

**In the matter of the Coroners Act, R.S.O 1990, c. C.37**

**And in the matter of the**

**INQUEST TOUCHING UPON THE DEATH OF DIANE ANDERSON, TAYJAH  
SIMPSON, JAHZIAH WHITTAKER**

**APPLICATION OF THE ANDERSON FAMILY ON MOTION TO EXPAND INQUEST**

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## **INDEX**

<b>TAB</b>		<b>PAGE</b>
1	NOTICE OF APPLICATION.....	1
2	AFFIDAVIT OF IESHA SIMPSON SWORN MARCH 11, 2011.....	7
3	<b>EXHIBIT 1</b> CORRESPONDENCE TO SOCIAL SERVICES CASEWORKER JOANNE SMITH OCTOBER 22, 2009.....	10
4	AFFIDAVIT OF SOPHIA ANDERSON SWORN MARCH 20, 2011.....	13
5	<b>EXHIBIT 1</b> CASE WORKER JOB DESCRIPTION, SOCIAL SERVICES POLICY AND PROCEDURES INFORMATION....	17
6	<b>EXHIBIT 2</b> LETTER TO DR. D. EVANS DATED FEBRUARY 14, 2011.....	49
7	<b>EXHIBIT 3</b> REPORT ENTITLED: "IF LOW INCOME WOMEN OF COLOUR COUNTED IN TORONTO.....	55

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**NOTICE OF APPLICATION TO EXPAND SCOPE OF INQUEST**

The Anderson family will make a motion to the Coroner, Dr. David Evans on March 24, 2011 at 5:00 p.m. or as soon after that time as the motion can be heard, at 15 Grosvenor Street, Toronto, Ontario.

The motion is to be heard orally.

**THE MOTION IS FOR:**

1. An order amending the scope of the inquest to include:

An examination of the services/resources provided to or accessed by the family of Diane Anderson, Tayjah Simpson and Jahziah Whittaker including the Children's Aid Society (CAS), Toronto District School Board (TDSB), Toronto Community Housing Corporation (TCHC), Victim Services and the Employment and Social Services Division of the City of Toronto (ESSD), and the coordination of those services and the sufficiency of those services.

2. Such further and other relief as counsel may advise and this court deem just.

**THE GROUNDS FOR THE MOTION ARE:**

1. This inquest involves the tragic death of a mother Diane Anderson, and two of her children, Tayjah Simpson and Jahziah Whittaker, while living in Toronto Community Housing.

2. The Coroner's Brief discloses that at the time of their deaths, and/or in the time period preceding their deaths, the following agencies were substantially involved in the lives of Diane Anderson and/or some of her children: the CAS, the TDSB, the TCHC, Victim Services and ESSD.
3. The purpose of this inquest is to examine the circumstances of the death, to answer the five questions outlined in section 31 of the Coroner's Act and for the jury to make any recommendations it may deem fit to prevent similar deaths in future.
4. Recent case law has emphasized the importance of the inquest's public interest function in exposing systemic failings that cause death.
5. This is a discretionary inquest such that in calling this inquest, regard has been had to:
  - a) whether the holding of an inquest would serve the public interest;
  - b) whether the answers to the five matters ("the five questions") in clauses 31 (1) (a) to (e) are known;
  - c) the desirability of the public being fully informed of the circumstances of the death through an inquest; and
  - d) the likelihood that the jury on an inquest might make useful recommendations directed to the avoidance of death in similar circumstances.
6. While the family acknowledges that Diane Anderson had individual deficits that were a factor in this tragedy, they also recognize that certain racial and gender systemic barriers were also a contributing factor. The report entitled "**If Low Income Women of Colour Counted in Toronto**" by Punam Khosla (hereinafter "the report") provides some corroboration for the family's position in identifying systemic barriers faced disproportionately by low income women of colour, which contributed to this tragedy:

- a) Lack of accessible supportive and therapeutic counseling. This exacerbates mental health and substance abuse issues (Report p 54);
  - b) Inadequate jobs –those low income women that work are stuck in low-paying dead end jobs with little hope of advancement, no benefits (Report p 40);
  - c) Lack of access to education and skills training; low income women have very restricted mobility having neither the time or transit money to travel out of their immediate communities (Report p 40);
  - d) Lack of community supports and services. There are few public places for women to gather and meet within their communities. The women’s programs that do exist are facing critical shortages of resources, few staff and little space (Report p 29);
  - e) Housing and neighborhood segregation; divisions based on income and race play themselves out in geographic pockets of disadvantage across the city (Report p 22);
  - f) Criminalization of women on social assistance. Report pp 43-44, including regular lack of respect and mistreatment by social assistance workers; increases in apprehension of children of low income women of colour by child welfare authorities;
  - g) The housing crisis for low-income women, inability to secure decent affordable housing; not enough units, overcrowding, poor maintenance, long waiting list (Report p 49);
  - h) Excessive responsibility and over work, overloaded with unreasonable responsibilities which they must cope with alone; isolation and loneliness leading to depression and anxiety (Report pp 51-52, 54).
7. It is against this backdrop of systemic issues that the CAS, the TDSB, the TCHC, Victim Services and the ESSD were engaged at material times in the provision of services to Diane Anderson and/or her children.

8. The family, for the first time represented by counsel, has brought forward concerns through the affidavit of Iesha Simpson, suggesting that:
  - a) Diane Anderson's case worker Joanne Smith from the Lawrence Square Employment and Social Services Office did not honour her obligations as a case worker during the relevant period 2006-2007.
  - b) Ms. Simpson had contact with the same case worker after the tragic fire and describing some concerns with that contact.
  
9. The Coroner has ruled these two issues are outside the present scope of the inquest and that if parties would like to explore them, they must bring an application.
  
10. The family has also brought forward concerns through the affidavit of Sophia Anderson, suggesting that:
  - a) the Lawrence Square Employment and Social Services Office did not make home visits to her residence and had listed her residence address as one that was too dangerous to visit;
  - b) raising concerns about the sufficiency and quality of services received by Diane from the different agencies with which she was involved at the time of and prior to her death;
  - c) that Diane Anderson had mental health and alcohol abuse issues for which she did not receive adequate counseling;
  
11. The present scope of the inquest has been defined as:
  1. The involvement of the Children's Aid Society with the family;
  2. Toronto Community Housing and its involvement with this family and in the fire safety of the unit;
  3. The role of the Toronto Fire Department in the fire safety and prevention in Toronto (Community Housing Communities).

12. Further communication from coroner's counsel has suggested that, within these three areas, the scope would include "the community services/resources available to the family and specifically Diane Anderson and the sufficiency of these services."
13. The material contained in the coroner's brief suggests that , in the years under review, there were a number of agencies connected with the family but, with the exception of the counseling provided to one of the surviving children, there was limited meaningful engagement and sustained connection.
14. It appears from the coroner's brief that the ESSD was involved with Diane Anderson at the time of her death and that her support was discontinued from time to time as a result of an alleged non-compliance with policy.
15. According to its policies, it is the intent of the Ontario Works program to help people in temporary financial need find sustainable employment and achieve self-reliance through the provision of effective, integrated employment and financial assistance. Delivery service agents are supposed to make home visits in appropriate instances, help recipients get employment, recommend counseling, mental health and addiction services where appropriate.
16. The Anderson family believes that Diane Anderson was a single mother who did the best that she could in the face of incredible individual challenges and systemic barriers related to gender and race which ultimately overwhelmed her despite her best efforts.
17. An expansion of the scope to include an examination of the services/resources provided to or accessed by the family of Diane Anderson, Tayjah Simpson and Jahziah Whittaker including the Children's Aid Society , Toronto District School Board, Toronto Community Housing Corporation , Victim Services and the Employment and Social Services Division of the City of Toronto, and the coordination of those services and the sufficiency of those services, would enhance public confidence in the process and

increase the coroner's jury's understanding of the family's strengths and weaknesses, and allow for more nuanced recommendations how services might be provided more effectively and a repetition of this tragedy avoided in future.

18. Sections 20, 31, 41 and 50 of the Coroner's Act.

19. Such further and other grounds as counsel may advise and the Coroner may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of this motion:

1. The affidavit of Iesha Simpson sworn March 11, 2011;
2. The ruling of Dr. Evans dated March 16, 2011 in respect of scope;
3. The affidavit of Sophia Anderson sworn March 20, 2011;
4. Such further and other documents as counsel may advise and the Coroner permit.

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**In the Matter of a Coroner's Inquest**

**Involving Diane Anderson et al**

**Statement of Ilesha Simpson sworn March 11, 2011**

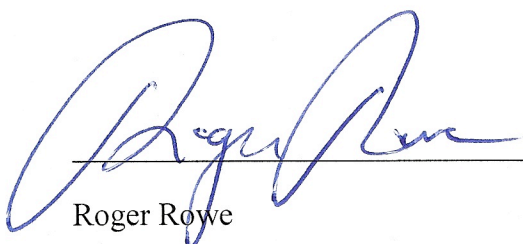
I, Ilesha Simpson of the City of Toronto, Province of Ontario, **MAKE OATH AND SAY:**

- 1) I am the daughter of Diane Anderson, and as such have knowledge of the matters hereinafter deposed, except where such knowledge is based on information and belief in which case I believe same to be true.
- 2) This statement is further to the statement that I gave to Detective Larry Rebellato on July 10, 2009.
- 3) Since that time my family and I have retained lawyer Roger Rowe to represent us in this inquest.
- 4) Mr. Rowe informed me that I was required to provide a further statement for the inquest addressing issues that may not have been covered in my statement to Detective Rebellato.
- 5) I am a 19 year old single Black mother with a grade 11 education. I am currently on social assistance. I reside with a friend in a basement apartment because I am unable to find affordable housing. My mother Diane was on social assistance at the time of the fire that occurred on December 22, 2007 and had been for several years. Her file was at the Lawrence Square Employment and Social Services office at 700 Lawrence Avenue West, Toronto Ontario (hereinafter the Lawrence Square Office). Her case worker was Joanne Smith.
- 6) Throughout the time I resided with my mother and siblings at 303 Grandravine Drive, Unit 237, Toronto Ontario, M3N 1J1, we never received a home visit from Ms. Smith or any other staff person from the Lawrence Square Office.
- 7) After the fire, neither myself nor my siblings ever received any follow up visit or contact from Ms. Smith or anyone else at the Lawrence Square Office. My siblings and I were eventually split up and placed in different homes.
- 8) On or about April 2009, I completed a telephone application for social assistance. I subsequently attended an appointment at the Lawrence Square Office. The case worker

assigned to my case was Joanne Smith. She said that she recognized my name and had been my mother's case worker. She gave me forms for my application for benefits and gave me my mother's social insurance number to facilitate my application.

- 9) On October 22, 2009, further to the request of Joanne Smith, I faxed a receipt to Ms. Smith confirming the amount of my rent. Attached hereto as **Exhibit 1** is a copy of that fax. About six months later, my case was assigned to another worker at the Lawrence Square Office. I have not received any help from the Lawrence Square office in getting housing, upgrading, life skills or employment.
- 10) During the time that I lived with my mother, she had a lot of responsibilities as a single mother. It was too much for one person to handle trying to raise and provide for 5 children, on social assistance with little or no help, and having the substance abuse and mental health issues. I tried to help look after my siblings when my mother was drunk or high on cocaine. My mother did the laundry, cooking, washing dishes, cleaning the bathroom and the floors, helping us with our homework. In addition, my brother Trevari was a special needs child with severe behavioural issues that put a lot of stress on my mother and our family household. I tried to help my mother but it was too much for us. When Leroy was killed in our home, that was her downfall. She never recovered from that.
- 11) In addition to organizing the daily routines for my siblings and I, my mother was constantly struggling with the landlord to fix all the disrepair problems in our home, including the washer/dryer, leaking pipes, the cracks in the ceiling, cockroach infestation. She complained several times about the fire alarms not working. Despite her many complaints, the landlord didn't fix the disrepair problems.
- 12) On several occasions, my mom told me that she wanted to move us all to a new residence and out of the neighbourhood. I remember her going to the landlord's office to apply for a transfer. She said she wanted something better for herself and her children. Despite her requests, the transfer never happened.
- 13) While my brother Jahziah Whittaker was at home with my mom, she told me that she wanted to put him in daycare so that she could do upgrading and get a good job so that we could have a better life. It did not seem like there was anywhere she could go to get the help that she needed to do this. No one helped us.

SWORN BEFORE ME at the **City of** }  
**Toronto**, in the Province of }  
**Ontario** this 11<sup>th</sup> day of March, 2011. }



A handwritten signature in blue ink, appearing to read 'Roger Rowe', is written over a horizontal line.

Roger Rowe  
A commissioner



A handwritten signature in blue ink, appearing to read 'Iesha Simpson', is written over a horizontal line.

**Iesha Simpson**

This is Exhibit.....referred to in the  
 Affidavit of.....  
 Sworn before me, this.....  
 day of.....20.....  
 .....

*Tesha Simpson*  
*11*  
*March*  
*11*  
*Roger Rave*  
 A COMMISSIONER FOR TAKING AFFIDAVITS

11

HP LaserJet 3050

# Fax Call Report



MONSIGNOR FRASER FAX  
4163935558  
22-Oct-2009 11:33AM

Job	Date	Time	Type	Identification	Duration	Pages	Result
3242	22/10/2009	11:32:57AM	Send	94163924211	0:32	1	OK

No. 9. Mar <sup>1st</sup> - Oct 6 / 2009.  
 Received from Teisha Simpson  
 for rent @ 1782 Jane St.  
Three Hundred & fifty <sup>100 dollars</sup>  
\$350.00 each month James Smith

416 392 4211 To: Joanne Smith

No. 9. Mar <sup>15<sup>th</sup></sup> - Oct 61 | 2009.

Received from Teisha Simpson

for <sup>Recu de</sup> rent @ 1782 June St.

Three Hundred & fifty <sup>100</sup> Dollars

\$ 350.00 each month Jaime Spotts

416 392 4211 To: Joanne Smith

**Affidavit of Sophia Anderson Sworn March 20, 2011**

I **Sophia Anderson**, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am the sister of the deceased Diane Anderson and the aunt of the deceased children Tayah Simpson and Jahziah Whittaker. My family experienced a horrible tragedy when on December 22, 2007, my sister Diane and two of her young children died in a house fire. I subsequently assumed care of my sister's surviving children Iesha, Trevon and Travarai. Iesha and her daughter subsequently moved to another residence. Travarai stayed with me until March 2010 when he was transferred to a group home under Children's Aid supervision.
2. Diane received social assistance at the time of the fire and for several years before the fire. I know this because she told me that she was in receipt of welfare assistance.
3. I often visited Diane at her unit 237 at 303 Grandravine Drive, Toronto in Toronto Community Housing (TCHC) and saw her 5 children there regularly. I used to see Diane getting herself dressed up to visit the social services case worker. When I asked her where she was going, she told me that she had an appointment with her case worker. On a few occasions Diane told me that she felt belittled by the caseworker and she did not enjoy going to the appointments. On a couple of occasions I observed Diane crying about how she was treated at the welfare office. In the years that I knew and spoke to Diane I never observed a home visit by her case worker to her home. I thought this was odd because I was aware of other workers from other agencies sometimes making home visits to her home at 303 Grandravine Drive Toronto.
4. Diane told me about visits to her home by a lady from the Toronto District School Board to see Trevon, and a visit by the Children's Aid Society concerning Travarai. I actually attended one home visit by the Children's Aid Society at Diane's request. I think this was some time in the summer of the year 2006. That meeting occurred in Diane's home at 303 Grandravine Drive, Toronto at the request of Children's Aid after Travarai came to school and was observed by one of his teachers to have a bruise on his forehead. The Society worker who came to Diane's home asked a few questions, checked out Diane's home and said everything was okay and that he would close the file.
5. I later learned that the social services office had listed Diane's home address as one that was too dangerous to visit. Attached hereto as **Exhibit 1** is a copy of the job description for welfare case worker, as well as the policy and procedures information pertaining to service delivery standards of the social services office. All of

this information was obtained from a Government of Ontario web site

[http://www.mcass.gov.on.ca/en/mcass/programs/social/directives/ow\\_policy\\_directives.aspx](http://www.mcass.gov.on.ca/en/mcass/programs/social/directives/ow_policy_directives.aspx)

According to this information, case workers are supposed to make home visits, help her get employment, recommend counselling, mental health and addiction services where appropriate. I am not aware of Diane getting any of this kind of assistance from the social services office.

6. After the fire, when Diane's children came to live with me, I received a lot of help from the social services office at Chesswood Avenue Toronto. The case worker Mr. Spagnola and his supervisor Mr. Wilson were very supportive in connecting us with financial programs and services. Mr. Spagnola followed up with us regularly and inquired how we were coping. He recommended various places we could get counselling if we needed it. He was very accessible. He never put us down or belittled us in any way. He was always respectful and sincere. He made me feel like family. This was a lot different from how Diane told me she was treated at the social services office that she dealt with.
  
7. From my almost daily interaction with Diane, I was aware that she was an alcoholic and was depressed. I tried to get counselling for her. On one occasion in the summer of 2006 I set up an appointment for her at a place at Sherbourne and Bloor Streets in Toronto for psychological and alcohol counselling. We arranged to attend together. She agreed to do this, until the day of the appointment she changed her mind and refused to attend. She kept repeating that she did not want anyone to bombard her like the television show "Intervention". Based on my conversations with Diane, she felt trapped with no way out. She said she wanted to go back to school to get a better education and get a better job. She wanted a better life for her and her children.
  
8. I acknowledge that Diane had individual issues and challenges as a result of having had a difficult life. These individual issues around her psychological depression and alcohol abuse, combined with her situation in TCHC housing, made her vulnerable. Though different agencies were supposed to be helping her, she did not receive the help that she needed. I was reluctant to tell everything I knew about Diane's situation to Children's Aid because one of my other sisters had previously had a bad experience with Children's Aid in which their intervention made the situation worse.
  
9. Our application in October 2010, for legal aid to get a lawyer for this inquest, was not finally approved until the end of January 2011, at which time we retained a lawyer named Roger Rowe. On or about February 14, 2011 Mr. Rowe's office faxed a letter to the Coroner's Office. That letter accurately captures our family's views on what issues should be considered at this inquest and many of the systemic issues that impacted Diane



and this tragedy. Attached hereto as **Exhibit 2** is a copy of that letter. Attached hereto as **Exhibit 3** is a copy of the report entitled "If Low Income Women of Colour Counted in Toronto" c 2003 by Punam Khosla which Mr. Rowe referenced in his February 14, 2011 letter.

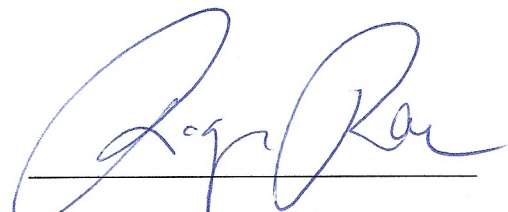
10. The role of the social services office regarding Diane and her children should be considered at this inquest, in the same way that the roles of the Victim Services Office, the Toronto District School Board, the Children's Aid Society are being considered as agencies that were involved in the lives of Diane and her children at the material time.
11. Diane's son Travarai was born at Women's College Hospital prematurely. I was in the delivery room with Diane when he was born. Diane had difficulties with her son Travarai. He had behavioural issues and Diane did not seem to know how to cope with Travarai. She took him to Women's College for testing. About a year after the fire, Travarai's behavioural issues got worse. He started acting out at school, fighting with his teachers, and being very belligerent with me at home. The Yorkwoods Public School where Travarai was a student, was very supportive in the circumstances, trying to help Travarai with an education plan that would better suit him. They helped get him connected with the Big Brothers organization. They were also very helpful to me.
12. I arranged to take Travarai to Adventure Place in Toronto, an agency that helps special needs children, in the year 2008 and the doctor there who examined him said he was suffering from post-traumatic stress disorder. Further to a recommendation from Detective Rebellato, I took Travarai to the Centre for Addiction and Mental Health (CAMH) where he was examined and given various tests. One of the doctors there said that she believed that Travarai had fetal alcohol syndrome. Further to recommendations from CAMH, I took Travarai to Sick Kids Hospital and they completed various tests on him.
13. Mr. Rowe advised me and I do verily believe that he informed Ms. Rebecca Edward, Ms. Suzan Frazer, Ms. Wendy Lopez Mr. Simon Fisch and Mr. Jordan Goldblatt about concerns around Travarai and fetal alcohol syndrome. Mr. Rowe also advised me that he asked Ms. Edward to obtain from TCHC a breakdown of the proportion of Black single female headed households on social assistance that are tenants of TCHC housing, and she said that she would look into this.

14. I make this affidavit for no improper purpose.

SWORN BEFORE ME at the **City of** }  
**Toronto**, in the Province of }  
**Ontario** this 20<sup>th</sup> day of March, 2011 }

  
\_\_\_\_\_

**Sophia Anderson**

  
\_\_\_\_\_

Roger Rowe

A commissioner

This is Exhibit.....<sup>1</sup>.....referred to in the  
 Affidavit of.....*Sophia Anderson*.....  
 Sworn before me, this.....*20<sup>th</sup>*.....  
 day of.....*March*.....*20<sup>11</sup>*.....  
 .....*Gregu Barr*.....

**A COMMISSIONER FOR TAKING AFFIDAVITS**



## **Caseworker, Social Services**

Toronto Employment and Social Services employs Caseworkers in offices throughout the city of Toronto, as well as an Application Centre, Head Office and several units.

### **Job Description**

- Collects, documents and evaluates information to determine client's initial and ongoing eligibility for assistance according to the Ontario Works Act, Ontario Disability Support Program and other legislation
- Conducts interviews with clients by phone or in person at various locations such as offices, community centres, and clients' homes
- Maintains current knowledge of legislation, community services, resources, policies, programs, procedures and issues affecting client population
- Assesses and refers clients to appropriate services including career counselling, training and employment opportunities, education, housing and other community supports
- Develops and maintains professional relationships with community agencies and organizations
- Advocates on behalf of clients for services in areas of career opportunities, life skills, education, health, comfort, housing and community support systems, etc.
- Ensures clients' access to available program benefits
- Resolves conflict situations including client complaints and disputes. Listens, mediates, negotiates and provides support and guidance to reach mutually agreed upon service plan
- Responds to emergency situations involving clients

The Application Centre (AC) is a specialized telephone contact centre for Toronto Employment and Social Services. It serves as the initial point of contact for Toronto residents applying for assistance. AC Caseworkers take applications for assistance over the phone and have slightly different job descriptions:

- Interviews clients over the telephone and responds to any questions associated with the OW application process and its related programs and services
- Completes electronic applications and establishes potential eligibility for Ontario Works assistance
- Identifies potential crisis situations and makes immediate referrals to local TESS offices and community services to support client's needs
- Interprets Ontario Works legislation and explains program eligibility, policies and procedures, rights and responsibilities

### **What qualifications do you need?**

- Degree or diploma in Social Services or other discipline with experience in social or community services
- Experience supporting clients in a case management setting
- Effective verbal and written communication skills
- Knowledge of community agencies and resources
- Ability to work independently and as part of a team

- Ability to work in a computerized environment
- Sound judgement and problem-solving skills
- Ability to establish and maintain effective working relationships with a diverse client population, staff, community agencies and the public
- Ability to work independently in a dynamic, complex environment and organize time and workload effectively
- Ability to communicate effectively both orally and in writing with all levels of staff, the public and clients while maintaining objectivity
- Fluency in the french language would be an asset

**What are the terms of employment?**

- Extensive training
- Successful completion of a six-month probationary period
- 35-hour work week (regular business hours, 7 hours/day, Monday to Friday)
- CUPE Local 79 membership
- Work from one of various locations across the City of Toronto

**What is the selection process?**

- Resume screening
- Panel interview / Practical test
- Reference check

You must be successful in all components to be considered for employment opportunities with Toronto Employment and Social Services.

Close window 

# Ontario Works Policy Directives

## 2.8 Home Visits

### Legislative Authority

Section 14 of the Act.

Section 12 of Regulation 134/98.

### Audit Requirements

Acceptable methods are in place for determining when a home visit may be required.

Documentation is on file to support decisions made.

### Application of Policy

Home visits may occur at the request of an applicant or an Administrator. Home visits may only take place during the delivery agent's regular business hours. Delivery agents should have policies and procedures in place to ensure the security of workers undertaking home visits. Policies should allow flexibility for staff to end a home visit at any time if they are in an uncomfortable situation (e.g., a violent or intoxicated applicant or participant, an unsafe physical location, a serious health concern in the home, etc.).

### Applicant Requests for Home Visits

An applicant may request an intake appointment be scheduled at a location other than an Ontario Works office (including his or her home) due to his or her mobility or transportation issues, care-giving or work responsibilities, training or school requirements, illness, health and safety of the applicant, or other extraordinary needs.

The final decision about the location of the intake appointment remains with the Administrator. The health and safety to the applicant, participant and staff is a priority in determining a suitable location.

### Administrator Requests for Home Visits

An Administrator may request a home visit in order to collect or verify information necessary for determining initial or ongoing eligibility for assistance.

Workers are limited to verifying eligibility criteria that is in plain view such as assets (e.g., vehicles), residency (i.e., the person actually resides in the home), accommodation arrangements (e.g., self-contained dwelling unit) or discretionary benefits (e.g., the need for home repairs). Staff cannot search areas that are not in plain view (e.g., drawers, cupboards or closets). Applicants and participants have the same right to protection as others against searches of their home or person. Acting beyond the "plain view" verification of eligibility would require a search warrant.

Delivery agents should establish a method for identifying situations where a home visit may be required, and may draw on tools, such as the Consolidated Verification Process (CVP) criteria in making recommendations about home visits.

Administrators may not request a home visit based on a suspicion of dishonesty or fraud. In these situations, a referral is made to designated staff (i.e., an Eligibility Review Officer) who are authorized to enter the home for the purposes of investigating either with the consent of the applicant or participant, or with a search warrant.

Home visits may occur with or without notice to the applicant or participant. Whether a home visit is arranged in advance or not, staff must ask for the applicant or participant's permission to enter the home and cannot insist on entry. If entry is refused, staff must document the reason for refusal.

Applicants and participants have a right to privacy and may have valid reasons for refusing a home visit, including, but not limited to the presence of visitors, an illness in the home, mourning, religious observance or a previously scheduled appointment or commitment (e.g., work).

Applicants and participants must be advised that the possible consequence of refusing a home visit without a valid reason may result in denial or cancellation of assistance. Administrators should exercise discretion when considering the validity of a refusal, and may consider any previous refusals in making a determination about consequences.

If there is a valid reason for refusal, the visit may be rescheduled. Applicants and participants must receive written notice of a decision to deny or cancel assistance due to the refusal of a home visit and their right to request an internal review of the decision ([see Directive 10.1: Notice and Internal Review Process](#) for more information).

# Ontario Works Policy Directives

## **8.4 Addiction Services Initiative (ASI)**

### **Legislative Authority**

Sections 2, 7, 26(8)(8.1), 26.1(2), 29 , 33(1)(4.1) and 47.1 of Regulation 134/98.

### **Audit Requirements**

Documentation is on file to support decisions made. This includes a copy of the Intensive Case Management Plan.

Participant follow-ups are documented and have taken place. Instances of non-compliance are documented and on file.

### **Application of Policy**

The ASI is a targeted employment assistance activity designed to help participants whose substance abuse is a barrier to participation in Ontario Works and employment.

The three components of the ASI are:

- a screening test for substance abuse;
- participation in an assessment of substance abuse;
- participation in a program for the treatment of substance abuse.

Where a delivery agent has been approved to deliver the ASI, Administrators may require participants to engage in screening, assessment and/or treatment for substance abuse that is a barrier to participation or employment.

There is no expectation that participants should be ready to work immediately upon completion of treatment; however, there is an expectation that participants be encouraged and supported to take the necessary steps toward finding and maintaining sustainable employment which may include participation in other employment assistance activities. Individualized case management plans should be updated and amended to clearly outline participation in employment assistance activities.

### **Required Components**

#### **Screening Test for Substance Abuse**



Participants may be referred for a screening test for substance abuse when there are reasonable grounds to believe that their repeated substance abuse may be or may become a barrier to participation in employment.

All service managers are required to use the approved screening test. The results of the screening test are not equivalent to a diagnosis or confirmation that a substance abuse problem exists; however, the results of the test can be used in making a determination about next steps for the participant.

The screening process involves the use of the CAGE-AID tool, or another screening tool approved by the Director, but it also involves motivational interviewing techniques to establish a positive trusting relationship with the applicant or participant to ascertain barriers and next steps for treatment.

### **Assessment of Substance Abuse**

If screening indicates that a participant has a substance abuse problem that is a barrier to employment, the participant is referred for assessment to a Ministry of Health and Long-term Care (MOHLTC) funded addiction program. This program administers the MOHLTC-mandated standardized assessment tools required for a participant's entry into all MOHLTC-funded addiction programs

A participant should not be rushed to assessment; some participants require "pre-assessment readiness" and stabilization work (i.e., intensive case management) prior to taking the assessment. Steps taken toward assessment readiness should be documented in the ICMP and the Participation Agreement.

The assessment process provides insight into what treatment will be appropriate and effective for each individual. The Ontario Works ASI case manager and the participant may be consulted in the treatment planning process in order to determine what additional supports might be helpful.

The majority of First Nation communities do not have access to agencies using the MOHLTC standardized assessment tools. Where this is the case, First Nation ASI programs will use an assessment tool approved by the Director.

### **Program for Treatment of Substance Abuse**

The treatment program to which a participant is referred will be the least restrictive and least intrusive as is appropriate, in accordance with the Admission and Discharge Criteria of the MOHLTC. Treatments can range from individual counselling to self-help groups to residential services, and may also include programs for friends and family members. The treatment plan should include a plan for continued care, for a period of up to one year after completion of treatment.

Participants will work with Ontario Works staff and substance abuse treatment staff to update and/or modify treatment plans as necessary.

The ASI case manager should be notified about any attendance issues (i.e., absences or perpetual lateness) by the assessment agency or the treatment agency.

Participants are responsible for committing to their participation requirements. This includes agreeing to give notification to appropriate Ontario Works staff and/or service providers about possible absences that include a valid reason for being absent from assessment or treatment appointments.

## **Additional Program Elements**

### **The ASI Service Path**

There are two primary ways that a participant would start on the service path for ASI:

- Self-disclosure: participants who come forward on their own to say that they have a substance abuse problem which is a barrier to participation and employment.
- Identification by staff: participants whose participation record/history may indicate that substance abuse is impairing their ability to participate in Ontario Works or to obtain and keep employment.

### **Intensive Case Management**

Intensive case management ensures that ASI participants will receive the right services, in proper sequence and in a timely manner. Other goals of intensive case management include providing crisis intervention, as needed, helping to stabilize a participant in a crisis through direct interventions and mobilizing necessary supports and services.

Specialized staff responsible for participants in the ASI should have lower than average caseloads to enable them to provide intensive case management.

There are six primary functions that characterize intensive case management:

- Identification and outreach to clients.
- Screening, to determine a participant's strengths, needs and areas for further development.
- Planning, including the development of a service plan and an ICMP for substance abuse treatment.
- Linking participants to necessary services and informal support systems.

- Ongoing monitoring of participant progress and needs.
- Client advocacy, client supports and interceding where necessary to ensure access and fairness.

Other functions of intensive case management could include:

- Crisis intervention: providing direct interventions and mobilizing needed supports and services.
- Systems advocacy: intervening with organizations or larger systems of care in order to promote more effective, equitable and accountable services for Ontario Works participants.
- Resource development: working with community partners and participants to create services to address the needs of the participants.

## **Record Keeping**

Staff will use the Participation Agreement to accurately document the steps in the participant's treatment plan. These may include any or all of the following: name of treatment agency and all other agencies involved (e.g., CAS, Probation and Parole, AA, NA, etc.), length of treatment, whether participant is attending appointments, what supports the participant has accessed, and any other relevant information.

## **Dealing with Non-Compliance**

The ASI recognizes that as part of the treatment process, relapse(s) may occur, and participants may therefore require more than one attempt to achieve their treatment goals.

As a result, one of the key responsibilities of the ASI case manager is to help identify and resolve or facilitate the resolution of issues and problems that may arise through participating in ASI. Emphasis should be placed on taking measures to prevent ineligibility due to non-compliance.

## **Progressive Measures**

Measures to prevent ineligibility due to non-compliance are as follows:

- After the first unexplained absence from treatment, staff will follow-up with the participant on a daily basis to ensure attendance for treatment.
- After the second unexplained absence, staff will contact the participant and workers involved with the participant to review and modify the treatment and ICMP if necessary.
- After the third unexplained absence, staff will investigate to determine whether or not the financial assistance is being used for the purpose

intended. If not, a trustee may be appointed and the participant will receive a weekly allowance from the trustee. Trusteeship will continue until the participant is able to manage her/his affairs. Rent may be paid by the trustee or directly to the landlord by Ontario Works ([see Directive 3.6: Trusteeship](#) for more information).

- Any subsequent unexplained absence from a treatment program will result in a formal case conference to review the treatment and next steps, including the determination of ineligibility or reduced assistance due to non-compliance.

## **Early Reinstatement**

Any participant who is made ineligible for non-compliance with his/her participation requirements in the ASI will be eligible for early reinstatement.

ASI case managers should ensure that participants, who are made ineligible for non-compliance related to participation in the ASI, will be eligible for reinstatement upon re-applying and signing a Participation Agreement. Participants must agree to participate in the elements of the program (screening, assessment or treatment) for which they were previously made non-compliant.

# Ontario Works Policy Directives

## 11.1 Delivery Standards

### Legislative Authority

Sections 1, 7(1) and (4), 24, 39(2), 40-42, 48(1), 71(10) and (11) and 72(2) of the Act.

### Audit Requirements

Policies and procedures are documented to support delivery standards.

### Application of Policy

Ministry standards reflect legislated requirements for the services that are delivered and the manner in which they are delivered.

They include standards relating to the services and protections that are available to recipients, the verification of eligibility-related information, the pursuit of unrecovered sources of information and overpayments, the provision of notice and review, and the management of information.

### Employment-Focused Services

There are two forms of assistance available to eligible persons under the Act: employment assistance and financial assistance. Eligibility for financial assistance may require participation in employment assistance activities.

Delivery agents must provide the range of legislated employment assistance measures.

The Act allows Administrators to set requirements for participation in employment assistance. Deferral or restrictions on participation should be supported by appropriate documentation supplied by the applicant or recipient.

Delivery agents should set participation requirements that support recipients in attaining sustainable employment, based on their skills, experience, circumstances and the local labour market.

Delivery agent staff should monitor participation and key dates for reviews and follow-ups. Regular reviews are necessary to:

- satisfy delivery agent staff of employment progress and to support client progress in employment activities;
- determine any necessary changes in participation requirements as the result of a change in ministry policy or in the recipient's circumstances;
- support a recipient's move to the Ontario Disability Support Program where appropriate; and
- reinforce program expectations and encourage client efforts to enhance employability, find and maintain employment, and increase employment earnings.

## **Accountability for Social Assistance Funds**

Delivery agents are required to develop processes to:

- support the prevention and control of fraud;
- pursue unrecovered sources of income;
- recover overpayments; and
- prevent the misuse of assistance.

The Act also addresses the issue of accountability of social assistance funds by outlining measures which include:

- the ability to enter into information sharing agreements to share and compare information with other jurisdictions;
- the use of identification verification technologies;
- the role of Eligibility Review Officers and their ability to investigate;
- authority for the ministry and each delivery agent to create a social assistance Fraud Control Unit;
- allowing Family Support Workers to assist recipients and their dependents to pursue other sources of financial support;
- allowing delivery agents to collect overpayments;
- providing direct payments (e.g., to landlords or utility companies) under certain circumstances.

## **Program Delivery Effectiveness**

The ministry requires that every Administrator develop and implement ongoing staff training. Training and local guidelines should be consistent with the Act and the ministry's policy directives.

Staff training should include the development of the following skills and knowledge:

- understanding of all eligibility rules for financial assistance, including participation requirements, and ability to communicate these rules clearly;

- knowledge of the local job market and labour market trends;
- knowledge of strategies for successful job searches and ability to promote the skills of recipients in their job search;
- ability to determine job-readiness and identify necessary steps for enhancing employability;
- knowledge of locally available resources and, more specifically, the range of employment assistance activities available through the delivery agent;
- knowledge of barriers to employment and how to support progress to overcome those barriers (i.e., substance abuse, mental health issues, family violence, etc.);
- knowledge of motivational interviewing techniques to support progress to employment;
- ability to effectively use available technology; and
- knowledge of the performance measures and standards that the ministry has set for the delivery of Ontario Works.

## **Information Management**

### **FIPPA/MFIPPA**

Delivery agents are required to observe the requirements of the Freedom of Information and Protection of Privacy Act (FIPPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) regarding the disclosure of information and personal privacy.

FIPPA and MFIPPA are intended to protect the privacy of individuals with respect to personal information held by an institution and provide individuals with the right to access that information. Access to personal information of applicants and recipients should only be given to those who need the information to determine the initial and ongoing eligibility of applicants and recipients.

The authority of delivery agents to collect and share information for this purpose is provided in legislation. This should be communicated to recipients through their requirement to sign a Consent to Disclose and Verify Information form and a Consent to Disclose and Verify Information (Canada Revenue Agency) form. Once these forms have been signed, no further consent is required by recipients to share information for the purposes of determining or maintaining eligibility.

Delivery agents are required to take measures to prevent unauthorized access to personal information and the destruction of information. This standard should also apply to participating organizations that collect or are given information about recipients.

All contractual agreements with third parties that involve the transfer or collection of personal information about applicants or recipients should include a

requirement to comply with FIPPA/MFIPPA. Delivery agents should ensure that only relevant personal information is shared.

Where an Administrator releases a form to a third party, they should scan the document and blank out any and all information that is not relevant to the purpose for which the information is being provided.

Where personal information is to be shared for purposes other than the administration of the Act, the written consent of applicants or recipients involved should be obtained (e.g., consent to be involved in a promotional activity about Ontario Works).

## **Records Management**

All delivery agents are required to have a records management system in place for information related to the administration of Ontario Works and to the management of employment assistance and financial assistance.

Information regarding participation, compliance, placements and financial assistance should be accessible and integrated. It should also be secure from unauthorized access. An effective records management system will ensure that data collection, collation, monitoring, tracking, reporting and overall management of records is performed efficiently and effectively.

Delivery agents are required to use the prescribed technology (e.g., Service Delivery Model Technology) and/or paper systems (e.g., mandatory forms) for the recording, storing, reporting and management of information related to the delivery of Ontario Works. The Act requires that records management systems be approved by the Director of the Ontario Works Branch.

It is the responsibility of the delivery agent to ensure that automated and manual systems are functional and are used effectively. A good records management system gives delivery agents the ability to provide information to the ministry as requested in a timely manner. Any system should be designed such that it facilitates reporting to the ministry as consistent with requirements.

## **File Retention**

All records relating to Ontario Works should be retained for not less than five years.

The five-year period of retention applies to an applicant or recipient's case file in total and the documentation contained in the case file.



Any files or documents may be destroyed if they are inactive and date five or more years after the date the file was started. Exceptions to this rule exist where:

- There has been an overpayment of assistance to an applicant or recipient and the overpayment is still outstanding after the five year deadline. The case file and any related documents should be retained indefinitely, when there has been an overpayment of assistance to a recipient and the recipient has not made full repayment.
- The applicant or recipient is being investigated for social assistance fraud. The case file and any related documents should be retained indefinitely when there is an ongoing fraud investigation.
- There are outstanding family support issues related to the applicant or recipient's file. The case file and any related documents should be retained for a minimum of 10 years where there are outstanding family support issues.
- The file or documents are delivery agent accounting documents which substantiate expenditures, such as payroll journals, cleared cheques, subsidy claims, etc. Accounting documents should be retained for a minimum of seven years.

The date of destruction should coincide with the provincial fiscal year-end (March 31st).

### File Transfer Standards between Ontario Works Delivery Agents

When a recipient moves to another Ontario Works delivery agent, they should be instructed to contact the local delivery agent in the Region to which they are moving. The receiving local delivery agent will facilitate the transfer from the former delivery agent.

### **SDMT Flags**

Flags are assigned to each benefit unit member in the SDMT to alert staff of specific conditions or incidents relating to each member. There are three categories of flags that may be assigned to a benefit unit member: Safety, Service Delivery and Restricted File Access. Each flag is associated with a standard list of issues and corresponding definitions.

The need to assign a flag should be determined based on the criteria and protocols set by the Ontario Works delivery agent. Cases referred from ODSP with an existing flag or re-applicants granted assistance with a previous flag on their file should be reviewed to determine if the flag is still required. Additional direction, including job aids, may be found in SDM Help.

### **Internal Audits**

All delivery agents are required to conduct regular internal audits in order to monitor program delivery, staff practices, and to identify areas for improvement. For the purpose of internal audits, the delivery agent should develop self-monitoring tools and activities to ensure provincial standards are met. The audit requirements for each directive should be met.

## Ontario Works Directives

### 9.1: Reviewing Eligibility

#### Legislative Authority

Sections 7(3) and 39(2) of the Act.

Section 14, 23, 30, 33, 34 and 35 of Regulation 134/98.

Section 4 of Regulation 135/98.

#### Audit Requirements

Documentation is on file to support decisions made.

Files clearly indicate current circumstances of the individual/case with respect to eligibility requirements such as the budgetary needs and available assets or income of the recipient, spouse and dependents in the benefit unit.

All Participation Agreements (PAs) are complete and current (i.e., all PAs have bring forward dates and no date has passed without a review occurring).

A signed copy of the **Rights and Responsibilities** form is retained on file and a copy provided to the recipient.

The participation activities of recipients reflect current requirements.

Financial reviews are conducted every twelve months or earlier as required.

PAs are reviewed and updated as required.

Random file reviews are completed to ensure that all requirements are met.

#### Application of Policy

Staff are responsible for reviewing a recipient's circumstances to ensure that the recipient is meeting his/her requirements for eligibility, including participation in employment assistance activities. This includes a financial eligibility review and a participation review to ensure the participant is making progress towards increased employability and the achievement of paid employment or viable self-employment.

Staff should regularly monitor eligibility to ensure any changes in a recipient's

circumstances that affect eligibility are identified in the month that they occur. Every effort should be made to ensure that the recipient receives the correct amount of assistance and that overpayments are avoided ([see Directive 9.3: Recovery of Overpayments](#) for more information).

A process must be in place for recipients to report any changes in circumstances on a monthly basis. Decisions regarding eligibility for financial assistance are made within five working days when a change in circumstances is reported by a recipient.

The income reporting period for eligible Ontario Works recipients has been determined by the Director to be the 16th of one month to the 15th of the following month when calculating monthly entitlement.

A financial eligibility review is conducted at least once every 12 months. The standard process for the review for delivery agents on Service Delivery Model Technology (SDMT) is the Consolidated Verification Process (CVP). This is in addition to financial eligibility monitoring and reviewing that takes place in response to changes in a recipient's circumstances (**see Eligibility Monitoring below**).

For First Nations, an in-person update report must be completed every 12 months.

A review and update of the PA takes place within 30 days of the initial signing of the application for assistance. An ongoing review of the PA occurs every three months.

Decisions about compliance with participation requirements should be fair and consistently applied.

## **Eligibility Monitoring**

Eligibility monitoring ensures that changes in the circumstances of recipients that affect their eligibility for financial assistance or benefits are reported, documented and responses are provided.

Changes in participation, living conditions, and income and assets that affect eligibility should be reported within the month that they occur and decisions about ineligibility are communicated within five days following notification of the change.

The delivery agent is encouraged to reinforce the responsibility of the recipient for reporting changes that may impact on eligibility for assistance.

## **Participation Monitoring**

Information sharing agreements with participating organizations allow delivery agents to access information about the participant (e.g., attendance at an employment assistance activity, income reporting, etc.) which helps in the completion of appropriate participation plans and reduction in the potential number of disputes or occurrences of non-compliance.

Participation monitoring includes:

- a review of the file and completion of the Verification Checklist, to outline information requirements and issues which require follow-up;
- clear communication of the responsibilities of the delivery agent to provide financial and employment assistance opportunities to eligible recipients;
- clear communication of the responsibilities of the recipient to meet eligibility and participation requirements;
- liaising with participating organizations to collect information necessary for monitoring (although participating organizations cannot recommend or make decisions regarding compliance they can provide information regarding the recipient's progress and attendance);
- timely and efficient administrative processes for collecting information from recipients and participating organizations to ensure eligibility; and
- the provision of an eligibility review function and fraud detection process.

## **Financial Eligibility Review**

Eligibility for financial assistance is reviewed and completed at a minimum of every 12 months to determine whether a recipient continues to be eligible for assistance. Priority for more frequent reviewing is given to cases that demonstrate potential for inaccuracy of information provided by the recipient.

The purpose of the file review is:

- to become familiar with the issues related to eligibility and the recipient's circumstances;
- to review the participation requirements of the recipient;
- to identify outstanding information and issues that require follow-up;

- to review co-residency, if applicable;
- to request information or documentation by sending the **Advance List to Applicant** form prior to the interview; and then,
- to inform the recipient or participating agency when a problem exists.

## **Consolidated Verification Process**

The CVP is the standard process for the annual financial eligibility review. CVP also allows for the review of a subset of cases more frequently, based upon specific risk criteria. Priority ranking factors are used to identify cases with characteristics that indicate a higher potential for inaccuracy. Every month, cases are ranked against the current approved priority ranking factors. These factors are subject to change periodically.

## **Participation Reviews**

Participation reviews should be conducted:

- at least once every three months for Ontario Works recipients and recipients with a temporary deferral of participation requirements;
- at least once every four months for recipients with a temporary deferral of participation requirements who voluntarily choose to participate; and
- at least once every six months for those recipients with a temporary deferral of participation requirements who are sole-support parents with a dependent child or a child in temporary care for whom publicly-funded schooling is not available, or are 65 years of age or older.

An adult who is solely in receipt of Temporary Care Assistance on behalf of a child does not have participation requirements.

In some cases, a review and update to participation requirements occurs when a participant completes an employment assistance activity. This includes a review following the date of completion of any of the following:

- a basic education or job-specific skills training course;
- literacy screening questionnaire, assessment and/or training program;
- structured job search;

- a community placement; and
- referral to Employment Placement services where a participant is not able to find employment through the above activities.

## **Participation Agreement (PA)**

The PA is the review tool by which participation requirements are monitored to determine a recipient's eligibility. The PA is an evolving document and it will change as recipients engage in and complete employment assistance activities. It should also respond to temporary or changed circumstances in a recipient's life such as illness or injury, or lack of appropriate child care or attendant care for dependent family members.

The PA should be reviewed in order to:

- note the time frames for meeting a requirement and/or changing the requirement;
- identify where and why participation requirements and time frames are not being met;
- explore opportunities to adjust requirements based on new activities;
- ensure the recipient's abilities, skills, and circumstances are properly documented;
- determine if the participation requirements are reasonable and appropriate for the recipient's needs, skills, circumstances and interests; and
- review the recipient's progress and experiences at job interviews and/or placements and document new skills acquired and next steps.

## **Review Outcomes**

There are six possible outcomes from a review:

- there is to be no change in the amount of financial assistance or benefits issued to the recipient;
- there is no change to participation requirements;
- participation activities are amended to reflect activities that best fit the recipient's skills and abilities;

- financial assistance and/or benefits are varied or suspended due to reported changes in circumstances;
- there is a determination of an overpayment; or
- the recipient is found to be ineligible and financial assistance is cancelled or reduced.

Where there are changes to be made to financial assistance, it is required that the recipient be sent written notification regarding this decision and informed that they can request an internal review if they disagree with the decision.

### **Recipients with Deferrals Who Choose to Participate**

Participation monitoring of recipients with deferrals should be completed in the same way as reviews/monitoring for mandatory participants. Information gathered through monitoring of these recipients is only assessed to determine whether their efforts support their continued participation in employment assistance activities.

Recipients with deferrals cannot have their financial assistance reduced or cancelled for refusing or failing to make reasonable efforts to participate in employment assistance activities.

### **Events that Prompt Immediate Review**

An immediate review should be carried out if the recipient:

- is unable to prove that they have been engaging in an independent job search;
- does not participate in agreed upon structured job search activities;
- misses two referrals to any of the following without a reasonable cause: community placement agencies, job interviews, a job placement agency, a self-employment development agency, a program for the treatment of substance abuse, basic education, job-specific skills training, or literacy assessment and/or training;
- refuses an offer of paid employment;
- fails to attend basic education, job-specific skills training, literacy assessment and/or training, a job placement agency, a self-employment development agency, a program for the treatment of substance addiction



- is reported to attend community placement or employment placement agency but does not participate in assigned activities;
- attends basic education or job-specific skills training or literacy assessment and/or training but does not meet the requirements set by the program; or
- is not meeting self-employment development goals while with a self-employment placement agency.

After reviewing the PA with the recipient, it may be necessary to change the participation requirements or determine that the recipient is ineligible for assistance.

### **Ineligibility for Non-Compliance Reasons**

There are four types of non-compliance with participation requirements:

- refusal to accept employment and to make reasonable efforts to maintain employment;
- refusal to accept a referral for participation in an employment assistance activity, including a community placement or employment placement, without a reasonable cause;
- refusal to accept an offer of a placement without a reasonable excuse; and
- failure to make reasonable efforts to meet participation requirements without reasonable excuse.

Applicants or participants who quit or are fired from their job are not subject to a period of ineligibility unless the applicant or participant fails to make reasonable efforts to accept and maintain full-time, part-time or casual employment or to participate in an employment assistance activity.

Where a delivery agent has been approved to deliver the Ontario Works Addiction Services Initiative (ASI), a recipient may be made ineligible if they refuse screening, assessment or treatment for substance addiction that is a barrier to participation or employment.

If an applicant or member of the applicant's benefit unit indicates that they will not accept employment or participate in employment assistance activities, assistance

for the applicant can be refused or reduced for the benefit unit, until the applicant or member of the benefit unit agrees to participate.

If a recipient or other member of the recipient's benefit unit does not comply with or meet the participation requirements, assistance for the applicant or member of the benefit unit will be cancelled or reduced for one month for the first occurrence and three months for all subsequent occurrences. At the discretion of the Administrator, a recipient serving a period of ineligibility may be issued a drug card if the administrator is satisfied that the recipient requires prescription drugs to treat a serious illness or health condition.

Where the assistance is reduced because of non-compliance, the amount of the reduction is equal to the basic needs amount, shelter amount and benefits or the basic needs amount and benefits (in a board and lodging situation) for that individual. The non-compliant participant is required to attend all participation and financial reviews that are scheduled for the benefit unit.

Where the assistance amount for a benefit unit is reduced due to non-compliance, any assets belonging to the non-compliant individual are still included in the total assets for the benefit unit. In addition, any income received by the non-compliant individual is still included in the calculation of assistance for the benefit unit during the period of ineligibility. Earnings exemptions and child care deductions continue to apply.

If the recipient relocates to another Ontario Works delivery agent, the conditions of ineligibility remain applicable. Conditions of ineligibility are tied to the recipient, not the delivery agent.

An internal review can be requested by a recipient for decisions of ineligibility or reduction of assistance, and may be appealed to the Social Benefits Tribunal.

## **Reasonableness Test**

The focus of the reasonableness test should be to determine if non-compliance was intentional or if it was the result of an employment barrier or factor affecting the employability outside the recipient's control.

A determination of reasonableness should be made in accordance with current business practices and should be based on the "best fit" between a recipient's interest and/or skills and available opportunities.

Delivery agents are expected to use the reasonableness test identified in their approved business plans. The reasonableness test should have the flexibility to respond to the different expectations as required within the employability continuum.

Reasonable criteria could include:

- temporary illness;
- absence of appropriate child care;
- court appearance or detainment;
- change or shift in the recipient's personal needs;
- change or shift in the recipient's individual circumstances;
- inappropriate "fit" for the participant;
- program resources or services to support employability not available within the local community;
- failure of transportation arrangements and no alternative; and/or
- extreme inclement weather which affects mobility.

### **Reinstatement of Eligibility**

Recipients whose assistance is cancelled or reduced for one or three months because of non-compliance with participation requirements need to reapply or request reinstatement after the expiration of the penalty time period, and must meet the participation requirements in order to re-qualify. At reinstatement, a new participation agreement is signed.

If an adult member of a benefit unit fails to comply with program requirements for an extended period (beyond the initial ineligibility period) the benefit unit continues to receive assistance less the pro-rated share of assistance attributable to the adult member in non-compliance. If that member chooses to comply with the requirements at the end of the ineligibility period, then the pro-rated share is restored for the benefit unit.

### **Closing a File**

A case file should be closed if the recipient is no longer eligible for assistance or does not provide enough information to determine eligibility.

When closing a file, any assignments for support should be cancelled.

If a decision of ineligibility is made, the case file should be closed using the appropriate reason and documentation including:

- reason for ineligibility;
- effective date; and
- notification date.

If a file is closed due to ineligibility, the participant should be notified of the decision and right to appeal.

When closing a file in the SDMT or other technologies, appropriate reasons should be identified to ensure the statistical information gathered from the system is accurate.

If a case is closed due to death of recipient, the last month's financial assistance goes to the estate of the deceased.

# Ontario Works Policy Directives

## **2.5: Participation Requirements**

### **Legislative Authority**

Sections 4, 6, 7(4), 14(1), 16(2) and 44 of the Act.

Sections 3, 14, 17(2), 18, 25, 26, 26.1, 27, 28, 29, 30 and 31 of Regulation 134/98.

Sections 6 and 14(2) of Regulation 222/98.

### **Audit Requirements**

The signed Participation Agreement (PA) is on file for participants with active or deferred participation requirements.

Documentation to support restrictions on participation and temporary deferrals is noted on the PA.

Documentation to support self-employment is on file including business plans, and information regarding decisions made about self-employment participation.

PAs are reviewed and completed 30 days from the initial signing and every three months thereafter (or earlier as appropriate).

### **Application of Policy**

Adults receiving financial assistance under Ontario Works, ODSP dependent adults and ODSP non-disabled spouses without care-giving responsibilities are required to participate in approved employment assistance activities as a condition of eligibility for assistance, with the exception of the following:

- individuals applying for, or in receipt of, Temporary Care Assistance (TCA) on behalf of a child, and who are not in receipt of assistance themselves;
- individuals receiving interim assistance while appealing an eligibility decision; and
- individuals receiving Extended Health Benefits (EHB) or Extended Employment Health Benefits (EEHB).

## Participation Agreements

All Ontario Works applicants, their spouses and any dependent adults included in the benefit unit must complete and sign a PA prior to a determination of eligibility. ODSP dependent adults and ODSP non-disabled spouses complete and sign a PA when they are referred to Ontario Works employment assistance by the local ODSP office.

The PA is an action-oriented plan that identifies the approved employment assistance activities the applicant or participant will undertake in order to prepare for, find and maintain employment. The PA is developed with the caseworker through collaborative and interactive processes that must take into account the individual's skills, experience, circumstances and needs, as well as local labour market conditions.

In some cases, applicants and participants may not be able to fully participate in employment assistance activities. The PA may identify restrictions on participation or, where any degree of participation is impracticable, a temporary deferral of participation requirements.

The initial PA is reviewed, updated and signed by the participant within 30 days of making the application for assistance. This process takes place in person. The agreement is then reviewed, updated and signed by the participant every three months, or earlier if his or her circumstances have changed (e.g. completed an employment assistance activity).

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

Where participation requirements are not deferred or restricted, applicants or participants who refuse to participate or fail to make reasonable efforts to participate where support has been provided by staff, will have their financial assistance cancelled for single recipients or reduced if there are other members in the benefit unit:

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

By signing the PA, applicants and participants agree to the plan that has been negotiated with the caseworker and acknowledge their understanding of the consequences for refusing to participate or failing to make reasonable efforts to participate in activities outlined in the agreement. An applicant or participant who has a deferral or restriction on participation requirements also acknowledges that they will advise their caseworker of any change in circumstances that would impact the deferral or restriction.

## **Self-Employment**

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

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

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

If it is determined that a person is interested in participating in self-employment to meet their participation requirements and exit from assistance, the participant is directed through the four-step Ontario Works self-employment process to assess their suitability for the Self-Employment program. Based on the outcome of the assessment, the participant may pursue self-employment, regular employment, a combination of both (Please see the *Ontario Works Self-Employment Guidelines* for further information), or other employment assistance activities, depending on what best serves to advance the agreed-upon goals leading to financial independence.

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

## **Restrictions on Participation Requirements**

Applicants or participants may experience circumstances that limit their capacity to fully participate in employment assistance activities.

Restrictions on participation may be the result of physical limitations, medical conditions, personal circumstances (e.g., family emergency) or any other circumstance the Administrator considers reasonable.

Individuals are not referred to activities that could aggravate their condition, present a danger to their health and safety or interfere with the practice of personal or religious beliefs.

Restrictions should be supported by appropriate documentation which, depending on the reason for the restriction, may include:

- a letter from a religious leader stating religious restrictions;
- a completed *Limitations to Participation* form;
- a letter from a qualified health professional;
- written proof of a participant's learning disorder from a qualified medical doctor or a psychologist registered with the College of Psychologists of Ontario or documentation to support they are in the process of being diagnosed; or
- a membership card for a professional association or trade union, along with documentation of the restrictions resulting from the membership (e.g., collective agreement).
- If a restriction on participation is in place, the participant must be advised of their responsibility to advise their caseworker of any changes in circumstances which may cancel participation restrictions.

### **Temporary Deferral of Participation Requirements**

Participation requirements are deferred in the following circumstances:

- the applicant or participant is a sole-support parent with at least one dependent child, or with at least one child for whom TCA is being received, and publicly funded education is not available;
- the applicant or participant is a caregiver for a family member who requires daily physical assistance on an ongoing basis because of a disability, illness or old age;
- the applicant or participant is 65 years of age or older; or
- the applicant or participant is experiencing exceptional circumstances approved by the Director (see list below).

The Director has approved the following exceptional circumstances:



- the applicant or participant has an injury, illness or disability that makes any degree of participation impracticable;
- the applicant or participant is applying for or receiving financial assistance as a top-up to Workplace Safety and Insurance Board (WSIB) benefits;
- the applicant or participant is a foster parent who has a formal foster child placement;
- the applicant or participant is on a pregnancy and/or parental leave;
- the applicant or participant has declared himself or herself to be a victim of family violence;
- the applicant or participant is exercising their entitlement to family medical leave for up to eight weeks in a twenty-six week period;
- the applicant or participant is under house arrest; or
- any other exceptional circumstance where the Administrator is satisfied that any degree of participation is impracticable.

Deferrals should be supported by appropriate documentation which, depending on the reason for the deferral, may include:

- a letter from a qualified health professional (could include):
  - a Psychologist registered with the College of Psychologists;
  - a social worker, social service worker, and/or councillors for assessing addiction;
  - a Physician registered with the College of Physicians and Surgeons of Ontario;
  - a Registered Nurse in the Extended Class registered with the College of Nurses of Ontario;
  - a Nurse practitioner;
  - a Registered Dietician registered with the College of Dieticians of Ontario;
  - a Registered Midwife registered with the College of Midwives of Ontario; or a Traditional Aboriginal Midwife recognized and accredited by the Aboriginal community.

- a copy of the foster child care agreement;
- a letter from an employer confirming pregnancy/parental leave;
- a completed *Limitations to Participation* form; or
- written confirmation of care-giving assistance from a qualified medical doctor or others providing support services to a household.

If a deferral on participation is in place, the participant must be advised of their responsibility to advise their caseworker of any changes in circumstances which may cancel the deferral.

The PA should also identify the deferral period with a “bring forward” date established on the agreement. Administrators have flexibility in determining the appropriate length of deferral given the individual case circumstances, and may set the “bring forward” date accordingly. Generally, deferrals are approved for three months and then reviewed. However, the length will vary depending on the reason for the deferral. For example:

- persons under house arrest are deferred for the duration of the house arrest order;
- victims of family violence are deferred for a minimum of three months or, up to 12 months where a restraining order is in place;
- individuals on pregnancy/parental leave are deferred for the duration of the leave (up to the maximum leave allowed under the *Employment Standards Act*).

## **Voluntary Participation**

Applicants and participants that have their participation requirements deferred should be given the option to voluntarily participate in employment assistance activities.

Recipients of ODSP income support should be given the opportunity to voluntarily participate in Ontario Works employment assistance activities leading to employment. Applicants and participants who are voluntarily participating are not subject to consequences for non-compliance.

This is Exhibit.....<sup>2</sup>.....referred to in the  
Affidavit of.....*Sophia Anderson*.....  
Sworn before me, this.....<sup>20<sup>th</sup></sup>.....  
day of.....*March*.....<sup>20</sup>.....*11*.....  
.....*[Signature]*.....

**A COMMISSIONER FOR TAKING AFFIDAVITS**

Transaction Report

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# Fax

**Date:** February 14, 2011

**Our File #3205**

**To:** Dr. D. Evans  
 Office of the Chief Coroner  
 c/o Ms. Rebecca Edwards  
 Coroner's Building  
 26 Grenville Street, 2<sup>nd</sup>, Floor  
 Toronto, Ontario M7A 2G9

**Attn:** Dr. Evans  
**Fax:** (416) 314-4030

**Number of Pages including cover sheet ( 4 )**

REMARKS:

Urgent ( )	For your review ( )	Reply ASAP ( )	Please comment ( )
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**RE: Anderson Inquest; Additional Issues**

51

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# Fax

**Date: February 14, 2011**

**Our File #3205**

**To: Dr. D. Evans  
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Urgent ( )	For your review ( )	Reply ASAP ( )	Please comment ( )
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**RE: Anderson Inquest; Additional Issues**

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**VIA FAX (416)314-4030**

February 14, 2011

Dr. D. Evans  
Office of the Chief Coroner  
c/o Ms. Rebecca Edward, Counsel  
Coroner's Building  
26 Grenville Street, 2<sup>nd</sup> Floor  
Toronto, Ontario  
M7A 2G9

Dear Dr. Evans:

**Re: Anderson Inquest; Additional Issues**

Further to my previous email correspondence, I have now received authorization from legal aid to represent the Anderson family at the upcoming Anderson Inquest, including Sophia Anderson, Golda Anderson, Andrea Anderson, Tasha Whittaker, their mother Hazel Anderson, and Ieisha Simpson. I've been asked by Ms. Rebecca Edwards to articulate what further issues the family would like to see addressed at the inquest.

The family would like to see systemic issues be addressed at the inquest. As a black single female head of a household, on social assistance with limited educational attainment and substance abuse issues, living in social housing, Diane Anderson (deceased) was a member of a group that is overrepresented in social housing. Understanding the ethnic/racial breakdown of the tenant population of Toronto Community Housing will allow for more nuanced and meaningful recommendations from the Coroner's Jury.

While the family acknowledges that Diane Anderson had individual deficits that were a factor in this tragedy, they also recognize that certain racial and gender systemic barriers were also a contributing factor. The report entitled "**If Low Income Women of Colour Counted in Toronto c 2003** by Punam Khosla ( hereinafter "the report") provides some

corroboration for the family's position in identifying systemic barriers faced disproportionately by low income women of colour, which contributed to this tragedy:

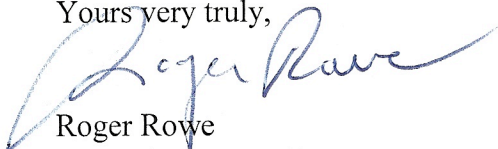
- a) Lack of accessible supportive and therapeutic counseling. This exacerbates mental health and substance abuse issues (Report p 54);
- b) Inadequate jobs –those low income women that work are stuck in low-paying dead end jobs with little hope of advancement, no benefits (Report p 40);
- c) Lack of access to education and skills training; low income women have very restricted mobility having neither the time or transit money to travel out of their immediate communities (Report p 40);
- d) Lack of community supports and services. There are few public places for women to gather and meet within their communities. The women's programs that do exist are facing critical shortages of resources, few staff and little space (Report p 29);
- e) Housing and neighbourhood segregation; divisions based on income and race play themselves out in geographic pockets of disadvantage across the city (Report p 22);
- f) Criminalization of women on social assistance. Report pp 43-44, including regular lack of respect and mistreatment by social assistance workers; increases in apprehension of children of low income women of colour by child welfare authorities;
- g) The housing crisis for low-income women, inability to secure decent affordable housing; not enough units, overcrowding, poor maintenance, long waiting list (Report p 49);
- h) Excessive responsibility and over work, overloaded with unreasonable responsibilities which they must cope with alone; isolation and loneliness leading to depression and anxiety (Report pp 51-52, 54).

The report **Poverty by Postal Code April 2004** p 56 stressed the need to establish a strong public voice on systemic issues of poverty, income disparity, lack of affordable housing, the social services sector's need for core sustainable funding, and the societal issue of family violence. In the case at bar, from the family's perspective, Diane was a single mother who did the best that she good in the face of incredible individual

challenges and systemic barriers related to gender and race which ultimately overwhelmed her despite her best efforts to get help for herself and her children. The family wants to do their best to ensure that the truth at the inquest is told in a respectful way that preserves Diane's dignity and integrity and provides effective recommendations so that this tragedy doesn't happen to anyone else.

I'd like to discuss with you how the aforementioned issues can be most effectively addressed at the upcoming inquest, and may be reached at telephone number (416) 739-0271.

Yours very truly,



Roger Rowe  
Cc Anderson Family



This is Exhibit.....<sup>3</sup>.....referred to in the  
Affidavit of.....*Sophia Anderson*.....  
Sworn before me, this.....<sup>20<sup>th</sup></sup>.....  
day of.....*March*.....<sup>20.11</sup>.....  
.....*Gregor Rowe*.....

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The full report entitled “*If Low Income Women of Colour Counted in Toronto*”, written by Punam Khosia, can be found at the following website address:

*[dawn.thot.net/csvaw/Low\\_Income\\_Women\\_of\\_Colour\\_Aug.pdf](http://dawn.thot.net/csvaw/Low_Income_Women_of_Colour_Aug.pdf)*