

Reasons for Decision:

Order # AP1617-0277

The appellant appealed that a request for social transportation has been denied.

The appellant read in The Employment and Income Assistance Administrative Manual that persons who use wheelchairs are eligible for twenty-four social transportation trips per year for activities such as shopping, religious services, sporting events, or visiting. As the appellant is a person with a disability, <text removed>, the appellant inquired with the worker if the appellant could receive transportation for similar reasons.

The worker replied to the appellant that under the current policy, only people who use wheelchairs are eligible for social chits.

At the hearing the appellant stated that although the appellant understands that this policy was created at a time when transportation options were very limited for persons in wheelchairs, the appellant believes that the policy should be administered in an equitable manner for all persons with disabilities.

The appellant explained that persons in wheelchairs have the ability to use handi-transit or regular bus services similar to other disabled persons, there is no longer the need for specialized transportation services in most cases. However, there are situations where a person in a wheelchair and a person with other types of disabilities may have a need for a social outing that cannot be accommodated by regular public transportation services. In addition the appellant indicated that Handi-Transit is not an option for persons with disabilities that do not restrict their mobility, which further limits the options available to persons with impairments such as a <text removed> impairment, <text removed> impairment, and others.

The appellant provided some examples such as needing to cross a very busy street, attending a function that ends after buses stop running, or needing to carry a large amount of items.

The appellant indicated that The Employment and Income Assistance Manual has failed to distribute this benefit equally and fairly. The appellant stated that the appellant believed that this policy violated Section (1) of the Manitoba Human Rights code in that it treated one group of individuals differently based on a characteristic and failed to make accommodations for the special needs of another group of people.

After carefully considering the written and verbal information the Board has determined that the Employment and Income Assistance Program has administered the appellant's income assistance file, and specifically the appellant's request for

transportation for social outings, in accordance with the legislation and policy of The Manitoba Assistance Act and The Employment and Income Assistance Administrative Manual.

The Manitoba Assistance Act and The Manitoba Assistance Regulation has only one clause applicable to the provision of transportation benefits. The Regulation in Schedule A, Division 3, Section 9 in reference to Health Care states:

Such emergency transportation and other expenses as may be authorized by the director and which in the directors opinion, are necessary to provide the care, treatment, or attention required.

Under the Manitoba Assistance Regulation Section 5(2) the minister has the authority to make further provisions for benefits in additions to the benefits outlined in the Act and the Regulation.

The Social Services Appeal Board Regulation states in Section 2(b) that the appeal board must make its decision in accordance with any guidelines or policies established for the purpose of the Act. In the same manner as the designated officer must.

The current policy provides an additional benefit based on a specific type of disability and specific geographical locations (Winnipeg and Brandon). The Employment and Income Assistance report and presentation did not provide the Board with any historical justification for when and why this policy was created. The Board would agree with the appellant that it was most likely created at a time when this was viewed as a required accommodation for persons in wheelchairs.

The Board agrees with the appellant that this may no longer be a defensible policy. However the Board does not have the authority to change the policies of the Employment and Income Assistance Program, but it does have a role in an advisory capacity to the minister. The Board feels strongly that this policy requires review and will be discussing this issue in its advisory capacity at its next Board meeting. Currently this is a policy that exists under ministerial discretion, and the Director nor the Board has the authority to provide a benefit to the appellant which is outside the provisions of the legislation and regulations of the program. Therefore the decision of the Director has been confirmed.

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