



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

Income benefits during COVID-19: Updates and review of provincial and federal benefits and how they interact

Hosted by CLEO in partnership with:

Liz Majic, Connecting Ottawa

Carolina Jimenez, Decent Work and Health Network

Feb. 4, 2021





Disclaimer

This webinar is for general information purposes only and is not legal advice. It is not intended to be used as legal advice for a specific legal problem. This webinar was recorded on Feb. 4, 2021 and reflects developments in the law before that date.



Land Acknowledgement

We acknowledge that since time immemorial the land on which we live and work has been the home and traditional territory of Indigenous Peoples, including the Mississaugas of the Credit, Haudenosaunee and Huron-Wendat, and is now home to many diverse First Nations, Inuit, and Métis relatives. CLEO's work is also carried out across the many traditional territories of this land that is also known as Ontario. We acknowledge our privilege as well as our role in the systems of colonization.

CLEO staff are learning to be better allies by participating in anti-Indigenous racism education. We are strengthening ties to Indigenous-serving organizations in order to produce information and resources that reflect the experience of Indigenous Peoples, and develop training that is more relevant for and accessible to Indigenous Peoples.



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COVID-19: Updates on the law and legal services



CLEO Connect

Training and tools
for community workers



Outline

Liz Majic

- Recap of provincial and federal benefits
- Treatment of CERB/CESB by OW/ODSP
- CERB Overpayments
- New federal benefits and programs

Carolina Jimenez

- Paid Sick Days

Michelle Cader

- Phone support and other information and resources

Q & A facilitated by Karen Dick

COVID-19 - Provincial & Federal Income Benefits

February 4, 2021

**Connecting
Ottawa** . . .
Effective communication
Accessible justice

A PROJECT OF
 The Law
Foundation
of Ontario

ACCESS TO LEGAL INFORMATION & SERVICES FOR THOSE WITH COMMUNICATION BARRIERS

Ontario Works (OW)/ODSP

Emergency Assistance for those not on OW or ODSP

- Available for up to 48 days at a time (up from 16 days)
- Once-in-six-months rule removed – can apply more often than once every six months
- New online portal – if you are under 18 or live in a First Nations community you must contact local office to apply
- Low-income individuals and families can still apply for this help

Ontario Works (OW)/ODSP

Discretionary Emergency Benefits for those on OW/ODSP

- March/April 2020: one-time payments
- May/June/July 2020: Flat \$100 (singles)/\$200 (families)
- No benefits since July & no retroactive eligibility
- No appeal to Social Benefits Tribunal
- Recipients may still request regular discretionary benefits to cover exceptional COVID-19-related expenses

Verification Processes for OW/ODSP

- In response to COVID-19, the Ontario government made some (temporary) changes early on:
 - Payments were no longer suspended because of a failure to report income
 - Did not have to provide written documentation
 - Eligibility verification reviews on hold
- However, recipients were required to keep written documentation for **retroactive verification**. Also, automated SAMS suspensions for late reports were back on as of August (ODSP)/September (OW).

Other Provincial Supports

Support for Learners

- In the spring, the Ontario gov't offered *Support for Families* - a one-time payment for elementary students ages 12 and under and for special needs students up to 21.
- Second round of one-time direct payments, *Support for Learners*, now available to parents for costs due to COVID-19:
 - \$200 for each child or youth **up to grade 12**
 - \$250 for each child or youth up to age 21 with special needs
 - Applications online (secondary school students over 18 can apply on their own behalf) - portal open until February 8, 2021

These benefits do not affect eligibility for social assistance.

Other Provincial Supports

COVID-19 Energy Assistance Program (CEAP)

- For residential customers struggling to pay energy bills as a result of COVID-19
- In January 2021, credit amounts will increase and residential consumers may be eligible for up to \$750 towards their overdue electricity and natural gas bills
- Contact your electricity and/or natural gas utility to apply

Federal Benefits: CERB/EI-ERB/CESB

Canada Emergency Response Benefit/Employment Insurance-Emergency Response Benefit (CERB)/(EI-ERB) – March 15-September 26, 2020

- For employed and self-employed people directly affected by COVID-19
- Apply through CRA or Service Canada
- \$2,000 for a 4-week period (\$500/week) for up to 28 weeks
- Not taxed at source
- Not paid in arrears
- No attestation required that you're seeking work
- Can earn income up to a certain amount while in receipt of CERB
- Last 4-week period was August 30, 2020 through September 26, 2020
- Had until December 2, 2020 to apply retroactively for the CERB/EI-ERB

Federal Benefits: CERB/EI-ERB/CESB

Canada Emergency Student Benefit (CESB) – May 10-August 29, 2020

- For post-secondary students, and recent post-secondary and high school graduates who were unable to find work due to COVID-19
- \$1,250 for a 4-week period for a maximum of 16 weeks
- Applicants could also get an extra \$750 (total benefit amount of \$2,000) for each 4-week period, if they had a disability or dependents
- CESB closed for applications on September 30, 2020

Treatment of CERB/EI-ERB & CESB by OW/ODSP

- **General rule:** payments treated like employment earnings.
 - \$200 plus 50% exemption in most cases
 - No exemption for OW applicants for three months
 - Full exemption for youth under 18/adults in full-time secondary
 - Full exemption for full-time post-secondary students (after first three months only under OW)
 - If recipient made ineligible by CERB, EI-ERB, or CESB – entitled to nominal \$2.50/month to maintain benefits
 - **BUT** not available to those applying for OW as of March 1, 2020 on for CERB or May 1, 2020 on for CESB for three months

Scenario

Ali worked part-time in Canada since February 2020. In March 2020, he lost his job due to COVID-19.

He and his spouse, Anna, applied for Ontario Works (OW). In April, their OW caseworker told them about the CERB. Ali applied for the CERB in May, June, July and August.

He returned to work in September.

In December, Ali received a letter from the CRA saying that he did not meet the \$5,000 threshold to qualify for the CERB. He owes \$8,000.

CERB: Overpayments

- **Some CERB claimants may have to repay some or all of their benefits if:**
 - They received duplicate benefits for the same period from the CRA and EI
 - They applied twice for the same benefit period
 - They did not meet all of the eligibility requirements, in particular they did not have enough net self-employment income (after taxes)
 - They earned more employment or self-employment income than expected during a certain benefit period

CERB: Overpayments

If you know you have to repay, and you're able to, do it now.

- Repay to CRA if you got CERB from CRA
- Repay to Service Canada (EI) if you got CERB through Service Canada – this includes those who were eligible for EI regular or EI sickness benefits on or after March 15, 2020
- Pay using CRA My Account, online banking through your financial institution, or by mail
- Do not pay in cash!

CERB: Overpayments

- **What if I cannot pay the money back?**
 - If you qualify, get legal help from a community legal clinic in Ontario: [Community Legal Clinics | Legal Aid Ontario](#)
 - Explain in a letter the medical, financial, or family reasons that prevent you from repaying immediately
 - Propose a repayment schedule that's feasible for you – make sure to include a line saying “The proposal is subject to any COVID debt relief or forgiveness offered in the future.”

CERB: Overpayments

- **If you believed you qualified for the CERB:**
 - File or adjust your 2019 tax return ASAP
 - Prove you had employment income from outside of Canada
 - Explain why you thought you qualified
 - Include information to support your case, including paystubs, employment letters, etc. to support your position

CERB: Overpayments

- What happens if your response doesn't work?
- No clear appeal and legal process in the *CERB Act*
- Judicial Review in Federal Court?
 - Compromises A2J!

Treatment of CERB, EI-ERB, CESB by OW/ODSP

How to avoid double claw-back first from OW/ODSP and then the CRA?

- A person repaying CERB or CESB should ask to have their social assistance entitlement retroactively reassessed for periods when CERB or CESB deducted

- **Steps:**
 - Ask Ministry to retroactively reassess OW/ODSP entitlement
 - Provide verification of CERB/CESB ineligibility and repayment:
 - Overpayment notification letter from CRA/ESDC
 - Proof of bank withdrawals to CRA/Service Canada
 - Include signed client declaration if necessary

Any arrears owing as a result of reassessment should be paid directly to the recipient with a maximum 5% reduction for existing overpayments.

Federal Benefits: EI and New Recovery Benefits

Simplified Employment Insurance (EI) program

- As of September 27, 2020, there are some temporary changes to the EI program, in effect for 1 year, to help people access EI benefits
- A minimum unemployment rate of 13.1% applies to all regions across Canada
- As a result, you only need 120 insured hours to qualify for benefits because you'll receive a one-time credit of:
 - 300 insured hours if you're applying for regular benefits
 - 480 insured hours if you're applying for sickness, maternity, parental or caregiving benefits

Federal Benefits: EI and New Recovery Benefits

Simplified Employment Insurance (EI) program (continued)

- You'll receive at least \$500 per week before taxes, or \$300 per week before taxes for extended parental benefits but you could receive more
- You can receive a minimum of 26 weeks of benefits up to a maximum of 45 weeks
- If you're applying for sickness benefits, you do not need to submit a medical note
- Apply through Service Canada
- **Temporarily waive the waiting period for EI claimants who establish a new claim between January 31, 2021 and September 25, 2021.**

Recovery Benefits: Canada Recovery Benefit (CRB)

CRB may apply to:

- Self-employed or gig workers
- Workers who are not eligible for EI or have exhausted the CERB or EI
- Runs from September 27, 2020-September 25, 2021
- Receive the CRB for up to 26 weeks (13 two-week payment periods)
- \$1000 for every two-week period, regardless of income level, but taxes deducted
- Payments work out to \$900 after taxes withheld
- Apply for CRB AFTER two weeks of income loss - doesn't renew automatically
- Have to attest that you were seeking employment during 2-week period
- Applications are processed through the Canada Revenue Agency (CRA)
- You cannot apply for CRB if more than 60 days have passed after the end of a two-week period of income loss
- Can apply even if you work. BUT, you must repay \$0.50 for every dollar of net income above \$38,000 in 2020 or 2021, up to the total amount of CRB received.

[Who can apply: Canada Recovery Benefit \(CRB\) - Canada.ca](https://www.canada.ca/en/cra/arc/2020/09/crb.html)

Recovery Benefits: Canada Recovery Benefit (CRB)

- **Facts:** Leila's income in 2020 from her employment as a hairstylist is \$40,000. She has no other sources of income. She applies for and receives CRB benefits in a total amount of \$3,000 in 2020.
- Amount of repayment: Leila's income for 2020 exceeds \$38,000 by \$2,000 ($\$40,000 - \$38,000 = \$2,000$). Therefore, she will be required to repay to the CRA half of this \$2,000 – in other words, to repay \$1,000 – unless her CRB benefits for the year are less than \$1,000. In this case, we have assumed her CRB benefits for the year total \$3,000. Therefore, the amount she is required to repay to the CRA for 2020 is \$1,000. This is due to the CRA at the same time that taxes owing for the 2020 tax year are due.
- Note that, if her total CRB benefits for 2020 had been less than \$1,000, then she would only be required to repay the amount of her CRB benefits.

Recovery Benefits: Canada Recovery Caregiving Benefit (CRCB)

CRCB runs from September 27, 2020-September 25, 2021

- Available for up to 26 weeks per household (do not have to take CRCB consecutively)
 - Two members of the same household cannot receive CRCB for the same period - only one person in the household can be paid the CRCB for a particular week
- \$500 per week, but taxes deducted at source
- Applications are processed through the CRA
- Apply after each week of leave in which you are providing care - does not renew automatically
- Cannot apply for CRCB if more than 60 days have passed after the end of the week to which the benefit relates

[Who can apply: Canada Recovery Caregiving Benefit \(CRCB\) - Canada.ca](https://www.canada.ca/en/cra-arc/services/benefits/crcb.html)

Recovery Benefits: Canada Recovery Sickness Benefit (CRSB)

CRSB fulfills the Government of Canada's commitment with provinces and territories to provide up to 2 weeks of sick leave to all Canadians in the context of COVID-19

- Runs from September 27, 2020-September 25, 2021
- Receive CRSB for a maximum two weeks
- \$500 per week for everyone who qualifies, but \$450 after taxes deducted
- No medical certificate required
- Applications are processed through the CRA
- Apply after the one-week period in which you are seeking income support - does not renew automatically
- Must be employed or self-employed the day before your first application
- Can't receive paid leave from your employer or EI sickness benefits at same time
- Cannot apply for CRSB if more than 60 days have passed after the end of the week to which the benefit relates

[Canada Recovery Sickness Benefit \(CRSB\) - Canada.ca](https://Canada.ca/crsb)

If you Travelled Internationally...

- All international travellers who need to quarantine upon return to Canada, including people returning from vacation, visiting loved ones, and attending to real estate matters abroad, are not eligible to receive support from any of these three new Recovery Benefits (CRB, CRCB, CRSB) for the period of mandatory quarantine.
- Retroactive to January 3, 2021
- Health care workers who need to cross the border for work will be eligible for these benefits upon their return to the country

Treatment of EI and new Recovery Benefits by OW/ODSP

Treated same way as EI benefits – no partial income exemption as was the case for CERB or CESB!

- BUT, those on OW/ODSP prior to October 2020 who are made financially ineligible due to EI or by Recovery Benefits will get \$2.50 per month to maintain benefits (measure ends March 2021).
- Retroactive Recovery Benefits are treated as income in month intended – not based on date received, so overpayments may be assessed as a result.

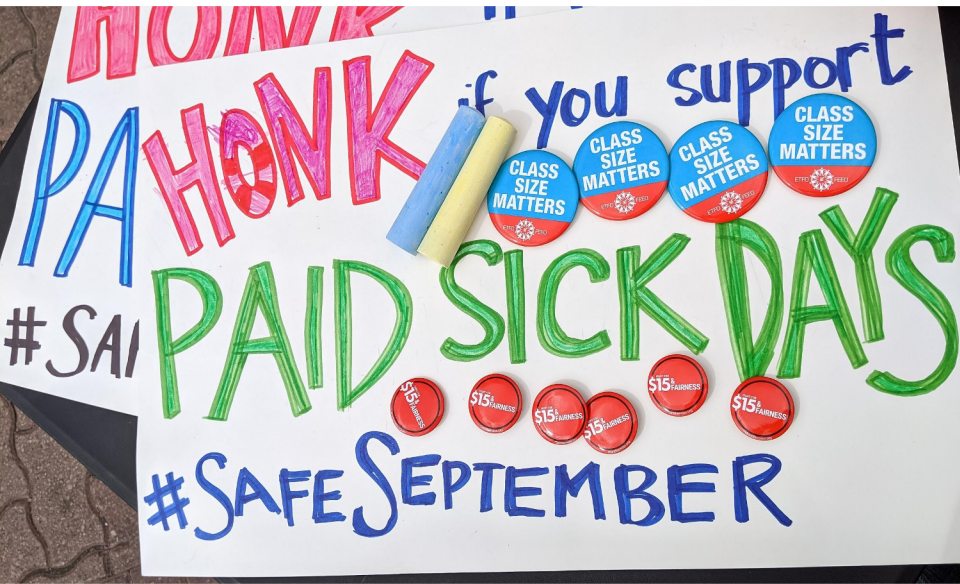
Other Federal Income Supports

- Individuals who received the **Canada Child Benefit** in April 2020 received \$300 more per child in their May 2020 instalment
- **One-time seniors' payments** issued in July 2020:
 - \$300 for seniors eligible for the Old Age Security pension, and
 - an additional \$200 for seniors eligible for the Guaranteed Income Supplement
- **One-time disability payment** up to \$600 in recognition of the extra expenses incurred by persons with disabilities during COVID-19

****All fully exempt as income for OW/ODSP****

Carolina Jimenez – Decent Work and Health Network









DECENT WORK & HEALTH NETWORK

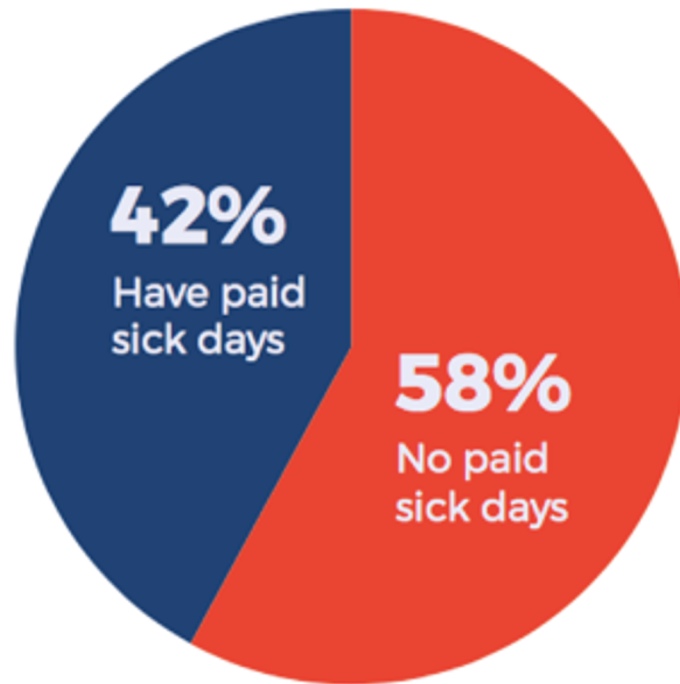


BEFORE IT'S TOO LATE:

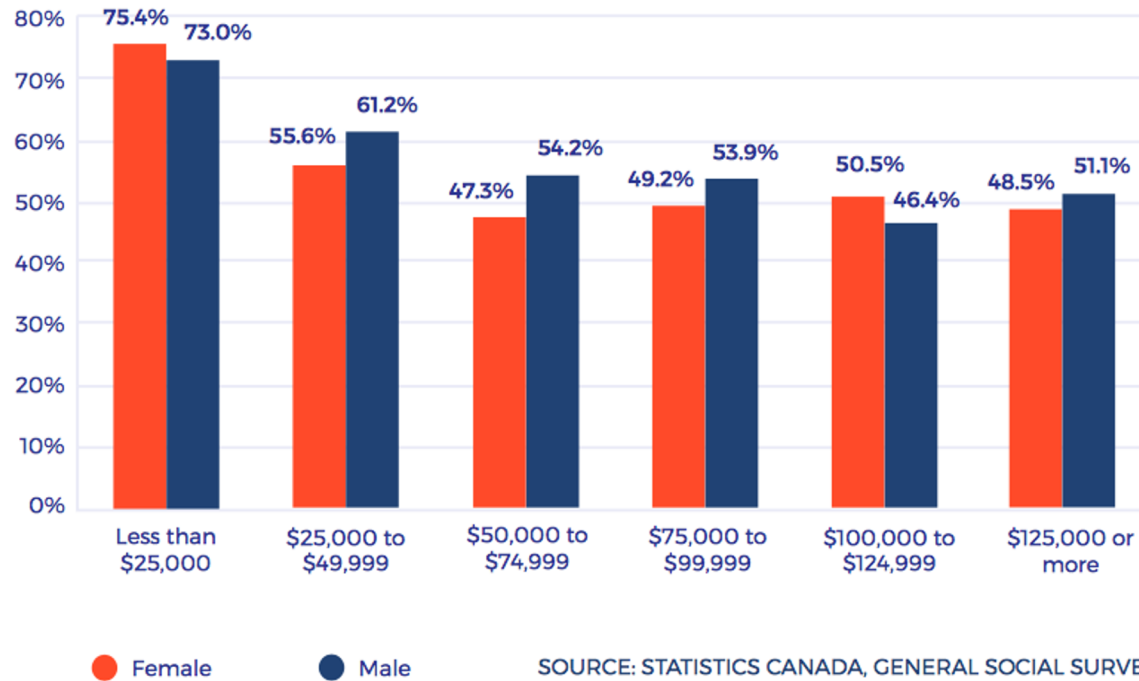
How to close the paid
sick days gap during
COVID-19 and beyond

Canada is in the **bottom quarter (¼)** of countries in the world that do not offer paid sick days on the first day of sickness.

WHO HAS PAID SICK DAYS IN CANADA?¹¹



LACK OF ACCESS TO PAID SICK DAYS BY INCOME AND GENDER^{III}



SOURCE: STATISTICS CANADA, GENERAL SOCIAL SURVEY, TABULATIONS BY JACOBSON CONSULTING INC.

Note: This chart is reproduced with permission from Armine Yalnizyan's brief, "After CERB: Paid sick leave provisions in Canada".

Coronavirus

‘They’re at risk’: How COVID-19 is affecting health-care workers of colour

Health workers of colour are on the front lines of the pandemic – and experts say they’re bearing a disproportionate share of its effects

By [Ashley Okwuosa](#) - Published on Feb 01, 2021



Jean-Géthro Joseph (left) and his son Clifford. (Courtesy of Daphney Attis-Joseph)

DECENT WORK & HEALTH NETWORK

KEY PRINCIPLES FOR EFFECTIVE PAID SICK DAYS

PERMANENT

DURING COVID-19,
AND FOR ALL
SICKNESS NOW AND
IN THE FUTURE.

ADEQUATE

AT LEAST 7 DAYS
PERMANENTLY
+ 14 DAYS DURING
OUTBREAKS.

SEAMLESS ACCESS

GUARANTEED IN
EMPLOYMENT STANDARDS.
NO SICK NOTES. NO
DISRUPTION TO INCOME.

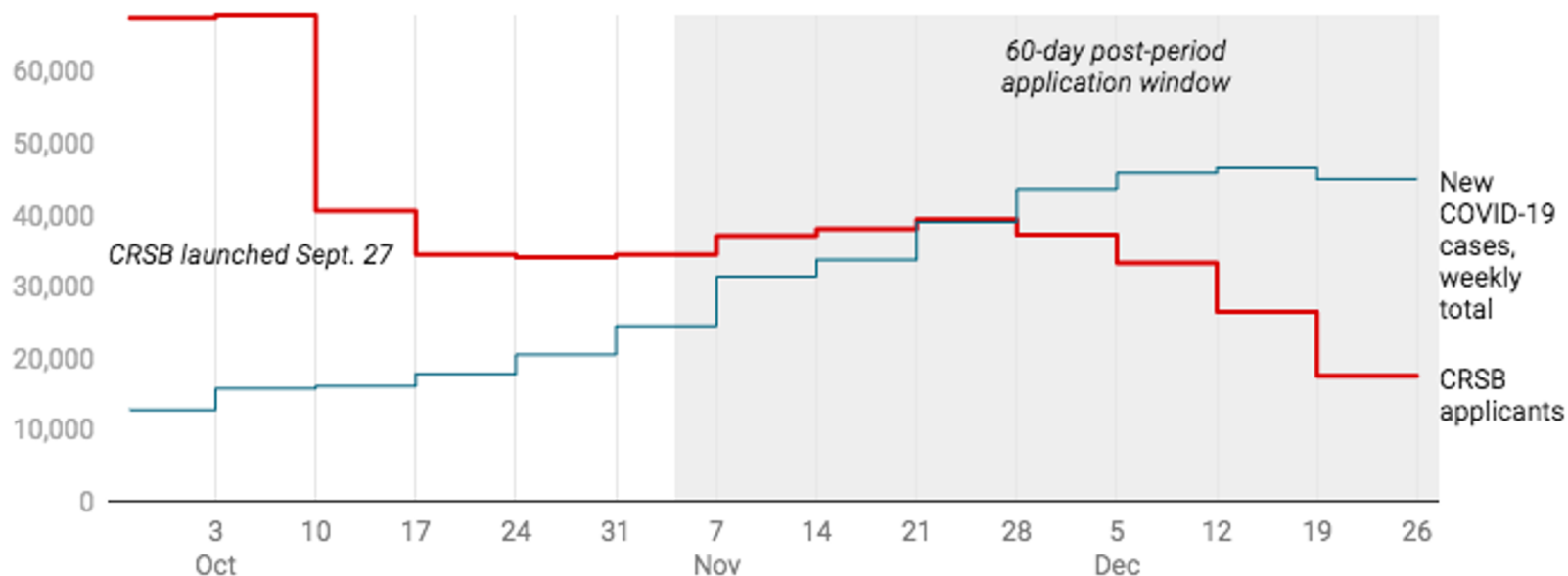
FOR ALL

NO EXCEPTIONS. ALL
OF US ARE SAFE
ONLY IF NO WORKER
IS LEFT BEHIND.



CRSB applications and new COVID-19 cases by week

CRSB applicants include people with COVID-19, self-isolating and with underlying medical conditions at high risk of contracting the virus. First weekly period is Sept. 27 to Oct. 3.



Data was published Jan. 3. Since Canadians can apply for the CRSB up to 60 days after the weekly claim period, recently claim periods do not reflect all applications.

Chart: Jolson Lim • Source: [Canada Revenue Agency](#) • [Get the data](#) • Created with [Datawrapper](#)

DECENT WORK & HEALTH NETWORK

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Rx

PATIENT NAME:

ADDRESS:

all workers.

MEDICATION:

Paid sick days

DOSAGE:

7 permanently & 14 additional
during pandemics

SIGNATURE:

Health workers across Canada



ALL WORKERS NEED ~~SEAMLESS~~ ACCESS TO PAID SICK DAYS

GUARANTEED IN EMPLOYMENT STANDARDS. NO SICK
NOTES. NO DISRUPTION TO INCOME.



DECENT WORK & HEALTH NETWORK

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How to keep pushing for paid sick days?

- Petition for paid sick days
- Car Caravan on Feb 16
- Meeting coming up on Feb 23
- Follow us on social media and boost content
- Invite us to speak
- Share your story





Support:

- **Community legal clinics**
 - Find your local clinic at: legalaids.on.ca/legal-clinics/
- **Aboriginal Legal Services** – 1-844-633-2886
- **Advocacy Centre for the Elderly** – 1-855-598-2656
- **Black Legal Action Centre** – 1-877-736-9406
- **Workers Action Centre** – 1-855-531-0778
- **Sudbury Workers Education and Advocacy Centre** - 1-866-470-2173
- **Ontario Social Assistance Office Finder**
 - Find your local office at: officelocator.mcass.gov.on.ca/?lang=en



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stepstojustice.ca

COVID:19 Updates on the law and legal

The screenshot shows a web browser window displaying the homepage of stepstojustice.ca. A red banner at the top reads "COVID-19: Updates on the law and legal services". Below the banner is the site's logo, "Steps to Justice Your guide to law in Ontario", and a navigation menu with options like "Legal Topics", "About Steps to Justice", "Latest Updates", and "Embed & Share". A large hero image features a woman with curly hair, with the text "Steps to Justice Step-by-step information about legal problems. Reliable, practical, and easy to understand." and a search bar. A live chat widget is visible in the bottom right corner.



Steps to Justice information & resources:

- **Covid-19 and income assistance:**
 - [Covid-19 and Income Assistance](#) (En)
 - [Covid-19 and Income Assistance](#) (Fr)
- **Specific questions:**
 - [What benefits are available to help during COVID-19?](#)
 - [What is Ontario's Emergency Assistance Program?](#)
 - [Can I get emergency income help during COVID-19?](#)
 - [I got the CERB but didn't qualify. What can I do?](#)
- **Resources**
 - [COVID-19 Recovery Benefits Chart](#)
 - [COVID-19 EI Benefits Chart](#)
 - [CLEO's On the Radar](#)



Online information from government:

- [Transitioning from CERB to EI](#)
- [Canada Recovery Benefit \(CRB\)](#)
- [Canada Recovery Caregiving Benefit \(CRCB\)](#)
- [Canada Recovery Sickness Benefit \(CRSB\)](#)
- [Covid-19 Support for people](#) (Learners, people with disabilities, seniors, emergency shelters, mental health, wellness and addictions, etc.)

Online information from Connecting Ottawa:

- [COVID-19: Canada Recovery Caregiving Benefit - Information Sheet](#)



Questions?

Please ask your questions using the Q&A feature not the chat.



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