

## Ministry of Children, Community and Social Services

### Questions and Answers on Proposed Legislative Amendments to the *Ontario Works Act, 1997*

#### General

#### 1. What has been tabled/introduced in the legislature?

The government has proposed amendments to the *Ontario Works Act*, along with other proposed housekeeping and consequential amendments. These have been included in a larger package of initiatives introduced in the Legislature as ***Supporting Recovery and Competitiveness Act, 2021***.

#### 2. What are the proposed amendments to the *Ontario Works Act*?

The proposed legislative amendments to the *Ontario Works Act* (OWA) focus on two key areas:

- Changes that would enable the re-alignment of Ontario Works functions across municipalities, District Social Service Administration Boards (DSSAB) and the Ministry to support a new provincial-municipal delivery model; and,
- Changes that would support an enhanced focus on life stabilization to enable people on social assistance to achieve greater independence and financial resilience, connecting them to a network of supports that are right for them and connected to their communities.

#### 3. Why are the proposed amendments to the *Ontario Works Act* needed?

The current social assistance system is set out, in part, in the *Ontario Works Act, 1997* (OWA) which governs Ontario Works. The proposed amendments to the *Act* would enable the new vision for social assistance, announced on February 11, 2021 as part of the government's Recovery and Renewal Plan.

[Ontario's vision for social assistance transformation](#) aims to create an efficient, effective and streamlined social services system that focuses on people, connecting them with a range of services and supports to respond to their unique needs and address barriers to success. It is a critical enabler to a whole-of-government approach to accessing human services that will not only help more people succeed in employment, but also support better outcomes in other areas of life, like health and education.

As a result of the pandemic Ontario finds itself at a critical juncture, with uncertainties about what economic recovery will look like. It will take an all of government approach to

achieve a strong economic recovery and support people back into jobs. That is why we are acting now and working towards this critical transformation to support Ontario's economic recovery. Proposed legislative changes are a key first step.

#### **4. How and when will these proposed changes take effect? How does it relate to implementing the Social Assistance Vision?**

There would be no immediate changes to the program delivery as a result of passing these proposed amendments and there are would also be no direct impacts to benefits or eligibility as a result of the proposed legislation amendments.

The ministry would need to return to government decision makers to bring the amendments into force (i.e., proclaim), and propose regulations to implement any realignment of provincial and municipal roles, and updates to enhance life stabilization focus.

Proclamation and implementing regulations would be brought forward **informed by and after** co-design discussions with municipalities and DSSABs, and engagement with relevant stakeholders.

While these proposed changes are needed to build in flexibility to work through testing and transition of a new model that the vision supports, they do not “presuppose” an outcome of the co-design / engagement work. There may be further need for more legislative or regulatory updates as we work through the co-design work together with key partners.

#### **5. How will the proposed amendments impact clients?**

The proposed legislative amendments are just the first step towards implementing a new provincial-municipal social assistance delivery model that takes a person-centered approach to human services.

There would be no immediate changes to the program delivery as a result of passing these proposed amendments and there are would also be no direct impacts to benefits or eligibility as a result of the proposed legislation amendments.

To help respond to COVID-19 the Ministry has already begun to test modernizing delivery of financial assistance by helping to perform and automate some intake functions (i.e., receiving Ontario Works applications online, determining initial eligibility in low and medium-risk cases) in a select number of prototype sites to help improve the application process for clients and reduce administration for municipalities.

Looking ahead there is still a comprehensive process of co-design and prototyping of the new provincial-municipal delivery model underway with municipalities and DSSABs to gradually transform the delivery of social assistance across Ontario.

The proposed changes would be a critical enabler to implement this new model which supports a whole-of-government approach to accessing human services that will not only help more people succeed in employment, but also support better outcomes in other areas of life, like health and education.

Please see question #4 for when the proposed changes could take effect.

### **Enabling a New Delivery Model**

#### **6. What does 'enabling a new delivery model' mean? What does it mean for Ontario Works?**

At the core of the new vision is a new provincial-municipal delivery model for social assistance that looks at provincial and municipal roles – not along the traditional program lines of Ontario Works and ODSP, but around who can best provide a service to get the best results for the people we serve.

The vision for social assistance recovery and renewal sets goals for the province to realign functions that are largely administrative. Instead of delivering ODSP exclusively, provincial staff will manage and deliver the financial aspects of both programs, including initial and ongoing eligibility and significant elements of benefits administration. The province will also continue to play the essential role of safeguarding the integrity of both programs, as well as continuing adjudication functions for ODSP applicants.

At the same time, municipal and DSSAB partners would use their expertise in delivering person-centred case management and knowledge of local community supports to help people access supports on a pathway to greater independence and employment.

Under the current Ontario Works program delivery model 37 municipalities and 10 DSSABs provide similar and highly administrative service delivery functions of the programs. The current legislative framework requires that municipalities, DSSAB and First Nations deliver **all** program components, with limited authority for the ministry to assist with this delivery.

As the current legislation only allows for one entity to deliver services in each geographic area, the proposed amendments if passed, would allow for the Ministry to be able to deliver some components of the program, including making initial and

ongoing eligibility decisions, as well as having municipalities and DSSABs deliver other components such as supporting and connecting clients to local supports they need to achieve employment and financial independence.

## **Employment and Life Stabilization Assistance**

### **7. What is employment and life stabilization assistance?**

Employment and life stabilization assistance is assistance to help a person to become and stay employed. The proposed legislative amendments if approved would replace references to “employment assistance” to instead refer to “employment and life stabilization assistance”.

Life stabilization focuses on ways that staff can work with clients to identify key needs, connect them to available resources and coach them towards success.

Currently, life stabilization is not explicitly referenced in the *Ontario Works Act*. As the ministry seeks to improve client outcomes and support the journey towards employment, explicitly embedding references to life stabilization in the legislation signals the importance of these activities as a core component of the program.

### **8. Do the amendments mean clients will no longer receive employment assistance?**

No, clients would continue to receive this form of assistance. The proposed changes would enhance the focus on life stabilization as a component by renaming it “employment and life stabilization assistance”. This change would also support greater flexibility for delivery partners in how they provide such supports – while also reflecting a lot of the work Caseworkers currently do in supporting clients.

### **9. Do the amendments mean that clients are entitled to receive new or distinct services and supports under employment and life stabilization assistance?**

No, the proposed legislative amendments would not entitle clients to receive new or distinct life stabilization services or supports through the Ontario Works program.

Providers of Ontario Works already support clients in accessing services and activities that may be considered as part of life stabilization (e.g., connecting to childcare or housing supports).

The proposed amendments signal a greater emphasis on such supports and more flexibility at the local level to deliver them. This includes focusing on tools like assessments and processes that enable greater connections to support for a whole-of-government approach to accessing human services that will not only help more people succeed in employment, but also support better outcomes in other areas of life, like health and education.

#### **10. Why is community participation being removed?**

The proposed legislative amendments, if approved, would remove outdated references to 'community participation.' The term 'community participation' in the Act refers to unpaid work placements in not-for-profit organizations that clients can undertake as part of their participation requirements. Community participation and/or placements would no longer be a formal part of the Ontario Works program.

#### **11. Do the amendments mean that clients are still required to participate in employment and life stabilization activities?**

Participation in employment and life stabilization assistance activities would still be required in most cases. The Ministry intends to propose regulations to what life stabilization means for Ontario Works participation.

#### **Ontario Disability Support Program**

#### **12. Do these amendments impact the Ontario Disability Support Program?**

There would be no direct impacts to the Ontario Disability Support Program as a result of the proposed amendments to the Ontario Works Act, 1997.

The new vision for social assistance in Ontario involves the transformation of both Ontario Works and the Ontario Disability Support Program, but this work is planned to happen in phases over several years.

The ministry is not combining the Ontario Works and ODSP programs. Ontario Works and ODSP would remain two distinct programs. There would also be no direct impacts to benefits or eligibility as a result of the proposed legislation amendments.

There is substantial design work required to support implementing changes associated with the next phase of the plan. We will be engaging with key ODSP and Ontario Works stakeholders and staff to further inform our approach.

**13. Will these proposed amendments have an immediate impact on ODSP staff?  
Will there be job loss?**

There would be no changes to the day-to-day activities for Ontario Disability Support Program (ODSP) local office staff as a result of the proposed legislation amendments at this time. This includes roles such as Caseworkers, Administrative Support Clerks (ASCs), the Intake and Benefits Administration Unit, Program Supervisors, and all other roles in ODSP. The Ministry will continue to work with the bargaining agents and staff through the co-design process.

These proposed legislative changes would enable us to re-align functions between the province and municipalities and DSSABs, as previously announced, and enable the province to administer more aspects of financial assistance.

**First Nations**

**14. How will the proposed amendments impact First Nations delivery of Ontario Works?**

The proposed program designation amendments are being made to support the development of a new provincial-municipal delivery model with municipalities and DSSABs. These amendments would not be used to change delivery roles in First Nations geographic areas.

The proposed legislative amendments for life stabilization would require changes to the regulations to update references to employment assistance activities to include life stabilization. These implementing regulations would be brought forward after discussions with municipalities, DSSABS and First Nations communities.

In recognition of the unique needs and priorities of First Nations communities, the Ontario government will also continue working with First Nations, including at the First Nations-MCCSS Joint Social Services Table towards a separate plan to renew social assistance for First Nations communities.

**15. Why is the term ‘prescribed board’ being replaced with ‘board’?**

The term ‘prescribed board’ has been used in the *Ontario Works Act* to allow the Minister to designate DSSABs and two corporations/boards who represent a group of First Nations as Delivery Agents to deliver Ontario Works.

The term would be being updated to “boards” to address a historical drafting anomaly and to facilitate current and future designation of these entities.

## **16. What exactly is changing to program designations and why is the ministry taking this approach?**

Specifically, the proposed amendments if passed would:

- Add the ability for the Minister to designate the Ministry as a Delivery Agent responsible for the delivery of Ontario Works in a particular geographic area as a matter of course. Presently, the Minister can only act as a delivery agent if the Minister determines that it is “necessary” to do so.
- Add the ability for the Minister to designate, by regulation, a new entity – a Delivery Partner - to perform program functions that are assigned to it by regulation.
- The Delivery Partner can be municipality or a DSSAB and is intended to be the previously designated delivery agent in that area.

The ministry is proposing this approach to build delivery flexibility into the framework while also preserving its overall program accountability. The current legislative framework, which allows for one delivery agent per geographic area, creates a very clear accountability framework for program decision-making for clients and deliverers that was necessary to maintain.

As the plan envisions the ministry taking a greater role in the administration of financial assistance, it made sense to propose that the ministry could become a Delivery Agent, while creating a delivery partnership with municipalities and DSSABs to deliver parts of the program that focus on high impact life stabilization activities and a greater capacity to build stronger connections across the broader system of supports..

This would provide flexibility to shift program delivery functions between the ministry and municipality or DSSAB through co-design - over time, by area, to support incremental changes, testing, and transition.

## **17. Will the new social assistance delivery system be privatized?**

No, the core of the new vision is a new *provincial-municipal* delivery model for social assistance that looks at realigning provincial and municipal / DSSAB roles around who can best provide a service to get the best results.

That is why the proposed changes are proposing only municipalities and DSSABs can be designated as Delivery Partners when the ministry is designated a Delivery Agent in a given area.

**18. Will the ministry be changing geographic boundaries of the program?**

No, the ministry's intent is to continue working within the current geographic boundaries. For example, depending on the outcome of codesign discussions, proposed implementing regulations that would update program designation to realign functions and roles between the Ministry and an existing delivery agent would be within their current geographic area.

**19. Why are program cost sharing provisions being amended?**

Ontario Works is currently cost shared between the Ministry and municipalities – recognizing that the provision of key services to Ontario's most vulnerable is a joint provincial and municipal responsibility.

It is important to note that this principle is not changing - the ability to cost share the program between the Ministry and municipalities irrespective of who is delivering parts of the program would be maintained.

With the creation of a new entity – a delivery partner – proposed provisions in the legislation would be updated to provide authority to assign similar cost sharing rules and allow for apportionment.

**20. Why is the term 'prescribed board' being replaced with 'board'?**

The term 'prescribed board' has been used in the *Ontario Works Act* to allow the Minister to designate DSSABs and two corporations/boards who represent a group of First Nations as Delivery Agents to deliver Ontario Works.

The term would be updated to "boards" to address a historical drafting anomaly and to facilitate current and future designation of these entities.

## 21. What are the proposed amendments to other Acts as a result of these changes?

Minimal consequential amendments to other Acts are required to ensure the new program designated entity, the Delivery Partner, is reflected where necessary. Specifically, the consequential amendments being proposed are to:

- Ontario Disability Support Program Act (ODSPA) to include references to the new entity – Delivery Partner- in information sharing provisions to avoid any disruptions in service delivery under an Ontario Works shared delivery model.
- District Social Service Administration Board Act (DSSAB) to include the possibility that a DSSAB might be designated as a Delivery Partner. This is necessary to support the ability for the Minister to designate a DSSAB as a Delivery Partner under the Ontario Works Act regulations.
- Insurance Act (IA) to include the new entity – Delivery Partner- as an entity to whom insurance companies may be compelled to provide information (similar to how it applies to current delivery agents to support program administration).