

SANCTIONS (EMPLOYMENT RELATED) *(Updated November 29, 2010)*

Clients with an employment plan (EP) are required to comply with the conditions of the plan. Clients who do not comply with their EP **must be sanctioned** unless there are mitigating circumstances.

Where clients are non-compliant with both the employment-related obligations and their employment plan, section 9 (employment plan) sanctions take precedence.

Supervisor approval is required for all sanctions that could lead to ineligibility.

	EMPLOYMENT PLANS	EMPLOYMENT OBLIGATIONS
LEGISLATION	Employment and Assistance Act, Section 9 Employment and Assistance for Persons with Disabilities Act, Section 9	Employment and Assistance Act, Section 13 Employment and Assistance for Persons with Disabilities Act, Section 12
PURPOSE	<p>The EP is a signed agreement between the Ministry and the client which sets out the client's specific:</p> <ul style="list-style-type: none"> • employment objectives, • interventions, • expected outcomes, • reporting and compliance requirements 	<p>Employment related obligations / requirements ensure clients participate in activities that will assist them to quickly secure suitable employment</p>
REQUIREMENTS	<p>Comply with the conditions of the EP.</p>	<ul style="list-style-type: none"> • Accept suitable employment* • Not quit without just cause* • Not be dismissed for just cause* • Demonstrate reasonable work search <p><i>*while in receipt of income assistance or 60 days prior to application</i></p>
SANCTIONS	<p>Ineligibility for the family unit and the file is closed when:</p> <ul style="list-style-type: none"> • no mitigating circumstance exists, or • mitigating circumstances cannot be verified. 	<p>Families with no dependent children are ineligible.</p> <p>Families with children and dependent youth with EP receive a rate reduction.</p> <p>Sanctions are applied to calendar months. This means the period of ineligibility or reduction applies to one or two cheques (depending on the length of the sanction). A sanction is not pro-rated during a month.</p>

QUICK REFERENCE GUIDE



SINGLE PERSONS or TWO ADULTS

	<u>Employment Plans</u> Section 9 EA Act Section 9 EAPWD Act	<u>Employment Obligations</u> Section 13 EA Act Section 12 EAPWD Act
Sanction	Not eligible	Not eligible <u>Quit/Fired/Reject employment:</u> s. 13(1)(a), 13(2)(b) EA Act s. 12(1)(a), 12(2)(b) EAPWD Act s. 29(3) EA Reg. & s. 25(3) EAPWD Reg. <u>Work search:</u> s.13(1)(b), 13(2)(b) EA Act s.12(1)(b), 12(2)(b) EAPWD Act s. 29(3) EA Reg. & s. 25(3) EAPWD Reg.
Duration	Until found eligible upon reapplication	Quit/Fired/Reject employment: 2 months Work Search: 1 month minimum
Sanction Code	15	Quit=12 Fired=13 Work Search=14
Appeal Code	52	Quit=03 Fired=03 Work Search=02

FAMILIES WITH DEPENDENT CHILDREN

	<u>Employment Plans</u> Section 9 EA Act Section 9 EAPWD Act	<u>Employment Obligations</u> Section 13 EA Act Section 12 EAPWD Act
Sanction	Not eligible <u>Exception:</u> dependent youth not compliant with their EP - \$100 per month assistance reduction. (For details, see Employment and Assistance Regulation, Section 30) OR Employment and Assistance for Persons with Disabilities Regulation, Section 26)	\$100 reduction per month for each adult subject to sanction <u>Quit/Fired/Reject employment:</u> s.13(1)(a),13(2)(a) EA Act s.12(1)(a), 12(2)(a) EAPWD Act s.29(1) EA Reg. and s.25(1) EAPWD Reg. <u>Work Search:</u> s.13(1)(b), 13(2)(a) EA Act s.12(1)(b), 12(2)(a) EAPWD Act s. 29(1) EA Reg. and s.(25(1) EAPWD Reg. <u>Exception:</u> s. 13 of EA Act or s.12 of EAPWD Act does not apply to families meeting "no employment-related obligation" (NEO) criteria. (For detailed list of exception criteria, see subsection (4) of Employment and Assistance Regulation, Section 29 OR Employment and Assistance for Persons with Disabilities Regulation, Section 25.)
Duration	Until found eligible upon reapplication	Quit/Fired/Reject employment: 2 months Work Search: 1 month minimum
Sanction Code	15	Quit=12 Fired=13 Work Search=14
Appeal Code	52	Quit=03 Fired=03 Work Search=02

<p>NON-COMPLIANT WITH EMPLOYMENT PLAN AND EMPLOYMENT OBLIGATIONS</p>	<p>A person may be non-compliant with both their employment related obligations (by not seeking employment) and their employment plan (by not fulfilling the conditions of their EP, e.g., not attending the employment agency program on a regular basis). In these cases, section 9 (employment plan) sanctions take precedence.</p>
<p>APPLYING SANCTIONS</p>	<ul style="list-style-type: none"> • Clients who do not comply with the conditions of their EP must be sanctioned unless there are mitigating circumstances (See Legitimate Mitigating Circumstances) • Staff should consider clients' individual circumstances when applying sanctions: <ul style="list-style-type: none"> • Employment availability in client's area (<i>this should be factored in when developing the EP</i>) • Re-assess whether a client is capable of meeting the EP conditions • If client is not capable of meeting the EP conditions, staff should consider moving the client to "Activities Towards Independence" (code AT); this would mean closing the existing service request and creating a new service request with the appropriate sub-type <p>Supervisor approval is required for all sanctions that could lead to ineligibility.</p> <p>To apply a sanction:</p> <ul style="list-style-type: none"> • worker creates a supervisor approval activity • a supervisor must review the ineligibility decision and add a comment on the appropriate service request in ICM indicating they have reviewed and support the ineligibility decision
<p>ADMINISTRATIVE FAIRNESS</p>	<p>Even though the client signs the EP to acknowledge they have read, understood and agreed to the conditions and consequences of not complying with the conditions of the EP, these points should be discussed with the client when the EP is developed.</p> <p>If a sanction is imposed, the client must be advised of the reason, the evidence, the corresponding legislation, what the sanction is (ineligibility or a reduction) and the duration of the sanction. The client must be offered the decision in writing along with the right to request a Reconsideration of the decision.</p>
<p>MIS</p>	<p>Update IPP/L by entering the appropriate sanction code, start and end dates. Note details of the default and sanction on the appropriate service request in ICM.</p> <p>Close Code 88 (where sanctions result in ineligibility).</p>
<p>OLR → Verification and Eligibility → Sanctions Policy</p> <p>Staff: https://qww.hsd.gov.bc.ca/intranet/meia/online_resource/verification_and_eligibility/sanctions/current/policy.html</p> <p>Public: http://www.gov.bc.ca/meia/online_resource/verification_and_eligibility/sanctions/policy.html</p>	

Resources for Staff

Staff: http://www.hsd.gov.bc.ca/forms/rfs/sanctions_guidelines.pdf (*Guidelines for differentiating between Section 9 and Section 13 – Employment Plan versus Employment Obligation*)

Related Acts and Regulations

<http://www.mhr.gov.bc.ca/ministry/leg.htm>