



LAW COMMISSION OF ONTARIO  
COMMISSION DU DROIT DE L'ONTARIO

**SUBMISSION OF THE LAW COMMISSION OF ONTARIO  
to the  
COMMISSION FOR THE REVIEW OF SOCIAL ASSISTANCE IN ONTARIO**

**August 29, 2011**

**I. Introduction**

The Law Commission of Ontario (LCO) welcomes the opportunity to provide a Submission in response to *Discussion Paper: Issues and Ideas* (“Discussion Paper”) released by the Commission for the Review of Social Assistance in Ontario (“the Commission”) in June 2011. The issues raised are important and challenging ones, touching profoundly on the lives of some of the most vulnerable Ontarians, and the LCO is pleased to see the Commission undertaking this work.

The LCO operates independently of government to recommend law reform measures to enhance the legal system’s relevance, effectiveness and accessibility; improve the administration of justice through the clarification and simplification of the law; consider the use of technology to enhance access to justice; stimulate critical legal debate; and study areas that are underserved by other research. It selects projects that are of interest to and reflective of the diverse communities in Ontario and is committed to engage in multi-disciplinary research and analysis and to make holistic recommendations, as well as to collaborate with other bodies and consult with affected groups and the public more generally. It was created through an Agreement among the Law Foundation of Ontario, the Ontario Ministry of the Attorney General, Osgoode Hall Law School and the Law Society of Upper Canada, all of whom provide funding for the LCO, and the Ontario Law Deans.

The LCO’s interest in the work of the Commission arises from two of its current projects. The LCO is completing consultations and drafting an Interim Report on a project examining Vulnerable Workers and Precarious Work. The project reviews the nature of precarious work, the identity of vulnerable workers, the existing protections for employees engaged in these forms of paid work, the limitations of the protective legislation, the challenges and difficulties of enforcing rights under existing legislation, the impact of precarious work on the daily lives of vulnerable workers and some of the potential responses. We are also engaged in a multi-year project on the Law as it Affects Persons with Disabilities. The aim

of this project is to develop a coherent and principled approach to this area of the law. The project will not result in recommendations for changes to any particular area of law, although law reform is certainly needed in many areas; rather, the outcome will be a principled evaluative framework, which can be used to analyze, evaluate and reform existing laws or to develop new laws in a way that will appropriately address the needs and circumstances of persons with disabilities. The LCO has conducted considerable research to understand the way the law shapes the lives of persons with disabilities, including funding several research papers. We also undertook a very extensive public consultation during the summer of 2010 with persons with disabilities and with organizations that represent, serve or advocate for persons with disabilities. During these consultations, many issues were raised regarding the Ontario Disabilities Support Program (ODSP), as well as broader themes. We have included information and quotations from those consultations throughout this submission.

Based on this work, we believe that our perspective may be of assistance to you as you consider the next stage of your project. Given the nature of our projects, and the fact that they are still under development, we cannot provide specific policy prescriptions; rather, we can point to general concerns and approaches to solutions.

Due to the more advanced nature of our project on the law as it affects persons with disabilities, this submission will focus mainly on the law reform issues regarding this group and concerns regarding reforms to ODSP. We will begin by setting out the general approach to law reform for persons with disabilities that has been adopted by the LCO, and then generally follow the structure of the *Discussion Paper* to comment on the issues that you raise. A preliminary section will touch briefly on some of the key issues respecting vulnerability and precarious work.

## **II. Precarious Work**

We understand from your Discussion Paper that your Review will not directly examine precarious employment or reforms to address the rise in non-standard forms of employment, but that this phenomenon will be considered within recommendations that you will make. Upon review of your Discussion Paper, we wish to identify two issues for your consideration.

First, the LCO believes that any reforms that seek to end people's reliance on social assistance and transition them into paid employment must consider the nature of those paid jobs. We have heard of numerous workers in part-time, temporary, or other precarious forms of employment who seek out more stable, permanent forms of employment with related benefits in order to stay out of poverty. We were told that it is a significant challenge for many workers to make a decent income from precarious jobs, and many must take on multiple

precarious jobs to survive. There is also an increasing body of research which suggests that those in part-time, temporary or contract positions are at an increased risk of poor health, given the stressors and uncertainty about their employment and income.<sup>1</sup> Other research suggests that certain types of precarious jobs, given the temporary nature of the work, involve greater health risks because of lacking or inadequate safety training.

It would be extremely unfortunate if reforms that sought to end reliance on social assistance only moved people into precarious forms of works. Many would land in only marginally improved economic positions, and they would always run the risk of returning to social assistance once those unstable and insecure forms of employment ended. Many could be at an increased risk of poor health, adding to the costs of our health care and disability support systems.

Second, with respect to employment support services, we share the conclusion reached by the *2008 Provincial-Municipal Fiscal and Service Delivery Review* that employment services are "...not well integrated and, for the individual looking for help, can be hard to access and confusing." The complexity aside, and from our discussions with the Ministry of Training, Colleges and Universities, we understand these programs are directed almost exclusively at helping people find *any* job. As we discuss below, research suggests that programs directed at helping people find stable and secure employment would have a greater impact on reducing poverty than ones that lead them to precarious forms of work.

We also question the usefulness of programs that place significant emphasis on job-searching skills, such as resume writing and interview skills workshops, and whether these financial resources might better be spent on job-specific educational or training programs. U.S. studies have concluded that these types of employment support services are of marginal assistance to those looking for work. In Ontario, at least one study similarly concludes that they are ineffective; at best, these employment supports may assist workers to find short-term employment, but once they take up precarious employment, they tend to remain in a series of precarious jobs with their associated negative health impacts.<sup>2</sup> A further study of 300 Caribbean and Latin American workers found that strategies to help people out of poverty include longer job tenure in one's current job, and moving to a less precarious and more stable job. The same study found that the most significant strategy to reduce precarious employment was individual investment in education, and employer supported on-the-job training.<sup>3</sup> Both these studies found that once a worker lands in a precarious job, it is very difficult for the worker to move on to better paid, more stable form of employment. This would suggest that any employment support strategy ought to target the attainment of secure jobs suitable to the individual's particular skills and interests.

We also met with representatives from unions who partially funded and staffed various Worker Action Centres following manufacturing plant closures to seek their input on the functions and effectiveness of these Centres. The services

provided were integrated and comprehensive, and exceeded the services typically offered through government employment support agencies. Through community partnerships, these Worker Action Centres were able to facilitate and enable advanced training opportunities and enhance labour market prospects for workers disadvantaged by complex basic skills needs.<sup>4</sup>

Finally, as suggested in your Discussion Paper, there is a strong argument that the local employer community should be directly involved in shaping the programs, and in particular, the educational programs and supports, that are offered by employment support agencies. This was a comment we heard during our consultations.

Therefore, the LCO believes that reforms related to employment supports might most profitably focus on:

- (a) improved and easier access to employment support services;
- (b) the attainment of secure and suitable employment, rather than "any job" or less secure precarious employment, as the primary objective of employment support agencies;
- (c) funding and access to education and training programs for vulnerable workers and the unemployed; and
- (d) direct input and involvement by the employer community in the types of services and educational/training programs offered by employment support agencies.

### **III. Principles for the Law and Persons with Disabilities**

Persons with disabilities are themselves disproportionately likely to be vulnerable workers and find themselves engaged in precarious employment.<sup>5</sup> In 2006, employment earnings were the largest source of income for only 52.1% of persons with disabilities. In contrast, 81.2% of persons without disabilities reported employment earnings to be the largest portion of their income.<sup>6</sup> The comments above in relation to precarious workers are therefore also applicable to many persons with disabilities. There are, however, a number of particular challenges that persons with disabilities may face that are relevant to the Review, and which will be addressed in the remainder of this Submission.

Based on the LCO's research and broad consultations, we believe that it is important to consider the law as it affects persons with disabilities in a holistic and principled way, taking into account the actual needs and circumstances of these individuals, as well as their aspirations. The LCO's Framework will therefore be based on a set of principles for the law as it affects persons with disabilities. Identifying a set of principles to guide the law as it affects persons with disabilities can help to ensure that this area of the law is as a whole is consistent and coherent, that the goals of the law are in harmony with the

aspirations of persons with disabilities themselves, and that the law is effective in its approach to the needs and experiences of persons with disabilities.

The LCO has identified six principles to guide the law as it affects persons with disabilities. The value of substantive equality underlies all of the principles and acts as a guide to their interpretation. The principles are:

1. *Respecting the dignity and worth of persons with disabilities*, which includes respecting their worth and contributions, avoiding stereotyping and seeing those with disabilities as full persons rather than simply as their impairments.
2. *Responding to diversity*, which includes recognizing and addressing the human continuum of abilities and limitations, the varying experience of disability, and the effects on the experience of disability of differences related to gender, racialization, sexual orientation, place of residence, age and many other factors.
3. *Fostering autonomy and independence*, which includes empowering persons with disabilities to make decisions for themselves to the extent possible, and providing the necessary supports to allow individuals to do things for themselves and to choose for themselves.
4. *Promoting social inclusion and participation*, which includes ensuring that persons with disabilities are able to be actively involved in their communities, and removing the barriers to that involvement.
5. *Facilitating the right to live in safety*, including ensuring that persons with disabilities can live without fear of abuse or exploitation.
6. *Recognizing that we all live in the broader community*, which recognizes the reciprocal rights and obligations to each other and the broader society.

These principles guide the LCO's approach to law reform affecting persons with disabilities, and underlie the comments in this submission.

The following sections of this Submission deal specifically with Issues 1, 2, 3, and 5 of the *Discussion Paper*.

#### **IV. Reasonable Expectations and Necessary Supports to Employment**

As a preliminary comment, we would like to note that the *Discussion Paper*, as a whole, places a predominant emphasis on the transition from income support to employment. This is understandable: paid employment can be a means of promoting independence, participation, dignity and security for persons with disabilities, just as for others.<sup>7</sup> Society as a whole benefits when persons with disabilities are well integrated into the labour force. However, in view of current social attitudes and structures, some persons with disabilities will not be able to

access stable paid employment, regardless of the supports provided through ODSP. It is therefore important, in reviewing ODSP, to give equal consideration to how these principles may be promoted outside of paid employment. For example, participation and inclusion could be facilitated through supports for greater voluntary civic or community engagement for persons in receipt of ODSP.

In considering how the transition to employment could be facilitated for persons with disabilities, it is essential to give thoughtful attention to the nature and extent of the barriers that many persons with disabilities experience in doing so. During the LCO's 2010 consultations with persons with disabilities, they overwhelmingly expressed their desires to participate fully in their communities and to have the opportunity to use their skills and capabilities to benefit the broader society, and their profound frustration with the many barriers that they face in making this transition. As one participant commented, "[People say] 'Get off, get on with life- Get up, get a life, get a job. Get up, get off the system'. It's not that easy- even if you're trying. I fought to get OSAP, I fought to get everything that I got."

To understand the barriers that persons with disabilities face, it is important to keep in mind that disability arises from the complex interaction of impairment with the social, physical and institutional environment. Barriers to employment may arise from social attitudes, institutional policies or physical structures. Barriers will be experienced along, and will profoundly influence, the life course of persons with disabilities. For example, barriers faced in the educational system may lead to lower levels of literacy and of educational attainment,<sup>8</sup> which will influence, not only employment opportunities, but also the ability of these individuals to locate and successfully access services and supports that might be beneficial for enhancing skills, maintaining or improving health or identifying options.

Laws such as the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act* are important and beneficial, but are not a panacea for these barriers. For example, while employers have a responsibility under the *Code* not to discriminate on the basis of disability in the hiring process, this right is very difficult to enforce. Not only is the enforcement mechanism time-consuming, complex, burdensome, and, as we understand it, slow, but a person with a disability will generally not have access to information about why their resume did not qualify them for an interview, or why another candidate was judged more qualified, in order to determine whether discrimination may have occurred.

Further, while both the *Code* and the AODA mandate barrier removal and accommodations for persons with disabilities, employers not surprisingly remain reluctant to shoulder associated costs. As one of the LCO's consultees stated,

The employment parts of the program, they don't encourage employers to hire a person with a disability, they don't provide any funds or assistance in accessing technology to help you with the jobs, they give you a lump sum of \$500 for your clothes for your jobs, or whatever you can use it for. So if you have an employer who is willing to give a little, the incentive soon is lost when they realize that

“Yeah, I can give you the computer but I cannot afford the \$1200 or \$1500 to make the software work”.

As well, many barriers are more complex to address than the installation of a ramp or the provision of screen-reading software. For example, even with accommodation, some impairments may result in persons with disabilities performing tasks more slowly than others. They are well able to fulfil the job and meet all quality standards, but their productivity may be lower. A consultation participant told the LCO this story:

But people with disabilities basically have very little chance in getting in and keeping employment in this province, because of the barriers that are put up, 95% of which are completely artificial and don't need to be there. And then we have the whole issue of the just-in-time labour force, where people are required to do far more. Somebody who is completely non-disabled- they can barely cope, so the person with a disability that may have issues around- because I'm blind, it takes an awful lot more effort for me to do the same job as somebody who is not blind to do the same job, even though I have the technology to help me- it still takes me more time, it's more effort, it's more stressful. So when I was working, I was working- instead of somebody working an 80 hr week, I was working a 100hr week to do the thing that the person with an 80hr week person was doing, and it finally burned me out, and I couldn't do it anymore, and I had to leave the field that I was very very heavily involved in.

In some cases, a person's impairments are such that they are unable to work long or even full-time hours. Since part-time work is often low-skill and lacking in benefits, often the only option, even for highly skilled individuals, is precarious work. In the words of one participant in our consultations:

Job training - I have been recently eligible for E.I. You think, okay great, I have this opportunity for retraining and you go and explore that, and everything is fulltime, full time apprenticeship, you have to be able to do full time schooling, there's nothing part-time, they don't look at specific , like in my case I would need part-time, maybe there's a time of day that I function best. And if I can't do the 9-4 like everybody else then I'm just out of luck. And so you end up kind of it's either you fit this or you don't; and you fall through the cracks

Some individuals may have cyclic or episodic disabilities. This may be the case for persons with mental health disabilities. Employers may be reluctant to accommodate recurrent and unpredictable absenteeism: a terminated employee's only recourse in such circumstances may be a human rights application.

From the above, two points should be emphasized. First, the barriers faced by persons with disabilities vary widely depending on the nature of the impairment, the individual life-course and other aspects of individual identities, and it is important that these variances be taken into account in any programs or policies focused on supporting transitions to the workforce. That is, Employment

Supports, to be effective, must take into greater account the principle of responding to diversity, so that the specific needs of persons with disabilities may be identified and met.

The current Employment Supports available through ODSP have tended to focus on those clients who are easiest to serve, while those with complex needs fall through the cracks. As a recent study by the Canadian Association for Community Living has pointed out:

Although we would love to see individuals with disabilities employed using the same methods and processes as everyone else, individuals with more significant disabilities are universally overlooked. There are many initiatives throughout the country aimed at the employment of individuals with disabilities, but when push comes to shove, individuals with more significant disabilities are either pushed to the end of the line or shoved out of the line altogether...<sup>9</sup>

They have also tended to focus on helping persons with disabilities attain *any* job. This strategy may be temporary effective, but if persons with disabilities are placed in jobs unsuited to their capacities and limitations, it will not result in meaningful long-term attachment to the labour force.

Secondly, many persons with disabilities who are currently in receipt of social assistance have the desire and the capacity to work *in the appropriate environment* and have made significant efforts to find such environments. Current initiatives tend to focus on the skills and attitudes of individuals, neglecting the systemic barriers in the job market itself:<sup>10</sup> such an approach will inevitably have limited success. The LCO recommends the Commission to give careful thought to the significance of the barriers faced by persons with disabilities. Changes to social assistance are unlikely to radically increase the transition to employment for persons with disabilities without accompanying initiatives to address broader environmental barriers. The LCO believes that there are many persons with disabilities with the “capacity and desire to work”: for many persons with disabilities, the key barriers are not truly internal, but in the employment environment that they face. The LCO would be concerned if reforms intended to ensure that persons with disabilities are “better off working” were to follow the second approach suggested, of reducing social assistance benefits levels, as the LCO believes that this would only create further obstacles for a group already struggling with multiple challenges, and undermine the principles of respect for dignity and worth, and facilitating the right to live in safety.

## **V. Appropriate Benefit Structures**

The Discussion Paper suggests that “ODSP does not differentiate between people with the capacity and desire to work, and those who are unable to take a job because of disability. For people who are able to work, the benefit system



must be designed in such a way that they are better off working than receiving social assistance". As is clear from the discussion above, the distinction suggested is based on an extremely complex mix of structural, institutional and attitudinal barriers with individual impairments. A program that attempted to make such distinctions in a meaningful way would likely be complex to design and administer. Further, given the extensive and complex societal barriers to employment faced by persons with disabilities, the LCO would suggest caution in adopting a punitive approach based on assumptions regarding the "desire to work" of persons with disabilities.

The Discussion Paper references the problem often referred to as "the benefits trap", whereby persons in receipt of ODSP may be deterred from moving into employment by the 50 per cent earning deduction, as well as the fear of losing the security and benefits (such as health benefits and prescription drug coverage) associated with that program. Notably, given the barriers that persons with disabilities face in the labour market, they may be only able to obtain part-time or other precarious work, which offers little security.<sup>11</sup>

This Submission will not focus on particular aspects of the "benefits trap" as we are sure that many submissions will do so in depth. Rather, we would like to point to the various principles that are implicated in this issue, and that should underpin the approach selected. At the societal level, the failure to mobilize the talents of so many persons with disabilities is both costly and wasteful. Persons with disabilities, like their non-disabled peers, have much to contribute and are eager to do so, particularly since in our society employment is a major source of dignity and respect, autonomy and independence, and participation and inclusion. However, policies and programs aimed at encouraging the transition to work should respect the LCO principles. They should not be based on demeaning assumptions about the capacities or attitudes of persons with disabilities. They should not violate the principle regarding living in safety by pressing persons with disabilities to work in conditions that have a negative impact on safety or on sometimes already fragile health. Therefore, punitive approaches (such as reducing benefits to minimal levels) should be avoided. There must be a recognition that supports may be necessary to foster independence and autonomy for persons with disabilities, and these supports must respond to the diversity among persons with disabilities.

## **VI. Easier to Understand**

A recurrent theme throughout the LCO's consultations was the complexity of the systems which persons with disabilities must access to meet their needs. Particular concern was expressed regarding ODSP, since this program is basic to the survival of those dependent on it. Concerns were expressed both by individuals themselves, and by service providers and advocates about the

challenges faced by individuals in understanding their rights and obligations under the system. As one consultee told us,

Where people end up in real problems in ODSP is in understanding their obligations to the system. And what the system requires them to do- register for this or declare that- then that's where people really get in trouble. It's not so much understanding their rights to what is there- it's understanding what their obligation to the system is ... The problem is, if you don't understand what you need to do if you're employed, what are the things you have to do- if you're employed you have to report your earnings- you have to do it in specific amounts of time- you have to be doing all of these different things - and because of all of the discretion in these program and services and it's there, the system can say "oh I'm sorry, you're really actually late for all of this, we're not going to accept it this month, and you're beat."

Persons with disabilities have commented on the shift in roles of frontline ODSP workers, so that individuals in receipt of benefits must navigate the system on their own. That is, despite the complexity of the rules and the system, there are few supports to assist individuals in navigating that complexity. Added to this is a perceived adversarial approach within the system, such that those in receipt of benefits may feel themselves the subject of pervasive suspicion and demeaning attitudes, undermining the principle of respect for dignity and worth.

This poses particular challenges for persons whose disabilities make it difficult for them to be strong self-advocates – for example, those with mental health disabilities. These individuals may require extra protections and supports to allow them to access the intended benefits of the program.

It is worth noting that the very complexity of the system may be an additional disincentive to ODSP recipients to work. For example, miscommunications or errors related to earnings reporting may periodically result in overpayments or the issue of a suspension of benefits letter. Similarly, frequently income adjustments or overpayments that may result from fluctuating earnings may create chronic budgeting difficulties and anxiety. Despite the provisions for rapid reinstatement, individuals may fear that if they take a risk on employment, a loss of that employment may leave them scrambling to survive. Given that many persons with disabilities are only able to find precarious work, this is a significant concern. As one focus group participant told us,

I was working for a doctor's office and was taken off ODSP. I was on ODSP for 15 years, when I got my job I went back. When my job was eliminated, I had to spend 6 months proving that I am blind – again! And it is a visual disability. The law needs to take people into account.

Related to this is the complexity of gaining access to the system – that is, of the administration of the eligibility requirements. Both organizations and individuals commented on the frequency with which individuals seeking ODSP are denied at first instance but found to meet the requirements at the later stage, a situation

which places considerable burdens on individuals, and can result in uneven application of the law since not all of those denied at first instance will have the stamina or resources to persist to the later stage.

## **VII. Integration**

The issue of integration is an important one, and the LCO encourages the Commission to think about the issues broadly. Issues of integration and harmonization arise both in the relationship between the levels of government, and between various government programs. Persons with disabilities, particularly those with dual or multiple diagnoses or multiple intersecting identities, may face considerable challenges in accessing appropriate supports and services. Programs may operate in silos, so that individuals are treated as collections of separate issues rather than as whole individuals, and must spend considerable time and ingenuity identifying and managing an idiosyncratic collection of supports.

Some programs stack benefits (e.g. Canada Pension Plan -Disability (CPP-D) allows recipients to receive benefits from different sources). Others substitute benefits (e.g. ODSP deducts other benefits received by a recipient from their income support). Together, these programs result in a maze of rules, standards and definitions that are difficult to sort out but have a significant impact on the lives of the individuals affected by them.<sup>12</sup>

The relationship between CPP-D and ODSP provides some examples of the types of difficulties individuals with disabilities may face in navigating through the program maze. For example, CPP-D is an important source of income support for those Ontarians with disabilities who meet the rather rigorous eligibility criteria. CPP-D encourages recipients to return to work by allowing them to earn \$4800 (2011) before they are required to report to Service Canada. At income levels above this, staff will consider the recipient's individual circumstances to determine whether or not benefits should be withdrawn. CPP-D benefits are not affected by the receipt of other social benefits. However, ODSP deducts CPP-D benefits dollar for dollar from income support.

The definition of "disability" varies between CPP-D and ODSP, and the discrepancy between these definitions can pose a problem for persons with disabilities receiving both ODSP and CPP-D benefits. ODSP eligibility is automatic for CPP-D recipients.<sup>13</sup> However, if the recipient loses their CPP-D status, they are required to undergo the ODSP process to prove their disability – an onerous and stressful experience.

Further, the complex and confusing relationship between ODSP and CPP-D poses a barrier for all persons with disabilities attempting to access these benefits and particularly for those with intellectual, learning or mental disabilities.

This morass of rules, rights and responsibilities leaves recipients bewildered, frustrated, and legitimately fearful that they may unintentionally endanger their benefits.<sup>14</sup> For example, the receipt of CPP-D benefits may reduce ODSP benefits to the extent that ODSP eligibility is jeopardized,<sup>15</sup> and where eligibility is already in danger, additional income from employment might be all that it takes for a recipient to lose ODSP status altogether. One study noted that “A person on the brink of being disqualified from ODSP based on their CPP-D receipt would think twice about entering the work force because of this threat.”<sup>16</sup>

### **VIII. Conclusion**

In closing, the LCO would like to acknowledge the complexity of the issues which the Commission is addressing, and the challenging fiscal and economic climate in which this Review is occurring. We hope that this submission is of assistance in helping the Commission to articulate a principled approach to reform, one grounded in the daily experiences of low-income individuals with disabilities.

The LCO thanks the Commission for providing the opportunity for public input. In keeping with the LCO’s commitment to transparency and public accountability, this Submission will be made public.

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## IX. Endnotes

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<sup>1</sup> See, e.g., Wayne Lewchuk, *Working Without Commitments* (Toronto, Queen's University Press, 2011).

<sup>2</sup> Income Security, Race and Health Research Working Group, *Working Rough, Living Poor* (Toronto: Access Alliance Multicultural Health and Community Services, 2011).

<sup>3</sup> Luin Goldring and Patricia Landolt, *Briefs on the Immigrants and Precarious Employment Project* (unpublished), online at: < <http://www.arts.yorku.ca/research/ine/research/publications.html> >.

<sup>4</sup> See, Sam Vrankulj, *CAW Worker Adjustment Tracking Project: Preliminary Findings* (June 2010) online at: < <http://www.caw.ca/en/8996.htm> >.

<sup>5</sup> Michael Mendelson et al., "A Basic Income Plan for Canadians with Severe Disabilities", The Caledon Institute of Social Policy, 2010, at 7 ["Basic Income Plan"].

<sup>6</sup> Human Resources and Skills Development Canada, *Advancing the Inclusion of Persons with Disabilities*, 2009.

<sup>7</sup> For a discussion of the psycho-social benefits of employment, see Chandra Pasma, "Working Through the Work Disincentive" (2010) 5 *Basic Income Studies* 1 at 5.

<sup>8</sup> The education level of persons with disabilities tends to be lower than that of other working-age people: Roeher Institute, *Improving the Odds: Employment, Disability and Public Programs in Canada*, 2004, at 49-50.

<sup>9</sup> Canadian Association for Community Living, "Achieving Social and Economic Inclusion: From Segregation to 'Employment First'", Law Reform and Public Policy Series, June 2011, at 22, quoting from Bob Niemiec, Don Lavin & Laura A. Owens, "Establishing a National Employment First Agenda" (2009) 31 *Journal of Vocational Rehabilitation* 139.

<sup>10</sup> See Vera Chouinard, "Women with disabilities' experiences of government employment assistance in Canada" (2010) 32 *Disability and Rehabilitation* 148.

<sup>11</sup> It is also important to note that even when persons with disabilities are able to obtain paid employment, they typically receive a lower salary than do persons without disabilities. And this lower salary must go further. It must cover the additional costs incurred by persons with disabilities in accommodating their disability so that they may fully participate in the workplace and in society generally. Furthermore, since persons with disabilities are more likely to be newcomers to employment, they are disproportionately affected by labour market trends such as the rise in temporary jobs and the decline of pension coverage: Alliance for Equality of Blind Canadians, *Employment and People with Disabilities Background*, January 11.

<sup>12</sup> John Stapleton and Anne Tweddle, Open Policy, "Navigating the Maze: Improving Coordination and Integration of Disability Income and Employment Policies and Programs for People Living with HIV/AIDS - A Discussion Paper", Submitted to the Advisory Committee of the Canadian Working Group on HIV and Rehabilitation "Navigating the Maze" Project, August 2008 ["Navigating the Maze"]; OECD, *Sickness, Disability and Work: Breaking the Barriers - Canada: Opportunities for Collaboration*, 2010 at 52.

<sup>13</sup> ODSP General Regulation, O. Reg. 222/98, s. 4(1)6.

<sup>14</sup> Mendelson et al., *Basic Income Plan*, at 9.

<sup>15</sup> House of Commons Standing Committee, *Listening to Canadians*, at 85.

<sup>16</sup> Stapleton and Tweddle, "Navigating the Maze" at 23.