

Feedback on the Canada Disability Benefit Regulations

Community Food Centres Canada

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CANADA good food is just the beginning

Introduction

At Community Food Centres Canada (CFCC), we resource and strengthen the community food sector and mobilize with our 400+ partners for progressive policy change. We envision a Canada where the right to food is realized for all and where every community has a place for food that nurtures health and well-being, belonging, and social justice. Below, we respond to the [Canada Disability Benefit Regulations](#) (hereafter, *CDB regulations*).

We are deeply concerned about the nationwide crisis of *food insecurity* (inadequate access to food due to financial constraints¹) among people with disabilities. Compared to 1 in 6 households where the main income earner has no disability, **nearly 1 in 3 households where the main income earner has a disability experiences food insecurity**.² Every day, our partners on the frontlines are seeing the toll that food insecurity takes on people with disabilities. Food insecurity results in negative health outcomes³ and denies people with disabilities their basic right to an adequate standard of living, which includes the right to food.

With better regulations, the CDB can significantly reduce food insecurity and poverty and improve financial security among people with disabilities in Canada. Yet, in the regulations as they are currently drafted, **only 4% of people expected to receive the CDB would be lifted out of poverty from 2025 to 2035**.

Seven principles, five overarching changes

We are calling on the federal government to revise the CDB regulations according to these **seven principles** advanced by Disability Without Poverty⁴:

1. Inclusive eligibility
2. Simple application
3. Urgency
4. Dignity
5. A fair benefit
6. Added costs
7. Keep disabled people involved.

Based on these principles, **we recommend five overarching changes:**

1. **Raise the income threshold above the poverty line** and ensure the CDB accounts for the added costs of living with a disability.
2. **Increase the benefit amount** to offer a more equitable benefit for people with disabilities.
3. **Improve access** by broadening eligibility beyond the Disability Tax Credit (DTC).
4. **Automatically enroll people who already receive provincial/territorial disability support**, and make the CDB application process simple, seamless, and fast.
5. **Individualize the benefit**—rather than means-testing against household income—to ensure independence and dignity for people with disabilities.

Below, we elaborate and give more detailed recommendations. We have organized our feedback using the seven principles.

Detailed feedback

We stand in solidarity with Disability Without Poverty, and the thousands of people with disabilities they have consulted, in calling for regulations that will create a fair and equitable CDB.

1. Inclusive eligibility

The current CDB regulations require CDB recipients to have a DTC certificate, claiming that this can give access to other federal, provincial, or territorial disability programs and benefits. The government commits to providing the CDB to 600,000 people with disabilities who meet DTC eligibility.

Yet, **the DTC has very stringent eligibility criteria, including narrow medical definitions of disability** that exclude many people with disabilities.^{5,6} Less than 40% of the 1.6 million disabled people who are eligible for the DTC are enrolled.⁶ The government should not embed the DTC's restrictive criteria in a program that is aimed at reducing food insecurity and poverty among people with disabilities.

Moreover, the available evidence does not support the idea that DTC eligibility would help people access other programs and benefits. For instance, only 1 in 7 single (i.e., separated, divorced, widowed, or never married) people with disabilities aged 18 to 64 who receive provincial or territorial social assistance also receive the DTC (personal communication).

In Budget 2024, the government committed \$243 million to help with the cost of the medical forms needed to apply for the DTC. Yet the barriers to accessing the DTC go beyond the cost of medical forms.^{5,6} Many people with disabilities do not even have a medical practitioner they have a good working relationship with and can rely on to help them apply for the DTC.⁶ Helping people to navigate a system already designed to fail many of them does not address the root causes of the exclusion they face to begin with. **Ultimately, due to systemic barriers, many people with disabilities will continue to fail to meet DTC eligibility and therefore will be unable to access the CDB.**

The CDB regulations would also require recipients to have filed their taxes for the tax year before the start of the payment period. However, **many people in Canada experience significant challenges in filing their taxes** (e.g., language, technology, and cost barriers).⁷ At least 1 in 10 people in Canada do not file taxes.⁸ While specific disability data is scarce (which is revealing in itself), Indigenous and racialized people, renters, and single adults who live alone or with families are more likely to face barriers in filing their taxes.⁷ Thus, even without considering ableist barriers to filing taxes, people with disabilities who identify with any of these demographics are more likely to face barriers in filing their taxes. This creates challenges in CDB take-up that, over time, will lead to billions of dollars in CDB payments going unclaimed.

Recommendations

- A. **Expand eligibility beyond having a DTC certificate** to also include all people with disabilities who meet the basic criteria for having a DTC but do not have a DTC, and
- have filed their taxes, and
 - live below the official poverty line for their region.

This includes moving from the narrow medical definition of disability currently used in the DTC to a social model of disability.⁵

- B. **Automatically enroll in the CDB all people with disabilities who meet the requirements listed in Recommendation A above.** The government already has or should be able to access this information through ethical inter-governmental and cross-departmental collaborations for the purposes of administering the CDB. There should then be an opt-out for people who do not wish to receive the benefit.
- C. **Provide a clear plan to bridge the gap** between the 465,000 people who are forecasted to receive the CDB in 2025 (see Table 4 in the CDB regulations)

and the 1.6 million severely disabled people living in poverty who should be receiving the CDB.

- D. **As a matter of urgency, promote the CDB and DTC and provide accessible information about the requirements for accessing the CDB (e.g., filing taxes) and DTC.** All information should be clear, in multiple languages and accessible formats, and available through multiple forums. This work must be done in collaboration with disability organizations and allied organizations.

2. Simple application

Section 11(1)(f) of the Canada Disability Act (hereafter, *CDB Act*) recommends that the CDB regulations “[provide] for an application process that is without barriers.”

Yet, as discussed in [1. Inclusive eligibility](#), **the current CDB regulations create multiple application layers for one to receive the CDB.** For example, for people who do not have a DTC certificate but meet all other CDB eligibility criteria, the process of applying for the CDB would be difficult before it begins, violating the standards set in section 11(1)(f) of the CDB Act.

Beyond the barriers noted in the previous section, **a separate CDB application process itself creates an unnecessary hurdle** that is antithetical to the CDB Act and is unnecessarily different from the application process for programs with similar goals, such as the Canada Child Benefit and Guaranteed Income Supplement.

People with disabilities are not homogenous and have different experiences of navigating our tax system. With some people with disabilities already facing barriers to filing their taxes or accessing tax filing support, the multiple, complicated layers required to access the CDB pose further strain.

Recommendation

A simple application process goes hand-in-hand with inclusive eligibility. For example, automatic enrolment in the CDB (as per Recommendation B in section [1. Inclusive eligibility](#) above) would ensure that there is no need for a separate application process for the majority of people with disabilities.

Two further recommendations follow.

- A. **Consult with and fund groups of people with disabilities who experience barriers in navigating the tax and benefits system, and the local organizations that support them, to develop accessible, community-based, culturally appropriate support services** for applying for the DTC and CDB

and navigating the tax system.

- B. **Work with and fund the disability sector and allied organizations to deliver the aforementioned support services.** Such allied organizations should include community-based organizations in the community food sector.

3. Urgency

The 2024 federal budget and proposed CDB regulations state that CDB payments will start in July 2025. Recipients will need to meet specific criteria (e.g., having a DTC certificate) and apply through a separate, yet-to-be-developed system administered by Service Canada.

Yet all these aspects will delay the delivery of CDB payments to people who should be receiving the benefit. At least two types of delays will result:

- **The DTC's inaccessibility to many people with disabilities will cause unnecessary back-and-forth between the DTC and CDB application systems** (e.g., appeals against rejected DTC and CDB applications).
- **The requirement to apply separately for the CDB adds another layer to an already complicated process.** As noted above, people with disabilities already face barriers to filing their taxes. A separate CDB application system will not be immune to these barriers and will unnecessarily complicate the process of accessing the CDB.

For decades, people with disabilities have advocated and waited for the government to translate rhetoric into actual deliverables in terms of concretizing their right to an adequate standard of living. As Canada's food insecurity crisis worsens—last year alone, food insecurity increased by 26%⁹—people with disabilities cannot afford to wait any longer.

Recommendations

Our recommendations in [1. Inclusive eligibility](#) above and [2. Simple application](#) will expedite the delivery of the CDB.

4. Dignity

The CDB regulations indicate that the CDB will be means-tested against household income. However, **a household income approach does not ensure the autonomy, dignity, and safety of people with disabilities.**

This approach **does not account for power imbalances in access to or control over household resources.** In most households, the main income earner files taxes on behalf of their household and controls household finances. Most likely, that person also applies for benefits for which their household is eligible, potentially including the CDB. If that person's partner has a disability and is a CDB recipient, that partner may not control the application for, or have full access to, their CDB payments. This will especially affect people with disabilities—such as the 1 in 6 women with disabilities—who experience intimate partner violence¹⁰ and may be unable to leave such relationships due to financial dependence on their partners.

Ultimately, a household income approach homogenizes the needs of household members, whether they have a disability or not. Under the proposed regulations, the CDB would essentially be treated as household income. It is worth noting that this homogenization would make it difficult to ascertain if CDB payments are: 1) directly benefiting the recipients, and 2) reducing poverty among recipients. But beyond this, **a household income approach does not allow people with disabilities the dignity of being treated as autonomous individuals with their own needs, independent of any relationships they have with members of their households.**

Recommendation

- A. **Means-test the benefit using an individual applicant's annual income,** instead of their family income. According to the proposed CDB regulations, single people with disabilities will be means-tested using their individual income. The same criterion should also apply to people with disabilities who live in couple families.

5. A fair benefit

Given the ongoing rising cost of living and disproportionate rates of food insecurity and poverty facing people with disabilities in Canada, **the proposed CDB amount of \$200 maximum per month is unfair.** This amount and the income thresholds set in the regulations fall far short of section 11(1.1) of the CDB Act. They do not reflect the government's own requirement to consider the Official Poverty Line when determining the CDB amount.

As well as being inequitable, the proposed CDB amount is insufficient to lift people with disabilities out of poverty. When compared against official poverty lines for the average family in Canada—ranging from \$45,250 in small towns in Quebec to \$121,791 in Iqaluit¹¹—the income thresholds set in the CDB regulations barely meet the mark. More than half of people with disabilities in Canada earn less

than \$38,810.¹² It is unsurprising, then, that based on the estimates in Table 4 of the CDB regulations, we calculate that **of the total number of people who will receive the benefit between 2025 and 2035, the CDB will lift just 4% out of poverty.**

The **inadequacy of the \$200 CDB amount is even more pronounced among people with disabilities who live in the territories**—regions where people experience Canada’s highest food insecurity and poverty rates. The CDB income thresholds are far below the poverty lines for these regions. For example, for an average two-parent family in rural south Yukon, the difference between the proposed CDB income threshold (including exempted income) and the poverty line is \$14,181.¹¹ This difference jumps to a staggering \$75,291 for an average two-parent family in Iqaluit.¹¹ A \$200 monthly payment barely makes a dent in the lives of people with disabilities who live in these territories.

Moreover, despite being well-intentioned, **the proposed working-income exemptions will not benefit the most vulnerable people with disabilities who do not work at all.** Many people with disabilities living on low incomes rely on woefully meagre provincial or territorial disability social assistance for their basic needs. Based on the total welfare incomes reported in a recent Maytree publication,¹³ a \$200 monthly CDB payment will not get people with disabilities who rely on social assistance closer to, let alone above, the poverty line in any province or territory in Canada.

Recommendation

- A. **Increase the CDB amount**, taking into consideration official poverty lines and the disproportionate impacts of food insecurity and poverty among people with disabilities in Canada. The CDB amount should create equity by lifting all people with disabilities above the poverty line.

6. Added costs

Contrary to the requirements in section 11(1.1) of the CDB Act, **the proposed CDB amount does not appear to account for the additional needs associated with living with a disability.** This amount simply will not suffice in helping people with disabilities—especially those with moderate or severe disabilities and those living in the territories—to:

- cover the extra costs of disability-related healthcare and support
- enter or stay in the labour market and contribute their skills and expertise more effectively.

Recommendations

- A. **Increase the benefit amount** and ensure it accounts for the extra costs of living with a disability and the challenges that people with disabilities experience in earning an income from work.
- B. For transparency and accountability, **specify the formula used to calculate the extra costs of living with a disability in determining the CDB amount.** The current CDB regulations neither clearly recognize nor put a dollar figure on the additional costs of disability in the proposed CDB amount.

7. Keep disabled people involved

Informed by the principle of *Nothing About Us Without Us*, **the disability community in Canada has always demanded the meaningful participation of people with disabilities in issues affecting them.** Moreover, section 11.1 of the CDB Act requires the government to:

provide persons with disabilities from a range of backgrounds with meaningful and barrier-free opportunities to collaborate in the development and design of the regulations, including regulations that provide for the application process, eligibility criteria, the amount of a benefit and the appeal process.

Yet, as *Disability Without Poverty* notes with great concern, **the federal government continues to ignore the input of people with disabilities in developing the CDB regulations—regulations that do not come close to meeting the needs of people with disabilities.**

Recommendations

- A. **Consult, engage, listen to, and respect people with disabilities** in creating CDB regulations that address their needs.
- B. **Honour the principle of *Nothing About Us Without Us*** by acting on the recommendations of people with disabilities from the *Canada Gazette* consultation.

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