

Community Legal
Education Association



L'Association d'éducation
juridique communautaire

WELFARE

A Guide to

Employment & Income Assistance

in Manitoba



This book is intended as legal information only, not advice. Each situation is different and involves unique legal issues.

Community Legal Education Association (CLEA) is a not-for-profit organization providing information about the law to Manitobans. Funders of CLEA include:

- The Manitoba Law Foundation
- Department of Justice Canada
- The Law Society of Manitoba
- members and donors

Funding for the writing of this publication was provided by Human Resources Development Canada

This book was written by Leo Aniceto (2000), revised (2001) by Karen Dyck, revised (2005) by Christine Mazur and revised in 2014/15 with the help of Alexandra Collizza and reviewed by Teresa Johnson.

CLEA would also like to thank the following individuals, whose comments and suggestions were indispensable: Gerardo Aguilar (International Centre); Martha Aviles (Immigrant Women's Association of Manitoba); Barry Burron (Main Street Project); Jaime Carrasco (Mount Carmel Clinic); Margaret Church (Operation Go Home); Harold Dyck (Workers Organizing Resource Centre); Karen Dyck (Community Legal Education Association); Ron Fortier; Eduardo Mendarozqueta (Mount Carmel Clinic); Mervin Moar (Aboriginal Ganootamaage Justice Services of Winnipeg, Inc.); Larry Reimer (Employment and Income Assistance); Cathy Sherman (Legal Aid Manitoba); Marlene Vieno (Manitoba League of Persons With Disabilities); Margaret von Lau (Newcomers Employment & Education Development Services)

CLEA provides a variety of public legal information services and programs, including:

- plain language publications about the law
- a free telephone legal information service (204-943-2305 in Winnipeg, 1-800-262-8800 toll-free in Manitoba, outside Winnipeg)
- workshops, training courses and public law classes
- a volunteer Speakers Bureau for community groups and schools

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INTRODUCTION

What is The Employment and Income Assistance Program (EIA)?

The Employment and Income Assistance Program, also called the EIA program, is run by the provincial government Department of Family Services. As a program of last resort, the EIA program gives Manitobans temporary help when they have no other way to support themselves and look after their health and well being. For Manitobans who can work, EIA's main goal is to help them to get back to work if possible. In return, those taking part in the program must follow program rules.

How do I know if I need help from EIA?

EIA benefits are often called social assistance or welfare. You need social assistance or welfare if you do not have enough money to meet your basic needs and those of others in your household. You do not need to wait until everything that you own is gone before you apply for assistance. You can apply for assistance even when you are not sure if you qualify or not.

THE PROCESS

How do I apply for Social Assistance?

Step 1: *Contact an EIA office*

To apply for assistance, contact the Employment and Income Assistance (EIA) office. In Winnipeg, call (204) 948-4000 or drop by the office at 111 Rorie Street, 1031 Autumnwood Drive for services in French, or the office in your area to register in person. See the list of Winnipeg offices on page 33. Outside of Winnipeg, you can call toll-free 1-877-812-0014, or drop by one of the EIA locations (see list on page 35). If you are hard of hearing or deaf: TTY 204-945-4796 or 1-800-855-0511.

If you want, you may ask a friend, family member or other person you know to help you talk with EIA.

Step 2: *Attend a pre-intake orientation session*

After you contact EIA, a worker will invite you to attend a pre-intake orientation session. There is also a pre-intake orientation presentation on-line at http://www.gov.mb.ca/jec/eia/pubs/plo_how-to_apply.pdf

If you are applying for EIA under the single parent or general assistance category, you must attend a pre-intake orientation.

The pre-intake orientation session gives you information about how to complete your application.

You get a package after your session that contains your application and job plan forms, checklists and other materials. Then you must set up an appointment for your intake interview with an EIA worker by telephoning (204) 948-4000 in Winnipeg or contact the EIA office near you as listed on page 33 or page 35.

Step 3: *Attend an intake interview with an intake worker*

The intake interview is the formal part of your application. You meet with an EIA worker who goes over the information you give and then decides if you qualify for social assistance or not.

Before going to the meeting, you should fill out your application form, including your Employment History and Personal Job Plan form. If you have trouble filling out your forms, you can contact a community group or agency in your area. There is a list of community support agencies at page 30 of this booklet.

You will have to bring certain documents to the interview. Please check your information package for a checklist of what to bring. You must bring at least two pieces of ID for yourself and two pieces of ID for your spouse or common law partner, if they are also applying for social

assistance. You will also need at least one for each of your family members who need assistance. Some examples of acceptable ID are:

- Birth certificate,
- Social insurance number card
- Driver's license or other photo ID card
- Passport

Bring the following if you have them:

- Immigration documents such as Record of Landing, Acknowledgement of Convention Refugee Claim, Minister's Permit or Employment Authorization (You can get these from the Citizenship and Immigration Office at The Forks, Winnipeg; you will need to make an appointment)
- First Nations status card
- Manitoba enhanced driver's licence
- Manitoba enhanced ID card
- Social insurance number card
- Temporary absence or release papers
- Live birth registration form
- Any other photo ID
- Manitoba Health Card.

Your Manitoba Health Insured Benefits Card (MHIBC) and Personal Health Identification Number (PHIN) card are not identification cards but are used to confirm other family members when no other documents are available and to get health coverage. If you have no Manitoba Health card you can get one free of charge at 300 Carlton Street, Winnipeg or call (204) 786-7101. Toll free: 1-800-392-1207. Deaf access line Winnipeg TTY/TDD: (204) 774-8618. Deaf access line outside Winnipeg **TTY/TDD**: call the Manitoba Relay Service at 711 or 1-800-432-4444.

Photocopies of ID cards are not accepted.

Other documents you will have to bring, if they apply to you:

- Your lease or board and room agreement in writing and signed by your landlord;
- If you own your home: mortgage papers, house insurance papers, property tax statement, land title form;
- If you own a mobile home: lot rental receipts;
- If you own a condominium: condominium fee receipts;
- Utility bills (for example gas, water hydro);
- If you are an adult student: confirmation of attendance and progress, proof of enrollment, copy of report card, current attendance record, sponsorship funding information;
- If you recently left your job: pay stubs for final regular pay, holiday pay and Record of Employment;
- If you are working: company name and paystubs for the last 30 days;
- Cheque stubs or notice of payment for pensions, Canada Pension Plan, Canada Pension Plan Disability, orphan/spouse or widow's benefits, Employment Insurance, Workers Compensation, Manitoba Public Insurance Benefits, child or spousal support payments, rent or room and board paid to you, confirmation or any other insurance benefits, proof of any other source of income;
- Bank statement/transaction record for the last 60 days for all bank accounts;
- Bank confirmation for closed bank accounts;
- Proof of your assets: cars, trucks, SUV's, motorcycles, ski doos, sea doos, boats, other vehicles, house, land, trailer, cottage, funeral plan, Registered Retirement Savings Plan, Tax Free Savings Account, bonds, term deposits, share certificates, Guaranteed Investment Certificates, trust funds, mutual funds, insurance policies, cash, money in bank;
- If you claimed bankruptcy in the last five years: copies of documents;
- If you transferred property or assets in the last five years: copies of documents;

You may also be requested to provide the following:

- If you are on probation or parole: copy of Probation/Parole Recognizance Order;

- Confirmation that you have applied for Employment Insurance Benefits. You can get this at 391 York Avenue, Winnipeg or telephone toll free 1-800-206-7218;
- If you are pregnant: a doctor's letter stating your due date;
- If you are on a special diet (e.g., you're diabetic), or under therapeutic counseling: a letter from your doctor telling about your condition;
- If you are leaving your job for medical reason:, a doctor's note outlining the need to leave your job and when you are expected to be able to return to work.

If you don't have all the documents you need, the intake worker might ask you go and get them and then come back for another appointment.

Step 4: Acceptance into the EIA program

If you qualify for the EIA program, your intake worker will tell you what kind of assistance you will get. Both of you will work on and agree to an **action plan**. In the action plan, you will agree to do certain things in order to keep getting assistance. Your intake worker will also refer your file to the case coordinator who will then send you to one of EIA's specialized offices.

If the intake worker tells you that you cannot apply because you do not qualify for assistance, you can still insist on submitting an application. It is your right to apply. If your application is rejected, you can appeal to the Social Services Appeal Board. Please see page 27 for information on how to appeal.

Can I get emergency assistance even if I can't apply?

You may be able to get emergency assistance even if you can't apply, but EIA has to decide if you really need that emergency or immediate assistance.

Emergency assistance could include: a food voucher
 bus tickets
 temporary shelter, or
 medication.

To get emergency assistance in Winnipeg, you can visit the EIA office at 111 Rorie Street, or call (204) 945-0183 in Winnipeg or toll free at 1-866-559-6778.

Short term financial assistance may be authorized for a maximum of 14 days at a time.

Am I eligible for social assistance?

To get EIA you have to pass two tests: the **financial eligibility** test and the **categorical eligibility** tests.

1. **Financial eligibility** means that your **financial resources** are not enough to meet your basic needs. Your **financial resources** are all the things that you own with some exceptions, and all the income you earn from any source. If your financial resources are less than your basic needs, you are financially eligible for assistance. The law sets out the cost of your basic needs and does not go by what you figure out yourself. For information about what assets you are allowed while getting social assistance, see the section starting on page 15.

2. **Categorical Eligibility** means that you belong to any one of the following groups:

- a) **Aged** - you are 65 years of age or older. If you qualify for other benefits such as Canada Pension Plan (CPP), CPP Disability, or Old Age Security (OAS), those benefits will be looked at in assessing your financial eligibility.
- b) **Persons with disabilities** - you are suffering from physical or mental illness that will last for longer than three months. A panel will decide if you qualify or not. They decide based on what you give as your evidence. For example, you could give a medical report signed by your doctor.
- c) **Single Parents** - you have physical custody of a dependent child or children.
- d) **Minors and Children** - you are in the care of an adult other than your parents or guardians.
- e) **Persons who have a dependant in need of special care.**
- f) **Special cases** - for example, you are under 18 and live on your own.
- g) **Person who require protection and reside in a crisis intervention centre.**
- h) **General assistance** – If you do not fall within any of the other categories you may fit into the general assistance category.

Once you are in the EIA program, EIA will review your file at least once per year and sometimes more often than that.

YOUR DUTIES

Do I need to tell my EIA worker that I just moved in with my partner?

You have a duty to tell your worker about changes in your personal situation as soon as they happen. These changes can affect both your categorical and financial eligibility. For example when you live by yourself with your children, EIA might enroll you in the category of a single parent. EIA considers married couples, self-declared common law partners and parents of a child as spouses or common law spouses. If you live together for three months in a six month time period, EIA will consider you to be common law partners. EIA would then switch you to the general assistance category, which might change your budget.

If your partner is employed your financial eligibility could also be affected, because you now have someone in your household who can help with the family expenses.

You should not wait for EIA to review your file before you tell them about this change.

If I get money from someone, do I need to tell my EIA worker?

Getting money from sources other than EIA can affect your financial eligibility. The more money you get, the less assistance EIA can give you. This is because EIA pays only for the basic needs you can't afford. Money can come from Autopac, Employment Insurance, Canada Pension Plan, an inheritance, a relative, friend or other sources.

You should not wait until EIA reviews your file before telling them that you have been given the money. It is your duty to immediately inform them about this.

Not everything that you get affects your budget. For example, EIA cannot include your exempt "liquid assets" as your resources. Turn to page 15 for more information about liquid assets.

What if I am not getting child or spousal support?

At the intake interview, you and your worker will develop a family maintenance plan together. The plan states the steps that you will follow in order to get support from your child's other parent or your former spouse who must pay you child or spousal support. EIA expects that you at least make a reasonable effort to follow this plan. If contacting the other parent or your former spouse to get support makes you worried about your safety, tell your worker about your concerns.

Will I still get assistance even if I leave or move outside of Manitoba?

Only Manitoba residents can get assistance in Manitoba.

If you move outside of Manitoba, you cannot get assistance from Manitoba. This takes effect on the first day of the month after you move out of the province. If you are traveling outside Manitoba, you lose your assistance if you are gone for 30 days in a row. You can apply again

when you come back, but you have to go through the regular intake process. Sometimes, EIA may allow you to be away for more than 30 days (for example for medical treatment, rehabilitation or a family crisis). Talk to your worker about why you are leaving.

Does EIA expect me to work or look for work?

EIA will not expect you to work or to find or train for work if:

- You have a disability,
- You are over 65,
- You have a dependant who needs special care,
- You are in a crisis intervention facility,
- You are a single parent with at least one child under six, unless you received EIA while receiving employment education or training,
- You are a minor single parent in the last trimester of pregnancy,
- You are 16 or 17 but attending school or a training program.

If you are working, you have a duty not to quit your work unless you have a valid reason. You have a duty not to lose your job because of your own irresponsible behaviour, for example, not showing up for work. You have a duty not to refuse any reasonable job offer. You can't refuse a job offer just because your would-be employer offers you minimum wage. If you and your worker decide that you should get more education or training as part of your job plan, you have a duty to do so.

What happens if I don't comply with my duties?

If you do not comply with your duties, EIA can deny, reduce, suspend or end your assistance. EIA can deduct \$50 per month from your budget. If you still do not comply after 6 months, it can subtract an additional \$50 per month for each household member not meeting their obligations. The 6 months do not have to be all in a row.

If you do not comply with your duties because you think that your action plan is unrealistic or unreasonable, you should talk to your worker about changing the plan.

YOUR RIGHTS

What assets am I allowed while I am getting social assistance?

If you own a house:

EIA does not expect you to sell your house. In some cases EIA requires you to pay some of the assistance back, which they paid to you if you sell or transfer title to your house. EIA does this by putting a lien against your house. EIA will not force you to sell your house.

Some examples of when you would have to pay EIA back if you sell or transfer your house are:

- If EIA pays your mortgage, they can have you pay back what they have paid for the principal of your mortgage once you leave the program;
- If you get money from EIA for home repairs, you have to pay back the excess over \$200 per year;
- If EIA pays for taxes owing from previous years (tax arrears), you have to pay back the amount they have paid;
- If EIA requires you to pay for overpayments, you have to pay up to the amount of your overpayments.

If you own farmland or any other land apart from the land where your family home is located, EIA may ask you to sell that excess property. EIA will give you up to four months to sell any excess property. That time may be extended in situations to avoid undue hardship.

If you own a car:

EIA will not make you sell your car. But, EIA will not pay you any extra money to maintain your car for regular use.

If you have liquid assets:

Liquid assets are your cash on hand or things that you can easily change into cash, such as money in the bank, mutual funds, GICs, bonds or shares. There are liquid assets you can keep. You have to tell your worker about your liquid assets, even if you are entitled to keep them.

You can have:

- Up to \$4,000 per person or up to \$16,000 per household. These amounts would include the cash value of life insurance policies, pre-paid funeral plans, pension and RRSP's.

Other asset exceptions:

- The value of the home that you live in, including the land that is essential to your home;
- Personal things that are basic to your health and well-being, including furniture and clothing;
- Up to \$100 each for gifts that you have accepted while on assistance. You must not receive these gifts on a regular basis. This amount is \$500 per month if you are disabled;
- Inventory and equipment that you need to carry on farming or a business;
- A trust account up to \$25,000, held for a dependent child (if the terms are in writing, the property is from personal injury, death of a parent or inheritance and no property is removed without the consent of the director of Employment and Income Assistance);
- A trust account up to \$200,000, held for a person with a disability;
- Payments from the federal government such as HIV compensation;
- Canada Child Tax Benefit payments, including under the National Child Benefit Supplement or Child Disability Benefit;
- Foster home maintenance payments;
- Manitoba Cost of Living Tax Credit and Manitoba Property Tax Credit;
- Registered Education Savings Plan;
- GST Tax Credit;
- Money, other than ordinary support, received by a person who needs special care;
- Wages and salaries of children who are in school full-time;
- Room and Board payments (70% of gross income from boarders and 10% of gross income from roomers);
- A training incentive paid under an education or training program approved by the director up to a maximum of \$200 per month;
- 30% of gross monthly payments received by a family day care provider, licensed under the Manitoba Child Day Care Program;
- Startup money and grants received by family day care providers under the Manitoba Child Day Care Program;

- Universal Child Care Benefits;
- Canada Student Grants.

How much unearned income can I keep?

Unearned Income includes any money you get from child or spousal support orders, court orders, divorce decrees, inheritance, life insurance, accident claims, net Employment Insurance, pensions (including CPP, OAS, and any other kind of pension). The following types of unearned income are not included when considering financial resources:

- Foster home maintenance payments
- Canada Child Tax Benefit
- Certain tax credits
- Start-up and operating grants for child care providers
- Canada Student grants as part of an approved action plan.

You can keep those things listed as asset exceptions on page 16. Everything else may be considered a resource you can use.

When you apply for EIA, if you are getting any money from unearned income, the amount over the liquid asset amounts will be considered a resource you can use.

Once you are receiving social assistance, income received will be exempt in the month it is received. After that, you may be allowed to spend money over the liquid asset amount for up to four months. An extension of up to a year may be granted. Once the exemption period is over, income remaining is subject to the liquid asset limits.

How much can I keep of my salary or wages?

- Up to \$200 of net monthly earnings plus 30% of the balance. Your net monthly earnings are the amount that you receive from your employer less the deductions such as tax and CPP.

EXAMPLE: Your net monthly earnings are \$320.00

$\$320.00 - \$200.00 \text{ basic exemption} = \120.00
 $30\% \text{ of } \$120.00 = 0.30 \times \$120.00 = \$40.00.$
 $\$200.00 + \$40.00 = \$240.00$
 \$240.00 is the amount that you can keep monthly
 out of your salary or wages.

If you have been enrolled for less than one month, you can keep up to \$200 of net monthly earnings.

If you are a child and in school full time, you can keep all of your monthly earnings. This would also apply to money earned from babysitting.

TYPES OF ASSISTANCE AVAILABLE

Housing

How much assistance can I get to rent a house or apartment?

EIA follows a general guideline when it comes to deciding how much it can give you for rent. The amount that you get depends on your family size. The more family members you have, the more you get for rent. For example, the allowable amount for one person in private rental accommodation is \$285 including fuel and utilities. The amount for six persons for rent, including fuel and utilities is \$513. If you think that your place is not big enough for your family, discuss this with your worker.

How do I pay a security deposit:

A security deposit is the money that your landlord asks you to pay before you start renting. The amount is up to 1/2 of a month's rent. EIA can pay your security deposit the first time but it expects you to apply this to your new deposit if you move.

You usually get your deposit back within 14 days after your lease ends. Sometimes, you may not get your deposit back if, for example, you left without cleaning up or if you didn't repair the damage you caused to your house or apartment. If you don't agree with your landlord about returning the deposit, you can go to the **Residential Tenancies Branch**. **The Branch can mediate your dispute with your landlord.** See page 32 for Residential Tenancies Branch contact information.

EIA can charge you for your second security deposit if they pay again because you didn't get the first security deposit back, or if you did not get all of it back. EIA will deduct a monthly amount from your budget until this whole deposit is repaid.

When is rent paid directly to the landlord?

Sometimes EIA may pay your rent right to the landlord if:

- you ask EIA in writing to do this;
- the landlord asks EIA to do this, and you agree in writing;
- you are two or more weeks behind in your rent and you agree in writing.

What if I own my own home?

If you own your own home and the total cost of your mortgage principal, interest and net taxes would be the same as paying rent, EIA may pay your mortgage for you instead of making you sell your house and pay your rent.

As mentioned on page 15, EIA will want you to pay back assistance it gives you to pay the principal part of your mortgage and tax arrears, once you sell your house.

What if I have tax arrears?

EIA will pay your tax arrears only if you are about to lose your home and if your home does not need a lot of repairs. EIA will file a lien for the amount of the tax arrears. If you sell your house later, EIA will expect you to pay the amount of the lien.

What if my house needs repairs?

If your house needs repairs, EIA may help. EIA will pay for “Minor Repairs” which are less than \$200 per year and include upkeep and maintenance expenses such as furnace cleaning, sewer pipe cleaning, and eaves trough cleaning. EIA will **not** expect to be paid back for these repairs if you sell your house.

If you need “Major Repairs” done to your house (for example re-shingle the roof, repair the foundation, replace the heating system, repair plumbing, repair electrical system, exterminate bed bugs), EIA may allow between \$200 and \$3,000 per year. EIA will expect to be repaid for this amount if you sell your house by putting a lien on your house. Amounts over \$3,000 need approval from the Program Specialist.

Special Needs

What is special needs assistance?

You can ask for special needs assistance if you need things that are not included in your budget. You must use this assistance for things or services that are needed for the health and well being of yourself or your household. EIA decides if you get this assistance or not. If you do not agree with your worker's decision, you can take your case to the Director or to the Appeal Board.

What does special needs assistance cover?

EIA can give special needs assistance for:

Newborn Assistance - you can get up to \$250 for your first child, and up to \$75 for each additional child. This money is for items that you need for your newborn, like a crib, diapers or feeding bottles.

Appliances - money to buy or fix a washing machine, refrigerator or stove. This is only if you have no other options. EIA may require you to look for other options first.

Furniture - a one-time allowance of up to \$500 for essential household furnishings, including beds or bedding, subject to guidelines approved by the District Director.

To qualify, you must be:

- A sole support parent who is recently separated and you can't get your share of the family property;

- A new sole support parent leaving your parents' home and you can't keep available furniture;
- A person with a disability leaving an institution or your parents' home, and you can't keep available furniture; or
- Someone who has lost his or her household items because of an accident such as a fire.

Mattress and Bedding - assistance up to the actual cost of a mattress, box spring and bed frame for each member of your household, but only once every 7 years. You can get replacement bedding once every 3 years.

Moving Costs - assistance for up to the actual cost of moving, based on the cheapest means. You must have reasons to claim it, such as:

- your present home is not fit to live in;
- your family size has changed;
- you will have lower rent at the new home;
- your new home is closer to your place of work or school;
- health reasons, if you can prove this with a doctor's letter.

School Supplies - school supplies for each of your dependent children unless the school provides them, up to the following amounts each year:

- Ages 5 to 11 - up to \$60;
- Ages 12 – 13 – up to \$80;
- Ages 14 – 17 – up to \$100.

Extenuating Circumstances – funding up to \$1,000 per year per case for extenuating or unusual circumstances (something outside of the special needs described above). There is no specific situation for you to get this kind of special need. You get this amount to lessen your hardship, but it is up to EIA to decide if your situation is extenuating or not.

What Special Needs are there if I work?

Clothing for Work – If you are disabled or over 65, EIA will give you assistance to buy clothing that you may need for work. Special needs also covers clothing for children who work and need special clothing like uniforms.

Child Care – EIA will subsidize your child care expenses if you work. Give your worker receipts showing the name and address of the day care or babysitter. You must pay the first \$1.00 per day per child.

Telephone for Work – If you need a telephone to do your job, EIA may include the basic cost of a telephone as an allowable work expense.

Transportation for Work – If you are not disabled or over 65 and live in a city, EIA will not pay for your transportation to work, but if you live in a rural area where there is no public transportation, EIA will help pay for your transportation to get to work.

If you are disabled or aged (over 65) and live in a city, EIA will pay for your transportation costs to a maximum of public transit rates. If you live in a rural area, EIA will pay for the least expensive way to travel.

Health Care

How can I get medicine?

To get your medicine, you must first have a prescription from your doctor. You take the prescription to a pharmacy and tell them that you are getting social assistance. Show your Health Services card from EIA. The pharmacist knows if you are eligible for a certain drug by checking the Drug Product Information Network. Not all prescriptions are covered. You can get your medicine immediately after you enroll for assistance.

How can I get dental benefits?

You start by visiting your dentist. Tell him or her that you are getting assistance. Show your Health Services card if you have one.

There is a waiting period of 3 months from when you enroll for assistance before you can get dental benefits. If you are an adult enrolled under the general assistance category, your waiting period is 6 months. If you cannot wait, you can apply for emergency assistance, and may get your dental benefits before the waiting period ends. Keep in mind that EIA does not cover all dental benefits.

How can I get my eyes tested or get eyeglasses?

You start by visiting your eye care provider. Tell him or her that you are getting assistance. Show your Health Services card if you have one.

There is a waiting period of 3 months from when you enroll for assistance before you can get benefits. If you are an adult enrolled under the general assistance category, your waiting period is 6 months. If you cannot wait, you can apply for emergency assistance, and may get your dental benefits before the waiting period ends. Keep in mind that EIA does not cover all services.

Am I entitled to a phone?

Generally, EIA does not pay for a telephone. EIA can give you a budget for a telephone if you need it because of your health. Usually, you need a letter from a health professional, like your doctor, psychologist, or nurse. The letter must say that you are at risk without a telephone. EIA can also give you a budget for a telephone if you need it for your job. Talk to your EIA worker about getting a budget for a telephone.

Can I get assistance for transportation?

Generally, EIA does not pay for your transportation. You get assistance for transportation for health reasons, and other than that, it is on a case-by-case basis. The EIA can give you bus tickets for your job search, but your worker will ask you what places you want to go. If you have already started work, you can get bus tickets until you get your first pay cheque.

What is the Manitoba Prenatal Benefit?

You can get a monthly cheque of between \$10 and \$81.41 in your second trimester until the month your baby is due. The amount depends on your income. You need to fill out an application form to apply for benefits, available at <http://www.gov.mb.ca/healthychild/healthybaby/babyappln.pdf>

You can get more information on the Manitoba Prenatal Benefit program by calling (204) 945-1301 or toll-free at 1-888-848-0140.

What is the Income Assistance for Persons with Disabilities (IAPD)?

You can get extra monthly assistance under Income Assistance for Persons with Disabilities (IAPD) if:

- you are under the disability category; and
- you are living in the community.

You may also get the following extra assistance:

- \$105 per month;
- for wheelchair users, 24 passes per year for social trips;
- an allowance for basic telephone, for medical reasons;
- a monthly amount for coin laundry, if that is the only way for you to get your laundry done.

Can I get IAPD (Income Assistance for Persons with Disabilities) if I am pregnant?

You may be eligible for IAPD if *all* of the following apply:

- you are a single parent mother;
- you are 18 years of age or older;
- you are in your first or second trimester;
- you have no dependent children; *and*
- you have medical evidence (e.g. doctor's letter) saying that you cannot work.

In this situation, EIA will enroll you under the disability category until the birth of your child.

If you are pregnant, EIA will enroll you as a single parent if:

- you are in your seventh, eight or ninth month of pregnancy; and
- there is no medical reason to enroll you under the disability category.

Will the EIA cover funeral expenses?

If there is no money in your estate to pay for your funeral, EIA may give money if:

- you were enrolled in the EIA program at the time of death;
- your were not enrolled in the EIA program at the time of death, but would have qualified for assistance.

DEALING WITH PROBLEMS WITH EIA

What happens if my cheque or voucher is lost or stolen?

If your cheque or voucher is lost or stolen, EIA expects you to report what happened to the police. Then your worker will ask you to sign a declaration, or a written statement that you did not use or spend your cheque or voucher. Your worker can either immediately give you a replacement cheque, or you might have to wait 2 weeks. You must prove your claim in order to get a replacement. If the cheque or voucher has been cashed, you may have to sign another declaration stating that the signature is not yours. To avoid this problem in the future, you can ask for a direct deposit into your bank account.

Can EIA get back overpayments?

Yes. Overpayment means that EIA has given you more money than you should have received. This may be because you have made a false statement or have not told the truth about yourself. It may be because EIA has made a mistake in computing the money it gave you.

How much can EIA deduct from my budget for overpayments?

When EIA deducts money to repay overpayments, they must make sure that the deductions will not cause you undue hardship. The rate of the monthly deductions is based on the size of the household:

- 1 person, \$50;
- 2 persons, \$70;
- 3 persons or more, \$90.

If you want a lower deduction, you can negotiate this with EIA, if you can show undue hardship. EIA can deduct more than these amounts if you allow it.

Can EIA collect my overpayments even if it is their mistake?

EIA can deduct money from you to repay an overpayment even when it is their mistake. As a policy, if EIA thinks you didn't know you were getting an overpayment, they may not ask you to repay it. If EIA thinks that you did know about the overpayment, you likely will have to pay them back.

Can EIA garnish my other income for overpayments?

If you are getting income from another source such as Federal Government CPP payments, EIA deducts the amount of those payments from your regular EIA benefits anyway. If you received an overpayment, EIA would recover the money from what they pay you in regular benefits.

Your Worker

Can my worker visit my home?

If your worker wants to come into your home they can't do this without your permission. You do not have to let your worker enter your home just because you're on social assistance. If you think that a home visit violates your right to privacy, you can refuse. At the same time, if you do refuse, you can suggest other options like talking to your worker by phone, visiting his or her office, meeting him or her informally in the community, or telling him or her to ask another worker for the information.

Some reasons why your worker may want to visit you at home include following up a question or concern that you raised, discussing your work or training plans, checking some information, assessing a complaint by someone, or investigating for possible abuse of the program. Keep in mind that it is your duty to prove you are still eligible for social assistance.

If you don't like the way your worker handles his or her visit to your home, you can speak with a supervisor or contact the Fair Practices Office (contact information on page 27).

Your Privacy

I want to know if EIA is keeping accurate information about me. What should I do?

You can start by asking your worker to give you the information you want. This is the informal way of accessing your file.

Another way of accessing your file is through the formal process. *The Freedom of Information and Protection of Privacy Act (FIPPA)* is a law that allows you to access information in your file. You start this process by submitting an **Application for Access form**. Your worker can give you this form.

Is there a cost if I want to access my file under the Freedom of Information and Protection of Privacy Act (FIPPA)?

There is no cost to submit your Application for Access form. You also don't pay if searching and preparing your file doesn't take more than 2 hours. After that, you have to pay \$15 for each extra half-hour. If you need to photocopy, the first 50 pages are free, after that you will pay 20 cents per page. You also have to pay any other expenses incurred because of your request. For example, another agency may have incurred data processing costs.

For more information about FIPPA, contact:

Information and Privacy Policy Secretariat

**130 – 200 Vaughan Street
Winnipeg, MB R3C 1T5**

E-mail: fippa@gov.mb.ca

Phone: 204-945-1252 Fax: 204-948-2008

Toll-Free: 1-800-617-3588

What if I have no money to pay these costs?

EIA may approve you up to \$150 for FIPPA fees as a special need. EIA cannot fund fees that you have incurred from other departments, unless it relates to your eligibility for assistance.

Legal Problems

What if I have legal problems?

You may be able to get help from Legal Aid Manitoba. See Resources on page 31. However, Legal Aid Manitoba will only provide help for certain types of legal matters including Family Law cases involving custody of children and child support, and certain types of Criminal Law cases.

Legal Aid's Advocacy Unit may be able to help you with appeals of social assistance decisions.

Contact:

Public Interest Law Centre – Advocacy Unit
200 – 393 Portage Avenue
Winnipeg, MB R3B 3H6
Phone: 204-985-8540 Fax: 204-985-8544
Toll Free: 1-800-261-2960

What If someone sues me while I am on EIA?

You can be sued even if you are getting assistance. Nothing stops someone you owe money to from taking you to court. If they win, they will have the problem of collecting money from you. If you have a job, they may garnish up to 30% of your wages. If your only income is from EIA, they will not be able to collect any money from EIA.

If I buy a house when I am no longer on EIA, can EIA put a lien on it?

Once you no longer need assistance from EIA, and have got a job and bought a house, EIA cannot put a lien on your house to recover what they paid you for your basic necessities when you were on EIA. The only times EIA can put a lien on your house are mentioned above under Housing on page 18.

APPEALS

Where do I go for help if EIA refuses me?

You can take your concerns about EIA to the Social Services Appeal Board (SSAB), or Appeal Board. They will decide if EIA correctly applied the law when dealing with you.

Sometimes it is better to resolve your problem within EIA. For example, you might have a problem with a particular worker that you think does not fairly consider your situation. In this case, you can talk with your worker's supervisor. If you still feel you are not being treated fairly you can contact:

Fair Practices Office

Phone: 204-945-1047

Fax: 204-945-1736

Toll Free: 1-800-282-8069

E-mail: fairpractices@gov.mb.ca

What can I expect if EIA will not help me?

EIA will give you a letter if it denies you assistance. The letter will tell you the reasons why you were denied. It may be because EIA thinks that you can afford to pay the cost of your basic needs. It may be or because you have unreasonably quit your job or refused a reasonable job offer while on general assistance with no children. The letter will also tell you about your right to appeal to the Social Services Appeal Board, how long you have to appeal, and that you can have someone come with you to the appeal hearing.

When can I appeal to the Appeal Board?

You can appeal if:

- EIA did not allow you to apply for assistance;
- You feel EIA is taking too long to decide if you can get assistance;
- You applied for assistance but EIA said that you do not qualify;
- You are already getting assistance but EIA cancelled, suspended, changed or withheld it;
or
- You are already getting assistance but you think that it is not enough to meet your basic needs.

How do I appeal?

If you want to appeal, you have to do it within 30 days after getting the letter from EIA, which denies you assistance. The 30 days do not stop running just because you cannot find someone to represent you. You are better off filing an appeal first before you look for representation. You can get a lawyer, community worker, relative or friend to speak on your behalf. Contact Legal Aid Manitoba if you think you need a lawyer (contact information on page 30).

There are two ways to appeal - by writing a letter or by filling out a **Notice of Appeal** form. In your letter or Notice of Appeal, say the reasons why you are appealing. Also, briefly say why you think you are entitled to receive assistance. Do not forget to sign your letter or Notice of Appeal. Also include your name, address, phone number or number where messages can be left. Mail, drop off or fax the letter or Notice of Appeal to:

The Social Services Appeal Board

7th Floor, 175 Hargrave Street

Winnipeg, MB R3C 3R8

Tel. No. (204) 945-3003 or (204) 945-3005; TTY: 204-948-2037

Fax No. (204) 945-1736

Toll Free: 1-800-282-8069

If you need help in preparing your appeal, you can phone or drop by the Appeal Board office, or you can contact a community service agency (see Resources list at the end of the booklet).

Do I still get assistance while appealing?

The Appeal Board cannot order EIA to give you assistance before they hear your appeal. Instead, you can ask EIA for temporary or emergency assistance. Expect EIA to ask you questions about your immediate needs before they will decide whether to assist you or not. In Winnipeg, you have to go to the Central Intake Office at 111 Rorie Street, or call (204) 945-0183 to ask for emergency assistance.

How do I know the date of my hearing?

The hearing will be scheduled as soon as possible up to a maximum of 30 days from when SAAB received the appeal notice. You will get a **Notice of Hearing**. This is a letter from the Appeal Board telling you the date, time and place of your hearing. You can also phone the Appeal Board to get this information. You will get the notice at least 6 days before the hearing date. You must call the Appeal Board office 2 days before the hearing date to confirm you will be attending.

Can I see the evidence of EIA before the hearing?

After you file your appeal, EIA will forward documents about your file to the Appeal Board. EIA has to do this but will not send your whole file. The documents will only be about your appeal. EIA does not have to give you a copy.

You can look at the documents at the Appeal Board office. If you think that you did not have enough time to look at the documents before the hearing, you can ask the Appeal Board to schedule another hearing day.

If you have documents to present at the hearing, you may want to give them to the Appeal Board before the hearing. This allows EIA to review your documents before the hearing and speeds up the process.

What happens at the hearing?

A panel of 3 Appeal Board members will hear your case. This panel is made up of people who are not connected to EIA. The hearing is informal. This means that the hearing will not be like court. The panel listens to both sides. You and the EIA representative each have a chance to speak and to ask questions. If you are not comfortable speaking at the hearing, you can take someone along with you to speak on your behalf. That person might be a lawyer, community worker, advocate or volunteer, relative or friend.

After the hearing, the Appeal Board has 15 days to send you a written copy of their decision, also called an **Order**. The Board may allow, or dismiss your appeal, or send it back to the Designated Officer working on your file at EIA to have another look at it. If the panel allows your appeal, it means that they agree with your side. If it dismisses your appeal, it means that they agree with EIA's side. If the panel sends your matter back to your designated officer they will give the officer directions on how to deal with your case.

Can I appeal the decision of the Appeal Board?

If you think that the decision of the Appeal Board is unfair, you can either ask the Appeal Board to re-think – or “reconsider” its decision or you can take your case to the Manitoba Court of Appeal.

- **Reconsidering an Appeal Board Decision:** The Appeal Board may even reconsider its decision all by itself. If it does so either on its own or at your request, it may either confirm its first decision, change it, put it on hold for a while, or cancel it altogether.
 - o **You have 30 days from the date of the Appeal Board’s decision to ask them to reconsider the Order.** The Appeal Board then has 15 days after getting your request to decide if it will reconsider the Order. If the Appeal Board decides not to reconsider the Order, it must tell you why in writing.
- **Appealing to the Court of Appeal:** The process in the Court of Appeal is formal, and you need permission from the Court to appeal to it. The issues are complicated because

the Court of Appeal allows only appeals on issues of jurisdiction (whether or not the Appeal Board was the right body to be making the decision it made) or of law (whether or not the Appeal Board used the law in the right way to make the decision it made). For these reasons, it is best if you get a lawyer. Contact Legal Aid for help in getting a lawyer.

- **You have 30 days from the date of the Board's decision to appeal to the Court of Appeal.** Again, the time limit will not stop just because you have trouble finding a lawyer to represent you. You can represent yourself or have a lawyer represent you.
- If it hears your case, the Court of Appeal may disagree with, change, or agree with the Appeal Board's Order. It may also send the matter back to the Appeal Board to consider the case again according to Court directions.

Another alternative to appealing is to write to the Minister responsible for Family Services and Consumer Affairs for a review of your case. The Minister can choose whether to allow your claim or not. You can write to the Minister at:

Minister of Family Services
Legislative Building
357 - 450 Broadway
Winnipeg, MB R3C 0V8

RESOURCES

For information, representation or advocacy, you can phone or visit:

Legal Aid Manitoba

Public Interest Law Centre – Advocacy Unit

200 – 393 Portage Avenue

Winnipeg, MB R3B 3H6

Phone: 204-985-8540 Fax: 204-985-8544

Toll Free: 1-800-261-2960

For telephone information only:

Law Phone-In and Lawyer Referral Service Program

Tel. No. (204) 943-2305

Toll Free 1-800-262-8800 (outside Winnipeg only)

Other Agencies:

Canadian Mental Health Association (helps those with mental health concerns only)

Rights Consultant

930 Portage Ave

Winnipeg, MB R3G 0P8

Tel. No. (204) 982-6100

Fax. No. (204) 982-6128

Community Unemployed Help Centre

501 – 275 Broadway

Winnipeg, MB R3C 4M6

Phone: 204-942-6556

Fax: 204-947-9557

cuhc@cuhc.mb.ca

Resource Assistance for Youth

125 Sherbrook Street

Winnipeg, MB R3C 2B5

Tel. No. (204) 783-5617

Fax No. (204) 775-4988

For rent or security deposit issues:

Residential Tenancies Branch

302-254 Edmonton Street

Winnipeg, MB R3C 3Y4

Tel. No. (204) 945-2476

Fax. No. (204) 945-6273

Toll Free: 1-800-782-8403

email: rtb@gov.mb.ca

Employment and Income Assistance Appeals

Social Services Appeal Board

7th Floor, 175 Hargrave Street

Winnipeg, MB R3C 3R8

Tel. No. (204) 945-3003

Fax No. (204) 945-1736

Toll Free No. 1-800-282-8069

Website: www.gov.mb.ca/fs/ssab

EIA offices in Winnipeg

EIA Centralized Services

1-111 Rorie Street
Winnipeg, MB R3B 3N1
Tel. No. (204) 948-4000
Fax No. (204) 948-4048

Assiniboine South

280 Booth Drive
Winnipeg, MB R3J 3R5
Tel. No. (204) 940-2040
Fax No. (204) 940-2636

Downtown East

ACCESS Downtown
2-640 Main Street
Winnipeg, MB R3B 0L8
Tel. No. (204) 940-8441
Fax No. (204) 940-8383

Downtown West

755 Portage Avenue
Winnipeg, MB R3G 0N2
Tel. No. (204) 940-8600
Fax No. (204) 940-8481

Inkster Office

785 Keewatin Street
Winnipeg, MB R2X 3B9
Tel. No. (204) 938-5900
Fax No. (204) 938-5995

Point Douglas

896 Main Street
Winnipeg, MB R2W 3P3
Tel. No. (204) 948-4306
Fax No. (204) 948-4360

Point Douglas

2A – 111 Rorie Street
Winnipeg, MB R3B 3N1
Tel. No. (204) 948-4001
Fax No. (204) 948-1334

River East

ACCESS RiverEast
975 Henderson Highway
Winnipeg, MB R2K 4L7
Tel. No. (204) 938-5100
Fax No. (204) 938-5229

River Heights/Fort Garry

6 - 677 Stafford Street
Winnipeg, MB R3M 2X7
Tel. No. (204) 938-5500
Fax No. (204) 938-5311

St. Boniface – *Bilingual Service Centre*

100-614 rue Des Meurons
Winnipeg, MB R2H 2P9
Tel. No. (204) 945-8040
Fax No. (204) 948-3282
Toll-free: 1-866-267-6114

St. Vital

128A Market Avenue
Winnipeg, MB R3B 3N2
Tel. No. (204) 948-4196
Fax No. (204) 948-4050

St. James – Assiniboia

280 Booth Drive
Winnipeg, MB R3J 3R5
Tel. No. (204) 940-2040
Fax No. (204) 940-2636

Seven Oaks

Unit 3 – 1050 Leila Avenue
Winnipeg, MB R2P 1W6
Tel. No. (204) 938-5600
Fax No. (204) 938-5609

Transcona

ACCESS Transcona
845 Regent Avenue West
Winnipeg, MB R2C 3A9
Tel. No. (204) 938-5555
Fax No. (204) 938-5513

EIA offices outside of Winnipeg

After Hours (emergency calls only) for all rural office:

1-866-559-6778

Deaf, hard of hearing or difficulty speaking: 1-800-855-0561

Beausejour

20 - First Street South

Beausejour, MB R0E 0C0

Tel. No. (204) 268-6028

Fax No. (204) 268-6222

Toll-free: 1-866-576-8546

Brandon

340 - 9th Street

Brandon, MB R7A 6C2

Tel. No. (204) 726-6336

Fax No. (204) 726-6339

Toll-free: 1-866-726-6438

Dauphin

Room 413 - 27 Second Avenue SW

Dauphin, MB R7N 3E5

Tel. No. (204) 622-2035

Fax No. (204) 638-3278

Toll-free: 1-866-355-3494

Flin Flon

201-143 Main Street

Flin Flon, MB R8A 1K2

Tel. No. (204) 687-1700

Fax No. (204) 687-1708

Toll-free: 1-866-443-2291

Morden

63A Stephen Street

Morden, MB R6M 1Z6

Tel. No. (204) 822-2861

Fax No. (204) 822-2879

1-888-310-0568

Portage la Prairie

25 Tupper Street North
Portage la Prairie, MB R1N 3K1
Tel. No. (204) 239-3092
Fax No. (204) 239-3198
Toll-free: 1-866-513-2185

Selkirk

101 - 446 Main Street
Selkirk, MB R1A 1V7
Tel. No. (204) 785-5106
Fax No. (204) 785-5321
Toll-free: 1-866-475-0215

Swan River

Box 997, 201-4th Avenue South
Swan River, MB R0L 1Z0
Tel. No. (204) 734-3491
Fax No. (204) 734-5615
Toll-free: 1-888-269-6498

The Pas

Box 2550 - Ross Avenue and 3rd Street
The Pas, MB R9A 1M4
Tel. No. (204) 627-8230
Fax No. (204) 623-5792
Toll-free: 1-866-443-2292

Thompson

Box 1022, - 59 Elizabeth Drive
Thompson, MB R8N 1X4
Tel. No. (204) 667-6570
Fax No. (204) 677-6517
Toll-free: 1-866-677-6713

Bilingual Service Centres

Red River Region

Bilingual Service Centre
427 Sabourin Street
St. Pierre-Jolys, MB R0A 1V0
Tel.No. (204) 433-3340
Toll-free: 1-866-267-6114

Mountain Region

Centre Dom Benoît
51 Rodgers Street
Notre Dame de Lourdes, MB ROG 1MO
Tel. No. (204) 248-7270
Toll-free: 1-866-267-6114