

DIRECTIVE 3.3

EMPLOYABILITY DETERMINATION AND EMPLOYMENT PLAN

SUMMARY OF DIRECTIVE

To identify and describe the components of the employability determination conducted by service providers, and the resulting employment plan developed by the client in conjunction with his/her service provider.

LEGISLATIVE AUTHORITY

[Section 32 of the ODSP Act](#)
[Section 33 \(b\) and \(d\) of the ODSP Act](#)
[Section 35 \(2\) of the ODSP Act](#)
[Section 4 \(1\) \(2\) of the Regulation](#)

INTENT OF POLICY

To ensure clients meet program requirements by participating in an employability determination and work with a service provider in order to develop an employment plan.

APPLICATION OF POLICY

Employability Determination

To be eligible for ODSP Employment Supports, applicants must intend to and be able to prepare for, accept, and maintain competitive employment. Service providers will be responsible for determining employability and making a recommendation to Employment Supports staff regarding the applicant's ability to prepare for, accept and maintain competitive employment.

Once a client has selected a service provider, the service provider will work with the client in order to make an employability determination. The purpose of an employability determination is twofold.

- It will assist both the client and the service provider to assess if the selected service provider is an appropriate choice and whether they will be able to provide the necessary goods/services to meet the client's needs.

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- It will assist the service provider in making a determination whether competitive employment is an appropriate option for the client at this time. It will help identify the employment goals and employment barriers of the client, as well as the supports and activities that may be required in order to achieve those employment goals. The employability determination also helps the service provider assess their ability to properly assist the client in preparing for, obtaining, and maintaining competitive employment.

Competitive Employment

Competitive employment is broadly defined as any remunerative employment where the individual is earning minimum wage or its equivalent.

The competitive employment goal should contribute to the economic independence of the client. Competitive employment may include:

- conventional waged employment, where minimum wage standards apply, and can include full-time, part-time, contract or seasonal work;
- self-employment where the objective is to earn at least the equivalent of minimum wage; or
- ownership or membership participation in a business enterprise where the objective is to earn at least the equivalent of minimum wage.

Service providers have the flexibility to decide the best way to determine employability. Strategies can include activities such as a job trial, an employability assessment interview, etc. Once a service provider has completed the employability determination, they will advise ODSP Employment Supports staff whether they are willing and/or able to provide employment supports to the client and assist the client to reach their competitive employment goal.

Service Provider Agrees to Provide Services to Client

In all cases, the service provider will ensure there is a reasonable expectation that the client can achieve his/her competitive employment goal through the supports that are available under Employment Supports.

If the service provider determines that there is a reasonable expectation that client can achieve his/her employment goal, and the client agrees that the service provider is the “right fit”, the service provider will notify the Employment Supports office.

Specific notification requirements will be determined by each Employment Supports office.

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Service Provider Does Not Agree to Provide Services to Client

As a result of the employability determination, a service provider may decide they will not provide employment supports to a client. This decision can result from any of the following reasons.

- The service provider determines that the client is not likely to achieve his/her competitive employment goal.
- The service provider determines that competitive employment is not an appropriate option for the client at this time.
- The service provider determines that they are not the most appropriate choice for a particular client.

In all cases, the service provider will advise the client of the decision. The service provider will discuss alternative courses of action and/or connect the client to other more appropriate services/supports that may be available in the community, as required. If the service provider determines the client is not prepared for competitive employment, the service provider will advise the client of any conditions which need to be met to improve the client's prospects for pursuing competitive employment at a later date.

Service providers will be responsible for providing a report to the Employment Supports office regarding the decision not to provide service to the client. The report will detail the reasons for the decision made by the service provider and will outline the alternatives that have been presented to the client. The report should also include recommendations, if any, regarding specific conditions that the client would need to meet or circumstances that would need to change in order for the client to be more likely to be successful in achieving his/her employment goal. Examples of such conditions may include:

- client's health needs to improve or stabilize;
- client needs to find stable housing;
- client needs to complete a basic literacy program, etc.

This information will assist the Employment Supports office to determine eligibility if the client chooses to reapply in the future. Specific reporting requirements for these reports will be developed by each Employment Supports office.

Both the service provider and Employment Supports staff will work with the client to determine what alternative options may be available, including whether there is an alternative service provider that would better meet the client's needs.

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If, as a result of the employability determination, the service provider determines a client is not prepared to accept or maintain competitive employment, the Regional Office must make an eligibility determination for the client. Employment Supports staff will take into consideration the employability determination made by the service provider when deciding whether the client is eligible to continue to participate in ODSP Employment Supports.

If Employment Supports staff determine the client is ineligible to continue, the client will have access to the Dispute Resolution Process if he/she does not agree with the decision. In such cases, service providers may be asked by Employment Supports staff to participate in the process, including presenting to the Dispute Resolution Committee.

In some cases, the client may decide that the service provider may not be able to meet his/her needs. In such cases, Employment Supports staff will work with the client to determine whether there is an alternative service provider that would better meet the client's needs.

Employment Plan

Employment Supports clients are required to develop an employment plan with the selected service provider. The employment plan should outline the employment goal, the plan for achieving that goal, any disability-related barriers to achieving that goal, as well as the supports required to remove those disability-related barriers. The employment plan may be requested by the Employment Supports office for accountability and audit purposes.

The employment plan will include the following minimum information:

- The competitive employment goal;
- Employment skills and experience;
- Barriers to competitive employment;
- Steps that identify:
 - how to reduce the impact of the barriers;
 - how to achieve the employment goal; and
 - the most direct route to the goal;
- Goods and services necessary to reduce the barriers and achieve the employment goal; and
- A timetable that is reasonable and attainable.

For clients who are already employed but facing a job crisis situation, or for clients who have firm job offers but require accommodations in order to accept a position, service providers should develop a process for quickly preparing and implementing a plan that will ensure the client has access to the necessary supports within the appropriate

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timeframes.

It is recognized that individual circumstances may change and that amendments to the employment plan may be required. Both the client and the service provider should agree to any necessary changes.

RELATED DIRECTIVES

[2.1 Program Eligibility](#)

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

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

[4.4 Self-Employment Supports](#)

[6.2 Dispute Resolution](#)