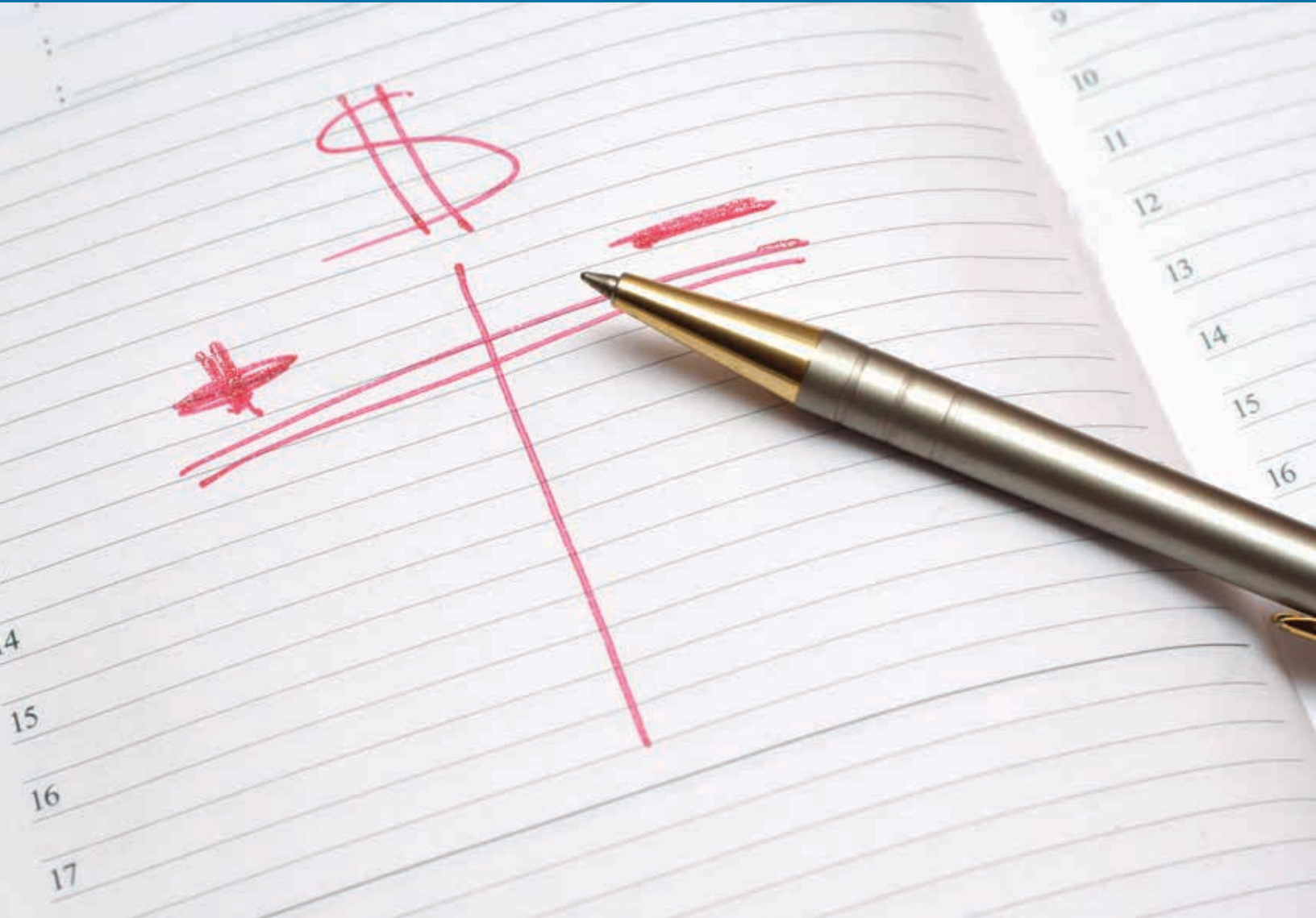


# WORKING WITHIN THE RULES:

Supporting Employment for  
Income Assistance Recipients



As an independent officer of the Legislature, the Ombudsperson investigates complaints of unfair or unreasonable treatment by provincial and local public authorities and provides general oversight of the administrative fairness of government processes. It conducts three types of investigations: investigations into individual complaints; investigations that are commenced on the Ombudsperson's own initiative; and investigations referred to the Ombudsperson by the Legislative Assembly or one of its Committees.

The Ombudsperson has a broad mandate to investigate complaints involving provincial ministries; provincial boards and commissions; Crown corporations; local governments; health authorities; colleges and universities; schools and school boards; and self-regulating professions and occupations. A full list of authorities can be found in the *Ombudsperson Act*. The Office of the Ombudsperson responds to approximately 8,000 inquiries and complaints annually.

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May 2018

The Honourable Darryl Plecas  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the Ombudsperson's Special Report No. 41, *Working Within the Rules: Supporting Employment for Income Assistance Recipients*.

The report is presented pursuant to section 31(3) of the *Ombudsperson Act*.

Yours sincerely,



Jay Chalke  
Ombudsperson  
Province of British Columbia



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## Contributors

Christina McMillan, Manager of Investigations (Social Programs)

Lisa Phillips, Ombudsperson Officer

Jaime Green, Ombudsperson Officer

# FROM THE OMBUDSPERSON

Public administration occurs within a legal framework. The Legislature passes laws and may delegate subordinate legislative authority to other bodies, such as Cabinet. Together, legislation and regulation establish the legal structure within which administration of a particular program occurs.

However, in modern government, this legislative framework is insufficient to detail the breadth or depth of guidance that those charged with implementing and administering public programs require. This is where policy comes in.

Policy can, and does, play an important role in public administration by more fully describing the process, establishing criteria and assisting in answering the many questions that arise in large and complex systems and programs.

However, there is one important caveat. Policy is subordinate to the law, not the other way around. If there is a conflict between the law and the policy, the latter yields to the former. This is a well-accepted and widely understood foundation of public administration.

In this report we describe a situation in which that did not happen. The Ministry of Social Development and Poverty Reduction, in its administration of income assistance for a recipient we call Ms. Smith, favoured its own policy rather than following the law – even after its own internal Reconsideration section told the ministry on two occasions that its decisions were not consistent with the law. Furthermore, when the ministry finally did follow the law, it only did so for Ms. Smith and not the other income assistance recipients – roughly 500 every year – who were similarly impacted.

*“Policy is subordinate to the law, not the other way around. If there is a conflict between the law and the policy, the latter yields to the former.”*

Ms. Smith’s case is complex. It relates to the imposition of a one-month suspension of the ministry’s earnings exemption in cases such as Ms. Smith where a recipient has a variable income pattern. However, it is this very complexity that makes the obligation on government to correctly apply the law even more important. Given the power imbalance between government and individual citizens – including disparate expertise, access to information and legal advice – the onus is on the ministry and not service recipients to ensure that its decisions are consistent with its legal authority.



## From the Ombudsperson

We make four recommendations in this report, namely that the ministry follow the law relating to earnings exemptions, that it amend the relevant policy to accord with the law, that by October 1, 2018 it reimburse all persons whose income assistance was improperly calculated and, finally, that the ministry adopt new guidelines to respond effectively where its own Reconsideration section identifies recurring or systemic legal errors in ministry practice.

The very good news is that the ministry has accepted all four recommendations. This acceptance reflects a commitment by the ministry to address mistakes of the past and do better in the future.

We will monitor the ministry's implementation of these four recommendations and will report publicly.



Jay Chalke  
Ombudsperson  
Province of British Columbia



# INTRODUCTION

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An Ombudsperson investigation can begin in several ways. The Ombudsperson can initiate an investigation into any matter that falls within his authority. The legislative assembly can also refer matters to our office for investigation. However, the overwhelming majority of investigations we carry out come from individual complaints that we receive from members of the public about their dealings with various public authorities. These investigations into people’s complaints are the backbone of our work. Many of them lead to resolutions that benefit the complainant. Some lead to the resolution of systemic problems and have a broader impact; this report is about one of those cases.

Our office has an investigative team that is dedicated to investigating complaints about authorities that administer provincial social programs, including the Ministry of Social Development and Poverty Reduction. The ministry fulfils an important function as the entity responsible for the delivery of the BC Employment and Assistance (BCEA) program, which includes the administration of income and disability assistance in the province. Over 190,000 adults in B.C. rely on income and disability assistance, and those individuals support over 38,000 children. Every day, the ministry makes decisions that determine whether people will receive assistance to obtain housing, food and other basic necessities. Its decisions can have profound effects on people.

This investigation arose from a complaint that we received from an individual, Ms. Smith<sup>1</sup>, about a decision made by the Ministry of Social Development and Poverty Reduction that affected her eligibility for income assistance benefits.

In this report, we outline the background of the income assistance program as it

relates to Ms. Smith’s complaint. We set out the nature of Ms. Smith’s concerns and what we found through the course of our investigation. Finally, we make a series of findings and recommendations to address the problems that we identified in the ministry’s decision-making process.

<sup>1</sup> The name of this complainant has been changed in this report.

# BACKGROUND

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The Ministry of Social Development and Poverty Reduction provides income assistance for low-income and impoverished British Columbians who have little or no other income to rely on. The ministry requires that applicants pursue all sources of income and take advantage of any assets before they will qualify for income assistance.

The income assistance program is established and governed by the *Employment and Assistance Act*<sup>2</sup> and the *Employment and Assistance Regulation*.<sup>3</sup> The Act and its companion Regulation are the source of the ministry's authority to deliver income assistance.<sup>4</sup>

The ministry has also developed the *BC Employment and Assistance Policy and Procedure Manual*, which is intended to assist staff in making decisions about income assistance that accord with the legislation.<sup>5</sup> The maximum rates of income assistance in British Columbia are prescribed by the Regulation. Between 2007 and 2017, income assistance rates remained static, with a single person receiving a maximum rate of \$610 per month. Effective October 1, 2017, government raised the current maximum rate of income assistance for a single person to \$710.<sup>6</sup> In spite of this increase, British Columbians who live solely on income assistance are living in

relative poverty and often struggle to meet basic needs, like housing and food security.

Statistics Canada reports that “although there is no single agreed upon measure of poverty in Canada, it is well known that having low income is a major aspect of living in poverty.” Statistics Canada uses the after-tax “low-income measure” (LIM) to determine what constitutes low income. In 2017, using tax data from 2015, Statistics Canada found that the LIM was \$22,133 for a single person.<sup>7</sup>

Generally, under the current income assistance framework, any income that a recipient earns from employment is considered “earned income” and deducted from the amount of income assistance that the person is otherwise eligible for.<sup>8</sup> An earnings exemption, also established by the Regulation, creates an exception to the general rule that for every dollar a person earns through employment, a dollar is deducted from the person's income assistance rate. People who are eligible for the earnings exemption are permitted to keep some of the money they earn from employment, with no corresponding

<sup>2</sup> *Employment and Assistance Act*, S.B.C. 2002, c. 40.

<sup>3</sup> *Employment and Assistance Regulation*, B.C. Reg. 263/2002.

<sup>4</sup> There is a separate legislative framework for disability assistance under the *Employment and Assistance for Persons with Disabilities Act*, S.B.C. 2002, c. 41. This report does not address matters relating to disability assistance.

<sup>5</sup> Ministry of Social Development and Poverty Reduction, BC Employment and Assistance Policy and Procedure Manual, 1 October 2017 <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual>.

<sup>6</sup> B.C. Reg. 153/2017, effective October 1, 2017.

<sup>7</sup> Statistics Canada, *Census in Brief: Children living in low-income households*, 13 September 2017 <http://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016012/98-200-x2016012-eng.cfm>.

<sup>8</sup> *Employment and Assistance Regulation*, B.C. Reg. 263/2002, s. 1 and 28.

deduction from their rate of assistance, up to a prescribed limit.

The ministry says that the purpose of the earnings exemption is to allow people to take advantage of part-time or temporary work and to better provide for themselves and their families:

Earnings exemptions provide clients who work with the ability to keep additional income over and above their monthly assistance payment, offering them an opportunity to build job skills and experience to increase employability, take advantage of part-time or temporary work, and better provide for their families while receiving assistance.<sup>9</sup>

Generally, nearly everyone who receives income assistance is eligible for an earnings exemption each month. The Regulation provides that there is a one-month waiting period after an individual submits an income assistance application (known as a Part 2 form) before the earnings exemption is applied.

The only class of people who are precluded from claiming the earnings exemption are people whom the ministry considers transient. “Transient” is defined in the Regulation as a person who “has no dependent children, no fixed address, and in the Minister’s opinion, is not taking up permanent residence in the community in which the person submits an application for income assistance (part 2) form.”<sup>10</sup>

There are four classes of earnings exemptions:

- People who have a dependent child or a supported child are eligible for an earnings exemption of \$600.
- People who have a dependent child or a supported child who has a physical or mental condition that prevents the recipient from leaving home to work more than 30 hours per week are eligible for an earnings exemption of \$700.
- People who qualify for the persistent multiple barriers to employment designation are eligible for an earnings exemption of \$700.
- All other recipients are eligible for an earnings exemption of \$400.<sup>11</sup>

Effective October 1, 2017, government increased the amount of the earnings exemption by \$200, to the rates described above, for all eligible classes of recipients.<sup>12</sup> Thus, prior to October 1, 2017, the earnings exemption in each category was \$200 less.

<sup>9</sup> *BC Employment and Assistance Policy and Procedure Manual*, Eligibility: Income Treatment and Exemptions – Policy – Earnings Exemptions <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/eligibility/income-treatment-and-exemptions>.

<sup>10</sup> *Employment and Assistance Regulation*, B.C. Reg. 263/2002, s. 1.

<sup>11</sup> *Employment and Assistance Regulation*, B.C. Reg. 263/2002, Schedule B, s. 3.

<sup>12</sup> B.C. Reg 169/2017, effective October 1, 2017.

## Background

In September 2017, in a parliamentary debate, the Minister of Social Development and Poverty Reduction described the importance of the earnings exemption – and of increasing the amount of the exemptions – to breaking the cycle of poverty:

The other thing that was announced in the budget and that you'll see as we announce more details is starting this October 1. We've increased the earning exemptions for persons on social assistance and persons with disabilities. What we have said is that we've increased them by \$200. That means for a person on social assistance, a \$200-a-month exemption has become \$400. For a person with disabilities, the \$9,600 annual exemption becomes \$12,000.

What that does is it allows people to at least work some and keep the money. It encourages people to show some initiative, to take an opportunity and to be rewarded for that when they do that and to know that it's not going to just get clawed back off their cheque. If they can make a few hundred extra dollars and ease their pressure a little bit, that's a good thing. We all know that part of breaking the cycle of poverty is finding ways to encourage and support people into work when that's an appropriate and available opportunity for them, with a little bit of help. Part of that is letting them keep a few of those extra dollars as they move forward. I'm very proud of that.<sup>13</sup>

The Minister of Energy, Mines and Petroleum Resources similarly commented on how the earnings exemption can help lift people out of poverty:

We are also increasing earnings exemptions, so that people with disabilities and people on income assistance are able to get their foot in the door with employment opportunities. They can get a part-time job and, eventually, maybe make that a full-time job.

I can't even begin to tell you the number of people I have heard where that would have made all the difference in their lives – just to be able to keep an extra \$200 a month, if they could keep that from a part-time job – what that would mean for their monthly expenses, how that would help to lift them out of poverty. There are so many stories along those lines.<sup>14</sup>

Among the classes of people eligible for the earnings exemption are people who qualify as having persistent multiple barriers to employment. People with the Persons with Persistent Multiple Barriers (PPMB) designation are eligible for a \$700 earnings exemption, which is the largest exemption the ministry offers to people on income assistance.

<sup>13</sup> Hon. Shane Simpson, British Columbia Legislative Assembly, Hansard, 18 September 2017, 455, <https://www.leg.bc.ca/content/hansard/41st2nd/20170918pm-Hansard-n19.pdf>.

<sup>14</sup> Hon. Michelle Mungall, British Columbia Legislative Assembly, Hansard, 20 September 2017, 551–2, <https://www.leg.bc.ca/content/hansard/41st2nd/20170920pm-Hansard-n22.pdf>.

To qualify for the PPMB designation, people must obtain a score of 15 on the ministry's employability screen<sup>15</sup> and also have a medical condition that seriously impedes their ability to work or precludes them from working. In addition to the \$700 earnings exemption, people with the PPMB designation are eligible for a slightly higher rate of assistance than other recipients. Currently, the maximum rate for single people with the PPMB designation is \$757.92.

As of January 2018, 4,298 of the 68,091 people on income assistance qualified for the PPMB designation.<sup>16</sup>

The *BCEA Policy and Procedure Manual* describes the purpose of the PPMB designation:

The Persons with Persistent Multiple Barriers (PPMB) category provides assistance to clients who have long-term barriers to employment that are not expected to be overcome in the short term despite all reasonable steps by the client. PPMB clients are exempt from employment obligations.<sup>17</sup>

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<sup>15</sup> See *Employment and Assistance Regulation*, B.C. Reg. 263/2002, Schedule E.

<sup>16</sup> Ministry of Social Development and Poverty Reduction, *BC Employment and Assistance Summary Report*, 28 February 2018, 2 <https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/organizational-structure/ministries-organizations/social-development-poverty-reduction/bcea-caseload.pdf>.

<sup>17</sup> *BC Employment and Assistance Policy and Procedure Manual*, Employment Programs, Planning and Exemptions – Persons with Persistent Multiple Barriers – Overview <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/eppe/persons-with-persistent-multiple-barriers>.

# THE COMPLAINT

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In March 2016, Ms. Smith, with the assistance of an advocate, made a complaint to our office about decisions that the ministry was making regarding her eligibility for the earnings exemption.

Ms. Smith was receiving income assistance from the ministry and she had the PPMB designation. She explained that she had a number of chronic injuries, resulting from previous accidents, which seriously impeded her ability to work. Ms. Smith lived in a remote community in British Columbia and often had to travel to attend medical appointments.

In spite of her injuries, Ms. Smith was employed as a casual staff member with a school district and she worked when she was able. Because her ability to work fluctuated as a result of her medical condition, her ability to earn income varied from month to month. Most months, Ms. Smith relied on income assistance to support herself. At the time she made her complaint, as a person with the PPMB designation, Ms. Smith's maximum rate of income assistance was \$657.92 and she was eligible for a \$500 earnings exemption.

In October 2017, the maximum rate of income assistance for people with the PPMB designation increased to \$757.92<sup>18</sup>, and the amount of the earnings exemption for those individuals was increased to \$700.<sup>19</sup>

Ms. Smith told us that in December 2014, she earned enough income from employment that she was ineligible for income assistance for a one-month period. Because of the way ministry reporting works, Ms. Smith reported her income from December 2014 to the ministry in January 2015, and it was applied to her February 2015 income assistance rate.

Ministry clients are obliged to report all sources of income to the ministry by the fifth day of each calendar month as a condition of ongoing eligibility. For example, income earned between January 1 and January 31 must be reported by February 5. The income received in January and reported in February is applied to the person's March income assistance and may affect their eligibility for assistance.<sup>20</sup>

Ms. Smith agreed with the ministry's determination that she was ineligible for income assistance in February 2015 as a result of her earnings in December 2014. However, she said that in March 2015, the ministry determined that she was ineligible for the earnings exemption because she had not received any income assistance in the previous month. Because she was denied the earnings exemption, none of the income she had earned from her job was exempt in March, and her income assistance was reduced by a dollar for every dollar she had earned.

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<sup>18</sup> B.C. Reg 153/2017, effective October 1, 2017.

<sup>19</sup> B.C. Reg 169/2017, effective October 1, 2017.

<sup>20</sup> *Employment and Assistance Regulation*, B.C. Reg. 263/2002, s. 33(1).

With the assistance of an advocate, Ms. Smith appealed the ministry's denial of the earnings exemption to the ministry's Reconsideration and Appeals section. Among other things, the ministry's reconsideration process provides people with an opportunity to have a new decision made regarding their eligibility for, or their rate of, assistance.

Ms. Smith was successful on reconsideration. The Reconsideration officer who heard her case concluded that she met the eligibility criteria for the earnings exemption and was entitled to claim it for March 2015.

Then, in December 2015, the same circumstances arose again. Ms. Smith earned enough income that she was ineligible for income assistance for February 2016. In March 2016, she was eligible for income assistance, but the ministry denied her claim for the earnings exemption, again on the basis that she did not receive income assistance in the previous month. Ms. Smith said that she discussed the issue with her advocate, who told her that she should not have to seek a reconsideration of an issue she had already had successfully reconsidered. When she raised the issue with the ministry, she said that ministry staff informed her that "today is a different day."

Ms. Smith sought a reconsideration of the issue. A Reconsideration officer again concluded that she was entitled to the earnings exemption, on same basis as its previous decision.

When Ms. Smith complained to our office, she told us that it was unfair that she had to seek multiple reconsiderations of the same issue. She said staff at the ministry told her that if the same circumstances arose again, it would continue to find her ineligible for the earnings exemption in spite of the reconsideration decisions.

We also spoke with Ms. Smith's advocate, who had assisted her with the Reconsideration process. Her advocate told us that she was of the view that the ministry was misapplying its legislation, and that she had assisted multiple people in obtaining reconsiderations of the ministry's earnings exemption eligibility decisions in circumstances similar to Ms. Smith's.

The information Ms. Smith and her advocate provided to our office raised questions about whether the ministry had followed a reasonable procedure in assessing Ms. Smith's eligibility for the earnings exemption, and we notified the ministry that our office was commencing an investigation of that issue. As we obtained additional information from the ministry, our investigation broadened to include an assessment of whether the ministry was acting consistently with its legislative authority in determining the eligibility of claims for all of the earnings exemptions set out in the Regulation. Our investigation is described below.

# INVESTIGATION

During the course of our investigation, we spoke with a number of ministry representatives about the earnings exemption and the ministry's eligibility criteria. We reviewed the Reconsideration section's decisions respecting Ms. Smith's eligibility for the earnings exemption. We also reviewed the regulatory framework for the earnings exemption and related ministry policy.

The decisions that the Reconsideration section made in relation to Ms. Smith's eligibility for the earnings exemption were very similar. In fact, both decisions were made by the same Reconsideration officer. In her reasons for both decisions, the Reconsideration officer noted that generally, the legislation provides that the monthly rate of a person's income assistance must be reduced by the person's net income. The officer noted that this general rule was subject to the amount of the earnings exemption, which at the time in Ms. Smith's case was \$500.

In both decisions, the officer found that the Regulation established a limit on eligibility for the earnings exemption – if a person submits an application for income assistance using the ministry's "Part 2" form, they are not eligible for the earnings exemption in the first calendar month in which they become eligible for assistance. The officer found that the ministry's decisions to deny Ms. Smith the earnings exemption in March 2015 and March 2016 were wrong because Ms. Smith did not submit a Part 2 form to the ministry on either occasion. As a result, there was no limit on her eligibility for the earnings exemption and she was entitled to claim it.

We reviewed the provision of the Regulation that sets out the eligibility criteria and the amount of the earnings exemption. The

relevant section is section 3 to Schedule B of the Regulation:

- 3 (1) Subject to subsection (2), the amount of earned income calculated under subsection (6) is exempt for a family unit.
- (2) *If an application for income assistance (part 2) form is submitted to the minister, the family unit may not claim an exemption under this section in relation to the first calendar month for which the family unit becomes eligible for income assistance unless a member of the family unit received disability assistance under the Employment and Assistance for Persons with Disabilities Act for the calendar month immediately preceding that first calendar month.*

...

- (6) The exempt amount for a family unit is the lesser of the family unit's total earned income in the calendar month of calculation and the following:
  - (a) \$400, if the family unit is not described in paragraph (b), (c) or (d);
  - (b) \$600, if the family unit
    - (i) includes a recipient who
      - (A) has a dependent child, or
      - (B) provides care to a supported child, and
    - (ii) is not described in paragraph (c) or (d);



- (c) \$700, if
    - (i) the family unit includes a recipient who
      - (A) has a dependent child, or
      - (B) provides care to a supported child,
    - (ii) the child has a physical or mental condition that, in the minister's opinion, precludes the recipient from leaving home for the purposes of employment or working, on average, more than 30 hours each week, and
    - (iii) the family unit is not described in paragraph (d);
  - (d) \$700, if the family unit includes a person who has persistent multiple barriers to employment.
- (7) A transient is not entitled to an exemption under this section.

Based on a plain reading of that section, we determined that the Reconsideration section had appropriately identified that the limit on eligibility for the earnings exemption was tied to submitting a Part 2 form to the ministry,

which Ms. Smith did not do – and was not requested to do by the ministry.

Next, we looked at the ministry's policy about eligibility for the earnings exemption. We found that the policy stated that eligibility for all four classes of the earnings exemption was contingent on receipt of income assistance in the previous month. At the time of our investigation, the ministry's policy described the restriction on eligibility for the earnings exemption as follows:

To be eligible for an earnings exemption, clients must have been in receipt of either income assistance or disability assistance for the previous month. If no assistance was issued in the previous month, a one month wait must be served before the family unit is eligible for the earnings exemption.<sup>21</sup>

We learned through our investigation that the application of the ministry's policy was automated: when a person reports earned income to the ministry and they did not receive income assistance in the previous month, the system automatically reduces their rate of income assistance dollar for dollar by the amount of their net income. In those circumstances, no amount of the person's income is sheltered through the earnings exemption.

<sup>21</sup> *BC Employment and Assistance Policy and Procedure Manual, Eligibility: Income Treatment and Exemptions – Policy – Earnings Exemptions* <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/eligibility/income-treatment-and-exemptions>.

# ANALYSIS

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## Application and Publication of the Earnings Exemption Policy

Based on our review of the Regulation and the ministry's policy, we found that the policy purported to create and capture a broader group of people who were ineligible for the earnings exemptions than the Regulation authorized. Under the policy, anyone who did not receive assistance in the previous month was ineligible for the earnings exemption for a one-month period, while under the Regulation, only those who submitted an application for income assistance Part 2 form were required to wait for one month before claiming the earnings exemption. The ministry's automated system implemented the ministry's policy rather than the Regulation.

Ministry policy must be consistent with the law, and where there is a conflict between law and policy, the law must be observed. The ministry's BCEA Policy and Procedure Manual

offers a useful description of the relationship between law and policy:

Policy manuals set out the ministry's intent with respect to the Act and Regulations and are guidelines. Policy is not law. Policy provides guidelines to assist staff in making decisions. Staff must, however, make decisions based on the legislation. Where the policy and the legislation conflict, the legislation must be followed.<sup>22</sup>

In this case, the legislation does not impose a one-month waiting period for the earnings exemption for people in Ms. Smith's circumstances. The ministry's authority flows from the legislation, and its application of the policy to people in Ms. Smith's circumstances is not authorized at law. The ministry's application of the policy is contrary to the plain language of section 3(2) of Schedule B to the Regulation. Accordingly, we have made the following finding and recommendation:

**Finding 1:** The ministry's application of its one-month waiting period policy for the earnings exemption to recipients who did not submit an income assistance application Part 2 form to the minister is contrary to law.

**Recommendation 1:** Immediately begin making eligibility decisions about the earnings exemption that are consistent with the *Employment and Assistance Regulation* and cease finding recipients ineligible for the earnings exemption only because they did not receive income assistance in the previous month.

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<sup>22</sup> BC Employment and Assistance Policy and Procedure Manual, Ministry Overview: Legislative Authority – Overview <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/ministry-overview/legislative-authority>.

The ministry's application of its policy to people in circumstances like Ms. Smith's can have real and harmful consequences. The practical consequence for Ms. Smith and others similarly situated is a denial of income assistance to which they are lawfully entitled. People who are eligible for income assistance are often vulnerable and living on very little, and denial of assistance can negatively impact their already precarious economic situation.

The facts in Ms. Smith's case illustrate the impact that the denial of the earnings exemption can have. As we noted earlier, Ms. Smith's rate of income assistance in 2015 was \$657.92. She was initially denied the earnings exemption in March because she didn't receive assistance in February. That meant when she reported her earnings of \$588.38, the ministry reduced her March assistance by that entire amount, leaving her with \$69.54 in assistance ( $657.92 - 588.38 = 69.54$ ). If the ministry had found her eligible for the \$500 earnings exemption, \$500 of her income would have been exempt, and her rate of assistance would have been \$569.54 ( $657.92 - 88.38 = 569.24$ ).

For Ms. Smith, denial of the earnings exemption meant living on \$657.92 for the month of March 2016, instead of \$1,157.92 ( $588.38 + 569.54$ ) with the earnings exemption. Although Ms. Smith, with the help of her advocate, successfully sought a reconsideration of the ministry's decision, others in her situation did not pursue reconsideration and had to make do with considerably less income than they were entitled to.

The conflict between the policy and the Regulation has existed since October 1, 2012, when the language in section 3(2) of Schedule B to the Regulation took effect. The ministry, through the work of its Reconsideration section, has been aware of the conflict between its policy and the Regulation since at least March 2015. During that time, it took no

steps to resolve the conflict: it did not amend its policy to accord with the law, nor did it seek a regulatory change that would authorize its current practice.

All British Columbians can and should expect that government bodies will act in accordance with the law. In this case, the *Employment and Assistance Act* and the *Employment and Assistance Regulation* provide the legislative authority for the income assistance program. The ministry's authority to administer and make eligibility decisions about the earnings exemption flows from the provisions of the Regulation. As the body with expertise regarding the application of those provisions, the ministry has an obligation to provide accurate information to the public and its clients about how the rules apply.

The legislative framework governing the income assistance program is complex, and income assistance recipients rely on the ministry to provide them with information about their entitlements and to make eligibility decisions that accord with the rules. Ministry clients may not have the knowledge to determine when a ministry decision is not supported by law, or the resources or capacity to seek a reconsideration. Recipients of income assistance are in a particularly vulnerable position in relation to the ministry, not only because of the relative expertise of the ministry regarding income assistance rules, but because the denial of services can adversely impact their most basic needs. The denial of the earnings exemption has a significant impact on individuals because their rate of assistance is reduced by a dollar for each dollar earned. Therefore, the ministry has a duty to make eligibility decisions carefully, taking into account all of the relevant information, and in accordance with the relevant law.

Ministry staff told us that the ministry applies the earnings exemption policy "consistently and transparently" and that it is publicly

## Analysis

available. However, the policy does not accurately reflect the circumstances in which recipients are entitled to the earnings exemption and it does not provide information that recipients are entitled to know regarding their eligibility. The policy is not transparent because it provides people with information that is wrong.

While our investigation into Ms. Smith's complaint was ongoing, the ministry flagged her file and manually exempted her from the application of the one-month waiting period in its earnings exemption policy. However, the ministry continued to apply its policy to all other income assistance recipients, and only those who sought a reconsideration of its eligibility decisions received the exemptions they were entitled to. Individuals in similar factual circumstances to Ms. Smith who did not go through the reconsideration process were not treated in accordance with the law. Based on ministry estimates, we understand that since October 2012

the ministry has wrongfully denied the earnings exemption in circumstances comparable to Ms. Smith's to approximately 500 people per year.

The ministry's continued publication of the policy was misleading, and its continued application of the policy was ill-founded because it knew that its decisions were not in accordance with the Regulation. The ministry breached the duty it owed its clients to provide them with accurate information and to make well-founded eligibility decisions. Its actions were especially problematic because it was aware that these decisions can have negative consequences for affected individuals.

Further, it was unduly burdensome to require recipients to seek reconsiderations of decisions that the ministry knew were wrong from the outset. In addition, it is concerning that the ministry found it appropriate to exempt Ms. Smith from the application of its policy only because she raised the issue through our office.

**Finding 2:** The ministry acted improperly and in breach of its duty to its clients by continuing to publish and apply the earnings exemption policy at a time when it knew its interpretation of the *Employment and Assistance Regulation* was wrong.

**Finding 3:** The ministry acted unjustly and oppressively in requiring recipients who were denied the earnings exemption under the policy to seek reconsideration of its decisions in order to obtain the exemption.

**Recommendation 2:** Immediately revise the section of the *BCEA Policy and Procedure Manual* that relates to the earnings exemption to accord with and give effect to the language in the *Employment and Assistance Regulation*.

**Recommendation 3:** By October 1, 2018, identify all recipients who, from October 1, 2012, onward, were wrongly denied the earnings exemption because they did not receive income assistance in the previous month, and reimburse them for the amount of income assistance they were entitled to under the *Employment and Assistance Regulation*.

**Recommendation 4:** By October 1, 2018, develop guidelines for responding to systemic and/or repetitive legal errors that the Reconsideration section identifies regarding the ministry's application of its income and disability assistance legislation.

In relation to Finding 3, we have concluded that the ministry's conduct was oppressive because it unfairly overburdened ministry clients in the pursuit of their legal entitlements. The finding flows from the impact of the ministry's actions on vulnerable people, and not from any motive on the part of the ministry in applying its policy.

The ministry told us that despite the language in the Regulation, its intent was to impose a one-month waiting period for the earnings exemption whenever assistance was not received in the previous month, and not just when people made a fresh application for income assistance by way of the Part 2 form. However, in practice, the ministry does not require people who do not receive assistance for less than three months to submit the Part 2 form. Instead, the ministry requires that they submit a simpler monthly report to demonstrate their eligibility for assistance.

The ministry said it adopted this practice to make returning to income assistance easier for clients who are off assistance for a short time. Ministry clients may not receive income assistance for short periods for a variety of reasons, whether because, like Ms. Smith, they were able to earn enough income that they were ineligible for assistance for a month, or because of other temporary circumstances. The ministry held that not requiring people in these circumstances to make fresh applications was simpler and more convenient for clients, and also acknowledged that it was more efficient for the ministry because it reduced the administrative burden on its delivery of intake services.

The ministry has identified cogent and important public policy reasons for not requiring clients who briefly leave assistance to complete a fresh intake. However, in not requiring clients to submit a Part 2 form, the ministry then lacked authority to impose the one-month waiting period for the earnings exemption. The ministry has known for at least three years that its actions were unauthorized.

Although the ministry had sound reasons for not requiring the Part 2 form, this does not excuse its actions in going on to wrongfully deny people the earnings exemption.

In making representations to our office about this investigation, the ministry told us that it is of the view that its practice of allowing clients to return to assistance by filing a monthly report, and not a Part 2 form, is contrary to the Regulation. That issue did not arise from Ms. Smith's complaint and was not a focus of our investigation. As a result, we have made no findings about it. Nonetheless, the ministry assured us that it will be taking steps, as soon as possible, to codify its practice in the Regulation to ensure that its practice of not requiring a Part 2 application in instances of short interruptions in the receipt of income assistance has a clear legal foundation.

### **Imposing a Blanket One-Month Waiting Period for the Earnings Exemption**

Above, we have recommended that the ministry immediately begin making eligibility decisions about the earnings exemption that accord with the Regulation. In practice, implementation of that recommendation will mean that people who leave income assistance for less than three months will not be required to wait for one month before they can claim the earnings exemption.

However, it is open to government to amend the Regulation in relation to the earnings exemption. The ministry has previously indicated that government may seek to codify the one-month waiting period for the earnings exemption. We note that in doing so, government must consider the objectives of the BCEA program generally, and whether a blanket one-month waiting period for the earnings exemption for people who did not receive assistance in the previous month is consistent with or furthers those goals.

## Applying Ministry Policy and Regulations – Some Examples

**Scenario A – Jane.** Jane is a recipient of income assistance with a PPMB designation who has a medical condition that often impedes her ability to work. As a result of her individual circumstances her earnings fluctuate. Depending on whether the ministry's policy or the regulation are applied, different amounts of income assistance are paid to her.

<i>Jane's circumstances – applying ministry policy</i>				
	<b>Money from Employment</b>	<b>Income Assistance (2015 rate)</b>	<b>Assistance + Earnings (money in pocket)</b>	<b>Earnings Exemption (maximum amount of money from employment that ministry will not deduct from rate of income assistance)</b>
<b>January</b>	<b>1200</b>	<b>657.92</b> (maximum rate)	<b>1857.92</b>	<b>500</b>
<b>February</b>	<b>300</b>	<b>657.92</b> (maximum rate)	<b>957.92</b>	<b>500</b>
<b>March</b>	<b>300</b>	<b>0</b> (Jane earned so much in January that she is ineligible for assistance in March)	<b>300</b>	<b>500</b>
<b>April</b>	<b>200</b>	<b>357.92</b> (Jane is not eligible for the earnings exemption so the \$300 she earned in February is deducted from her maximum rate of assistance: 657.92 – 300 = 357.92)	<b>557.92</b>	<b>0</b> (Jane is ineligible for the earnings exemption under the policy, so all of her February earnings are deducted from her rate of assistance)
<b>4 Month Totals</b>	<b>2000</b> (total from employment)	<b>1673.76</b> (total income assistance)	<b>3673.76</b> (total income)	

<i>Jane's circumstances – applying the Employment and Assistance Regulation</i>				
	Money from Employment	Income Assistance (2015 rate)	Assistance + Earnings (money in pocket)	Earnings Exemption (maximum amount of money from employment that ministry will not deduct from rate of income assistance)
January	1200	657.92 (maximum rate)	1857.92	500
February	300	657.92 (maximum rate)	957.92	500
March	300	0 (Jane earned so much in January that she is ineligible for assistance in March)	300	500
April	200	657.92 (Jane is eligible for the earnings exemption so the \$300 she earned in February is not deducted from her maximum rate of assistance)	857.92	500 (Jane is eligible for the earnings exemption under the Regulation, so all of her February earnings are exempt from deduction from her rate of assistance)
<b>4 Month Totals</b>	<b>2000</b> (total from employment)	<b>1973.76</b> (total income assistance)	<b>3973.76</b> (total income)	

**Scenario B – Bill.** Bill has steady income from part-time employment. Because his earnings don't ever exceed his maximum rate of assistance, he is unaffected by the ministry policy of imposing a one-month waiting period for the earning exemption and can keep his earnings for employment.

<i>Bill's circumstances – applying ministry policy or the Employment and Assistance Regulation</i>				
	Monthly Earnings	Income Assistance (2015 rate)	Assistance + Earnings	Earnings Exemption (maximum amount of money from employment that ministry will not deduct from rate of income assistance)
January	500	657.92	1157.92	500
February	500	657.92	1157.92	500
March	500	657.92	1157.92	500
April	500	657.92	1157.92	500
<b>Totals</b>	<b>2000</b> (total from employment)	<b>2631.68</b> (total income assistance)	<b>4631.68</b> (total income)	

Although Jane earned the same amount of money from employment as Bill over a four-month period, she was able to keep less of it in her pocket than Bill was. This is because Bill was able to take full advantage of the earning exemption each month. This adversely impacts people who work sporadically, like people with medical conditions who work when they can.

## Analysis

The ministry describes the aims of the BCEA program as “helping people move from income assistance to sustainable employment” and “providing income assistance to those who are unable to fully participate in the workforce.”<sup>23</sup> It says “personal responsibility and active participation” are the key principles of the BCEA program, noting that “people receiving income assistance are expected to complete an Employment Plan, seek work and participate in employment programs, so they may reach their goal of self-reliance, where able.”<sup>24</sup>

The earnings exemptions are intended to further the overall objectives of the BCEA program, particularly in relation to encouraging recipients to work. The ministry has stated that the earnings exemptions offer people the opportunity increase their employability, take advantage of temporary work, and better provide for their families.<sup>25</sup>

The *BCEA Policy and Procedure Manual* specifically addresses the purpose of the earnings exemption for recipients with the PPMB designation:

An earnings exemption is available to encourage clients who want to work to try employment, gain experience, participate more fully in the community as they are able, and earn more income.<sup>26</sup>

As noted earlier in this report, when discussing the increases to the earnings

exemptions that occurred in 2017, members of the legislative assembly, including the Minister of Social Development and Poverty Reduction, have described the importance of the exemptions to helping people on income assistance break the cycle of poverty.

It is not clear that, in circumstances like Ms. Smith’s, imposing a one-month waiting period for the earnings exemption furthers the objectives of encouraging recipients to keep a foothold in the workforce. To the contrary, a one-month waiting period for the earnings exemption penalizes people like Ms. Smith for working too much. The reason Ms. Smith did not receive assistance on a few occasions was that she was able to earn enough from employment that she was ineligible for assistance for one month. When she needed assistance the following month, she was denied the benefit of the earnings exemption because she had done the very thing that the ministry was trying to encourage her to do – work.

Imposing a one-month waiting period for the earnings exemption for people who did not receive assistance the previous month because they worked can give rise to a potential disincentive to work. For example, Ms. Smith is eligible for a \$700 earnings exemption; the one-month waiting period can mean losing access to the ability to make and keep \$700 over and above her rate of assistance. People like Ms. Smith may be in a better financial position overall if they work less to ensure that they receive some

<sup>23</sup> *BC Employment and Assistance Policy and Procedure Manual*, Ministry Overview: Overview of the BCEA Program <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/ministry-overview/overview-of-bcea-program>.

<sup>24</sup> *BC Employment and Assistance Policy and Procedure Manual*, Ministry Overview: Overview of the BCEA Program <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/ministry-overview/overview-of-bcea-program>.

<sup>25</sup> *BC Employment and Assistance Policy and Procedure Manual*, Eligibility: Income Treatment and Exemptions – Policy – Earnings Exemptions <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/eligibility/income-treatment-and-exemptions>.

<sup>26</sup> *BC Employment and Assistance Policy and Procedure Manual*, Employment Programs, Planning and Exemptions – Persons with Persistent Multiple Barriers – Overview <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/epepe/persons-with-persistent-multiple-barriers>.



assistance every month and maintain their eligibility for the earnings exemption.

Ms. Smith's case illustrates the point. If Ms. Smith had earned about \$210 less in December 2014 she would have received some income assistance in February, and under the ministry's policy she would have been eligible for the \$500 earnings exemption in March. That means that Ms. Smith would have been in a better financial position overall (by about \$290, assuming she received one dollar of assistance in February) if she had worked less and maintained her eligibility for the earnings exemption.

In its policy statement, the ministry notes that the earnings exemption is intended to allow recipients to take advantage of temporary work. Yet a one-month waiting period for the earnings exemption has a disproportionately negative impact on recipients like Ms. Smith with sporadic income, in contrast to recipients with regular part-time income. People who are able to find temporary or casual work are more likely to have an occasional month where they do not need to rely on income assistance and as result are more likely to be impacted by the one-month waiting period.

The ministry has said that its policies for clients who are not exempt from the requirement to look for work are focused on encouraging employment, and that is why it imposes one-month waiting periods for the

earnings exemption for all income assistance recipients. However, it is difficult to reconcile the ministry's position with the practical effect of a blanket one-month waiting period for the earnings exemption. Denying people a benefit because they worked may not encourage people to work more in the future.

Further, people with the PPMB designation, like Ms. Smith, are not expected to work. They are exempt from employment obligations because they have medical conditions that seriously impede their ability to work. The ministry's determination of that fact is fundamental to obtaining the PPMB designation. In our view, requiring people with the PPMB designation to wait for a month for the earnings exemption to encourage them to work is unfair given their exemption from work requirements and the ministry's determination that they have medical conditions that seriously impede their ability to work.

The ministry was unable to explain how a one-month waiting period for the earnings exemption for people who did not receive assistance in the previous month furthered or was consistent with its aim of encouraging participation in the workforce. To the contrary, it adversely impacts people like Ms. Smith, who work enough in one month that they do not need to rely on assistance, by denying them the earnings exemption when they return to assistance.

**Finding 4:** A waiting period for the earnings exemption for clients who did not receive assistance in the previous month because their net income exceeded their rate of assistance is unreasonable because it runs counter to the objectives of the BC Employment and Assistance program and the legislative objectives of the income assistance scheme.

**Finding 5:** A waiting period for the earnings exemption for people with the persistent multiple barriers to employment designation who did not receive assistance in the previous month because their net income exceeded their rate of assistance is unfair given the ministry's determination that they have medical conditions that seriously impede their ability to work.

# CONCLUSION

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The earnings exemptions provide a critically important avenue for people on income assistance to better provide for themselves and their families. The Minister of Social Development and Poverty Reduction has recently reiterated the benefits of higher earnings exemptions, including increased opportunities for people to improve their standard of living and to maintain connections with the workforce.<sup>27</sup>

However, for the last five and half years, the ministry has denied people full access to the earnings exemption without the authority to do so. People who were unlawfully denied the

earnings exemption had their rate of income assistance wrongfully reduced as a result. If implemented, the recommendations in this report are intended to put a stop to that practice and, to the extent possible, make the people who were impacted financially whole. Our recommendation regarding ministry guidelines for responding to legal issues identified by the Reconsideration section, if adopted, is intended to promote more sound policy development and better decision making at the service delivery level going forward.

We thank Ms. Smith and her advocate for bringing this matter to our office's attention.

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<sup>27</sup> Ministry of Social Development and Poverty Reduction, *British Columbia improving supports for people on assistance*, 19 September 2017 <https://news.gov.bc.ca/releases/2017SDPR0057-001597>.

# APPENDICES

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## A. Findings

**Finding 1:** The ministry's application of its one-month waiting period policy for the earnings exemption to recipients who did not submit an income assistance application Part 2 form to the minister is contrary to law.

**Finding 2:** The ministry acted improperly and in breach of its duty to its clients by continuing to publish and apply the earnings exemption policy at a time when it knew its interpretation of the *Employment and Assistance Regulation* was wrong.

**Finding 3:** The ministry acted unjustly and oppressively in requiring recipients who were denied the earnings exemption under the policy to seek reconsideration of its decisions in order to obtain the exemption.

**Finding 4:** A waiting period for the earnings exemption for clients who did not receive assistance in the previous month because their net income exceeded their rate of assistance is unreasonable because it runs counter to the objectives of the BC Employment and Assistance program and the legislative objectives of the income assistance scheme.

**Finding 5:** A waiting period for the earnings exemption for people with the persistent multiple barriers to employment designation who did not receive assistance in the previous month because their net income exceeded their rate of assistance is unfair given the ministry's determination that they have medical conditions that seriously impede their ability to work.

## B. Recommendations

**Recommendation 1:** Immediately begin making eligibility decisions about the earnings exemption that are consistent with the *Employment and Assistance Regulation* and cease finding recipients ineligible for the earnings exemption only because they did not receive income assistance in the previous month.

**Recommendation 2:** Immediately revise the section of the *BCEA Policy and Procedure Manual* that relates to the earnings exemption to accord with and give effect to the language in the *Employment and Assistance Regulation*.

**Recommendation 3:** By October 1, 2018, identify all recipients who, from October 1, 2012, onward, were wrongly denied the earnings exemption because they did not receive income assistance in the previous month, and reimburse them for the amount of income assistance they were entitled to under the *Employment and Assistance Regulation*.

**Recommendation 4:** By October 1, 2018, develop guidelines for responding to systemic and/or repetitive legal errors that the Reconsideration section identifies regarding the ministry's application of its income and disability assistance legislation.

Ombudsperson recommendations are aimed at improving administrative processes and ensuring that people are treated fairly. The Office of the Ombudsperson monitors the implementation status of recommendations for a period up to five years. Monitoring reports are available at [www.bcombudsperson.ca](http://www.bcombudsperson.ca).

## C. Authority Response



Ref: 194530

February 19, 2018

Jay Chalke  
 Ombudsperson  
 Office of the Ombudsperson  
 947 Fort Street  
 Victoria, BC V8W 9A5

Dear Mr. Chalke

Thank you for your follow-up letter of February 2, 2018. I appreciate the opportunity to further clarify the outstanding issues and concerns raised in your letter of January 3, 2018.

I would also like to take this opportunity to provide comments on the findings and recommendations that you are considering making.

**F1: The ministry's application of its one month waiting period policy for earnings exemptions to recipients who did not submit an income assistance application Part 2 form to the minister is contrary to law.**

The ministry accepts this finding. We acknowledge that the practice of allowing people who are ineligible for short periods of time to reapply on the basis of a Monthly Report form does not have regulatory support. We recognize that individuals like Ms. [REDACTED] been impacted by this practice in a way that we did not intend. While the ministry's policy intent was for all persons reapplying for income assistance to wait one month before being able to utilize the earned income exemption, because of the specific language used in the October 1, 2012 amendment to section 3 (2) of Schedule B to the *Employment and Assistance Regulation*, anyone the ministry permitted to reapply without submitting an Application Part 2 Form should not have been required to wait a month after re-applying for income assistance to utilize the earned income exemption.

Notwithstanding our acceptance of this finding, I want to reiterate that the practice of permitting reapplication by Monthly Report is highly beneficial to clients. It makes return

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Ministry of Social Development  
 and Poverty Reduction

Office of the Deputy Minister

**Mailing Address:**  
 PO Box 9934 Stn Prov Govt  
 Victoria BC V8W 9R2

**Location:**  
 7<sup>th</sup> Floor, 614 Humboldt St  
 Victoria BC V8W 1A4

to assistance for clients who are off for less than 3 months much easier. This is very important for clients who are off for short periods of time – such as short term hospitalization, mental health and addiction treatment, and short term incarceration.

**R1: Immediately begin making eligibility decisions about the earnings exemption that are consistent with the Employment and Assistance Regulation and cease finding recipients ineligible for the earnings exemption only because they did not receive income assistance in the previous month.**

The ministry accepts this recommendation and will begin making eligibility decisions about the earnings exemptions for recipients that are consistent with the *Employment and Assistance Regulation*.

**R2: Immediately revise the section of the BCEA Policy & Procedure manual that relates to the earnings exemption to accord with and give effect to the language in the Employment and Assistance Regulation.**

The ministry accepts this recommendation and will revise the BCEA Policy & Procedure manual with respect to eligibility for the earnings exemptions to give effect to the language of the *Employment and Assistance Regulation*.

**R3: By October 1, 2018, identify all recipients who, from October 1, 2012 onward, were wrongly denied the earnings exemption because they did not receive income assistance in the previous month, and reimburse them for the amount of income assistance they were entitled to, but did not receive, under the Employment and Assistance Regulation.**

The ministry accepts this recommendation, subject to obtaining all necessary Treasury Board approvals.

**F2: The ministry is acting improperly and in breach of its duty to its clients by continuing to publish and apply the earnings exemption policy at a time when it knew its interpretation of the Employment and Assistance Regulation was wrong.**

**F3: The ministry is acting unjustly and oppressively in requiring recipients who were denied the earnings exemption under the policy to seek reconsideration of its decisions in order to obtain the exemption.**

The ministry acknowledges that its actions with respect to earnings exemption eligibility for individuals who did not submit a Part 2 form were incorrect, resulting from a long-standing process that, while not supported by regulation, made reapplying for assistance easier for people who had been ineligible for short periods of time. In the event you decide to make a report or recommendations, the ministry requests that you consider amending your draft findings to recognize the intended benefits of that process so that the ministry's intent is accurately reflected.

**R4: By October 1, 2018, the ministry develop guidelines for responding to systemic or repetitive legal errors that the Reconsideration branch identifies regarding the ministry's application of its income and disability assistance legislation.**

The ministry accepts this recommendation, and will move forward to develop guidelines to respond to systemic or repetitive legal errors that the Reconsideration branch identifies. This will be completed by October 1, 2018.

**F4 The one month waiting period for the earnings exemption for clients who are not making fresh applications for income assistance is unreasonable because it runs counter to the objectives of the BCEA program and the legislative objectives of the income assistance scheme.**

**F5 The one month waiting period for the earnings exemption for people with the PPMB designation who are not making fresh applications for income assistance is unfair given the ministry's determination that they have medical conditions which seriously impede their ability to work.**

The ministry appreciates receiving your perspective and input on these issues, and will take this into consideration.

Sincerely,

A handwritten signature in blue ink that reads "Sheila Taylor". The signature is written in a cursive, flowing style.

Sheila Taylor  
Deputy Minister  
Ministry of Social Development and Poverty Reduction



**February 28, 2018**

Ref: 194679

Jay Chalke  
Ombudsperson  
Office of the Ombudsperson  
947 Fort Street  
Victoria, BC V8W 9A5

Dear Mr. Chalke

Thank you for your letter and follow-up question of February 23, 2018.

I appreciate receiving your clarification that your office has not investigated or made findings about the ministry's practice to allow people to reapply for assistance after a short absence without completing a Part 2 application form.

You have asked the ministry to clarify whether this practice is not codified in the Regulation, or if it is contrary to the express terms of the Regulation.

To clarify, the ministry views this practice as contrary to the express terms of the Regulation. The ministry's intent is to remedy this as soon as possible by recommending the appropriate amendments to the Regulation to provide full authority for allowing people to reapply for assistance after a short absence without completing a Application Part 2 Form.

Sincerely,

A handwritten signature in purple ink that reads "Sheila Taylor".

Sheila Taylor  
Deputy Minister  
Ministry of Social Development and Poverty Reduction

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**Ministry of Social Development  
and Poverty Reduction**

Office of the Deputy Minister

**Mailing Address:**  
PO Box 9934 Stn Prov Govt  
Victoria BC V8W 9R2

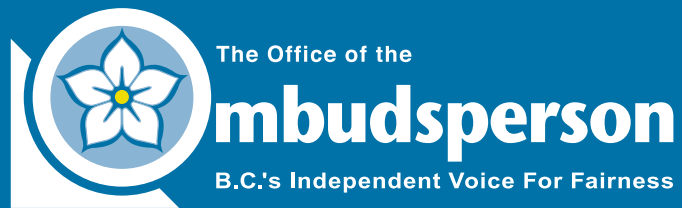
**Location:**  
7<sup>th</sup> Floor, 614 Humboldt St  
Victoria BC V8W 1A4











Office of the Ombudsperson | PO Box 9039 Stn Prov Govt | Victoria, B.C. V8W 9A5  
General Inquiries: 250 387-5855 (Victoria) or 1 800 567-3247 (Rest of B.C.) | Fax: 250 387-0198  
[www.bcombudsperson.ca](http://www.bcombudsperson.ca)