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## ODSP Medical Reviews: Increase in reviews coming in 2015

Tammy Noble, CLW, Fort Frances (Information provided by ISAC)

**If you get benefits from the Ontario Disability Support Program (ODSP), you may get a notice that your disability status is being reviewed.**

Disability status reviews – often called “medical reviews” – have always been part of the ODSP system. This is because ODSP is a program that provides support to people with disabilities even if their disability is not permanent.

People who have a medical condition that could improve over time are given a “medical review date” when they first get on ODSP. That is the date when their disability status is supposed to be reviewed to decide if they are still eligible for ODSP. Usually that date is somewhere between two and five years after they first got on ODSP.

People who were never given a medical review date and people who were transferred from the old Family Benefits program will not have to have a medical review.

**If you are selected for a medical review, you must respond. If you don't respond, you risk having your ODSP benefits cut off.**

### What is the process for the review?

People who are selected for a review will receive a notice in the mail with another Disability Determination Package (DDP) that they have to fill out, including parts that a doctor has to complete.

This means people having a medical review will have to go through the same application and disability assessment process as when they first applied for ODSP.



**Contact your local  
community legal clinic**

### What should I do now?

If you get a notice saying it's time for your medical review:

**Contact your local Community Legal Clinic for advice right away.** To find your local clinic, go to [www.legalaid.on.ca/en/locate/default.asp](http://www.legalaid.on.ca/en/locate/default.asp) or call 1-800-668-8258 or 416-979-1446 during regular business hours.

### Start getting your Disability Determination Package (DDP) completed.

ODSP gives you 90 days to complete the DDP but getting an extension is possible.

You will have three months to get the forms and any associated letters completed and submitted, including the sections that have to be filled in by your doctor.

If you can't get everything done in three months – for example, you are waiting for a doctor's appointment or it's taking a long time getting medical reports – ask for an extension.

The Ministry says that they will give people extensions in virtually all cases, as long as you're making an effort to get the forms filled out.

If you are reviewed and they decide you are no longer eligible for ODSP:

Get advice from your local legal clinic on whether or not to appeal the decision.

You should be able to stay on ODSP benefits until your appeal is heard. But if you lose the appeal, you may be required to pay back all or part of the benefits you got while you were waiting for your appeal to be heard.

If you would have been eligible for OW while you were waiting for your appeal, you might be able to get the amount you owe reduced to the difference between what you got on ODSP and what you would have got on OW.

If you do not appeal or your appeal is denied, you will be allowed to stay on ODSP benefits for three months in order to “aid transition” off ODSP.

You may be able to go on Ontario Works, but because OW has different asset and other eligibility rules, you may not qualify.

# Social Assistance is going High-Tech

Fay Clark, CLW, Kenora

The Ministry of Community and Social Services (Ontario Disability Support Program and Ontario Works) have been rolling out a new online computer system, Social Assistance Online. The program ties into an internal computer system accessed by social assistance workers, SAMS (Social Assistance Management System).

These programs will eventually allow new applicants and current recipients of social assistance benefits to “log-in” online to access their benefit information, report any changes, complete and print forms and book appointments to speak with a case-manager. Recipients and case-

managers will have access to more detailed information, and see changes in the way information is collected and displayed.

- Employment and training report forms will require more input such as payroll deductions (i.e. income tax, union dues), child-care information and disability related work expenses.
- Any overpayments will be shown on the updated benefit payment stub, even if the overpayment has been deemed temporarily unrecoverable.
- Monthly payments made toward overpayments may increase slightly. This is because the new system allows the Special Diet Allowance and any

other additional benefit to be calculated into the percentage to be deducted for payment. In the past, the percentage had been calculated using only basic needs and shelter allowance benefit amounts.

It is important that social assistance recipients take some time to become familiar with the newly formatted benefit information and ensure the paid benefit amounts are correct.

If you have any questions, or if there has been an error in the payment of your social assistance benefits, talk with your social assistance case-manager, or book an appointment to speak with a legal clinic staff member.



## Our Pamphlet Stands

All three offices of the Northwest Community Legal Clinic carry a large supply of pamphlets relating to areas of law within the Clinic Mandate. We invite you to call or stop into your local office to view the selection.

**FYI—Our Newsletter is published 3 times per year. January, May and September**



# Disability Tax Credit

Laurie Nuttall, Staff Lawyer, Fort Frances

The Disability Tax Credit (DTC) is a non-refundable tax credit used to reduce income tax payable on the income tax and benefit return. A person with a severe and prolonged impairment in physical or mental functions may claim the disability amount once they are eligible for the DTC. Being eligible for the DTC can open the door to other federal, provincial, or territorial programs such as the registered disability savings plan, the working income tax benefit, and the child disability benefit.

The *Disability Tax Credit Promoters Restrictions Act*,

which received Royal Assent on May 29, 2014, proposes to limit the fees that a promoter may charge to complete a disability tax credit request. A “promoter” is defined as “a person who, directly or indirectly, accepts or charges a fee in respect of a disability tax credit request.” The Act will not be in force until regulations establish the maximum fees and individuals who may be exempt from the reporting requirements.

Canada Revenue Agency (CRA) began in-person and online consultations with Canadians surrounding the disability tax credit in No-

vember 2014. CRA is looking for suggestions on how to simplify the disability tax credit application process, what the maximum fee should be and clarify the steps Canadians need to take to apply for the credit. In-person consultations have been completed but you can still provide your feedback by e-mail to [DTCPRACONSG@cra-arc.gc.ca](mailto:DTCPRACONSG@cra-arc.gc.ca) or by mail to:

DTC Public Consultations  
Director of Special Programs  
and Partnerships Division  
Benefit Programs Directorate  
Canada Revenue Agency  
750 Heron Road, 4th Floor  
Ottawa ON K1A 0L5

# Northern Region Transformation Project

Trudy McCormick, Executive Director

There are 11 Community Legal Clinics in the Northern Region of Ontario, funded by Legal Aid On-



tario. These clinics have been working to find additional ways to work collaboratively with each other, and improve services and support to their clients and communities. In January of 2014, these clinics applied to Legal Aid Ontario for funds to work on a Northern Region Transformation Project. Legal Aid Ontario is funding this project, along with other commu-

nity legal clinic projects around the Province, to enhance the provision of community legal clinic services, and find administrative savings that can be re-invested into service delivery. The eleven Northern Clinics entered into a Memorandum of Understanding amongst ourselves, and entered into both a Project Funding Agreement and a Framework Agreement with Legal Aid Ontario.

This is intended to be a three year process. The basis for reflection and decision-making by the clinics will come from the first phase of the process, a Needs Assessment of the communities served by the Northern Region legal clinics. Clinics from two other regions-the Southwest and the Central/East Regions-are also engaged in a needs assessment process at the same time. An RFP for these

Needs Assessments was posted and received several responses. Sudbury Social Planning Council was chosen to be the consultant on this project and is going forward with the Needs Assessment. The Northern Region Working Group has decided to post the project documents on the website of the Northwest Community Legal Clinic, as this website can be accessed by board and staff members of all of the clinics involved, as well as by others who are interested in the project. The foundation documents of the project are posted, and monthly project updates to Legal Aid Ontario will be posted as they are available. If you are interested in the project please visit our website at...

[www.northwestcommunitylegalclinic.ca](http://www.northwestcommunitylegalclinic.ca)

**Working collaboratively to improve services and support to clients and communities.**

# New LAO Financial Eligibility Guidelines

Yvonne Treffers, CLW, Atikokan

On November 1, 2014, the first of three annual increases to Legal Aid Ontario's Financial Eligibility Guidelines (FEGs) came into effect. The provincial government announced a \$95.7 million investment over three years to the Legal Aid system (including Legal Clinics) to allow more low-income individuals and families to qualify for legal aid and clinic services.

FEGs are one of the criteria used by Legal Aid Ontario (LAO) to determine if a person qualifies for services. It is based on their level of household income. If a single

person or household has an income level higher than the appropriate FEG for their family size, they may not qualify automatically for service. The LAO FEGs have not seen an increase in the past 18 years, so any applicant for legal assistance from 1996 to November 2014 would have been assessed for eligibility based on 1996 income levels. It is estimated that 1.2 million Ontarians living below the poverty line were still not low-income enough to qualify for legal aid during this time.

Legal Clinics are expecting a greater number of working people to

qualify for service due to the increased FEGs, and an increase in Employment Insurance and Workers Safety Insurance Board issues.

For more information visit [www.legalaid.on.ca](http://www.legalaid.on.ca) or call 1-800-668-8258



# 211: The Lifeline to Community and Social Services



LEGAL AID ONTARIO  
AIDE JURIDIQUE ONTARIO

## Looking for help and

## information in family court?

*Legal Aid Ontario now has advice lawyers available in more locations in Family Law Information Centres (FLIC) in Northwest Ontario.*

*For more information please call*

*1-800-267-0650 and press 0*

Marie Klassen, Director of Services, Lakehead Social Planning

"Thank you for calling 211. Sandy speaking. How may I help you?"

The caller sounded frantic.

The gas in his house was about to be shut off after falling behind on payments. Way behind – the utility's notice said he owed \$1,243. Employment insurance just wasn't enough to cover all the bills. It was a choice between putting food on the table for his young family or paying the utility bill. He quickly got to his plea – was there anyone who could help?

On the other end, Sandy, a veteran Information & Referral specialist, with the Lakehead Social Planning Council's 211 North program, did not miss a beat. After 5 year's on the job, she had heard much worse. She gave the caller the appropriate referral and number to contact, and assured him that if he did not get the help he needed, to call back. 20 seconds later, the next call was coming through.

In the next half hour, Sandy received calls from a desperate single father needing cheaper child care for his 3 year old; a food bank volunteer who found a family with three children living in a van on the church property; an elderly woman who had been served an eviction notice, had to be out of her apartment in a month, and

didn't know where to start; and a nervous mom needing a walk-in clinic for her toddler who had a fever and couldn't stop coughing.

"It can get pretty hectic trying to find resources for some of the callers," Sandy said, "We're always busy during the day and more so now that winter's here. It's the season when callers are not only looking for help but want to give help. We empower them with the information they need to make choices."

Since February 2008, 6 years after the helpline was launched by the Lakehead Social Planning Council, 211 North, a one-stop shop for social services information, has grown exponentially. With the financial support of numerous funders, including United Way of Thunder Bay, more than 40,000 calls came in to the toll-free, easy to remember number in the last year. The companion website [www.211north.ca](http://www.211north.ca) has logged over more than 300,000 page views this last year.

Linked to the database of over 12,000 programs and services, 6 highly trained and certified Information & Referral specialists try to help people who call from anywhere in Northern Ontario. The I&R specialists tackle calls from their individual cubicles lined with 211 posters, events calendars and various community print materials and clip-pings.

"Instead of just giving out telephone numbers like 411, callers can explain their issues and get a deeper level of help," said Marie Klassen, Lakehead Social Planning Council's Director of Services. "There's always a reason there's no food on the table, why people are being evicted or why families are still without physicians." Klassen said, "the free call is designed to connect people in need with local nonprofits." She says "it also helps 211 staff track who's hurting where."

"It's a really great way to know how needs are changing, what's happening on a day-by-day basis," said Klassen. That information helps inform what United Ways plan to do in the community, what other funders do in the region, what governments and non-profit providers do to insure that the needs of folks in our community are met."

An analysis of the tracked calls, which can be anywhere from 2 to 30 minutes, offers a snapshot of community needs, as hundreds of northerners call in to plead, request and thank the strangers they talk to who are often their last resort.

Whom do you turn to if you are facing eviction, if you can't pay your heating bill, if you need home care for your aging parents or home renovations due to a disability?

# 211: The Lifeline to Community and Social Services con't

What if you suspect your neighbour is being abused or if you need protective services or shelter? Perhaps you're new to the country and Canadian society is still a mystery to you, or maybe you are from out of town, completely lost, and unsure how to access services.

Too many people fall through the cracks because they fail to make human contact at a critical moment, or the person they have called refers them elsewhere, and they get discouraged. The 211 line, available in six other Canadian provinces, has much to recommend it, not the least of which is that you get to talk to a real person 24/7.

With its one-stop-shopping concept, 211 minimizes frustration for a caller who is confused or

overwhelmed. But it also optimizes the human services system as a whole, by directing the traffic of human need where it's supposed to go, instead of allowing individuals' and institutions' time and resources to be continually consumed by countless wrong turns. Data analysis from 211 calls identifies gaps in the system.

The United Way of Thunder Bay is addressing social issues in our community and investing in 3 critical areas: Moving people from poverty to possibility; Fostering a strong community; Helping kids to be all they can be. Your donations are improving lives for local people every day. By donating to the 2015 United Way campaign you can support 29 organizations and 63 vital program, one of which is 211. To learn more about United Way's supported programs go to

[www.uwaytbay.ca](http://www.uwaytbay.ca) or call 623-6420 today.

The Lakehead Social Planning Council is located at 125 S. Syndicate Ave. inside the Victoriaville Centre Mall and can be reached at 624-1720.

For 211 services simply dial 2-1-1,



visit LSPC, or go to [www.211ontarionorth.ca](http://www.211ontarionorth.ca)

**When you don't know where to turn.**

## ESA—Three New Unpaid Job-Protected Leaves

Carol Grosset, Office Manager

The *Employment Standards Act, 2000* (ESA) was amended October 29, 2014 to create three new job-protected leaves.

Under the *Family Caregiver Leave* employees are entitled to up to eight unpaid weeks of job-protected leave within a 26 week period to provide care or support to a family member with a serious medical condition.

Under the *Critically Ill Child Care Leave* employees are entitled to an unpaid, job-protected leave of up to 37 weeks to provide care to a critically ill child.

Under the *Crime-Related Child Death or Disappearance Leave* parents whose child is missing or has died as a result of a crime may also be entitled to unpaid job-protected leave.

Further details may be obtained from the Ontario Ministry of Labour website at ...

<http://www.labour.gov.on.ca/english/es/pubs/guide/family.php>



*Does your group require accessible meeting space in Fort Frances or Kenora during regular office hours? Please contact our office to discuss*



**Supporting individuals and our community  
by providing quality legal services.**

**Fort Frances**

206 Scott Street  
Fort Frances, ON  
P9A 1G7

(807) 274-5327 Phone  
1-800-799-2485 Toll Free  
(807) 274-3141 Fax

**Kenora**

Ste. 6 - 308 Second St. S  
Kenora, ON  
P9N 1G4

(807) 468-8888 Phone  
1-800-403-4757 Toll Free  
(807) 468-4928 Fax

**Atikokan**

305 Main St. W  
PO BOX 1676  
Atikokan, ON  
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(807) 597-6697 Fax

[www.northwestcommunitylegalclinic.ca](http://www.northwestcommunitylegalclinic.ca)

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## Office Closures

Monday, February 16—Family Day  
Friday, April 3—Good Friday  
Monday, April 6—Easter Monday

## Sub-Offices

**Red Lake**

February 2, March 4, April 1

**Ear Falls**

February 2, March 5, April 2

Dates are subject to change. Please call  
1-800-403-4757 to book an appointment

# Employment Insurance Special Benefits

Fay L. Clark, CLW, Kenora

Aside from a job protected leave under the Employment Standards Act, parents of critically ill children and those caring for an injured or ill family member (or someone with a very close relationship) may be eligible for Employment Insurance special benefits.

Parents of critically ill or injured children can receive up to 35 weeks of Parents of Critically Ill Children benefits (PCIC), or those caring for someone is ill or injured can receive Compassionate Care benefits (CCB) for up to 6 weeks if they meet the qualifying criteria.

As of October 12, 2014, claimants will also be able to switch to and from Employment Insurance



Contact Service Canada at  
[www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or toll-free at 1 800 206-7218.

Sickness benefits (15 weeks), should the caregiver fall ill or become injured while receiving either PCIC or CCB benefits.

To apply for or find out if you may qualify for Employment Insurance benefits (EI), contact Service Canada.

If you are denied any form of EI benefits, you can ask Service Canada for Reconsideration. It must be filed (in writing) within 30 days from the date the decision was received. Contact your local legal clinic for more information.

**DISCLAIMER:** These articles provide information only and are not to be considered as legal advice. Content reflects the laws that were current at the time of publication and the law may have since changed. Consult your community legal clinic



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