

Ontario Disability Support Program – Income Support Directives

2.8 Participation Requirements for Non-Disabled Adults

Summary of Policy

Unless they meet the criteria for a waiver, non-disabled adult members of an ODSP benefit unit must complete an Ontario Works Participation Agreement and comply with the employment assistance provisions in the Ontario Works Regulation as a condition of eligibility for ODSP. Non-disabled adults include:

- a dependent adult; and
- a spouse other than a spouse who has been adjudicated and found to be a person with a disability under section 4 of the ODSP Act, or who is a member of a prescribed class under section 4 of the ODSP Regulation.

Legislative Authority

[Sections 6 and 24 of the ODSP Regulation](#)

Summary of Directive

Unless they meet the criteria for waiver, non-disabled adults are referred to Ontario Works to receive employment assistance to help them become and stay employed.

These individuals are required to comply with the employment assistance provisions in the Ontario Works regulations.

ODSP income support issued on behalf of the family member can be reduced if the family member does not comply with the requirements.

Intent of Policy

To improve the employment outcomes of non-disabled adults on ODSP by ensuring that they are referred to Ontario Works employment services, where appropriate.

Application of Policy

Referral to Ontario Works

The Ministry of Community and Social Services' Regional Offices and Ontario Works delivery agents negotiate Joint Implementation Plans that set out local

protocols for referring non-disabled adults of ODSP recipients to Ontario Works employment services.

Local office staff will ensure that a structured employment discussion takes place when a case is granted ODSP which includes a non-disabled adult. Structured employment discussions are not required for non-disabled adults that have active participation agreements with Ontario Works at the time they are granted ODSP.

This discussion should take place before a discussion about whether a waiver is appropriate. The discussion must include:

- the services offered by Ontario Works and ODSP Employment Supports;
- what work-related benefits are available; and
- reporting and the impact of earnings on income support.

A referral to Ontario Works employment assistance is made, unless the criteria for a waiver are met.

Participation Requirements

Once they have been referred to Ontario Works employment services, non-disabled adults are required, as a condition of eligibility, to complete a Participation Agreement and to participate in Ontario Works employment assistance activities.

A Participation Agreement is an individualized, detailed action plan towards self-reliance. It is a commitment by the person to participate in specific employment assistance activities and to obtain and maintain employment.

Criteria to Have Referral Waived

A non-disabled adult will be referred to Ontario Works employment assistance except in the following circumstances:

- He/she is already engaged in employment or employment related activities and participation in Ontario Works employment assistance activities are unlikely to increase their chances of becoming and staying employed, or increasing earnings.

This could include participation in full-time school or training. Where a non-disabled adult is waived because they are attending school or other training full-time, the referral will be made at the appropriate time (for example, a few months before completion).

- He/she is a sole support parent with at least one dependent child (or child for whom temporary care assistance is being received) and publicly funded education is not available for the child.
- He/she is 65 years of age or older.
- He/she has ongoing caregiving obligations for a family member who is ill, elderly or disabled and participation is impracticable as a result (for example, caregiving responsibility is full-time, or the caregiving requirements are unpredictable and scheduling other activities is impossible). (See Restrictions to Participation and Required Documentation, below.).
- There are exceptional circumstances for waiving referral.

The following are exceptional circumstances:

- the person meets the eligibility requirements for and has been referred to ODSP Employment Supports;
 - A person who does not qualify for income support as a person with a disability may nevertheless meet the threshold for ODSP employment supports. If a person fails to make progress in their employment plan while receiving ODSP employment supports, and the person's employment supports file is closed, a referral should be made to Ontario Works if appropriate. A person cannot be found non-compliant if they fail to make progress in ODSP employment supports.
- the person is a foster parent with a formal foster child placement and publicly funded education is not available for the foster child;
- the person is on a pregnancy and/or parental leave from employment;
- the person is faced with immediate stability issues (for example: unstable housing, abusive situations);
- the person is under house arrest;
- the person is receiving Workplace Safety and Insurance Board (WSIB) benefits;
- the person currently has an illness or injury or disability; or
- other exceptional circumstances for waiving referral.

Restrictions to Participation

A non-disabled adult with restrictions to participation, such as limits on the hours of work or type of work that they can do, may still be referred to Ontario Works employment services or ODSP Employment Supports, where appropriate.

Caregiving responsibilities (for a family member who is ill, elderly or disabled) can restrict a person's ability to work or engage in work-related activities but do not necessarily constitute grounds for a waiver.

To qualify for a waiver, caregiving responsibilities must make it impracticable for the person to participate in Ontario Works employment assistance on even a limited basis. For example, the person has:

- a highly unpredictable care-giving schedule; or
- significant caregiving responsibilities that prevent the ability to participate even on a part-time basis.

Appropriate documentation is required to identify restrictions to participation (see Required Documentation, below).

If a restriction on participation is in place, the person must be advised of their responsibility to advise their caseworker of any changes in circumstances which may affect his/her ability to participate in employment assistance activities.

Required Documentation

In order to have their referral to Ontario Works waived, the non-disabled adult is required to provide appropriate documentation to verify their circumstances.

Appropriate documentation may include:

- a letter from a professional who provides support services to the household (for example, a doctor, nurse, personal care worker or social worker) to verify caregiving.
 - This document must describe how the person's caregiving responsibilities affect their ability to participate in Ontario Works employment assistance activities.
 - The document may not be completed by the person being cared for or another family member.
- a letter from a qualified health professional (e.g. to verify injury, illness or disability):
 - Physician registered with the College of Physicians and Surgeons of Ontario;

- a Registered Nurse or Nurse Practitioner registered with the College of Nurses of Ontario;
 - a Registered Dietitian registered with the College of Dietitians of Ontario;
 - a Registered Midwife registered with the College of Midwives of Ontario; or
 - a Traditional Aboriginal Midwife recognized and accredited by her or his Aboriginal community.
- a copy of the foster child care agreement;
 - a letter from an employer confirming employment, or pregnancy/parental leave from employment; or
 - a letter from the school or training program to confirm that the person is registered full-time.

Voluntary Participation

Non-disabled adults who are not referred to Ontario Works (i.e., meet the criteria for waiver) may still choose to participate in Ontario Works employment assistance activities on a voluntary basis. They should be advised of the opportunities available to them. Non-disabled adults who are not referred to Ontario Works but participate voluntarily are not subject to consequences for non-compliance.

Review of Temporary Waiver

Generally, a referral will be waived on a temporary basis. If referral is temporarily waived, the case is brought forward for review at an appropriate time.

Non-disabled adults are required to provide information regarding new or changed circumstances, including those related to the reason for temporary waiver if such circumstances change.

In exceptional circumstances, a referral can be waived indefinitely.

Non-compliance with Participation Requirements

If, in the opinion of the Ontario Works Administrator, a non-disabled referred by ODSP refuses or fails to make reasonable efforts to meet their participation requirements, the Ontario Works delivery agent will notify the ODSP local office and provide supporting documentation.

The ODSP local office is responsible for making a decision regarding eligibility. If a non-disabled adult does not comply with the Ontario Works participation

requirements, without reasonable grounds, the ODSP Income Support issued to the recipient on behalf of the non-disabled adult is reduced. ODSP Income Support is reduced for a period of 1 month, or for 3 months if ODSP Income Support or OW financial assistance was previously reduced because the person did not comply with requirements in the past.

A drug card can continue to be issued to a non-disabled adult who has been removed from a recipient's benefit unit if they have a serious illness or health condition and if they would otherwise be financially eligible for Income Support.

Hyperlinks associated with this Policy Directive

Related Directives:

[1.1 Applications](#)

[1.2 Disability Adjudication Process](#)

[2.1 Who is Eligible: Dependent Adults](#)

[2.3 Who is Eligible: Spouse](#)

[3.1 Consolidated Verification Information Requirements](#)

[13.1 Notice of Decision and Internal Review Process](#)