



Community Law School (Sarnia-Lambton) Inc.

Legal Literacy Activity Form

Copyright 2019 Community Law School (Sarnia-Lambton) Inc., Margaret N. Capes and Kathryn M. Bullon

Please note: This Legal Literacy Activity Form has not been reviewed and approved by the Ontario Task Based Activity Portal Committee

Legal Literacy Activity Title: Overview of Canada Pension Plan Disability Benefits

Date Developed: November 15, 2019

Learner Name:

Date Started:

Date Completed:

Legal Literacy Activity Description: The learner will read sections of the attached CLEO booklet, "CPP disability benefits" and prepare written answers to questions based on the readings.

Materials Required:

Paper and pen

Instructor preparation: Read over the learner instructions with the learner and check for understanding.

Legal Literacy Activity Title: Overview of Canada Pension Plan Disability Benefits

Legal Literacy Activities:

Task # 1: Please read pages 1 to 2 of the attached CLEO booklet and prepare written answers to the following questions.

1. What benefits are available through the Canada Pension Plan?

2. Please list the 3 requirements to qualify for CPP disability benefits?

3. What are CPP "pension contributions"?

4. What do "severe" and "prolonged" mean?

Task # 2: Please read "How much can I get?" on pages 4 to 5 in the attached CLEO booklet and prepare written answers to the following questions.

1. How is the monthly CPP disability benefit calculated?

2. What benefit is available to dependent children?

Legal Literacy Activity Title: Overview of Canada Pension Plan Disability Benefits

Answers for Legal Literacy Activities:

The learner will undertake the following activities. Answers to the questions are provided where applicable.

Task # 1: Please read pages 1 to 2 of the attached CLEO booklet and prepare written answers to the following questions.

1. What benefits are available through the Canada Pension Plan?

The Canada Pension Plan (CPP) is a benefits plan for employees and people who are self-employed.

Workers who pay into the plan, or their former spouses or common-law partners, might get a retirement pension when they are old enough. Or they might get disability benefits if they can no longer work because of a disability.

There are also benefits for:

- children of people who are receiving CPP disability benefits
- children and spouses or common-law partners of CPP contributors who have died

2. Please list the 3 requirements to qualify for CPP disability benefits?

The requirements include:

- the applicant must be younger than 65,
- the applicant must have enough pension contributions, and
- the applicant must have a severe and prolonged disability

3. What are CPP “pension contributions”?

Pension contributions are based on what the worker and their employers paid into the CPP while they were working. The government keeps a record of all these contributions.

4. What do “severe” and “prolonged” mean?

Severe usually means that the disability prevents a person from earning more than a small amount of income from work. Their disability can be physical, mental, or both.

Prolonged means that the disability is likely to last for a long and unknown amount of time, or to eventually cause death.

Task # 2: Please read “How much can I get?” on pages 4 to 5 in the attached CLEO booklet and prepare written answers to the following questions.

1. How is the monthly CPP disability benefit calculated?

The amount of a disability pension will be set by adding up:

- a base amount of about \$500 each month that is the same for everyone getting CPP disability benefits, and
- an extra amount that depends on the worker’s CPP pension contributions.

2. What benefit is available to dependent children?

If someone qualifies, their dependent children can also get benefits if they are:

- under 18 years old, or
- full-time students and under 25 years old.

The amount is about \$250 a month for each child.

Legal Literacy Activity Title: Overview of Canada Pension Plan Disability Benefits

These Legal Literacy Activities: were successfully completed____ need to be tried again____

Learner Comments

Instructor (print and signature)

Learner Signature



CPP disability benefits

If you are under 65 and cannot work because you have a physical or mental disability, you may be able to get disability benefits from the Canada Pension Plan (CPP).



If you speak French

You have the right to get Government of Canada services in French. This includes anything related to the Canada Pension Plan (CPP).

If you have trouble getting services in French, ask a lawyer or a community legal clinic about your French language rights.

Si vous parlez français

Vous avez droit à ce que les services du gouvernement canadien vous soient fournis en français. Les services visés comprennent tous ceux qui sont reliés au Régime de pensions du Canada (RPC).

Si vous avez de la difficulté à obtenir des services en français, communiquez avec un avocat ou une clinique juridique communautaire et demandez qu'on vous explique les droits linguistiques reconnus aux francophones.

Table of Contents

What is the Canada Pension Plan?	1
When would I be entitled to CPP disability benefits?	1
How can I apply for CPP disability benefits?.....	2
How do I prove that I have a disability?	3
How much can I get?	4
Are there other benefits I can apply for?.....	5
What if I am already getting a CPP retirement pension?	7
Can I appeal if I am refused?.....	7
For more information	8

■ ■ ■ What is the Canada Pension Plan?

The Canada Pension Plan (CPP) is a benefits plan for employees and people who are self-employed.

Workers who pay into the plan, or their former spouses or common-law partners, might get a retirement pension when they are old enough. Or they might get disability benefits if they can no longer work because of a disability.

There are also benefits for:

- children of people who are receiving CPP disability benefits
- children and spouses or common-law partners of CPP contributors who have died

■ ■ ■ When would I be entitled to CPP disability benefits?

You might be entitled to CPP disability benefits if:

- you are younger than 65,
- you have enough **pension contributions**, and
- you have a **severe** and **prolonged** disability.

Pension contributions are based on what you and your employers paid into the CPP while you were working. The government keeps a record of all these contributions.

If you are divorced or separated you may be entitled to a share of the pension contributions of your former spouse or common-law partner. For more information about this, see CLEO's booklet **Separation and Divorce or Death of a Spouse: Property Division**.

Severe usually means that your disability prevents you from earning more than a small amount of income from work. Your disability can be physical, mental, or both.

Prolonged means that your disability is likely to last for a long and unknown amount of time, or to eventually cause death.

Your disability does not have to be caused by your job.

■ How can I apply for CPP disability benefits?

You can have an application kit sent to you by calling Service Canada at **1-800-277-9914**.

If you use a TTY device, call **1-800-255-4786**.

The application kit is also online at www.canada.ca. Click on **Benefits** and go to the section called **Disability benefits**.

If there were times when your CPP contributions stopped or were lower because you were taking care of your child under 7 years old, you also need the “Child Rearing Provision” form.

This form is part of the application kit. Filling it out might help you qualify for CPP disability benefits or increase the amount of the benefit.

Someone else can apply for you if you cannot apply on your own. But you must make sure your application forms are sent in. Your employer or the government will not apply for you.

If you think it will take some time for you to complete the application, send a letter to CPP asking for your disability benefits.

It is important to send this letter as soon as possible. Send your letter to the address shown in the kit. Keep a copy of the letter and make a note of when you sent it. You will still need to fill out an application.

■ ■ ■ How do I prove that I have a disability?

The application kit asks for a lot of detailed information about how your disability affects you. You will need to get your doctor to fill out the

medical form in the kit. CPP will pay your doctor's fee for this, up to a certain amount.

Before you send in your application, get as much medical information as you can to prove your disability is both **severe** and **prolonged**.

A medical professional hired by the government will look at the medical information you send in. This person will tell CPP whether or not they think you have a disability that could qualify you for benefits:

They will just read your file, not actually examine you. So it is very important to clearly explain in your application exactly how your disability prevents you from working.

A community legal clinic or lawyer may be able to help you with this.

■ ■ ■ **How much can I get?**

The amount of your disability pension will be set by adding up:

- a base amount of about \$500 each month that is the same for everyone getting CPP disability benefits, and
- an extra amount that depends on your CPP pension contributions.

The most you can get all together is about \$1,360 each month, but the average is about \$955.

If you qualify, your dependent children can also get benefits if they are:

- under 18 years old, or
- full-time students and under 25 years old.

The amount is about \$250 a month for each child.

III Are there other benefits I can apply for?

There is another disability benefit program called the Ontario Disability Support Program (ODSP). It is for people who have disabilities and do not have much money. If this is your situation, you should apply to this program even if you are applying for CPP disability benefits.

People who do not qualify for CPP disability benefits may be able to get assistance from ODSP.

Also, for some people, their CPP disability benefits are less than what they could get from ODSP. If this applies to you, you may be able to get some money from ODSP to make up the difference.

If you get money from ODSP, you also get help to pay for most prescription drugs. And you may be able to get help paying for other costs related to your health or disability.

It can take months to find out if you qualify for ODSP or CPP. If you need money right now for food and housing, you can apply to another program called Ontario Works (OW).

To find out how to apply for ODSP or OW benefits, see CLEO's booklets **Disability benefits in Ontario: Who can get them and how to apply** and **Need welfare? How to apply to Ontario Works**. To read these online or order copies, go to www.cleo.on.ca.

There is also information about applying in the Income Assistance section of Steps to Justice. See www.stepstojustice.ca.

Depending on your situation, you may be able to get other benefits, such as:

- Employment Insurance sickness benefits
- Veterans Affairs disability benefits
- pension benefits from another country where you once lived
- benefits from workers' compensation or a workplace insurance plan

■ ■ ■ What if I am already getting a CPP retirement pension?

Disability benefits are usually more than a CPP retirement pension.

If you are under 65, you might be able to get CPP disability benefits to replace or add to your CPP retirement pension.

But you cannot get CPP disability benefits once you have turned 65 years of age.

The rules about this are complicated, and there are time limits. Try to get legal advice if this is your situation.

■ ■ ■ Can I appeal if I am refused?

Most decisions about CPP pensions and benefits can be appealed.

If you want to try to get the decision changed, you must first ask for a “reconsideration”. You must do this within 90 days after receiving the decision.

Your community legal clinic may be able to give you free legal help.

To find the clinic nearest you, go to Legal Aid Ontario’s website at www.legalaid.on.ca/en.

Or call them:

Toll-free **1-800-668-8258**

Toronto area **416-979-1446**

Toll-free TTY **1-866-641-8867**

Toronto area TTY **416-598-8867**

Legal Aid Ontario also offers an online directory of lawyers. You can search by location and language at www.legalaid.on.ca/en/getting/findingalawyer.asp.

■ ■ ■ For more information

CLEO's **Steps to Justice** is a website that gives step-by-step information about common legal problems, including CPP disability benefits.

Steps to Justice has practical tools like forms and checklists, and referral information for legal and social services.

Visit www.stepstojustice.ca.

This booklet gives only general information. You should get legal advice about your own situation.

Written by:

CLEO (Community Legal Education Ontario/
Éducation juridique communautaire Ontario)

Produced by:

CLEO

With funding from:

Legal Aid Ontario
Department of Justice Canada

CLEO has more free publications on Health and Disability Law and other legal topics.

We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

For our Discard List, or to order or view our publications online, visit www.cleo.on.ca. You can reach us by phone at **416-408-4420**.

CLEO's Steps to Justice website has step-by-step information about common legal problems. Visit www.stepstojustice.ca.



CLEO | February 2019