

*Sunday July 22, 2012*

## **Victims of legal discrimination**

By Jim Taylor

Earlier this month, Lotto Max handed out \$67million in prizes -- including one humungous \$50 million jackpot. As everyone knows, lottery winnings in Canada are tax free.

Unless you're receiving disability support from a provincial government, that is.

In B.C., at least, if someone with a mental or physical disability should win a lottery, they will immediately lose their monthly disability support. For disabled persons, a lottery winning is classed as unearned income, and penalized.

Let's take a specific example. I'll just call her Laura.

Through no fault of her own, Laura suffered brain damage at birth. The hospital called in a family physician as an untrained anesthetist when Laura's mother had a non-emergency caesarian section. To compensate for her lifelong disability, the B.C. government sends Laura \$906.42 a month.

Until recently, Laura could also earn up to \$500 a month in a part-time job. She was expected to provide her food, clothing, housing, and recreation on \$1400 a month. The task would challenge many unburdened by mental disability.

If Laura ever earned more than \$500 in a month -- perhaps a run of lavish tippers, or an extra payday within that month -- the government took back everything over \$500, by deducting the surplus from her next disability cheque.

## **Improved rules**

On June 11, to their enormous credit, Premier Christy Clark's government announced changes to make the rules fairer. Laura can now earn \$800 a month -- which brings her almost up to the poverty line.

More importantly, she can now average her earnings over a whole year. So if she has a good month, perhaps during peak tourist season, she can balance that against a low month.

But that's earned income. All other income is considered unearned. Such as, for example, employment insurance wage-loss benefits. Or lottery windfalls.

Admittedly, if Laura won \$50 million, she wouldn't need disability payments any more. But here's the kicker. Suppose she won, say, \$10,000. Her \$906 disability payments would stop for 11 months, until the government had deducted as much as she had won.

So although Laura lives below the poverty line, she lives in a 100 per cent tax bracket. That doesn't seem fair.

Now, you may ask, should someone receiving disability support be buying lottery tickets at all?

Good question. Should an elderly widow scraping by on her Old Age Security Pension be allowed to buy lottery tickets? Should every ticket buyer have to prove that they're mentally competent, and that they can afford their gamble?

Denying people the right to grasp at straws strikes me as discriminatory.

As it happens, Laura's mother waged a two-year battle with the B.C. government to get them to admit that their legislation discriminates against the disabled.. She was only weeks away from a B.C. Human Rights Tribunal Hearing when the government got itself off the hook by amending its rules.

## **Prejudiced assumptions**

I applaud the improvements. The new rules are much fairer than they were. But I submit that they still discriminate against persons with disabilities -- on two grounds.

First, they seem to assume that people with disabilities deserve to live below the poverty line.

The intent behind disability support is noble -- disabilities should not force people to live in misery. The program encourages them to earn supplementary income. But then it defeats its own purpose by restricting how much they can earn.

Indeed, by clawing back unearned income such as lottery winnings and EI job loss or sickness benefits, it restricts a disabled person's ability to save towards financial independence. Correction - a single person may now accumulate assets up to \$5000. Oh, whoopee.

Second, it assumes that disabilities render people incapable of managing their own affairs. It makes no distinction between physical and mental handicaps. A PhD in a wheelchair is treated the same as a person with a semi-developed brain. If she requires disability support, she can't be competent to manage her money.

Does any other group of Canadians get treated this way? I hope not. On that ground alone, B.C. discriminates against disabled people.

## **Give them a chance**

Sometimes, I accept, we need to discriminate. We do not let small children vote, drive cars, drink alcohol, or join the army. We believe they are not yet capable of handling those responsibilities.

And no doubt some disabilities preclude some individuals from handling some responsibilities.

But if we must err, we should err on the side of giving as much freedom and responsibility as possible to people who have disabilities. If a compassionate society offers them support, it should be treated as income just like federal pension payments. Whatever their total income over a year, they will eventually pay back their fair share in income tax.

I doubt if many people receiving disability support will rise above the bottom tax bracket anyway, even if they manage to earn more than \$800 a month.

Let's treat them as the responsible people most of them are.

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## **YOUR TURN**

Thank heavens last week's column about vandals and vandalism didn't generate as much mail as the previous week's column on the Higgs' boson -- not that I'm objecting to getting mail, mind you. One of the joys of writing these columns is receiving your opinions, even (perhaps especially) if they take a different viewpoint from my own.

And I'm impressed that the letters you write are usually literate and well thought out.

In fact, the letters last week so impressed a couple of readers that they wrote asking for a back copy of the column that could stimulate such interesting letters!

But enough of that.

On vandalism, Isabel Gibson suggested, "Perhaps vandalism is the last refuge not of the hopeless, but of the lazy. As an author and editor, I would say that writing/creating is hard work, editing is easier (usually!), but ridiculing is easiest of all. Destroying--whether by making fun of a piece of writing or an idea or a person--is, above all, easy. Maybe hammering into pieces is done just because it's, well, easy."

Mike Maus: "You write of vandals who just destroy things that don't threaten them: 'Otherwise, they would be nothing.' And they are."

Christa Bedwin got into discussion with some colleagues about the dinosaur vandalism: "We were talking about it today and wondering -- why didn't they immediately put some summer students on it to babysit? Maybe they need to do something like that next time."

I suspect that now, having suffered this irreparable loss, the university will take extra precautions.

Wayne Holst also picked up some other articles on the implications of the Higgs boson, and forwarded connections to articles from *The Christian Century* and *The Tablet*, a British publication. And John Hatchard sent along a light-hearted piece from his New Zealand *Saturday Herald* magazine by James Griffin. "He makes the paper worth buying!" John wrote.

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## PSALM PARAPHRASES

I have started including a psalm paraphrase for the coming Sunday with my Soft Edges column, on Wednesdays. Why not on Sunday, you ask? Well, partly because psalms seem to me to fit better with the general mood of Soft Edges, which is more likely to deal directly with faith-related matters than these Sharp Edges columns. And partly because Soft Edges is about 250 words shorter than Sharp Edges, and so including the paraphrase on Wednesday won't make the e-mailing quite as long.

That does mean that if you want to receive the paraphrase, and are not on the Soft Edges mailing list, you'll need to subscribe. No charge, just send me a message, [jimt@quixotic.ca](mailto:jimt@quixotic.ca). Or you can subscribe automatically by sending a blank e-mail to [softedges-subscribe@quixotic.ca](mailto:softedges-subscribe@quixotic.ca).

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### TECHNICAL STUFF

This column comes to you using the electronic facilities of Woodlakebooks.com.

If you want to comment on something, send a message directly to me, at [jimt@quixotic.ca](mailto:jimt@quixotic.ca).

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You can access several years of archived columns at <http://edges.Canadahomepage.net>.

I write a second column each Wednesday, called Soft Edges, which deals somewhat more gently with issues of life and faith. To sign up for Soft Edges, write to me directly, at the address above, or send a note to [softedges-subscribe@quixotic.ca](mailto:softedges-subscribe@quixotic.ca)

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### PROMOTION STUFF...

If you know someone else who might like to receive this column regularly via e-mail, send a request to [jimt@quixotic.ca](mailto:jimt@quixotic.ca). Or, if you wish, forward them a copy of this column. But please put your name on it, so they don't think I'm sending out spam.

For other sources worth pursuing, try

- David Keating's "SeemslkeGod" page, [www.seemslkegod.org](http://www.seemslkegod.org);
- Alan Reynold's weekly musings, punningly titled "Reynolds Rap" -- [reynoldsrap@shaw.ca](mailto:reynoldsrap@shaw.ca)

- Isobel Gibson's thoughtful and well-written blog, [isabel@traditionaliconoclast.com](mailto:isabel@traditionaliconoclast.com)
- Wayne Irwin's "Churchweb Canada," an inexpensive service for any congregation wanting to develop a web presence, with free consultation. [<http://www.churchwebcanada.ca>](http://www.churchwebcanada.ca)
- Alva Wood's satiric stories about incompetent bureaucrats and prejudiced attitudes in a small town are not particularly religious, but they are fun; write [alvawood@gmail.com](mailto:alvawood@gmail.com) to get onto her mailing list.

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