

Written Submission: For consideration of Bill C-22, *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*

For the Senate Standing Committee on Social Affairs, Science and Technology



March 17, 2023

## About Us

Inclusion Canada was founded over 60 years ago. We are a national federation of 13 Provincial/Territorial member organizations and over 300 local associations and more than 40,000 members. Inclusion Canada works to support people with an intellectual disability and their families and to advance the full inclusion and human rights of people with an intellectual disability and their families.

Income security for individuals with intellectual disabilities and their families has been a priority issue for our organization for many years.

Inclusion Canada is also a partner, among other national disability organizations, in the consultation process of the Disability Inclusion Action Plan (DIAP), particularly on the Financial Security Pillar and the Canada Disability Benefit. We have held consultations with disabled Canadians and policy experts to receive feedback on their views on the design and delivery of the proposed Canada Disability Benefit. We have delivered a *What We Heard* report to ESDC which outlines the major themes heard throughout the consultations. This report is currently subject to dissemination restrictions but will be made available to the public once the full and final DIAP report has been made available to funders in the coming months.

As a federation, we have also worked over the past couple of years to consult within our organization and with the work of our own Income Security Committee we have developed our policy position on the design of the proposed benefit.

At the appropriate time we look forward to providing our position on the design and delivery, contributing to the regulatory process and being part of a collaborative effort with the disability community to design bill C-22's regulations. Bill C-22 outlines in its Preamble, "persons with

disabilities must be involved in the development and design of laws, policies, programs, services and structure". We hold fast the government's commitment to co-creation and "*nothing about us, without us*".

The sooner Bill C-22 can pass the legislative process in parliament, the sooner we can start to roll up our sleeves and get to work on the details of the design. We urge this Committee and Senators to swiftly consider and pass this legislation.

### *Financial Insecurity for People with Intellectual Disabilities*

The creation of a Canada Disability Benefit has been a long time coming; however, we are proud that we are here now. We just need to move quicker to implement this and make Canada's first ever national disability benefit a reality. Investing in lifting people with disabilities out of poverty is also an investment in our economy.

Bill C-22 is a historic opportunity to address the income insecurity of people with disabilities in Canada. It is important to get this right. Canadians with disabilities and their families face staggering rates of poverty that are inexcusable in a prosperous country like Canada. In Canada, 22 percent of people have a disability, with more than 40 percent living in poverty. When we pull back the layers on this data and specifically look at people with intellectual disabilities, the rates are much worse. Seventy-three per cent (73%) of working age adults with an intellectual disability who live on their own are living in poverty, compared to 23% of those in the same age cohorts among the general population. This is truly unacceptable.

With inflation at its highest level in decades, people with disabilities are falling deeper and deeper into poverty. Unfortunately, in Canada, poverty is the most likely outcome for someone with a disability. People

with disabilities are choosing between paying their rent and buying food; they are taking risks with their health and safety; they are unable to access treatment and personal support.

Canadians with disabilities and their families face disproportionate and unacceptable rates of poverty. Poverty is both a result of exclusion and lack of supports, and it contributes to further exclusion and vulnerability in a 'vicious cycle.'

People with disabilities must have the income and resources they require to meet their personal support and income needs in order to secure a standard of life comparable to people without disabilities and fully participate in all aspects of community. People with disabilities living in poverty lack real choice. Poverty strips people of their dignity.

There are gaping holes in Canada's social safety net. The Canada Disability Benefit will begin to close some of these gaps. Bill C-22 sends a clear message to people with disabilities that this country will no longer allow people with disabilities to struggle to live a life with dignity. How we treat people with disabilities in our society reflects our values as a nation, and we have an opportunity to do better.

### *The Way Forward*

The House of Commons passed several amendments that have strengthened the bill, and now, the Senate has an incredibly important role to play in transforming the lives of people with disabilities living in poverty. We support bill C-22 as framework legislation and advocate for it to be fast tracked through the Senate to the Governor General for Royal Assent and passed into law as soon as possible.

We fully support the creation of a new federal disability benefit. We support the premise of this bill, in that its purpose is to raise people with disabilities above the poverty line. Furthermore, we support the intended target population to be those persons with disabilities who are of working age. This historic gap is finally being addressed through bill C-22.

We know that bill C-22 is foundational legislation. We recognize that it is a high-level framework where the focus will be on the regulations that will establish the details. This bill establishes the benefit. The Canada Disability Benefit could be the most significant improvement to federal income security for people with disabilities in over 50 years. We want this bill passed quickly with the understanding and commitment that the disability community will be at the table in the drafting of the regulations.

We are pleased that MPs passed an amendment that further strengthens the commitment of the government to working directly with the disability community on the development of the regulations. The bill now requires the government to report back to parliament within six months of the bill being passed on how this was done.

Having the disability community actively involved in the co-creation of the regulations is the right approach. Having full input into the design elements of the benefit, the amount, and the eligibility is what we want. We applaud the government for creating the framework legislation and we urge our parliamentarians and Senators to not delay the bill any longer so we can give our input into the design of the benefit.

We know some have suggested that the bill should contain more details regarding the design of the benefit and define an adequate benefit. However we believe that the amendments passed by the House of Commons have strengthened the bill, and it should not linger unnecessarily in parliament any longer.

We respect the role of the Senate in parliamentary system and its function to ensure legislation passed by the lower house is sound public policy. We understand the Senate's role in providing due diligence to every bill which is sent to it from the House of Commons. It is true that Senate in its wisdom often does make legislation stronger. But our position, as well as several other disability organizations, is that bill C-22 is a solid foundational piece of legislation and the amendments passed by the other house provide stronger clarity of the positions we were seeking. What is clear now is that any further amendment proposed by the Senate will delay the passing of the bill as it would be required to go back to the House of Commons for further consideration, debate and a vote. And if MPs do not support the amendment, the bill is sent back to the Senate all over again.

We risk the bill sitting on the Order Paper or caught in an unfortunate game of ping-pong between the House and the Senate. And with the possibility an election could be called at any time in a minority government, there is the risk the bill could die. Why risk this? People with disabilities cannot afford to wait any longer.

We urge the Senate to swiftly do their due diligence, prioritize the legislation and pass C-22. We have listened to the concerns raised by Senators during Second Reading debate, and we offer comments in the following section on some of these concerns.

### *Age Requirement:*

We support the intended target population of bill C-22 that being the working age population 18-64 years of age. Past governments have prioritized the reduction of poverty for seniors with Old Age Security and for children with the Canada Child Benefit. Although benefits and supports for seniors and children are not perfect, we support the Canada Disability Benefit as an opportunity to prioritize the reduction of poverty for working age Canadians with disabilities (ages 18 – 64). There is a gap for people with disabilities as there is currently no national disability benefit for this category. Let's finally address this gap!

### *Issue of Adequacy*

Making any more amendments to the current legislation requires very complex details to be worked out and risks greatly slowing down the adoption of bill C-22. For example, any measures to include a minimum amount for the benefit in the legislation in our opinion will be a race to the bottom. Governments will then focus on a benefit at the lowest amount possible. People will be no further ahead. The determination of the amount of the benefit must have the time for the disability community to come together and agree on what the amount of the benefit should be and define what is adequate.

Furthermore, we feel the amendment passed by the House of Commons now provides greater clarity around adequacy. The amendment, now part of the legislation, states that, ***"the amount of the benefit must be adequate and respecting the amount of the benefit, the Governor in Council must take into consideration the Official Poverty Line as defined in section 2 of the Poverty Reduction Act"***.

### *Eligibility Criteria*

The complex discussions about eligibility, the application process, amounts, or appeal processes are better left to the regulation process where the disability community can have a seat at the table and be

involved in the decision-making within these complex areas that will take some time to debate and agree on.

We feel the amendments passed by the House of Commons offered enough clarity on certain items whereby: (1) the definition of disability now is to have the same meaning as defined in the Accessible Canada Act, (2) must take into consideration the Official Poverty Line, the benefit must be indexed to inflation.

### *Claw-backs:*

There is nothing that can be put in the legislation to prevent claw-backs from provinces and territories. The only way is to negotiate this with provinces and territories. Existing federal, provincial, and territorial programs will need to be reviewed and studied carefully to make sure all programs can work together to achieve no claw backs to existing benefits and supports. The status of all these programs and their relationship to the Canada Disability Benefit will need to be considered. Multiple programs must work in tandem and not offset each other. All levels of government must work together. It is not the Senate that can do this. Further amending Bill C-22 will not enable this to happen. Passing Bill C-22 as quickly as possible without delay will allow these discussions to formally begin.

We have faith in the government's commitment to no claw-backs and we are encouraged with the discussions that have already taken place with the levels of government on this issue. We will hold them to this commitment. As well, for further transparency we are pleased with the amendment that the House of Commons passed which ***"ensures agreements with the provinces and territories are made public."***

### *Timelines*

We recognize that the benefit will not happen overnight. It will take time for the regulations to be worked out, drafted, and for systems to be in



place to administer the benefit. We recognize the concerns with the lack of timelines in the legislation. But we want to ensure that all parties take the necessary time to ensure that we get the best benefit possible.

We feel the bill has been strengthened by the amendments passed in the House of Commons. There now is a provision that requires the Minister to **“within one year table a report in Parliament on progress made in the regulatory process”**. In addition, an amendment was passed which provides further clarity on when the Act comes into force which states, *“This Act comes into force no later than the first anniversary of the day which it receives royal assent”*.

We recognize the timeline is not perfect but also, we are realistic that the creation of the benefit and the co-creation of the regulations with the disability community, along with negotiations with the provinces and territories will take time and not happen overnight. A year is a reasonable timeframe, and we will be there every step of the way pushing for things to be completed as quickly as possible.

Our view is that we have an opportunity before us now to get framework legislation enacted into law. Yes, there are lots of details to work out: eligibility, the amount, earning exemptions, process to access it, as well as the negotiations with provinces and territories. These will be technical discussions with complexities that need time to resolve. The regulatory process will allow for proper consideration at a technical level and to ensure that all views and fundamental elements from the disability community are heard.

## *Conclusion*

Senators, the disability community has waited long enough. Legislative poverty for people with disabilities must end now. The Canada Disability Benefit is our opportunity as a country to do better to support people

with disabilities and to provide accessibility as a human right. Remember the commitment to the principles of the UN Convention on the Rights of Persons with Disabilities? Its spirit and intent are to encourage participation and full inclusion in society.

This bill will reduce the pervasive poverty rates that exists among adults with an intellectual disability. It will significantly increase their income security to ensure a good quality of life and fully participate in all aspects of their community. This bill, and ultimately the benefit, will greatly assist in advancing inclusion and dismantling systemic barriers to inclusion, participation and belonging. It will assist to help people with an intellectual disability and their families realize better their full rights and have the opportunity to thrive and prosper.

We urge this committee and the Senate to pass bill C-22 without delay. We are asking you as a committee to do your due diligence in earnest and ensure that bill C-22 can move as quickly as possible to Royal Assent and become law. We have never been this close, and we cannot risk another election or a prorogation of parliament to delay or deny the creation of this benefit that the disability community has fought so hard and so long for.

No one in Canada should have to live a life in poverty, especially as a result of having a disability. We urge you Senators to complete the job and get this legislation passed into law.