

ODSP asset exemption rules

Trial Lawyers: Important support for vulnerable Ontarians, and sexual abuse survivors in particular

August 8, 2017, TORONTO — The Ontario Trial Lawyers Association congratulates the Ontario Government for changes to social assistance that provide increased support for some of the most vulnerable Ontarians who have suffered loss or injury.

Effective August 1, 2017, *all* compensation awards for pain and suffering are fully exempt as income and assets for individuals receiving Ontario Disability Support Program. Previously, ODSP exempted awards up to \$100,000. For individuals receiving Ontario Works, awards will be exempt up to \$50,000. The government has also eliminated the requirement that individuals apply for exemptions, for example, for reasonable treatment costs or disability-related benefits.

“While these changes apply to anyone on social assistance who receives a *general damages* (pain and suffering) award, this announcement will particularly benefit many survivors of sexual violence and abuse,” said Claire Wilkinson, President, Ontario Trial Lawyers Association. “We see this as an important part of the government’s ongoing commitment to supporting sexual assault survivors in the province of Ontario. Also, it aligns with the government’s initiative ‘*It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment*,’ and we are proud to support it!”

Prior to the change, not all sexual assault survivors who received compensation through suing the at-fault parties in a class action were able to retain their full compensation through a settlement and continue to receive ODSP benefits. Many survivors who were not part of a prescribed class action often put their ODSP benefits in jeopardy if they successfully sued at-fault parties.

“These changes will protect all survivors of sexual violence or harassment who are on ODSP, regardless of the amount of compensation they receive through litigation and regardless of the identity of the at-fault or negligent party,” Wilkinson added.

“By amending the regulations under the Ontario Disability Support Program Act, the government has eliminated a two-tiered compensation system that negatively impacted many survivors of sexual assault,” Wilkinson added.

About the Ontario Trial Lawyers Association: Founded in 1991, the Ontario Trial Lawyers Association (OTLA) is an organization of more than 1,500 plaintiff lawyers, law clerks, articling students and law students. Our purpose is to promote access to justice for all Ontarians, preserve and improve the civil justice system, and advocate for the rights of those who have suffered injury and losses as the result of

wrongdoing by others, while at the same time advocating strongly for safety initiatives. For more information, visit www.otla.com.

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