

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry's) reconsideration decision dated August 21, 2017 whereby the appellant was found to be ineligible for income assistance pursuant to Section 9 of the *Employment and Assistance Act* (EAA) for not complying with the conditions of his Employment Plan (EP), due to his failure to demonstrate reasonable efforts to participate in the employment-related program.

PART D – Relevant Legislation

Employment and Assistance Act (EAA), Section 9

PART E – Summary of Facts

The Appellant was not in attendance at the hearing. After confirming that he was notified, the hearing proceeded under s. 86 of the Employment and Assistance Regulation (EAR).

The evidence before the ministry at the time of the reconsideration decision included:

The appellant is in receipt of income assistance as a sole recipient.

April 20, 2017 – the appellant signed an Employment Plan (EP) confirming that he had read, understood and agree to the conditions and consequences of not complying. One condition was that the appellant contact the Employment Programs of BC (EPBC) by May 3, 2017, completes all tasks including those set out in the EPBC Action Plan assigned by the contractor, participate fully in the program and contact the contractor if not able to attend or participate in the program for any reason.

May 3, 2017 – the appellant did not attend the intake appointment with EPBC and did not contact EPBC. A letter was sent by the ministry requesting he make contact to discuss his employment related responsibilities. The appellant's assistance cheque was directed to the ministry to ensure he made contact.

May 5, 2017 – the appellant submitted a job search list to the ministry but still had not made contact with EPBC.

May 25, 2017 – the appellant contacted the ministry to advise that he had scheduled a meeting with EPBC for May 29, 2017. He further advised that he did not attend the May 3, 2017 appointment as he had a job interview. The ministry requested the appellant to provide a copy of his EPBC Action Plan.

June 1, 2017 – EPBC reported that the appellant did not attend the May 29th meeting as he had an incorrect appointment time. The meeting was rescheduled for June 1, 2017. The appellant did not attend this meeting or contact EPBC. A letter was sent to the appellant advising his next assistance cheque had been directed to the ministry to ensure a discussion concerning his employment related responsibilities.

June 15, 2017 – the appellant stated he had a job interview on June 1, 2017 and EPBC had advised him that he should attend job interviews if the times conflict with an EPBC appointment. He further stated that he attempted to contact EPBC but could not find their phone number and that he would go to the EPBC office this date to clear up the matter.

June 21, 2017 – EPBC reported the appellant had attended their office on June 16th to schedule an appointment on June 19th.

June 19, 2017 – EPBC reported the appellant did not attend the scheduled appointment and did not contact EPBC.

June 21, 2017 – the appellant contacted the ministry leaving a voice message advising he had scheduled an appointment with EPBC on June 22nd.

June 22, 2017 – the appellant did attend the EPBC appointment and agreed to attend workshops from July 4th to 7th and attend a meeting on July 11th.

July 12, 2017 – EPBC reported the appellant did not attend the July 4th to 7th workshops and did not attend the scheduled meeting on July 11th. The appellant's August 2017 assistance cheque was directed to the ministry.

July 28, 2017 – the appellant contacted the ministry advising that he did not attend the workshops as he had obtained work. He stated he worked for two days then the employer disappeared without paying him. The appellant did not have an explanation why he did not advise EPBC that he had obtained work or that the job had not worked out. The appellant also did not contact EPBC to advise he would not attend the July 11th appointment. The ministry advised the appellant that he was not eligible for assistance due to failure to comply with the conditions of his Employment Plan.

August 8, 2017 – the appellant signed a Request for Reconsideration stating that he had a job on the last Work BC date and went to it thinking he didn't need assistance anymore and the guy he worked for didn't pay him for two days' work and disappeared and didn't pay him so he couldn't pay his rent and hasn't.

The appellant files a Notice of Appeal on August 27, 2017 stating "I have tried very hard to find a job so I don't have to have assistance. I had a job and he left without paying me for two days' work as promised and disappeared."

At the hearing:

There was no additional evidence presented on behalf of the appellant.

The ministry relied on the reconsideration decision, as summarized at the hearing.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's conclusion that the appellant did not comply with the conditions of his EP, due to his failure to demonstrate reasonable efforts to participate in the employment-related program, therefore, the appellant is not eligible for income assistance pursuant to Section 9 of the *Employment and Assistance Act* (EAA) is reasonably supported by the evidence or is a reasonable application of the applicable enactment in the appellant's circumstances.

Relevant Legislation:

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].

Appellant's position:

The appellant argues that he has tried very hard to find a job so he wouldn't require assistance. He had a job and his employer disappeared without paying him for two days'.

Ministry's position:

The ministry's position is that the appellant signed his EP confirming that he had read, understood and agreed to the conditions and consequences of not complying. The EP referred the appellant to the Employment Programs of BC (EPBC) contractor. He was required to participate fully in the program, complete all assigned tasks and to advise the contractor if not able to participate in the program for any reason. The appellant was aware that that active participation in the EPBC program was mandatory to ensure continued eligibility for assistance. The Appellant did not attend several

meetings and workshops with the EPBC program and failed to make contact to advise when not able to attend despite having been reminded of his employment related obligations on several occasions. In the opinion of the minister the appellant has not demonstrated a reasonable effort to comply with the conditions of his Employment Plan.

Panel's decision:

Section 9(1) of the EAA provides that, when the ministry requires, a person must enter into an EP and comply with the conditions in the EP in order to be eligible for income assistance. One of the conditions of the appellant's employment plan was that he participates in an employment program, and that condition is not met if the person fails to demonstrate reasonable efforts to participate in the program, or ceases, except for medical reasons, to participate in the program as provided in Section 9(4) of the EAA.

The appellant signed an EP on April 20, 2017 confirming that he had read, understood and agreed to the conditions and consequences of not complying. The appellant was required to contact EPBC by May 3, 2017, complete all tasks including those set out in the EPBC Action Plan assigned by the contractor, participate fully in the program and contact the contractor if not able to attend or participate in the program for any reason.

The appellant did not attend the May 3, 2017 scheduled appointment as well as several others that were scheduled between May 3, 2017 and July 11, 2017 and did not attend scheduled workshops from July 4th to 7th. The appellant was reminded several times that his continued eligibility for income assistance was dependent on his active participation in the EPBC program. The appellant states that he worked for two days in July and could not attend the workshops and that he did not get paid because his employer disappeared. The appellant did not contact EPBC to inform them that he had found work, and did not advise EPBC he would not attend the July 11th scheduled appointment. The panel notes that the appellant's June, July and August assistance cheques were withheld due to his non-compliance with the EPBC program.

The panel notes that there is no evidence of a medical condition that impacted the appellant's non-participation in his EP. As such, the panel finds that the ministry reasonably concluded, pursuant to Section 9(4) of the EAA, that the appellant failed to demonstrate reasonable effort to comply with the conditions of his Employment Plan.

The panel finds that the ministry's reconsideration decision which determined that the appellant was not eligible for income assistance for failure to comply with the conditions of his Employment Plan pursuant to Section 9(1) of the EAA was reasonably supported by the evidence, and therefore confirms the decision.