



Province of Alberta

INCOME AND EMPLOYMENT SUPPORTS ACT

**DISABILITY-RELATED EMPLOYMENT
SUPPORTS AND SERVICES
REGULATION**

Alberta Regulation 117/2011

With amendments up to and including Alberta Regulation 230/2017

Office Consolidation

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(Consolidated up to 230/2017)

ALBERTA REGULATION 117/2011

Income and Employment Supports Act

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AND SERVICES REGULATION**

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Definitions

1(1) In this Regulation,

- (a) “Act” means the *Income and Employment Supports Act*;
- (b) “employability assessment” means an assessment prepared to the satisfaction of the Director, to determine eligibility for supports and services and may, if required by the Director, include a specialized assessment;
- (c) “employment” means employment that pays at least the minimum wage under the *Employment Standards Code* or an equivalent wage as determined by the Director and that is of a minimum number of hours per week as determined by the Director, and includes comparable self-employment as determined by the Director;
- (d) “individual service plan” means a service plan approved by the Director;
- (e) “person with a disability” means a person referred to in subsection (3);
- (f) “supports and services” means disability-related employment supports and services referred to in section 4.

(2) For the purposes of this Regulation, a person is a resident of Alberta if the person makes his or her home and is ordinarily resident in Alberta and includes a person who is ordinarily resident in Alberta but is temporarily absent for education or training purposes.

(3) For the purposes of this Regulation, a person with a disability is a person who demonstrates to the satisfaction of the Director that the person has a diagnosed and documented chronic or permanent physiological or psychological impairment of functions that limits his or her ability to complete education or training, become employed or maintain employment.

Initial eligibility

2(1) Subject to section 3, a person with a disability is eligible to receive supports and services if the person meets the requirements of subsection (2).

(2) The person must be

- (a) 16 years of age or older,
- (b) a Canadian citizen, a permanent resident of Canada or a refugee who has been accepted to apply for permanent residency in Canada and who is legally entitled to work or study in Canada, and
- (c) a resident of Alberta.

(3) A person with a disability who is eligible under subsection (2) may, in the form and manner required by the Director, apply to the Director for supports and services.

Other eligibility requirements

3(1) A person is not eligible to receive supports and services unless the person

- (a) has a barrier to education, training or employment that has been created by the person's disability, as determined by the Director pursuant to an employability assessment,
- (b) is in need of supports and services to address the barrier created by the disability as determined by the Director pursuant to an employability assessment, and
- (c) agrees to comply with the individual service plan approved by the Director.

(2) A person is not eligible to receive the same or similar supports or services under this Regulation if, in the opinion of the Director, similar supports and services are provided under some other program as determined by the Director.

(3) A person is not eligible to receive supports and services unless any one or more of the following apply:

- (a) the person is participating in a training or educational program as determined by the Director;
- (b) the person is seeking employment;
- (c) the person is employed or self-employed.

Supports and services

4 The following disability-related employment supports and services may be provided under this Regulation:

- (a) educational supports, as determined by the Director, that will assist a person with a disability to participate in training or education;
- (b) workplace supports, including the modifications under section 5, as determined by the Director, that will assist a person with a disability to become employed or to maintain employment;
- (c) job search supports, as determined by the Director, that will assist a person with a disability in the seeking of employment.

Modification of worksite and vehicles

5(1) In this section, “eligible employer” means an employer who meets the eligibility criteria established by the Director under subsection (6).

(2) The Director may determine

- (a) that an eligible employer’s worksite or vehicle requires modification related to a barrier created by a disability that will assist a person with a disability to maintain employment, or
- (b) that the vehicle of a person with a disability requires modification related to the barrier created by the disability that will assist the person to maintain employment.

- (3) Where the Director determines that an eligible employer's worksite requires modification, the funding that may be provided to the eligible employer under this section is 50% of the total cost of the modification, not to exceed \$10 000 for each person with a disability, to a maximum of \$40 000 per worksite.
- (4) Where the Director determines that an eligible employer's vehicle requires modification, the funding that may be provided to the eligible employer under this subsection is not more than 50% of the total cost of modifying the vehicle, not to exceed an amount determined by the Director.
- (5) Where the Director determines that the vehicle of a person with a disability requires modification, the funding that may be provided under this subsection is not to exceed an amount determined by the Director.
- (6) The Director may establish eligibility criteria for employers for the purpose of this section.

Decisions of the Director

- 6(1) The decisions of the Director under this Regulation are not appealable under section 43 of the Act.
- (2) An applicant or recipient affected by a decision of the Director under this Regulation may request that the Director review the decision.
- (3) The request for a review must be made within 30 days from the date that the person is notified of the original decision.
- (4) In conducting a review, the Director must consult a review committee appointed under section 7.
- (5) The decision of the Director after completing a review under this section is final.

Review committee

- 7 For the purpose of conducting a review under section 6, the Minister shall appoint a committee composed of 3 employees of the Government.

Repeal

- 8(1) *The Employment and Training Benefits for Persons with Disabilities Regulation (AR 59/2004) is repealed.*
- (2) *Sections 6(c) and 9 of the Recovery, Administrative Penalties and Appeals Regulation (AR 381/2003) are repealed.*

9 Repealed AR 230/2017 s2.

Coming into force

10 This Regulation comes into force on August 1, 2011.



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