

**10<sup>TH</sup> SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING  
SOCIAL PROTECTION AND SOCIAL SECURITY**

***Response by Canada***

**1. What are the legal provisions in your country that recognizes the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?**

Canada's social security system consists of universal benefits, social insurance plans, social assistance programs, and a wide array of health and social services. Under the Canadian Constitution, the federal, provincial and territorial governments share responsibility for social security. Both orders of government play an important role in planning, administering, delivering, and financing income security, health, and social service programs.

Canada's predominantly publicly-financed and administered health care system ensures that all eligible residents have reasonable access to medically necessary hospital and physician services on a prepaid basis, without charges related to the provision of insured health services.

The *Canada Health Act*, Canada's federal health care insurance legislation, sets out the criteria and conditions that must be satisfied by provincial and territorial health care insurance plans for them to qualify for their full share of the cash contribution available under the federal Canada Health Transfer, and enables national standards setting for publicly funded health care insurance.

Canada's public pensions provide a modest base of retirement income upon which individuals can add income from other sources. The first pillar of Canada's public pensions, the Old Age Security program, is a non-contributory, residence-based program that has a legislative foundation under the *Old Age Security Act*. It is funded through general tax revenues and its benefits include the basic Old Age Security pension and the income tested Guaranteed Income Supplement. The second pillar is the Canada Pension Plan, which also has a legislative foundation and provides monthly retirement benefits based on an individual's contributions.

Individuals may add income from private third pillar measures, such as employer-sponsored pension plans, registered retirement savings plans, tax-free savings accounts and other personal savings and investments, to address their particular financial circumstances.

**2. What steps have been taken to guarantee universal coverage, ensuring that every older person has access to social security and social protection schemes including non-contributory, contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?**

All insured residents are entitled to the insured health services provided by their PT health care insurance plan, on uniform terms and conditions (*see question 1*).

The Canada Pension Plan requires virtually all Canadian employees outside Quebec to contribute each year. Employers must match employee contributions. Workers in Quebec contribute to the Quebec Pension Plan. The Canada Pension Plan and Quebec Pension Plan have similar benefits and benefits from either plan are based on pension credits accumulated under both.

The Old Age Security pension is paid to all persons aged 65 years and over who meet the residence and legal status requirements. The Guaranteed Income Supplement is payable to low-income Old Age Security pensioners. Together, they provide older persons with a minimum income guarantee and replace nearly 40% of pre-retirement earnings for full-career individuals with earnings average level earning. A survivor's pension is payable if a deceased contributor contributed sufficiently to the Canada Pension Plan. A fully enhanced Canada Pension Plan will replace one-third of a

contributor's eligible average earnings, up from one-quarter today. The upper limit of eligible earnings covered by the Canada Pension Plan will also increase by 14 percent; increases are being phased-in gradually from 2019 to 2025.

### **3. What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health and care and support services for independent living in older age?**

The *Canada Health Act* ensures that insured persons have reasonable access to insured hospital, medical, and surgical-dental services based on medical need and not the ability or willingness to pay.

The Government of Canada undertakes different measures to encourage older persons to apply for Old Age Security and Canada Pension Plan benefits such as mailing presumptive application kits to individuals, automatic enrolment, online services and applications, and action plans.

### **4. What steps have been taken to ensure the levels of social security and social protection payments are adequate for older persons to have access to an adequate standard of living, including adequate access to health care and social assistance?**

The *Canada Health Act* requires that a province or territory's health care insurance plan cover all insured health services provided by hospitals, physicians or dentists. Most provinces and territories offer and fund a range of supplementary benefits for certain groups (e.g., low-income residents and older persons), such as drugs prescribed outside hospitals, ambulance costs, hearing, vision and dental care, medical equipment and appliances (prostheses, wheelchairs, etc.), home care, residential long-term care, independent living and the services of other health professionals that are not covered under the *Canada Health Act*. In most provinces and territories, income testing of residential long-term care is linked to federal Old Age Security and Guaranteed Income Supplement benefits.

To ensure that they retain their value over time, Old Age Security and Canada Pension Plan benefits are indexed in accordance with changes in the Consumer Price Index, and can never be reduced. Ad hoc increases have been made for the lowest-income GIS recipients (e.g., in 2011 and 2016) above indexation.

### **5. What steps have been taken to ensure older persons have adequate and accessible information on available social security and social protection schemes and how to claim their entitlements?**

Information is provided about the Old Age Security program to older persons through various channels, including in-person Service Canada Centres, direct mailings of application forms to individuals at age 64, government websites, toll-free telephone lines, an interactive Old Age Security Program Toolkit, and dedicated outreach activities with key community groups and organizations who represent them.

Steps to ensure that Canadians are aware of their eligibility for Canada Pension Plan benefits include inserting information in Canada Pension Plan and Old Age Security income tax slips, sending an Invitation to Apply Online, and outreach activities. A Canadian Retirement Income Calculator is available online to aid Canadians with retirement planning. Canadians can also access their Statement of Contributions online through a secure portal, which provides a record of their contributions to the plan along with estimated benefit amounts. A Canada Pension Plan Disability Benefit to assist third parties will be made available to the public in 2019.

### **6. The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?**

The Old Age Security program was introduced in 1952 and the Canada Pension Plan was established in 1965. These two programs continue to evolve to meet the needs of older persons.

Legislative amendments to the program go through the federal Parliamentary process, in which stakeholders can provide input.

**7. Which are the measures adopted to ensure equitable access by older persons to social security and social protection, paying special attention to groups in vulnerable situation?**

Per the *Canada Health Act*, access to insured health services should be on uniform terms and conditions, and discrimination is prohibited. In addition to the above, the Government of Canada works in partnership with community organizations to help reach the hardest-to-reach seniors including Indigenous peoples, immigrants, and the homeless (see questions 4 and 5).

As mentioned, Old Age Security is paid to all persons aged 65 years and over. The Guaranteed Income Supplement is payable to low-income Old Age Security pensioners, many of whom are women. The Canada Pension Plan further provides disability benefits (disability pension and post-retirement disability benefit) to people who have made enough contributions to the Canada Pension Plan and who are disabled and cannot work at any job on a regular basis. Benefits may also be available to their dependent children.

**8. What mechanisms are in place to ensure social security and social protection schemes are effective and accountable?**

Several national organizations assess the effectiveness and efficiency of health care services provided in Canada, including: 1) Canadian Agency for Drugs and Technologies in Health; 2) Canadian Institute for Health Information; 3) Canadian Institutes of Health Research; and 4) Institute for Health Services and Policy Research.

Provinces and territories invest considerably in their own health data collection. That data is used, often in conjunction with Canadian Institute for Health Information data, to make policy decisions about how best to improve the delivery of care. Per the *Canada Health Act*, the Federal Minister of Health reports to Parliament on the administration and operation of the Act annually.

Federal, provincial and territorial Ministers of Finance review the Canada Pension Plan every three years. As part of this process, the Office of the Chief Actuary prepares a report on the financial state of the Canada Pension Plan, which supports an informed public discussion of issues. The Old Age Security and Canada Pension Plan programs are subject to periodic evaluations to ensure that they continue to serve the needs of Canadians.

**9. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to social security and social protection?**

Persons dissatisfied with a decision concerning their application for benefits may request reconsideration of their case. Seniors who remain unsatisfied after the reconsideration may appeal the decision to the Social Security Tribunal of Canada, the Federal Courts of Canada and, in some cases, the Tax Court of Canada. Furthermore, older persons who believe that social security or protection legislation or policy discriminates against them on the basis of age can commence a court action to challenge the legislation under section 15 of the *Canadian Charter of Rights and Freedoms*, which guarantees the right to equality under the law and to equal protection and benefit of the law without discrimination.