



DISABILITY CLAIMS
ADVOCACY CLINIC INC.

HOW DOES CPPD DEFINE DISABILITY?

Canada Pension Plan uses the following definition to determine if someone has a disability, [s. 42(2)(a)].

A person shall be considered to be disabled only if (s)he is determined in prescribed manner to have a *severe* and *prolonged* mental or physical disability, and for the purposes of this paragraph,

(i) A disability is severe only if by reason thereof the person in respect of whom the determinations made is incapable regularly of pursuing any substantially gainful occupation, and

(ii) A disability is prolonged only if it is determined in prescribed manner that the disability is likely to be long continued and of indefinite duration or is likely to result in death.

What does this mean?

Severe This requires a realistic review of the “whole person” – the person in respect of whom the determination is made. This means that age, education level, past work, and life experience should be taken into consideration. It is not just a medical diagnosis of a specific condition that determines disability.

Incapable Incapable means that as a result of the disability, an individual would not be able to work in any substantially gainful occupation. It must be established that an individual’s disability directly impacts his or her capacity to work.

Regularly This means that the functional limitations associated with a disability are persistent to the point of being continuous or uninterrupted. This means that you may not be able to commit yourself to a work schedule with reliability or predictability. Predictability is the essence of regularity.

Pursuing Pursuing means to actually engage in an occupation. Pursuing is not used in the sense of seeking work. A person who is not looking for work may be capable of work and, conversely, a person who is looking for work may, because of their disability, not be able to “pursue” work.

Substantially Gainful Occupation A substantially gainful occupation means an occupation where the remuneration for the work performed and the services rendered was at a substantially gainful amount. The substantially gainful amount is a benchmark of earnings that likely indicates whether a person is showing regular capacity for work. This does not mean that you cannot work at your old job, but that you cannot work at any job – full or part time – for which you are or could become reasonably qualified.

Prolonged Prolonged is only considered after the “severe” criterion is met; that is, only after it has been determined that a person has a severe disability. An applicant must demonstrate that both the “severe and prolonged” criteria are simultaneously met. This means that you do not expect to be able to return to work. If there is a reasonable expectation of recovery, you may not qualify.

It is important that you understand how CPPD defines disability.

If you need more information about CPP Disability Benefits, or have any further questions, please contact the Disability Claims Advocacy Clinic Inc. at 1-877-793-3222 or visit our website www.dcac.ca. We can help you apply for CPP disability benefits today!

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