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FOR PEOPLE LIVING
WITH HIV AND OTHER
EPISODIC DISABILITIES

A roadmap for disability income benefits

for people living with Long COVID



Table of Contents

Introduction	3
Acute Illness Roadmap	3
Longer Term Illness Roadmap	4
The 10 large separate disability income systems in Canada.....	5
Key facts	7
Orientation	8
Covid19 circumstances	9
How do disability income programs work and think?.....	10
Roadmap to disability income benefits.....	16
How do lawyers get paid regarding disability income claims in Canada?	18
Legal redress for denial of a disability claim in Canada	19



Introduction

The 2020 COVID-19 pandemic resulted in far-reaching consequences on the health and well-being of people in Canada and the world at large.

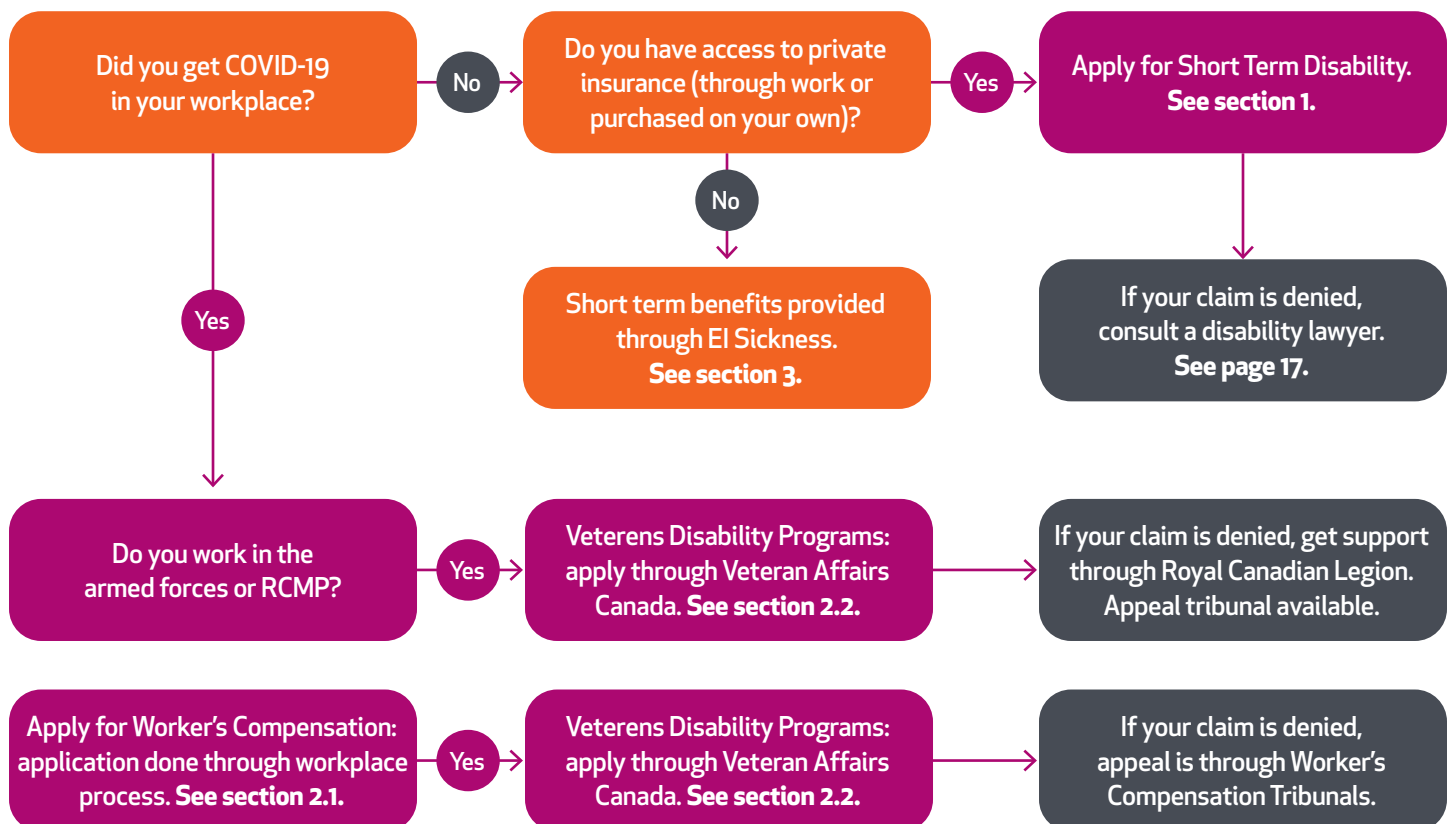
Today, individuals who were, or are infected with COVID-19 continue to experience disabling symptoms that prevent daily work, play, and function. These residual chronic, episodic symptoms are commonly referred to as “Long COVID”, and may include fatigue, headaches, poor sleep, shortness of breath, anxiety, and more. People experiencing Long COVID symptoms may also notice impaired physical and cognitive function, leading to a change in their quality of life.

If you have Long COVID and are seeking disability-related resources, this document may help you navigate social benefits and income support programs that are currently available in Canada.

To get started, see the roadmaps on pages 3 and 4, which will orient you toward programs that are relevant to you and your health circumstances.

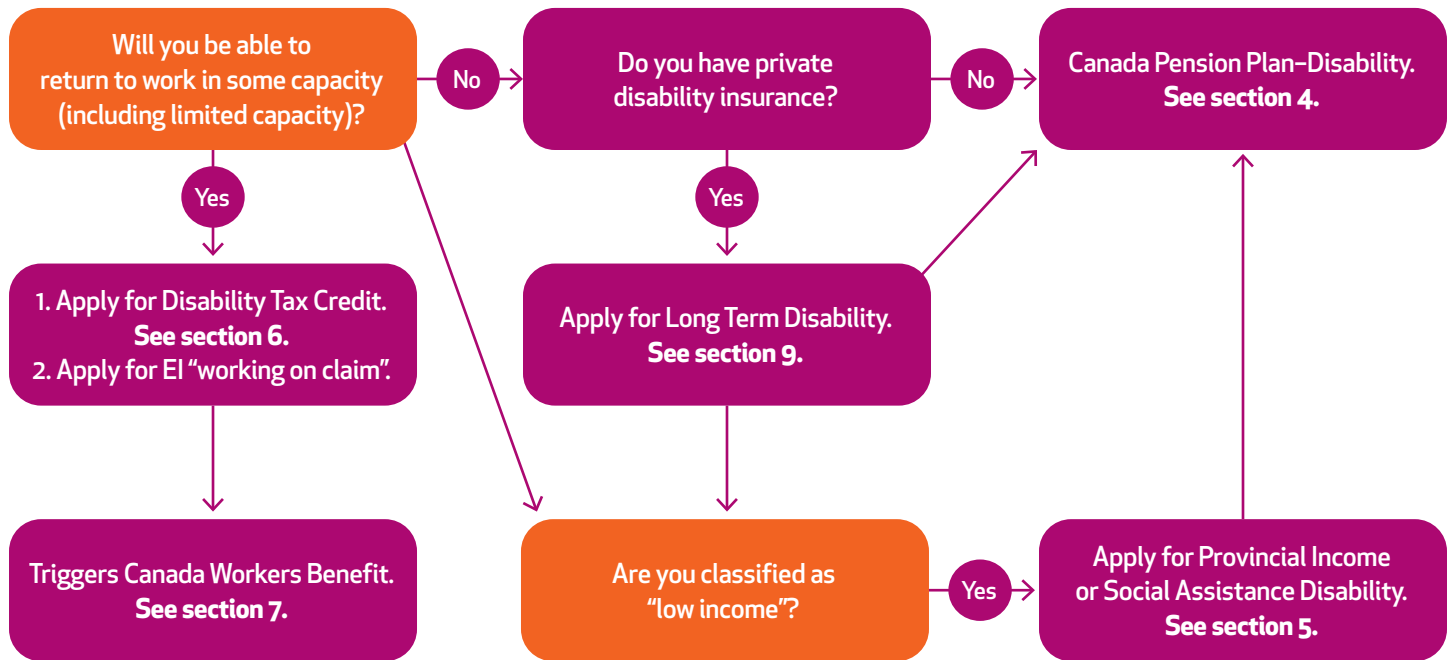
- If you recently tested positive for COVID-19 and are experiencing acute symptoms, begin with the roadmap on page 3 (below).
- If you tested positive for COVID-19 and have experienced Long COVID symptoms for more than a year, begin with the roadmap on page 4.

Acute Illness Roadmap



Longer Term Illness Roadmap

(sick longer than 1 year)



* If you are able to work in a limited capacity, however there is no work available at the level of function you have, then you would apply for basic income assistance.



The 10 large separate disability income systems in Canada

Program	Tenure	Type of program	Comment re Long Covid19
Private disability and accident insurance	Coverage is mostly long term based on coverage and settlement. Permanent	Paid or contingency fee insurance. Private firms that advertise extensively. Blue Cross Canada Life etc.	Private disability accident insurance unlikely to relate to LC19. Private insurers may consider LC19
The Registered Disability Savings Plan (RDSP)	Must be enrolled by age 49 must be eligible for the Disability Tax Credit Permanent	Special tax assisted savings program based on contributions and federal payments	LC19 may figure in eligibility for the DTC in medium to longer terms
The Canada Workers Benefit for people with disabilities	Must be eligible for the Disability Tax Credit. Must also be working and eligible under the income test Permanent	Refundable tax credit under CRA based on filing an income tax return and reporting eligible earnings	Many with LC19 may make lower earnings and be eligible
Veterans' disability programs	Permanent	Pedigree of LC19 must be incurred in service	Difficult to obtain as must be incurred on duty
Social or income assistance	Until age 65	Welfare based income, needs and asset tested.	Based on having the disability for more than one or two years based on province and/or territory
Workers' Compensation	Dependent on award usually up to 2 years	Pedigree of LC19 must be incurred on the job	Difficult to obtain as must be incurred on the job
Private and public programs private sponsored	Dependent on program usually time limited to 2 years	Based on employer and what they offer to employees usually through private sector insurers like Blue Cross and others	Completely dependent on what the employer wishes to insure and pay for – based on union and other bargaining.
CPP –Disability	Until age 65	Social insurance – eligibility based on payment of payroll taxes	LC19 will be based on the insurance principle of insuring against the hazard of incurring the disability and whether or not you can work at a substantially gainful occupation.
EI sickness	26 weeks	Social insurance – eligibility based on payment of payroll taxes	LC19 will be based on the insurance principle of insuring against the hazard of incurring the disability and whether or not one can work at a substantially gainful occupation.
Various tax credits -nonrefundable, refundable and deductions	Depending on eligibility and filing a tax return	Refundable, non-refundable credits and deductions	All are based on expenses and eligibility for various tax related disability benefits

Canada has an overall disability income system paying out more than \$50 billion in benefits.



Key facts

- Eight of the 10 systems pay benefits to people who are not poor. Only social assistance and the CWB-D have specific rules that direct payments to low-income people with disabilities.
- Four of the programs/systems pay temporary benefits only – they are not designed to pay long terms benefits (i.e., EI Sickness -26 weeks, Workers' Compensation – generally up to two years, Private programs – generally up to two years, and Veterans' program – only permanent for WWII and Korea veterans).
- The programs that are paid to low-income people with disabilities are not indexed and are inadequate (i.e., social assistance and the CWB-D)
- Six of the ten disability income programs can only be accessed through previous or current employment
- Two of the ten programs (EI and CPP) are subject to Constitutional protections
- The most inadequate program (social assistance) is increasing its share of overall expenditures on people with disabilities;

In sum, Canada has an overall disability income system paying out more than \$50 billion in benefits that:

- Is largely not directed (by design) to low-income people,
- Pays only temporary benefits under half of its programs,
- Is largely inadequate and only partially indexed,
- Exhibits a growing 'market share' represented by inadequate social assistance benefits
- Is largely based on previous or current employment; and
- Is Constitutionally entangled



Orientation

1. When thinking about applying for disability benefits of any sort due to long Covid19, it is important first to think about your age as program availability varies according to age

- a. Are you under 18?
- b. Are you 18-64?
- c. Are you age 65+?

If you are under age 18, there is a suite of children's programs for which you or your parent/guardian may be eligible for

- e.g., ACSD in Ontario (Assistance for Children with Severe disabilities)
- Children's disability tax credit
- The Disability Tax credit

If you are 18-64, you may be eligible for one or more of the programs listed in the table above

If you are 65+, you become ineligible for many programs but do become eligible for Old Age Security/ Guaranteed Income Supplement and CPP Retirement. You would still be eligible (based on criteria) for Veterans disability benefits, EI, and various tax credits.

2. Are you presently working? If so, you may be eligible to receive Disability tax credits and other programs like Workers Compensation and EI working while on claim and income or social assistance – subject to restrictions

3. Did you stop working? If so, you may be eligible for workplace programs through your employer, workers compensation, EI Sickness or regular EI payments and possible CPP-Disability payments

4. Do you have a workplace disability program for either short term (STD) or long term (LTD) disability?

- i. If so, read the fine print – these plans are different from employer to employer
- ii. Find out what the rules are- call them to be clear

5. Did you purchase private disability insurance?

- i. Many private plans are advertised in media especially television
- ii. Find out what is covered and not covered and how benefits coordinate with other plans

6. Are you in the armed forces or are you a Veteran?

- i. You may be eligible for Veterans' disability benefits

COVID19 circumstances

1. Did you get COVID19 while in your workplace?

- i. Veterans' benefits stipulate that you must have contracted a disability while on duty
- ii. Workers' compensation stipulates that you must have contracted COVID19 while on the job and attending the workplace

2. How severe are your conditions?

- i. Can you work at your workplace in the same job?
- ii. Can you work with supports?
- iii. Could you do a different job?
- iv. Can you not work at all?

3. How long have you been living with disabilities

- i. Caused by COVID19
- ii. Caused by other conditions
- iii. Caused by both

4. How long does your medical specialist believe you will be sick or disabled?

- i. Most short-term disability programs do not specify a length of time for disablement and sickness
- ii. Most long-term programs stipulate that the disability must last for one year
- iii. Some programs require a prognosis of duration for two years.



How do disability income programs work and think?¹

1. Public and Private Employer programs²

- a. Supporting work return highest priority
- b. Rehabilitation
- c. Permit least disruption
- d. Support trial returns to work
- e. Programs usually last up to 2 years
- f. Employer disability plans in Canada are workplace benefits provided by employers to help protect their employees' income in the event of a disability. These plans can vary widely in terms of coverage and eligibility, but they generally provide income replacement to employees who are unable to work due to a disability caused by illness or injury.
- g. There are two main types of employer disability plans in Canada:
- h. **Short-term disability (STD) plans:** These plans provide income replacement for a limited period, usually up to 26 weeks. STD plans are designed to cover shorter periods of disability and are intended to bridge the gap between when an employee becomes disabled and when they become eligible for long-term disability benefits if they are covered by such a plan.
- i. **Long-term disability (LTD) plans:** These plans provide income replacement for a longer period, typically until retirement age, if an employee is unable to work due to a disability. LTD plans may also provide other benefits, such as rehabilitation services or support for return-to-work programs.
- j. Employer disability plans can be fully paid for by the employer, fully paid for by the employee, or a shared cost between the two. Eligibility for coverage and the amount of benefits provided will depend on the terms of the plan.
- k. Employer disability plans can be an important source of financial protection for employees in the event of a disability. However, it is important for employees to carefully review the terms of any disability plan offered by their employer to fully understand the coverage provided and any limitations or exclusions.

2. Workers and Veterans Compensation programs

- a. Pedigree of disability of prime importance – must be incurred on the job or while on active duty
- b. Supporting work return highest priority
- c. Rehabilitation
- d. Permit least disruption
- e. Support trial returns to work
- f. Programs usually last up to 2 years

2.1 Workers' Compensation programs³

- Workers' compensation programs in Canada are government-run insurance programs that provide wage replacement and other benefits to workers who are injured or become ill as a result of their employment. These programs are designed to help injured workers and their families cope with the financial and other consequences of workplace injuries or illnesses.
- Each province and territory in Canada have their own workers' compensation program, which are administered by government agencies. Employers are generally required by law to participate in the program and pay premiums, which are based on the risks associated with their industry and the number of workers they employ
- Workers' compensation programs typically provide benefits such as:
 1. Wage replacement: Workers who are unable to work due to a workplace injury or illness may be eligible for wage replacement benefits, which generally cover a portion of their pre-injury earnings.
 2. Medical benefits: Workers' compensation programs typically cover the cost of medical treatment related to the workplace injury or illness, including hospitalization, medications, and rehabilitation services.
 3. Disability benefits: Workers who are permanently disabled as a result of a workplace injury or illness may be eligible for long-term disability benefits, which provide ongoing income support.

4. **Survivor benefits:** If a worker dies as a result of a workplace injury or illness, their dependents may be eligible for survivor benefits, including income replacement and other support.

The specific benefits and eligibility requirements for workers' compensation programs vary by province and territory, but they are generally designed to provide comprehensive support to injured workers and their families.

2.2 Veterans' disability benefits⁴

Veterans' disability benefits in Canada are a form of financial assistance provided to veterans who have sustained injuries or illnesses as a result of their military service. These benefits are provided by Veterans Affairs Canada (VAC) and are intended to help veterans and their families cope with the financial and other consequences of service-related disabilities.

There are several types of disability benefits available to eligible veterans, including:

1. **Disability pensions:** These are tax-free payments provided to veterans who have a disability related to their military service. The amount of the pension is based on the severity of the disability and its impact on the veteran's daily life.
2. **Earnings loss benefit:** This is a monthly payment provided to veterans who have a service-related disability that affects their ability to earn a living. The payment is intended to supplement the veteran's income and help them maintain their standard of living.
3. **Rehabilitation services:** Veterans with a service-related disability may be eligible for rehabilitation services, such as medical treatment, vocational training, and support for returning to work.
4. **Caregiver benefits:** Veterans with a severe and permanent service-related disability may be eligible for caregiver benefits, which provide financial assistance to a family member or other caregiver who provides ongoing support and assistance.
5. **Eligibility for Veterans disability benefits is based on several factors**, including the nature and severity of the disability, the length of the veteran's military service, and the circumstances surrounding the disability. Veterans must apply for benefits through VAC and provide supporting documentation to demonstrate their eligibility.

3. EI Sickness (unique social insurance program)⁵

- a. Based on unavailability for work due to sickness/temporary disability
- b. EI sickness benefits are a type of EI benefit that provides temporary financial assistance to eligible individuals who are unable to work due to illness, injury, or quarantine.
- c. To be eligible for EI sickness benefits, one must have worked a certain number of insurable hours in the past year and have a medical certificate signed by a qualified medical professional indicating that you are unable to work due to illness or injury.
- d. If one meets the eligibility criteria, one can receive up to 15 weeks of EI sickness benefits. The amount of benefits received is based on 55% of one's average weekly earnings, up to a maximum amount of \$650 a week for up to 26 weeks.
- e. During the period that EI sickness benefits are received, one is expected to focus on recovery and to make every effort to return to work as soon as possible.



4. CPP disability benefits⁶

- a. Canada Pension Plan (CPP) disability benefits provides financial assistance to eligible individuals who are unable to work due to a severe and prolonged disability.
- b. To be eligible for CPP disability benefits, one must have made contributions to the CPP while working and have a severe and prolonged disability that prevents one from being able to work at any job on a regular basis. The disability must be expected to last for at least one year or to result in death.
- c. The application process for CPP disability benefits involves completing an application form and providing medical documentation to support a claim. Applications will be reviewed by a CPP disability adjudicator, who will decide on whether to approve a claim.
- d. When an application is approved, monthly disability benefits are paid. The amount of benefits received is based on contributions to the CPP while working, and is subject to a maximum of \$1,543 a month in 2023
- e. It is important to note that CPP disability benefits are not intended to replace all income, but rather to provide financial support to help one meet basic needs while unable to work due to a disability.
- f. Claimants are expected to make every effort to recover from their disabilities and to return to work when able to do so.

5. Income or social assistance disability incomes

- a. Basic disability assistance in Canada refers to the financial assistance provided to eligible individuals with disabilities through provincial and territorial social assistance programs. The specific name and eligibility criteria for these programs can vary depending on the province or territory, but they generally provide a monthly cash benefit to individuals with disabilities who have little or no income, assets, or other financial resources.
- b. To be eligible for basic disability assistance, individuals must meet certain criteria related to their disability, income, and residency status. Typically, individuals must provide medical documentation to support their disability claim, and may be subject to regular reassessment to confirm their ongoing eligibility for assistance.

- c. The amount of basic disability assistance varies depending on the province or territory, but is generally based on a formula that considers the individual's living expenses and income. In some cases, basic disability assistance may be supplemented by other benefits, such as a health benefit or a housing subsidy.
- d. It is important to note that basic disability assistance is intended to provide a basic level of support to individuals with disabilities who have no other means of financial support. It is not designed to replace all of an individual's income or to provide a comfortable standard of living, but rather to help cover basic living expenses and necessities.
- e. Payments are based on family size and structure and only paid to persons presenting as in need
- f. Income from other programs is usually deducted but tax credits are paid on top of income assistance
- g. Most programs allow one to work before deductions of assistance take place
- h. Most programs are asset tested and have limits on how much help can be received from family and friends before a disqualification takes place
- i. A disability adjudication process is in place for most programs usually based on severe disabilities likely to last more than one or two years depending on the program
- j. Many people receive basic income assistance sometimes called welfare before transferring to income support for people with disabilities
- k. Paid work is encouraged

6. The Disability Tax Credit⁷

- a. Non refundable so acts like a 'coupon' off one's taxes payable
- b. Triggers eligibility for the Canada Workers Benefit and the RDSP
- c. The Disability Tax Credit (DTC) is a non-refundable tax credit in Canada that provides financial assistance to individuals with disabilities or their caregivers. The credit is intended to help offset the additional expenses related to the disability and reduce the amount of income tax that individuals with disabilities or their caregivers are required to pay.
- d. To be eligible for the DTC, an individual must have a severe and prolonged impairment in physical or mental functions that is expected to last for at least 12 months. The impairment must also restrict the individual's ability to perform one or more of the basic activities of daily living, such as walking, eating, dressing, or speaking.
- e. To apply for the DTC, the individual with the disability must complete the Disability Tax Credit Certificate (Form T2201) and have it certified by a qualified medical practitioner. The form must be submitted to the Canada Revenue Agency (CRA) for approval.
- f. If the DTC application is approved, the individual can claim the credit on their income tax return or transfer the credit to their spouse or common-law partner, or another caregiver who provides support for the individual with the disability.
- g. The amount of the DTC varies depending on the severity and duration of the disability, as well as the individual's income and tax liability. In addition to reducing the amount of tax owed, the DTC may also make the individual eligible for other tax credits, such as the Registered Disability Savings Plan (RDSP) and the Child Disability Benefit (CDB).
- h. The Disability tax credit has a nominal value of \$9,428 but is worth about \$2,000 in terms of money an eligible person will realize

7. The Canada Workers Benefit for people with disabilities⁸

- a. The Canada Workers Benefit (CWB) is a refundable tax credit in Canada that is designed to provide financial assistance to low-income individuals and families who are working but have modest incomes. The CWB replaces the previous Working Income Tax Benefit (WITB).
- b. For individuals with disabilities, the CWB includes an additional component called the Disability Supplement. This supplement provides additional financial assistance to individuals who have a disability and are working but have modest incomes.
- c. To be eligible for the Disability Supplement, an individual must have a valid Disability Tax Credit certificate (Form T2201) on file with the Canada Revenue Agency (CRA). The amount of the supplement varies depending on the individual's income and disability status, but can provide up to an additional \$713 per year for eligible individuals with disabilities.
- d. To claim the CWB and the Disability Supplement, individuals must file an income tax return and complete Schedule 6 of the tax return. The amount of the credit and supplement will be calculated by the CRA based on the individual's income and other factors, and will be paid out as a refundable tax credit.
- e. The CWB and Disability Supplement are intended to provide financial assistance to low-income individuals with disabilities who are working and to help support their participation in the workforce.



8. The Registered Disability Savings Plan (RDSP)⁹

- a. The RDSP, or Registered Disability Savings Plan, is a long-term savings plan designed specifically for individuals with disabilities in Canada. It was introduced by the Canadian government in 2008 to help Canadians with disabilities and their families save for their long-term financial security. It is based on eligibility for the Disability Tax Credit – see above
- b. One must apply before age 49 – it is not deducted from other benefits
- c. The RDSP allows individuals with disabilities to save money on a tax-deferred basis, meaning that they do not have to pay taxes on the money they contribute to the plan until it is withdrawn. Additionally, the government provides matching contributions to the RDSP for eligible individuals through the Canada Disability Savings Grant (CDSG) and Canada Disability Savings Bond (CDSB) programs.
- d. The CDSG provides matching contributions of up to 300% of the first \$500 contributed to the RDSP each year, and up to 200% of the next \$1,000 contributed. The CDSB provides up to \$1,000 per year to the RDSP for eligible individuals, depending on their family income.
- e. Withdrawals from the RDSP are taxable as income, but since people with disabilities often have lower incomes, they may be able to withdraw money from their RDSPs at a lower tax rate than they would otherwise.

9. Private disability Insurance¹⁰

- a. Private disability insurance in Canada is a type of insurance that provides income replacement to individuals in case they become disabled and unable to work due to illness or injury. It is different from government-sponsored disability programs, such as the Canada Pension Plan (CPP) Disability program, as private disability insurance is typically purchased by individuals or provided by their employer as a workplace benefit. Some employers have their own in-house programs.
- b. Private disability insurance policies vary in coverage, but they generally provide a percentage of the individual's pre-disability income on a monthly basis if they become unable to work. The amount of coverage and the length of time it is provided for will depend on the terms of the policy.

- c. Private disability insurance can be particularly useful for individuals who do not have access to government-sponsored disability programs or who wish to supplement the benefits they receive from those programs. It can also provide greater control over the amount of coverage and the length of time it is provided for.
- d. However, it is important to carefully review and understand the terms of any private disability insurance policy before purchasing it, as policies can differ widely in their coverage and exclusions. Some policies may, for example, exclude coverage for certain pre-existing medical conditions or only provide coverage for disabilities resulting from accidents, rather than illnesses.
- e. Overall, private disability insurance can provide important financial protection for individuals who become disabled and are unable to work, but it is important to carefully evaluate and compare different policies to find the one that best meets one's needs.
- f. Private disability insurance policies vary in terms of coverage, cost, and eligibility requirements. Some policies may provide short-term disability benefits, while others may provide long-term disability benefits or a combination of both. Some policies may also offer partial disability benefits, which provide income support for individuals who are able to work but are unable to earn their full income due to a disability.
- g. Private disability insurance policies may be purchased on an individual basis or may be provided by an employer as part of a group benefits plan. Group disability insurance policies typically provide coverage to all eligible employees, and the cost of the coverage is often shared between the employer and the employees.
- h. To purchase private disability insurance, individuals must typically complete an application and provide information about their health, occupation, and income. Some policies may require a medical exam or other underwriting requirements before coverage is granted.

Six of the ten disability income programs can only be accessed through previous or current employment.



Roadmap to disability income benefits

Program	What is the order to apply – sign pointing to where to start	Access to social workers – to help with getting the paperwork done	Access to legal support – what to do if you get rejected for a claim
Private disability and accident insurance	If you have a plan that is paid for by you or someone else like your employer	Through voluntary non-profit agencies	Usually, private disability lawyers
The Registered Disability Savings Plan (RDSP)	Apply for the Disability tax credit first – must be age 49 or under	Legal clinics and financial institutions often assist	Rejection is usually straightforward -usually ineligibility is for DTC
The Canada Workers Benefit for people with disabilities	File an income tax return and submit a T4 as part	Same as getting help with a tax return	Normally goes to tax court – usually straightforward however
Veterans’ disability programs	Apply through Veterans Affairs Canada (VAC)	VAC will help – also Legion members will assist (RCL)	Appeals tribunals in place – support through RCL is first choice
Social or income assistance	Usually, one applies through basic income assistance or welfare – direct application is possible	Legal clinics and Legal Aid the usual choice	Various social benefits tribunals and appeals boards supported by Legal clinics and Legal Aid
Workers’ Compensation	Through workplace application process	Many support groups support compensation applications	Workers’ compensation tribunals
Private and public programs employer sponsored	Through workplace application process	Through the process established by the employer usually through large Canadian insurers	Through established tribunals
CPP –Disability	Through the government of Canada application form online administered by Service Canada	Usually non-profit agencies, disability support groups and Legal clinics	Through the government appeals Board for all government benefits
EI sickness	Through the government of Canada application form online administered by Service Canada	Usually non-profit agencies, disability support groups and Legal clinics	Through the government appeals Board for all government benefits
Various tax credits -nonrefundable, refundable and deductions	File taxes each year	Through voluntary programs, agencies and Legal clinic	Tax court - private lawyer or legal aid usually require although some appellants self represent and this is allowed

A normal appeal processes

Review the decision:

Review the decision letter you received to understand why your claim was denied.

Seek legal advice:

Consider consulting with a lawyer or legal clinic to understand your options and rights, and to get help with the appeals process.

File an appeal:

File a notice of appeal within the time limit specified in the decision letter. This will initiate the appeals process.

Attend a hearing:

You may be required to attend a hearing to present evidence and arguments in support of your claim. The hearing may be held in person or virtually, depending on the province or territory.

Review the decision on appeal:

After the hearing, the board/tribunal will issue a decision on your appeal. If your appeal is successful, you will receive the benefits you are entitled to. If your appeal is not successful, you may have the option to file further appeals or challenge the decision in court.

If your disability claim is denied in Canada, you can seek various legal services to help you navigate the appeals process and potentially obtain a more favorable outcome. Some of the legal services you may consider include:

- 1. Legal consultation:** Consult with a lawyer who specializes in disability claims to review your case, assess the reasons for the denial, and discuss your options. A legal consultation can provide valuable insights into the strength of your case and the best course of action to take.
- 2. Representation during the appeals process:** If you decide to appeal the denial of your disability claim, you can hire a lawyer to represent you throughout the process. This can include filing the necessary paperwork, gathering evidence to support your case, and advocating on your behalf during hearings or meetings with the relevant authorities.
- 3. Legal clinics and pro bono services:** If you cannot afford to hire a lawyer, consider reaching out to legal clinics or pro bono services offered by law firms or non-profit organizations. These services provide free or low-cost legal assistance to individuals in need, which may include help with disability claim appeals.
- 4. Paralegal services:** Paralegals are legal professionals who are trained to assist with various legal matters but are not fully qualified lawyers. In some cases, paralegals can provide cost-effective support for disability claim appeals, such as assistance with document preparation and advice on procedural requirements.
- 5. Self-help resources:** If you prefer to handle your disability claim appeal without professional representation, there are numerous self-help resources available online and in print. These resources can guide you through the appeals process, provide tips on gathering evidence and presenting your case, and help you understand your rights and responsibilities.
- 6. Advocacy organizations:** Disability advocacy organizations can offer support, resources, and advice for individuals facing a denied disability claim. While these organizations may not provide direct legal services, they can connect you with legal professionals and offer guidance on navigating the appeals process.

Before seeking legal services, it is essential to research your options and choose the service that best aligns with your needs, budget, and the complexity of your case. Remember that each case is unique, and the success of an appeal depends on various factors, including the strength of your claim and the quality of the evidence presented.



How do lawyers get paid regarding disability income claims in Canada?

Lawyers who represent clients in disability income claims in Canada may use different fee structures depending on the lawyer, the complexity of the case, and the client's financial circumstances. Some common ways that lawyers get paid for disability claims include:

- 1. Contingency Fees:** In a contingency fee arrangement, the lawyer's fees are dependent on the outcome of the case. If the lawyer is successful in obtaining a favorable result for the client, they receive a percentage of the settlement or awarded benefits. If the lawyer is unsuccessful, they do not receive any fees. Contingency fees are common in disability claims, as they offer clients access to legal representation without upfront costs.
- 2. Hourly Rates:** Some lawyers may charge an hourly rate for their services. In this case, clients are billed for the actual time the lawyer spends working on their disability claim. Hourly rates can vary widely depending on factors like the lawyer's experience, location, and the complexity of the case.
- 3. Flat Fees:** In some instances, a lawyer may charge a flat fee for their services. This means that the client pays a predetermined amount upfront, regardless of the time spent or the outcome of the case. Flat fees are less common for disability claims, as these cases can be complex and time-consuming.
- 4. Legal Aid or Pro Bono Services:** Some clients may qualify for legal aid or pro bono services, which provide free or low-cost legal representation. Legal aid organizations and non-profit groups offer these services to individuals who cannot afford to hire a lawyer. Eligibility for legal aid or pro bono services depends on factors like income, assets, and the merits of the case.
- 5. Retainer Agreements:** A retainer is an upfront payment made by the client to the lawyer. The lawyer then deducts fees and expenses from the retainer as they work on the case. Retainer agreements can be used in conjunction with hourly rates, flat fees, or other fee structures.

Before hiring a lawyer for a disability income claim in Canada, it is essential to discuss and understand the fee structure and any associated costs. Make sure to get the fee agreement in writing to avoid any misunderstandings or disputes later.

Legal redress for denial of a disability claim in Canada

Stages of legal review based on client resources					
I am appealing a disability income decision - I was denied some or all benefits	I am asking for a reconsideration	I am appealing to a tribunal after reconsideration denied	Tribunal affirms program decision - eligibility denied	I am appealing to a Court - e.g., a divisional provincial court or Federal court	I am appealing to the Court of Appeals including Supreme Court of Canada
I cannot afford legal help - Legal Aid Route	No legal assistance is required - simply asking for a review	Go to legal clinic where a paralegal will be assigned if they believe your case has merit - a lawyer is assigned if legal issues are present	Legal clinic assigns lawyer to go back to the Tribunal or go to relevant court. A certificate may be granted at this stage to retain outside counsel or stay within the clinic system.	Same or different counsel will take case forward - The clinic and legal aid system may require that the case have separate merit in regard to other cases. E.g., clarify law or procedure	Based on belief that an error in law has been made by the lower court and/or the Tribunal
I can afford legal help - Visit or call law firm that charges for services - gets paid	No legal assistance is required - simply asking for a review	Retain legal counsel from a law firm - paralegal is assigned - will advise if case has merit - lawyer assigned if legal issues	Law firm looks at case and negotiates fees with you - by the hour, or as a project. Will review from time to time	You decide whether you wish to continue to pay - it is your decision to proceed and pay. You can change counsel - your decision	Law firm will decide on merit but you are paying - it is your decision to pay to go to appellate court based on belief that there is an error in law.
Whether you can afford or not - consider contingency fee law firm - they get paid when you get paid	Law firm advises to ask for reconsideration	Law firm asks you to go to Tribunal - no real involvement	Law firm may ask you to clarify by going back to the Tribunal	Contingency firm takes on case based on belief it can win AND obtain damages. May settle out of court	Based on belief that an error in law has been made by the lower court and/or the Tribunal resulting in damages.

References

- <https://www.canada.ca/en/financial-consumer-agency/services/living-disability/disability-benefits.html>
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