

# When You're on Welfare

Rules and responsibilities



Legal  
Services  
Society

British Columbia  
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Writers: Robin Loxton and Penny Goldsmith

Editor: Carol Herter

Legal reviewer: Alison Ward

Designer: Brian Goncalves

Illustrator: Danette Byatt

Development coordinator: Patricia Lim

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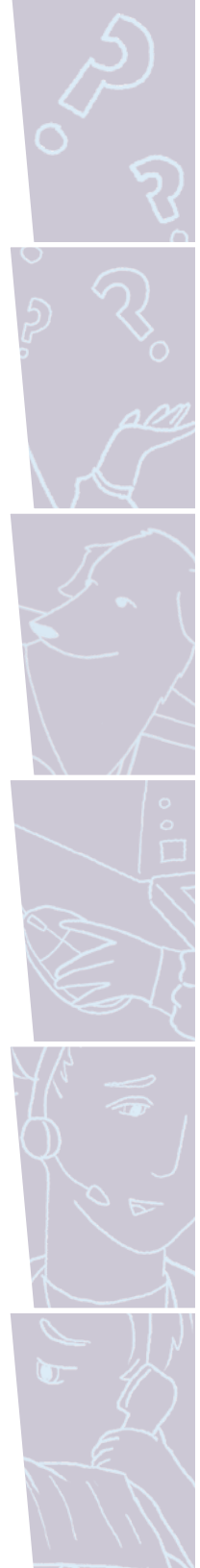
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# Contents

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<b>Introduction</b>	<b>1</b>
<b>What's in this booklet</b> .....	<b>1</b>
<b>Terms used in this booklet</b> .....	<b>2</b>
 <b>Communicating with the Ministry</b>	 <b>4</b>
<b>How to contact the ministry</b> .....	<b>4</b>
Phone 1-866-866-0800 .....	5
Online with My Self Serve .....	6
In person at a ministry office .....	7
<b>How the ministry contacts you</b> .....	<b>8</b>
<b>Fair treatment from the ministry</b> .....	<b>9</b>
 <b>Living Arrangements and Welfare</b>	 <b>10</b>
<b>Family unit</b> .....	<b>10</b>
Dependants .....	10
<b>Changes in living arrangements</b> .....	<b>12</b>
When your child is born .....	12
When your child turns 18 .....	13
When your child temporarily moves .....	14
When you move in with other adults .....	15
When you're not a couple .....	16
When you separate or divorce .....	18
 <b>Getting Your Monthly Welfare</b>	 <b>19</b>
<b>When and how you get your payment</b> .....	<b>19</b>
Direct deposit .....	19
Cheque payment .....	20
If you don't get your payment .....	21
Lost or stolen cheque .....	21
<b>Reporting</b> .....	<b>23</b>
Monthly Report .....	23
Who reports and when .....	24
PWD and Monthly Report .....	24
If you don't send your report on time .....	25
Reporting changes .....	25

<b>When the ministry owes you money .....</b>	<b>28</b>
Contact the ministry .....	28
<b>Outstanding warrants .....</b>	<b>29</b>
Options .....	30
Financial help .....	30
 <b>Other Income and Welfare .....</b>	 <b>31</b>
<b>Unearned income .....</b>	<b>32</b>
Unearned income the ministry deducts .....	32
Exempt unearned income	
the ministry doesn't deduct .....	33
PWD and exempt unearned income	
the ministry doesn't deduct .....	34
PWD and education-related income .....	35
<b>Earned income .....</b>	<b>35</b>
Earnings exemption .....	36
How the earnings exemption works .....	37
<b>PWD and the annual earnings exemption .....</b>	<b>38</b>
<b>Income from other sources .....</b>	<b>40</b>
 <b>Assets and Welfare .....</b>	 <b>41</b>
<b>Exempt assets .....</b>	<b>41</b>
PWD and exempt assets .....	42
<b>Non-exempt assets .....</b>	<b>43</b>
<b>When income becomes an asset .....</b>	<b>44</b>
<b>PWD and changes in income and assets .....</b>	<b>48</b>
PWD and trusts .....	50
PWD and Registered Disability Savings Plan .....	52
<b>Giving away or selling assets .....</b>	<b>53</b>
 <b>Employment Plans and Employment-related Obligations .....</b>	 <b>54</b>
<b>Who's exempt .....</b>	<b>54</b>
<b>Employment Plans .....</b>	<b>55</b>
Who has to sign .....	55
Medical conditions .....	56
Delayed plan .....	57
PWD and Voluntary Participation Plan .....	57
Self-employment Program for PWD or PPMB .....	58

Looking for work .....	59
Other employment-related obligations .....	60
Penalties .....	61
<b>Eligibility Review</b> .....	<b>62</b>
<b>Eligibility review interview</b> .....	<b>62</b>
Before the interview .....	62
At the interview .....	64
<b>Compliance review</b> .....	<b>65</b>
<b>Owing the Ministry Money</b> .....	<b>67</b>
<b>Benefits you have to pay back</b> .....	<b>67</b>
<b>Overpayment</b> .....	<b>68</b>
What the ministry does .....	68
What you can do .....	69
What happens next .....	70
Penalties .....	71
<b>Fraud investigation</b> .....	<b>72</b>
What you can do .....	72
Offence overpayment .....	73
<b>Administered Welfare</b> .....	<b>74</b>
<b>What it means</b> .....	<b>74</b>
When the ministry administers welfare .....	74
Third-party administrator .....	75
Administered welfare review .....	76
<b>Ministry Complaint and Appeal Process</b> .....	<b>77</b>
<b>Making a complaint</b> .....	<b>77</b>
<b>Your right to Reconsideration and Appeal</b> .....	<b>78</b>
Reconsideration .....	78
Appeal .....	79
<b>Who Can Help</b> .....	<b>81</b>
Advocates .....	81
When you want to make a complaint .....	82
Legal help .....	83
Free legal information .....	87

## Your right to get help

Sometimes dealing with the ministry can be hard. The most important thing to remember is you have the right to get help. If you need help to understand something, find an **advocate** or a friend to talk to. An advocate is a community worker who's trained to help people. Sometimes it helps to have someone else speak to the ministry for you. To find an advocate experienced in helping with welfare problems, see Who Can Help on page 81.

## How to contact the ministry

Phone: **1-866-866-0800**

You can talk to a ministry worker and ask questions. You may have to wait on the phone for a long time. If you have a phone, ask for a call back.

Email: **Go to [myselfserve.gov.bc.ca](https://myselfserve.gov.bc.ca)**

If you have an online My Self Serve account, you can email questions to the ministry.

In person: **Your local ministry office**

You can find the address of your local ministry office at:  
**[myselfserve.gov.bc.ca](https://myselfserve.gov.bc.ca).**

Or phone Service BC:

<b>604-660-2421</b>	(Greater Vancouver)
<b>250-387-6121</b>	(Victoria)
<b>1-800-663-7867</b>	(elsewhere in BC)

# Introduction

This booklet tells you what you need to know when you're on welfare. It includes what the ministry might ask you to do and how you might do those things. The booklet also says what might happen if you don't follow the ministry's rules.

## What's in this booklet

This booklet includes:

- how to communicate with the ministry,
- when you get your welfare payment,
- what to do if you don't get your welfare payment,
- how to report changes to the ministry,
- who you can live with and still get welfare,
- income you can have and still get welfare,
- what you can own and still get welfare,
- what to do when the ministry wants you to look for work,
- what welfare eligibility reviews mean, and
- what happens if you owe the ministry money.

Welfare rates are increasing as of April 1, 2019.

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If you need more help or advice, contact an advocate.  
See page 81 for where to find an advocate.

## Terms used in this booklet

The **ministry** is the BC Ministry of Social Development and Poverty Reduction. This provincial government ministry runs welfare programs.

**Welfare** or **welfare benefits** means any of the four types of monthly income the ministry pays to people who qualify. The four types of welfare are:

- **income assistance.** Most new welfare applicants start on this type of welfare. You get the lowest monthly income and you're expected to look for a job, unless you don't have to.
- **disability assistance (PWD).** You get a higher monthly income, a wider range of medical benefits, a higher asset limit, and more income exemptions than on income assistance or PPMB benefits. You don't have to look for a job, unless you want to.

To get disability assistance you must fill out a PWD application. The ministry must approve the **PWD designation** (the term the ministry uses if you qualify for disability assistance).

- **Persons with Persistent Multiple Barriers benefits (PPMB).** You get a slightly higher monthly income than on income assistance. You also get a wider range of medical benefits. You don't have to look for a job.

You must be on welfare for at least 12 months before you can apply for PPMB benefits. The ministry must approve the **PPMB designation** (the term the ministry uses if you qualify for PPMB benefits).



- **hardship assistance.** If you don't qualify for income assistance, disability assistance, or PPMB benefits, you might be able to get hardship assistance. The ministry pays hardship assistance in specific situations.

You have to qualify for hardship assistance each month and you can usually get it only for a short time.

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The Legal Aid BC booklet *How to Apply for Welfare* has more information about who qualifies for each type of welfare. See the back cover of this booklet for how to order free copies.



**My Self Serve** is the name of the interactive website that gives you online access to ministry services any time on a computer or mobile device, such as a smart phone. When you open a My Self Serve account, you can:

- get and reply to ministry messages,
- see and print information about your file,
- submit your Monthly Report,
- ask for services, and
- **upload** (send) documents the ministry wants.

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Go to **[myselfserve.gov.bc.ca](http://myselfserve.gov.bc.ca)** to open an online account. Click Create an account.

# Communicating with the Ministry

## How to contact the ministry

If you have a question or need to ask for something, you can contact the ministry by phone, online, or in person. Each way to communicate with the ministry has advantages and disadvantages.

Sometimes dealing with the ministry can be frustrating. Remember, you have the right to be treated with respect and courtesy.



You can communicate with the ministry in different ways.

## Phone 1-866-866-0800

You can talk to a ministry worker by phoning this number anywhere in BC.

### Advantages

- A ministry worker can often help you by phone.
- By phone is often the fastest way to solve a problem because you can talk to a ministry worker sooner.

### Disadvantages

- You often have to wait on hold a long time to talk to a ministry worker. You can ask to be called back.
- If you don't have your own phone, finding a free or cheap one can be a problem.
- If the ministry worker who answers your call can't help you, you have to wait for another ministry worker to call you.

**TIP:** Ministry workers don't give advice. If you have a problem and need to decide what to do, ask an advocate for help.

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See page 81 for where to find an advocate.

## Online with My Self Serve

If you're comfortable using a computer or mobile device and have Internet access, you can open an online My Self Serve account. You can use your account to send information the ministry asks for, such as your Monthly Report and documents; get information back from the ministry; ask questions; and ask for services.

### Advantages

- Online can be the best way to communicate with the ministry.
- You can send your Monthly Report, get information about your ministry file, and do many other things without leaving home.
- You can go to a public library or a ministry office to use a computer if you don't have your own.

### Disadvantages

- Online can be a difficult way to communicate with the ministry if you're not comfortable using the Internet.
- If you don't have your own reliable computer or mobile device, you can get frustrated online when you need to do things such as upload documents to the ministry.
- You might miss important messages if you don't regularly check your My Self Serve account or email.

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Go to **[myselfserve.gov.bc.ca](https://myselfserve.gov.bc.ca)** to open an online account.  
Click Create an account.

## In person at a ministry office

You can go to a ministry office and ask to talk to a ministry worker, drop off information, or pick up your welfare cheque, a ministry form, or brochure. You can also use one of the public computers in the ministry office. If your area doesn't have a ministry office, you can go to a Service BC office to drop off documents the ministry asks for.

### Advantages

- You should be able to talk face-to-face with a ministry worker.
- If you don't have online access, going in person to a ministry office might be the easiest way to give them paperwork, ask for services, and pick up forms or welfare cheques.
- In person might be the best way to talk to a ministry worker if you don't have a phone.

### Disadvantages

- Getting there can be expensive and take a long time, especially if the ministry doesn't have an office in your area.
- You often have to wait a long time before you can talk to a ministry worker.
- If the ministry worker you talk to can't help you, they might tell you to come back later, or say another ministry worker will call you later.

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See page iv for how to find the address of a ministry office.

## How the ministry contacts you

From time to time, the ministry sends you information. This information might be about new programs or changes to benefits. The ministry:

- mails the information to you, or
- sends a message to your My Self Serve account if you have one.

When the ministry wants you to do something or contact them, they:

- mail you a letter,
- phone you, or
- send you an email that says you have a message on My Self Serve.

One of the usual reasons the ministry wants you to contact them is to get information about whether your welfare **eligibility** (how you qualify) changed. For example, they might ask for your pay stub or bank statement. Often they say if they don't get this information, they'll **withhold** (hold back) or stop an upcoming welfare payment.

Sometimes you won't find out the ministry wants to talk to you until you realize you didn't get your monthly welfare payment. The ministry is supposed to withhold your welfare payment only after they try every other way to contact you.

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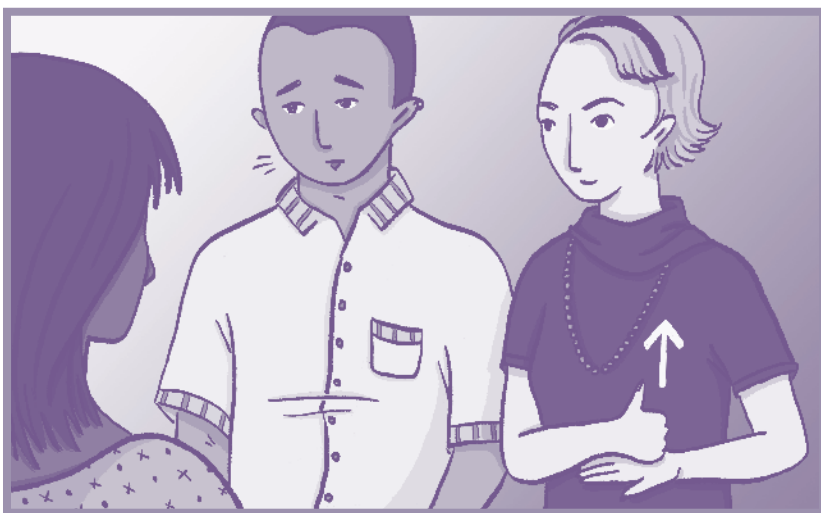
Go to **[myselfserve.gov.bc.ca](https://myselfserve.gov.bc.ca)** to open an online account.  
Click Create an account.

## Fair treatment from the ministry

The ministry must obey the BC Human Rights Code when they serve you. This means they can't discriminate against you. For example, if you have a disability or you don't speak English, the ministry must make it possible for you to communicate with them. This is called a **duty to accommodate** your needs.

Some of the ways they can do this are:

- give you information or ask for information in writing,
- help you get documents they ask for,
- arrange for an interpreter at interviews with the ministry, and
- get a particular ministry worker to help you.



If you have special needs, be sure to tell the ministry.

# Living Arrangements and Welfare

For everyone who applies for or gets welfare benefits, the ministry wants to know:

- who you live with, and
- your relation to them.

## Family unit

Welfare benefits are partly based on your **family unit** size. A family unit includes you and your dependants.

## Dependants

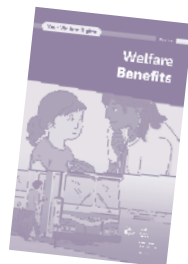
A **dependant** is your child or spouse who lives with you.

Under the ministry's rules, a **dependent child** must:

- be under 19,
- depend on you for food, clothing, or shelter, and
- live with you for more than half of the month. You might get some welfare money for housing costs if your child lives with you for at least 40 percent of the month.

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The Legal Aid BC booklet *Welfare Benefits* has more information about supplements for families with children. See the back cover of this booklet for how to order free copies.





Under the ministry rules, a **dependent spouse** (male or female) is either someone:

- you're married to, and
- who lives with you.

Or, if you're not married, the ministry can say you're spouses if:

- you tell the ministry you live together like a married couple, or
- you lived together for the past three months, or nine of the past 12 months, *and*
- the ministry believes you share your money, social life, and family life like a married couple.

A dependant can also be another adult who lives with you and acts like a parent to your child.

The amount of welfare you get partly depends on your family unit size. Make sure you know who the ministry names as your dependants. If your dependant is an adult, the ministry includes their income and assets with yours when they decide how much welfare to pay you.

In February 2019, the BC government said they plan to change the meaning of dependent and spouse for welfare. Those changes might happen later in 2019. Ask an advocate for updated information.

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See page 10 for the meaning of family unit.  
See page 81 for where to find an advocate.

# Changes in living arrangements

## When your child is born

The Canada Revenue Agency (CRA) gives out the Canada child benefit to families with dependent children. This benefit takes a couple of months to start for a newborn.

The ministry can pay you a top-up supplement while you wait for the Canada child benefit. As soon as your child is born, tell the ministry your family unit has a new member.

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See page 10 for the meaning of family unit.

## Canada child benefit

If you don't get the Canada child benefit for one or more months for all your children, you:

- might not have applied for the Canada child benefit, or
- didn't file last year's income tax return on time.

If you don't get the Canada child benefit for all your children, or the amount isn't right, you can ask the ministry to pay you the top-up until you get your Canada child benefit payment. If you don't ask the ministry for the top-up supplement, your monthly income will be less than it should be.

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For more information about the Canada child benefit and amounts, see the CRA website  
**[canada.ca/en/revenue-agency.html](https://canada.ca/en/revenue-agency.html)**  
or phone **1-800-387-1193**

## When your child turns 18



The federal government pays you the Canada child benefit until your child turns 18.

When your child is 18 you can ask the ministry to top-up your regular welfare payment until your child turns 19.

If your child turns 19 while they're in high school and they stay in school, you get the increased welfare **support allowance** (money for everything except shelter) until the end of the school year.

## When your child temporarily moves

Your child might temporarily move out of your family unit; for example, if they're placed in the care of the Ministry of Children and Family Development, or they move in with another family member, or you have a new shared custody arrangement. You must do these two things right away:

- tell the ministry about the change to your family unit, and find out whether you still qualify to get welfare benefits for your child; and
- tell the Canada Revenue Agency about the change. You don't get the benefit if your child isn't living with you. You might get part of the benefit if you share custody with your spouse.

---

Canada Revenue Agency — Canada child benefit  
[canada.ca/en/revenue-agency.html](https://canada.ca/en/revenue-agency.html)  
1-800-387-1193

The ministry can pay you the same **shelter allowance** (for housing costs) if the Ministry of Children and Family Development **removes** (takes) your children and you actively work to get them returned to you.

## When you move in with other adults

The ministry considers two things when you move in with other adults:

- whether to change your shelter allowance if you pay less rent, and
- whether your family unit size changes.

Moving in with a roommate is different from moving in with your boyfriend or girlfriend and living as a married couple. A roommate isn't part of your family unit, and you still get the welfare payment for a single person.

If you choose to live with your boyfriend or girlfriend in a common-law relationship, the ministry can say you can't get welfare for a single person. This rule is the same for same-sex couples and opposite-sex couples.

If the ministry treats you as a family unit of two adults, they look at income and assets for both of you when they decide whether you qualify for welfare benefits for a couple.

Moving in with your boyfriend or girlfriend might affect your welfare. For example, even if you don't say you're a couple, the ministry might say they think you're spouses after you live together for three months in a row.

**TIP:** Before you move in with your boyfriend or girlfriend, talk to each other about whether you plan to live together as a couple. If you become spouses (under the ministry's rules on page 11), think about how this change might affect your welfare benefits.

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See page 10 for the meaning of family unit.

See page 31 for other income and page 41 for assets.

## When you're not a couple

Sometimes the ministry says the person you live with is your spouse, even though they're not. The ministry might ask you alone, or you and the person you live with, to come to a ministry office for an interview. At the interview, a ministry worker might ask questions about your finances and social life. Your answers, and any of the signs listed here, help the ministry decide whether they want you to reapply for welfare as a couple.

The ministry looks for certain signs to decide when you're a couple, such as:

- you share a bank account;
- both your names are registered on property;
- you write on forms, such as lease agreements, that the other person is your spouse or partner;
- you act as a parent to the other person's child;
- you do social and community activities together;
- you share household tasks and expenses; and
- other people, such as your landlord, family, and friends, say you're a couple.

If they say one of the signs listed here proves you're a couple, explain why it's not true. For example, when you babysit from time to time doesn't mean you act as a parent to your roommate's child. If the ministry keeps saying you're a couple, talk to an advocate.

Remember, for the ministry to consider you to be spouses, they must believe you share your money, social life, and family life like a married couple. If the ministry says you're a couple and you're not, you need to ask them what information they used to make their decision.

Be ready to show the ministry why they're wrong and explain how you live separate lives. Don't agree to reapply for welfare as a couple if you're not a couple. Instead ask for a reconsideration of the ministry's decision to treat you as a couple.

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See page 78 for reconsideration.



The ministry agrees a spouse is different from a roommate who acts as a caregiver for someone with a disability.

A caregiver might do household tasks, help manage expenses, or do other things for a roommate with a disability. This might look like two people who share financial, social, and family lives. However, it doesn't mean they live together as spouses. If you live with a roommate who helps as your caregiver because of your disability, you might want to tell the ministry who they are and why they need to help you. Then you might avoid misunderstandings about your living arrangements.

## When you separate or divorce

If you separate or divorce from your spouse or your child's parent, you can ask the ministry for help to get or defend a maintenance order or written agreement for child support or spousal support. To do this, ask for **family maintenance services**. The ministry doesn't make you try to get money from your former spouse or child's parent. It's your choice to do that.

If you ask for family maintenance services, you *must* agree to give your maintenance rights to the ministry. The ministry can't make you give them your maintenance rights. But if you want the help of family maintenance services, you must agree to do this.

You must also meet all the following points to get family maintenance services:

- you get welfare benefits,
- you're asking for help to get or defend an agreement or court order for child support and/or spousal support;
- you don't already have an agreement or court order for spousal support or child support for all your children in your family, or you're fighting an application to change a maintenance order or agreement;
- the other person lives in BC, and
- you have information that shows the other person's income is more than \$10,280 a year.

Even if the ministry agrees to give you family maintenance services, you might have to wait a long time for services. The ministry has limited money to pay for legal services.



# Getting Your Monthly Welfare

## When and how you get your payment

The ministry pays you welfare in **advance** (ahead) of the month it's for. You should get your welfare payment no later than the last Wednesday of every month. For example, you should get your February payment no later than the last Wednesday in January.

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For **issue dates** when the ministry pays welfare, go to **www2.gov.bc.ca**. In the search bar, type income assistance payment dates.

You can get your monthly welfare payment by **direct deposit** (to your bank account), have your welfare cheque mailed to you, or pick it up from a ministry office.

## Direct deposit

The ministry prefers to pay your monthly welfare payment by direct deposit. When the ministry makes the deposit to your bank account, they send you a Statement of Deposit and Monthly Report form. If you have a My Self Serve account, the ministry sends these forms to your account.

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See page 6 for My Self Serve.

If you don't want the ministry to deposit your payment to your bank account, talk to a ministry worker. They'll ask why you don't want direct deposit. Good reasons might include you don't have a bank account, or you owe money and your bank account might be **garnished** (a third party takes money from your account to pay the debt), or you just don't want direct deposit.

## Cheque payment

You can ask the ministry to mail your welfare cheque to you.



Or you can ask to pick up your cheque at a ministry office.

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See page iv for how to find the address of a ministry office.

## If you don't get your payment

Sometimes the ministry doesn't give you your welfare payment. They might do this if they need more information or want you to get documents to prove you still qualify for welfare. The ministry is supposed to withhold payments only as a last resort. They should try to contact you well before a problem. But this doesn't always happen.

If you don't get your payment on the issue date, contact the ministry right away. Ask why you didn't get your payment. Find out if they can fix the problem quickly.

If the ministry wants information and you can't get the information right away, ask if they can give you your payment while you get the information. If you can't fix the problem, contact an advocate for help.

---

See page 81 for where to find an advocate.

## Lost or stolen cheque

If your welfare cheque is lost or stolen, the ministry might replace it if you haven't **endorsed** (signed) the back. The ministry can also replace any direct deposit payments that didn't go into your bank account.

You must:

- report a stolen cheque to the police before you talk to the ministry, and
- explain to the ministry what happened and agree to return the money if the cheque is found.

The ministry won't replace your signed cheque if it gets lost or stolen. But they can put a **stop payment** on your cheque so no one can cash it.

The ministry won't replace your payment if you cash your cheque and lose the money.

If either of these things happen, and you have no other money, you might be able to get a crisis supplement from the ministry.

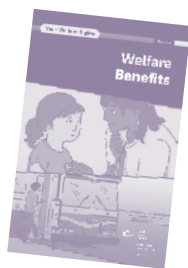
If your cheque is lost or stolen more than once, the ministry might decide to **administer** your cheque. This means they give you some money a little at a time and/or pay your rent directly to your landlord.

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See page 74 for administered welfare.

If your unsigned Canada child benefit cheque is lost or stolen, the ministry can give you a child benefit supplement to replace part of the lost or stolen cheque.

The Legal Aid BC booklet *Welfare Benefits* has more information about supplements. See the back cover of this booklet for how to order free copies.



# Reporting

## Monthly Report

You get a Monthly Report with your welfare payment. Your Monthly Report is either:

- attached as a stub to your cheque,
- mailed to you with the record of direct deposit, or
- sent to your My Self Serve account.

You must answer the questions on the Monthly Report correctly and completely. When you fill out the form and sign it, you must send it to the ministry by the fifth day of the month after you get your payment.

For example, if you get a payment and Monthly Report at the end of April, you must fill out and send the Monthly Report to the ministry by May 5.

If the fifth day of the month is on a weekend, you must fill out and send your Monthly Report to the ministry by the next business day (usually, Monday).

If you're on income assistance or PPMB benefits, you have to fill out and send your Monthly Report before you can get the next month's payment.

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See page 24 for who must fill out and send a Monthly Report and when.

You can send your report by mail, fax (**1-855-671-8801**), My Self Serve, or drop it off at a ministry office.

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See page iv for how to find the address of a ministry office.  
See page 6 for My Self Serve.

## Who reports and when

If you're on	You report every month	When there's a change
Income assistance	 Yes	 Yes
Disability assistance	 No	 Yes
PPMB benefits	 Yes	 Yes
Hardship assistance	 Yes	 Yes

## PWD and Monthly Report

If you're on disability assistance, you only have to answer the questions and send the Monthly Report by the fifth day of the month *if you have changes to report*.

This includes changes to your income, assets, family unit size, getting a job, or anything else that affects whether you qualify for disability assistance.

You must report a change each time you have one. For example, if you get a job and earn \$300 in the first month, you must report that. The ministry assumes you'll continue to earn \$300 a month until you tell them the amount changes. So, if you earn \$200 the next month, you must also report that change.

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See page 10 for the meaning of family unit.

See page 25 for reporting changes.

## If you don't send your report on time

If you're on income assistance or PPMB benefits and don't send your Monthly Report, you won't get another payment until you send your report. If you send your Monthly Report late — after the fifth of the month — the ministry might delay or withhold your monthly payment.

If the ministry doesn't get a Monthly Report from you for two months in a row, they'll probably close your file. You might have to reapply for welfare and your payments might be interrupted.

## Reporting changes

You must tell the ministry about any changes in your family unit situation that could affect whether you qualify for welfare. This includes:

- money anyone in your family unit gets during the month and where it comes from,
- a new job,
- a change of address,
- a change in **shelter** (housing) costs,
- a change in your family unit size, and
- a change in your family unit assets.

Write this information on your Monthly Report. Some of these changes affect the amount of your welfare payment or whether you can continue to get benefits.

The ministry also asks you to give them information about the changes you report. Include with your Monthly Report receipts, pay slips, or documents for all changes.

**TIP:** Keep a copy of any document you give to the ministry.

## If you move

Tell the ministry as soon as possible if you have to move.

Good reasons to do this include:

- you have time to ask for moving expenses if you qualify and to get estimates of your moving costs,
- your welfare payment and Monthly Report go to the right address if you get it by mail, and
- your rent goes to the right person if the ministry pays your rent directly to your landlord.

## If you delay reporting changes

Delays in reporting changes on your Monthly Report can cause problems. For example, if you report late — after the fifth of the following month — about other income or assets you got during the month, the ministry might pay you too much welfare. This is called an overpayment. You have to pay the money back to the ministry.

The ministry might also ask you to do an eligibility review with a ministry worker. If the ministry decides they overpaid you, they might say you have to pay a penalty for not reporting correctly.

**TIP:** Keep records of anything you give to and get from the ministry. When you tell the ministry in person about a change, ask for proof they put it on your file. When you report properly and keep records, you protect yourself from overpayment. If you're not sure how to report something, ask an advocate for help.

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See page 31 for other income and page 41 for assets.

See page 62 for eligibility review.

See page 68 for overpayment.



## If you leave BC

If you leave BC for more than 30 days in a year without the ministry's approval, the ministry can stop your welfare payments and close your file.

If this happens, you have to reapply for welfare when you come back to BC. You also have to pay back all the benefits you got after you were out of BC for 30 days.

The ministry might say you can leave BC for more than 30 days and still get welfare benefits in special cases, including:

- for education,
- for medical treatment, or
- to avoid undue hardship; for example, situations that mean you can't get back to BC within 30 days.



For those special cases, you must get approval from the ministry before you leave BC.

## When the ministry owes you money

Sometimes the ministry doesn't pay you benefits you qualify for. This can happen when the ministry makes a mistake.

### Contact the ministry

If this happens to you, contact the ministry right away. The longer you wait the more difficult it might be to solve the problem. Even when the ministry agrees they made a mistake, they sometimes won't help if the problem happened more than a month ago. Talk to an advocate if the ministry doesn't help you.

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See page iv for how to contact the ministry.

See page 81 for where to find an advocate.

If you didn't apply for a benefit, or applied for it late because the ministry didn't tell you about it, the ministry won't pay you the benefit.

## Outstanding warrants

The ministry doesn't pay you welfare if you have an outstanding warrant for arrest under:

- the Immigration and Refugee Protection Act, or
- any other federal law in Canada if you're charged with an indictable or hybrid offence. A warrant for a summary conviction offence does *not* affect welfare eligibility.

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For information about indictable and hybrid offences, see **wiki.clicklaw.bc.ca** (in the search bar, type outstanding warrants).

You have to tell the ministry if you know you have an outstanding warrant, as described here. The ministry can do a check for outstanding warrants.

There are exceptions to the rule. Even if you have an outstanding warrant that affects welfare eligibility, you can get welfare if you're:

- under 18, or
- pregnant, or
- in the last stage of a terminal illness.

If you have an outstanding warrant, the other people in your family unit still qualify for welfare.

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See page 10 for the meaning of family unit.

**TIP:** Sometimes an outstanding warrant might be cancelled without you knowing. Unless you're sure a warrant is outstanding, it's better to tell the ministry you don't know if you have an outstanding warrant when they ask you.

## Options

You have some options when a warrant might stop you from getting welfare. You can:

- **waive in** your charges to BC by pleading guilty; this means the place where the warrant was issued sends your case to a BC court;
- ask the prosecutor where the warrant was issued to drop the charges; or
- go back to where the warrant was issued and report to court.

Get advice from a criminal law lawyer to help decide your best option.

---

See page 83 for where to get legal help.

## Financial help

If you don't qualify for welfare because you have an outstanding warrant, you can apply for two types of financial help from the ministry you have to pay back:

- a repayable monthly supplement if you show you'll have undue hardship without financial help (the ministry pays this supplement for only three months in a row, unless they agree to another three months); and
- a repayable transportation supplement so you can go to the place the warrant was issued to deal with it.

If the ministry says you can't get these supplements, you can ask for a reconsideration of their decision.

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See page 78 for reconsideration.

# Other Income and Welfare

When you get money other than welfare payments, the ministry considers it income and counts it in the month you get it. Not all income affects your welfare payments. To know whether certain income affects your welfare payments, you need to understand the ministry's categories of income.

Two categories of income can affect your welfare payment.

- **Unearned income:** This is almost all money other than money you earn from a job.
  - » The ministry **deducts** (takes off) unearned income from your welfare payment, unless it's **exempt** (not counted).
  - » The ministry doesn't deduct exempt unearned income from your welfare payment.
- **Earned income:** This is mostly money you earn from a job.
  - » The amount the ministry deducts from your welfare payment depends on your **earnings exemption** (amount you can keep).
  - » The amount of your earnings exemption depends on the type of welfare you get and your family unit size.

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See page 10 for the meaning of family unit.

# Unearned income

## Unearned income the ministry deducts

Some examples of unearned income the ministry deducts from your welfare payment are:

- Canada Pension Plan benefits: retirement and disability;
- Employment Insurance benefits, except for maternity, parental, and compassionate care leave;
- spousal support;
- private pension benefits;
- most insurance benefits, including long-term disability benefits;
- WorkSafeBC permanent disability benefits;
- Old Age Security benefits; and
- the Guaranteed Income Supplement.

If you get deductible unearned income that's more than the total amount of your monthly welfare payment, you won't get a payment the following month. This is because the ministry says you have "income in excess" of your usual welfare payment.

## Exempt unearned income the ministry doesn't deduct

Exempt unearned income is money you can keep. You must tell the ministry on your Monthly Report you got this money. Examples of exempt unearned income are:

- tax benefits, such as the Canada child benefit, BC Family Bonus, Canada child disability benefit, and Working Income Tax Benefit;
- tax credits and rebates, such as GST, income tax refunds, and energy and fuel tax rebates;
- Child support, Canada Pension Plan orphan benefits, and most other money paid for children, including Extended Family Program payments and foster care payments;
- Employment Insurance benefits for maternity, parental, and compassionate care leave;
- rent subsidies;
- any money your dependent child earns if they go to school full-time;
- criminal injury compensation and other financial awards, up to your asset limit;
- one-time gifts, up to your asset limit, if you get income assistance or PPMB benefits (see page 34 for rules about gifts if you get disability assistance);
- payments from a Registered Disability Savings Plan; and
- some settlement payments, including:
  - » residential school settlement funds, except money for income replacement; and
  - » government payments to people infected with HIV by blood products.

Some unearned income is partially exempt.

Examples include:

- \$50 a month from Veterans Affairs Canada; and
- the part of insurance payments that are for a destroyed asset; for example, money to replace a car destroyed in an accident.

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For the full list of exempt unearned income, go to **[www2.gov.bc.ca](http://www2.gov.bc.ca)**. In the search bar, type BCEA Policy and Procedure Manual. In the next search bar, type Income Treatment & Exemptions. Click the link Income Treatment & Exemptions — Province of BC.

## **PWD and exempt unearned income the ministry doesn't deduct**

If you're on disability assistance, the following are also exempt unearned income:

- payments from a trust to use for disability-related costs,
- inheritances,
- gifts of any amount you get at any time,
- education-related income,
- the part of student loans used to pay for education and day care costs, and
- WorkSafeBC temporary wage loss replacement payments up to the annual earnings exemption limit for your family unit.

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See page 10 for the meaning of family unit.

See page 48 for options to manage a lump sum of money and stay on PWD.



## PWD and education-related income

If you're on disability assistance, you don't need the ministry's permission to go to school full-time or part-time, including post-secondary studies. This includes your spouse if you have the PWD designation.

- You have to tell the ministry about any bursaries, grants, scholarships, or education or training allowances you get. These are exempt unearned income.
- If you get a student loan, you can ask the ministry to treat any part of the loan you use for education costs as exempt unearned income. Education costs include tuition, books, supplies, school fees, transportation to school, and daycare expenses while you're in school.

## Earned income

Money you get from a job is earned income. Examples of other earned income are:

- money you get from renting rooms that are part of your house (in addition to your earnings exemption, you can keep 25 percent of this gross income to cover your expenses);
- money you get for room and board (in addition to your earnings exemption, you can keep the essential operating costs of providing room and board to cover your expenses);
- refunds of pension plan contributions; and
- WorkSafeBC temporary wage loss replacement payments if you're on disability assistance.

# Earnings exemption

After you get income assistance, disability assistance, or PPMB benefits for one month or more, you can earn some money each month and the ministry won't deduct it from your welfare payment. The amount of earnings you can keep is called your **earnings exemption**.

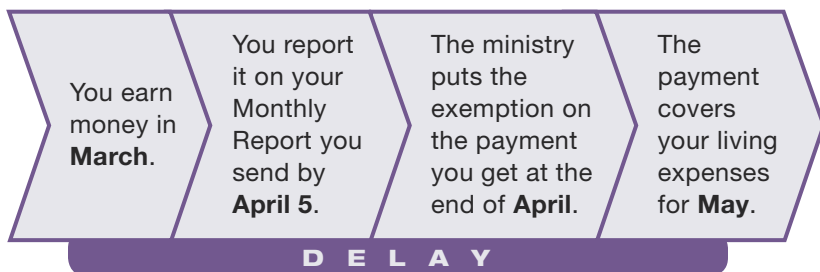
The amount of your earnings exemption depends on the type of welfare you get and your family unit size.

On income assistance or PPMB benefits	Monthly earnings exemption
Single person or couple or family unit on PPMB benefits	\$700
Family unit on income assistance with at least one dependent child	\$600
Family unit on income assistance with a dependent child who has a severe disability and the child's disability prevents the parent from working outside the home for more than 30 hours a week	\$700

See page 10 for the meaning of family unit.

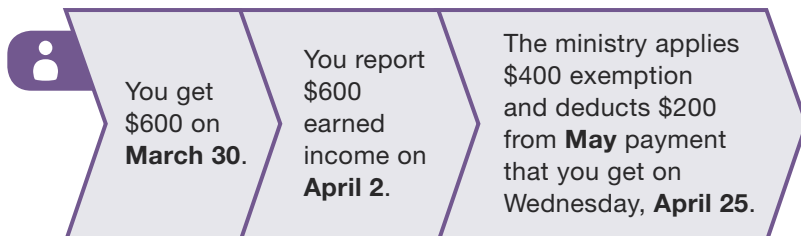
## How the earnings exemption works

When you earn money the ministry doesn't change your payment right away. There's always a delay between when you earn money and when the earned income affects your welfare benefits.



### Example

Single person on income assistance



If your dependent child has a job, you must report their income and your income. If your dependent child has a job and goes to school full-time, their income is exempt (won't affect your welfare benefits). If your dependent child has a job and doesn't go to school full-time, their earned income isn't exempt, but qualifies for your family unit earnings exemption.

# PWD and the annual earnings exemption

If you're on disability assistance, you get an annual earnings exemption instead of a monthly earnings exemption. This means the amount you can earn before the ministry deducts money from your welfare payment is based on one calendar year instead of one month.

PWD designation	Annual earnings exemption
Single person	\$12,000
Couple (with or without children), one adult with PWD designation	\$14,400
Couple (with or without children), both adults with PWD designation	\$24,000

## Example



Single person with PWD designation



Earns in the calendar year ...

\$12,000 or less in the calendar year



- No change to monthly disability assistance payment
- No carry-over from year to year

## More than \$12,000 in the calendar year



- After \$12,000, the ministry deducts all earnings from disability assistance payment.
- If you earn over \$12,000 and don't get a disability payment in one month or more, you can still keep the transportation supplement and medical benefits.
- If you stop work after earning \$12,000, you might still qualify for disability assistance.
- If you continue to work and earn over the PWD rate for the rest of the calendar year, you won't get more disability assistance payments that year. For the rest of that year, you still keep the transportation supplement, medical benefits, and the PWD designation. In the following year, you have a new annual earnings exemption and you might get disability assistance payments again.

When you reach your annual earnings limit, you should still report your income each month to the ministry.

- If you continue to report your monthly income, you might get disability assistance in the new year, without reapplying.
- If you don't report your income, you might have to reapply for disability assistance in the new year.

## Income from other sources

To qualify for welfare you usually have to apply for income from other benefit programs or sources you might qualify for, such as Employment Insurance, Old Age Security, or Canada Pension Plan (CPP) benefits.

- If you're 60 to 64, the ministry usually tells you to apply for CPP early retirement benefits from the federal government.
- If you worked in the past and you now have a disability, the ministry can ask you to apply for CPP disability benefits.

If you don't agree to apply for other income the ministry asks you to apply for, the ministry can withhold or stop your welfare payment. In some cases, you might have good reasons not to apply for certain kinds of income; for example, if you're 60 and still looking for a job but the ministry asks you to apply for early retirement benefits from CPP.

Talk to an advocate if you think the ministry tells you to do something that's not reasonable.

---

See page 81 for where to find an advocate.

# Assets and Welfare

What you own are called **assets**. You can have two types of assets while you're on welfare — **exempt assets** and **non-exempt assets**.

## Exempt assets

The ministry doesn't count exempt assets when they decide if you can stay on welfare. Examples of exempt assets are:

- the home you live in;
- clothing, furniture, and household goods;
- a vehicle with **equity** (value minus what you owe on it) up to \$10,000 that you use for daily transportation; if you use the vehicle to transport your child with a disability, or if the vehicle is adapted for the disability of someone in your family unit (page 10), there's no limit on the amount of equity you can have in it;
- money from the sale of your previous home if you use it to make payments on your current home or pay rent;
- business tools;
- money in a Registered Disability Saving Plan or Registered Education Savings Plan;

- life insurance policy with a cash value of \$1,500 or less;
  - prepaid funeral costs; and
  - some settlement payments, including:
    - » residential school settlement funds, except money for income replacement; and
    - » government payments to people infected with HIV from blood products.
- 

For the full list of exempt assets, go to **[www2.gov.bc.ca](http://www2.gov.bc.ca)**. In the search bar, type exempt assets. Click the link Assets & Exemptions — Province of British Columbia. On that page, click Exemptions.

## PWD and exempt assets

If you get disability assistance, you have other asset exemptions in addition to those listed here, such as:

- no limit on the equity of a vehicle you use for transportation,
  - up to \$200,000 in a non-discretionary trust, and
  - any amount in a discretionary trust.
- 

See page 50 for PWD and trusts.



# Non-exempt assets

Non-exempt assets are things you own that the ministry counts when they decide if you can stay on welfare. They're everything you own (including money in the bank), other than exempt assets.

There's a limit on what non-exempt assets you can own and still get welfare. The limit is called your **asset limit**. Your asset limit depends on the type of welfare you get and your family unit size. To stay on welfare, your non-exempt assets must be below your asset limit.

## Asset limits

### Single person under 65

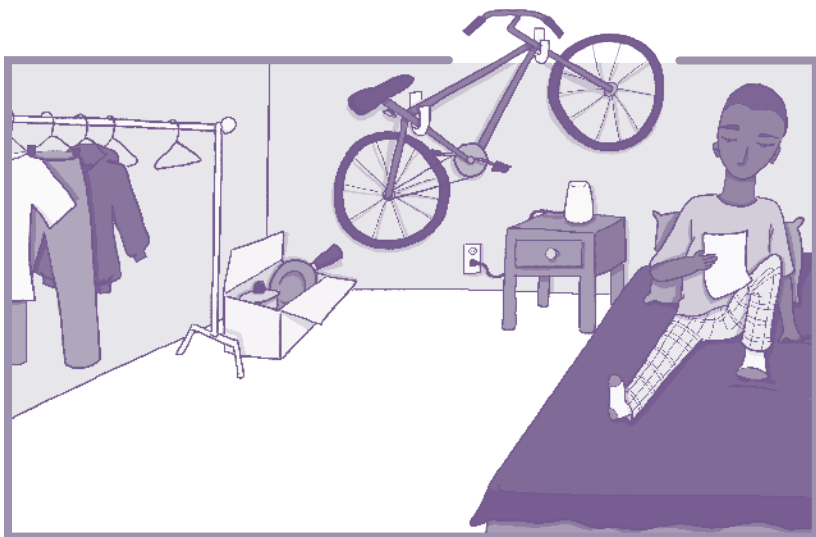
Income assistance or PPMB designation	Disability assistance (PWD designation)
\$2,000	\$100,000

### Family unit of two or more adults +

Income assistance or PPMB designation	Disability assistance (PWD designation)
\$4,000	One PWD adult: \$100,000 Two PWD adults: \$200,000

See page 10 for the meaning of family unit.  
See page 41 for exempt assets.

## When income becomes an asset



It's important to understand when the ministry says money is income and when they say money is an asset.

The ministry has different rules about income and assets you can have and still get welfare.

The ministry's rules about income and assets can be confusing. When you get money, the ministry calls it income (earned, unearned, or exempt) in the month you get it. In the months after you get income, the ministry calls it an asset.

## Example

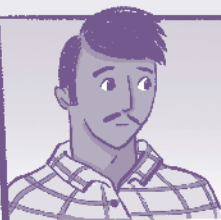
- If you work in July and make \$400, the ministry says that's earned income of \$400 in July.
- If you save \$100 of that money in the bank and spend \$300 on groceries in July, in August the ministry says you have an asset worth \$100 in your savings account.

This month	Next month (and after that)
<b>\$ income</b> = money you get other than your welfare payment	<b>\$ asset</b> = things you got with your income, for example, savings, new shoes, furniture

---

## Income

This situation shows how the rules fit together.



Jack is a single person on income assistance with no savings. His asset limit is \$4,000.

On March 7 Jack gets a \$5,500 inheritance.



He reports this **income** on his Monthly Report he gets at the end of March with his April payment. He sends in his Monthly Report on April 3.



The **income rules** stop his welfare payment for one month because the amount of his non-exempt income is higher than his monthly welfare payment of \$760.

Jack doesn't get his May welfare cheque at the end of April, because he has more income than his welfare payment.



## Asset



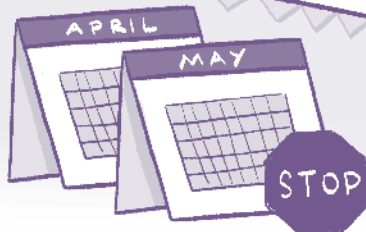
After the month of March, Jack's inheritance becomes an **asset**.

By the beginning of April, Jack spends \$1,800 of his inheritance on living expenses, bills, and a new bed.



The **asset rules** don't stop his welfare payment. Jack gets his June welfare cheque at the end of May.

He now has \$3,700 in the bank. Jack can show his bank account is under his \$4,000 **asset limit** in April.

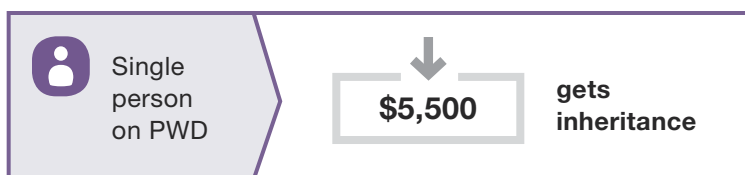


If Jack doesn't spend any of his inheritance, his welfare payment stops for more than one month. If he still has \$5,500 in his bank account in April, this is above his \$4,000 asset limit. He won't get his welfare payment for June because he has more assets than his asset limit.

## PWD and changes in income and assets


If you're on disability assistance, the PWD income rules and asset rules say you can keep more money than people on income assistance or PPMB benefits.

### Example



= no change in disability assistance

### Why?

- PWD rules: inheritances = exempt income
- \$5,500 is  under the PWD \$100,000 asset limit
- Still have to report the inheritance to the ministry on the Monthly Report

## Options to manage a lump sum of money and stay on PWD

If you're on PWD and get a lump sum of money, you have options to manage that money and stay on disability assistance. The chart on the next page gives examples for a single person on PWD with an asset limit of \$100,000.

## Lump sum up to \$100,000



Income this month	Asset next month and after
<p><b>Situation:</b> You get exempt income of a gift or an inheritance.</p> <p><b>Result:</b> No change in disability assistance payment for this month.</p>	<p><b>Situation:</b> Your <i>total</i> amount of non-exempt assets stays under your \$100,000 asset limit.</p> <p><b>Result:</b> You remain eligible for disability assistance in the next month and after.</p>

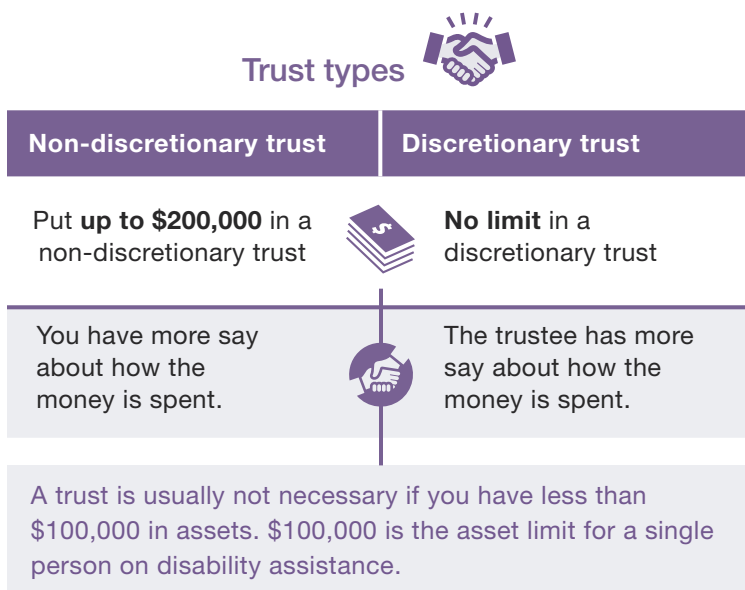
## Lump sum over \$100,000



Income this month	Asset next month and after
<p><b>Situation:</b> You get exempt income of a gift or an inheritance.</p> <p><b>Result:</b> No change in disability assistance payment for this month.</p>	<p><b>Situation A:</b> You tell the ministry you plan to put any money over your \$100,000 asset limit into a Registered Disability Savings Plan or trust.</p> <p><b>Result A:</b> The money is an exempt asset for up to three months to let you do that. You remain eligible for disability assistance for that time.</p> <p><i>You can put up to \$200,000 in a non-discretionary trust. There's no limit on how much money you can put in a discretionary trust. See page 50 for trust types.</i></p> <p><b>Situation B:</b> Once you put money into a Registered Disability Savings Plan or a trust the ministry approves, that money is an exempt asset.</p> <p><b>Result B:</b> You remain eligible for disability assistance.</p>

## PWD and trusts

You can make assets exempt by putting them in a trust.



## Trust agreement

To start a trust, you must get a **trust agreement**. A trust agreement is a legal document that says how the money will be spent. Usually a lawyer writes the agreement. The ministry has to approve the trust when it's set up.

A trust agreement names a **trustee** who oversees how the money in the trust will be spent. The money must be spent on your disability-related costs.

The amount of trust money spent for disability-related costs isn't limited, as long as the money benefits you. If the trust money is spent for your disability-related costs, the ministry doesn't reduce your welfare benefits. But they can ask you how the money was spent.



## Disability-related costs

- caregiver expenses and other disability services
- education or training
- devices or medical aids
- home renovations because of your disability
- home maintenance repairs
- any other item or cost you think helps you live more independently



## You can also spend trust money to

- buy a home for you to live in
- contribute to a Registered Education Savings Plan
- contribute to an Registered Disability Savings Plan

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For more information about PWD and trusts, contact Disability Alliance BC (DABC). See page 81.

DABC Help Sheet HS08 *Trusts for People Receiving the PWD Benefit* is online at [disabilityalliancebc.org](https://disabilityalliancebc.org) (under Publications, click BC Disability Benefits Help Sheets).

## PWD and Registered Disability Savings Plan

You can make assets exempt by putting them in a Registered Disability Savings Plan (RDSP). An RDSP is a federal savings plan for people with disabilities. Income from your RDSP is exempt and doesn't reduce your welfare payment.

### To qualify for an RDSP

You must first qualify for the Disability Tax Credit with the Canada Revenue Agency.

- You don't need the PWD designation.
- You must be under 60.

### To open an RDSP

- After you qualify for the Disability Tax Credit, go to your bank or credit union.
- You don't need to see a lawyer.
- You can put up to \$200,000 in an RDSP during your lifetime.

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For more information about the RDSP and the Disability Tax Credit, contact Disability Alliance BC (DABC). See page 81.

DABC Help Sheets HS014 *The Disability Tax Credit* and HS015 *The Registered Disability Savings Plan* are online at [disabilityalliancebc.org](http://disabilityalliancebc.org) (under Publications, click BC Disability Benefits Help Sheets).

## Giving away or selling assets

While you're on welfare, you're not supposed to give away money or assets. You also can't sell an asset or property for less than its worth. If you do either of these things so you can continue to get welfare, the ministry might give you a penalty.

- If the amount of money or the asset's value you give away or sell is less than \$2,000, you won't get a penalty.
- If the amount is over \$2,000, the ministry can reduce or stop your welfare payment for a time. The penalty varies, depending on what you do and your situation.

If you sell an asset for a reasonable price because you need the money, you shouldn't have a problem with the ministry.

Talk to an advocate if the ministry says you're getting a penalty.

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See page 81 for where to find an advocate.

# Employment Plans and Employment-related Obligations

- If you're on income assistance, the ministry expects you to look for a job. The ministry calls this your **employment-related obligations**.
- If you're able to work or take training, you have to agree to an Employment Plan.
- If you're on disability assistance or PPMB benefits, you don't have to agree to an Employment Plan. The ministry doesn't expect you to look for a job.

## Who's exempt

You don't have to look for a job or sign an Employment Plan (means you're **exempt**) if you:

- are 65 or over
- have the PWD designation,
- have the PPMB designation,
- are a single parent with a child under age three,
- are a single parent or single adult and take care of a child with a disability so you can't leave home to work,
- left an abusive spouse or relative within the last six months,
- live with and take care of your spouse with a mental or physical condition so you can't leave home to work, or
- stay at a special care facility or private hospital.

## Employment Plans

An Employment Plan is a written **agreement** you make with the ministry. Your Employment Plan is based on your education, training, and work history. The agreement outlines all the activities you must do to stay **eligible** (qualify) for welfare. For example, your Employment Plan might say you will:

- look for a job,
- do things to help you get a job,
- improve your skills while you're on welfare, or
- go to a job placement program or training program.

If you must sign an Employment Plan and you don't follow it, the ministry can stop your welfare payments. The ministry reviews your Employment Plan with you regularly and updates it.

**TIP:** Make sure you understand everything you agree to *before* you sign an Employment Plan. Ask questions about anything you don't understand. If you can't do what the ministry says, ask the ministry worker to change the plan.

## Who has to sign

- The ministry can ask everyone 16 and over in your family unit they think is “employable” to sign an Employment Plan.
- Someone under 19 can have an Employment Plan that focuses on completing high school.

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See page 10 for the meaning of family unit.

## Studying full-time or part-time

If you're an adult on income assistance and want to finish high school as a full-time student, or study full-time at a college or trade school, you must ask the ministry to make it part of your Employment Plan. Unless you're on disability assistance, you can only study full-time if the ministry agrees to include it in your Employment Plan.

If you're an adult on income assistance, you might be able to study part-time to finish high school or at a college or trade school. You must still meet your employment-related obligations. If you're interested in part-time studies, it's a good idea to include that in your Employment Plan.

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See page 35 for PWD and education-related income.

## Medical conditions

If you have a drug or alcohol problem, mental health condition, or temporary medical condition and aren't in a category who don't have to sign an agreement (see page 54), the ministry can still ask you to sign and follow an Employment Plan. The Employment Plan should list activities that improve your "employability" instead of focusing on a job search.

The ministry might ask you to take a Medical Report — Employability form to your doctor or nurse practitioner to fill out. This report tells the ministry if your medical condition makes it difficult for you to look for, get, or keep a job.

## Delayed plan

You might not have to sign an Employment Plan right away, even if the ministry says you're employable. Special circumstances might stop you from looking for a job.

Special circumstances might be when:

- you're in hospital,
- someone in your family suddenly dies, or
- you're in the third trimester of your pregnancy.

The ministry can delay an Employment Plan up to 90 days. After that the ministry worker replaces your delayed Employment Plan with a new one.

## PWD and Voluntary Participation Plan

If you have the PWD designation, you don't have to agree to an Employment Plan and you don't have employment-related obligations. You can ask to make a voluntary Employment Plan called a Voluntary Participation Plan if you want the ministry to help you look for a job or improve your job skills.

- To qualify for certain employment programs, such as the Self-employment Program, you must have a Voluntary Participation Plan.
- The ministry doesn't stop your welfare payments if you don't follow a voluntary employment plan.

## Self-employment Program for PWD or PPMB



If you get PWD or PPMB benefits and want to be self-employed, or already have a small business, you can apply for the Self-employment Program.

Under this program:

- you must agree to a Voluntary Participation Plan;
- your business income, business loans, and business assets, such as inventory and supplies, can be exempt;
- you can deduct operating expenses from your gross income so only your net income counts toward your earnings exemption;
- often the ministry wants you to give them a business plan for their approval; and
- every month you have to send the ministry your Monthly Report and a Self-employment Program reporting form so the ministry can deduct the correct business expenses.



## Looking for work

If your Employment Plan says you must look for a job, you must make a **reasonable work search**. The ministry decides what a reasonable work search is. They can ask you at any time:

- to show them what you've done to find a job,
- for a list of jobs you applied for, and
- what job interviews you might have had.

You must keep a record of this information.

**TIP:** If you have a problem following your Employment Plan, talk to a ministry worker as soon as possible to try and get your Employment Plan changed. Do this before they take action against you.

### WorkBC Employment Service Centres

**[www2.gov.bc.ca](http://www2.gov.bc.ca)**

(in the search bar, type  
WorkBC families and  
social supports)

**1-877-952-6914**

WorkBC Employment Service Centres offer a wide range of services like job-search help, personal employment planning skills assessment, and more. Find your local centre online, or call the above number.

## Other employment-related obligations

- If the ministry says you have employment-related obligations, they expect you to take any **suitable job** offer, even for minimum wage. The ministry decides what a suitable job is. If you think a job isn't suitable for you, explain why to the ministry worker. For example, the job needs heavy lifting you can't do, or the job is too far for you to get to. If you refuse a suitable job, there can be a penalty.
- If you find a job, you mustn't quit it without **just cause** (a good reason, according to the ministry). If you quit without just cause, there can be a penalty.
- If you find a job but get fired for just cause, there can be a penalty.

The ministry can also apply a penalty if you refuse a suitable job, quit, or are fired from a job within 60 days before you can apply (or re-apply) for welfare.

If the ministry decides to stop or reduce your payments for not following your Employment Plan or meeting your other employment-related obligations, they notify you.

If you think the ministry is wrong to stop or reduce your payments, you have the right to apply for reconsideration. Get help from an advocate.

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See page 61 for penalties.

See page 78 for reconsideration.

See page 81 for where to find an advocate.

## Penalties

What happens if you don't follow your Employment Plan	
<b>Single person, no children</b>	Welfare cut off until you follow your Employment Plan
<b>Single person with children</b>	Welfare reduced by \$100 a month until you follow your Employment Plan
<b>Couple, no children</b>	Welfare can be cut off until both adults follow their Employment Plans
<b>Couple with children</b>	Welfare can be reduced by \$100 a month until both adults follow their Employment Plans
What happens if you don't accept a suitable job, quit a job, or get fired without just cause	
<b>Single person, no children</b>	Don't qualify for welfare for two months
<b>Single person with children</b>	Welfare reduced by \$100 a month for two months
<b>Couple, no children</b>	Don't qualify for welfare for two months
<b>Couple with children</b>	Welfare reduced by \$100 a month for two months

# Eligibility Review

The ministry can ask you to do an eligibility review from time to time to make sure you still qualify for welfare. They sometimes do the review every year or every two years.

They can also do an eligibility review if they have questions about a change in your income, assets, or living arrangements. Or they might want to know about your job search if you have an Employment Plan.

If the ministry asks you to do an eligibility review, that doesn't mean you've done anything wrong. Ministry policy is to do eligibility reviews at one time or another for everyone on welfare.

## Eligibility review interview

The ministry does eligibility review interviews in person or by phone.



### Before the interview

You get a letter from the ministry or a message on My Self Serve that asks you to give them certain documents. These documents could be:

- identification,
- bank statements,
- income tax returns,
- rent receipts, or
- anything else the ministry asks for.

After you give the ministry the documents, you get another letter or message on My Self Serve that says your interview time and if your interview is in person or by phone. It might also ask you for more documents.

## What you must do

If the ministry asks you for certain documents, it's important to do all you can to give them the information. If you don't give them the information, they can stop your welfare benefits and close your file.

Tell the ministry if you need more time to get documents they asked for. If you have a disability or difficulty with English, and that makes it hard for you to get documents the ministry asked for, explain that to the ministry and ask them to help you get the documents.



Ignoring the ministry's request is the worst thing you can do.

Sometimes you might not be able to get the information or documents the ministry asks for. Contact the ministry right away if you can't do what they ask. Explain why and see if you can work out a solution.

Also contact the ministry if you can't meet a deadline or keep an appointment. They often change dates if you have a good reason.

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See page iv for how to contact the ministry.

## At the interview

At the eligibility review interview, the ministry worker might ask:

- where you live and who lives with you,
- about your monthly expenses,
- about your assets,
- if you get any other income,
- about your job search if you're employable, and
- about any gaps in your information.

At the end of your interview, the ministry worker reminds you of your “rights and responsibilities” and asks you to sign the eligibility review form.

If the ministry worker tells you an eligibility issue might affect your welfare benefits, be sure you understand the reasons for their decision.

If the ministry stops or reduces your welfare benefits, you have the right to request a reconsideration if you disagree. See page 78 for reconsideration.

## Compliance review

In certain situations, the ministry can ask you to do a type of eligibility review called a **compliance review**. This means you have to speak to an investigative officer who works for the ministry's Prevention Loss Management Services.

Reasons the ministry might ask you to see an investigative officer include:

- in the past the ministry might have **overpaid** your welfare (gave you more welfare than you qualify for) by an amount that's more than three months of welfare for your family unit;
- the ministry might have overpaid your welfare because they think you live with a dependent spouse;
- other government agencies might think you have income you didn't report, such as Employment Insurance or Canada Pension Plan benefits;
- your file shows "risk factors"; for example, your rent is higher than your total monthly welfare payment; or
- other people accused you of fraud or of getting too much welfare.

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See page 10 for the meaning of family unit.

Like eligibility reviews, you must give the ministry any information or documents they need for the compliance review. Tell the ministry if you need more time to get documents they asked for.

If you have a disability or difficulty with English, and that makes it hard for you to get documents the ministry asked for, explain that to the ministry and ask them to help you get the documents.

If you don't give the ministry the information they ask for, or you miss appointments with them, the ministry might stop your welfare payments.

Talk to an advocate if an investigative officer wants to do a compliance review with you.

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See page 81 for where to find an advocate.



# Owing the Ministry Money

## Benefits you have to pay back

The ministry expects you to pay back some welfare benefits and supplements. These include:

- hardship assistance you get while you wait for money from other sources; for example, Employment Insurance;
- some other types of hardship assistance;
- security deposit money you get from the ministry;
- co-op housing share money you get from the ministry; and
- reconsideration and appeal supplements you get while you appeal a decision, if you lose the appeal.

Before you get these kinds of benefits, you usually have to sign an agreement to pay back the ministry. The ministry should tell you if you have to pay back a welfare benefit or supplement, and how you have to pay it.

The ministry sets some **repayment** (pay back) amounts. For example, the ministry deducts \$20 a month from your welfare payment until you repay a security deposit. Other repayment amounts vary and depend on whether you're able to pay. Some might be \$10 a month.

**TIP:** Don't sign an agreement you don't understand, or if you're not sure you owe the ministry money.

## Overpayment

An **overpayment** is when you get welfare benefits or supplements you don't qualify for. Often overpayments happen because you made a mistake when you reported your income. Or you didn't report changes on your Monthly Report when you should have. If an overpayment happens because you made a mistake, you must pay it back.

Sometimes an overpayment happens if the ministry made a mistake. You might be able to argue you don't have to pay it back if you have an **estoppel defence**. You might have an estoppel defence if:

- you gave the ministry all the correct information about your situation; *or*
- you got wrong information from the ministry; for example, you didn't report other income because a ministry worker said you didn't have to; *and*
- the ministry paid you benefits you didn't qualify for, even though you gave them correct information; *and*
- you trusted the ministry to pay you the right amount, and you spent the benefits on basic living expenses.

A ministry supervisor reviews your file if there might be an estoppel defence. The BC government Debt Management Branch decides whether you have an estoppel defence.

## What the ministry does

Ministry policy says ministry workers must deal fairly with you when they **investigate** (look into) a possible overpayment. If the ministry thinks an overpayment happened because you made a mistake, you get a letter in the mail or a message on My Self Serve.

The ministry's letter or message:

- says they think a possible overpayment might have happened,
- includes a chart of the months they think it happened, the reason, and amount for each month;
- asks you to send them your information about the situation and date to send it by;
- gives a ministry worker's name and contact number you can call if you have questions;
- asks you to meet with the ministry worker;
- says you can have an advocate or someone else you choose to be at the meeting; and
- says you have the right to ask for reconsideration (see page 78) if, after the investigation, the ministry decides an overpayment happened.

## What you can do

If the ministry contacts you and says they think they might have overpaid you, find out why.

- Read the ministry's letters and overpayment chart carefully, so you understand the ministry's reasons and the payment amounts in question.
- You might want to ask an advocate to help you understand and communicate with the ministry.
- If you think you don't owe the ministry money, or the amount they say you owe is wrong, send the ministry documents to prove this.
- Talk to the ministry worker and tell them why you think they made a mistake.
- If you think you might have an estoppel defence, get help from an advocate (see page 81 for advocates).

## What happens next

When the ministry finishes their investigation and has heard your side of the story, they decide whether you got an overpayment, and for how much. They tell you their decision by letter or on My Self Serve.

If the ministry decides they overpaid you, you must decide if you accept their decision, or you want to **dispute** (challenge) it. Talking to an advocate might help you decide.

- If you agree the ministry overpaid you and about the amount you have to pay back, you can sign a repayment agreement. Talk to the ministry about how much money you have to pay each month. The ministry can deduct as little as \$10 each month off your welfare payment. Also ask if they plan to give you a penalty for not reporting correctly.
- If you don't agree about the amount you have to pay back, or whether you have to pay back any amount, talk to an advocate.
  - » If you agree the ministry overpaid you *some* welfare, but you don't agree about the *amount* of the overpayment, you can ask for a reconsideration of the amount.
  - » If you don't agree the ministry overpaid you *any* welfare, you can ask for a reconsideration of whether you got an overpayment at all. You can also appeal this issue to a tribunal.

If you don't dispute the ministry's overpayment decision, the ministry deducts money from your monthly welfare payments whether you sign a repayment agreement or not.

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See page 78 for reconsideration and appeal.

# Penalties

If you don't report income, assets, or other changes when you should, or you report the wrong amounts, and the ministry overpays you, the ministry might give you a penalty. The penalty is on top of the amount you have to pay back to the ministry.

The length of time you have to pay the penalty goes up if you continue to send wrong reports.

Number of wrong reports	Penalty deducted from your welfare payment	How long the penalty lasts
First wrong report	\$25 a month	3 months
Second wrong report	\$25 a month	6 months
Third wrong report	\$25 a month	12 months

If you made a mistake, were confused, or have a good reason for your reporting problem, explain it to the ministry worker. The ministry might decide not to give you a penalty in such cases.

If the ministry gives you a penalty and you don't agree with it, you have the right to apply for a reconsideration of their decision. Talk to an advocate for help.

See page 78 for reconsideration.

See page 81 for where to find an advocate.

## Fraud investigation

If the ministry says they think you gave them wrong or misleading information on purpose to get a benefit or supplement you don't qualify for, they might take legal action. They start by referring your case to a ministry investigator at Prevention Loss Management Services.

The ministry investigator looks into possible fraud and can recommend charges. You could be charged with an offence under welfare law, or with fraud under the Criminal Code of Canada.

### What you can do

Fraud is very serious. If the ministry tells you they might take legal action against you, get legal advice as soon as possible.

If the ministry takes legal action, anything you say to the ministry or their investigator might be used to prove the case against you. If you're charged with an offence, apply for legal aid immediately.

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See page 83 for where to get legal help.

# Offence overpayment

If you're convicted of an offence under welfare laws, or for fraud under the Criminal Code of Canada, you have to pay an **offence overpayment** amount. The ministry deducts a **minimum** (lowest amount) of \$100 a month from your welfare payment.

Type of conviction	Penalty	How long the penalty lasts
Under the Criminal Code of Canada	\$100 a month	Until what you owe is paid
Under welfare law, your first offence	\$100 a month	12 months; if you owe less than \$1,200, until what you owe is paid
Under welfare law, more than your first offence	\$100 a month	24 months or more; if you owe less than \$2,400, until what you owe is paid

In special circumstances, the ministry can **waive** (cancel) the minimum \$100 they deduct in a given month.

For example, the ministry can decide not to deduct \$100 for a family unit who's homeless, or at risk of losing their housing if the deduction is applied, or if a deduction would put the health of someone in the family in danger. If this is your situation, see an advocate for help.

See page 10 for the meaning of family unit.  
See page 81 for where to find an advocate.

# Administered Welfare

## What it means

If the ministry thinks you have problems managing your money, they might want to **administer** your monthly welfare payment. This means the ministry can:

- pay your rent directly to your landlord,
- divide your **support allowance** (money for everything except shelter) into weekly payments,
- pay your utility bills directly to the utility provider;
- give you meal vouchers instead of some of your welfare payment, and/or
- ask a **third party administrator** (another agency or person) to manage your welfare payment.

You can also ask the ministry to administer your welfare payment for you. For example, you might ask the ministry to pay your rent directly to your landlord. Then you have proof your rent is always paid and on time.

## When the ministry administers welfare

The ministry might administer your welfare payment if you:

- ask for a lot of crisis supplements;
- lost your cheque more than once, or it was stolen more than once;
- have had trouble paying your rent or utilities on time; or
- don't have a bank account.



## Third-party administrator

A **third-party administrator** is an agency or person who manages your welfare payment for the ministry. The ministry can ask a third party to administer your welfare payment if you:

- threatened ministry staff,
- were very rude to ministry staff,
- have a legal order that says you can't go to a ministry office, or
- need more help than the ministry can give you.

The ministry might also have a third party administer your welfare payments for other reasons.

If the ministry asks a third party to administer your money, the ministry sends you a letter.

You deal with the third-party administrator instead of the ministry. The third-party administrator gives you your welfare payment as you need it. If you need a health supplement, they act as a go-between you and the ministry.

A third-party administrator isn't your advocate.

## Administered welfare review

If you don't want the ministry or a third party to administer your welfare payment, you can ask the ministry for a review.

- You can't appeal the ministry's decision to administer your welfare benefits. But a ministry supervisor can review why your welfare is administered and make changes.
- When you ask for a review, explain why you think you can manage your money on your own. Or explain why you think you can work with the ministry directly.

After the review, the ministry sends you a letter with their decision.

# Ministry Complaint and Appeal Process

## Making a complaint

If you feel a ministry worker treated you badly, you can ask to speak to a supervisor. The supervisor you speak to often depends on where the problem happened.

### Examples

- If the problem happened when you phoned the ministry at **1-866-866-0800**, it's best to ask to speak to the supervisor of ministry phone workers for your region.
- If the problem happened at a ministry office, you have to speak to the office supervisor.

If the supervisor doesn't solve the problem, ask to speak to the Service Quality Manager.

**TIP:** Ministry workers usually don't tell you their full name. When a problem happens, write down the details, with the date and time, as soon as possible. Your notes will help you remember when the ministry asks you what happened.

If you're not satisfied with the ministry's help, and you feel you were treated unfairly, you can make a complaint to the Ombudsperson.

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See page 83 for how to contact the Ombudsperson.

## Your right to Reconsideration and Appeal

The ministry might decide to refuse, reduce, or stop your monthly welfare benefits or a supplement. Or they might decide to refuse the PWD or PPMB designation. You have the right to challenge the decision. A challenge of a ministry decision has two steps:

1. A **reconsideration** is an internal review by ministry staff.
2. An **appeal** is made to the Employment and Assistance Appeal Tribunal.

### Reconsideration

As soon as you find out the ministry made a decision you don't agree with, do these things:

- Ask the ministry to give you their decision in writing. Also ask for copies of everything they used to make their decision. You have the right to this information.
- It's a good idea to find an advocate. An advocate can tell you if your reconsideration might succeed. Often they can help you do the Request for Reconsideration paperwork and gather evidence.
- Attach all the information and evidence that support your request to the Request for Reconsideration form. *It's important to give as much relevant information and evidence as you can.*
- The deadline to file a Request for Reconsideration is *20 business days* (weekends and statutory holidays don't count) from the day the ministry gave you their decision. *You must meet this deadline.*

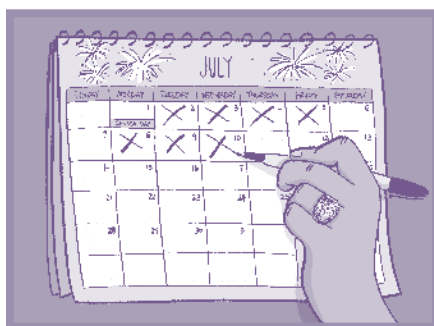
- If you need more time to give the ministry other documents and evidence, such as records or letters that support your request, you can ask the ministry to give you 10 to 20 extra business days. If you need more time, write that on the Request for Reconsideration form when you give it to the ministry.
- You can also get and fill out the Request for Reconsideration form on My Self Serve.

## Appeal

When the ministry decides about your Request for Reconsideration, they send you a Reconsideration Decision. If the ministry turns down your Request for Reconsideration, they also send you a Notice of Appeal at the same time.

If you don't agree with the ministry's Reconsideration Decision, you can usually appeal it to the Employment and Assistance Appeal Tribunal.

You must file an appeal within seven business days (weekends and statutory holidays don't count) of the day you get the Reconsideration Decision.





It's a good idea to get an advocate's help when you decide to appeal to the tribunal. See page 81 for where to find an advocate.

**An advocate:**

- can tell you if your appeal might succeed,
- might be able to help you do paperwork, and
- might go to the appeal hearing with you.

If time is an issue, send your Notice of Appeal by the seven business days deadline. You can't extend this deadline. But you can withdraw from an appeal if you decide not to go ahead after you talk to an advocate.

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For more information about appeals, see Employment and Assistance Appeal Tribunal BC at [eaat.ca](http://eaat.ca).

# Who Can Help

## Advocates

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Advocates are community workers trained to help people. These organizations help you find an advocate experienced in welfare problems.

### **Disability Alliance BC (DABC)**

[disabilityalliancebc.org](http://disabilityalliancebc.org)

**604-872-1278** (Greater Vancouver)

**1-800-663-1278** (elsewhere in BC)

DABC helps you get the PWD and PPMB designation and disability assistance and PPMB benefits if you qualify. They offer support, information, and one-to-one assistance for people with any disabilities.

### **PovNet**

[povnet.org](http://povnet.org)

PovNet is a website with information about poverty issues that includes a *Find an Advocate* map of advocacy groups throughout BC. Search the map to find an advocate near you to help with welfare problems.

## **BC211**

**bc211.ca**

Phone **211**

(Greater Vancouver, Fraser Valley, Squamish-Lillooet; 24 hours a day, seven days a week)

Text **211**

(text your city's name to start a chat session)

TTY **604-875-0885**

(for hearing impaired)

BC211 is an information and referral service. When you phone 211, the person you speak to tells you about services in your community that can help you. Your call is kept private and confidential.

## **When you want to make a complaint**

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### **Ministry supervisor**

See page 77 for how to make a complaint to a ministry supervisor.

### **MLA (Members of the Legislative Assembly)**

**leg.bc.ca** (under Members, click Members)

**1-800-661-8683**

MLAs are the elected members of the BC provincial government. To find your local representative, see the website, or call Elections BC at the above number.



## Ombudsperson

[bcombudsperson.ca](http://bcombudsperson.ca)

**250-387-5855** (Greater Victoria)

**1-800-567-3247** (elsewhere in BC)

Office address: Second Floor, 947 Fort Street  
Victoria, BC

Office hours: 8:30 a.m. to 4:30 p.m.

Monday to Friday

Mailing address: PO Box 9039, Stn Prov Govt  
Victoria, BC V8W 9A5

Contact the Ombudsperson if you have questions or complaints about government services or agencies. They're neutral and don't work for any agency you might complain about. The information you give is confidential. Their website has a complaint form you can fill out and send to them.

## Legal help

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The following organizations give free legal help.

### Access Pro Bono Society of British Columbia

[accessprobono.ca](http://accessprobono.ca)

**604-878-7400** (Greater Vancouver)

**1-877-762-6664** (elsewhere in BC)

Access Pro Bono gives free legal advice to people who can't afford a lawyer. You can meet with a lawyer for free for half an hour at legal clinics around BC.

## **Community Legal Assistance Society (CLAS)**

**[clasbc.net](http://clasbc.net)**

**604-685-3425** (Greater Vancouver)

**1-888-685-6222** (elsewhere in BC)

CLAS offers free legal advice, help, and representation to people with low incomes and the groups who represent them. For welfare issues, CLAS might be able to help if you have lost an appeal to the Employment and Assistance Appeal Tribunal.

## **The Law Centre, Victoria**

**[thelawcentre.ca](http://thelawcentre.ca)**

**250-385-1221**

University of Victoria law students at The Law Centre give free legal advice at clinics in Victoria.

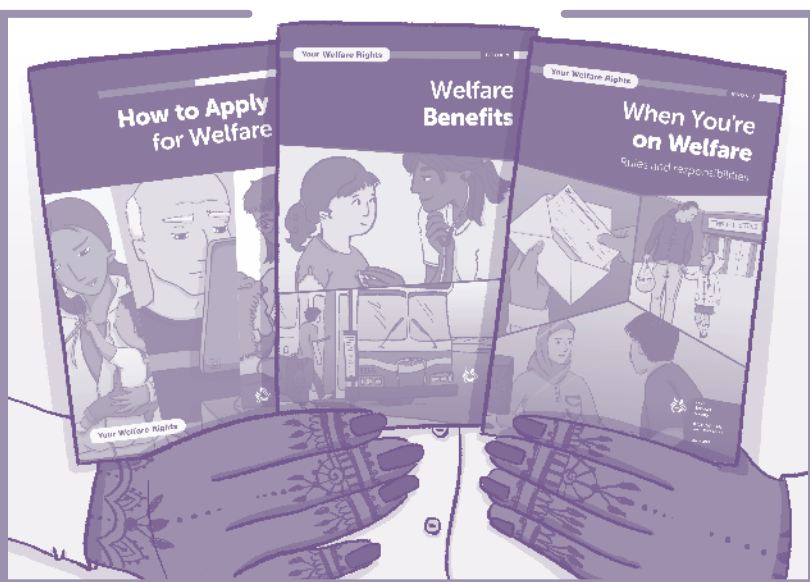
## Legal Aid BC

[legalaids.bc.ca](http://legalaids.bc.ca)

**604-408-2172** (Greater Vancouver)

**1-866-577-2525** (elsewhere in BC)

Legal Aid BC gives legal help to people with low incomes who are dealing with certain criminal, family, and immigration problems. It doesn't provide legal representation (a lawyer) to help people with welfare problems.



Legal Aid BC provides free legal information and printed materials at many legal aid locations and online.

## **TRU Community Legal Clinic, Kamloops**

[tru.ca/law/students/outreach.html](http://tru.ca/law/students/outreach.html)

(click Community Legal Clinic)

**778-471-8490**

Law students at Thompson Rivers University give legal help and advice in a range of areas, including about welfare.

## **UBC Indigenous Community Legal Clinic**

[allard.ubc.ca/iclc/](http://allard.ubc.ca/iclc/)

[indigenous-community-legal-clinic](http://allard.ubc.ca/iclc/indigenous-community-legal-clinic)

**604-684-7334** (Greater Vancouver)

**1-888-684-7874** (elsewhere in BC)

Law students at the University of BC give free help to the Aboriginal community in Vancouver's Downtown Eastside.

## **UBC Law Students' Legal Advice Program**

[lslap.bc.ca](http://lslap.bc.ca)

**604-822-5791**

Law students at the University of BC run free legal advice clinics throughout Greater Vancouver.

## Free legal information

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### **Aboriginal Legal Aid in BC, Family Law in BC, MyLawBC**

[aboriginal.legalaid.bc.ca](http://aboriginal.legalaid.bc.ca)  
[familylaw.lss.bc.ca](http://familylaw.lss.bc.ca)  
[mylawbc.com](http://mylawbc.com)

Legal Aid BC websites have lots of legal information, including about welfare on reserve, how to do your own divorce, make a separation agreement or a will, and much more.

### **Clicklaw**

[clicklaw.bc.ca](http://clicklaw.bc.ca)

The Clicklaw website has links to legal information, education, and help for British Columbians. You can find out about your rights and options to solve legal problems, and find phone numbers for legal help.

### **Disability Alliance BC (DABC)**

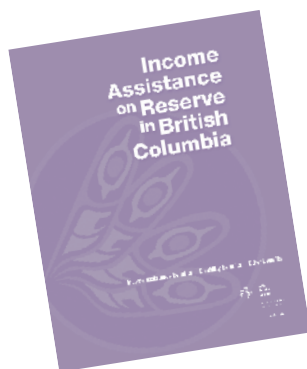
[disabilityalliancebc.org](http://disabilityalliancebc.org)  
**604-872-1278** (Greater Vancouver)  
**1-800-663-1278** (elsewhere in BC)

DABC publishes a free series of self-help guides that help people learn about and access BC's disability benefits and programs. Guides include help sheets about the PWD and PPMB application; denial of the PWD and PPMB designations; and employment, education, and training for people with disabilities. Contact them to get free copies or download the help sheets from their website.



Notes

## Other free Legal Aid BC publications with information about welfare



*Income Assistance  
on Reserve in  
British Columbia*

### *Sponsorship Breakdown*

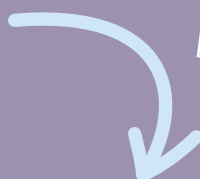
Also available in Arabic,  
Chinese (simplified and  
traditional), Farsi, French  
(online only), Punjabi,  
and Spanish



## Your Welfare Rights series

- Book 1: How to Apply for Welfare
- Book 2: Welfare Benefits
- Book 3: When You're on Welfare

See the back cover for how  
to get free copies.



## **How to get this and other free Legal Aid BC publications**

**Read:** [legalaidsbc.ca/read](http://legalaidsbc.ca/read)

**Order:** [crownpub.bc.ca](http://crownpub.bc.ca)

(under Quick Links, click BC Public  
Legal Education & Information)

### **Questions about ordering?**

604-601-6000

[distribution@lss.bc.ca](mailto:distribution@lss.bc.ca)

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[publications@lss.bc.ca](mailto:publications@lss.bc.ca)



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