



# VOCATIONAL REHABILITATION AVAILABLE FOR INDIVIDUALS RECEIVING DISABILITY BENEFITS

Canada Pension Plan Disability Vocational Rehabilitation Program is designed to help people who receive a CPP disability benefits return to work. In order to be eligible for Vocational Rehabilitation you must be receiving Canada Pension Plan disability benefits.

## 1. How does my file get to the Vocational Rehabilitation Department?

There are several ways that your disability file may be recommended to the Vocational Rehabilitation Department.

- Initial adjudicators may refer clients to rehabilitation;
- If you have undergone a reassessment;
- Review Tribunal and Pension Appeals Board may recommend your file;
- You may approach Canada Pension Plan;

## 2. What is the CPP Disability Vocational Rehabilitation Program?

The program is designed to help you return to work. You may be approved for the program if you are motivated to return to work and if your doctor agrees that you would be a suitable participant in a work-related program.

You must be aware that if your doctor agrees you are be a suitable participant for a work-related program he/she is assessing your capacity to work. There is a significant risk of being re-classified as not medically eligible by CPP after the rehabilitation program is completed.

## 3. What is the intent of the Vocational Rehabilitation Program?

The goal of the program is to help people who are receiving CPP disability benefits return to work. They can help return you to your former job and former employer; return you to a modified version of your former job; enable you to be retrained for a job through skills or education training; or help you gain skills necessary for self-employment. (over...)

## **4. What services are provided?**

Your first contact would be a Rehabilitation representative in Winnipeg. If you are considering rehabilitation, the toll free number to call is 1-800-461-3422. Upon making contact, you will be asked to provide the case agent with the following information: age, education, when you last worked, work history and medical condition. The case agent is going to determine what has changed with your disability and why you are considering a rehabilitation program.

There is some risk in providing this information as the rehabilitation department can recommend that your Canada Pension Plan benefits be terminated and/or reassessed.

The vocational rehabilitation program is designed to help you carry through a personal return-to-work plan. A specialist in your community will work with you to develop your individual plan. The plan could include the following services: planning your return to work, improving your skills and retraining, and developing your job search skills.

## **5. What happens to my CPP disability benefits?**

You will still get your regular CPP disability benefits during the time you participate in the program. At the end of the upgrading or retraining process, there is a job-search period when your vocational rehabilitation specialist will help you look for a job. Your benefits continue during this period. If you find a job, your CPP disability benefits will continue for the first three months you are working. If you don't find a job your benefits will still stop at the end of the job-search period.

## **6. Once I am working, what happens if I must stop?**

If you must stop working after your benefits have been cancelled, and this is due to the same medical condition, you may be able to use the *Fast-track re-application process*. You can also reapply for disability benefits. To re-qualify you must have enough contributions in four out of the last six years - excluding the time you were receiving CPP disability benefits.



# WHAT ARE CANADA PENSION PLAN DISABILITY BENEFITS ?

Canada Pension Plan Disability is the largest benefit program in Canada.

According to CPP statistics 289,000 people receive disability benefits and approximately 70,000 people apply for CPP Disability pension annually.

## 1. How does one qualify for disability benefits?

To qualify for Canada Pension Plan disability benefits you must:

- Be between the ages of 18 and 65
- Have enough Canada Pension Plan contributions at the time you became disabled.
- Be disabled according to the Canada Pension Plan definitions
- Apply in writing.

## 2. What contributions do I have to make to CPP to qualify for disability benefits?

Contributions to the Plan are based on the amount of earnings from employment or self-employment. Recent changes to the contribution requirement provisions made by the federal government, make the date your disability began very important.

If CPP determines that you became disabled prior to January 1, 1998, then you must have worked and contributed to CPP in either two of the three years, or five of the last ten years before you became disabled. If CPP determines that you became disabled after January 1, 1998, then you must have contributed to the Plan in four of the last six years.

## 3. How does Canada Pension Plan determine disability?

The legislative definition of disability is as follows:

*"A person shall be considered to be disabled only if he/she is determined in a prescribed manner to be suffering from a severe and prolonged "mental or physical disability", and for the purposes of this paragraph",*

- A disability is "severe" only if by reason the person in respect to whom the determination is made, is incapable of regularly pursuing any substantially gainful employment.
- A disability is "prolonged" only if it is determined in a prescribed manner that the disability is likely to be long continued and of indefinite duration or likely to result in death.

You will note that there are several words in this definition that explain how a claim for disability pension is adjudicated. There are two essential criteria for disability under the Canada Pension Plan. The first criteria is "a disability is severe." The primary indicator of severe disability is the medical condition and how does it prevent the person from working.

The Canada Pension Plan legislation says that determination of disability relates to the "person in respect of whom the determination is being made." This means that a disability claim assessment is based on the individual and not by using a simple formula.

You must be "incapable of pursuing any substantial, regular, gainful employment." Canada Pension Plan assesses how your disability affects your functional limitations and whether this leads to a complete inability to work.

Canada Pension Plan assesses a substantially gainful employment amount to be 12 times the maximum Canada Pension Plan retirement rate. This amount may change slightly from year to year.

A disability is considered "prolonged" if it is determined that the disability is likely to be long-continued and of indefinite duration. These two factors must be met and are not evaluated separately. They are related to an uncertainty with regard to the length of time the severe disability will last. According to Canada Pension Plan, it must be assessed at the date of application that your capacity to work will not be regained within one year.

If you are denied disability benefits and are appealing this denial; and in the interim the applicant passes away, your estate will still be entitled to receive any disability benefits in arrears. You can no longer make post-mortem disability applications.



# EARNINGS WHILE ON CANADA PENSION PLAN BENEFITS

## CPP Benefits Fact Sheet

An issue frequently raised is whether a person can earn income working while collecting Canada Pension disability benefits.

Income Support Policy guidelines state that under certain conditions a person can earn an income working while collecting Canada Pension Plan Disability Benefits.

To illustrate this point, the following are excerpts from correspondence between a person receiving Canada Pension Plan Disability Benefits and Human Resources Development Canada officials.

**April 13, 1994** "CPP defines 'substantially gainful occupation' as any calling, employment, profession or work one might profitably pursue including:

- the performance of duties that contribute significantly to the operation of an enterprise regardless of the level of remuneration,

- the performance of duties for which the monthly remuneration exceeds 1/12 of 25% of the average for the Year's Maximum Pensionable Earnings for the last three years. The maximum allowable for the current year and the Previous two years is as follows:

**1992 - \$7 633.32**

**1993 - \$8 008.32**

**1994 - \$8 333.00**

Therefore, if a disabled client attempts to return to work, but due to his disability is medically incapable of earning more than \$8 333.00 per year in 1994, benefits may be continued. However, each client's situation is assessed on an individual basis. Decisions cannot be based solely on the client's income as a reduced income may be due to a number of factors unrelated to disability, for instance, unemployment, personal choice, family obligations etc. Therefore, the decision to continue benefits is based on the persons' medical incapacity to earn more than the ceiling amount in a particular year.

Consequently, it is not possible to promise to continue a clients' benefits based on the clients assertion that he will earn below a specific ceiling: the medical condition must be evaluated.

CPP recognizes that in a very few cases remuneration does not reflect a person's capacity. The work effort may be significantly subsidized, such as in sheltered workshops, or an employer may provide significantly more than normal assistance/supervision. In these situations, and in cases where employers compensate an employee at "full rate" even though productivity may be significantly lower than the productivity expected of individuals performing the same or similar duties without impairment, benefits may be continued. However, each case must be examined individually and a decision will be based on the evidence."

**Robert Theriault**  
*Department Assistant*  
*HRDC*

**June 29, 1998** "The capacity for work, rather than the amount of remuneration is what CPP needs to determine when someone on a disability benefit returns to work. We must determine if the person is capable of working on a regular basis and if that work is both productive and profitable. The amount a person earns is only one factor to be considered in determining this, but it is generally presumed that if one is earning over the amount set by CPP in a given year as "substantially gainful" that person is then working at a productive level and benefits will stop. The substantially gainful amount for 1998 for example, is \$8 937.48

In fact some of our clients do work and still receive benefits.  
To do so however all of the following must be met:

- 1) the disability continues to be severe
- 2) the person is working at their maximum capacity but
- 3) is not productive (able only to work a few hours per week because of disability),
- 4) is earning less than the substantially gainful amount for that year.

The requirement for clients who return to work is to submit a return to work notice to CPP, so that a decision can be made as to their ongoing eligibility for benefits, failure to do so may result in overpayments which will have to be repaid. The eligibility evaluation is carried out by medical adjudicators in the Disability Operations areas at CPP, as all of those legislative terms - productive, profitable etc. are interpreted by policy guidelines."

**Nancy Lawand**  
*Director, Canada Pension Plan*  
*Income Security Programs*

To consult Income Support Policy Guidelines, please visit our website at: [www3.sk.sympatico.ca/voice](http://www3.sk.sympatico.ca/voice)

For more information, please contact the Saskatchewan Voice of People of Disabilities  
Phone /TTY(306) 569-3111 Fax (306) 569-1889 or Mail 1024 Winnipeg St, Regina SK S4R 8P8



# **CAN I WORK, VOLUNTEER OR GO TO SCHOOL WHILE COLLECTING CPP DISABILITY BENEFITS?**

One of the most frequently asked questions is, can I work, volunteer or go to school while collecting Canada Pension Plan disability benefits? The information on this fact sheet should be used only as a guideline to assist you with these questions. For any specific questions, prior to engaging in any activity please contact Canada Pension Plan at 1-800-277-9914.

## **1. What do I have to report to CPP?**

You must report in writing, any changes to your condition that may affect your ability to work. Examples of such changes include:

- if your medical condition improves,
- if you return to any job full-time, part-time, temporarily or on a seasonal basis,
- if you decide to go to work for a trial period,

## **2. What if I am attending School, College, University or any upgrading or retraining program?**

You are not obligated to advise Canada Pension Plan if you are attending any of these programs. You do however have to inform Canada Pension Plan if you successfully complete these programs.

Canada Pension Plan recognizes that the potential to learn does not necessarily mean the potential to work.

## **3. I may be capable of doing some work to supplement my Canada Pension Plan Disability benefits. Is this allowed?**

In most situations you are unable to supplement your Canada Pension Plan disability benefits through paid work. If your medical condition allows you to work occasionally, you may still be eligible to receive benefits. There are individuals who have been given "permission" by Canada Pension Plan to supplement their benefits, but this is the exception rather than the norm. It is therefore safe to assume, that if you can supplement your benefits, Canada Pension Plan will find you capable of working and your benefits would probably be cancelled.

## 4. I want to try going back to work but I 'm not sure whether my medical condition will let me. What happens to my benefits?

You can assume that if your condition lets you do some type of paid work on a regular basis, your benefits will probably be cancelled after a three month trial period. If you start working, you must let Canada Pension Plan know right away.

If you have to stop working because of your medical condition, you need to advise CPP and your file will be reviewed immediately. If you stop working after the three month trial period because of the same medical condition, you may also be able to use the fast-track re-application process.

To re-qualify you must have enough contributions in four out of the last six years - excluding the time you were receiving CPP disability benefits.

**Be aware that if you are denied the Fast-track application, you will have to reapply and may face the lengthy appeal procedures if your claim is denied.**

If you have worked and contributed enough hours to obtain Employment Insurance please ensure you use the fifteen week sickness benefits only. If you obtain regular employment benefits, you are declaring that you are fit and capable of working and this may be used against you during any appeal proceedings by Canada Pension Plan officials.

## 5. Can I volunteer?

Canada Pension Plan has removed your obligation to report volunteer work. If you are volunteering a significant amount of hours regularly throughout a week, you may be assessed capable of returning to work should if a third party reported you to Canada Pension Plan.

## 6. How would Canada Pension know if I went back to work?

Canada Pension Plan may find out you have gone back to work:

- from **Revenue Canada** - your records let CPP know that you had earnings;
- from **Employment Insurance** - if you receive both types of benefits (EI and CPP) Canada Pension Plan will review your file. EI also supplies records of employment for individuals who are receiving disability benefits;
- from **information provided by third parties** - various sources inform CPP about clients who are receiving disability benefits even though they are working or able to work. CPP investigates all such reports;

For more information, please contact the Saskatchewan Voice of People of Disabilities  
Phone /TTY(306) 569-3111 Fax (306) 569-1889 or Mail 1024 Winnipeg St, Regina SK S4R 8P8





# REASSESSMENT OF YOUR CANADA PENSION PLAN DISABILITY BENEFITS

## CPP Benefits Fact Sheet

Here are answers to questions most often asked by those individuals receiving Canada Pension Plan disability benefits.

### 1. How long can I receive CPP disability benefits?

You can continue to receive benefits as long as you are under age 65 and as long as your condition continues to be "severe" and "prolonged" according to CPP. This means your disability is likely to be long-term and must keep you from doing any kind of paid work on a regular basis.

### 2. Why does CPP review files?

Canada Pension Plan has indicated that all recipients of disability benefits will have their file reassessed. Six months after you receive disability benefits a letter will be sent from CPP outlining your responsibilities while collecting benefits. Canada Pension Plan reviews files to ensure that the individual's medical condition has not changed and in order to ensure that only those who qualify continue to receive benefits.

### 3. Do I have to tell Canada Pension Plan when my medical condition improves or if I start working?

**YES!** You must report, in writing, any changes to your condition that affect your ability to work if:

- ✓ your condition improves;
- ✓ you return to any job full-time, part-time, temporarily or on a seasonal basis;
- ✓ you decide to go to work for a trial period; or
- ✓ you successfully complete a school, college, university, upgrading or retraining program.

To find out which Human Resources Development Canada office you should send your new information to, please call them toll free at 1-800-277-9914.

## 4. How does CPP review my file?

When Canada Pension Plan reviews your file, they may ask for information about your medical condition and activities that can help determine if you are able to do any type of paid work on a regular basis.

With your permission, Canada Pension Plan may also ask other sources for information and may ask you to undergo a medical examination.

Canada Pension Plan is reassessing your file to ensure that you still meet the criteria for disability benefits.

## 5. What to do if you receive a reassessment notice?

DON'T PANIC! Although this reassessment does threaten your income support you should realize that all individuals receiving Canada Pension Plan have to go through this procedure. A thorough response is required in order to survive the reassessment.

### **Important information to relay to Canada Pension Plan:**

“ How does your disability prevent you from working regularly?”

- Consider any and all employment. (past and present)

“ Is it unlikely that your disability will significantly improve in the foreseeable future?”

-Provide information on why it is unlikely your disability will improve.

“Is your doctor still aware of the full extent of your disability?” - Is your doctor still supportive of your limitations in your daily life and your inability to obtain and maintain employment?

A report or letter from your doctor may provide important information; **but** if it includes even one line that indicates you are employable, the letter may be detrimental to your case.

“Obtain professional advice from a lawyer or advocate before sending in the information to Canada Pension Plan.” Remember this can be an adversarial procedure and you are wise to ensure that your rights are protected.



# WHAT TO DO IF YOU ARE DENIED CPP DISABILITY BENEFITS

## CPP Benefits Fact Sheet

### 1. The stages of the appeal process

- i. Reconsideration by Human Resource Development Canada (HRDC)
- ii. Appeal to the Office of the Commissioner of Review Tribunals
- iii. Apply for leave to appeal to the Pension Appeals Board
- iv. Hearing by Pension Appeals Board (If Granted)

If you receive a letter stating that your application for disability benefits has been turned down, the following information will assist you with your appeal for re-consideration.

### 2. Starting the appeal

- **Note of the date on your denial letter.** You have 90 days to notify CPP in writing that you wish to appeal your denial of benefits. You are only notifying CPP of your intention to appeal, it is not necessary to have your case put together at this time. Advise CPP that additional information will be sent in later, and the approximate time frame in which they can expect to receive this information
- **Request a copy of your Canada Pension Plan file.** Phone HRDC toll free at 1-800-277-9914 and ask them to mail you an *Information Source Personal Information Request* form. Include this form with your notification of appeal. (It usually takes six to eight weeks to receive a copy of your file.)

### 3. Review your file

Your file should contain: application form; doctor's medical report; important information; and the disability summary sheet, which will tell you why your claim was denied. Applications for benefits are often refused because important information has been left out by the applicant. Some points you should consider when reviewing your file are:

- Have you described in detail how your disability has prevented you from performing the duties of your last job?
- Read the medical report that was completed by your doctor. Is it accurate? Does your doctor appear to be supportive? How has your disability been summarized? What has been said about your prognosis?
- Check to see what other information has been included. Is the medical information consistent or contradictory? Has your doctor said you are employable?
- What has CPP said on their disability summary sheet? Have they overlooked anything important or are there any errors?

## 4. Getting medical letters

Doctor's letters carry a lot of weight in appeals. If you have more than one doctor you should try to obtain a support letter from each of them, if they are willing to support your appeal. A report or letter may provide important information, but if it includes even one line that indicates that you are employable, the letter may be detrimental to your case.

### **Here are some tips for dealing with your doctor.**

- Make an appointment specifically to talk about your CPP appeal and why your benefits were denied.
- Obtain a copy of the Fact Sheet titled "Information for Medical Practitioners" from Voice of People with disabilities and take it to your appointment.
- Ask the doctor whether he/she feels that your disability creates a severe barrier to employment, not only now, but also in the future.
- Clarify the expected duration of your disability.
- Ask your doctor to write a support letter to specifically address the limitations that your impairment creates, especially within the context of employment.
- Ensure that your doctor's letters comment on the barriers you face in all employment opportunities, including your previous occupation.

## 5. Other supporting documentation

- Health Professionals other than doctors willing to provide support letters.
- Support letters from family and friends.
- A printout of medications prescribed.
- A profile of a typical day and/or a personal journal may also be included.

## CONCLUSION

Once your appeal is sent in, you will have to wait several months for a response. Your claim will either be accepted or denied. If denied, obtain the advice of an advocate or lawyer to find the best way to proceed. Perseverance will often get results. Good luck and remember, never give up!



# INFORMATION FOR MEDICAL PRACTITIONERS

## CPP Benefits Fact Sheet

Those individuals who do not qualify for a work-sponsored or private disability program, Canada Pension Plan disability benefits are often the last recourse. With more stringent guidelines adhered to by Canada Pension Plan, disability benefits are difficult to obtain unless the individual has provided a comprehensive and complete application. Qualifications for benefits are determined by a claims adjudicator, not by a doctor. There are several things a doctor can do to help a patient if they believe the claim for benefits is warranted.

Medical practitioners are often asked to provide their patients with a letter of support describing their disability. Information Canada Pension Plan would like to see addressed includes your comments on:

- **The nature of the medical condition.** What is the nature of the individual's medical condition. Would it be considered "severely" disabling and does the condition lead to a complete inability to work?
- **What are the functional limitations.** For an individual a functional limitation is an impairment that causes less than normal performance. Questions to consider are what functional limitations would normally result from the medical condition(s) and how do these functional limitations affect the patient's capacity to work? To what extent "mildly, moderately or severely."
- **What is the impact of treatment.** Is the ongoing medical treatment likely to affect the individual's short-term capacity to work? Will the individual's medications and recommended treatments undermine the individual's short or long-term capacity to work? Will prolonged attendance at regular treatment sessions diminish short-term ability to work?
- **Your medical statements.** Have you made a statement that may indicate that the applicant is incapable of working? Is there objective medical evidence to support your statement? (At times, objective evidence may not be available; for example with chronic pain). What other indicators are there to support these statements?
- **Multiple medical conditions.** Are there multiple medical conditions, which alone might not indicate incapacity to work, but together would indicate such an incapacity? Are there additional medical factors increasing the severity of the condition?