

Manitoulin-Sudbury District Services Board POLICY & PROCEDURES MANUAL	
Section: H. Ontario Works	Effective Date: Dec. 1, 2013
Topic: 2.Application	Replaces: November 2004
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POLICY

Authority **OW Act: Sec. 4, 6, 7(4), 14(1), 16(2) and 44**
OW Directives: Dir. 2.5.

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).

Ontario Works delivery agents are to provide Ontario Works employment assistance to referrals from ODSP.

PROCEDURE

Ontario Works is divided into two major components:

Basic Financial Assistance
Employment Assistance

Employment Assistance is assistance given to an applicant or participant to help people become employed and stay employed.

Employment Measures, including:

- Job search;
- Job search support services;
- Referral to basic education, upgrading and literacy
- Job specific skills training;
- Community placement
- Employment Placement and Enhance job placement
- Self-employment.

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Participation Agreements (PA)

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. This includes persons whose participation requirements have been deferred. 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. Appropriate documentation must be provided and put on file to support participation restrictions or deferrals.

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).

When a participant's circumstances have not changed (e.g. no change to employment assistance activities) the case manager may update his or her PA over the phone and set a review date for three, four or six months as appropriate based on the participant's circumstances. For example, where a participant's employment assistance activity is scheduled to end on the 1st day of the month following the regular three month review date, the case manager may update the PA with the participant over the phone and set a review date for the 1st of the following month when the employment assistance activity is scheduled to end. .

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

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assistance cancelled for single recipients or reduced if there are other members in the benefit unit:

- for one month on the first occurrence of non-compliance; and
- for three months on subsequent occurrences.

Note: Review for Non-Compliance is completed with the assistance of the Ontario Works Program Supervisor. Decisions for Non-Compliance is approved by the Director of Integrated Social Services.

By signing the PA, applicants and participants agree to the plan that has been negotiated with the case manager 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 case manager of any change in circumstances that would impact the deferral or restriction.

Self-Employment

There are two ways in which a participant can be involved in approved self-employment:

- Approved full-time self-employment: Self-employment is the only approved employment assistance activity (see the **Ontario Works Self-Employment Guidelines** for more information).
- Approved blended self-employment: Self-employment is combined with other employment assistance activities to fulfil participation requirements (see the **Ontario Works Self-Employment Guidelines** for more information).

A participant may also be involved in self-employment that is not approved as an employment assistance activity so long as it does not interfere with their approved employment assistance activities.

If it is determined that a person is interested in participating in self-employment to meet their participation requirements and exit from assistance, the participant is directed through the four-step Ontario Works self-employment process to assess their suitability for the Self-Employment program. Based on the outcome of the assessment, the participant may pursue self-employment, regular employment, a

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combination of both (Please see the **Ontario Works Self-Employment Guidelines** for further information), or other employment assistance activities, depending on what best serves to advance the agreed-upon goals leading to financial independence.

For information regarding the treatment of income from self-employment, [please see Directive 5.13: Self-Employment Income.](#)

VOLUNTARY PARTICIPATION

Any person, who has his /her participation deferred, can still voluntarily participate if he/she chooses to do so. In such cases the case manager would have the volunteer complete and sign a **Participation Agreement**. The case would then be monitored like any other participant with the exception that an individual would not be ineligible if he/she was unsuccessful. As with any other participant, an option would be to review his/her goals and establish a new, more viable work plan.

In the social assistance computer system the case is identified as deferred but participating and the activity agreed to is added. Clients who volunteer cannot be sanctioned, however, where they are not meeting the expectations of the activity, the case manager can consider ending the activity.

ODSP DEPENDENT ADULTS and ODSP SPOUSES

Non-disabled adults on ODSP are required to participate in Ontario Works employment assistance, unless they meet the criteria for a waiver.

The ODSP worker will provide a structured employment discussion for non-disabled adults on ODSP (this will include spouses and dependant adults). Most non-disabled adults on ODSP will be required to attend a structured employment discussion before a waiver is discussed. The structured employment discussion will cover such topics as earnings exemptions, ODSP ES and Ontario Works employment assistance.

It is important to note that ODSP Participating individuals will be required to participate at the same level as Ontario Works clients.

Referral Process:

Once a non-disabled adult on ODSP has been deemed to have participation requirements one of the following will occur:

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- The case manager will create an ODSP Participating OW Employment Program case once one of his / her client with a spouse and or dependant adult, has been granted ODSP. This will be noted in the social assistance computer system.
- The ODSP worker will create an electronic referral in the social assistance computer system **or**
- Submit a written referral by mail, fax or e-mail (sent to IPA e-mail)
The ODSP worker will create a note in the social assistance computer system to explain what action has been taken **or**
- Self refer

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, care giving responsibilities) 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 must 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).
- written confirmation of care giving assistance from a qualified medical doctor or others providing support services to a household.

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If a participant has a restriction on their participation requirements, case managers should work with the participant to tailor their PA accordingly and aid the participant to engage in the most appropriate employment assistance activity.

If a restriction on participation is in place, the participant must be advised of their responsibility to advise their case manager 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 case manager (case managers have the discretion to **temporarily defer** participation requirements in Ontario Works for any other **exceptional circumstance** or **condition**. The OW Supervisor **must** approve such deferrals based on the recommendation of the worker).

The following shall constitute 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.

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Deferrals must 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 counsellors for assessing addiction;
 - a 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 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 case manager of any changes in circumstances which may cancel the deferral.

The PA should also identify the deferral period with a review date established on the agreement. Administrators have flexibility in determining the appropriate length of deferral given the individual case circumstances, and may set the “bring forward” date accordingly. 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**).

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An assessment that a person faces “multiple challenges” in becoming job ready shall not be grounds for temporary deferral. The challenge for the worker is to channel this hard-to-serve person to an appropriate program which meets the OW requirements.

If a sole support parent can only register a child for part-time schooling such as J.K. or kindergarten, Participation Agreements would be part-time as well.

CROSS REFERENCE: H.8.1. – Job Search Requirements

CROSS REFERENCE: H.8.2. – Community & Employment Placements

CROSS REFERENCE: 7A.10 – Employment Benefits