

Frequently Asked Questions on the Development of the Canada Disability Benefit Regulations

The *Canada Disability Benefit Act* received Royal Assent on June 22, 2023. The Act provides the legal framework for a new Canada Disability Benefit. The goal of the Benefit is to reduce poverty and support the financial security of working-age persons with disabilities. As framework legislation, the details of the Benefit—such as eligibility and amount—will be set in future regulations. This approach, in the spirit of “Nothing Without Us,” allows the Government to continue to engage with Canadians with disabilities and other stakeholders to inform the Benefit’s design.

Since 2021, the Government has engaged the disability community and other stakeholders on the Canada Disability Benefit and the Disability Inclusion Action Plan through virtual roundtables, bilateral meetings, an online survey as well as through disability community-led engagement and Indigenous community-led engagement.

In order to create regulations for the Canada Disability Benefit, there will be two new phases of engagement. The Government has already started Phase 1, which is the regulatory design phase. This was launched on August 23, 2023 through an Information Session, followed by ministerial roundtables held to hear the lived experiences of, and perspectives on the Benefit from, persons with disabilities, including women, racialized Canadians, and youth. As part of Phase 1, there will also be technical roundtables, bilateral meetings as well as an online engagement tool to inform the design details and implementation of the new Benefit.

In the second, more formal, phase of the engagement, there will be additional opportunities to provide input after the draft regulations are published in Part I of the *Canada Gazette*. Once the Government has analyzed the comments received and revised the regulations as needed, the final regulations will be published in Part II of the *Canada Gazette*.

The FAQs below provide an overview of the engagement done to date as well as further details on upcoming engagement activities.

Q1. How will the Government involve disability stakeholders in the development of the Canada Disability Benefit regulations?

Answer: Our goal is to have an accessible engagement process for the disability community to engage on the regulatory design of the Canada Disability Benefit (CDB).

It is important to note that we are not starting from scratch. In consultations related to the Benefit and the Disability Inclusion Action Plan that took place in 2021 and 2022 and during the parliamentary process for the Act, the community

provided substantial input regarding the need for, and the potential parameters of, the Benefit. This work will also be fed into the regulations, so as to not overburden the community with extensive engagement.

Engagement for the development of the CDB regulations began with an online information session on August 23, 2023, which was attended by approximately 100 disability stakeholder groups and individuals. Starting in September, and continuing throughout the fall, we will be holding online roundtables and bilateral meetings with persons with disabilities and stakeholder organizations to seek their perspectives on the Benefit's design and implementation. As well, in the coming weeks, we will launch an online engagement tool where we will also welcome any briefs or papers at any time via an online portal, or via regular mail. Should the online process not be possible for groups or individuals, we will have contacts available to guide individuals through alternatives.

As with other regulations, the Canada Disability Benefit regulations themselves will be drafted by the Department of Justice based on instructions provided by Employment and Social Development Canada.

After they are developed, the draft regulations as approved by the Cabinet will be published in Part I of the Canada Gazette for a 65-day comment period. Depending on the comments received during this period, the regulations may be revised, and the finalized regulations will then be published.

Q.2 What have you heard from engagement on the Benefit thus far? What additional input is needed to support the development of the regulations and the implementation of the Benefit?

Answer: We have collected input on a variety of the Benefit's components so far. This includes feedback from roundtables held between summer 2021 and winter 2022, briefs from organizations and groups that have been submitted to Minister Qualtrough and Employment and Social Development Canada, submissions to parliamentary committees, and reports and outcomes from community and Indigenous-led engagement efforts.

- During engagement to-date, some of what we heard includes:
 - Impact of poverty on persons with disabilities and the increased costs of living they face everyday – which has been made worse by COVID.
 - Need to reduce barriers in accessing benefits – given that application processes can place a heavy burden on applicants.
 - Different definitions of disability used by different programs can cause confusion.
 - Concerns about how the new Benefit may interact with existing federal and provincial/territorial supports – in particular, concerns about how the new support could mean decreases in support they already receive.

- Important role of disability service providers in ensuring access to benefits, both in terms of making people aware of existing supports and helping to navigate application processes.
- Need for specific and targeted outreach and education to hard-to-reach populations and racialized communities to ensure they see themselves as potential applicants.
- Concerns about the potential interactions between the Benefit and employment earnings.

Some gaps in data that remain include:

- Additional costs of disability – There is no standard way to account for the cost of disability. We would like to better understand the diverse ways people with disabilities experience the additional costs associated with disability, including intersectional experiences of people with disabilities with other identities.
- Elements of a barrier-free application process – We would like to learn more about how to reduce barriers and make application processes more accessible.
- Legal capacity issues – The *Canada Disability Benefit Act* authorizes regulations relating to persons who are incapable of managing their own affairs. We want to hear, for example, what documentation of a person's incapacity to make decisions should be required and how persons with disabilities can be involved through supportive decision making.
- Administrative processes – We want to hear the disability community's perspectives on elements of the regulations such as administrative monetary penalties and offences, the correction of administrative errors, and the identification of debts and recovery of overpayments.

Q3. How will the Government work to provide a barrier-free engagement process and reach the most marginalized people during the engagement process?

Answer: The *Canada Disability Benefit Act* requires a broad and barrier-free consultation process.

We will do this by reaching out to organizations and individuals who represent diverse and marginalized populations, to individuals who have reached out to us or to Parliament, and by ensuring that we get the word out that we want to hear from as many people as possible.

We are reaching out to smaller community-based organizations and will provide various ways for people and organizations to submit input, such as via mail, email, online engagement, and other accessible formats. We will provide further information as specific opportunities are organized and welcome the views from

the disability community on how to reach smaller organizations and suggestions for organizations we should reach out to.

Q4. What are the expected timelines for the engagement and regulatory processes?

Answer: Advancing the Canada Disability Benefit is a key government priority. We are moving forward now with the engagement process so that we can get regulations in place and make this critical new measure a reality.

The *Canada Disability Benefit Act* requires that regulations be made no later than June 2025. Our top priority is rolling out the Benefit as quickly as possible without sacrificing the quality of consultations or the Benefit itself.

There are several steps that need to be taken to make regulations. Throughout the fall of 2023, we will be proceeding with the engagement on the design of the regulations. Following the development of the regulatory proposal, organizations will have a crucial role during the second, more formal, phase of engagement which will begin with the pre-publishing of the draft regulations in Part I of the *Canada Gazette*. Once published, individual Canadians and organizations will be able to review and provide comments on the draft regulations. The comment period for the CDB regulations will be approximately 65 days. At the close of the comment period, the Government will analyze the comments received and revise the regulations as appropriate in response to the feedback.

Q5. What opportunities will there be to engage on the application process for the benefit?

Answer: Throughout early consultation on the Canada Disability Benefit and through parliamentary testimony and submissions, we have heard from the disability community that many persons with disabilities face barriers when applying for disability supports and benefits.

We know that providing an accessible application is a crucial element in getting the Benefit to those who need it. That is why engagement on the design of the CDB regulations will dive into the specifics of the application process with the aim of better understanding how to reduce barriers in the application process.

That said, it is also important to note that not all elements of administration of the Benefit will be in the regulations. Rather, some areas will be developed as part of the implementation process and departmental administrative policies and processes, which will be established to implement the Benefit based on the legal framework established. Therefore, refinement of administrative aspects of the Benefit will continue past the current regulatory design phase as the processes

and systems are developed to deliver the new Benefit; input will always be welcomed.

Q6. Will the government be providing funding to organizations to support engagement in this process?

Answer: Funding has previously been allocated to support organizations leading engagement processes. In 2021, the Government invested \$650K over two years through Employment and Social Development Canada's Social Development Partnerships Program (Disability Component) to undertake broad consultations with the community on the Disability Inclusion Action Plan (DIAP).

The Canada Disability Benefit is the key initiative for the financial security pillar of the DIAP. Independent Living Canada, in partnership with Muscular Dystrophy Canada, led on this engagement.

An additional \$600K was allocated to National Indigenous Organizations to provide community perspectives on the DIAP, including the financial security pillar and the Benefit. Some of these projects are still ongoing.

The current stage of engagement will be government-led. That is, we will organize the sessions and provide the mechanisms for feedback. We will do so in an accessible and inclusive manner and in keeping with the desire to move forward as quickly as possible. Our focus now is on further exploring specific topics related to the regulations through roundtables, bilateral meetings, and online engagement – in order to deliver the Benefit as soon as possible. These mechanisms will provide us with feedback that will help to inform the drafting of regulations. The community, persons with disabilities and all Canadians will also have the opportunity to provide comments on a draft of the regulations when they are published in the *Canada Gazette*.

Q7. What are the planned discussion themes and areas of focus for each of the roundtables? How will they be structured – open or by invitation?

Answer: Our goal is to build upon the engagement and input provided to-date. A series of roundtables for the regulatory development will focus on intersectional considerations and areas of the regulations where we have received less input. For instance, we have not had as much input on the administration of the Benefit, including the application process.

In order to provide for depth of discussion, we will invite participants to attend based on the theme of the roundtable and the expertise or experience that they have. Attention will be given to regional representation, intersectionality, and a

diversity of perspectives. To the extent that time and resources permit, we will also have bilateral meetings with organizations.

It is important to note that there will be some areas where there is more flexibility to influence the design of the Benefit, like in the application process. Other areas, such as the total amount available for the program, will ultimately be determined by the federal Budget process. However, we will want to hear perspectives on all of the elements of the regulations.

Q8. If I am not able to participate in any of the roundtables, how can I submit my feedback on the Benefit?

Answer: You can submit feedback or comments to the Office for Disability Issues at any time:

- By phone: Call 1-833-390-4065 and leave a message.
- By email: edsc.pcpd-cdb.edsc@hrsdc-rhdcc.gc.ca.
- By video relay: Send an email to the address above and write "Sign language response" in the subject line. We will contact you to set a date and time for you to provide your comments.
- By video: Use the email above to send us a link to a recorded video of your comments.
- Create a transcript: Contact us using any of the methods listed here. We will then arrange for you to speak to someone who will transcribe your input and submit it to us.
- By mail:

Consultation, Canada Disability Benefit Regulations
c/o Office for Disability Issues
Employment and Social Development Canada
105, rue de l'Hôtel de ville, 1st floor, Bag 62
Gatineau QC K1A 0J9

Q9. Will there be a waitlist?

Answer: There is no waitlist, as the regulations and eligibility criteria are still under development. When regulations and eligibility criteria is finalized, details will be communicated to Canadians at that time on how to apply for the Benefit.

Q10. Is there anything I can do in advance to ensure that my existing provincial territorial benefits will not be reduced?

Answer: No. The Canada Disability Benefit is intended to be an income supplement not an income replacement. In short, we are working to ensure that no other benefits are reduced or impacted by the CDB. We are working with provinces and territories to ensure that all Canadians with disabilities are better off as a result of the CDB.