



Ontario Rehab Alliance

SUBMISSION TO

**Senate Standing Committee on Social Affairs,
Science and Technology (SOCI) on Bill C-22**

REGARDING

**An Act to reduce poverty and to support the
financial security of persons with disabilities
by establishing the Canada disability benefit
and making a consequential amendment to
the Income Tax Act**

Submitted via email to soci@sen.parl.gc.ca

APRIL 13, 2023





The Ontario Rehab Alliance (ORA) represents small to medium sized healthcare businesses that collectively employ upwards of 4000 healthcare providers including Regulated Health Professionals from all disciplines, social workers, personal support and rehabilitation support workers. Our members are the primary providers of rehabilitation to Ontarians seriously injured in automobile accidents. Most of our members work throughout the healthcare system, giving us a wide-angle view. We are the only association focused primarily on the interests and issues of health providers and their clients in the auto sector.

Our members operate in home, community and clinic settings. As health professionals we have a strong duty of care to our clients, as business owners we have a responsibility to keep the business viable for ourselves, our staff, and the clients who depend on us.

On behalf of its members, the ORA advocates for motor vehicle accident victims, adequate insurance benefits, and fair treatment of those injured.

Background

The ORA enthusiastically supports and applauds the intentions of the proposed Act. We are highly aware of the direct relationship between living with a disability and living in poverty. Bill C-22, if passed, will play a historic and pivotal role in acknowledging and addressing the impact of disability in Canada.



We are concerned, along with many others who have made submissions, that there will be unfortunate and unintended consequences arising from the current wording of some aspects of the Bill as drafted and we have focussed our comments on those of greatest concern.

Making this submission at this later stage of the Standing Committee's consultation process has given us the advantage of reviewing previous submissions. Many of those provide the Committee specific and detailed insights and recommendations in relation to the areas of concern to us and this submission echoes some of these.

Threat of Benefit Offsets

Section 9 of Bill C-22 as drafted may provide an opportunity to enable private and group disability insurers to offset or deduct the Canada Disability Benefit, thereby shifting the payment burden to the taxpayer despite premiums having been paid for an insurance benefit.

Section 9 of Bill C-22 currently reads:

- 9 A benefit under this Act
- (a) is not subject to the operation of any law relating to bankruptcy or insolvency;
 - (b) cannot be assigned, charged, attached or given as security;
 - (c) cannot be retained by way of deduction, set-off or compensation under any Act of



It seems apparent that the intention behind subsection 9(c) is that the Canada Disability Benefit is to be a standalone payment to the sole benefit of the disabled recipient. It is clear that the legislative intent is that no other party should benefit from payment of the Canada Disability Benefit, with an exception stipulated under 9(d).

The ORA supports the recommendation made by our colleagues at the Ontario Trial Lawyers Association (OTLA), proposing that subsection 9(c) be amended to read as follows:

9. A benefit under this Act

...

(c) cannot be retained by way of deduction, set-off or compensation under any Act of

Parliament other than this Act or by contract, agreement, private or group insurance plan or similar instrument, and ...

Eligibility Criteria & Disputes

Working in the Ontario Auto Sector we are sadly aware of the disruptive and costly impact of disputes regarding benefit eligibility that often unnecessarily delay or deny benefits.

We urge the Standing Committee to adopt an amendment providing more expansive and detailed language with respect to eligibility and the inclusion of brain injury, a disability often overlooked and under-supported, therein.



It is vital that Bill C-22 clearly provides for a dispute mechanism when needed, and that eligibility criteria be written so as to mitigate the need for it. As illustrated by data provided by our colleagues at FAIR in their submission, dispute mechanisms can easily become overwhelmed and backlogged.

Meaningful Level of Benefit

Our work makes us very aware of the high cost of disability, extending well beyond under employment and unemployment to include costs that may well be long term for equipment, support services, clinical care and appropriate housing to mention just a few. Low income Canadians with disabilities struggle with these unique costs and consequently require a higher level of support to live above the poverty line.

We urge amendments that will ensure an appropriate level of benefit to accomplish the objectives of the Act.

Conclusion

The ORA believes that if these unintended consequences can be avoided the implementation of Bill C-22 can make much-needed and meaningful changes in the lives of Canadians with disabilities.

ABOUT ORA

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Our member companies operate in home, community and clinic settings. As health professionals we have a strong duty of care to our clients, as business owners we have a responsibility to keep the business viable for ourselves, our staff, and the clients who depend on us.

On behalf of its members, the ORA advocates for motor vehicle accident victims, adequate insurance benefits, and fair treatment of those injured. We help members to navigate the claims system with timely information bulletins on new requirements and issues, and with resources to support daily operations.

**We thank you for your time.
Please connect with Laurie Davis,
Executive Director, for more information.**

Contact

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