

DIRECTIVE #2.5: PARTICIPATION REQUIREMENTS

LEGISLATIVE AUTHORITY

Sections 4, 6, 7(4), 14(1), 16(2) and 44 of the Act.

Sections 3, 14, 17(2), 18, 25, 26, 26.1, 27, 28, 29, 30 and 31 of Regulation 134/98.

Sections 6 and 14(2) of Regulation 222/98.

AUDIT REQUIREMENTS

The signed Participation Agreement (PA) is on file for participants with active or deferred participation requirements.

Documentation to support restrictions on participation and temporary deferrals is noted on the PA.

PAs are reviewed and completed 30 days from the initial signing and every three months thereafter (or earlier as appropriate).

APPLICATION OF POLICY

Adults receiving financial assistance under Ontario Works, ODSP dependent adults and ODSP non-disabled spouses without care-giving responsibilities are required to participate in approved employment assistance activities as a condition of eligibility for assistance, with the exception of the following:

- individuals applying for, or in receipt of, Temporary Care Assistance (TCA) on behalf of a child, and who are not in receipt of assistance themselves;
- individuals receiving interim assistance while appealing an eligibility decision; and
- individuals receiving Extended Health Benefits (EHB) or Extended Employment Health Benefits (EEHB).

All Ontario Works applicants, their spouses and any dependent adults included in the benefit unit must complete and sign a PA prior to a determination of eligibility. ODSP dependent adults and ODSP non-disabled spouses complete and sign a PA when they are referred to Ontario Works employment assistance by the local ODSP office.

The PA is an action-oriented plan that identifies the approved employment assistance activities the applicant or participant will undertake in order to prepare for, find and maintain employment. The PA is developed with the caseworker through collaborative and interactive processes that must take into account the individual's skills, experience, circumstances and needs, as well as local labour market conditions.

In some cases, applicants and participants may not be able to fully participate in employment assistance activities. The PA may identify restrictions on participation or, where any degree of participation is impracticable, a temporary deferral of participation requirements.

The initial PA is reviewed, updated and signed by the participant within 30 days of making the application for assistance. This process takes place in person. The agreement is then reviewed, updated and signed by the participant every three months, or earlier if his or her circumstances have changed (e.g. completed an employment assistance activity).

Where participation requirements are not deferred or restricted, applicants or participants who refuse to participate or fail to make reasonable efforts to participate where support has been provided by staff, will have their financial assistance cancelled or reduced:

- for three months on a first occasion of non-compliance; and
- for six months on subsequent occasions.

By signing the PA, applicants and participants agree to the plan that has been negotiated with the caseworker and acknowledge their understanding of the consequences for refusing to participate or failing to make reasonable efforts to participate in activities outlined in the agreement. An applicant or participant who has a deferral or restriction on participation requirements also acknowledges that they will advise their caseworker of any change in circumstances that would impact the deferral or restriction.

Restrictions on Participation Requirements

Applicants or participants may experience circumstances that limit their capacity to fully participate in employment assistance activities.

Restrictions on participation may be the result of physical limitations, medical conditions, personal circumstances (e.g., family emergency) or any other circumstance the Administrator considers reasonable.

Individuals are not referred to activities that could aggravate their condition,

present a danger to their health and safety or interfere with the practice of personal or religious beliefs.

Restrictions should be supported by appropriate documentation which, depending on the reason for the restriction, may include:

- a letter from a religious leader stating religious restrictions;
- a completed *Limitations to Participation* form;
- a letter from a qualified health professional;
- written proof of a participant's learning disorder from a qualified medical doctor or a psychologist registered with the College of Psychologists of Ontario or documentation to support they are in the process of being diagnosed; or
- a membership card for a professional association or trade union, along with documentation of the restrictions resulting from the membership (e.g., collective agreement).

If a restriction on participation is in place, the participant must be advised of their responsibility to advise their caseworker of any changes in circumstances which may cancel participation restrictions.

Temporary Deferral of Participation Requirements

Participation requirements are deferred in the following circumstances:

- the applicant or participant is a sole-support parent with at least one dependent child, or with at least one child for whom TCA is being received, and publicly funded education is not available;
- the applicant or participant is a caregiver for a family member who requires daily physical assistance on an ongoing basis because of a disability, illness or old age;
- the applicant or participant is 65 years of age or older; or
- the applicant or participant is experiencing exceptional circumstances approved by the Director (see list below).

The Director has approved the following exceptional circumstances:

- the applicant or participant has an injury, illness or disability that makes any degree of participation impracticable;
- the applicant or participant is applying for or receiving financial assistance as a top-up to Workplace Safety and Insurance Board (WSIB) benefits;
- the applicant or participant is a foster parent who has a formal foster child placement;
- the applicant or participant is on a pregnancy and/or parental leave;
- the applicant or participant has declared himself or herself to be a victim of family violence;
- the applicant or participant is exercising their entitlement to family medical leave for up to eight weeks in a twenty-six week period;
- the applicant or participant is under house arrest; or
- any other exceptional circumstance where the Administrator is satisfied that any degree of participation is impracticable.

Deferrals should be supported by appropriate documentation which, depending on the reason for the deferral, may include:

- a letter from a qualified health professional (could include):
 - a Psychologist registered with the College of Psychologists;
 - a social worker, social service worker, and/or councillors for assessing addiction;
 - a Physician registered with the College of Physicians and Surgeons of Ontario;
 - a Registered Nurse in the Extended Class registered with the College of Nurses of Ontario;
 - a Nurse practitioner;
 - a Registered Dietician registered with the College of Dieticians of Ontario;
 - a Registered Midwife registered with the College of Midwives of Ontario; or
 - a Traditional Aboriginal Midwife recognized and accredited by the Aboriginal community.
- a copy of the foster child care agreement;
- a letter from an employer confirming pregnancy/parental leave;

- a completed *Limitations to Participation* form; or
- written confirmation of care-giving assistance from a qualified medical doctor or others providing support services to a household.

If a deferral on participation is in place, the participant must be advised of their responsibility to advise their caseworker of any changes in circumstances which may cancel the deferral.

The PA should also identify the deferral period with a “bring forward” date established on the agreement. Administrators have flexibility in determining the appropriate length of deferral given the individual case circumstances. Generally, deferrals are approved for three months and then reviewed. However, the length will vary depending on the reason for the deferral. For example:

- persons under house arrest are deferred for the duration of the house arrest order;
- victims of family violence are deferred for a minimum of three months or, up to 12 months where a restraining order is in place;
- individuals on pregnancy/parental leave are deferred for the duration of the leave (up to the maximum leave allowed under the *Employment Standards Act*).

Voluntary Participation

Applicants and participants that have their participation requirements deferred should be given the option to voluntarily participate in employment assistance activities.

Recipients of ODSP income support should be given the opportunity to voluntarily participate in Ontario Works employment assistance activities leading to employment. Applicants and participants who are voluntarily participating are not subject to consequences for non-compliance.