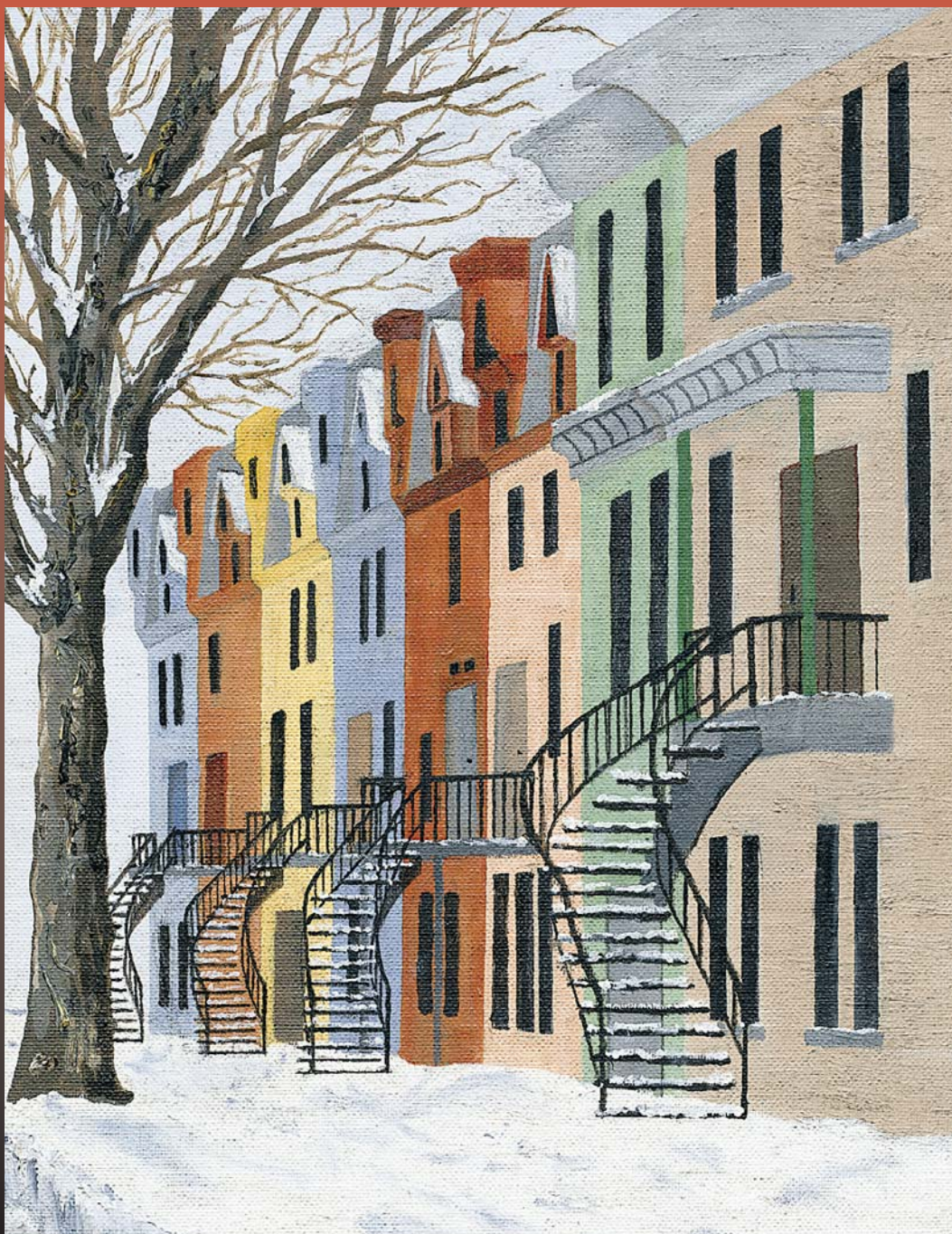


A Guide to Employment and Income Support



A Guide to Employment and Income Support

This resource is designed to help you understand the employment and income supports and strategies available to Canadians living with MS. It is intended to provide general information that helps you navigate this complex topic. Each person's situation will be different. Knowing your employment and income replacement options can help you stay employed for as long as possible and plan for a time when you may no longer be able to work.

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COVER ARTWORK

Kathy Harvey*

Dwelling Places, Oil on canvas

"I've had so many opportunities in my life to contribute. I would never have dreamt that I'd be painting and making money for the MS Society from it... if you don't take opportunities – even ones you think you aren't capable of – you miss out on a lot. Everybody, with MS or otherwise, has something to offer. You just need to think about what that is."

Kathy Harvey is an artist and advocate for patient autonomy in long-term care facilities. She began painting on a whim in the 1980s. Her work has raised over \$200,000 for the Mississauga Chapter through the sale of Christmas cards. She is now a nationally recognized mouth painter. Kathy has received a number of awards for her various contributions, including the MS Society of Canada Sir David Flavelle Award of Distinction, and the prestigious Ontario Medal for Good Citizenship in 2002.

Christmas cards as well as limited print editions of *Dwelling Places* can be purchased through the Mississauga Chapter at info.mississauga@mssociety.ca

**Assisted by Betty Williams*

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1.

Working with MS

The reality is that the majority of people with MS lead fulfilling lives.
You could have years of productive working life ahead of you.

1. Working with MS

I have MS. Will I have to stop working?

MS has such a variety of symptoms and is so unpredictable in nature that it is natural to wonder how MS might affect your ability to work. No one can predict how MS will affect you. Every case is unique. Some people have a mild form of MS and never experience any symptoms that prevent them from working. Others cope with varying degrees of disability that temporarily or permanently affect their ability to function at work. Some people may be advised by their doctor, employer, or family members to stop working.

The reality is that the majority of people with MS lead fulfilling lives. You could have years of productive working life ahead of you. There are medications now to help you manage your MS and its symptoms. There are simple, technical and technological aids that make it easier for you to function in the workplace. There are laws to protect you from on-the-job discrimination. Also, employers are becoming more adept at accommodating employees with serious illness or disability. These are all good reasons to be hopeful about staying on the job, but most of all, a wealth of resources is available. There is no need for you to go it alone.

Advantages of staying employed

- You maintain some degree of financial security.
- It buys you time to plan for future changes in abilities, consider your options for employment and income support, and tap into available resources.
- Work provides structure, familiarity and focus at a time when your MS may seem unpredictable and out of control.
- Work helps you maintain your sense of identity and self-esteem.
- Work keeps you socially connected.
- It is easier to stay employed through periods of illness than to quit work and find a new job.



“I want to work for as long as I can. My income is higher than it would be if I wasn’t working. The longer I am employed, the more my pension will grow. Also, my friends at work are a big part of my life.”

Sandy, 51

Staying Employed

When weighing the pros and cons of staying employed, consider the following factors, among others:

- the job requirements
- your employment benefits, company or group pension plan
- private disability insurance and/or health insurance plans
- government benefits for people with disabilities
- your finances
- your ability to function in other areas of your life, for example, your roles at home or within your family
- your overall health and well-being

This will give you a clearer picture of where you stand and provide a sound base for making decisions about whether to stay employed.

Job requirements

Look at your job in relation to your MS symptoms.

- Are your symptoms interfering with your ability to fulfil your job duties and affecting your work performance? If so, how?
- Are there things you can do to manage your symptoms without giving up your job?
- Can your doctor or another health professional, such as an occupational therapist, help you manage symptoms?
- Is it time to disclose to your employer that you have MS and need workplace accommodation to enable you to do your job?
- Have you exhausted all of the opportunities for accommodation in your workplace?

Be aware that it is generally easier to stay in your job, take time off for health reasons, and return to work rather than quit work and try to find a new job.

Employment benefits

Review your employment benefits and pension plan. Pay special attention to any restrictions relating to a diagnosis of chronic illness, such as MS.

- What sick leave, short-term disability and long-term disability insurance benefits does your employer provide?
- What percentage of your normal earnings will you receive if you apply for short-term or long-term disability benefits?
- Can you receive some of your pension before age 65 if you are disabled and unable to work?
- Does your group plan or collective agreement allow for partial disability and/or part-time work?
- What other health benefits are provided? Is there coverage for prescription drugs, disease-modifying therapies, extended health benefits, complementary and alternative therapies, hospital insurance, home care?
- What are the deductibles, co-payments and lifetime limits?
- Does your group plan have exclusions or limitations for pre-existing conditions?

Pre-existing condition

A pre-existing condition is any medical illness or disability for which you received medical advice, diagnosis, treatment or care before you applied for insurance coverage or before the coverage became effective.

Most group plans for long-term disability and extended care benefits have a clause excluding employees from claiming benefits for pre-existing conditions. Some group plans set aside this restriction after you have been a group plan member for a specified time.

Changing jobs

Be aware that if you change jobs or voluntarily leave your current employer, you will probably lose your benefits. With a new employer, you may not be able to get comparable or any benefits because the new group plan is likely to have an exclusion for pre-existing conditions. A large company's group plan may provide coverage even with an MS diagnosis, but there will likely be a waiting period before you qualify.

Private disability and/or health insurance plans

If you have private disability and/or health insurance (not unusual for people who are self-employed or who decided to supplement the coverage offered by an employer), review your policy and the benefits you are entitled to. Once you have been diagnosed with MS, your pre-existing condition will likely disqualify you from being able to purchase private disability, health (or life) insurance.

Government benefits

Educate yourself about the government benefits available to people who need to take time off from work because of illness or disability.

- Employment Insurance sickness benefits
- Canada Pension Plan disability benefits
- Quebec Pension Plan disability benefits

Personal and family finances

Review your financial situation, responsibilities and resources. Consider how they will be affected if your work hours and income are reduced. Investigate alternative sources of financial support.

Disclosing the diagnosis

Before you disclose any information about your MS or symptoms to your employer or colleagues,

- know your rights concerning disclosure
- consider the possible consequences of making your diagnosis public
- learn about job accommodation – workplace changes that make it easier for you to do your job
- know your rights concerning accommodation
- seek emotional support and technical advice from people and organizations

You are not legally required to disclose your diagnosis or discuss your medical condition with an employer – current or prospective. However, there are some occupations, the transportation industry, for example, where an employer may ask you to undergo a medical exam as a condition of employment. In that case, you may have to disclose your MS diagnosis.

Otherwise, the only questions an employer can legally ask you about an illness or disability are questions relating to your ability to perform the essential duties of the job.

You will have to disclose to your employer that you have a disability if you need workplace accommodation. Even then, you are required to describe only your limitations in carrying out your job. You do not have to disclose that you have MS.

If you decide to disclose your MS diagnosis to your employer, you have a right to discuss with your employer how much information about your disability, if any, is to be shared with co-workers. Confidentiality of medical information must be respected.

The best time for disclosure is before a crisis occurs, preferably when you are not under emotional stress or work duress.

Reasons you may want to disclose your diagnosis

- You have visible symptoms and feel some explanation would be useful.
- You have invisible symptoms that interfere with your ability to do your job.
- You want your supervisor and co-workers to know what you are experiencing.
- You anticipate that your condition may affect your ability to do your job.
- You anticipate that your condition may affect your safety or the safety of others in the workplace.
- You need workplace accommodation to maintain or enhance your effectiveness on the job and/or safeguard your health.
- You want to reduce your level of stress at work.
- You believe that disclosure will give you more control over your work environment.
- You believe you can count on the understanding and support of your supervisor and co-workers.
- You wish to relieve yourself of the burden of keeping your MS a secret from others.



“I felt comfortable sharing my diagnosis in my workplace. I prepared in advance. I rehearsed what I was going to say with my boyfriend and got information about the duty to accommodate, sample accommodations and pamphlets about MS for my boss. My boss already knew about accommodation so she only needed information about MS. I feel relieved that I got this out of the way in case I have another relapse, which would be stressful enough as it is.”

Reena, 27

Reasons you may not want to disclose your diagnosis

- Your MS does not affect your job performance so it is not necessary to share information about your condition.
- You believe your employer and/or co-workers may react negatively.
- You believe disclosing your illness will jeopardize your position or adversely affect your work relationships.

Be aware that federal and provincial human rights legislation protect you from unfair workplace discrimination. If disclosure affects your employment status and your MS does not affect your ability to perform the essential duties of the job, you have the right to make a formal complaint to the appropriate human rights commission. The MS Society can provide information on legal or advocacy help, or refer you to other organizations that can assist you.



“So far, I haven’t had any reason to tell anyone at work about my MS. If I need to disclose it in the future, I will just say I have “a medical condition.” I am a private person and I don’t like this information being out there unless it’s absolutely necessary. In an ideal world it wouldn’t matter, but, in my experience, some people treat you differently when they know you have an illness like MS.”

Blaine, 38

Strategies to try before requesting workplace accommodation

- Talk with your doctor about the demands of your job. Find out how you can manage your symptoms in light of those demands.
- Consult with other health care professionals, such as occupational therapists, about strategies and tools for improving your work performance.
- Organize your workload, set priorities and pace yourself, especially if fatigue is an issue.
- Arrange your work environment so that you conserve energy and minimize physical demands.
- Discuss your concerns with family members and determine if some responsibilities can be delegated to lessen the burden at home so you can focus on saving your energy for work.

Accommodation

When MS affects your job performance, you have a right to ask for accommodation. Accommodation is any change in your work environment that gives you an equal opportunity to do your job. Small accommodations can make a big difference to your effectiveness on the job. More than half of all job accommodations cost less than \$500.

Types of accommodation

Modification of work schedule

- flexible work hours, shift change, compressed work week
- work on weekends, work from home
- time off (without penalty) for medical appointments

Modification of job tasks

- modification of the employee's regular job
- exchange of one type of job duty for another
- reassignment of specific tasks to another position
- job sharing

Modification of workstation / physical plant / building access

- relocating a workstation closer to a washroom
- raising a desk, widening a doorway, installing a ramp or handrails
- technical aids, special equipment and devices
- wheelchair-accessible washrooms, designated parking space

Changes in workplace policies and procedures

Transfer to another position in the organization

Training for another position in the organization

Examples of accommodations for MS-specific symptoms

MS Symptom	Sample Accommodation
Fatigue	<ul style="list-style-type: none">● work from home● cot available for rest periods● flexible work hours● relocating a workstation closer to a washroom
Visual impairment	<ul style="list-style-type: none">● temporary reassignment of some work responsibilities● altered lighting● adapted computer equipment● use of magnifiers
Temperature sensitivity	<ul style="list-style-type: none">● air conditioner, fan or heater, depending on type of sensitivity● flexibility to work from home during hot or cold spells
Gait and mobility problems	<ul style="list-style-type: none">● relocating a workstation closer to a washroom● wheelchair access to workstations● cart for transporting supplies and equipment● designated parking space
Bladder and/or bowel difficulties	<ul style="list-style-type: none">● relocating a workstation closer to a washroom● ability to work from home
Speech difficulties	<ul style="list-style-type: none">● adapted telephone and computer equipment
Other	<ul style="list-style-type: none">● job sharing● time off for medical appointments● unpaid leave

Employer rights and responsibilities

Canadian employers (and unions) have a legal obligation to accommodate the needs of employees (or union members) with disabilities, up to the point of undue hardship. This obligation is known as the **duty to accommodate**. It is set out in the federal Canadian Human Rights Act, Employment Equity Act and provincial human rights legislation, and is reinforced in Supreme Court of Canada rulings.

The **duty to accommodate** means that your employer and/or union must take whatever measures are necessary to enable employees with disabilities to perform their jobs to the best of their abilities. The duty to accommodate is not open-ended, however. It may not be required if your employer can show that providing accommodation would cause undue hardship to the organization or business.

Undue hardship is measured mainly in terms of health, safety and cost. That means your employer would have to provide evidence that the proposed accommodation would pose an undue risk to the health and safety of people in the workplace. Or that the cost of the proposed accommodation is so high that it would affect the very survival of the organization or business, or threaten to change its essential nature.

Undue hardship may also take into account other factors, such as:

- the type of work performed
- the size of the workforce
- the interchangeability of job duties
- the financial ability to accommodate
- the impact on a collective agreement*, and
- impact on employee morale

*In some instances, the duty to accommodate can override a provision in a collective agreement.

Disability and the duty to accommodate

For the purposes of workplace accommodation, a disability is a physical or mental condition that is both:

- permanent, ongoing, episodic or of some persistence; and
- a substantial or significant limit on a person's ability to carry out some of life's important functions or activities, such as employment.

Disabilities include both physical disabilities, such as mobility constraints; and non-physical disabilities, such as cognitive dysfunction or mood disorders.

When approached with a request for accommodation, your employer is expected to:

- **determine what barriers might affect you**
- **explore options for removing those barriers, and**
- **accommodate to the point of undue hardship**

Your employer has a responsibility to obtain enough information to assess your accommodation requirements. This may include asking you to provide a medical report or undergo a medical assessment identifying your functional limitations, suggesting types of accommodation that might be useful, and indicating your prognosis – how long you are likely to need accommodation.

Employers (and unions) have a responsibility to work with you to implement reasonable accommodation.

Your employer does not have to provide accommodation if removing a barrier or changing a workplace rule creates an undue hardship on the business.

Your employer also does not have to provide accommodation if it can be shown that a specific work rule, standard or practice, is based on a bona fide occupational requirement (BFOR) or bona fide justification (BFJ). An example of a BFOR would be, if you cannot meet a specific requirement of the job; for example, the vision requirements for a position as an airline pilot or air traffic controller.

If you are interested in knowing more about the steps an employer must take in order to show a bona fide occupational requirement (BFOR) or bona fide justification (BFJ) (the Meiorin and Grismer test), visit the Canadian Human Rights Commission web site and look for the following document:

Bona Fide Occupational Requirements and Bona Fide Justifications under the Canadian Human Rights Act: The Implications of Meiorin and Grismer
<http://www.chrc-ccdp.ca/discrimination/occupational-en.asp>.

Or contact the Canadian Human Rights Commission for a copy.

Canadian Human Rights Commission
(613) 995-1151
1-888-214-1090

Employee rights and responsibilities

As an employee with a disability, you have a right to ask for accommodation in the workplace.

You are responsible for letting your employer know that you need accommodation and for suggesting, if possible, the type of accommodation that would be appropriate. If you don't let your employer know that you need accommodation, your employer may be absolved from the legal duty to accommodate.

You are expected to provide your employer with enough information to determine suitable accommodation. For example, you may have to describe the effects your disability has on your ability to perform your job and/or state the specific ways that a work rule, standard or practice adversely affects you.

If you are asked to provide a medical report and you don't plan to disclose your MS diagnosis to your employer, you can ask your doctor to focus on the symptoms that specifically affect your job performance without necessarily stating that you have MS.

You are expected to cooperate with your employer and/or union in good faith efforts to explore accommodation options and develop an accommodation plan. This includes being flexible in considering the options and having realistic expectations.

If your employer offers reasonable accommodation that enables you to perform the essential duties of your job and you reject it, you may be absolving your employer from the legal duty to accommodate.

If you think your employer has refused accommodation or deliberately discriminated against you because of your MS, you have the right to make a formal complaint to the appropriate human rights commission. The MS Society can provide information on legal or advocacy help, or refer you to other organizations that can assist you.



“In one job, my manager was understanding and helped me brainstorm accommodations to manage my fatigue and bladder dysfunction. But in another job, I had to persist to get the accommodations I needed. I don't think that manager believed me about my fatigue. In the end, I got accommodation but it wasn't easy. I had to inform my manager about his legal duty to accommodate. I kept track of everything in writing to demonstrate that I was following the right procedures.”

Melanie, 26

Employee / employer discussions

Before the meeting

Before you request workplace accommodation from your employer, do some preparation.

- Identify your need for accommodation.
 - Look at the physical and environmental demands of your job.
 - How is MS affecting your ability to do your job?
- Ask your doctor for a letter clearly outlining your capabilities and limitations in relation to the demands of your job or workplace.
 - Your doctor should supply just the medical information your employer needs to know to help you get workplace accommodation.
- Draw up a list of some suitable accommodations.
 - What accommodations would be effective for you?
 - What accommodations would maintain or increase your productivity?
- Seek technical advice.
 - The MS Society can provide information on workplace accommodations or referrals to organizations that can help you, such as the Job Accommodation Network, which offers free information on job accommodation solutions and costs.
- Prepare a script. Put your request for accommodation in writing.
 - Keep records. Make notes of all discussions relating to your request.

In the meeting

- Be positive. Focus your presentation on the goals of your job. Mention only the symptoms that interfere with your work.
- If you plan to disclose your MS diagnosis (not just your symptoms), then be prepared to explain the unpredictable and often episodic nature of MS. The MS Society of Canada can provide you with publications on MS that you can share with your employer and co-workers. As well, this resource includes a publication just for employers, *MS in the Workplace: An employer's guide*.
- Explain that accommodation will help minimize the problems caused by your symptoms.
- Focus on ways your enhanced productivity will benefit your employer.

- Discuss exploring options.
- Suggest possible accommodations.
- Ask for a workplace assessment by an occupational therapist to identify useful accommodations.
- Be prepared to negotiate reasonable accommodation.

After the meeting

- If you reach an agreement, discuss follow-up procedures and the timetable for action.
- If your employer proposes an unreasonable compromise, ask for time to think it over. If you still cannot agree, arrange a follow-up meeting.
- If you cannot negotiate a satisfactory solution, you have the right to appeal. First, try informal avenues of appeal in the workplace. In a unionized workplace, you have a right to labour representation. If accommodation is covered in the collective agreement, you can file a grievance.
- Be aware that if your employer offers reasonable accommodation that enables you to perform the essential duties of your job and you reject it, you may be absolving your employer from the legal duty to accommodate.
- If you think your employer has refused accommodation or deliberately discriminated against you because of your MS, you have the right to make a formal complaint to the appropriate human rights commission. The MS Society can provide information on legal or advocacy help, or refer you to other organizations that can assist you.

Follow up

- Once the accommodation has been implemented, let your employer know how the accommodation is working and how it is benefiting your work performance.
- Your MS symptoms may change over time. Your accommodation needs may also change. You may find that you need to ask for a different accommodation at a later date. If so, follow the same procedures as before.

Legal issues

What if your employer refuses accommodation?

The Canadian Human Rights Act and all provincial/territorial human rights acts explicitly prohibit discrimination in employment on the basis of physical or mental disability.

Canadian employers (and unions) have a legal obligation to accommodate the needs of employees (or union members) with disabilities, up to the point of undue hardship.

This means your employer must provide accommodation unless he or she can provide evidence that the proposed accommodation would pose an undue risk to the health and safety of people in the workplace. Or that the cost of the proposed accommodation is so high that it would affect the very survival of the organization or business, or threaten to change its essential nature.

If you think your employer has refused accommodation or deliberately discriminated against you because of your MS, you have the right to make a formal complaint to the appropriate human rights commission. The MS Society can provide information on legal or advocacy help, or refer you to other organizations that can assist you.

What if you decline your employer's offer of accommodation?

As an employee with a disability, you are expected to cooperate with your employer and/or union in good faith efforts to explore accommodation options and develop an accommodation plan. This includes being flexible in considering the options and having realistic expectations.

If your employer offers reasonable accommodation that enables you to perform the essential duties of your job and you reject it, you may be absolving your employer from the legal duty to accommodate.

When can employment be terminated?

If the reason for termination is related to disability, accommodation must be considered first.

Canadian employers (and unions) have a legal obligation to accommodate the needs of employees (or union members) with disabilities, up to the point of undue hardship.

Termination of your employment may be justified if your employer can prove statistically and medically that your illness or disability makes you incapable of safely and satisfactorily performing your job duties, even with accommodation.

If the reason for termination is not related to disability, then terminating an employee with MS is like terminating any other employee. Your employer must document in writing and discuss performance problems with you before terminating you legally.

If you think your employer has unjustly terminated your employment because of your MS, you have the right to make a formal complaint to the appropriate human rights commission. The MS Society can provide information on legal or advocacy help, or refer you to other organizations that can assist you.

Employers cannot

- advertise for a job in a way that discriminates against you because you have a disability
- refuse to hire you because you have a disability
- demote you, lay you off or fire you because you have a disability
- refuse to hire or continue to employ you because of the potential impact of your current medical condition on your future job performance

Resources

Current as of October, 2006. Please be advised that resources may change at any time.

Canadian Council on Rehabilitation and Work

www.ccrw.org

Disability Awareness Series

Sensitivity training program addressing disability issues in the workplace.

Job Accommodation Service

Fee-based service for employers.

Partners for Workplace Inclusion Program

Employment/career preparation for job seekers with disabilities.

Youth Initiative

Employment/career preparation for working-age youth 15-30 with disabilities.

WORKink

www.workink.com

Career development and employment resource centre for Canadians with disabilities.

Canadian Human Rights Commission

www.chrc-ccdp.ca

613-943-9146 • 1-888-214-1090

Barrier-Free Employers: Practical Guide for Employment Accommodation for People with Disabilities

www.chrc-ccdp.ca/discrimination/barrier_free-en.asp

Bona Fide Occupational Requirements and Bona Fide Justifications under the Canadian Human Rights Act: The Implications of Meiorin and Grismer

www.chrc-ccdp.ca/discrimination/occupational-en.asp

Duty to Accommodate – Frequently Asked Questions

www.chrc-ccdp.ca/preventing_discrimination/toc_tdm-en.asp

Canadian Life and Health Insurance Association

20 Queen Street West, Suite 2500,
Toronto, Ontario M5H 3S2

(416) 977-2221 • 1-800-268-8099

www.clhia.ca

Where will the Money come from if You're Disabled?

Booklet on disability insurance.

Canadian Society for Social Development – www.cssd-web.org

Business Abilities Program

businessabilities.ca

Online entrepreneurial training program for Canadians with disability considering self-employment as a career option.

Job Accommodation Network

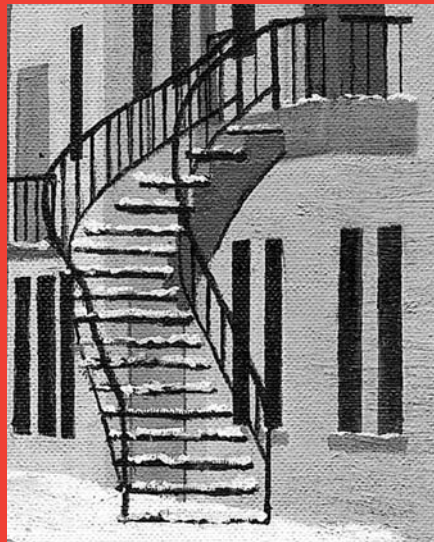
<http://janweb.icdi.wvu.edu>

Job Accommodation Network in Canada

1-800-526-2262 • 1-800-JAN-CANA

Free information and professional advice, in English and French, to people with disabilities and employers.





2.

Leaving the workplace

Whether leaving the workplace is a temporary or a permanent situation, it is a decision that should be considered carefully.

2. Leaving the workplace

Leaving work

Many people with MS may eventually find it too difficult to continue working and decide to leave the workforce temporarily or permanently. The decision to leave the workplace should be considered carefully, taking into account health status, eligibility for disability and health benefits, personal and family finances, and life beyond work.

Short-term disability benefits

If you have to be away from work for a short period of time, then you may want to take advantage of the short-term disability benefits offered under your employer or union group plan, private disability insurance policy, spouse's policy or government benefits – the Employment Insurance (EI) sickness benefits.

Short-term disability usually begins when your sick days run out. Most plans pay a percentage of normal earnings, for example, 70%, to a specified limit. Plans typically run for 15, 26 or 52 weeks.

Employment Insurance (EI) sickness benefits

The federal Employment Insurance (EI) program provides up to 15 weeks of sickness benefits. The benefits end when you reach the maximum you are entitled to or if you return to work sooner. They cut off automatically after 15 weeks of payment. If you work while receiving EI sickness benefits, your earnings will be deducted dollar for dollar from the benefits.

To be eligible for EI sickness benefits:

- you must be unable to work because of illness
- you must be able to demonstrate that you would otherwise be available to work
- you must have contributed to EI
- you must have worked for a specified number of hours during the qualifying period
- you must have your doctor complete the required medical certificate indicating your medical limitations to perform your job and your expected recovery date

Application forms are available online at the Human Resources and Social Development web site – www.hrsdc.gc.ca – and from local Service Canada Centres. (See *Resources*.)

If you disagree with an EI-related decision you have the right to appeal to the Board of Referees, an independent body.

Long-term disability benefits

Long-term disability insurance benefits begin when the short-term disability benefits run out. Plans pay up to 60% or 70% of normal earnings, to a maximum dollar amount. Benefits usually run up to two years if you are not able to do your normal job and longer, if you cannot do any job.

To qualify for long-term disability insurance, you will have to satisfy the insurance company that you have been unable to work for a specified period of time and that you meet the insurance company's definition of disability. You will have to provide medical evidence to support your claim.

With most plans, for the first two years of disability, you will be entitled to benefits if you are unable to work in your own occupation. After two years, you will be entitled to benefits only if you are unable to work in any occupation for which you are reasonably suited by training, education or experience. The plan may require you to participate in a rehabilitation program to determine if you can work in another type of job.

Long-term disability insurance plans usually require you to take medical examinations periodically to verify that you are still disabled and still eligible to receive benefits.

Most disability insurance plans require you to apply for the Canada Pension Plan disability benefit (or Quebec Pension Plan disability benefit) as soon as you move from short-term to long-term disability. Any amount you receive from Canada Pension Plan or Quebec Pension Plan will be deducted dollar for dollar.

Tips for filing claims for sickness or disability benefits

- Be aware that a diagnosis of MS does not in itself make you eligible to collect benefits. You have to be unable to work because of disability and must gather and submit relevant information to support your claim.
- Explore all of your options.
- Apply promptly for any benefits for which you are eligible.
- Follow the claims procedures carefully and supply all requested documentation.

- Ask your neurologist or physician familiar with MS to provide detailed information to support your claim.
- Set up a claim file with photocopies of your applications, supporting documents and related correspondence.
- Be aware that you will have to provide continuing evidence of your health status to retain benefits.
- Keep a journal detailing your symptoms and activity level.
- Appeal promptly and vigorously if your claim for benefits is denied.
- Be persistent.
- Use your network of personal, professional and MS Society resources.
- Know your rights and responsibilities.



“Because MS affects my short-term memory, I set up a file folder with sections for everything relating to my application for disability benefits: photocopies of my application; notes of phone calls; e-mails I printed out; a journal of my symptoms; names and contact information of people who helped me and whom I could call on again. Keeping organized made the process seem less overwhelming.”

Elizabeth, 43

Appealing the denial of short-term and long-term disability benefits

If your disability benefits claim is denied, file an appeal immediately.

- Obtain a copy of your benefits booklet (or policy) so that you are clear about qualifying conditions and whether or not you are in fact eligible.
- Obtain supporting medical documentation from your neurologist, occupational and physiotherapist.
- Send this documentation along with your own letter to the insurance company stating that you are disputing its decision and requesting the reasons for denial in writing.

- If you still do not get a satisfactory result, the MS Society can provide information on advocacy help, or refer you to other organizations that can assist you.
- Be persistent. You may want to seek legal advice, as a last resort.



“I was turned down initially for long-term disability. When I appealed, I made sure I had letters from my occupational therapist, physiotherapist and optometrist. Their comments added more weight to my statement about having a “severe and prolonged disability” than my original application, which just had a letter from my neurologist stating that I had MS.”

Larry, 48

Canada Pension Plan (CPP) disability benefit

The Canada Pension Plan (CPP) disability benefit replaces a portion of your employment income if you are unable to work because of disability, as defined in CPP legislation. It provides income replacement only. It does not provide financial assistance for medical equipment and supplies, prescription drugs or dental care, as is the case with some provincial disability and income assistance programs.

The monthly benefit is made up of two parts – a flat-rate amount and an amount based on how much and for how long you paid into the CPP. It is adjusted yearly to provide for increases in the cost of living.

Once the CPP disability benefit is granted, the pension remains payable as long as you remain disabled or until age 65, when it automatically converts to a CPP retirement pension. CPP also provides a monthly benefit for children if at least one parent receives the CPP disability benefit. The benefit is administered by Human Resources and Social Development.

The Quebec Pension Plan (QPP) disability benefit is similarly available to residents of Quebec and administered by the Régie des rentes du Québec.

To be eligible for the CPP disability benefit:

- you must be between 18 and 65
- you must be unemployed, that is, unable to work because of disability, as defined in CPP legislation
- you must have contributed to the Canada Pension Plan for a specified minimum number of years (4 out of 6)

CPP definition of disability

The CPP definition of disability requires that the disability be severe and prolonged and prevent you from working at any job on a regular basis. It is a stricter benchmark than that for private disability insurance.

Application

You should apply for the CPP disability benefit as soon as you become disabled and unable to work. It may take as long as three months to find out if your application has been accepted. The application kit is available online at the Human Resources and Social Development web site – www.hrsdc.gc.ca – and from HRSD offices across Canada. (See *Resources*.)

The application kit includes:

- the Application for Disability Benefits for yourself and any dependent children
- a Questionnaire for Disability Benefits requesting detailed information on your work history and medical condition
- a Medical Report form, in which you complete Section A and your doctor completes Section B
- an Authorization/Consent form, allowing Canada Pension Plan to obtain medical, vocational, educational and employment information from other parties
- a Child Rearing Dropout Provision form for you to complete if you stopped working or reduced work hours to take care of your children when they were under the age of seven

Points to keep in mind when applying for the CPP disability benefit

- People with MS may have difficulty qualifying for the CPP disability benefit because of the fluctuating and episodic nature of MS and the strict CPP definition of disability.
- The medical adjudicators who review your application are particularly interested in knowing how MS affects your ability to function in the activities of daily living and how it affects your capacity to work.
- Pay special attention to section 22 of the Questionnaire for Disability Benefits, where you are asked to explain any difficulties/functional limitations you have with the following: sitting/standing; walking; lifting/carrying; reaching; bending; personal needs; bowel and bladder habits; household maintenance; seeing/hearing; speaking; remembering; concentrating; sleeping; breathing; driving a car; using public transportation. Complete this section as thoroughly as possible.
- Have the physician most familiar with the impact of MS on your life, complete Part B of the Medical Report.
- If you think it would be helpful, ask specialists, such as your physiotherapist, occupational therapist, nurse, counsellor or ophthalmologist, to provide additional documentation to support your application.
- Set up a file with photocopies of your application forms, supporting documents, including the physician's and/or specialist's reports, and related correspondence.
- Make sure you are aware of what your employer, insurance company, doctors and hospital records say about your inability to work. Make sure the information they provide is consistent with CPP eligibility criteria.
- If your application is denied you can appeal the decision by requesting a Reconsideration. Details for requesting an appeal will be provided with the letter advising you that benefits have been denied.



“When I was working on my application for CPP disability benefits, I had to focus on all the negative ways that MS affected my life. After a while, I started to feel depressed. Then a friend reminded me that the application didn’t describe my whole life, just a part of it. She encouraged me to focus on my abilities when I wasn’t working on the application and think of the application process as a kind of self-advocacy to get the supports I needed.”

Nella, 35

Canada Pension Plan Appeals Process

If your application for the CPP disability benefit is denied, there are three opportunities for you to have your application reviewed or reconsidered.

1. **Reconsideration:** You may request a reconsideration in writing to Human Resources and Social Development within 90 days of the original decision.
2. **First level appeal:** If you do not agree with the reconsideration, you may appeal again within 90 days to the Office of the Commissioner of Review Tribunals, an independent body.
3. **Second level appeal:** If you do not agree with the decision of the Review Tribunal, you can make a request, within 90 days, to present your appeal to the Pension Appeals Board. If the request is granted, the Board will meet to hear your appeal. A decision of the Board is final.

If you do not appeal a CPP decision within the prescribed time, you lose your right to appeal and any benefits you may be entitled to.

If, during the appeal process, you do not hear from CPP officials, call the Income Security Programs Telecentre to check the status of your file.

Canada Pension Plan disability benefit

1-800-277-9914 – English

1-800-277-9915 – French

1-800-255-4786 – (TTY)



“My CPP application was turned down, so I appealed to the Review Tribunal and eventually got CPP. I felt frustrated and discouraged much of the time and my MS symptoms just made it seem worse. There was a silver lining, though. I found people to guide me through the process and help me obtain and organize the documents I needed for my case. I came to realize that, with support, I could assert myself and change the situation for the better. I discovered that I am my own best advocate.”

Kaleb, 56

Judicial review

If you have tried all appeal levels, and the final decision is not in your favour, or if you were denied leave to appeal to the Pension Appeals Board, you can file an application within 30 days to the Federal Court for a judicial review.

The Federal Court is not another appeal level. The Federal Court has the power to review how a decision was made by a tribunal such as the Pension Appeals Board. It looks at whether a tribunal properly exercised the powers given to it under law, or based its decision on erroneous findings of fact without regard to the material before it. If the Federal Court finds that the Pension Appeals Board did not apply the law correctly in its decision, it refers the decision back to the Pension Appeals Board, usually ordering the case to be re-heard by different judges.

The MS Society can provide information on legal or advocacy help, or refer you to other organizations that can assist you.

While you are receiving the CPP disability benefit you can:

- do volunteer work, but not on a regular basis as that might be interpreted as showing that you are capable of being gainfully employed
- earn a certain amount of money each year before reporting it to CPP. This amount, which changes each year, is determined by calculating 10% of the year's maximum pensionable earnings (YMPE). In 2006, the amount is \$ 4,200.
- go back to school to upgrade or complete a degree
- take a retraining program



“As someone who likes to keep busy, I found not being able to work one of the hardest things I have had to accept. On my friends’ advice, I have taken up volunteering. It allows me to put my skills and knowledge to use in a way that I can handle physically. I don’t volunteer every day – if I could do that I’d be working – but volunteering once a week makes me feel better about my situation. I feel that I’m contributing.”

Thérèse, 40

Eligibility for other benefits

If you receive the CPP disability benefit, you may be eligible to receive other federal, provincial or municipal government benefits. These benefits are not automatic.

- accessible and affordable housing
- property tax deferment
- home owner grants
- disability tax credit
- federal gasoline tax refund
- provincial motor vehicle fuel tax rebate
- disabled parking permits

Quebec Pension Plan (QPP) disability benefit

The Quebec Pension Plan (QPP) disability benefit replaces a portion of your employment income if you are a resident of Quebec who is unable to work because of disability, as defined in QPP legislation. The monthly benefit is made up of two parts – a fixed amount paid to every beneficiary and a variable amount based on the employment earnings recorded under your name under the Quebec Pension Plan.

Once benefits are granted, the pension remains payable as long as you remain disabled or until age 65, when it automatically converts to a retirement pension. QPP also provides a monthly benefit for children if at least one parent receives the QPP disability benefit. The benefit is administered by the Régie des rentes du Québec.

To be eligible for the QPP disability benefit:

- you must be under age 65
- you must have made sufficient contributions to the Québec Pension Plan
- you must have a severe and permanent disability recognized by the Régie, that is, you must be unable to do any type of substantially gainful work because of your state

The Application for Disability Benefits form and Medical Report form are available online at the Régie des rentes du Québec web site – www.rrq.gouv.qc.ca – and from the Régie's client service centres. (See *Resources*.)

Quebec Pension Plan Appeals Process

If your application for the QPP disability benefit is denied, you can apply for a review within one year of the original decision. Complete the Application for Review form or write a letter explaining the reasons in support of your application. Indicate the social insurance number or the client number shown on the decision you are challenging. Provide supporting documentation. Send the documents to the following address:

Service de la révision

Régie des rentes du Québec
Bureau 650, Case postale 5200
Québec (Québec) G1K 7S9

If you do not agree with the new decision, you have 60 days to lodge an appeal with the Administrative Tribunal of Quebec, whose decisions are final and without appeal. You can obtain the form provided for this purpose by calling the Tribunal, or write to the Tribunal at:

TAQ Montréal

Administrative Tribunal of Quebec
500, boulevard René-Levesque Ouest, 21e étage
Montréal (Québec) H2Z 1W7
514-873-7154 • 1-800-567-0278

TAQ Québec

Administrative Tribunal of Quebec
575, rue Saint-Amable, rez-de-chaussée
Édifice Lomer-Gouin
Québec (Québec) G1R 5R4
418-643-3418 • 1-800-567-0278

Permanently leaving the workplace

Permanently leaving the workplace often means saying goodbye to roles and identities built up during the working years. For some people, it can be a blow to their self-confidence and self-esteem.

People who have retired early because of MS say a necessary step is to mourn the losses due to MS. Seek counselling, if necessary, to help you cope with the feelings of loss. Then begin redefining yourself. Look at your abilities and interests and think of other ways you can get the personal satisfaction and social connection you used to get from work.

Consider unpaid work opportunities. Volunteering or mentoring provides opportunities for you to put your time and talents to use without jeopardizing your eligibility for disability benefits. It could also pave the way to a return to work, if your health allows.



“I tried my best to keep working but eventually it became too difficult. When I was first diagnosed I told myself that if I ever had to stop working it would mean that I’d lost to MS. By the time I left the workforce, I understood that doing what’s best for my health or life has nothing to do with losing.”

Sue, 48

Resources

Current as of October, 2006. Please be advised that resources may change at any time.

Canada Revenue Agency

www.cra-arc.gc.ca
1-800-959-8281

People with disabilities

www.cra-arc.gc.ca/disability

Easy access to Canada Revenue Agency forms and publications for people with disabilities.

Canadian Life and Health Insurance Association

20 Queen Street West, Suite 2500
Toronto, Ontario M5H 3S2
416-977-2221 • 1-800-268-8099
www.clhia.ca

Where will the Money come from if You're Disabled?

Booklet on disability insurance.

Human Resources and Social Development

www.hrsdc.gc.ca

Canada Pension Plan disability benefit (including application kit request)

1-800-277-9914 – English
1-800-277-9915 – French
1-800-255-4786 – (TTY)

EI sickness benefits

1-800-206-7218

Service Canada Centres

http://www1.servicecanada.gc.ca/en/gateways/where_you_live/menu.shtml

Régie des rentes du Québec

www.rrq.gouv.qc.ca
418-643-5185 – Québec region
514-873-2433 – Montréal
1-800-463-5185

Administers the Quebec Pension Plan disability benefit.

TAQ Montréal

Administrative Tribunal of Quebec
500, boulevard René-Levesque Ouest
21^e étage
Montréal (Québec) H2Z 1W7
514-873-7154 • 1-800-567-0278

TAQ Québec

Administrative Tribunal of Quebec
575, rue Saint-Amable, rez-de-chaussée
Édifice Lomer-Gouin
Québec (Québec) G1R 5R4
418-643-3418 • 1-800-567-0278





3.

Returning to work

There are programs and services that can help ease your re-entry into the workforce.

3. Returning to work

There are several reasons why you may be contemplating returning to work:

- your MS is in remission
- you miss the social and mental stimulation of being in the workplace
- your disability insurance plan requires you to participate in a rehabilitation program
- your disability benefits have been cancelled
- you need the employment income
- you are considering working part-time or on an occasional basis
- you are considering moving from part-time to full-time work
- you want to become self-employed

Find out what impact returning to work will have on your eligibility for disability benefits. Learn about vocational rehabilitation and retraining programs and services that can help ease your re-entry into the workforce.

If you are receiving disability benefits from your workplace, make sure you consult with your employer and insurance provider to structure your return to work. Be aware that even part-time work will need to be part of a structured return-to-work program in order for it to be permitted by your insurance company.

Impact of return to work on disability benefits

Long-term disability benefits

Most long-term disability insurance plans have rehabilitation benefits. After you have been off work for a specified period of time, many insurance companies require you to participate in a rehabilitation program and they cover the cost of rehabilitating and retraining you to return to work. If you are able to work again and earn income, your disability benefits will be cut off. Only a few private insurance policies will allow you to work part-time and still collect benefits.

If, in addition to a work-related disability benefit, you receive the CPP disability benefit, be aware that the return-to-work provisions of the two benefits may be in conflict. Read the terms of your long-term disability policy closely.

CPP disability benefits

Return to work on a regular basis

If you receive the CPP disability benefit and return to work on a regular basis, your CPP disability benefit will continue for a three-month work trial period, then stop.



“I recently returned to work after being off work for over a year. My CPP benefit has stopped but it’s reassuring that, with automatic reinstatement, I won’t have to go through the whole application process again, should I need to rely again on the CPP disability benefit in the next couple of years.”

Kerry, 29

Automatic reinstatement

If, within two years, the attempt to work on a regular basis is unsuccessful because your MS-related disability has become severe and prolonged again, your CPP disability benefit will be automatically reinstated. For reinstatement, you must fill out a form confirming that you cannot continue working because your MS-related disability has returned, and requesting that your benefits be reinstated. Your doctor must fill out another form confirming this. You have one year from the time you stop working to request a reinstatement of benefits. There is no limit on the number of times you can apply. For more information, contact Human Resources and Social Development. (See *Resources*.)

Return to work on an occasional basis

The Canada Pension Plan disability benefit allows you to work and earn some money without losing the CPP disability benefit. The amount that you are allowed to earn changes each year, but is determined by calculating 10% of the year’s maximum pensionable earnings (YMPE). In 2006, the amount is \$4,200. Once you earn \$4,200 or more, you have to let Human Resources and Social Development know your current work situation and future work goals.



“I worked on an occasional basis for a couple of years. I was glad that I was able to contribute to the household income. It was a small contribution (I didn’t want to lose my CPP benefits, and I would have worked full time if I was able to), but it helped our family and it was good for my self-esteem at the time.”

Ellen, 55

Retraining and vocational rehabilitation



“The thought of going back to work after being on long-term disability was intimidating. I felt very removed from the work force. But I did a bit research and found there were several programs I could tap into. I chose one that helped me figure out my employment goals, do some retraining and get my resume up to snuff. Without that support, it would have been hard for me to get motivated to get back into the workforce.”

Lisette, 38

Federal government programs

Employment Insurance re-employment measures

If you are disabled and eligible for Employment Insurance (EI) benefits, you may also be eligible for one or more of the following EI initiatives:

- financial assistance for skills development
- targeted wage subsidies, for a limited period of time, paid to companies that hire people with disabilities
- work experience on projects developed in job creation partnerships
- financial support, planning assistance and mentoring to help you become self-employed

Application forms are available online at the Human Resources and Social Development web site – www.hrsdc.gc.ca – and from local Service Canada Centres. (See *Resources*.)

Opportunities Fund for persons with disabilities

The Opportunities Fund for persons with disabilities can help you increase your employment skill level, integrate into the workplace through special services, arrangements or equipment tailored to meet your needs, or start your own business.

To be eligible for the Opportunities Fund for persons with disabilities, you must:

- **self-identify as having a permanent physical or mental disability that restricts your ability to perform daily activities**
- **be unemployed and seeking employment**
- **be legally entitled to work in Canada**
- **require assistance to work or become self-employed**
- **not normally be eligible for Employment Insurance benefits**

Information about the Opportunities Fund is available on the Human Resources and Social Development web site – www.hrsdc.gc.ca – and from local Service Canada Centres. (See *Resources*.)

In Quebec, the Opportunities Fund for Persons with Disabilities is jointly administered by Sphere-Quebec and Human Resources and Social Development. Contact Sphere-Quebec – www.sphere-qc.ca. (See *Resources*.)

CPP disability vocational rehabilitation program

The CPP vocational rehabilitation program offers career counselling, skills and education upgrading, retraining, and job search skills.

To be eligible to participate in the CPP vocational rehabilitation program, you must:

- **be receiving CPP benefits**
- **be medically stable**
- **be motivated and willing to participate**
- **be considered by your doctor to be able to cope with a work-related rehabilitation program**
- **be a resident in Canada**

When you have successfully completed the program, a vocational rehabilitation specialist will help you look for a job. The job search period runs to a maximum of 12 months. You will receive the CPP disability benefit throughout the program and the job search period.

If you find a job, you will continue to receive the CPP disability benefit during a three-month work trial period. After that, if you continue working regularly, your CPP disability benefit will stop. If you don't find a job, your CPP disability benefit will stop at the end of the job search period.

For more information, contact Human Resources and Social Development – www.hrsdc.gc.ca. (See *Resources*.)

Provincial government programs

Provincial governments offer vocational rehabilitation services and local job placement services. Most provincial governments also offer wage subsidies for a limited time to companies that hire people with disabilities.

Private and community services and programs

Private companies and community organizations offer a range of vocational services and programs, including vocational, interest and skills testing, career counselling, retraining, skills upgrading and job placement.

Resources

Current as of October, 2006. Please be advised that resources may change at any time.

Canadian Council on Rehabilitation and Work

www.ccrw.org
416-260-3060
1-800-664-0925
416-260-9223 – TTY

Partners for Workplace Inclusion Program

Employment/career preparation for job seekers with disabilities.

Youth Initiative

Employment/career preparation for working-age youth 15-30 with disabilities.

WORKink

www.workink.com – Career development and employment resource centre for Canadians with disabilities.

Canadian Society for Social Development

www.cssd-web.org

Business Abilities Program

businessabilities.ca – Online entrepreneurial training program for Canadians with disability considering self-employment as a career option.

Human Resources and Social Development

www.hrsdc.gc.ca
1-800-277-9914 – English
1-800-277-9915 – French
1-800-255-4786 – TTY

Automatic Reinstatement of Canada Pension Plan Disability Benefits

1-800-277-9914 – English
1-800-277-9915 – French
1-800-255-4786 – TTY

Canada Pension Plan Disability Vocational Rehabilitation Program

http://www.hrsdc.gc.ca/en/gateways/to_pics/dyp-gxr.shtml
1-800-461-3422

Opportunities Fund for Persons with Disabilities

http://www.hrsdc.gc.ca/en/epb/sid/cia/grants/of/desc_of.shtml
1-800-206-7218

Persons with Disabilities - section

<http://www.hrsdc.gc.ca/en/gateways/individuals/audiences/pd.shtml>

Service Canada Centres

http://www1.servicecanada.gc.ca/en/gateways/where_you_live/menu.shtml

Link Up Employment Services for Persons with Disabilities

www.linkup.ca
416-413-4922
416-413-4926 TTY

Participant in the Opportunities Fund for Persons with Disabilities, based in Ontario, with branch offices in Winnipeg, Manitoba and Vancouver.

Sphere-Quebec

www.sphere-qc.ca
514-904-2606
1-866-239-1177
Quebec contact for the Opportunities Fund for Persons with Disabilities.





4.

Income Support

When thinking ahead about income support and MS, it is best to plan for the worst even while hoping for the best.

4. Income Support

Financial planning

There may come a time when you are unable to continue working because of your MS. One of your primary concerns will be how to support yourself financially. The best time to consider this is long before it happens. Start planning now.

Look at your financial situation, responsibilities and resources.

- How many people depend on your income?
- What alternative income can you access when you are not working?
- How will you pay for the additional expenses resulting from your illness?
- How will you manage your debts, loans, rent, mortgage payments?
- Do you have savings and income-producing investments?
- How long would your savings last?
- How would your plans for retirement be affected if you wiped out your savings?
- How much do you need to live on?
- What do you have to draw on?
- What other money can you draw on or borrow against?
 - Review your household and personal expenses and set up a budget.
 - Find out if you can supplement your disability income with part-time income.
 - Find out the eligibility criteria for provincial government social assistance programs.
 - Make a list of alternative sources of financial support, such as service clubs, alumni associations or other group affiliations.



“Initially, I didn’t want to think too far into the future when it came to finances. It seemed too complicated when there were so many uncertainties about how MS would affect me and, since I was the family breadwinner, my family’s finances. After consulting with a financial advisor, I’ve begun to believe that it’s best to prepare for the worst, even while hoping for the best. This way, I can feel reassured that whatever the future brings, my family will have a financial safety net.”

Roy, 60

Income replacement options

In the event that you are unable to work, your major sources of income will likely be disability insurance, government benefits and your personal savings

For detailed information on disability insurance and government benefits, see *Leaving the workplace*.

Disability and health benefits checklist

- Make sure you understand the sickness and long-term disability or retirement packages offered through your employer, union, or private insurance plan before you need to make a claim.
- Determine whether your benefits would be greater if you continue to work for a few more months. (Benefits are usually based on the total number of hours, weeks or years worked and/or the amount of income you earned previous to leaving work.) For the purpose of income security, it is generally a better idea to work full-time until you cannot work any more and then apply for disability benefits rather than to reduce your work to accommodate your disability and apply for insurance afterwards.
- Ask your doctor if he or she will support your claim for disability benefits, that is, provide a detailed description of how your disability affects your daily living activities.
- Find out about the government benefits: Employment Insurance sickness benefits, Canada Pension Plan disability benefit, Quebec Pension Plan disability benefit.
- Find out if your medical expenses, including prescription drugs, adaptive equipment and home care costs, will be covered by your employer, union or private benefits plan, and/or by the provincial government.
- Find out what provincial health programs, such as dental programs, exist for people with low incomes.
- Contact the MS Society for information about other provincial, municipal or community resources.

Provincial government social assistance

If you have no other income and/or have used up all of your savings, provincial government social assistance programs may become your main source of income. These benefit payments help pay for food, shelter, fuel, clothing, prescription drugs and other health services. The eligibility criteria for social assistance vary from province to province. In some provinces, people with disabilities may receive higher levels of support than people without disabilities. To receive this extra support, you may have to be designated as “unemployable.”

MS Society government relations and social action

The MS Society plays an important role in advocating for better income supports and financial assistance for people with MS, particularly in the following areas:

Canada Pension Plan (CPP) disability benefit

The MS Society has worked for many years to persuade the Department of Human Resources and Social Development that a fairer definition of disability is required, to include conditions such as MS that are episodic and unpredictable. The Society is also working to improve the CPP appeals process.

As well, the MS Society has focused on education: ensuring that people with MS understand how to apply for and appeal the denial of CPP disability benefits; and providing CPP staff, including medical adjudicators, with information that enhances their understanding of the issues people with MS experience in their applications and appeals.

Disability tax credit

The MS Society continues to press for improvements to the disability tax credit (DTC) and other federal income support programs, by helping to lead a DTC coalition and by making detailed recommendations to the federal advisory committee established to look at taxation issues affecting people with disabilities.

Prescription drug coverage

The MS Society worked successfully with all provincial governments to set up drug cost reimbursement programs for the MS disease-modifying therapies when they first became available. As new treatments are approved, the Society will encourage provincial governments to list them as benefits.

Resources

Current as of October, 2006. Please be advised that resources may change at any time.

Canada Benefits

www.canadabenefits.gc.ca
Information and links to all federal, provincial and territorial financial assistance and benefits programs.

Canada Revenue Agency

www.cra-arc.gc.ca
1-800-959-8281

People with disabilities

www.cra-arc.gc.ca/disability
Easy access to Canada Revenue Agency forms and publications for people with disabilities.

Canadian Life and Health Insurance Association

20 Queen Street West, Suite 2500
Toronto, Ontario M5H 3S2
(416) 977-2221
1-800-268-8099
www.clhia.ca

Where will the Money come from if You're Disabled?

Booklet on disability insurance.

Human Resources and Social Development

www.hrsdc.gc.ca

Canada Pension Plan disability benefit

1-800-277-9914 English
1-800-277-9915 French
1-800-255-4786 (TTY)

EI sickness benefits

1-800-206-7218

Service Canada Centres

http://www1.servicecanada.gc.ca/en/gateways/where_you_live/menu.shtml

Régie des rentes du Québec

www.rrq.gouv.qc.ca
418-643-5185 – Québec region
514-873-2433 – Montréal
1-800-463-5185
Administers the Quebec Pension Plan disability benefit.





5.

Financial Assistance

You may be able to obtain financial assistance for some of your costs.

5. Financial Assistance

Financial assistance for prescription drug costs

Prescription drug coverage is usually provided as part of an employer or union group plan, or with private health insurance coverage. You may be covered under your own plan or under a spouse's policy. Be aware that there are usually co-payment requirements and an annual or lifetime cap on payments. Keep the lifetime maximum in mind, if you are using one of the MS disease-modifying therapies that cost from \$16,000 to \$24,000 a year.



“I wouldn't be able to afford the MS treatment medications without financial assistance. I've lived in two provinces in Canada that have different provincial government subsidies. One province subsidized most of the cost and my employment insurance picked up a remaining percent. The other province did not subsidize much of the cost and I was not working at the time. In that case, I was lucky to have my spouse's coverage for the medications.”

Aaron, 40

Provincial government coverage for MS disease-modifying therapies

All provincial governments provide some coverage for the MS disease-modifying therapies. In each province, the drug cost reimbursement program has specific clinical criteria and levels of compensation.

For more information, contact the drug cost reimbursement program in your province, as listed in the following document on the MS Society web site:

Overview of provincial government coverage for MS disease-modifying therapies
www.mssociety.ca/en/research/pdf/drug-table-mar05.pdf.

Or contact your nearest MS Society Division office at 1-800-268-7582.

Pharmaceutical companies

The pharmaceutical companies that make Avonex, Betaseron, Copaxone and Rebif provide limited financial assistance. Contact each company directly for information on eligibility and the application process.

Pharmaceutical company financial assistance programs

Drug	Company	Program
Avonex	Biogen Idec Canada	MS Alliance 1-888-456-2263
Betaseron	Berlex Canada Inc.	MS Pathways 1-800-977-2770
Copaxone	Teva Neuroscience	Shared Solutions 1-800-283-0034
Rebif	Serono Canada Inc.	Multiple Support Program 1-888-677-3243 (English) 1-877-777-3243 (French)

Provincial government financial assistance programs

If you receive social assistance from your provincial government, you will likely also be eligible for a wide range of other supports and services, such as prescriptive medications, transportation, clothing allowance and medical supplies. Be aware that when you enter or re-enter the workforce, you may lose these supports and services if they were tied to your eligibility for social assistance.

Community-based programs

Some municipalities offer special transportation services. Financial assistance for disability supports and services may also be available from community organizations, such as service clubs, alumni associations or other group affiliations.

MS Society special-assistance programs

In many regions of Canada, the MS Society offers limited financial assistance to people with MS to cover services not funded by other government or community agencies or supplement their cost; for example, equipment purchase or loan. The level of MS Society funding varies from province to province. The MS Society of Canada does not fund medication costs.

Resources

MS Society of Canada

www.mssociety.ca

1-800-268-7582

Overview of provincial government coverage for MS disease-modifying therapies

www.mssociety.ca/en/research/pdf/drug-table-mar05.pdf



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Tax Relief

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Federal tax relief

In recognition that people living with disability have additional costs, the federal government provides tax relief through the

- disability tax credit
- disability support deduction
- medical expense tax credit
- attendant care expense deduction
- GST/HST exemption on medical devices and supplies
- GST/HST rebate for specially-equipped motor vehicles

GST and HST

The GST (goods and services tax) is a tax that you pay on most goods and services sold or provided in Canada. In Newfoundland and Labrador, Nova Scotia, and New Brunswick, the GST has been blended with the provincial sales tax and is called the HST (harmonized sales tax).

Disability tax credit

The disability tax credit is a non-refundable tax credit that can reduce your federal income tax if you meet the strict eligibility requirements.

To be eligible for the disability tax credit, a qualified health care professional must certify that you are:

- **Either** blind all or almost all the time, even with corrective lenses or medication. The impairment must be prolonged.
- **Or** have a severe and prolonged mental or physical impairment that markedly restricts you in any of the following basic activities of daily living: walking, speaking, hearing, dressing, feeding, bowel or bladder functions, perceiving, thinking and remembering.

The fact that you receive Canada Pension Plan or Quebec Plan disability benefits or other types of disability or insurance benefits, does not necessarily make you eligible for the disability tax credit. It is also possible to qualify for the disability tax credit but not be eligible for CPP or QPP disability benefits.

Application

To claim the disability tax credit, you and your doctor (or another qualified health professional) must complete and file a Form T2201, Disability Tax Credit Certificate. Canada Revenue Agency must validate the certificate for you to be eligible for the disability amount. The form is available on line at the Canada Revenue Agency web site – www.cra-arc.gc.ca – and can be obtained from Tax Centres across Canada. (See *Resources*.)



“I assumed that because I qualified for CPP benefits, I would have no difficulty qualifying for the disability tax credit (DTC). However, my first application was turned down. When I appealed the decision, I made sure I had support from a health professional who could note specifically the impact my bladder dysfunction has on my everyday life. It’s important to read the forms carefully, to ensure that you locate the most appropriate health professionals to support your application.”

Alexa, 44

Points to keep in mind when applying for the disability tax credit

- People with MS may have difficulty qualifying for the disability tax credit because of the fluctuating and episodic nature of MS and the strict DTC eligibility requirements.
- The medical section (Part B) is the most important part of the disability tax credit certificate.
- Have the qualified health care professional most familiar with the impact MS has on all your activities of daily life (including fatigue and mobility problems), fill out Part B of the form.

Qualified Practitioner	Can certify
medical doctors	all sections
optometrists	vision
audiologists	hearing
occupational therapists	walking, feeding, dressing and the cumulative effect for these activities
physiotherapists	walking
psychologists	mental functions necessary for everyday life
speech-language pathologists	speaking

- Encourage your health professional to attach a separate note explaining the impact MS has on your life. (The current Form 2201 has no room for explanations.)
- Set up a file with photocopies of your application forms, supporting documents and related correspondence.
- If your application is denied, you have the right to appeal the decision.

Reassessment

Your eligibility for the disability tax credit and health status will be reassessed periodically. If you have qualified for the DTC previously, do not assume you will automatically re-qualify. Your doctor or other health professional may have to verify that your current health status still meets the DTC eligibility requirements.

Appealing the denial of the disability tax credit

If your application for the disability tax credit is denied, file an appeal immediately.

- Obtain a Notice of Objection from the regional taxation office (as indicated on the letter that accompanies the Notice of Assessment) or send a letter instead.
- File a Notice of Objection with the Appeals Section of your regional tax office within 90 days of the date of the Notice of Assessment from the Canada Revenue Agency disallowing the tax credit.
- Provide detailed reasons for your objection, stressing the disabling impact MS has on the basic activities of daily living. Include supporting medical documents.
- Provide personal contact information, Social Insurance Number, taxation year(s) under appeal.
- Your Notice of Objection will be reviewed and you will receive either a Notice of Reassessment which means you will receive the Disability Tax Credit, or a Notice of Confirmation, confirming the original Notice of Assessment saying you no longer qualify for the DTC.

If you lose the appeal:

- File a Notice of Appeal with the Tax Court of Canada within 90 days of the date of the Notice of Confirmation. The form is available from your regional tax office, but a letter is also acceptable. Focus on the severity of your disability.

Disability support deduction

If you are entitled to claim the disability tax credit, you may also be eligible for the disability support deduction for expenses for personal care products or services that enable you to work or go to school. The deduction may include amounts paid for full-time or part-time attendant care services. You must complete Form T929 to calculate your claim.

Medical expense tax credit

The medical expense tax credit is a non-refundable tax credit you can claim to a specified maximum amount or 3% of net income, whichever is less. If the medical expense is covered under an insurance plan or provincial drug program, you can claim only the portion that is not reimbursed. Allowable medical expenses may include:

- the cost of prescription medications or medical devices
- the cost of adapting a vehicle for use by or to transport a person with a disability
- 50% of the cost of an air conditioner (to a limit of \$1,000)
- certain costs to build or alter a residence to make it accessible
- Travel expenses related to seeking medical treatment. If medical treatment is not available locally, you may be able to claim the cost of travelling to get the treatment somewhere else.

Attendant care expense deduction

The attendant care expense deduction is available if you are entitled to claim the disability tax credit and incur expenses for personal care that enables you to work.

GST/HST exemption on medical devices and supplies

Medical devices and supplies that are GST/HST-exempt include:

- wheelchairs, walkers and other similar aids for locomotion
- hearing aids
- prescription eyewear supplied by written order of an eye care professional
- selector control devices designed to enable a person with a disability to select, energize, or control household, industrial or office equipment
- toilet seat, bath seat, shower seat designed for use by a person with a disability

- patient lifter to move a person with a disability
- cane or crutch
- clothing supplied on written order of a medical practitioner for use by person with a disability
- incontinence products
- auxiliary driving controls
- modification of a vehicle to adapt it for transportation of a person using a wheelchair

GST/HST rebate for specially-equipped motor vehicles

You can apply for a GST/HST rebate on the cost of adapting a vehicle for use by or to transport a person with a disability. You must complete Form GST 518, GST/HST Specially-Equipped Motor Vehicle Rebate Application and send it to Canada Revenue Agency. With a new vehicle, you may request the rebate directly from the supplier. The rebate applies only to the GST/HST on the adaptation, not on the complete purchase price of the vehicle.

Provincial and municipal tax relief

Provincial and municipal governments offer some tax relief, for example, provincial motor vehicle fuel tax rebates and property tax deferral, to people who are disabled. For information on provincial tax credits, contact your provincial government Ministry or Department of Finance. For information on property tax deferral, contact your municipal office.

Resources

Current as of October, 2006. Please be advised that resources may change at any time.

Canada Revenue Agency

www.cra-arc.gc.ca

1-800-959-8281

Form T2201 – Disability Tax Credit Certificate

<http://www.cra-arc.gc.ca/E/pbg/tf/t2201/README.html>

RC4064 – Information Concerning People with Disabilities

(includes Form T2201)

<http://www.cra-arc.gc.ca/E/pub/tg/rc4064/README.html>

People with disabilities

www.cra-arc.gc.ca/disability

Easy access to Canada Revenue Agency forms and publications for people with disabilities.

Tax Services Offices and Tax Centres

<http://www.cra-arc.gc.ca/contact/tso-e.html>



How to reach the Multiple Sclerosis Society of Canada Current as of October, 2006

Call toll-free in Canada: 1-800-268-7582 • www.mssociety.ca

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ALBERTA DIVISION

#150, 9405 - 50 Street
Edmonton, Alberta
T6B 2T4
(780) 463-1190

ATLANTIC DIVISION

71 Ilsley Avenue, Unit 12
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Contact the Multiple Sclerosis Society of Canada:

Toll-free in Canada: 1-800-268-7582

Email: info@mssociety.ca

Website: www.mssociety.ca

Our Mission

To be a leader in finding a cure for multiple sclerosis and enabling people affected by MS to enhance their quality of life.

Sponsored by an unrestricted grant from



The Multiple Sclerosis Society of Canada is an independent, voluntary health agency and does not approve, endorse, or recommend any specific product or therapy but provides information to assist individuals in making their own decisions.