

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“ministry”) reconsideration decision dated October 2, 2022, in which the ministry denied the appellant’s request for a job supplement to buy work clothes for her employment with Company X. The ministry found that the appellant was not eligible for a *Confirmed job supplement* under section 54.1 of the Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) because in the opinion of the minister the appellant’s employment would not enable her to become independent of disability assistance (“DA”).

**Part D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Regulation – EAPWDR – section 54.1

The full text is available in the Schedule after the decision.

**Part E – Summary of Facts**

The evidence and documentation before the minister at the reconsideration consisted of:

**1. Information from the ministry's record of decision indicating the following:**

- the appellant is a sole recipient of disability assistance ("DA") and receives \$648.03 per month from the ministry;
- on August 17, 2022, the appellant contacted the ministry requesting assistance with work clothes as Work BC had declined her request for funding. The ministry advised the appellant to submit confirmation of employment including the specific clothing required for the job;
- on August 19, 2022, the ministry asked Work BC for additional information about the appellant's request for work clothes;
- on August 22, 2022, the appellant submitted an email from Company X confirming her employment and details of the clothing required for her position. The dress code included pants, shirt, and shoes in a specific colour and style;
- on September 6, 2022, Work BC advised the ministry that the appellant said she would like to pursue other employment opportunities because the job with Company X was not sustainable due to the low number of hours. Work BC determined that the appellant was not eligible for their job start funding and directed her to community resources to obtain clothing;
- on September 7, 2022, the ministry closed the appellant's request for a job supplement, noting that the information received from Work BC indicated the appellant was no longer pursuing employment with Company X due to low hours;
- on September 8, 2022, the ministry advised the appellant that she was ineligible for a confirmed job supplement for clothing;
- on September 20, 2022, the appellant submitted a *Request for Reconsideration* ("RFR") with a copy of 2 pay stubs from Company X for September 2022.

**2. An RFR signed by the appellant on September 19, 2022, with a typed submission and attached pay stubs, employment information, and dress code requirements for Company X.**

In the submission the appellant explains that:

- she approached her employment counsellor at Work BC to apply for financial support to buy a work uniform for her job at Company X;
- she has been working with the employment counsellor toward a long-term goal of attending a post-secondary program and getting sustainable employment. On the path to achieving her goal the appellant will be working part-time hours to balance parenting responsibilities, treatment for her disability, and employment;

- in order for Work BC to financially support her employment at Company X, the appellant's job at Company X would need to be her long-term employment goal which it is not;
- she will be working approximately 10 hours per week for the duration of her training and medical treatment.

Pay stubs dated September 1, and 15, 2022 indicate that the appellant worked 11.32 hours for the period August 15-28; 17.64 hours for the period August 29-September 11; and 24 hours prior to August 15th based on year-to-date earnings.

An email from Company X confirms that the appellant is employed with the company and that the dress code requirements for the appellant's position include clothing in a specific colour and style.

*Additional evidence at the hearing*

In response to questions from the panel, the parties provided additional information requiring an admissibility determination under section 24(2) of the *Employment and Assistance Act* ("EAA").

The appellant provided additional details regarding her employment goals and current employment. The appellant stated that:

- if she accepted full-time work at Company X, Work BC would find that she has met her employment goal and she would be "cut off" from post-secondary education funding which is necessary for her longer-term plan;
- she would like to complete a post-secondary program and then work full-time in a sustainable position until she retires. Her goal is full-time employment, related to her field of study, that allows her to support her family. She is interested in working in a management-type role in an industry related to Company X. Her current part-time employment supports her longer-term goals by keeping her connected to the industry and making life more affordable for her family;
- in order to increase her current work hours she needs more childcare. She currently has part-time childcare and does not know the timeline for when a full-time spot will become available;
- she does not yet have a start date for her post-secondary program as it is also dependent on her childcare arrangement, as well as education funding which she is pursuing through Work BC;
- the cost of work clothing for her job at Company X is approximately \$200.

In response to questions about whether the ministry could fund work clothing under any other section of the legislation, the ministry checked the appellant's file and confirmed that the appellant does not have an Employment Plan or a volunteer participation plan and is not participating in an *employment-related program*. Ministry records indicate that the appellant has an Action Plan with Work BC but they declined her request for job start funding.

The ministry explained that clients who are in receipt of DA are not obligated to work or to have an Employment Plan. The ministry explained that clients can continue to receive DA from the ministry even if they don't work. The ministry explained that Work BC rules for funding work clothing are not the same as ministry rules. The ministry explained that a crisis supplement for clothing would only be available in an emergency situation.

#### *Admissibility*

The panel finds that the oral submissions provide a broader picture of the appellant's circumstances with additional details about her long-term goals; her relationship with Work BC; her reasons for part-time work with Company X; and whether she has an Employment Plan which might provide alternate means of obtaining ministry funding for work clothing.

The panel admits the submissions under section 24(2) of the EAA as evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal. The appellant and the ministry made further submissions at the hearing which the panel accepts as argument.

**Part F – Reasons for Panel Decision**

The issue on appeal is whether the ministry's decision that found the appellant ineligible for a *Confirmed job supplement* to buy work clothes was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant. The panel's role is to determine whether the ministry reasonably determined that the appellant's employment with Company X would not enable her to become independent of DA as required under section 54.1 of the EAPWDR.

**Arguments**

In the original denial decision of September 8, 2022, the ministry found that the appellant was not eligible for a *Confirmed job supplement* because she did not have confirmed employment as required by the legislation. The ministry based the decision on information they received from Work BC which indicated the appellant wanted to pursue other employment opportunities because she was not being offered enough hours at Company X.

The appellant asked for a reconsideration of that decision, arguing in her RFR submission that the ministry completely misunderstood her situation based on their communication with Work BC. The appellant indicated that she does indeed have confirmed employment because she is working for Company X part-time.

The appellant argued that her part-time work is part of her long-term goal to pursue a post-secondary program and obtain sustainable full-time employment. The appellant argued that she needs to work part-time to balance her parenting responsibilities and her medical treatment with employment.

In the reconsideration decision, the ministry denied the appellant's request for a job supplement for clothing for a different reason. The ministry accepted that the appellant has confirmed employment with Company X but was not satisfied that the appellant's part-time job with Company X would enable her to become independent of DA. The ministry notes that the appellant worked an average of 7.24 hours per week based on the pay stubs she submitted.

The ministry argues that the appellant's intention to work approximately 10 hours per week at Company X is not likely to lead to independence from DA. The ministry notes that the appellant has plans to enroll in post-secondary school and work part time with the goal of getting funding for school.

The ministry acknowledges that the appellant has bigger long-term goals than her current position at Company X. The ministry argues that it has no ability to approve assistance with work clothes when not all of the legislative criteria are met.

In her appeal submission, the appellant disagrees with the reconsideration decision, arguing that her ability to work part-time is a result of balancing employment with ongoing treatment for her disability. The appellant states that she is unaware of any policy that says that employment support is not provided unless the employment will end her need for ministry assistance.

The appellant argues that although financial independence is her goal, “it is not going to happen in the near future.” The appellant argues that although working part-time helps her financially, she still needs help with the initial dress code costs.

At the hearing, the appellant clarified that while her medical treatment has a flexible schedule her work hours are dependent on childcare. The appellant said that she may be able to increase her work hours once she has full-time childcare. She does not know when that is going to happen and she expects to be working part-time in the foreseeable future.

The appellant said she has faced a lot of run around going between Work BC and the ministry to try and get help to buy work clothing. The appellant argues that she needs a “stepping stone supplement” to purchase work clothes for part-time employment while she pursues her long-term goals of post-secondary education and financial independence.

At the hearing, the ministry expressed admiration for the efforts the appellant has made to make her life better to reach her long-term goals. The ministry explained that in the past they have issued the job supplement where it appears that the client’s hours will increase enough to end their reliance on assistance.

The ministry argued that the appellant’s evidence did not indicate she would be moving to full-time hours. In the ministry’s view, the appellant’s intention is to continue to work part-time while she pursues her medical treatment and post-secondary education.

The ministry emphasized that job start support through Work BC is a separate program from the ministry’s *Confirmed job supplement* under section 54.1 of the EAPWDR. The ministry suggested that the appellant may have a case for Work BC to fund \$200 for work clothes if the appellant explains to Work BC that her job at Company X is work experience towards her long-term goals.

*Legislative requirements and panel's decision*

Under section 54.1 of the EDPWDR, the ministry may issue a supplement up to a maximum of \$1,000, to a client who is eligible for DA if several criteria are met. At the reconsideration the ministry was satisfied that the appellant is eligible for DA; that she requires work clothing to commence the employment; and that the appellant has no resources to cover the cost given that Work BC denied her request for job start support. These requirements under section 54.1 are therefore met and not at issue in this appeal.

Subsection 54.1(a) of the EAPWDR has two requirements. The client must obtain confirmed employment and in the minister's opinion, the employment will enable the client to become independent of DA. At the reconsideration, the ministry accepted that the appellant has confirmed employment with Company X. Therefore, the first requirement under subsection 54.1(a) is met and not at issue in this appeal.

The ministry acknowledges that under the second requirement in subsection 54.1(a), the ministry has discretion to decide whether the client's employment will make them financially independent. While the ministry did not consider the amount of earnings the appellant receives from part-time work, the panel notes that there is no evidence to indicate that the appellant does not need DA due to part-time work. The evidence is that the appellant receives \$648.03 per month for DA and does not have sufficient financial resources to buy the clothing that she needs for her job.

At the hearing, when asked what test is used to determine if the client will no longer need to rely on DA, the ministry explained that it looks at whether the client shows an intention to work full-time. The panel finds that the ministry's focus on full-time employment is reasonable because full-time employment will more likely "enable the family unit to become independent of disability assistance" as required under subsection 54.1(a) of the EAPWDR.

The appellant's evidence is that she intends to work part-time, approximately 10 hours per week, to balance parenting obligations and medical treatment with her work schedule. The appellant is pursuing funding from Work BC for post-secondary studies so that she can get a full-time job in the future and remain financially independent by working until she retires.

The appellant's evidence is that she is unable to increase her work hours at present because she only has part-time childcare. The appellant does not know the timeline for when she will get a full-time childcare spot or enroll in a post-secondary program.

The evidence indicates that the appellant clearly has a plan to move into full-time employment in the future, but her current situation is fluid. There is uncertainty around when she will be able to obtain full-time childcare; increase her work hours; attend the post-secondary program; and obtain sustainable employment that will end her reliance on ministry assistance. The panel therefore finds that the ministry reconsideration decision is reasonably supported by the evidence.

The panel considered whether the ministry could provide funding for work clothing under any other section of the legislation. The panel reviewed section 54(1) of the EAPWDR but finds that it does not apply in the circumstances of the appellant. Under subsection 54(1)(c), the minister may fund up to \$200 for clothing, but the clothing has to be “safety clothing” and the client must need the clothing to participate in a specific *employment-related program* such as workplace training.

Furthermore, under section 54(1) of the EAPWSR, the *employment-related program* must be in accordance with an Employment Plan. The appellant is connected to Work BC programs, but she does not have an Employment Plan through the ministry. The panel finds that the ministry was reasonable to consider the appellant’s request for a job supplement for work clothing under *Confirmed job supplement* - section 54.1 of the EAPDWR.

### *Conclusion*

The panel finds that the reconsideration decision is reasonable because the appellant’s request for a job supplement for work clothing did not meet all of the requirements under section 54.1 of the EAPWDR. The ministry found that one of the requirements was not met; specifically, the minister was not satisfied that the appellant’s part-time employment would enable her to become independent of ministry assistance.

The ministry acknowledged the appellant’s long-term career plan but found that her present intention is to work part-time for an undetermined length of time. The panel finds that the ministry’s decision is reasonably supported by the evidence.

Based on the information in the record as well as new evidence at the hearing, the panel finds that the ministry applied the legislation in a reasonable way. The panel confirms the reconsideration decision. The appellant is not successful with her appeal.



**Schedule – Relevant Legislation**

**EAPWDR**

**Part 5 — Supplements**

**Division 3 — Supplements — Family Unit Eligible for Disability Assistance or Hardship Assistance**

**Confirmed job supplement**

**54.1** The minister may provide a supplement of up to a maximum of \$1 000 to or for a family unit that is eligible for disability assistance or hardship assistance if

- (a)** a recipient in the family unit obtains confirmed employment that, in the opinion of the minister, will enable the family unit to become independent of disability assistance or hardship assistance,
- (b)** in the opinion of the minister, the recipient requires transportation, clothing, tools or other employment-related items in order to commence the employment, and
- (c)** there are no resources available to the family unit to cover the cost.

APPEAL NUMBER 2022-0237

**Part G – Order**

The panel decision is: (Check one)       Unanimous       By Majority

The Panel       Confirms the Ministry Decision       Rescinds the Ministry Decision

If the ministry decision is rescinded, is the panel decision referred back  
to the Minister for a decision as to amount?      Yes       No

**Legislative Authority for the Decision:**

*Employment and Assistance Act*

Section 24(1)(a)       or Section 24(1)(b)

Section 24(2)(a)       or Section 24(2)(b)

**Part H – Signatures**

Print Name

Margaret Koren

Date (Year/Month/Day)

2022/11/02

Print Name

Vivienne Chin

Signature of  
Member

Date (Year/Month/Day)

2022/11/02

Print Name

Shannon Campbell

Date (Year/Month/Day)

2022/11/02