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N.B. Disability  
Executives'  
Network



Réseau N.-B. des dirigeants  
des organismes pour les  
personnes atteintes de défis

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New Brunswick Disability Executives' Network

# Social Assistance Reform

## Top Policy Issues Briefing

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Prepared by: New Brunswick Disability Executives' Network

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# TABLE OF CONTENTS

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<b>EXECUTIVE SUMMARY</b>	<b>2</b>
<b>TOP POLICY ISSUES</b>	<b>5</b>
<b>SHORT-TERM (ST) POLICY INITIATIVES</b>	<b>5</b>
Short-term Recommendation 1 (ST1) Eligibility Criteria and Process .....	5
Short-term Recommendation 2 (ST2) Social Assistance Rates .....	9
Short-term Recommendation 3 (ST3) Wage Exemptions & Self-Employment .....	12
Short-term Recommendation 4 (ST4) Youth Transitions .....	16
Short-term Recommendation 5 (ST5) Health Benefits .....	19
Short-term Recommendation 6 (ST6) Household Income Policy .....	21
<b>MEDIUM-TERM POLICY INITIATIVES</b>	<b>24</b>
Medium-term Recommendation (MT7)- Assessment and Planning for the Basic Caseload .....	24
<b>LONG-TERM POLICY INITIATIVES</b>	<b>26</b>
Long-term Recommendation (LT8) New Disability Programming .....	26
<b>ROLES AND RESPONSIBILITIES</b>	<b>30</b>
<b>NEXT STEPS AND IMPLEMENTATION PLAN</b>	<b>31</b>
Governance .....	31
<b>REFERENCES</b>	<b>32</b>
<b>APPENDIX A – UN CONVENTION</b>	<b>33</b>
<b>APPENDIX B – RECENT REPORTS</b>	<b>36</b>

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# EXECUTIVE SUMMARY

## *A Livable Income and Employment for Persons with a Disability*

With unprecedented changes comes opportunity for transformation and making a difference in the lives of persons with a disability. Across the country, there is a shift occurring in disability public policy. Most jurisdictions in the western provinces have transformed their programs for persons with a disability by moving away from traditional welfare or Social Assistance programs to a more distinct program that provides a livable income and incentivizes them towards employment.

Persons with a disability, as a group, experience worse socioeconomic outcomes than persons without a disability, such as less education, negative health outcomes, lower employment rates, and higher poverty rates. Persons with a disability are one of the populations most impacted by poverty in New Brunswick, as evidenced by Social Assistance rates. As of December 2020, there were 6,727 persons with a disability receiving Social Assistance Extended Benefits. Additionally, over 3,000 New Brunswickers with a disability receive Social Assistance through the Transitional Assistance Program under a classification of “Long-Term Needs”. New Brunswick must prioritize targeted initiatives for these two populations if we are going to have a real impact in poverty reduction.

New Brunswick has the second highest rate of disability in Canada (26.7% of our population), and too many persons with a disability are unemployed or under-employed for extended periods following an accident or onset of disability. Persons with a disability are an untapped labour market source, yet employment rates for working age persons with a disability are significantly lower than those without a disability – 55% of persons with a disability were employed in NB in 2017 compared to 77% of people without a disability (Statistics Canada, 2017). In the subset of persons with a mobility disability in New Brunswick, only 38% are employed (Statistics Canada, 2018) and there are 120,046 forecasted job openings between 2017-2027 (DPETL, 2020). Fewer youth with a disability are attending post-secondary education; 18% of persons with a disability do not have a certificate, diploma, or degree (compared to 9.6% of persons without a disability (Statistics Canada, 2017)). Results of an economic impact study on disability and employment in New Brunswick revealed that 29,705 jobs could be generated from this untapped labour market (Tacit Elements, 2020).

Simply put, too many people with a disability in New Brunswick are living in deep poverty that is, in part, rooted in current Social Assistance policies and programming. It is time to end this situation with a new vision centred on people with a disability having a liveable income from fair income support programs and benefits and access to employment opportunities.

Our approach to achieving this overall vision is outlined through the identification of the top eight policy recommendations based on our research with persons with a disability, collective expertise and first-hand experience of our clients accessing Social Assistance. The top policy recommendations are further grouped by short, medium, and long-term initiatives in recognition of the due diligence needed to implement these transformative changes to the system.

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## SHORT-TERM (ST)

### 1. Eligibility Criteria and Process Improvement

Create a revised application and eligibility process for the disability income program (currently called the Extended Benefits Program) that is procedurally fair, transparent, reflects a modern social definition of disability, and that supports a right to appeal eligibility decisions.

### 2. Increase Social Assistance Rates to Reduce Poverty Levels

Increase monthly benefit rates (which includes the monthly disability supplement) by \$100 per month for each of the next 3 years starting in F/Y 2022 (for a total of \$300 per month increase by year 3) to reduce the overall level of poverty among persons and families with a disability.

### 3. Wage Exemptions and other measures that Incentivize Employment

Improve incentives for people to work and to explore self-employment. Exempt business assets used to generate self-employment income and modernize rules around self-employment for persons with a disability.

### 4. Youth Transition and Planning for Employment

Develop a cross-departmental, coordinated program to support youth with a disability who graduate from high school prior to age 19, or who complete their academic requirements but are not ready to make the full transition from school. Such a program may extend to youth with a disability age 19 and over with some modifications.

### 5. Health Benefits to enable Employment and Entrepreneurship

Provide automatic and on-going health benefits coverage for people with a disability, including supplies and equipment, to enable their participation in the workforce.

### 6. Review the Household Income Policy

Renew the Household Income Policy to expand the exemption for clients receiving Extended Benefits to ensure that clients are eligible for benefits in their “own right” and, under certain family income circumstances, not subject to the Household Income Policy.

## MEDIUM-TERM (MT)

7. Create a new model and approach for clients with a disability which provides transition planning and support for employment and community involvement

Strengthen programming that facilitates each client being engaged in the community and at work. Build capacity for facilitation in the planning process to ensure that people have the support to explore community options, establish employment and other goals, and to develop a plan for labour market involvement.

## LONG-TERM (LT)

8. New Disability Income Programming

Remove persons with a disability from the regular categories (Extended Benefits and Long-Term Needs) and policies under Social Assistance to create an entirely separate Income Program for People with Disabilities.

Where available, we have included best practice research of other jurisdictions in terms of their progressive legislation and policies for persons with a disability to provide a picture of where New Brunswick stands in relation to the other provinces and the most recent trends in public policy. In a number of areas, our brief also outlines the major gaps, including the evidence-based data, budgetary impacts, and expected performance measures for each of the top policy options presented. We have also included some of our clients' personal stories as examples of unintended consequences and real-life impacts in order to provide some insights into why change is needed.

We have outlined a suggested governance model with roles and responsibilities for the Department of Social Development, along with NBDEN representatives and other potential stakeholders, as a means of showing our commitment to provide support with our collective expertise and willingness to partner on implementing the actions.

Together, we can be innovative and show leadership as a province in Social Assistance reform and align with the federal government and jurisdictions like Manitoba and BC, who are paving the way to provide for distinct and better supports for the unique challenges faced by persons with a disability. Together, we can build upon social progress made in the last few years by this government such as expanding opportunities for employment as well as exemptions for child support payments. With continued focus and hard work by the many vested parties, a living income and employment for persons with a disability can be achieved.

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# TOP POLICY ISSUES

The New Brunswick Disability Executives' Network (NBDEN) wants to work with the Department of Social Development to ensure reforms to the Social Assistance framework create sustainable improvements in the lives of New Brunswickers with a disability. We are presenting the following eight recommendations as initiatives that can be implemented in short, medium, and long-term timelines.

## SHORT-TERM (ST) POLICY INITIATIVES

The following six initiatives are intended to be undertaken and completed within the next six to twelve-month period.

### Short-term Recommendation 1 (ST1) Eligibility Criteria and Process

Title: Eligibility Criteria and Process Improvements

Create a revised application and eligibility process for the disability income program (currently called the Extended Benefits Program) that is procedurally fair, transparent, reflects modern definitions of disability, and that supports a right to appeal eligibility decisions

#### Gaps in current law and policy and key actions and solutions for reform:

Current Social Assistance laws and policies use outdated and restrictive definitions of disability that keep a significant number of people with a disability out of the Extended Benefits Program. Additionally, the application process is cumbersome and provides no right to appeal determinations of eligibility based on disability certification. Each of the key points below highlight the actions required to address the gaps within the current policy, procedures, and/or processes with the eligibility process:

1. Modernize the definition of disability to be progressive and in line with the United Nations *Convention on the Rights of Persons with a Disability* (CRPD). The current definition does not reflect what we know about disability and how we have progressed in terms of protecting the rights and preventing discrimination based on disability (or lack of "sufficient disability"). Consider using criteria similar to that used by the World Health Organization (WHO) to define deafness and blindness.

Model the definition based on other jurisdictions such as Ontario, BC, and Saskatchewan that have evolved their definitions to reflect more modern definitions.

Build on the Premier's Council on Disabilities adopted definition of disability as defined in their act in 2018: "person with a disability" means a person who has long-term physical, mental, intellectual, or sensory impairments which in interaction with various

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barriers may hinder the person's full and effective participation in society on an equal basis with others.

2. Consider auto-enrollment for people who are eligible for the federal Disability Tax Credit so long as other criteria are met (e.g., age, income and assets).
3. Improve the assessment process or model to determine eligibility to reflect a more social model of disability. This would require substantive improvements to the criteria for eligibility and to the disability verification process of the Medical Advisory Board and the development of a validated employability assessment for persons with a disability. It is unclear exactly what criteria the Medical Advisory Board uses to determine eligibility for the Extended Benefits program. It is recommended that "...there should be full disclosure of any additional criteria for making disability determinations beyond which exist under the Family Income Security Act and its Regulations." See the BC Government website for an example of a more modern assessment process which includes the application form components and the eligibility determination process in terms of transparency and the guiding principles for making decisions regarding disability designation. The details on the BC model can be found as follows:

<https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/eligibility>

BC also allows for reviews from a medical professional (including a nurse) as part of their process. The application form provides the applicant with the opportunity to describe the impact of their disability on their life. It also includes a section to be filled out by a physician or nurse practitioner, and a section to be filled out by a "prescribed professional". The latter could be beneficial in painting a clearer picture of the applicant's reality than through a medical report alone. The details can be found as follows:

<https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/policies-for-government/bc-employment-assistance-policy-procedure-manual/forms/pdfs/hr2883.pdf>

4. Reduce the application processing timeline for clients. Improve the timeliness by setting a target of three to four weeks maximum for application processing. Currently, it takes three to six months for an application to be processed. BC, for example, has a pre-qualified process which allows them to fast track their applications.
5. Include an administrative review or appeal process with a more modern model of assessment that provides the client with reasons for denial.

Consider establishing an administrative review or appeal process similar to those that exist in other jurisdictions such as Saskatchewan, Alberta, Ontario, Manitoba, and BC. For example, in BC, you have 20 days to request a "reconsideration, and if you disagree

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with that decision, you have 7 business days to request an appeal, which goes to the Appeals Tribunal". You may also receive assistance while waiting on the decision. BC's Appeals Tribunal (<http://www.eaat.ca/home>) appears to be a model worth looking into for NB. All other Atlantic Provinces have appeal processes.

a. Number of clients impacted:

Only 38% of applications for eligibility for disability certification are approved (based on data from 2017-2020), which indicates that there is an issue with the process and/or eligibility criteria, given the low number of approvals.

Over 62% of people are not being approved for benefits and must wait for 6 months to re-apply. This could be perceived as a system designed to reduce the number of clients with a disability eligible for benefits.

In a recent sample study in NB, out of 108 of individuals who were assisted in applying for both the Federal Disability Tax Credit and Social Assistance Extended Benefits in 2020, 102 were approved for the Disability Tax Credit and only 53 were determined eligible for the Extended Benefits under Social Assistance.

b. Budget/Alternative Funding:

As of December 31, 2020, there were 6,075 Extended Benefit Program cases and 3,130 Long-Term Needs Program cases.

An increase of 15% in the number of clients approved for Extended Benefits from the Long-Term Needs category would cost between \$345,600 and \$460,800 per year using the amount paid to people eligible as single recipients. This estimate assumes that people who do not currently meet criteria for Extended Benefits would instead qualify for the Transitional Assistance rate under a Long-Term Need or designated category. Based on the amount received by a single recipient, the difference is \$92 plus \$100 per month for the disability supplement (\$192 per month or \$2,304 per year). A 15% increase in the eligibility rate for disability certification would represent an additional 150-200 people per year based on a range of 1000 to 1300 people per year applying for disability certification.

c. Benefit / Impact:

A 15% increase in approval rates from the current 38% is an estimate of how many more clients could be approved under a more modern process. This assumption of a 15% increase would be in line with several other jurisdictions that are in the range of 45-50% approval rates.

d. Performance Measures:

Benchmark against other federal and provincial jurisdictions. The Department of Employment and Social Development Canada reported that in the 2014–15 fiscal year, it adjudicated 69,075 initial applications, of which 29,368 (43 percent) were granted and

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39,707 (57 percent) were denied. The Department also reconsidered 13,159 of its decisions, of which 4,661 (35 percent) resulted in the initial denial being overturned. The end result is approximately 50% approval of all CPPD applications, including preliminary denials that are subsequently overturned on appeal.

We recommend that the Department of Social Development conduct a Lean Six Sigma improvement process. The Department monitors and tracks the reasons why the applications are rejected to determine if a change in process is required. Potential questions to ask include, “Are people not being considered as living with a disability as per the medical definition?”, “Is the process/application incomplete?”, “Is the criteria clearly outlined to prospective clients before they apply?”, and “Is their employability properly assessed? “

Establishing an appropriate improvement rate of approval increase of 15% from 38% could be a performance measure. Another measure could be the length of the application process is decreased by a certain percentage.

e. [Legislation/UN Convention:](#)

The United Nations (UN) *Convention on the Rights of Persons with Disabilities* (UNCRPD)’s definition of disability and Federal Government definitions are referenced below as follows:

UNCRPD defines persons with disabilities as. “...those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

According to the Government of Canada’s *Federal Disability Reference Guide* (2013), “there is no single, official definition of disability across federal programs based on the complex nature of disability” (Government of Canada, 2013). The Guide also recognizes the two different approaches to defining disability – the medical model and the social model – and indicates that policymakers should consult the definitions of disability used by the World Health Organization (WHO) and in the UNCRPD. The WHO and CRPD both define disability in terms of people’s interactions with society and the barriers which hinder full participation.

The *Accessible Canada Act* (2019) adopted the following definition of disability: “**disability** means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society” (Government of Canada, 2019).

**Article 28, UNCRPD**

Canada ratified the UN *Convention on the Rights of Persons with Disabilities* in 2010. The Convention is a comprehensive, international human rights treaty which clearly

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indicates how all categories of rights apply to persons with disabilities. This article within the Convention talks about the right of people with a disability to an adequate standard of living and social protection. (See appendices for details)

f. [Individual stories/successes:](#)

Kim lives with a form of Muscular Dystrophy. It affects her feet and hands, and she uses a power wheelchair for mobility. Kim applied for and started receiving Social Assistance in 2019 and applied for Extended Benefits. She submitted the medical forms with the help of her neurologist and was declined after waiting for a response for approximately 10 months. During this time, she had applied for and was approved for home support services from the Disability Support Program. She also applied for the Federal Disability Tax Credit during this time and was approved within a few months. She then re-applied for Extended Benefits after the 6-month waiting period. She went to her nurse practitioner to help with the application and the nurse practitioner provided a thorough application. Kim was then approved four months later. She had to go a year and 7 months without access to Extended Benefits and this caused significant hardship as she was not able afford adequate food, utilities, or her housing costs.

g. [Action Box:](#)

Recommendations will require a change in legislation (Income Security Act/Regulations) if significant changes are undertaken (i.e., a new definition of disability for certification, a new eligibility process, or an appeal process).

Consider a definition that is in line with the Premier’s Council on Disabilities, the Federal Government, and many other jurisdictions, to create a more transparent and fair process for all that is not based on a temporary welfare model of benefits.

## [Short-term Recommendation 2 \(ST2\) Social Assistance Rates](#)

Title: Increase to Social Assistance Rates to Reduce Poverty Levels

Increase monthly benefit rates (which includes the monthly disability supplement) by \$100 per month for each of the next 3 years starting in F/Y 2022 (for a total of \$300 per month increase by year 3) to reduce the overall level of poverty among persons and families with a disability.

Gaps in current law and policy and key actions and solutions for reform:

- NB Social Assistance rates for single persons with a disability represent approximately 50% of the national poverty measure – the Market Basket Measure (NBDEN, 2020). The gap to achieve a level of income that matches this poverty measure is approximately an additional \$9500 per year or \$790 per month.

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- Persons with a disability, as a group, experience worse socioeconomic outcomes than persons without a disability, such as less education, negative health outcomes, lower employment rates, and higher poverty rates. Increase benefits be to reflect poverty measures. Using the Market Basket Measure poverty definition as a benchmark will help lift persons with a disability to a more dignified standard of living.
  - Further information can be found in the Human Development Council's recent study for Saint John, Moncton, and Fredericton below as another indicator that goes beyond the Market Basket Measure in order to provide individuals living in poverty with a living income. This provides additional information on the gaps with the current income programs in terms of both wages and shelter costs which continue to increase.

"The living wage is calculated as the hourly rate at which a household can meet its basic needs once government transfers have been added to the family's income and deductions .... have been subtracted," said the report. The living wage is based on expenses for a family of four people – 2 adults and 2 children.

Fredericton has the highest living wage requirement at \$20.75 an hour. Saint John comes in second at \$19.55 an hour, Moncton is third at \$18.35 an hour, and Bathurst comes out as \$17.45 an hour.

Shelter and child care are listed as the most expensive family budget items in Fredericton, Moncton, and Saint John. But this is especially true in Fredericton, where housing costs have driven the city to the top spot. The council lists an average yearly shelter cost of \$17,360.51 for Fredericton, compared to \$14,431.18 for Saint John and \$14,000.51 for Moncton. While shelter costs in Bathurst are only listed as \$12,320.51 a year, the report stresses that many people living in affordable housing in the city tend to stay in their homes for a long time, so this cost doesn't necessarily reflect the reality for people moving into the area. In Bathurst, childcare and food top the list of most expensive family budget items.

Below are the key steps identified and recommended to address this gap in Social Assistance rates:

1. Close the gap in income benefits for persons with a disability in order to provide a liveable income/life of dignity.
2. Increase the basic disability income benefit which includes the monthly disability supplement, by \$300 per month over the next 3 years (\$100 per month per year).
3. Provide a clear and public signal that the government of New Brunswick is willing to exempt any new federal disability supplement benefit for people receiving Social Assistance benefits.
4. Ensure benefits reflect the additional cost of living with a disability, including accessible shelter costs.

a. Number of clients impacted:

Persons with a disability are one of the populations most impacted by poverty in New Brunswick, as evidenced by Social Assistance rates.

As of December 2020, there were 6,727 persons with a certified disability on Social Assistance. New Brunswick must prioritize targeted initiatives for this population if we are going to have a real impact in poverty reduction.

b. Budget/Alternative Funding:

The single person Extended Benefits Program (EBP) rate is \$797, which includes the monthly supplement. A \$100 per month increase each year for the next 3 years would cost an estimated \$7.3 million per year and \$21.9 million over 3 years. This additional cost would thereafter be annualized. The proposed new federal disability benefit, if implemented as a supplemental benefit, would help to fill the remainder of the gap to meet the Market Basket Measure poverty line.

c. Benefit/Impact:

The proposed increase in rates for persons with a disability, and a commitment to exempting the proposed federal disability supplement benefit, would greatly assist in meeting the priority set out in the Overcoming Poverty Together 3 plan (2020) for addressing the income needs of persons with a disability who face significant barriers to employment. Together, these actions could assist in lifting 6,000-7,000 persons with a disability in New Brunswick out of poverty, if a new federal benefit is introduced.

d. Performance Measures:

Apply Canada's Market Basket Measure as one indicator to lift persons with a disability in New Brunswick to a more dignified standard of living. However, this measure alone is not sufficiently responsive to shelter costs. Likewise, the Consumer Price Index, currently implemented for Social Assistance Rates, is not a good indicator of inflation for households with low incomes as the weighting does not reflect their spending habits. A separate low-income inflation measure should be established as a better base for income calculation in addition to disability costs.

e. Legislation/UN Convention:

**Article 28, UNCRPD**

Canada ratified the UN Convention on the Rights of Persons with Disabilities in 2010. The Convention is a comprehensive, international human rights treaty which clearly indicates how all categories of rights apply to persons with disabilities. This article within the Convention refers to the right of people with a disability to an adequate standard of living and social protection. (See appendices for details)

f. Individual stories / successes:

Jane is a young woman who is experiencing poverty. In order to purchase the necessities required to support her disability (a traumatic brain injury), she cannot participate in the

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recreation and social activities that she would like to – the types of things that many of us look forward to on a daily basis and often take for granted. Jane does not feel as though she can participate in any recreation or leisure activity that has an associated cost because it would require that she sacrifice the supports and treatments she needs as a result of her disability. To assist with her needs, Jane requires a personal trainer for rehabilitation, which costs her \$120/month (for both gym access and personal training). Her medications are over \$500/year (which insurance helps to cover); physical and massage therapy are additional expenses. If Jane chooses to participate in any activities with even a minimal fee, she will not be able to afford her essential therapies or other treatments.

g. Action Box:

The Department of Social Development has already implemented an increase of Social Assistance rates indexed on the cost of inflation for recipients of Extended Benefits. Rates for persons with a disability can be improved through a regulation change in recognition of the severity of structural poverty for persons with a disability.

There is also a potential opportunity to align any new federal disability supplement benefit with the provincial Social Assistance benefits as a means of lifting persons with a disability out of poverty. The federal government has committed to developing new disability benefit as per Budget Speech 2021-2022. In 2021, Bill C-35 was introduced in Parliament to create the legislative framework for this benefit (at the time of writing no vote has been taken on this Bill). Exempting the federal disability benefit will require a regulation change under the current Family Income Security Act's general regulation.

### Short-term Recommendation 3 (ST3) Wage Exemptions & Self-Employment

Title: Wage Exemptions and Other Measures that Incentivize Employment

Improve incentives for people to work and to explore self-employment. Exempt business assets used to generate self-employment income and modernize rules around self-employment for persons with a disability.

Gaps in current law and policy and key actions and solutions for reform:

- Current policies provide some incentives for people with a disability to explore employment opportunities. These incentives should be enhanced in order to have a larger impact on employment opportunities, and to reduce the risk that people perceive under current laws and policies.
- Other jurisdictions (such as BC and Alberta) have led the shift in policy to increase work incentives for peoples with a disability by adopting higher wage exemptions and allowing for exemptions to operate on an annual basis.

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- A new focus on employment will require that people with a disability take some responsibility to gain skills and try employment where opportunities exist. Given the real and significant disadvantages faced by people with a disability within the labour force, this responsibility should not be subject to punitive measures or lead to the 'conditional' receipt of benefits. Rather, responsibility should be encouraged and actively supported.

As we progress toward a new Income Program for People with Disabilities, measures should be enhanced to facilitate labour market participation for working age adults with a disability. These measures should include a multifaceted approach that provides incentives to work, enables people to get and keep a job that is appropriate for them, and that also provides the disability supports and accommodations required to help make employment a real option for people with a disability.

Here are the key steps identified and recommended to build incentives for employment for persons with a disability receiving Social Assistance benefits:

1. Adopt a new policy on employment incentives that would establish a flat-rate wage exemption of \$800 per month or \$9,600 per year for persons receiving a disability income benefit.
2. Provide people on the disability income benefit with the option of electing a wage exemption based on a monthly or annual amount. Providing an option for people to annualize their wage exemption would help to incentivize access to seasonal employment and support NB employers that require access to seasonal workers.
3. Increase the wage exemption for people receiving Transitional Assistance Benefits under the Long-Term Needs designation to \$500 per month plus 30% on income earned after \$500. This would extend the current exemption for persons receiving Extended Benefits to a group of Social Assistance recipients who have additional barriers to employment.
4. Establish a common definition of employment that acknowledges the various types of employment options for persons with a disability and base it on persons receiving remuneration (real pay for real work) on an equal basis with others as required by the *UN Convention on the Rights of Persons with Disabilities*. Incorporate this definition into any program or policy reviews including Social Assistance reform and Employment Standards.
5. Design a new Income Program for People with a Disability in a way to share the responsibility for ensuring that people with a disability have access to a more adequate income. This means that people for whom partial or part-time employment is a realistic goal will be encouraged to seek employment and know that they will be better off financially as a result. This would be consistent with several other jurisdictions who have moved to an annual wage exemption calculation for seasonal and part-time workers.
6. Develop active measures to facilitate access to training and employment (Departments of Social Development and Post-Secondary Education, Training & Labour) in collaboration with community organizations). Increasing the number of referrals from case managers in Social Development to Employment Assistance Services (EAS)

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providers in the community for persons with a disability will provide them with the pre-employment and employment services to assist them to transition to post-secondary or employment.

Transportation policies and practices in Social Assistance must enhance access to pre-employment, medical, and community participation transportation funding for clients of the Department.

7. Create incentives for self-employment as outlined below:

- i. Adopt an incentive-based approach to self-employment for persons who receive Social Assistance. This approach should involve the design of policy and programs that will encourage people to consider self-employment as a viable path to greater independence. Eliminate the current requirement that self-employment leads to total self-sufficiency within a defined time frame (i.e. 12 months). This will recognize that some people may operate a small business but still have financial needs that will require involvement with the Social Assistance system. In this respect, self-employment should be treated similarly to regular wage employment – people will be encouraged to work and earn as much as possible to achieve greater economic involvement but still may have some dependence on public programs for financial support.
- ii. Exempt business assets that are being used to generate income for people on Social Assistance. This occurs to varying degrees in most jurisdictions without a specific timeframe for the elimination of the exemption. Exempting business assets without a defined timeframe can take a number of approaches:

Option 1: Exempt all business assets that are being used to generate self-employment income.

Option 2: Exempt business assets up to a defined maximum (as is done in Ontario and BC).

Option 3: Specifically, exempt business cash accounts (typically up to a reasonable limit).

Option 4: Exempt “necessary tools of the trade” as a separate exemption from other business assets.

Option 1 is preferable and simpler to administer as it does not put constraints on the ownership of business assets. This is particularly true if a person owns some real property that is used for business operations. We recommend that this be seriously considered for adoption in New Brunswick.

If Option 2 is preferred within government, then we recommend that a reasonable defined limit should be established (for example, in the \$50,000 range as is currently provided in BC). This would allow some leeway in the ownership of business assets. This option could also be combined with Options 3 and 4 to provide greater flexibility around the ownership of business assets.

- iii. Provide a self-employment earned income exemption incentive to encourage people to consider self-employment as a work option. New Brunswick is one of the few Canadian jurisdictions that currently has this type of incentive, but the 3-month exemption is arguably not a significant one. We recommend that Social Assistance recipients who want to start their own business be provided with a 12 consecutive month full exemption of net self-employment income. Thereafter, regular wage exemptions of net self-employment income would apply.

a. **Number of clients impacted:**

NBDEN does not have data on the number of Extended Benefits recipients who report employment income or who meet the current wage exemption threshold. Current Social Development data does indicate the average amount of monthly earned income from employment or self-employment for EBP recipients over the past 3 years:

Year	Average Monthly Earned Income
2020	353.83
2019	356.29
2018	360.30

NBDEN assumes that a higher annual or monthly wage exemption will provide enhanced incentives for people to seek and maintain employment. It is also assumed that enhanced wage exemptions will need to be combined with proactive measures to support people with finding and maintaining employment to be effective over the long term.

b. **Budget / Alternative Funding:**

NBDEN is not able to estimate the cost of expanding wage exemptions for persons with a disability eligible for Extended Benefits or those with the Long-Term Needs designation on the Transitional Assistance Program. This cost is typically non-direct as it does not require a direct payment. Instead, expanding wage exemptions provides indirect cost as people maintain a level of benefits as their employment income increases. In this respect, budget implications can be seen as neutral as additional direct costs are not required. As more people become employed, there is potential for cost savings – particularly if employment is sustained and if hours increase to reflect a trajectory toward full-time work.

Other jurisdictions have implemented enhanced wage exemption policies. For example, BC’s annual exemption is \$15,000; Alberta’s is \$12,000; and Saskatchewan’s is \$6,000 per year. It is recommended that New Brunswick move its wage exemption to a higher amount as it is currently set at \$6,000 for Extended Benefits clients and \$1,800 for Long-Term Needs. It is recommended that the wage exemption be increased to \$9,600 annually or \$800/month for those who meet disability eligibility criteria.

c. Benefit/Impact:

Persons with a disability are an untapped labour market source. Yet, employment rates for working age persons with a disability are significantly lower than those without a disability – 55% of persons with a disability were employed in NB in 2017 compared to 77% of people without a disability (comparative national figures are 52% and 76%). Only 38% of persons with a mobility disability in New Brunswick are employed (Statistics Canada, 2018) and there are 120,046 forecasted job openings between 2017-2027 (DPETL, 2020). Fewer youth with a disability are attending post-secondary education; 18% of persons with a disability do not have a certificate, diploma, or degree (compared to 9.6% of persons without a disability (Statistics Canada, 2017)). Results of an economic impact study on disability and employment in NB revealed that 29,705 jobs could be generated from this untapped labour market (Tacit Elements, 2020).

d. Legislation/UN Conventions:

**Article 27 and 28, UNCRPD**

Canada ratified the UN *Convention on the Rights of Persons with Disabilities* in 2010. The Convention is a comprehensive, international human rights treaty which clearly indicates how all categories of rights apply to persons with disabilities. Articles 27 and 28 within the Convention refer to the right of people with a disability to work and employment and to an adequate standard of living and social protection, respectively. (See appendices for details)

e. Action Box:

Change legislation/regulations to increase the wage exemption for persons with a disability as a means of encouraging employment and increased hours of work. An annual calculation or maximum amount would be another option in recognition of the significant number of individuals with a disability who work part-time or seasonal or fewer than 20 hours. This would require IT system changes to NBCase.

## Short-term Recommendation 4 (ST4) Youth Transitions

Title: Youth Transition and Planning for Employment

A cross-departmental, coordinated program is required to support youth with a disability who graduate from high school prior to age 19, or who complete their academic requirements but are not ready to make the full transition from school. Such a program may extend to youth with a disability age 19 and over with some modifications.

Gaps in current law and policy and key actions and solutions for reform:

Youth with a disability face unique circumstances and challenges as they transition from the public school system to adult life. A number of NBDEN organizations provide successful

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transition services for youth that support their transition to post-secondary education and employment. These supports are primarily funded by the Department of Post-Secondary Education, Training & Labour (PETL).

Some youth leave high school before age 19 and apply for Social Assistance benefits. There are current gaps in supports for youth who are younger than 19 who are not supported by the Family Supports for Children with Disabilities (FSCD) Program. They are unable to receive Disability Support Program (DSP) funding for supports at that age. They may be ready to leave school but face a gap in supports for their life after high school. FSCD/DSP policy needs to address this critical gap.

From a social assistance perspective, some youth apply for become and eligible for income benefits at age 18. This income support allows individuals to address some of their basic needs as they enter adulthood. But support more is needed to ensure that youth with a disability have the best opportunity possible to develop, learn, work, and participate in their communities.

One option may be to implement a similar policy to the Youth Engagement Services (YES) Program, which removed youth from Social Assistance and transitioned them to a new program that provides a monthly benefit or supports for those who want to pursue training and employment rather than staying on Social Assistance. It also would be important to include the community planning and supports for these youth to be successful. Not unlike youth with a disability, youth in care were not provided with the proper supports under the social assistance system to allow them to successfully stay in school or transition to post-secondary and employment. The social workers now provide the needed support and case management to these youth (18 to 21 age range – Extended Benefits starting at 18).

We recommend that the dedicated youth transitions support program be developed and should have the following elements:

- Transition planning and navigations supports
- A comprehensive plan with identified goals, actions and supports
- A strong focus on (continued) skill development
- A strong focus on employment as a desired outcome
- Access to experiential learning beyond grade 12 (such as paid internships and apprenticeships)
- Strategic links with employers (particularly those in sectors with labour needs)
- Access to required disability supports that are not based on family income
- Access to youth-based income supports and/or participation benefits (these may be supplemental to employment or experiential learning-based income)

a. Number of clients impacted:

Analysis will have to be conducted to determine the number of youth with a disability who graduate from high school needing additional support (income, further education, disability supports, etc.). NBDEN members work with many youth each year, including those who lack access to needed disability supports to transition to adult life.

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In a recent study, 78% of youth with an intellectual disability that were provided Transition Support Services found employment after high school or post-secondary. However, 21 youth with a disability did not qualify for FSCD or DSP program and therefore were not provided with the access to the proper supports.

Fewer youths with a disability are attending post-secondary education; 18% of persons with a disability do not have a certificate, diploma or degree (compared to 9.6% of persons without a disability (Statistics Canada, 2017)). Therefore, the impact would be minimal in terms of the costs of the program for youth with a disability.

b. [Budget/Alternative Funding:](#)

Developing a new model for youth with a disability will need to be costed. There are a number of supports that already exist but there is no broad coordination with Social Development programs (including Social Assistance) with other government and community programs. There are many elements that will need to be explored to determine the cost/benefit of a more comprehensive approach to youth transitions. For example, providing additional financial support for transportation, or assistance to pursue other interests after high school is paramount to transitioning these youth to a better quality of life for themselves and their families.

c. [Benefit/Impact:](#)

This would fit in with an “Employment First” approach and with the Employment Assistance Services (EAS) provided by the disability organizations where there are services for pre-employment and transition under PETL. Youth with a disability are an untapped resource and therefore should be encouraged and supported.

d. [Legislation/UN Conventions:](#)

**Articles 19 and 27, UNCRPD**

Canada ratified the UN *Convention on the Rights of Persons with Disabilities* in 2010. The Convention is a comprehensive, international human rights treaty which clearly indicates how all categories of rights apply to persons with disabilities. Articles 19 and 27 within the Convention refer to the right of people with a disability to live independently and be included in the community and to work and employment, respectively. (See appendices for details)

e. [Action Box:](#)

Incentivize youth with a disability to pursue social inclusion and/or training and employment goals by ensuring they have the financial supports to assist them in pursuing those lifelong goals, in addition to making sure they have a livable income with benefits to aid them with the costs of their disability. Create a new program outside of Social Assistance like the YES program with the components outlined above.

## Short-term Recommendation 5 (ST5) Health Benefits

Title: Health Benefits to Enable Employment and Entrepreneurship.

Provide automatic and on-going benefits coverage for people with a disability who leave Social Assistance benefits for employment, including supplies and equipment, to enable their participation in the workforce if they do not have an employer sponsored health plan.

Gaps in law and policy and key actions or solutions for reform:

The loss of health-related coverage has long been a significant gap/barrier that has kept people with a disability on Social Assistance. Current policy limits the retention of Health Card Benefits for people who leave Social Assistance due to employment. The policy allows retention of the Health Card for 12 months which can be renewed annually for up to 36 months. This creates significant uncertainty for many people with a disability and a long-term disincentive to pursue employment.

Here are the key steps identified and recommended to address this disincentive:

1. Guarantee access to health benefits for persons with a disability who leave Social Assistance for employment or self-employment when they do not have health coverage available through employer sponsored plans. Improve incentives for people to work by providing on-going health benefits coverage.
2. Establish automatic access to a Health Card for persons with a disability who leave Social Assistance for employment or self-employment. This would be an incentive for those who are employed to retain their Health Card without having to go through an annual application process for the exemption.

In addition to having access to the prescription drug coverage, people with a disability should be provided with on-going access to vision and dental benefits if they are successful in gaining sufficient income to no longer be eligible for Social Assistance monthly income benefits, but can still demonstrate a financial need for vision and dental benefits.

a. **Number of clients impacted:**

NBDEN does not have statistics on the number of clients who currently receive a Health Card and are earning wages as well as those who lost their Health Card coverage and benefits due to employment. Some individuals may be eligible for a “Health Card only” based on the current application process.

b. **Budget/Alternative Funding:**

NBDEN does not have sufficient information to determine any budget implications for automatically and indefinitely extending Health Card coverage for persons with a disability who leave Social Assistance for employment. Estimates may be garnered

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through current numbers of people who retain Health Card coverage for up to 36 months as is permitted under current policy, including those who may have lost their coverage when they fall outside of the current policy. Estimates may also be made from those who apply for “Health Card only” status if they have previously received Social Assistance benefits under a disability certification.

As with enhanced wage exemptions, providing on-going access to a Health Card for those who do not qualify for an employer health plan will support some individuals to seek and maintain employment. While difficult to quantify, there could be cost savings from having people work enough hours to no longer require monthly income benefits, even if they retain access to health benefits.

c. **Benefit/Impact:**

Many people with a disability have health issues that require access to coverage for health-related costs, equipment, and other services. People receiving Social Assistance benefits automatically receive a Health Card. Removing the prospect that people may lose health coverage if they attempt to secure employment would be a significant safety net for people with a disability seeking to enter the labour market.

Government has identified a gap of 120,000 job vacancies due to demographics and has prioritized more New Brunswickers with a disability to enter the workforce or expand their hours. Providing access to health coverage with additional benefits would greatly support this goal.

d. **Performance Measures:**

Establish measures to determine how the automatic retention of Health Card benefits on an on-going basis provides an incentive for people to pursue employment opportunities. What impact does a Health Card guarantee have on decision-making and labour market engagement? Do historical concerns about the loss of Health Card benefits translate to different actions when the basis of these concerns are removed?

e. **Legislation/UN Conventions:**

**Articles 25 and 27, UNCRPD**

Canada ratified the UN *Convention on the Rights of Persons with Disabilities* in 2010. The Convention is a comprehensive, international human rights treaty which clearly indicates how all categories of rights apply to persons with disabilities. Articles 25 and 27 within the Convention refer to the right of people with a disability to health and to work and employment, respectively. (See appendices for details)

f. **Action Box:**

This action requires a change in policy under Social Assistance given the link to the Transitioning to Employment policy for all clients on Social Assistance. This could be made as an exemption for persons with a disability who do not receive any health benefits from their employer. There would need to be a change in practice of all persons on disability being placed in the basic caseload and moving them to an active status with all of the benefits and case management services.

## Short-term Recommendation 6 (ST6) Household Income Policy

Title: Household Income Policy

Renew the Household Income Policy to expand the exemption for clients receiving Extended Benefits to ensure that clients are eligible for benefits in their “own right” and, under certain family income circumstances, not subject to the Household Income Policy.

Gaps in current law and policy and key actions/solutions for reform:

Current policy provides an exemption from the Household Income Policy for persons with a disability who are in a marital relationship with another person who also qualifies for Extended Benefits (through disability certification). While this policy is positive, it leaves out a number of people with a disability who want to marry or have a common law relationship with a spouse who does not qualify for Extended Benefits. As a result, a number of people are choosing to remain single and forego the benefits of living with a spouse in order to maintain their eligibility for Social Assistance. Many also choose to live separately which is especially concerning given the current rental housing shortage. This creates a hardship for these individuals and denies them the natural support that stems from having a spouse living in the same household.

There is an unintended consequence of treating persons with a disability the same as individuals who do not have to carry the additional costs of living with a disability. The financial supports and health benefits are critical for maintaining their quality of life with the needed supports within their own right rather than being subject to considering the entire household income in these instances. The policy is based on individuals sharing household expenses; however, the policy does not allow for the added challenges of additional disability expenses, home support expenses and equipment, and health benefit requirements. Expanding the exemption would be a proactive step forward to incentivize individuals to consider the possibility of marriage or living common law without the fear of losing their benefits in their own right and to address poverty levels.

The following policy and program actions have been identified and are recommended:

1. Expand the exemption under the Household Income Policy for Extended Benefits - persons with a disability. Create an exemption category for persons with a disability that allows for marriage where they can maintain supports and benefits. This would be more inclusive and would allow people to be able to get out of poverty.
2. Establish a maximum allowable threshold for the expanded exemption where net family income is \$50,000 or under. This would be similar to the rules already established for the shelter deduction limit of \$50,000 for parents with a child with a disability who lives in the family household.
3. Consideration could be given to a phased-out approach of the exemption (like the Federal GIS program) depending on their income level, to an established limit for those with incomes over \$50,000.

a. **Number of clients impacted:**

The table below (from Social Development data sources) shows the number of clients receiving either Extended Benefits or Transitional Assistance (with Long-term Needs designation) who had their Social Assistance benefits reduced in the same period of time that their marital status changed to “married or common law”. NB DEN has requested the specific break-down showing the impact of those receiving Extended Benefits with disability certification.

Year	Number of Clients
2020	640
2019	719
2018	863
2017	1014
2016	880

b. **Budget/Alternative Funding:**

NB DEN does not have sufficient information to determine the cost of the proposed policy change. The scope of the change – i.e. whether it would only include people with a disability certification – would impact potential cost. In addition, the Department will need to review its current disability caseload to determine if benefits are being impacted by the current policy and would require readjustment based on the proposed change. Going forward, the potential cost of maintaining people on benefits when they decide to marry or live in a common law relationship will need to be considered. In one sense, there would be no **additional** costs to government for the existing clients to retain their benefits should they choose to marry or live common law. There may actually be savings in rental housing subsidies. It is more difficult to predict the number who perhaps would not have previously applied for benefits due to their married status.

c. **Benefit/Impact:**

The data indicates that the current policy has led to the reduction or termination of income benefits for a number of people who enter into marital relationships. The impact that this has on people’s lives depends on the nature of their family income when they marry or live in a common law relationship. A number of people do experience financial hardship when they lose access to their income (see Amy’s story below).

The current policy also has had direct impact on some people’s decisions to not enter into marital relationships. They have foregone the benefit of family support and additional natural supports to address their disability-related needs. Expanding the exemption for people with a disability who meet an income threshold opens up new possibilities for people with a disability to live in marital relationships on an equal basis with others. An expanded exception would also recognize the additional cost of living

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with a disability and allow people to move out of poverty through the combining of resources with a spouse.

d. **Performance Measures:**

The key measure for poverty would be if income levels increased to a liveable income for persons with a disability as a result of them maintaining their benefits while having assistance with shelter, food, etc.

e. **Legislation/UN Convention:**

**Article 23, UNCRPD**

Canada ratified the UN *Convention on the Rights of Persons with Disabilities* in 2010. The Convention is a comprehensive, international human rights treaty which clearly indicates how all categories of rights apply to persons with disabilities. Article 23 within the Convention refers to the right of people with a disability around respect for home and family. (See appendices)

f. **Individual stories/successes:**

Amy is 37 years old and lives with spina bifida. She has been with her partner for six years and they have been married for the last three. Amy moved in with her husband who worked at the bottle exchange in Moncton and his income became too high for her to continue qualifying for Social Development programs and services, so she lost her disability benefits and provincial Health Card. Amy then moved from Moncton to Nashwaak Bridge because the cost of rent was going up in Moncton, and she could no longer afford to live there.

Amy fought for several years before even getting married to keep her benefits but did not win. Her husband's income was just over the Social Development threshold, which was not sustainable for two people to live off of, especially one living with a disability. It is very hard for them to live off of one income and no health insurance. Currently, Amy pays disability-related services and items out of pocket.

Choosing to get married should have enhanced Amy's quality of life rather than limiting her livelihood. Amy feels discriminated against due to conditions out of her control.

g. **Action Box:**

This action will require a change to the Income Security Act and/or Regulations to add an exemption to the list of exemptions currently identified under this policy. Should more extensive reform of the Household Income Policy be pursued by government, additional statutory or regulation changes will be required.

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# MEDIUM-TERM POLICY INITIATIVES

The following initiative is intended to be undertaken and completed within the next eighteen to twenty-four-month period.

## Medium-term Recommendation (MT7)- Assessment and Planning for the Basic Caseload

Title: Create a new model and approach for clients with a disability which provides transition planning and support for employment and community involvement.

Strengthen programming that facilitates each client being self-sufficient in the community and at work. Build capacity for facilitation in the planning process to ensure that people have the support to explore community options, establish employment and other goals, and to develop a plan for labour market involvement.

Gap in current law and policy and key actions/solutions for reform:

There is a need for the provision of specialized services for persons with a disability to move them towards social inclusion and or training/employment. The current basic caseload is not providing the appropriate planning and supported services requirement in a client centered approach. Disability support agencies have the knowledge and expertise to provide these timely and supportive services to the disability population. There is already a model with a focus on employment that has been developed for the ESSP (Employment and Support Services Program) within the Department of Social Development (SD). The Department of Post-Secondary Education, Training & Labour (PETL) funds community agencies to provide employment services to people with a disability throughout New Brunswick. The infrastructure mostly exists to support people with a disability on Social Assistance benefits with pre-employment and employment programming.

The following actions have been identified and are recommended:

1. Remove persons with a disability on Social Assistance benefits from the current basic caseload and adopt a new approach to case management support.
2. Develop active measures to facilitate access to training, skills, and employment as a key action to improving outcomes for persons with a disability and moving them towards employment.
3. Establish collaborations between SD, PETL, and Employment Assistance Services for persons with a disability as a key aspect of active programming for persons with a disability.
4. Actively increase the number of referrals from case managers in SD to Employment Assistance Services (EAS) providers (contracted by PETL) in the community for persons with a disability. This will provide people with the pre-employment and employment

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services to assist them to transition to post-secondary or employment. It is recommended that this new career development and employment focus be aligned with the EAS and Training and Employment Support Services (TESS) programs within the Department of Post-Secondary Education, Training & Labour and with the Employment First service model of the ESSP program. Better integration of services between the two Departments and within Social Development's programming will improve the experience for the client and assist in facilitating those who are able to exit the social assistance system.

a. **Number of clients impacted:**

Most of the current recipients of Extended Benefits are on the basic caseload. This represents over 6700 people as of December 2020. NBDEN does not have specific information on the caseload status of people on the Transitional Assistance program who have Long-Term Needs designation. This caseload was 3,138 people as of December 2020.

The Department of Social Development will need to determine the number of people on the basic caseload who are currently engaged with agencies that are supporting them to achieve employment or social inclusion goals. How is this information being captured through the Social Assistance system and what is the current process for referrals with Social Assistance case managers for this population?

b. **Budget/Alternative Funding:**

NBDEN does not have sufficient information to determine budget implications of adopting an active assessment and planning model for people currently on a basic caseload. Analysis will need to be undertaken to determine the number of people currently connected to support programming for employment and social inclusion. In addition, analysis will need to be undertaken to determine the percentage of the client case load that would need to have assessment and planning services.

A new model and approach may require additional investments to create effective partnerships between the Social Assistance system and existing government and community agencies that support people with a disability. We recommend that a new model of planning and support be developed in collaboration with government and community partners, and that any additional funding needs for this model be determined following the development of the model.

c. **Benefit/Impact:**

The proposed new model will require a shift in thinking about the labour market potential of people with a disability. Current Social Assistance programming is predicated on an outdated notion of unemployability for this population, which runs contrary to modern thinking and human rights frameworks.

A more active assessment and planning model will support conversations and actions that will identify and plan for goals that people will have to work and to be engaged in their communities. We see this as an enabling system (rather than punitive) that links

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government and community resources and engages the income support system through the provision of active measures.

New Brunswick is facing labour shortages and people with a disability can be supported to work part-time, full-time, or in seasonal roles. This should be encouraged through a new model of planning and support for people receiving income assistance.

d. **Performance Measures:**

Establish measures around the number of Social Assistance recipients with a disability engaged in active planning for employment and community involvement. Set benchmarks and measures for Social Development referrals to other programs and organizations to support active measures. Measure employment outcomes including hours of work per month and employment income.

e. **Legislation/UN Conventions:**

**Article 27, UNCRPD**

Canada ratified the UN *Convention on the Rights of Persons with Disabilities* in 2010. The Convention is a comprehensive, international human rights treaty which clearly indicates how all categories of rights apply to persons with disabilities. Article 23 within the Convention refers to the right of people with a disability to work and employment. (See appendices)

f. **Action Box:**

In conjunction with interested stakeholders, establish new policies around assessment and active planning and engage with potential government and community partners to develop a new model of referral and support for persons with a disability receiving income support benefits. Establish the required pathways and processes to link people with resources required to become active in the labour market or the community participation. Set up required systems to measure performance and outcomes.

## LONG-TERM POLICY INITIATIVES

The following initiative is intended to be undertaken and completed within the next thirty-six-month period.

### Long-term Recommendation (LT8) New Disability Programming

Title: New Distinct Disability Programming

Remove persons with a disability from the regular categories (Extended Benefits and Long-Term Needs) and policies under Social Assistance to create an entirely separate Income Program for People with Disabilities.

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Current Social Assistance laws and policies are not providing adequate income or support benefits to people with a disability. The gaps identified under recommendations 1 through 7 clearly outline the significant issues with the current Social Assistance program, which was not intended as a long-term benefits program for people with a disability.

We recommend that the Department of Social Development remove persons with disabilities from the regular categories (Extended Benefits and Long-Term Needs) and policies under Social Assistance to create an entirely separate Income Program for People with a Disability by 2024. We recommend that this new program reflect the recommendations addressed in this brief.

In addition to the eligibility reform recommendations set out in Recommendation ST1, we recommend that the following steps be taken to address those currently on Extended Benefits and those designated as having Long-Term Needs under the Transitional Assistance Program:

1. Grandparent existing Extended Benefits recipients

Automatically accept people who are currently eligible for Extended Benefits into a new Income Program for People with a Disability.

2. Review the eligibility for the new disability income program for Transitional Assistance Program “Long-Term Needs” Recipients

As of December 2020, 3,138 people were designated as having “long-term needs” under the Transitional Assistance Program. The general regulation under the Family Income Security Act, defines “long-term needs” as follows:

“long-term needs” means one or more significant physiological, anatomical or psychological impairments that render a person unable to engage in social or economic activities for a prolonged period of time and that lead to long-term unemployment, but that are not so major as to render the person disabled.

Most, if not all, of these individuals are people who have a disability of some kind. They are also likely to have little attachment to the labour market and are likely people who have been under-employed or unemployed for several years. Many of these individuals have been in receipt of Social Assistance for 12 months or longer (some for several years). They currently do not meet the test of “disability”, which denies them the advantage of receiving a higher level of benefits provided to people who currently meet the certification criteria. They also do not have the opportunity to have a trust fund established by their families. Their wage exemption is lower than people who currently receive Extended Benefits.

There appears to be no justifiable reason that these individuals are treated so differently from people who are certified as “disabled” other than the fact that they are not perceived to be “disabled enough”. Yet, the impact of this different treatment on

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their lives is significant. We believe that this difference in treatment is not supportable in light of principles of fairness and equality, and is contrary to good public policy.

Under a new Income Program for People with a Disability, people currently designated as having “long-term needs” should be reviewed to determine if they meet the new criteria for the program as set out in Recommendation ST1, and if so, they should be accepted as beneficiaries under the new program.

3. Establish specific youth-related policies and practices within the new Income Program for People with a Disability that recognize the importance of supporting youth to make successful transitions from school to employment. We further recommend that a youth disability policy be developed through a joint government/community working group before the implementation of a new Income Program for People with Disabilities.

A new Income Program for People with a Disability could be implemented with either new legislation or through a new regulation under the current Family Income Security Act. A new regulation will be a speedier process. A second new regulation dealing with all other aspects of income support (for people who do not have a disability) will also likely be necessary.

We recommend that the reform process be accomplished through a new regulatory framework consistent with these recommendations with the opportunity for public consultation on draft regulations.

We recommend that a new Income Program for People with a Disability be phased in through a 3-year reform and implementation process as follows:

#### Year 1:

- a. Develop and obtain Cabinet approval for new Income Program for People with a Disability Regulation.
- b. Based on recommendation ST2, increase the benefit rate for all current recipients of Extended Benefits (and new recipients going forward) by \$100 per month for single persons plus the supplement (and corresponding increases for couples and families);
- c. Introduce a new wage exemption of \$800 per month/\$9,600 per year for persons who are eligible for EBP with the option to elect a monthly or yearly wage exemption.
- d. Introduce an increase in the wage exemption policy for single LTN recipients from \$150 to \$500 per month plus 30% of the next \$500 of income;
- e. Establish new criteria for the Income Program for People with a Disability and establish a new eligibility determination process;
- f. Establish an appeal process for the Income Program for People with a Disability;
- g. Implement a youth disability policy for the Income Program for People with a Disability following consultations with community stakeholders;
- h. Provide automatic and on-going Health Card benefits coverage for people with a disability who become ineligible for financial benefits as a result of employment, including supplies and equipment, to enable their participation in the workforce.

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- i. Renew the Household Income Policy to expand the exemption for Extended Benefits clients to ensure that clients are eligible for benefits in their “own right” and, under certain financial circumstances, not subject to the Household Income Policy.
  - j. Undertake a review initiative to determine the most effective model to integrate the new income program with employment programs and supports for people with a disability.

### Year 2:

- a) Based on recommendation ST2, increase the benefit rate for all current recipients of Extended Benefits (and new recipients going forward) by an additional \$100 per month for single persons plus the supplement (and corresponding increases for couples and families);
- b) Undertake an evaluation of all people eligible as “long-term needs” recipients under the current Transitional Assistance Program to determine their eligibility for the new Income Program for People with a Disability;
- c) Establish new navigational and facilitation model for the Income Program for People with a Disability;
- d) If a federal disability income benefit is created, negotiate the alignment of provincial disability income benefits such that provincial benefits are combined with a federal benefit.

### Year 3:

- a) Based on recommendation ST2, increase the benefit rate for all current recipients of Extended Benefits (and new recipients going forward) by an additional \$100 per month for single persons plus the supplement (and corresponding increases for couples and families);
- b) Frame a different model of income support – moving beyond traditional welfare to a living income and employment model. There are several jurisdictions that have best practices that can assist in guiding the development of such a program. Some of these are set out in Appendix B to this brief.
- c) Introduce new legislation or a new regulation under current legislation to create a distinct disability income program for persons with a disability.

Given that the federal government has announced a commitment to implementing a new disability program benefit in the next 3 years, the province has an opportunity to reform their current social assistance policies to be more progressive and in alignment with other jurisdictions. It will require both the Federal and Provincial Government programs in order to lift persons with a disability out of poverty.

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# ROLES AND RESPONSIBILITIES

## NBDEN

NBDEN and its member disability organizations are prepared to provide time, support, and resources toward implementing the 8 recommendations found in this briefing document. We have identified the critical issues that should be prioritized over the next five years. We would like to work with the Department of Social Development and other stakeholders as partners in change.

NBDEN will:

- Provide expertise and resources to implement the 8 recommendations.
- Support the government with open communications and full participation in the Project Sponsorship Table and the 8 project teams.
- Lead or co-lead specific projects, along with identifying key stakeholders who can be available to assist with research and implementation activities.

## Social Development

Social Development will:

- Provide expertise and resources to implement the 8 recommendations.
- Support NBDEN and other stakeholders (such as the Premier's Council on Disabilities) with open communications and full participation in the Project Sponsorship Table and the 8 project teams.
- Lead or co-lead specific projects, along with identifying key staff and GNB experts who can be available to assist with research and implementation activities.

This is a promising time in Canada for persons with a disability, but also daunting. Significant changes are on the horizon. The time to start planning is now. These two examples provide a glimpse into the near future.

The **Federal Government** is promising enhanced income support programs. The *Speech from the Throne* in 2020 committed three important action items:

- A new Canadian Disability Benefit modelled after the Guaranteed Income Supplement for seniors;
- A robust employment strategy for Canadians with disabilities;
- And a better process to determine eligibility for Government disability programs and benefits.

In **Manitoba**, the provincial government is re-writing legislation to create a new program for persons with severe and prolonged disabilities that will be distinct from regular social welfare services with these features:

- Separate from Employment and Income Assistance (EIA) and would include disability support payments and shelter assistance tailored to unique needs.

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- Requirements strengthened for participation in programming and supports that provide more pathways to employment.

## NEXT STEPS AND IMPLEMENTATION PLAN

### Governance

We suggest that a **Project Sponsorship Table** be established for senior Social Development managers. From this table we can jointly resource each of the 8 recommendations as individual projects with defined timelines and outcomes. NBDEN can leverage our existing staff in New Brunswick, along with tapping into regional and national resources, to assist with project research, planning, and implementation. These recommendations are consistent with the Premier's Council on Disabilities' *Disability Action Plan* (July 2020). Their involvement in this proposed process will be required and welcomed.

NBDEN would be pleased to support the Department with implementing these recommendations. Moving toward separate and distinct programs for persons with a disability will require collaboration and significant change management. We are prepared to volunteer our resources and expertise to work with staff of Social Development to make these improvements a reality. By working together, the strategy will be more sustainable over the long term.

Implementing this level of change requires thoughtful planning and partnership. We believe this is a unique opportunity for the Government of New Brunswick and Social Development to get ahead of the curve and show just how good New Brunswick could be for persons with a disability.

### About NBDEN

The New Brunswick Disability Executives' Network (NBDEN) consists of 10 provincial disability organizations. We are a key consultative body on disability issues for many government departments and agencies and we work collaboratively to advance public policy that supports the full inclusion, participation, and citizenship of New Brunswickers with a disability. In the last year, we have collectively provided supports and services to over 98,681 New Brunswickers with a disability.

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# APPENDIX A – UN CONVENTION

The following are the relevant articles referenced from the UN Convention for Persons with Disabilities for the purpose of illustrating the legislative requirements when developing the top public policy options and are as follows:

## **Article 19** – Living Independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

## **Article 23** – Respect for home and the family

States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- a. The right of all persons with disabilities who are of marriageable age to marry and to find a family on the basis of free and full consent of the intending spouses is recognized;
- b. The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
- c. Persons with disabilities, including children, retain their fertility on an equal basis with others.

## **Article 25** – Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

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- a. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programs;
  - b. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
  - c. Provide these health services as close as possible to people's own communities, including in rural areas;
  - d. Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
  - e. Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
  - f. Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

#### **Article 27 – Work and employment**

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- a. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- b. Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- c. Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- d. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

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- e. Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
  - f. Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
  - g. Employ persons with disabilities in the public sector;
  - h. Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
  - i. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - j. Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - k. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

**Article 28 – Adequate standard of living and social protection**

States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

- a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
- b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
- c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
- d) To ensure access by persons with disabilities to public housing programmes;
- e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

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## APPENDIX B – RECENT REPORTS

- Australian report re: [\*Better Employment and Social Outcomes\*](#), which refers to guiding principles (for the review) and core values (for reform) in line with our objectives. They talk about building capacity, adequate support, participation, etc. as well as moving toward a simpler, sustainable system. References to better support for employment, collaboration between departments, etc.
- The [\*Income Security Roadmap for Change\*](#) (Ontario, 2017) highlights clear steps for reform that also align with our objectives, referencing *Investing in People* and *Addressing Adequacy* as two overarching themes of the Roadmap. Detailed recommendations for program and policy design that we could pull from.
- The [\*Holes in the Social Safety Net: Poverty, Inequality and Social Assistance in Canada\*](#) (Ontario, 2020) report looks at poverty-related data over the last few decades and reviews social assistance programs across the country; it also includes evidence-based recommendations for filling the gaps in the social safety net.
- The [\*System transformation in Ontario Works Considerations for Ontario\*](#) report (2020) provides an overview of some structural changes in social assistance to date and an overview of the experiences in other jurisdictions that have undertaken similar reforms (including examples of and considerations for wrap-around supports, intergovernmental collaboration, etc.).
- This policy paper on [\*Resetting Social Assistance Reform in Ontario\*](#) (2019) sets out some evidence-based recommendations and highlights outcomes-based funding, adequate supports, incentivizing employment, etc.
- Manitoba has just introduced a Bill to create a new income support program for persons with a disability that is outside of the social assistance system.

<https://www.winnipegfreepress.com/local/tories-propose-income-support-stream-for-disabled-applicants-574284252.html>

<https://web2.gov.mb.ca/bills/42-3/b072e.php?fbclid=IwAR0BFzre0ySVLULk7s-7v4sSmJwbtiEZwmhjo3TljOkAd9NhtoJML9EKGlo>