



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

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Member of Parliament

January 4, 2023

Submission on Canada Disability Benefit Regulations

Foreword

I appreciate this opportunity to provide feedback on the regulations that will govern the promised Canada Disability Benefit (CDB) and its pivotal role in supporting persons with disabilities across the country. This initiative holds immense promise, yet there are critical considerations that must be addressed in these final stages to ensure its efficacy and that it meets its intended purpose.

For over two years I have been honoured to work alongside people with disabilities and their advocates, to listen first and to work for the benefit to not only be distributed as quickly as possible but to ensure people with disabilities are provided meaningful engagement opportunities throughout its development and implementation. In addition to opportunities provided by the government, my team and I have also hosted roundtables with disability-serving organizations in my community, hosted in-person and virtual question-and-answer sessions for people with disabilities, provided mail-in feedback forms, and heard from countless others who are depending on our government to get the details of this framework right.

Firstly, the funding allocated to the CDB is fundamental. To truly make a positive impact and lift individuals with disabilities above the poverty line – a line we know contributes to poor outcomes for people with disabilities – it is imperative that the benefit is adequately funded. We must also ensure funding is allocated towards the benefit itself in Budget 2024 as people with disabilities have already been waiting for years since this benefit was first presented. Uplifting people with disabilities is not just a moral obligation but a necessary step toward fostering inclusivity and dignity for all Canadians.

Moreover, while considering the CDB, it's crucial to honour key amendments that passed and are now laws that enhance its effectiveness. One such amendment involves ensuring the provision of a consultation process to genuinely engage and collaborate with PWD during the development of regulations.

Barrier-free access is another crucial aspect that must not be overlooked. Ensuring that the CDB is easily accessible to all eligible individuals regardless of their location, socioeconomic status, or disability type is vital. Removing bureaucratic hurdles and creating streamlined application processes that don't rely on costly testing by those already in financial need will facilitate broader participation and uptake, ensuring even the most marginalized can access this guaranteed livable income supplement.

"We have to prove that my son has the same disability every 3 years to Canadian Revenue Agency. ASD is permanent, the cost is quite large and time-consuming. I would like CRA to discontinue this practice."

– Kitchener Centre Constituent

Furthermore, there are essential considerations that have been excluded in the initial legislation, such as the issue of clawbacks. To ensure the effectiveness of the CDB, measures must be taken to prevent any clawbacks that might diminish the intended benefits for recipients, which includes clawbacks of provincial or territorial benefits. Additionally, safeguarding against potential exploitation or disadvantage from the insurance industry is paramount to secure the rights and entitlements of people with disabilities.

Finally, a critical adjustment to consider is evaluating an individual's income rather than that of their family. This shift can provide a more accurate and fair assessment of the support needed by an individual, considering their unique circumstances and requirements.

Summary

The Canada Disability Benefit Act, which received Royal Assent on June 22, 2023, has unanimous support from all parties. The Act establishes the Canada Disability Benefit, which is intended to help reduce poverty among working-age Canadians with disabilities, who are disproportionately affected by financial hardships and barriers to employment. The Act outlines that a person is eligible for the benefit if they meet the criteria and conditions set out in the regulations. The Government of Canada is now developing regulations under the Act, including details such as the benefit amount and eligibility criteria. The Act is based on the understanding that disability inclusion benefits everyone and is part of Canada's Disability Inclusion Action Plan, which is aimed at making lasting changes to create a more inclusive Canada for persons with disabilities.

Background

The Canada Disability Benefit could significantly reduce poverty in Canada, as people with disabilities make up 41 percent of Canada's low-income population. This is a disproportionate representation as only 22 percent of the Canadian population have disabilities.

We have seen great support for lifting people with disabilities out of poverty. I was proud to sponsor a petition that attracted almost [18,000 signatures](#) from coast to coast to coast and to initiate a [letter of support co-signed by 79 MPs](#) from four different parties.

In December 2022 I was delighted to secure support for five of my amendments to the bill, which were each inspired by input from disability advocates and organizations my team and I heard from.

Among the amendments I proposed, the committee accepted:

- To include a definition for the term 'disability' to ensure consistent and equitable access and eligibility, with unanimous support.
- A requirement for the federal government to make public the agreements they sign with the provinces and territories.
- Direction for those who write the regulations to require the benefit to be indexed to inflation, with unanimous support.
- For the benefit to be barrier-free, meaning recipients shouldn't have to complete a cumbersome application to be eligible and could include a potential recipient being automatically enrolled when completing their taxes.
- For people with disabilities to have meaningful and barrier-free opportunities to give input into regulations as they're developed.

These five amendments made up more than half the nine that passed, part of a collaborative process to strengthen the bill.

It remains a priority for me to ensure these amendments are honoured in the interest of people with disabilities who will depend on this benefit. When I spoke at the committee on the amendment that ensures the application is barrier-free, I gave the example of automatically being eligible when a person with a disability completes their taxes.

Because of this, I was concerned when I recently heard from organizations that had met with government officials and learned they are considering using the Disability Tax Credit (DTC) to evaluate eligibility. The DTC includes an onerous and sometimes costly application process and is not seen as barrier-free for many who face disadvantages.

I asked the Minister in Question Period to clarify whether the government was considering having the Canada Disability Benefit administered through the DTC. Since this would be in contravention of the Canada Disability Benefit Act, I'm disappointed she didn't outright confirm this would not be the case.

I will continue to call on the government to follow the Canada Disability Benefit Act as they design the benefit. Regulations developed must meet the stipulations of the legislation passed by Parliament.

Priorities Heard from People with Disabilities and Advocates

Adequately Fund the Canada Disability Benefit

Funding the Canada Disability Benefit Act adequately above the poverty line is crucial to ensuring that individuals with disabilities receive sufficient financial support. Here are suggestions on how to achieve this:

- **Consultation with Stakeholders:** Engage individuals with disabilities, advocacy groups, experts, and relevant stakeholders in the process of determining benefit levels. Their input can provide valuable insights into the actual needs and expenses faced by those living with disabilities.
- **Needs-Based Assessment:** Conduct a comprehensive assessment of the cost of living for individuals with disabilities, considering various factors such as housing, healthcare, assistive devices, transportation, and other essential needs.
- **Setting Benefit Levels:** Establish benefit levels that are calculated to exceed the poverty line, taking into account the specific financial requirements of individuals living with disabilities. Consider regional variations in the cost of living to ensure adequacy across different areas.
- **Regular Cost-of-Living Adjustments:** Implement mechanisms for regular adjustments to disability benefits in line with changes in the cost of living. While my amendment to ensure the benefit is indexed in accordance with the pace of inflation passed with unanimous support, we need to ensure we are continually reviewing cost-of-living adjustments for people with disabilities.
- **Allocating Sufficient Funds:** Allocate a dedicated and sufficient budget to fund the Canada Disability Benefit, starting in Budget 2024 as regulations are finalized, as was done with the national childcare funding.
- **Exploring Funding Sources:** Explore diverse funding sources, including government allocations, taxation mechanisms, public-private partnerships, or other innovative funding models to ensure sustainable and adequate financial support for the benefit.
- **Integration with Existing Support Programs:** Coordinate the Canada Disability Benefit Act with existing support programs and social services to avoid duplication of benefits and ensure a comprehensive approach to meeting the needs of individuals with disabilities.

- **Research and Data Analysis:** Invest in ongoing research and data analysis to understand evolving needs and trends among individuals with disabilities. Use this data to inform funding decisions and policy adjustments.

By implementing these measures, the Canada Disability Benefit can ensure the financial support provided to individuals with disabilities is not just sufficient to meet basic needs but will lift them above the poverty line, allowing for a more dignified and inclusive quality of life.

Follow Key Amendments

A. Ensure Meaningful Consultation During Development and Implementation

Improving consultation to ensure true collaboration with persons with disabilities within the framework of the Canada Disability Benefit Act requires a thoughtful and inclusive approach. The Act requires a broad and barrier-free consultation process, reaching out to organizations and individuals from diverse backgrounds.

- **Diverse Representation:** Ensure that consultation processes involve a diverse representation of persons with disabilities, including those with different disabilities, backgrounds, gender identities, ages, and experiences. Engage with advocacy groups, community organizations, and individuals directly affected by disabilities.
- **Accessible and Inclusive Formats:** Conduct consultations using accessible formats, such as in person, online, and over the phone, while providing sign language interpretation, captioning, plain language, and alternative communication methods, to accommodate various disabilities and ensure meaningful participation.
- **Early and Continuous Engagement:** Initiate consultation processes at the early stages of policy development or revision and maintain continuous engagement throughout the process. This allows for input at critical stages and ensures that voices of people with disabilities are heard and integrated into decision-making.
- **Flexibility and Accommodations:** Offer flexibility in engagement methods and provide accommodations to facilitate participation. This could include extended timelines, multiple avenues for feedback (online, in-person, written submissions), and accommodations for individuals with specific needs.
- **Empowerment and Capacity Building:** Empower people with disabilities to actively participate by providing necessary information about the Act, its implications, and the consultation process. Offer capacity-building workshops or resources to enable meaningful contributions.
- **Respect for Diverse Perspectives:** Acknowledge and respect the diversity of perspectives within the disability community. Ensure that consultation processes value and incorporate varied viewpoints, experiences, and needs of individuals with disabilities.
- **Feedback Incorporation and Transparency:** Communicate how feedback received during consultations will be utilized in shaping policy or decision-making. Ensure transparency in the process, sharing how input was considered and integrated.
- **Ongoing Feedback Mechanism:** Establish a continuous feedback mechanism beyond formal consultation periods. Create channels for ongoing dialogue, allowing people to provide feedback, share experiences, and suggest improvements even after policy implementation.
- **Cultural Sensitivity and Awareness:** Conduct training for policymakers and those leading consultations to understand and respect the diverse cultural, social, and accessibility needs of people with disabilities, fostering a more inclusive and sensitive environment.

- **Evaluation and Accountability:** Regularly evaluate the effectiveness of consultation processes in engaging people with disabilities and improving the Act. Establish mechanisms to hold decision-makers accountable for incorporating meaningful input from the disability community.
- **Outreach Programs:** Conduct outreach programs to reach out to marginalized communities and ensure they are aware of the benefit and the application process. This could involve partnerships with community organizations that serve people with disabilities.
- **Feedback Mechanism:** Establish an accessible feedback mechanism where applicants and recipients can provide input about their experiences and suggest improvements to make the process more accessible.

By incorporating these suggestions, the Canada Disability Benefit Act can establish a more collaborative and inclusive approach to consultation, ensuring that the voices and perspectives of persons with disabilities are not only heard but actively considered and integrated into the policymaking process.

B. Ensure the Canada Disability Benefit is Barrier-Free

The Accessible Canada Act, in force since 2019, aims to realize a barrier-free Canada by 2040, benefiting all Canadians, especially persons with disabilities, through the proactive identification, removal, and prevention of barriers to accessibility in various areas. To achieve this, the government must collaborate with the disability community to design and deliver a benefit that is truly accessible and responsive to their needs, as outlined in the opinion piece written for the Vancouver Sun. The development of national accessibility standards and the ongoing engagement process with feedback from persons with disabilities are essential steps in this direction.

- **Integration with Tax Filing:** Allow individuals to indicate their eligibility or interest in the Canada Disability Benefit when filing their annual taxes. This could be a checkbox, or a section specifically dedicated to this purpose on tax forms.
- **Automatic Screening:** Upon selecting or indicating interest in the Disability Benefit during tax filing, the tax system could automatically screen for eligibility based on certain criteria (e.g., income, disability status) using the information provided in the tax return. Alternatively, those already enrolled in provincial or territorial benefits would be automatically approved for the federal disability benefit.
- **Confirmation and Enrollment:** If the individual meets the eligibility criteria, they would receive confirmation of their enrollment in the Canada Disability Benefit Act. This confirmation could be provided along with their tax return acknowledgment or separately.
- **Additional Information or Documentation:** If further information or documentation is needed to confirm eligibility, individuals could be notified about the additional steps required to complete their enrollment.
- **Opt-Out Option:** Include an opt-out provision in case individuals initially selected the automatic enrollment but later decide not to participate in the Disability Benefit.
- **Communication and Support:** Provide clear information and support throughout the process, including contact information for assistance or clarification, to ensure individuals understand their enrollment status and the benefits they are entitled to receive.
- **Privacy and Security:** Ensure stringent measures to safeguard personal information shared during the tax filing process to maintain privacy and confidentiality.

By integrating an option for automatic enrollment into the tax filing system, or when people are already eligible for other government supports, eligible individuals can seamlessly access the benefits provided by the Canada Disability Benefit Act without the need for a separate cumbersome or complicated

application process. This streamlining can significantly reduce barriers and make the system more efficient and accessible for those in need while reducing the administrative costs of the program.

By implementing these suggestions, the Canada Disability Benefit Act can become more inclusive and accessible, ensuring that all individuals, regardless of their abilities, can access the benefits they deserve without facing unnecessary barriers.

Capture Missed Opportunities

C. Ensure No Claw Backs

The protection of recipients from having their benefits clawed back by private insurance providers under the Canada Disability Benefit Act is crucial for several reasons:

- **Financial Stability:** Recipients of disability benefits often rely on these funds for their daily living expenses, medical care, and other essential needs. Clawing back benefits by private insurance providers could jeopardize their financial stability, making it challenging to meet basic needs.
- **Undermining Government Support:** The purpose of government disability benefits is to provide necessary assistance to individuals with disabilities. Allowing private insurance providers to claw back these benefits undermines the intent and effectiveness of the government support system.
- **Impact on Health and Well-being:** Financial stress due to benefit clawbacks can have a detrimental impact on the mental and physical health of recipients. It may hinder access to essential healthcare and support services, leading to a decline in overall well-being.
- **Legal and Moral Obligations:** There's a moral and legal obligation to protect individuals with disabilities from undue financial hardship. Ensuring that benefits are not clawed back by private insurance providers aligns with the principles of fairness, equality, and social justice.
- **Promoting Independence and Inclusion:** Protection from benefit clawbacks allows recipients to maintain a level of independence and inclusion in society. It supports their ability to participate in everyday activities and contribute to their communities.
- **Reducing Administrative Burden:** For recipients already navigating complex systems due to their disabilities, protecting benefits from clawbacks reduces administrative burdens. It allows them to focus on managing their health and well-being rather than dealing with additional financial challenges.

By safeguarding recipients from having their benefits clawed back by private insurance providers, the Canada Disability Benefit Act can ensure that individuals with disabilities receive the full support intended by government programs, promoting their financial security and overall quality of life.

D. Considerations Pertaining to the Insurance Industry

Ensuring that private insurance companies do not profit excessively from public funds designated for disability benefits under the Canada Disability Benefit Act is crucial. Here are some suggestions to address this:

- **Transparent Funding Allocation:** Implement strict regulations and transparency measures to clearly delineate how public funds designated for disability benefits are allocated to private insurance companies. Establish clear guidelines on the use of these funds to prevent excessive profits.
- **Cap or Limit Profit Margins:** Set caps or limits on the profit margins that private insurance companies can derive from managing or administering disability benefits. This could involve regulations specifying a reasonable percentage or a fixed amount that insurers can profit.

- **Regular Audits and Oversight:** Conduct regular audits and stringent oversight to monitor how public funds are utilized by private insurers. Independent auditors or government agencies should assess whether funds are used appropriately, and profits are within acceptable limits.
- **Benchmarking and Comparative Analysis:** Compare the profits earned by private insurance companies managing disability benefits with industry standards or benchmarks. This comparison can help identify any excessive profits or irregularities in the utilization of public funds.
- **Contractual Agreements and Accountability:** Ensure that contracts between the government and private insurers explicitly outline the terms regarding profit margins, use of funds, and penalties for non-compliance. Hold insurers accountable for any breaches or deviations from these terms.
- **Public Reporting and Accountability:** Mandate private insurers to publicly report their financial statements and how public funds are utilized for disability benefits. This transparency enhances public accountability and facilitates scrutiny of their financial practices.
- **Stakeholder Engagement:** Engage stakeholders, including advocacy groups for individuals with disabilities, in discussions regarding the allocation of public funds to private insurers. Their input can provide valuable perspectives and oversight in preventing excessive profiteering.
- **Legislative Review and Amendments:** Regularly review the legislation governing the distribution of disability benefits to ensure it aligns with the goal of preventing private insurers from profiting disproportionately from public funds. Amend regulations as needed to address loopholes or inconsistencies.

By implementing these measures, the Canada Disability Benefit Act can safeguard public funds from being excessively exploited by private insurance companies while ensuring that the funds are primarily directed towards supporting individuals with disabilities as intended.

E. Individual Income Considerations

Adjusting the evaluation criteria within the Canada Disability Benefit Act to focus on an individual's income rather than their family's income is crucial for a more accurate and fair assessment. Here are some suggestions:

- **Individual-Centric Assessment:** Shift the evaluation criteria to specifically assess the income and financial situation of the individual with a disability rather than considering the collective income of their entire family. This ensures that the benefits are allocated based on the needs and circumstances of the individual, which do not always coincide with household income due to issues of domestic abuse or family dynamics.
- **Recognizing Individual Financial Independence:** Acknowledge that individuals with disabilities may have their own sources of income or financial resources, separate from their family. Evaluate their eligibility based on their personal income, assets, and financial responsibilities.
- **Accounting for Disability-Related Expenses:** Consider the unique financial burden that individuals with disabilities face due to disability-related expenses. Allow deductions or exemptions for these expenses when evaluating the individual's income for benefit eligibility.
- **Fairness and Equity:** Assessing an individual's income directly aligns with principles of fairness and equity. It ensures that benefits are distributed based on the specific needs and financial circumstances of the person with a disability, rather than being influenced by the income of other family members.
- **Privacy and Autonomy:** Protect the privacy and autonomy of individuals by focusing on their own financial situation rather than requiring disclosure of family income, which may not accurately represent the individual's needs or resources.

- **Simplified Assessment Process:** Streamline the assessment process by focusing on the individual's income, reducing complexities that arise from considering multiple sources of family income. This simplification can expedite benefit determinations and ensure timely support for eligible individuals.
- **Consultation and Input:** Engage individuals with disabilities, advocacy groups, and experts in the field during the process of revising evaluation criteria to ensure that the new system accurately reflects the financial realities and needs of individuals living with disabilities.
- **Continuous Review and Adjustment:** Establish a mechanism for ongoing review and adjustment of evaluation criteria to adapt to changing economic conditions, cost of living, and the evolving needs of individuals with disabilities.

By shifting the focus of evaluation to the individual's income within the Canada Disability Benefit Act, the system can better cater to the specific financial needs and circumstances of people living with disabilities, ensuring fair and accurate distribution of benefits.

Conclusion

In conclusion, the Canada Disability Benefit holds immense potential to transform the lives of people with disabilities positively. However, it requires meticulous consideration, inclusive consultation, and amendments addressing key issues to ensure its effectiveness and fairness.

Thank you for considering these vital points in the development of the regulations for the Canada Disability Benefit.