

December 22, 2023

The Honourable Kamal Khera, MP
Minister of Diversity, Inclusion and Persons with Disabilities
140 Promenade du Portage, Phase IV
Gatineau, Quebec K1A 0J9

Via email: mindiversityinclusion@pch.gc.ca

RE: Input on Canada Disability Benefit Regulations

Dear Minister Khera,

I am writing on behalf of Maytree, a Toronto-based human rights organization, with input on the design of the Canada Disability Benefit (CDB), based on the questions posed in the government's online engagement tool.

In addition to the initial feedback you receive through this process, we urge the government and the Office of Disability Issues to continue engaging people with lived experience and to centre their voices in the design of the CDB in the spirit of co-creation. The full participation of people with disabilities is necessary to ensure that the CDB will prioritize their dignity and further their human right to an adequate standard of living.

Access to the CDB

The CDB must be available to all those who need it. We urge the government to consider the following access considerations:

An inclusive definition of disability: The Canada Disability Benefit Act references the Accessible Canada Act definition of disability. This definition should be the starting point in determining eligibility, as it includes episodic, temporary, and “invisible” disabilities and recognizes the impact of societal barriers on people with disabilities. Importantly, the government should not use a medical model of disability to determine eligibility but rather base it on a social model of disability that accounts for societal barriers and an understanding of lived experience.

Automatic eligibility: People with disabilities who currently qualify for disability-related income supports such as social assistance, the Canada Pension Plan Disability benefit, and the Disability Tax Credit, should automatically be eligible for the CDB. Requiring people with disabilities to prove their disability to multiple programs is unnecessarily burdensome and a barrier to access. Furthermore, recipients should not be required to requalify for the CDB each year.

Right to appeal through a tribunal: Federal income supports administered through the Canada Revenue Agency are appealed through a lengthy objections process, and then go to the Tax Court of Canada. This process poses a significant barrier to people with disabilities. The government should seek to establish a tribunal-based appeals mechanism similar to social assistance programs and the Canada Pension Plan Disability benefit. One option would be to expand the jurisdiction of the Social Security Tribunal.

Parameters of the CDB

In designing the CDB, we urge the government to consider the following parameters:

Maximum amount: The purpose of Bill C-22 is to “reduce poverty and to support the financial security of working-age persons with disabilities.” The Bill also states that the amount of the benefit should take into consideration the Official Poverty Line and the “additional costs associated with living with a disability.” Therefore, the CDB should aim to, at the very least, eliminate the gap between existing income supports and the Official Poverty Line. According to the Office of the Parliamentary Budget Officer’s (OPBO) [latest report](#), that would require a benefit amount of at least **\$14,356 per year per person** in every province. Recognizing, however, that the Official Poverty Line does not take into account the costs associated with a disability, the OPBO suggests **\$22,701** per year, although that amount may still be insufficient for many.

Phase-in: The CDB should not phase in with employment income. Many people with disabilities do not have ties to the labour market and have significant barriers to entering the labour market, which lead many to live in deep poverty. People with disabilities who have no employment income must receive the maximum CDB amount.

Phase-out: When designing the phase-out of the CDB, the government must avoid negative interactions with existing income supports. First, the phase-out rate should be set at a relatively low rate of 15 percent as is the case for the Canada Workers Benefit disability supplement for singles. Second, the CDB should not phase out in parallel with social assistance or the Canada Pension Plan Disability Benefit. This is especially a problem in British Columbia, Nunavut, Quebec, and Saskatchewan where social assistance benefits phase out dollar-for-dollar. If the CDB phase-out period overlaps, then for each additional dollar earned, those who receive both programs would lose over \$1 in benefits, leaving them worse off.

Calculation of income: To determine the amount of CDB, income should be calculated based on the individual and not the household. This would prevent coercive dependence and would limit “financial abuse,” both of which especially impact women. An individualized CDB would stay with the person who needs it.

Payment frequency: The CDB payments should be provided monthly, rather than quarterly or yearly. This would ensure that people with disabilities have a regular source of support that they can rely on.

Indexation: Following the standard set by benefits for seniors, like the Guaranteed Income Supplement and Old Age Security, the CDB should be indexed to inflation and adjusted on a quarterly basis.

To ensure the CDB is grounded in the principles of dignity and inclusion, we urge the government to design an administrative system that is fair and respectful, and centres people with disabilities.

We thank you for considering our input in the CDB regulatory process, and we welcome the opportunity to further discuss these recommendations.

Sincerely,



Elizabeth McIsaac
President, Maytree

CC:

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