Request to Speak to a Committee of Council

If your request is for a specific committee meeting, this form must be received by NOON the day before the scheduled committee meeting. Requests for Monday meetings must be received the Friday before the meeting. Requests for meetings scheduled for the day after a statutory holiday must be received the last business day before the meeting.

Standing Committee Requested

Kindly indicate which Standing Committee: *

Emergency & Community Services

Requestor Information

Name of Individual: * Craig Foye
Name of Organization: Hamilton Community Legal Clinic
Do you or your organization represent a lobbyist (voluntary)?
- [□] Yes
- [□] No
Contact Number: * (905) 545-0442
Email Address: * foyec@lao.on.ca
Mailing Address: * Craig Foye Staff Lawyer Hamilton Community Legal Clinic McQuesten Location 1440 Main Street East Hamilton, ON L8K 6M3
Reason(s) for delegation request: * The Hamilton Community Legal Clinic would like an opportunity to speak to the Emergency & Community Services Committee on April 21, 2010, regarding proposed legislation to enact the Ontario Social Assistance Rates Board. On June 27, 2007, Hamilton City Council unanimously endorsed Bill 235, "an Act to Establish the Ontario Social Assistance Rates Board", and wrote to the Premier and the relevant Ministers to express their support. The proposed expert panel would be tasked with recommending evidence-based social assistance rates to the provincial government on an annual basis. The recommendations would be based on an analysis of the actual cost of rent, healthy food, and other basic necessities, in communities across Ontario. Unfortunately, to date, the Provincial Government has not moved to enact the legislation, or any other rational process for setting evidence-based rates. However, the Government of Ontario has promised to engage in a review of provincial social assistance. To that end, the government established the Social Assistance Review Advisory Council to, among other things, "submit recommendations by April 2010 on the scope and terms of reference that would guide the development of the social assistance review." Given the time that has passed since Hamilton City Council wrote to the Provincial Government on this emergency issue, and given that the government is engaging in a preliminary process to a social assistance review, the Hamilton Community Legal Clinic would like to ask that Council renew its support for the establishment of the Social Assistance Rates Board and write to the Provincial Government to ask that appropriate legislation be passed immediately.

Will you be submitting a formal presentation?*
- [□] Yes
- [□] No

[□] Overhead projector required for the presentation
[□] Power Point required for the presentation

Requests to speak to Council are forwarded to the Standing Committee for consideration. Once considered by Committee, and approved, you will be notified of the date for your presentation. Personal information collected on this form is authorized under Section 5.10(2) of the City's Procedural By-law No. 03-301 for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Standing Committee and will be published with the Committee Agenda. The Voluntary Lobbyist Registry is a public document and will be available for viewing in the City Clerk's office. The Procedural By-law is a requirement of Section 239(2) of the Municipal Act. Questions about its collection can be directed to the Manager of Legislative Services, 77 James St N, Suite 220, Hamilton, ON L8R 2K3 (905) 546-2424 ext. 5409
Presentation to the Emergency and Community Services Committee of Hamilton City Council

Wednesday April 21, 2010
1:30 pm
Room 207, Hamilton Convention Centre

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Thank you very much for the opportunity to speak to you today. I am a staff lawyer at the new Hamilton Community Legal Clinic. I appear before you today in order to add my voice to that of City Staff and others in requesting that City Council write to the Premier, the Minister of Community and Social Services, and the Social Assistance Review Advisory Council in order to recommend that a number of progressive measures be undertaken. I have read the staff report regarding the adequacy of social assistance rates and the Ontario Child Benefit, and the Hamilton Community Legal Clinic is largely in agreement with the contents of that report and the recommendations made therein. I have also read the response to the staff report from Sally Palmer, Chair, Social Action Committee (SAC) Ontario Association of Social Workers, Hamilton & District Branch, with whom we are also in agreement.

Some members of the committee may recall that a part of the staff report is in the form of a response to a direction from City Council, arising out of a presentation that I made to Council in 2007, regarding proposed legislation, drafted in part by our clinic, to establish an Ontario Social Assistance Rates Board ("OSARB"); the OSARB would be tasked with recommending evidence-based social assistance rates to the Provincial Government on an annual basis. The rates would be based on an analysis of the actual cost of rent, food and other basic necessities in communities across Ontario.

I also asked council at that time to direct staff to provide a report on the economic costs of not providing adequate social assistance.

**Bill 235 – An Act to Establish the Ontario Social Assistance Rates Board**

Perhaps it will be helpful to provide some context and an update on the proposed legislation to establish the OSARB. Bill 235, "An Act to Establish the Ontario
Social Assistance Rates Board was introduced for first reading as a private member’s bill in the Ontario Legislature by MPP Ted McMeekin on June 4, 2007. Unfortunately, the Legislature was then prorogued on June 5, 2007 in anticipation of a fall election, meaning the Bill was effectively discontinued. Following the election, Ted McMeekin was appointed to cabinet, and therefore could no longer champion the bill as a private member. The Hamilton Community Legal Clinics (as we then were) and others, therefore worked very hard to advocate for the government to include the OSARB as a part of its poverty reduction strategy. Unfortunately, that did not happen, but the government did make a commitment to “undertake a review of social assistance” in its Poverty Reduction Strategy, released on December 4, 2008.

Since that time we have continued to advocate with government to implement a process for determining evidence-based social assistance rates. We have also attempted to have the Bill re-introduced by another back-bench liberal as a private member’s bill, but the Member was asked by the government to hold off on introducing the bill as it was something that was still being considered by the government.

On December 2, 2009, the government announced an advisory panel to provide recommendations to the Minister of Community and Social Services on how to proceed with the Review.

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1 See attached
An Economic Analysis of the Inadequacy of Social Assistance

As mentioned, City Staff were directed in 2007 to report back to council on the economic costs of providing inadequate social assistance rates. As the legal clinics at that time were also hoping to have some economic analysis in order to buttress our advocacy efforts on behalf of an OSARB, Joe-Anne Priel, along with Liz Weaver, Director of the Poverty Roundtable (at that time), kindly offered to provide some staff assistance to a committee that would look at an economic analysis of social assistance. Atif Kubursi, Professor Emeritus of Economic at McMaster University also kindly offered his expertise on economic modeling to the ad hoc committee.

It was decided by the Committee early on to focus our efforts on estimating the local economic benefits of raising social assistance rates to subsistence or adequate levels, rather than focusing on the economic costs of inadequate rates, as some work by other groups had already begun on the economic costs of poverty.²

To that end, the committee decided to try to estimate the additional government expenditure required in order to bring social assistance rates at least up to a subsistence level. This work required an in depth analysis of the current caseload statistics for Ontario Works and the Ontario Disability Support Program³, as well as an estimate of the income required for basic necessities for each family size and composition.

³ The caseload statistics were obtained and provided by Nella Roque, an Ontario Works program manager and member of the committee.
Given the complexity of the statistical analysis required in order to estimate the additional government expenditure for “adequate” social assistance in the City of Hamilton, we have now decided to focus on some discrete benefits suggested by others (such as a healthy food allowance and a housing allowance), to determine the economic local economic impact of such an investment, using Prof. Kubursi’s models.

**The Ontario Child Benefit**

I concur with the general analysis of the Ontario Child Benefit (“OCB”) provided by City Staff and by the Social Action Committee. Unfortunately, the current government model of increasing the OCB, while decreasing the basic needs allowance portion of social assistance creates a shell game for families on social assistance and others advocating for adequate rates. In addition, the lowering of social assistance rates in concert with an increase in the Ontario Child Benefit also means that fewer families qualify for social assistance and the crucial benefits that entails, such as a drug card and other crucial benefits. Given the perilously low rates of social assistance, the Hamilton Community Legal Clinic advocates that the government reverse the clawbacks to the basic needs portion of social assistance to provide some immediate relief to Ontario families while work begins on determining evidence-based rates.
The Special Diet Benefit

In the recent budget, the Ontario government announced that it would be cancelling the special diet program that is currently available to recipients of provincial social assistance to help them buy healthy food necessary due to a medical condition. The government indicates that the Special Diet Program would be partially replaced by a nutritional supplement program administered by the Ministry of Health and Long Term Care, but it appears that this new benefit would only be available to those with severe medical needs.

This decision will have severe impacts on Hamilton. The effects on individual and public health will almost certainly be drastic, and the additional demand on our food banks and emergency meal programs will be significant, putting dangerous pressure on these already overextended agencies.

This decision to cancel the special diet program comes in the wake of a decision of the Human Rights Tribunal of Ontario finding that the government has discriminated against a number of individuals in its administration of the program. There are also hundreds of more special diet cases that have been on hold at the Human Rights Tribunal and the Social Benefits Tribunal pending the aforementioned decision on the lead cases.

It is my understanding that Tom Cooper, Director of the Roundtable for Poverty Reduction will be asking you today to speak to you at you meeting next month regarding this important issue. I would also request that the clinic be permitted to also address this vital issue in front of the committee next month.
What are we asking?

That the Mayor correspond with the Premier of Ontario, the Minister of Community and Social Services and the Chair of the Social Assistance Review Advisory Council, with copies to all local MPPs, requesting:

1. an emergency increase to provincial social assistance, perhaps in the form of a healthy food allowance or a housing allowance, in advance of the social assistance review, so as to provide some relief to individuals and families in the province, many of whom are currently living on below subsistence-level incomes;

2. that the scope of the forthcoming social assistance review include consideration of the establishment of an Ontario Social Assistance Rates Board, to be charged with the task of annually reviewing and adjusting social assistance rates, based on evidence of the cost of a decent standard of living, and that any resulting recommendation be identified as a priority and necessary recommendation;

3. that the scope of the forthcoming social assistance review include an in-depth analysis of the social assistance rate restructuring for families receiving the Ontario Child Benefit to ensure that those families on social assistance realize the full benefits of the Ontario Child Benefit; and,

4. that the Government of Ontario make the reports of the Social Assistance Review Advisory Committee public within 30 days of the date they are delivered to the Government.  

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4 I have attempted to bold areas where the recommendation of the Hamilton Community legal clinic expands on, or amends, the recommendations of staff.
Bill 235

An Act to establish the Ontario Social Assistance Rates Board

Mr. McMeekin

Private Member’s Bill

1st Reading June 4, 2007
2nd Reading
3rd Reading
Royal Assent

Printed by the Legislative Assembly of Ontario

Projet de loi 235

Loi établissant la Commission ontarienne des taux d’aide sociale

M. McMeekin

Projet de loi de député

1re lecture 4 juin 2007
2e lecture
3e lecture
Sanction royale

Imprimé par l’Assemblée législative de l’Ontario
EXPLANATORY NOTE

The Bill establishes the Ontario Social Assistance Rates Board, which has the function of providing specific recommendations annually regarding social assistance rates under the Ontario Works Act, 1997 and the Ontario Disability Support Program Act, 1997.

NOTE EXPLICATIVE

Le projet de loi établit la Commission ontarienne des taux d'aide sociale, laquelle est chargée de faire tous les ans des recommandations précises au sujet des taux d'aide sociale prévus en application de la Loi de 1997 sur le programme Ontario au travail et de la Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées.
An Act to establish the Ontario Social Assistance Rates Board

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"benefit unit" means a person and all of his or her dependants on behalf of whom the person receives or applies for social assistance; ("groupe de prestataires")

"Board" means the Ontario Social Assistance Rates Board established under section 2; ("Commission")

"Minister" means the Minister of Community and Social Services, ("ministre")

"social assistance" means,

(a) income support under the Ontario Disability Support Program Act, 1997, and

(b) basic financial assistance under the Ontario Works Act, 1997. ("aide sociale")

Board established

2. A Board to be known in English as the Ontario Social Assistance Rates Board and in French as Commission ontarienne des taux d’aide sociale is hereby established.

Composition of Board

Appointment

3. (1) The Board shall be composed of at least six and not more than nine members appointed by the Lieutenant Governor in Council.

Qualifications

(2) The members shall be persons who have, in the opinion of the Lieutenant Governor in Council, expertise in poverty research and current research regarding the costs of living in Ontario communities.

Same

(3) In addition to the qualifications set out in subsection (2),

(a) at least two of the members shall be persons who have, in the opinion of the Lieutenant Governor in

Loi établissant la Commission ontarienne des taux d’aide sociale

Sa Majesté, sur l’avis et avec le consentement de l’Assemblée législative de la province de l’Ontario, édicte :

Définitions

1. Les définitions qui suivent s’appliquent à la présente loi.

«aide sociale» S’entend de ce qui suit :

a) le soutien du revenu au sens de la Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées;

b) l’aide financière de base au sens de la Loi de 1997 sur le programme Ontario au travail. ("social assistance")

«Commission» La Commission ontarienne des taux d’aide sociale établie en application de l’article 2. ("Boards")

«groupe de prestataires» Une personne et toutes les personnes à sa charge au nom desquelles elle reçoit une aide sociale ou présente une demande à cet effet. ("benefit unit")

«ministre» Le ministre des Services sociaux et communautaires. ("Ministere")

Établissement de la Commission

2. Est établie une commission appelée Commission ontarienne des taux d’aide sociale en français et Ontario Social Assistance Rates Board en anglais.

Composition de la Commission

Nomination

3. (1) La Commission se compose de six à neuf membres que nomme le lieutenant-gouverneur en conseil.

Qualités requises

(2) Les membres ont, de l’avis du lieutenant-gouverneur en conseil, des compétences reconnues en matière de recherche sur la pauvreté et de recherche en cours sur le coût de la vie dans les collectivités de l’Ontario.

Idem

(3) Outre les qualités requises énoncées au paragraphe (2) :

a) d’une part, au moins deux des membres ont, de l’avis du lieutenant-gouverneur en conseil, des
Council, expertise regarding the costs of living for disabled persons in Ontario communities; and

(b) at least two of the members shall be persons who have received social assistance at some time within the 10-year period before being appointed or are receiving social assistance at the time of their appointment.

Term

(4) A member shall be appointed for a term of two, three or five years.

Chair and vice-chair

(5) The Lieutenant Governor in Council shall designate one of the members as chair and may designate one or more other members as vice-chair.

Remuneration and expenses

4. The members of the Board who are not members of the public service of Ontario may be paid the remuneration fixed by the Lieutenant Governor in Council and the reasonable expenses incurred in the course of their duties under this Act.

Powers of Board

5. (1) Except as limited by this Act, the Board has all the powers that are necessary or expedient for carrying out its duties under this Act.

Experts

(2) The Board may retain experts as it considers necessary from time to time.

Annual report

6. (1) The Board shall provide an annual report in accordance with this Act to the Minister on or before December 31 in every year.

Duties

(2) The Board shall perform the duties that are assigned to it by or under this Act.

Meetings

(3) The Board shall meet at least six times annually for the purpose of preparing the annual report.

Additional reports

(4) In addition to the report described in subsection (1), the Board shall provide additional reports and information about adequate standards of living to the Minister on request.

Contents of annual report

Regions

7. (1) The annual report shall include a list of defined regions identified by the Board on the basis of different costs of living in different parts of the Province.

Regional rates

(2) The annual report shall include recommended so-

compétences reconnues en ce qui concerne le coût de la vie pour les personnes handicapées dans les collectivités de l’Ontario;

b) d’autre part, au moins deux des membres ont reçu de l’aide sociale à un moment quelconque au cours de la période de 10 ans précédant leur nomination ou en reçoivent au moment de celle-ci.

Mandat

(4) Le mandat d’un membre est de deux, trois ou cinq ans.

Présidence et vice-présidence

(5) Le lieutenant-gouverneur en conseil désigne un des membres à la présidence et peut en désigner un ou plusieurs autres à la vice-présidence.

Rémunération et dépenses

4. Les membres de la Commission qui ne font pas partie de la fonction publique de l’Ontario peuvent recevoir la rémunération que fixe le lieutenant-gouverneur en conseil et le remboursement des frais raisonnables qu’ils engagent dans l’exercice des fonctions que leur attribue la présente loi.

Pouvoirs de la Commission

5. (1) Sauf disposition contraire de la présente loi, la Commission a tous les pouvoirs nécessaires ou propices à l’exercice des fonctions que lui attribue la présente loi.

Experts

(2) La Commission peut retenir les services d’experts qu’elle estime nécessaires.

Rapport annuel

6. (1) La Commission présente un rapport annuel conformément à la présente loi au ministre au plus tard le 31 décembre de chaque année.

Fonctions

(2) La Commission exerce les fonctions qui lui sont attribuées par la présente loi ou en vertu de celle-ci.

Réunions

(3) La Commission se réunit au moins six fois par année afin de préparer le rapport annuel.

Rapports additionnels

(4) Outre le rapport visé au paragraphe (1), la Commission présente les autres rapports et renseignements que demande le ministre au sujet des niveaux de vie satisfaisants.

Contenu du rapport annuel

Régions

7. (1) Le rapport annuel comprend la liste des régions définies que désigne la Commission en fonction des écarts du coût de la vie entre les différentes parties de la province.

Taux régionaux

(2) Le rapport annuel comprend les taux d’aide sociale
social assistance rates and processes for providing social assistance for each region identified under subsection (1), including consideration of,

(a) monthly basic needs rates at a set amount that will enable benefit units to obtain,

(i) nutritious food baskets,
(ii) basic telephone service,
(iii) basic transportation,
(iv) personal needs items, including clothing, personal hygiene products and household cleaning supplies,
(v) items and services relating to the educational and recreational needs of any children,
(vi) any necessary modifications to a rental unit in order to accommodate any disability,
(vii) additional expenses that may be incurred by persons with disabilities in order for them to participate fully in society, including expenses relating to education, over the counter medical goods, entertainment and clothing, and
(viii) other basic goods and services to fulfil needs specified by the Board as basic;

(b) maximum monthly shelter allowance rates, including reference to,

(i) Canada Mortgage and Housing Corporation research on local rents,
(ii) any other research that the Board considers relevant regarding local rents and shelter expenses, including utilities, heating costs, furnace or hot water tank rentals, property taxes and fire insurance, and
(iii) separate recommendations regarding housing that is modified for disabled persons;

(c) the level of benefits to be provided to benefit units under the Ontario Works Act, 1997;

(d) the level of benefits to be provided to benefit units under the Ontario Disability Support Program Act, 1997;

(e) other statutory benefits that are actually received by benefit units, including the Ontario Child Benefit;

recommandés de même que les processus recommandés pour fournir une aide sociale pour chacune des régions désignées visées au paragraphe (1) et tient compte notamment de ce qui suit :

a) les taux mensuels au titre des besoins essentiels, fixés à un montant qui permette aux groupes de prestataires d’obtenir ce qui suit :

(i) des paniers d’épicerie nutritifs,
(ii) un service téléphonique de base,
(iii) un service de transport de base,
(iv) des articles de première nécessité, notamment des vêtements, des produits d’hygiène personnelle et des produits d’entretien ménager,
(v) des articles et des services visant à répondre aux besoins des enfants en matière d’éducation et de loisirs,
(vi) les adaptations nécessaires à un logement locatif afin d’accommoder tout handicap,
(vii) le remboursement des dépenses supplémentaires qu’engagent les personnes handicapées pour participer pleinement à la société, notamment les dépenses liées à l’éducation, aux produits médicaux vendus sans ordonnance, aux loisirs et aux vêtements,
(viii) d’autres biens et services de base qui permettent de répondre à des besoins que la Commission précise comme étant essentiels;

b) les taux mensuels maximaux au titre du logement et, notamment, la mention de ce qui suit :

(i) les recherches effectuées par la Société canadienne d’hypothèques et de logement sur les loyers locaux,
(ii) les autres recherches que la Commission estime pertinentes au sujet des loyers locaux et des dépenses de logement, y compris les services d’utilité publique, les frais de chauffage, la location de la chaudière ou du réservoir à eau chaude, les impôts fonciers et l’assurance-incendie,
(iii) des recommandations distinctes en ce qui concerne les logements qui sont modifiés pour répondre aux besoins des personnes handicapées;

c) le niveau des prestations devant être accordées aux groupes de prestataires en application de la Loi de 1997 sur le programme Ontario au travail;

d) le niveau des prestations devant être accordées aux groupes de prestataires en application de la Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées;

e) les autres prestations légales que reçoivent effectivement les groupes de prestataires, notamment la prestation ontarienne pour enfants;
(f) the fact that many recipients of social assistance under the Ontario Works Act, 1997 are, for extended periods of time, unable to supplement their income through employment; and

(g) the fact that many recipients of social assistance under the Ontario Disability Support Program Act, 1997 are, due to the long-term nature of many disabilities, unable to supplement their income through employment.

Same

(3) The Board shall consider the rates set under the Ontario Works Act, 1997 and the Ontario Disability Support Program Act, 1997 and may recommend changes to those rates.

Variation in rates

(4) The regional rates recommended in subsection (2) shall be uniform within each region but may differ between regions.

Minister’s report

8. (1) On or before March 31 in every year, the Minister shall publish a report responding to the Board’s recommendations in the annual report and shall set out a timeline for dealing with the recommendations.

Tabling

(2) The Minister shall submit any reports received from the Board to the Lieutenant Governor in Council and shall then lay them before the Assembly if it is in session or, if not, at the next session.

Annual report made public

(3) The Minister shall make the annual report available to the public within 90 days of receiving the report.

Commencement

9. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) Sections 1 to 8 come into force six months after the day this Act receives Royal Assent.

Short title


f) le fait qu’un grand nombre des bénéficiaires de l’aide sociale visés par la Loi de 1997 sur le programme Ontario au travail sont, pendant de longues périodes, incapables d’augmenter leur revenu au moyen d’un emploi;

(g) le fait qu’un grand nombre des bénéficiaires de l’aide sociale visés par la Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées sont, du fait qu’ils souffrent de handicaps à long terme, incapables d’augmenter leur revenu au moyen d’un emploi.

Ident

(3) La Commission examine les taux fixés en application de la Loi de 1997 sur le programme Ontario au travail et de la Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées et peut recommander les modifications à leur apporter.

Écarts entre les taux

(4) Les taux régionaux recommandés en application du paragraphe (2) sont uniformes au sein de chaque région, mais ils peuvent différer d’une région à l’autre.

Rapport du ministre

8. (1) Au plus tard le 31 mars de chaque année, le ministre publie un rapport donnant suite aux recommandations de la Commission contenues dans le rapport annuel et fixe le délai dans lequel il doit être traité de ces recommandations.

Dépôt

(2) Le ministre présente les rapports qu’il reçoit de la Commission au lieutenant-gouverneur en conseil et les dépose devant l’Assemblée si elle siège ou, si elle ne siège pas, à la session suivante.

Publication du rapport annuel

(3) Le ministre met le rapport annuel à la disposition du public dans les 90 jours de sa réception.

Entrée en vigueur

9. (1) Sous réserve du paragraphe (2), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

(2) Les articles 1 à 8 entrent en vigueur six mois après le jour où la présente loi reçoit la sanction royale.

Titre abrégé