

ODSP & ARTS GRANTS 101

In 2018, the ODSP Action Coalition created the [ODSP & Arts Grants Brochure](#) to help artists navigate through the ODSP process with unique considerations given their profession. The brochure explains certain exemptions for arts grants and includes advice for problem solving.

This [ODSP & ARTS GRANTS 101](#) document, compiled in March 2022, has been created by Pro Bono Students Canada volunteers from the Lincoln Alexander School of Law chapter and CARFAC Ontario. It is our intention to provide accessible information to those who may need it, in relation to ODSP qualification requirements and arts grants.

The Ontario Disability Support Program (ODSP) is an important source of income for artists with disabilities who have financial need. Arts grants are often essential to artists in support of the creation of their artwork. Navigating both sources of income is important in order to make sure artists with disabilities receive as much support as possible.

This document provides legal information and is not legal advice. For legal advice, please see the section, 'Where to get legal help'.

While ODSP does not usually consider arts grants as income for the purposes of receiving benefits, any portion of your arts grant that is received for "living expenses" and your personal artist fee will generally be considered "income and assets" and may be deducted from your ODSP benefits and may affect your financial eligibility for ODSP.

Applying for ODSP

You may be eligible for ODSP if:

- You have a disability, or are a member of one of the [following groups](#) of people that do not need to have their disability assessed;
- You are in financial need (you do not have enough money to cover living expenses); and/or
- You are 18 or older (you can begin the application process up to six months before your 18th birthday).

For any further inquiries regarding eligibility, please contact ODSP or take [this quiz](#) to find out if you're eligible.

ODSP or Arts Grants – Why not both?

If you receive an arts grant you may continue to receive ODSP benefits (and vice versa). **Grant money should not be deducted from your benefit**, with the exception of funding used for “living costs” and your individual artist fee. This allows artists to apply for and receive both arts grants and ODSP, to assist with basic financial needs.

While the removal of certain barriers around grant money and ODSP benefits is helpful, your specific circumstances may impact the amount you receive from ODSP, or impact your overall eligibility. If you find yourself in need of support from ODSP, please fill out an application to ensure that your eligibility is assessed fairly.

For an in-depth review of how to apply for ODSP, please click [here](#).

What is considered Arts Grant Income to ODSP?

The items in the list below **are** considered income for ODSP purposes:

- Personal Artist fees
- Living expenses such as rent and sustenance

The ODSP caseworker will calculate your arts grant income evenly over the period of time your grant covers to determine how much ODSP funding you will receive.

The items in the list below **are not** considered income for ODSP purposes:

- creation, production, and/or presentation of works
- professional development activities
- promotion
- residency or travel
- creative research
- networking and building market opportunities
- commissioning
- other activities necessary for the development or creation of art
- accessibility expenses during the duration of their project

ODSP updated their Income Support policy that relates to the definitions of income and assets, as listed above. If your caseworker has questions about where you received this information, please feel free to refer to: [4.1 Definition and Treatment of Assets](#) and [5.1 Definition and Treatment of Income](#).

What Happens if You Withdraw or You Are Taken off of ODSP?

Temporary Withdrawal from ODSP

It is possible to temporarily withdraw from ODSP. For example, if you have a high income from arts grants and you have decided to temporarily withdraw from ODSP while you work on your project, you may do so. It is, however, recommended that you seek legal advice* **prior** to withdrawing, as you may encounter some issues regarding reinstatement.

*See below for free resources where you may be able to get free/pro bono legal advice.

What to do if Your Assistance is Reduced, Cut Off, or a You Believe a Decision is Unfair

If you are receiving assistance from ODSP, a caseworker from ODSP may regularly assess your file to confirm that you are still eligible. They may ask to schedule an interview with you to review your financial and/or medical eligibility. After your file has been reviewed, ODSP may conclude that you are no longer eligible for the assistance you are getting.

If your assistance is reduced or cut off and you do not believe that the decision made was fair, then you may request an internal review of the decision. If you are unhappy with the internal review decision, you may be able to continue to an appeal to the Social Benefits Tribunal. For more information regarding the appeals process, please click [here](#) and see below for where to get legal help.

Where can people on ODSP get legal help?

This resource gives only general information. You should obtain legal advice about your specific circumstances.

Community legal clinics can offer legal advice on ODSP and can sometimes intervene with ODSP for you. You can find out where your closest legal clinic is by calling 1-800-668-8258 (416-979-1446 in Toronto), or by going to their website: www.legalaid.on.ca. You can also find a list of other legal clinics in Ontario, and artist clinics nation-wide in this [link](#).

Here are a few links to resources:

1) The [Ontario Artists' Legal Access & Support Network](#) is a collaboration between [CARFAC Ontario](#) artists and [ALAS \(Artists' Legal Advice Services\)](#) lawyers offering one-on-one meetings with volunteer lawyers, representation from a CARFAC Ontario practicing artist, workshops and webinars with volunteer lawyers.

2) [ARCH Disability Law Centre](#) offers a legal clinic specific to disabled individuals, offering legal advice on various areas of law.

3) [Legal Aid Ontario](#) provides free legal assistance to low-income people by funding Community Legal Clinics throughout Ontario.

You may want to share this resource with your local legal clinic when asking them for assistance.

Definitions

Appeal: A formal request to reverse a decision in part or whole.

Arts Grants: Funds awarded by government agencies to professional artists in support of their craft. In applying for grants, artists must clearly state how they would use the money which oftentimes is to help with professional and production expenses.

Directive: Policy directives interpret the laws that govern Ontario's social assistance programs, such as Ontario Works and the Ontario Disability Support Program. Staff follow the directives when making decisions about eligibility and benefits. Policy directives explain how the programs work, supports available, and the roles and responsibilities of staff and clients.

Independent Contractor: An independent contractor is someone who is in business for themselves. Independent contractors are not employees. Generally, an independent contractor determines how, when, and where the work is performed. They have the ability to subcontract some or all of the work. [*The Status of the Artist Act*](#) defines artists as independent contractors.

Professional Artist: Defined differently by different granting bodies, but generally it refers to someone who has specialized training in the artistic field (not necessarily at an academic institution), is recognized as a professional by other professional artists in the same artistic field, has received monetary compensation for their artistic work, and has a history of public presentation or publication.

ODSP: Acronym for Ontario Disability Support Program. The program offers financial support to people with disabilities.

Self-employment Income: Any income earned while working as an independent contractor.

[The Social Benefits Tribunal](#): The Social Benefits Tribunal hears appeals from people who have either been refused social assistance or who receive social assistance but disagree with a decision that affects their eligibility for assistance, the amount of assistance they receive, or the benefits they receive.

[Status of the Artist Act](#): A legal document that recognizes the importance and role of artists in Canada and legally defines artists as independent contractors.