the *Ontario Human Rights Code* and provide the identified good and/or service. Employers have obligations to accommodate under the *Ontario Human Rights Code*, unless the needs of the employee cannot be accommodated without undue hardship to the employer.

It is recognized that for some employers (e.g. small business owner or non-profit organization) the provision of the required accommodation may result in financial hardship.

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If the employer indicates that he/she is unable or unwilling to accommodate, the client and/or service provider should attempt to negotiate a solution that is acceptable to all parties. This could include sharing the costs of the accommodation between the employer and the service provider.

In negotiating a solution, the employer should be advised to seek advice about governmental tax deductions that may be available to assist with the costs of providing accommodations to employees with disabilities.

If the employer indicates he/she is unwilling or unable to accommodate and no other solution is identified, the service provider can provide for the accommodation to the client.

While it is recognized that an employer cannot be made to indicate in writing that he/she is unwilling or unable to accommodate, the request should be made to the employer to provide a letter to that effect. Whether or not the employer provides a letter, the service provider will make an appropriate notation in the client file to demonstrate the rationale for the decision to provide the employment support(s).

Once it has been determined what, if any, accommodations will be provided and maintained by the employer, the service provider will finalize the employment plan and the client will receive the supports.

Considerations

Accommodation items provided through ODSP Employment Supports belong to the client, not the employer, should the employee leave the employment.

Where a client is requesting an on-going accommodation and the employer will not commit to providing or maintaining the required accommodations, the client should be encouraged to begin working on a revised employment plan and the service provider should work with the client to secure an alternative, more appropriate job placement.

RELATED DIRECTIVES

[2.1 Program Eligibility](#)

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