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LEAF is a national, charitable, non-profit organization, founded in 1985. LEAF works to advance the substantive equality rights of women and girls in Canada through litigation, law reform and public education using the *Canadian Charter of Rights and Freedoms*.

This publication was created as part of LEAF’s Basic Income Project. The Basic Income Project aims to assess the potential of a basic income to address longstanding issues of gender and racial socioeconomic inequality. The Project also supports and informs LEAF’s law reform efforts and potential upcoming interventions concerning women and gender diverse people’s economic and social rights.

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This report was written and researched by **Sally A. Kimpson**, a disabled woman, activist, disability research consultant, and Critical Disability Studies scholar. Sally holds degrees from the University of Victoria in Nursing (BSN), Counselling Psychology (MA), and Interdisciplinary Studies (Ph.D). Her primary area of expertise is disability income support programs. Sally's 2015 doctoral dissertation entitled, *"Uncertain subjects: Disabled women on BC disability benefits"* researched the effects of institutional exercises of power in the lives of disabled women living on British Columbia provincial disability benefits. Previously, with Dr. Tanis Doe, she secured funding from Status of Women Canada to research disabled women living on CPP-D. Sally's postdoctoral research at Simon Fraser University under the auspices of the Centre for Research on Work Disability Policy compared different disability benefit programs in BC and Alberta. Sally also maintains a consulting practice assisting those with disabilities to navigate complex health care, benefit, and support systems.

The report was overseen and coordinated by **Cee Strauss**, Staff Lawyer at LEAF; **Pam Hrick**, Executive Director and General Counsel at LEAF; **Brea Hutchinson**, Director of Operations at LEAF; and **Megan Stephens**, former Executive Director and General Counsel at LEAF. Thank you to **Megan Cameron**, Fund Development Manager at LEAF, who martialed the resources to support this project.

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Executive Summary and Recommendations

The purpose of this report is to inform current thinking about the potential of a basic income program to contribute to the full and effective participation and inclusion in society of disabled women and gender-diverse disabled people. It is a companion report to Basic Income & The Care Economy, and is designed to contribute to LEAF's larger Basic Income Project. The Basic Income Project evaluated the ability of a basic income program to address gender inequalities, including gender and racial socioeconomic inequality, using an intersectional feminist framework. In order to make recommendations, the researcher for Basic Income, Gender & Disability examined and reviewed scholarly and grey literature in carrying out research that brings together and summarizes existing knowledge.

For this project, disability is defined using rights-based approaches enshrined in both national and international legal frameworks. These approaches acknowledge disability as resulting from interactions between, on the one hand, persons with physical, mental, cognitive, intellectual, sensory and developmental impairments, and on the other, attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others. Disability intersects in complex ways with other markers of identity, such as race, immigrant status, age, sexuality, gender, gender expression, and class to produce distinct experiences of disability and forms of ableism.

The research for this report focused on four topics:

- the substantive inequality of disabled women and gender-diverse disabled people, and how poverty contributes to that inequality in multiple domains of everyday life;
- current disability income support programs in Canada, including particular effects in disabled women and gender-diverse disabled people's lives;

- basic income and its potential to reduce or eradicate the effects of poverty and the negative effects of existing income support programs;
- a Canada Disability Benefit program, described ideally, and comparing it with a basic income program.

Substantive inequality and poverty

The poverty that disabled women and gender-diverse disabled people live in is structural, producing substantive inequality; they do not have equality of access or equality of opportunity. The provision of services and benefits designed in part to support their substantive equality is carried out in ways that fail to meet their unique cultural, social, and economic needs. Living in conditions of material and social deprivation limits participation in a wide range of cultural, economic, educational, political and other social activities, and exposes disabled women and gender-diverse people to violence.

Intersecting identities render disabled women and gender-diverse disabled people more vulnerable to poverty. Disabled women who are single, single-parenting, Indigenous, working class, racialized, visible minorities and/or newcomers live in the deepest poverty.

Disabled women are three times more likely to rely on government programs, primarily provincially-administered disability benefits, than both non-disabled women and disabled men. All provincially-administered disability benefit amounts are set substantially below the Market Basket Measure for their regions.

Disabled women and gender-diverse disabled people often face extraordinary disability-related costs for products, services, and supports that they need to engage in activities of daily living, to participate in community, and to be socially included. Some of these costs are subsidized by provincial disability benefit programs, but many are not (or are partially subsidized) and have to be purchased out of pocket. Securing subsidized benefits

often requires intimate self-disclosure to establish eligibility, challenging a disabled woman's or gender-diverse person's dignity.

Current disability income support programs in Canada

Available to working age adults, a range of disability income support programs or plans is provided at provincial and federal levels, creating a fragmented and uncoordinated patchwork of supports. Programs differ in terms of definitions of disability, eligibility criteria, and amount and type of benefits. Federal programs include: Canada Pension Plan-Disability (CPP-D) benefits and Québec Pension Plan-Disability (QPP-D); Employment Insurance (EI) Sickness Benefits; Canada Revenue Agency tax measures (Disability Tax Credit and the Registered Disability Savings Plan); and Veterans Affairs disability benefits. Provincially, disability benefit programs include: disability benefits administered through social assistance (welfare) budgets; workers' compensation schemes; and the regulation of disability insurance plans administered by the private insurance industry (Long Term Disability or LTD benefits).

Program policies and procedures are often confusing to individuals, and potentially result in failure to access programs to which they may be entitled.

Basic income

A guaranteed basic income ensures that everyone has an income sufficient to meet basic needs and to live with dignity, regardless of employment status. The policy goals of basic income include income security and poverty elimination, income stability, and the advancement of substantive equality (including but not limited to income equality). The basic income design discussed in this report is an income-tested program providing a livable level of economic security that increases annually to reflect the cost of living and decreases gradually as income from other sources increases.

A basic income program could reduce some of the need for bureaucratic oversight, reducing disabled women's fear of losing benefits and the perceived risk of having their eligibility questioned. A generous basic income could enable disabled women and gender-diverse disabled people to be more self-determining, and could provide them with expanded opportunities for social participation and inclusion. With a basic income, they may have the option to leave a violent or abusive relationship without being exposed to poverty.

Canada Disability Benefit

A targeted, income-tested Canada Disability Benefit (CDB) should ideally include most of the elements of a basic income. A CDB should be designed for *all* disabled people residing in Canada who meet the *Accessible Canada Act* definition of disability, including those with episodic conditions. Eligibility should not require an employment test, and repeated review of disability status should be minimal or omitted. CDB income should either entirely cover the cost of both specific and general extraordinary disability-related supports and services, or be generous enough to enable disabled people to purchase these on their own.

Basic Income and Canada Disability Benefit Compared

Both a basic income and a CDB would substantially foster economic independence and provide access to opportunities for disabled women and gender-diverse disabled people to choose how they want to live. Both programs contain similar elements that would significantly reduce poverty in disabled women and gender-diverse disabled people's lives, and could reduce many of the onerous effects of existing disability benefit programs. Set at an adequate, or ideally a generous amount well in excess of the Market Basket Measure, both basic income and CDB programs would reduce poverty and its effects in disabled women and gender-diverse people's lives.

Considerations with respect to eligibility and coverage for extraordinary costs are key. Both benefit programs would require applicants to meet income tests. With basic income, disabled applicants would not need to establish disability status for the basic benefit, but would be required to do so in order to receive subsidy for specific disability-related supports and services, should these continue to be provincially administered. If provincially-subsidized specific disability-related costs are retained, those receiving a basic income would continue to be exposed to existing intrusive medical eligibility determinations and continued annual monitoring of eligibility for many of these supports, assistive devices and services. Importantly, if specific disability-related costs remain tied to provincial disability benefit programs, coverage of those costs would not be portable between provinces.

With the CDB, applicants would have to establish their disability status (along with meeting the income test), but ideally the benefit would be structured so that there would be no additional scrutiny needed in order to meet specific extraordinary disability-related costs. The CDB would be fully portable across Canada.

Given the targeted, less stigmatizing, somewhat less-complicated eligibility process and portable nature of the Canada Disability Benefit as imagined here, the CDB is considered by this researcher to be more favourable for disabled women and gender-diverse disabled people than a basic income program as described in this report.

Recommendations

It is LEAF's position that any basic income program for disabled women and gender-diverse disabled people must:

1. Be provided to all disabled people who meet the *Accessible Canada Act* definition of disability;

2. Either ensure that the cost of both specific and general extraordinary disability-related supports and services are covered, or be generous enough to enable disabled people to purchase these on their own;
3. Be portable across provinces and territories; and,
4. Set allowable earnings exemptions at a generous level, with minimal clawbacks of earned income above maximum allowable earnings.

Further, neither a CDB nor a basic income should be subject to any offset or clawback of Canada Pension Plan-Disability benefits, and the Disability Tax Credit should be made fully refundable.

As between a Canada Disability Benefit or a basic income program, LEAF advocates for whichever program meets the above criteria. Without these elements in place, LEAF does not support implementation of either program.