



### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated January 27, 2017, finding the Appellant is not eligible to continue to receive income assistance for failing to make reasonable efforts to comply with the conditions of his employment plan in accordance with section 9 of the *Employment and Assistance Act* (EAA).

### PART D – Relevant Legislation

The relevant legislation is section 9 of the EAA.

## PART E – Summary of Facts

The appellant has been in receipt of income assistance as a sole recipient since April 2014.

On October 31, the appellant entered into an employment plan which he signed on November 22, 2016. The employment plan required that the appellant attend an employment program, which included meeting with the employment program provider, participating in the program activities, completing assigned tasks and working with his case manager.

The ministry sent the appellant a letter on October 31 explaining his obligations under the plan and requiring that the appellant sign and return the plan by November 11. The compliance requirements were again explained to the appellant when he returned the signed plan to the ministry offices on November 22. Again, on November 24, the ministry called the appellant and explained to him his responsibilities under the plan and the appellant agreed that he understood and would attend the required employment programs.

On January 11, 2017, the employment program contacted the ministry to inform them that the appellant had not attended any programs and they were unable to contact him despite numerous phone calls and emails.

On January 12, 2017, the ministry wrote to the appellant informing him that he was no longer eligible for income assistance as he was not in compliance with his employment plan.

In his reconsideration submission the appellant stated:

“I was denied assistance due to not completing a work search form. When I received the forms before Christmas I went down to [the service provider] and registered with them. I took the bus from [location] to town almost every day for two weeks and would arrive at [the service provider] around 10 AM. They kept telling me they had no available spots that day. Then I got busy helping my dad and new neighbours with light yard work and forgot to go back to [the service provider]. By then it was too late and I was cut off assistance. I'm writing this in hopes you will reconsider. I'm a recovering addict on methadone and I'm trying to learn how to live a sober life again. I really need this assistance for my rent and medical coverage while my methadone or I will end up homeless and maybe even an addict again if my methadone is not covered as I do not have scarce of income. Please reconsider, I will get my job search done and continue to do anything else asked me. Thank you.”

## PART F – Reasons for Panel Decision

The issue under appeal is the Ministry's finding that the Appellant is not eligible to continue to receive income assistance for failing to make reasonable efforts to comply with the conditions of his employment plan in accordance with sections 9 of the EAA.

The relevant legislation is section 9 EAA:

### Employment plan

- 9** (1) For a family unit to be eligible for income assistance or hardship assistance, each applicant or recipient in the family unit, when required to do so by the minister, must
- (a) enter into an employment plan, and
  - (b) comply with the conditions in the employment plan.
- (2) A dependent youth, when required to do so by the minister, must
- (a) enter into an employment plan, and
  - (b) comply with the conditions in the employment plan.
- (3) The minister may specify the conditions in an employment plan including, without limitation, a condition requiring the applicant, recipient or dependent youth to participate in a specific employment-related program that, in the minister's opinion, will assist the applicant, recipient or dependent youth to
- (a) find employment, or
  - (b) become more employable.
- (4) If an employment plan includes a condition requiring an applicant, a recipient or a dependent youth to participate in a specific employment-related program, that condition is not met if the person
- (a) fails to demonstrate reasonable efforts to participate in the program, or
  - (b) ceases, except for medical reasons, to participate in the program.
- (5) If a dependent youth fails to comply with subsection (2), the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.
- (6) The minister may amend, suspend or cancel an employment plan.
- (7) A decision under this section
- (a) requiring a person to enter into an employment plan,
  - (b) amending, suspending or cancelling an employment plan, or
  - (c) specifying the conditions of an employment plan
- is final and conclusive and is not open to review by a court on any ground or to appeal under section 17 (3) [*reconsideration and appeal rights*].

This appeal was held by written hearing by consent of the parties in accordance with section 22(3)(b) of the *Employment and Assistance Act*.

In his appeal submission the appellant states: "I'm trying to rebuild my life again and have not had luck in finding full time work. I need this at this time for my rent and medications. Please reconsider, I'm willing to do work searches and whatever else you need me to do."

The ministry relied on its reconsideration decision.

The appellant completed and signed his employment plan. The ministry explained to the appellant his responsibilities under the plan and the consequences of not complying with it on numerous occasions. The appellant indicated to the ministry that he understood his responsibilities on numerous occasions, including his responsibilities attend an employment program, which included meeting with the employment program provider, participating in the program activities, completing assigned tasks and working with his case manager.

Section 9(1) of the EAA states that a recipient is not eligible for income assistance if they do not comply with the terms of their employment plan. Section 9(4) of the EAA states that a recipient is not in compliance with the terms of their employment plan if the recipient “fails to demonstrate reasonable efforts to participate in the program”.

The appellant states that he went to and was turned away from the employment provider because they did not have a space for him every day for two weeks and then stopped going because he “got busy helping my dad and new neighbours with light yard work and forgot to go back”.

It was the appellant’s responsibility to make reasonable efforts to participate in his employment program. “Reasonable efforts” would include continuing to travel to the employment provider until such time as they had a space for him. Therefore, the appellant did not make reasonable efforts to attend his employment program and so was not in compliance with his employment plan.

Accordingly, the Panel finds that the ministry’s decision that the appellant is no longer eligible for income assistance due to non-compliance with his employment plan for failure to make reasonable efforts to attend his employment program was a reasonable application of the relevant legislation and confirms the ministry’s decision.