

A test of Ontario's appetite to fight for poverty reduction

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Ontario is about to face one of the biggest tests of its commitment to poverty reduction.

Will it comply with an Ontario Human Rights Tribunal ruling that says it must end discrimination in its special diet allowance program, or will it target the program for cuts as part of its deficit reduction plan?

At stake is not only Ontario's "25-in-5" poverty reduction target but also the very lives of the many Ontarians who have nowhere else to turn for support.

The special diet program is a long-standing part of Ontario's social assistance system. It provides additional allowances for people with higher food costs due to prescribed medical dietary treatment.

For many years, few eligible people even knew about the program. But over the past decade, the program has grown due to efforts by legal clinics, advocacy groups and even social assistance caseworkers to get the word out.

For people with conditions like ALS, cystic fibrosis, cancer or Crohn's disease, the allowance gives up to \$240 a month for nutritional supports that help prevent life-threatening weight loss.

Lower allowance amounts help others afford the costlier foods included in the diets that doctors recommend to treat conditions like high blood pressure, high cholesterol, diabetes and celiac disease.

Access to these life-saving nutritional treatments would otherwise be out of reach for people on social assistance, who live at a subsistence level of income.

Controversial changes to the program in 2005 resulted in numerous human rights complaints. The complaints allege that the "new" program discriminates on the basis of disability by failing to give some medical conditions equitable access to special diet allowances.

The changes left out many medical conditions that may also cause life-threatening weight loss, like multiple sclerosis, lupus or muscular dystrophy.

And some conditions, like hypertension, were assigned disproportionately low allowance amounts. For example, the program currently gives \$10 a month for the extra servings of fresh fruits and vegetables, whole grain products, low fat milk and meat recommended in the DASH diet for hypertension. But the government's own expert review committee found that the actual cost for these items is \$86 a month, not \$10.

A recent precedent-setting decision by the Ontario Human Rights Tribunal found that the special diet program does discriminate on the basis of disability.

At the same time, the decision recognized that the special diet allowance provides substantive equality within the current structure of social assistance programs because it relieves the disadvantage faced by those who have extraordinary food costs due to their medical conditions.

The tribunal ordered government to increase the allowances for four medical conditions. It also set out the legal test to determine the outcome of nearly 200 other human rights challenges that are yet to be heard.

For the province, complying with the tribunal's ruling would reinforce its commitment to human rights and the value of fairness. But it would also entail increasing program costs, just when the budget has moved into deficit.

It's no surprise, then, that in the weeks following the decision, the province has declined to commit to complying with the ruling. Instead, citing the auditor general's recent report on social assistance, it has refused to rule out cancelling the special diet program altogether.

But very serious caution should be taken in drawing any conclusions from the auditor general's report.

While the report cites a few cases of questionable eligibility, it does not paint a picture of a program drowning in misuse. Little substantive evidence exists to show that increasing program costs are not due to anything other than an increase in legitimate medical conditions that require treatment.

Not long ago in Ontario, we had a government that blamed the weakest and most marginalized among us for the broader-scale economic changes that were battering

its budgets. That government balanced the books by cutting benefits to the poorest of the poor.

The McGuinty government promised change. In 2008, Ontario committed to a five-year poverty reduction strategy. All parties in the Legislature agreed to take public action to reduce poverty by 25 per cent by the year 2013 – the 25 in 5 target.

We celebrated the turning of the corner on the poverty debate in Ontario. We would be the first to applaud the government's decision to maintain the special diet program and, in keeping with the tribunal's ruling, enhance allowances accordingly.

Eliminating the program, however, could erase all the goodwill the government has built on poverty reduction.

The stakes are high on the special diet program. The way Ontario responds to the tribunal's decision will determine the extent of the government's commitment to poverty reduction. And it will tell us whether the support it has received for making this commitment is deserved.

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