



**Ministry of Training,
Colleges and Universities**

**Ministère de la Formation
et des Collèges et Universités**

ONTARIO SELF-EMPLOYMENT BENEFIT (OSEB) GUIDELINES

Effective April 1, 2013

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1.0 INTRODUCTION

1.1 Purpose

The purpose of the Ontario Self-Employment Benefit (OSEB) Guidelines is to provide the required information and policy direction needed to deliver the OSEB program.

These program guidelines are effective as of April 1, 2013 and replace the April 2, 2012 version of the OSEB guidelines.

1.2 Context

1.2.1 *Employment Ontario*

The vision of the Ministry of Training, Colleges and Universities (the Ministry) is to have the most educated people and highly skilled workforce in the world in order to build the province's competitive advantage and quality of life.

In 2007, Employment Ontario (EO) brought together employment and training services from the federal and provincial governments into one coherent and comprehensive service delivery system. The Ministry operates EO as a one-stop source of information, services and programs for students, job seekers and employers.

The EO service promise is to:

- ensure the highest quality of service and support to help individuals meet career or hiring goals;
- provide opportunities to make it easier for individuals to improve their skills through education and training;
- ensure that no matter which EO office individuals walk into they will get the help they need;
- work with employers and communities to build the highly skilled, highly educated workforce Ontario needs to be competitive.

1.2.2 *Background*

Under the Labour Market Development Agreement (LMDA) with Human Resources and Skills Development Canada (HRSDC), Ontario was given the authority to administer employment benefits and support measures under Part II of the Employment Insurance Act (EI Act), effective January 1, 2007. OSEB is one of the Ontario programs funded under the LMDA. The federal government delivered a similar self-employment benefit program prior to January 1, 2007.

The OSEB program is part of a broad number of services and programs offered through the integrated employment and training network, Employment Ontario and is designed to support individuals who are seeking to re-enter the labour force.

2.0 PROGRAM DESCRIPTION

2.1 Objective

The OSEB program provides entrepreneurial skills development support to approved participants to help them develop and implement a business plan and become self-employed. The OSEB program allows participants to concentrate on building a sustainable business by providing them with financial assistance while they receive business advice and support.

2.2 Key Elements of the OSEB Program

The objective of the OSEB program is achieved through the Ministry entering into agreements with:

- OSEB Coordinators to provide entrepreneurial support to approved participants; and
- approved participants to provide financial assistance while they participate in the OSEB program.

The key elements of OSEB are:

- information sessions for eligible individuals potentially interested in the OSEB program;
- orientation and support sessions to enable individuals to assess risk and opportunities of self-employment and personal suitability, and develop a business concept;
- eligibility and suitability assessment including assessment of the feasibility of the proposed business concept;
- mechanism for independent review of the feasibility of the proposed business concept and subsequent business plan. An independent review may include OSEB Coordinator staff and recognized individuals in the community or an organization that can provide an objective opinion on the feasibility of the business concept;
- entrepreneurial skills development support to enable approved participants to develop and implement a business plan (including but not limited to workshops, coaching, mentoring, etc.); and
- provision of financial assistance by the Ministry.

2.3 Consideration for OSEB Approval

There are four incremental levels of assessment to determine participation in the OSEB program.

1. Individual Eligibility – Determines if individuals meet the basic requirements for further assessment and consideration.

2. Eligible Business Activities – Determines if individuals' proposed businesses are eligible as outlined in the Eligible Business Activities and Ineligible Business Activities sections.

3. Suitability and Feasibility of Business Concept – Determines if eligible individuals meet the OSEB suitability criteria including if the proposed business concept is feasible.

4. Financial Assistance – If individuals meet the eligibility and suitability requirements, financial assistance is provided in conjunction with entrepreneurial support.

Employment Service (ES) providers are responsible for completing the employment service needs assessment, Employment Service Plan (ESP) and referring individuals to OSEB Coordinators. OSEB Coordinators are responsible for assessing individuals against OSEB eligibility (i.e. individual and business) and suitability criteria including assessing the feasibility of the proposed business concept. This is a more comprehensive assessment that focuses on both the individual and the business concept.

The Ministry is responsible for confirming eligibility (i.e. individual and business), reviewing the suitability and business feasibility assessment completed by OSEB Coordinators as well as approving program participation and financial assistance.

Once individuals are approved for the OSEB program, they are deemed to be OSEB participants.

2.4 Individual Eligibility and Ineligible Individuals

Individual Eligibility

To be eligible for the OSEB program, individuals must:

- be a Canadian citizen or permanent resident legally authorized to work in Canada;
- meet the definition of an insured individual; and
- be a resident of Ontario.

An insured individual means an insured person who at the time of requesting assistance (i.e. the Ministry's receipt of the OSEB application) is an unemployed person:

- for whom an EI benefit period has been established, or
- whose EI benefit period ended within the last 36 months, or
- who is re-entering the labour force after having left it to care for newborn or newly adopted children. Individuals must have a benefit period that began within the last 60 months during which they were paid maternity or parental benefits.

For the purpose of the OSEB program, individuals who are working less than an average of 20 hours per week are considered to be unemployed.

Ineligible Individuals

Individuals who are on temporary layoff or who have taken a leave of absence from their jobs are not eligible for the OSEB program because they have a return to work date.

Individuals who have completed a business plan and who do not require assistance during the business plan development phase (as determined by an OSEB Coordinator) prior to seeking support under the OSEB program are not eligible for the program.

Individuals who begin working on a business prior to seeking approval from the Ministry for the OSEB program are not eligible for the program (see Eligible Business Activities).

Individuals who have previously completed within the last 24 months or are currently enrolled in a self-employment program (i.e. provincial or other) are not eligible for the OSEB program.

To minimize false expectations, ES providers must ensure self-employment as the employment goal is the most appropriate path to re-employment and individuals facing difficulty are referred back to other EO or community services.

OSEB Coordinators are responsible for assessing OSEB participant eligibility by using the OSEB Eligibility and Suitability Assessment Template for OSEB Coordinators (refer to the Employment Ontario Partners Gateway – EOPG website).

Individuals who are not eligible for the OSEB program should be redirected to other EO or community programs and services.

2.5 Eligible Business Activities

The proposed business activity must be full-time. This means that approved participants must devote at least 35 hours per week to developing and implementing the business plan. Alternate arrangements may be provided to accommodate persons with disabilities.

Individuals must be considering:

- a business where they will have control of the business including:
 - being both the owner and operator of the business
 - being the major decision-maker
 - acting independently in carrying out the business on a day-to-day basis
 - benefiting from the profits and suffering the financial losses from the business;
- a new business or an existing business in which they had no prior ownership; and
- a business that is suitable for public funding in the opinion of the Ministry.

The proposed business may be:

- seasonal in nature;
- home-based;
- a hobby (i.e. a leisure activity undertaken for pleasure where the primary intention is not to generate income) converted into a business.

Registering a business with the Province of Ontario or Canada Revenue Agency (CRA) prior to applying for the OSEB program should not automatically deem individuals ineligible.

Where an activity consists merely of a review of various business possibilities in the expectation or hope that information will be obtained to justify going into a business, such an activity might not represent the commencement of a business. A business may be viewed as being merely contemplated for the future if no serious or reasonably continuous efforts are being made to begin normal business operations.

Individuals who have done significant work however, on their businesses prior to obtaining approval from the Ministry for the OSEB program will be considered ineligible. That is, a business commences whenever some significant activity is undertaken that is a regular part of the income-earning process or is an essential preliminary to normal operations.

Indications that individuals may have already incurred significant business start-up costs include (although are not limited to):

- supplies purchased for the proposed business;
- business expenditures have been incurred (e.g. office space, employee training);
- materials purchased for the purpose of resale;
- business products or services have been advertised (e.g. web, radio, television, newspaper);
- a significant client base has been established and/or significant sales generated.

2.5.1 Structure of an Eligible Business

Acceptable types of business structures for the OSEB program include:

- sole proprietorship;
- partnership: A partnership is an arrangement whereby two or more persons combine their resources in a business. In order to establish the terms of the business and to protect each partner in the event of disagreement or dissolution of the business, a partnership agreement is normally drawn up by the partners, with the assistance of a lawyer. While it is a good idea for partners to consider entering into a legal partnership agreement to protect them, a legal partnership agreement is not an eligibility requirement under the OSEB program. In all cases, the OSEB partner(s) solely or jointly must show that he/she (they) is the major decision maker and has control over the OSEB business. A partnership between two or more OSEB individuals is allowable as long as the individuals have control over the business, apply at the same time, and they can fulfill their full-time obligation to developing and implementing their business plan.
- corporation: An individual(s) must hold the majority of voting shares and not be in insurable employment with the company.

2.5.2 Ineligible Business Activities

The following are ineligible business activities under the OSEB program:

- any activity that involves, in the opinion of the Ministry, :
 - sexual exploitation
 - illegal activity
 - the production of materials that promote hate, discrimination or illegal activity
 - otherwise promoting hate, discrimination or illegal activity
 - proselytizing of a particular religious belief or political opinion;
- business that is partially or entirely based on commission;
- business that is dependent on a parent company (e.g. real estate agents, insurance brokers, Mary Kay);
- franchise;
- home-based daycare;
- part-time business (less than 35 hours a week unless an alternate arrangement is made to accommodate a person with a disability);
- business the individual currently owns and operates;
- business the individual previously owned;
- business previously owned by the individual's spouse, parent or child where the individual has had significant involvement in the management/decision-making process; or
- not for profit organization.

OSEB Coordinators are responsible for assessing OSEB business eligibility by using the OSEB Eligibility and Suitability Assessment Template for OSEB Coordinators.

2.6 Suitability

Individuals must meet the eligibility (i.e. individual and proposed business activities) requirements to be assessed for OSEB suitability. OSEB Coordinators are responsible for completing the suitability assessment.

Individuals must meet the following OSEB program suitability criteria:

- require business support as demonstrated by lack of prior related self-employment experience and training (based on documentation, a self-assessment facilitated by an OSEB Coordinator and an OSEB Coordinator's assessment of the individual);
- do not possess a professional designation where knowledge and experience acquired through professional training and affiliation indicates a lack of need for the OSEB program*;
- propose a business where there are no laws or regulations that impede them from starting it;
- possess product or service knowledge and skills related to the proposed business activity (e.g. construction experience/formal training if a construction business, bookkeeping experience/training if offering such services);
- possess the certification or qualification, if required under law or regulation, to perform the proposed business activity;
- present a business concept which is considered to be feasible and be an appropriate candidate for self-employment program participation; and
- provide evidence of a minimum of 25% personal investment (cash and/or in-kind) to contribute to the business; and if the business plan indicates need for business financing/investment, it is reasonable to expect that they will be able to access the business funds required.

*Note: In order to become suitable candidates for the OSEB program, individuals must require the full extent of entrepreneurial training and support. For some professions (e.g. medical doctors, lawyers, CAs), individuals who are qualified to practice in Ontario are able to learn what is involved in operating a business through their professional training, support from their professional organizations, consultation with colleagues who act as mentors, as well as by accessing and applying information and resources available in the broader community.

OSEB Coordinators must ensure there is evidence that individuals meet (or do not meet) all the suitability criteria when providing them with the letter of support (or non-support). Evidence may vary depending on the suitability criteria and the individual assessment.

OSEB Coordinators must use the OSEB Eligibility and Suitability Assessment Template for OSEB Coordinators to assess individuals against the above suitability criteria.

2.6.1 Feasibility of Business Concept

While it is not considered to be a formal or extensive document, the business concept is intended to reflect an individual's preliminary efforts to explore a specific business opportunity as a feasible

option to becoming self-employed. In addition to business eligibility, an individual's business concept must be assessed for feasibility and potential sustainability.

The determination of the feasibility of the proposed business concept may include (among other things) a review of the concept, preliminary market research that supports the opportunity for the product/service, a bank statement or appropriate written documentation verifying access to funds needed to finance or secure financing related to the start-up of the business, financial projections, resume (CV), proof of ownership of non-cash assets, and other relevant information as determined appropriate based on the business concept.

As well, the business concept must be assessed against an individual's skills and knowledge, achievement of required training and experience, industry designations or certifications, and the individual's self-assessment. Based on business expertise and knowledge of the local labour market (including industries, opportunities, trends, etc.), the OSEB Coordinator's assessment of the feasibility of the business concept must be included in the letter of support (or non-support) as part of the individual's OSEB application package.

Elements that may be included within a business concept include:

Personal Information	(name, address, contact numbers, etc. of individual)
Business structure	(sole proprietorship, limited company, incorporation)
Product or service	(products or services)
Geographic location	(municipality, geographic region, province)
Anticipated address	(address where business may operate)
Key people identified	(roles: owners, partners, investors, employees as applicable)
Status to date	(contacts made, research completed, applications made)
Industry knowledge	(competitors, challenges, future outlook, special issues)
Business goals	(short-term and long-term goals)
Financial	(projections, options, investment)

2.6.2 Evidence of a Personal Investment

Under the OSEB program, individuals must provide evidence of a personal investment. The personal investment must be equal to a minimum of 25% of the total amount of basic living allowance (\$423 per week for 42 weeks or alternative arrangements made for persons with disabilities - EI Part I and/or Part II) that would be provided to individuals if approved for program participation. While personal investment is part of the suitability assessment, the Ministry is responsible for ensuring proof of personal investment is obtained and kept on file. Proof could be provided by individuals and/or include attestation and details from an OSEB Coordinator as part of the OSEB eligibility and suitability assessment.

Example: If the Ministry agrees to provide an approved participant with \$423 per week for 42 weeks for a total amount of \$17,766 for the duration of the agreement, the participant must contribute a minimum investment of \$4,442 in cash or through an "in kind" contribution (or combination of both).

One or more of the following items may be considered proof of personal investment:

- a current bank statement showing at least the minimum investment in a bank account belonging to the individual;
- evidence of a loan of at least the minimum investment from a bank or other financial institution or a family/friend and available only through a bank account in the individual's name or a joint account;
- in-kind contribution including non-monetary items or resources for business use that the individual can contribute or obtain, and proof of ownership and/or a signed statement showing ownership of equipment or materials to be used in the business, and a reasonable estimate of their value from a legitimate source (e.g. car/truck, tools, computer equipment, etc.);
- evidence that an overdraft facility or line of credit of at least equal to the minimum investment has been formally arranged and is available through a bank account in the individual's name or a joint account; and
- any cost to conduct an environmental assessment.

2.7 Duration

Under the OSEB program, assistance will be provided for a standard 42 weeks for all participants.

Alternative arrangements may be made with respect to individuals who require accommodations under the Ontario Human Rights Code. That is, a longer duration of participation may be approved for persons who have disabilities based on the number of hours they are able to devote to the development and implementation of their business plans. For example, an extended duration for a person with a disability may be 74 weeks if the individual is only able to work 20 hours per week as compared to the full-time minimum of 35 hours per week for the standard 42 weeks.

Accommodation needs are assessed on an individual basis and the Ministry's Regional Directors have the discretion to approve longer durations.

2.8 Financial Assistance

Financial assistance may be provided to cover basic living expenses and incremental costs (if required and approved) for participants in the OSEB program.

Participants may be eligible to receive financial assistance for basic living allowance (BLA). BLA is provided at a provincial flat rate of \$423 per week. Participants who have an active EI Part I claim may continue to receive EI Part I benefits. If an EI Part I claim is exhausted before completion of the OSEB program, financial assistance may be provided at the provincial flat rate of \$423 per week. If individuals are in receipt of EI Part I benefits that are lower than the OSEB flat rate, the Ministry may top-up the EI Part I rate with provincial funds.

Financial assistance may also be provided to participants to cover all or a portion of the incremental costs of participation (i.e. dependant care and transportation) for the business plan development component of the program. Disability costs may also be provided for the entire duration of participation if required. The Ministry must obtain proof of the incremental cost prior to agreement signing. The onus for providing evidence of entitlement to incremental costs (e.g. receipts, invoices, vouchers) rests with participants and submitted documents must be maintained in the Ministry's participant files as part of the audit trail.

Participants are required to report any changes in their financial circumstances. Changes to a participant's financial situation (e.g. part-time work income) may necessitate a change to incremental supports.

As noted above, the duration of income support is a standard 42 weeks for all participants. A longer duration of support may be approved for persons who have disabilities based on the number of hours the individual is able to devote to the development and implementation of her/his business plan. Accommodation needs are assessed on an individual basis and the Ministry's Regional Directors have the discretion to approve longer durations.

2.8.1 Dependent Care Costs

Financial assistance for incremental dependent care costs may be provided for the business plan development component of the program if they are incurred for the care of a child or other person who is dependant upon a participant while he/she is participating in the OSEB program. These are incremental costs incurred for the care of a child under 14 years of age or person with a disability who is dependent upon the participant for care while he/she participates in the OSEB program. A dependant must reside with the participant or be under his/her care; be wholly or partially dependent upon him/her for support.

The maximum rate of coverage is \$1,000/dependant/month to a maximum of \$2,000/household/month.

The Ministry must take into account how the dependant was cared for prior to the individual participating in the OSEB program and will be cared for when the participant has completed the program.

Financial support may be considered for dependent care provided by household members if this arrangement had previously been in place, acceptable proof is presented and if the need is incremental. For example, a grandparent was caring for a child one day a week but must now care for the child five days a week to allow the participant to attend entrepreneurial workshops (i.e. four days may be considered for financial assistance). An example of acceptable proof of the prior existence of this arrangement would be an income tax return with receipts for dependent care expenses filed by the participant or participant's spouse/common-law partner. It includes alternative household arrangements where roommates or live-in friends provide childcare.

2.8.2 Disability Needs

Financial assistance for disability needs may be provided based on an assessment of individual needs and voluntary disclosure of a disability.

Prior to program participation, individuals should first explore other sources of funding available to accommodate their disability needs. If individuals are unable to obtain assistance for their disability needs, they can contact the Ministry to discuss the possibility of financial assistance to cover or offset their disability costs.

If individuals seek financial assistance for their disability costs from the Ministry, they are required to provide supporting documentation about their disability-related needs.

In addition to the possibility of an extended duration for the program, the Ministry may provide persons with disabilities with support services or equipment to allow them to fully participate in the OSEB program. This may include the costs for (but are not limited to):

- support services such as assessments or advice on learning strategies;
- providing academic materials in alternative formats including digitized text, Braille, large print, voice activated software, assisted hearing devices;
- providing sign language interpreters or real time captioning for persons who are deaf, deafened or hard of hearing;
- provision of and training on adaptive technology;
- in-class assistance from specialized professionals;
- in-class supports (e.g., tutors, interpreters);
- transportation to and from an OSEB Coordinator.

If financial assistance is provided for disability costs by the Ministry, there is no maximum contribution amount in this category. Persons with disabilities are allowed to keep the equipment approved by the Ministry for purchase. Payments issued under this cost category are not taxed at source.

When providing financial assistance for disability needs, a distinction should be made between the costs associated with OSEB program participation versus business operation expenditures. The Ministry does not support business costs.

2.8.3 Transportation Costs

Financial assistance may be provided for costs incurred for incremental daily commuting expenses (e.g. bus/subway/train pass) to and from the OSEB Coordinator during the business plan development component of the program. These costs must be paid based on local rates for public transit when available or vehicles when required (and only in excess of the distance of 24 km each way at 15 cents/km to a maximum of \$250/month or \$57.55/week) and parking.

2.9 Additional Considerations

2.9.1 Employment Insurance Act (Part I) and Section 25 Approval

Individuals are required to be capable of and available for work, and to demonstrate that they are actively seeking employment in order to be entitled to Employment Insurance (EI) Part I benefits. In approving OSEB for active EI Part I claimants, Section 25 approval from the Ministry will waive their obligation to actively look for work.

2.9.2 Authorization to Quit

Authorization to Quit is a mechanism that allows the Ministry to provide financial assistance to individuals who are working but would become more self-sufficient if they participated in an employment program. Ministry approval for the OSEB program would be granted at the same time as the approval to quit. The Ministry must be very cautious when authorizing individuals to quit and

do so only in cases where it is clear that they will establish eligibility as an insured participant. Authorization to Quit is only to be used in exceptional circumstances.

2.9.3 In Receipt of Severance Pay

Severance pay is a form of recognition for years of service and is paid to compensate for the loss of employment. It is earnings paid or payable by reason of a lay-off or separation. Severance pay is a lump sum payment in one or more instalments paid to employees upon termination. For EI Part I purposes, it is allocated at normal weekly earnings from the date of lay-off or separation depending on which event gave right to the money.

While individuals are not eligible for receipt of benefits under EI Part I until the allocation has been completed, they can be considered for the OSEB program.

The basic principles are:

- Severance payments will be treated much like EI Part I benefits.
- If the allocated weekly earnings (based on former pay) are equal to or above the OSEB flat rate of \$423, Ministry financial assistance will not be provided for basic living costs during the period of EI Part I severance pay allocation.
- If the allocated weekly earnings (based on former pay) are below the OSEB flat rate, Ministry financial assistance will be provided for the difference between the allocated weekly earnings and the flat rate during the period of EI Part I severance pay allocation. For example, if an individual's allocated weekly earnings are \$323 then the Ministry would provide \$100 weekly for BLA during the severance pay allocation period.
- Ministry funds for BLA will not be provided during the two week EI Part I waiting period.
- Required personal investment will be 25% of the total of the severance allocation period sum (based on former weekly earnings) to a maximum of the \$423 flat rate for BLA (EI Part I and/or Part II).
- Financial assistance from the Ministry may be negotiated with individuals for incremental costs such as dependant care, disability needs and transportation.

2.9.4 Individuals with an Existing Family Order Agreement/Court Order

Individuals must disclose the existence of an existing Family Order Agreement (FOA)/Court Order as early in their case management process as possible, and at least, before approval of their OSEB applications.

The Family Responsibility Office (FRO) receives every support order made by Ontario courts and enforces the payments of the amounts owed under the support order. FRO also administers private written agreements that have been registered with it and court orders made in other jurisdictions that have reciprocal arrangements with Ontario. FRO has the legal authority to collect FOAs which are court ordered support payments and arrears of support and can take enforcement actions including garnishment.

2.9.5 Existing Overpayments

If the ESP is deemed appropriate by Ministry staff, the existence of an overpayment, whether or not a repayment plan is in place, should not, in itself, change the referral decision to be considered for the OSEB program.

It is very important to discuss with individuals the circumstances which lead to the establishment of any outstanding overpayments and/or penalties. The Ministry would not increase the amount of Part II financial assistance to help individuals repay an existing accounts receivable/penalty. Individuals approved under the OSEB program can request a deferral of overpayment recovery until after the end of their program participation.

3.0 PROGRAM DELIVERY

3.1 Roles and Responsibilities

3.1.1 Employment Service (ES) Providers

All individuals interested in the OSEB program must meet with Employment Service (ES) Provider staff and complete a thorough employment service needs assessment and explore options available through EO and other community employment programs and services. It is important to note that the OSEB program is one of many EO options; referral to the OSEB program should be carefully considered as the chosen option.

The process focuses on individuals' employment situation and determining if self-employment in general is an appropriate employment goal.

Through the assessment process, individuals will develop a mutually agreed upon ESP with ES provider staff. If the OSEB program is identified as the most appropriate way to address their employment needs to help them find sustainable employment, it must be specified in the ESP.

The ESP must also include confirmation that individuals have demonstrated that they have completed a thorough job search and it has proved unsuccessful before being referred to the OSEB program.

3.1.2 Ministry of Training, Colleges and Universities

Relating to OSEB Individuals and Participants

Prior to and for program approval, the Ministry is responsible for:

- providing general information and advice regarding the OSEB program;
- directing individuals to an ES service provider;
- confirming OSEB individuals' EI Part I claim status;
- completing the Environmental Assessment (EA) Pre-screening Decision form. When this pre-screening form indicates a need for more information, the Ministry requests individuals to complete the Applicant Questionnaire on Environmental Issues;
- making the decision whether to approve or reject individuals for the OSEB program based on the OSEB client application package, the Ministry's local priorities and the impact on the local labour market;
- advising individuals in writing that their applications for participation in the OSEB program have been denied. The letter of denial must advise individuals why the Ministry has not approved the application for the OSEB program, and where possible, offer alternate options;
- specifying the flat rate for BLA and negotiating financial assistance for incremental costs;
- signing an OSEB agreement with approved participants;
- approving Section 25 Referral for active EI Part I claimants; and
- ensuring participants understand their responsibilities.

During program participation, the Ministry is responsible for:

- administering the OSEB agreement including monitoring participants' continued eligibility and overall progress, as well as their need for incremental costs;
- issuing financial assistance payments;
- ensuring current EA policy is followed;
- obtaining a copy of the OSEB Coordinator letter of support (or non-support) for the completed business plan (and a copy of the business plan) and approving continued participation for business plan implementation; and
- monitoring OSEB participants to ensure that they are adhering to the terms of their OSEB agreements.

Relating to OSEB Coordinators

The Ministry is responsible for:

- developing a strategy for the delivery of the program;
- negotiating, signing and administering agreements with selected OSEB Coordinators to assess individuals and provide business development and implementation support to approved participants;
- marketing, developing, assessing, negotiating and approving OSEB Coordinator business plans;
- monitoring and evaluating agreements to determine participant success; and
- evaluating the quality of services being provided to approved participants and recommending corrective measures if required.

3.1.3 OSEB Coordinators

OSEB Coordinators play a key role in the implementation of the program through the provision of entrepreneurial services to approved participants to improve their likelihood of success.

When OSEB Coordinators and individuals decide to proceed, OSEB Coordinators may help them prepare applications for the Ministry. OSEB Coordinators can help individuals work out in detail their ability to cover business and personal costs and determine what financial assistance they will require from the Ministry. OSEB Coordinators cannot, however, negotiate financial assistance on behalf of the Ministry.

OSEB Coordinators provide the Ministry with a letter of support (or non-support) as part of the supporting documentation required for the OSEB application. The letter of support (or non-support) and rationale from the OSEB Coordinator must include:

- client self-assessment
- summary of eligibility and suitability assessment
- assessment of feasibility of business concept
- additional supporting information

Following the business plan development, OSEB Coordinators also provide a subsequent letter of support (or non-support) that addresses the feasibility of the participant's completed business plan, and includes a rationale supporting the recommendation for the participant to proceed with business plan implementation.

OSEB Coordinators must not request payment or charge a fee to participants for services provided.

Relating to the Ministry

OSEB Coordinators are responsible for:

- adhering to the agreement with the Ministry
- consulting with the Ministry regarding the establishment of program priorities;
- notifying the Ministry when participants exceed the 10-week period for preparing a business plan. In such cases, a decision should be made in conjunction with an OSEB Coordinator as to whether it would be appropriate to continue to provide financial assistance to participants;
- informing the Ministry of any changes to the participants' situations that could affect their participation (e.g. not meeting program or business milestones and benchmarks)
- providing the Ministry with participant monitoring updates and reports;
- entering data on program indicators, program success outcomes, participant satisfaction; and participant outcomes in the Employment Ontario Information System-Case Management System (EOIS-CaMS)
- supporting the Ministry in its monitoring of the OSEB program.

Relating to OSEB Individuals and Participants

OSEB Coordinators are responsible for:

- providing information on the OSEB program;
- providing an orientation session to individuals prior to assessment for the OSEB program;
- facilitating each participant's self-assessment of his/her risks and opportunities and personal suitability for self-employment;
- determining if an individual has completed a business plan prior to program application;
- completing an assessment for each individual using the OSEB Eligibility and Suitability Assessment Template for OSEB Coordinators;
- developing a mechanism for independent review of the feasibility of the proposed business concept and subsequent business plan. An independent review may include OSEB Coordinator staff and recognized individuals in the community or an organization that can provide an objective opinion on the feasibility of the business concept;
- providing a letter of support / non-support and rationale to the individual that must include:
 - client self-assessment
 - summary of eligibility and suitability assessment
 - assessment of feasibility of business concept
 - additional supporting information
- evaluating each individual's ability to finance the proposed business;
- ensuring each individual is aware of his/her obligations as they relate to EA, permits, licences, taxes, etc.;
- providing entrepreneurial support and technical and counselling advice to participants to help them develop and implement the business plan (including but not limited to workshops, coaching, mentoring, etc.);
- providing 42 weeks of entrepreneurial skills development support to participants approved by the Ministry or such longer duration approved by the Ministry to accommodate persons with disabilities;

- developing a business development and implementation support plan that includes participant responsibilities as well as business milestones and benchmarks, and signs an agreement with each participant based on this plan;
- developing a mechanism to monitor each participant's progress throughout the development and implementation of the business plan
- providing a letter of support (or non-support) recommending participants proceed with business plan implementation;
- conducting a business performance review (at minimum at participation mid-point) and assisting each participant with revising the business plan if necessary;
- visiting the place of business within the first three months of its operation; and
- following up with participants on individual participant outcomes (exit, 3, 6 and 12 months).

3.1.4 Individuals and Participants

Applying for OSEB

In order to participate in the OSEB program, individuals are responsible for:

- meeting eligibility and suitability requirements;
- developing an ESP with an ES provider;
- attending an orientation session (i.e. group or one-on-one) provided by an OSEB Coordinator;
- completing a self-assessment exercise on risks and opportunities of self-employment and personal suitability;
- submitting a proposed business concept for review by an OSEB Coordinator;
- obtaining a letter of support from an OSEB Coordinator that meets the requirements of the OSEB application;
- providing evidence of the need for financial assistance (i.e. incremental costs), if required;
- providing evidence of personal investment equal to a minimum of 25% of the total amount of financial assistance (EI Part I and/or EI Part II) as per the suitability assessment;
- continuing to be capable of and available for work and completing and submitting claimant reports as required if they are active EI Part I claimants;
- completing the Applicant Questionnaire on Environmental Issues if required;
- ensuring that they consult with Service Canada regarding the impact of their possible OSEB participation on their EI Part I benefits; and
- submitting the OSEB Application and required accompanying documentation (refer to EOPG website);

Approval and Participation in OSEB

Once approved by the Ministry for the OSEB program, participants are responsible for:

- signing an agreement;
- proving they are actively engaged in the development and implementation of the business plan for a minimum of 35 hours per week (or alternative arrangements to accommodate persons with disabilities);
- adhering to the business development and implementation support plan agreed upon with an OSEB Coordinator;

- developing the business concept into a comprehensive business plan within a reasonable timeframe with the assistance of an OSEB Coordinator. There is no specific time period for developing a business plan, however, a reasonable timeframe is considered to be 10 weeks;
- complying with all federal and provincial laws and regulations, all municipal by-laws and any other orders, rules and by-laws related to the operation of the business;
- completing an environmental assessment, if required, prior to submitting the business plan for approval by the Ministry;
- obtaining a letter of support (or non-support) from an OSEB Coordinator on the feasibility of the completed business plan prior to the implementation of the business plan;
- implementing and maintaining all environmental protection measures to ensure no harm to the environment (if applicable);
- maintaining a record of the number of hours worked each week on developing and implementing the business plan;
- maintaining a record of the work they carried out each week in developing and implementing the business plan;
- notifying the Ministry in writing of any changes to their financial situation if receiving incremental supports;
- keeping copies of all receipts, vouchers or other records relating to the incremental costs (if applicable) and submitting them as requested by the Ministry;
- allowing the Ministry and an OSEB Coordinator upon request, access during normal business hours to the site or premises of the business and to business records and other documentation related to OSEB participation;
- providing the Ministry and/or an OSEB Coordinator upon request with any records or other documentation related to the business and OSEB participation; and
- following any business direction and/or advice provided by an OSEB Coordinator and/or the Ministry.

3.2 Additional Considerations

3.2.1 *Other Employment While Participating in the OSEB program*

Participants may work part-time while participating in the OSEB program as long as they notify the Ministry and can still fulfill the terms of their OSEB agreements. For the purposes of defining part-time 'other employment' and for ensuring that participants are dedicated to working on the OSEB program, part-time employment is defined as being less than an average of 20 hours per week. Participants receiving EI Part I benefits must contact Service Canada regarding their reporting requirements prior to starting part-time employment.

3.2.2 *Activities Outside Of Canada*

The intention of the OSEB program is to assist participants to start a business in Ontario, specifically in the local area where the provincial funds are being invested and an OSEB Coordinator can assist and monitor the participant's progress.

OSEB participants may still be eligible to receive OSEB financial assistance if, even for a period of time, they are engaged in business activities outside of Canada.

In order to maintain continued eligibility, however, participants must obtain prior written approval from the Ministry before leaving Canada and must clearly demonstrate that the purpose of carrying out activities outside the country is directly related to developing and implementing the business plan.

Participants may obtain special authorization to conduct business-related activities outside Canada only if they can demonstrate that the activities are crucial to the successful development and implementation of the business plan. These activities (including frequency and time) must be identified in the business plan prior to the signing of the agreement.

OSEB participants may establish partnerships and/or engage in collaborative work with people/businesses outside of Canada. They must still demonstrate that they have control of their businesses.

The Ministry and OSEB Coordinators must document the need for and approval of travel and demonstrate how they will monitor participants' progress while they are away from Canada. Being away from Canada does not alleviate the responsibility of participants. They must demonstrate that they are devoting full-time efforts to developing and implementing the business plan while away.

Participants receiving EI Part I benefits must contact Service Canada regarding their reporting requirements as they relate to travel outside the country.

4.0 ACCOUNTABILITY

OSEB program accountability is a joint responsibility between the Ministry and OSEB Coordinators. Accountability is achieved by all parties fulfilling their specified roles and responsibilities with respect to program guidelines, objectives, agreements, and program indicators and success outcomes.

4.1 Program Indicators and Success Outcomes

The program indicators for the OSEB program are:

- number of orientation sessions conducted by the OSEB Coordinator;
- number of individuals who attended orientation sessions;
- number of individuals who applied for the OSEB program;
- number of business concepts assessed by the OSEB Coordinator;
- number of individuals recommended for the OSEB program;
- number of participants who completed the business plan;
- number of participants who implemented the business plan.

The success outcomes for the OSEB program are:

Short-term success outcomes (program exit and 3 months after program completion):

- number of participants who completed program;
- number of participants working full-time on their business with the business being their primary source of income;
- participant satisfaction (100% surveyed – 80% satisfaction).

Long-term success outcomes are (6 months and 1 year after program completion):

- number of individuals working full-time on their business with the business being their primary source of income
- number of jobs created (i.e. seasonal, permanent part-time and full-time)
- Amount of income generated (both net and gross) by individuals through self-employment in the year after program completion \$0 - \$15,000, \$15,001 - \$30,000, \$30,001 - \$50,000 \$50,001 - \$75,000, \$75,001 - \$100,000, \$100,000 plus

Targets for the above program indicators and short-term success outcomes must be negotiated on an agreement by agreement basis with each OSEB Coordinator. OSEB program indicators and short-term success outcomes (exit and 3 months) must be included in the agreement with the OSEB Coordinator.

4.2 OSEB Coordinator Agreement

All OSEB Coordinators delivering OSEB services must adhere to the agreement with the Ministry. The agreement specifies the legal terms and conditions including accountability requirements for the delivery of OSEB.

4.2.1 OSEB Coordinator Business Plan

OSEB Coordinators must submit an annual business plan that will be used as the basis for the OSEB Coordinator agreement.

The business plan includes the following core elements:

- information about the OSEB Coordinator;
- project name, objective and summary description;
- referral process (to and from);
- activities, timeframes and location;
- program indicators and success outcomes;
- budget.

The OSEB Business Plan Instructions for OSEB Coordinators provides direction and information on completion of submissions to the Ministry (refer to EOPG website).

4.2.2 OSEB Coordinator Budget

Schedule “B” of the agreement with the Ministry sets out an OSEB Coordinator’s budget allocation and the total funding provided by the Ministry. There are two types of cost categories for the OSEB Coordinator agreement: Operating Costs and Supports for Individuals and Participants.

Operating Costs:

Operating Costs are administrative overhead costs required to carry out the project under the OSEB program. These funds are used to provide direct or indirect services to individuals and participants and are for day-to-day project operations. Some examples of these costs include wages for project staff, materials and supplies (for both staff and clients), rent, utilities, staff travel, insurance and fees for professional services.

Supports for Individuals and Participants:

Supports for Individuals and Participants are costs required to provide supports that will be used by a group of individuals or participants or to serve individuals and participants on an ongoing basis. Examples may include costs for a group of participants for a specific event or activity or a disability-related cost for a large print screen to be used on an ongoing basis by persons with disabilities for workshop purposes.

Monthly payments will be issued based on the payment schedule in the agreement.

Note: The Ministry may provide funds directly to participants for dependant care, transportation and disability-related costs through the OSEB participant agreement.

4.3 OSEB Participant Agreement

The Ministry enters into an OSEB agreement with all approved participants. The agreement is a transfer payment conditional upon the recipient being compliant with the terms and conditions of

the agreement. The agreement sets out the legal terms and conditions for participating in the OSEB program and financial assistance.

4.3.1 Changes in Financial Circumstances

OSEB participants must inform the Ministry of any changes to their financial circumstances during program participation. Changes in financial circumstance may require the re-assessment of the amount of financial assistance that was originally determined for incremental costs.

4.3.2 Leave and Termination of OSEB Participant Agreement

There are no provisions in the OSEB agreement for leave (or suspension). There may be exceptional and unforeseeable situations, however, which warrant special consideration on a case by case basis (e.g. death of a family member or short-term injury or illness).

An OSEB agreement can be terminated and an overpayment established (where applicable) if a participant does not adhere to the agreement terms and conditions.

The participant agreement may be terminated if participants:

- do not work the required number of hours (minimum 35 hours per week or alternative arrangements to accommodate persons with disabilities) developing and implementing the business plan;
- do not follow any directions given by the Ministry and/or an OSEB Coordinator;
- do not have an acceptable business plan;
- are not meeting or showing progress towards meeting agreed upon performance milestones and/or benchmarks as set out by an OSEB Coordinator (e.g. sales, net profit, business plan revisions, etc.)
- do not submit regular and timely OSEB activity reports (including financial) as required;
- provide materially false, inaccurate, incomplete misleading information to the Ministry in support of their applications for OSEB or their agreements;
- make any materially false, inaccurate, incomplete or misleading representations or declarations in support of their applications for OSEB or their agreements;
- breaches any of their agreement obligations; and/or
- are later determined not eligible for the program.

Only the Ministry can suspend or terminate a participant agreement. When doing so, the Ministry must notify the participant in writing. The letter should clearly state how the participant failed to fulfill his/her obligations, including following advice provided by the Ministry and/or an OSEB Coordinator and a reference to final payments or overpayments (if applicable). Please refer to the participant agreement for details.

4.4 Monitoring and Reporting

Under Ministry programming, a key mechanism for ensuring accountability is monitoring agreement activities. This includes commitments made in the OSEB Coordinator and OSEB participant agreements.

Monitoring under the OSEB program is meant to be a collaborative effort between the Ministry and OSEB Coordinators. Some of the activities conducted by the Ministry that may be expected during the term of an agreement include:

- monthly and/or quarterly activity and financial reporting;
- on-site compliance and evaluation visits;
- discussions via telephone;
- correspondence by mail or e-mail.

4.4.1 Monitoring OSEB Participant Agreement

The Ministry is responsible for monitoring OSEB participants to ensure that they are adhering to the terms of the OSEB agreement. Monitoring is carried out to ensure continued participant eligibility, including ongoing need/eligibility for incremental costs, and to evaluate progress made on the business.

4.4.1.1 OSEB Participant Reporting

At minimum, all OSEB participants will be required to respond to a questionnaire sent to them by the Ministry at the mid-point of their participation in the program. In the event that concerns are identified, follow-up may be requested of OSEB Coordinators, and the participants may be requested to provide additional information as specified by the Ministry.

4.4.1.2 OSEB Participant Financial Accountability

Participants who are approved for financial assistance for incremental costs are required to submit records and/or receipts for incremental supports provided as directed. Failure to provide requested information could result in a requirement to repay funding provided for incremental costs.

4.4.1.3 OSEB Participant Files

All Ministry participant files must include:

- a complete application package, including:
 - the OSEB Application form;
 - a copy of the ESP;
 - a copy of the OSEB Eligibility and Suitability Assessment Template for OSEB Coordinators;
 - a copy of the letter of support (or non-support) and rationale from the OSEB Coordinator that must include:
 - client self-assessment
 - summary of eligibility and suitability assessment
 - assessment of feasibility of business concept
 - additional supporting information;
 - evidence of personal investment;
 - a copy of the proposed business concept;
 - a resume;
 - the Applicant Questionnaire on Environmental issues, where required; and

- documentation supporting request for incremental supports, if applicable;
- the completed Environmental Assessment Pre-screening Decision form;
- documentation of Ministry recommendation and rationale for approving an individual to participate in the OSEB program;
- a signed copy of the OSEB participant agreement;
- a copy of communication to the OSEB Coordinator indicating Ministry approval for the individual to participate in the OSEB program;
- copies of OSEB Coordinator's quarterly documentation showing the participant is actively engaged (minimum 35 hours or alternative arrangement to accommodate a person with a disability) in developing and implementing her/his business plan – submitted directly to or copies obtained from OSEB Coordinator;
- monthly documentation for participants not meeting program requirements;
- a copy of the approved business plan;
- a copy of communication to OSEB Coordinator that grants Ministry approval for the participant to move forward to implement the business plan;
- a copy of completed mid-point questionnaire, with evidence of Ministry review and follow-up;
- copies of receipts, vouchers or other records relating to incremental costs provided, with evidence of Ministry review and follow-up as required;
- identification of any concerns with participant adherence to the directions given by the Ministry;
- documentation (OSEB Exit and Follow Up Form) of program completion at exit and follow-up at 3, 6 and 12 months; and
- any other documentation related to participant agreement and/or monitoring that has occurred during the agreement term.

4.4.2 Monitoring OSEB Coordinator Agreement

The Ministry will monitor and evaluate OSEB Coordinators' delivery of services to ensure compliance with program policy and the terms and conditions of the OSEB Coordinator agreement.

All OSEB Coordinator agreements are subject to monitoring of expenditures, activities and results. Monitoring shall occur at pre-determined intervals, established by the Ministry at the beginning of the agreement, including at least one on-site compliance/monitoring visit per fiscal year of the agreement.

All monitoring activities must be documented and this documentation must be kept in hard copy in the OSEB Coordinator project file.

Through a combination of the monitoring activities as indicated below, the Ministry will ensure that OSEB Coordinators:

- are on track with project expenditures;
- deliver activities that are consistent with the agreement;
- fulfil their obligations in managing participants and how they are progressing through the program;
- deliver a service in which participants see value; and
- collect required statistical data on earnings, types of businesses, and/or other indicators identified by the Ministry.

Ministry staff must use the OSEB Coordinator Site Evaluation Report.

4.4.2.1 OSEB Coordinator Reporting

1. Monthly Reporting - OSEB Coordinators must provide monthly reports that at a minimum include:

- a brief description of OSEB activities (i.e. summary of cumulative project activities) that have taken place in the current month;
- identification of participants, if any, who have exceeded the agreed upon timeline (e.g. 10 weeks) for business plan development; and
- identification and a brief description of participants not adhering to the business development and implementation support plan and details about mitigation strategies put in place.

2. Quarterly Reporting - OSEB Coordinators must provide:

- the completed Quarterly Status and Narrative Report (QSNR) (refer to EOPG);

3. EOIS-CaMS reporting - OSEB Coordinators must enter the following into EOIS-CaMS:

- individual participant outcomes (exit, 3, 6 and 12 months).
- program indicators, including:
 - number of orientation sessions conducted by the OSEB Coordinator;
 - number of individuals who attended orientation sessions;
 - number of individuals who applied for the OSEB program;
 - number of business concepts assessed by the OSEB Coordinator;
 - number of individuals recommended for the OSEB program;
 - number of participants who completed the business plan;
 - number of participants who implemented the business plan.

4.4.2.2 EOIS-CaMS

OSEB Coordinators are required to use the EOIS-CaMS to report on program indicators and participant outcomes.

4.4.2.3 OSEB Coordinator Financial Accountability

Monthly payments will be issued based on the payment schedule in the OSEB Coordinator agreement.

4.4.2.4 OSEB Coordinator – OSEB Participant Files

All OSEB Coordinator participant files must include:

- a copy of the proposed business concept;
- a copy of the completed OSEB Eligibility and Suitability Assessment Template for OSEB Coordinators;
- a copy of the letter of support (or non-support) and rationale from the OSEB Coordinator that must include:

- client self-assessment
 - summary of eligibility and suitability assessment
 - assessment of feasibility of business concept
 - additional supporting information
- evidence of participant's personal investment
 - a copy of communication to OSEB Coordinator that grants Ministry approval for the individual to participate in the program;
 - a copy of the business development and implementation support plan;
 - a signed copy of the OSEB Coordinator agreement with the participant;
 - a signed participant consent form;
 - monthly documentation regarding the development of the business plan;
 - quarterly documentation showing the participant is actively engaged (minimum 35 hours or alternative arrangement to accommodate a person with a disability) in developing and implementing her/his business plan, examples include a completed statement of hours worked, copies of meeting minutes, etc.;
 - a copy of the completed business plan;
 - evidence and letter of support from the OSEB Coordinator and evidence of Ministry approval for the participant to move forward to implement the business plan;
 - evidence of monthly (at a minimum) review (e.g. milestones, activities and goals) of the completed business plan and any follow-up;
 - monthly income statements including revenue and earnings from the business and other sources;
 - documentation of any concerns raised with the participant and advice/support given;
 - identification of any concerns with participant adherence to the directions given by the OSEB Coordinator;
 - evidence of on-site visits, telephone contact and other monitoring activities;
 - if applicable, documentation in support of travel, a copy of the participant travel-related monitoring plan, and copies of any documentation specified in the monitoring plan;
 - a copy of completed Environment Assessment, if required; and
 - documentation of program completion at exit, and follow-up at 3, 6 and 12 months.

4.5 Audit

Audit and Accountability Requirements for OSEB Coordinators set out the formal targeting, financial reporting and audit process. They form part of the agreement between an OSEB Coordinator and the Ministry and may be amended from time to time at the sole discretion of the Ministry. Any amendments to the Audit and Accountability Requirements are effective upon the Ministry providing notice to the OSEB Coordinators.

4.6 Evaluation

The Ministry will review the OSEB program on an ongoing basis and evaluate the program as required to determine if OSEB participants are meeting expected outcomes.

5.0 ADMINISTRATION

5.1 Access to Information and Protection of Privacy

In order to comply with its obligations under the Freedom of Information and Protection of Privacy Act (FIPPA), the Ministry will need to obtain the consent of the affected individuals to the indirect collection of their limited personal information. In addition, the Ministry will need to give these individuals notice of the uses it proposes to make of their personal information. One of these uses is sharing an individual's personal information with external third parties such as other service providers and other government departments.

Under the agreement with the Ministry, OSEB Coordinators agree to protect the personal information they collect, use and disclose in order to deliver and report on the OSEB program.

Article 9 of the OSEB Coordinator agreement, Access to Information and Protection of Privacy, addresses access and privacy. OSEB Coordinators will need to review their privacy policy to ensure that they comply with the obligations set out in their agreements. This includes agreeing to provide OSEB support in a manner that ensures that the Ministry is not in breach of its obligations under FIPPA. They acknowledge that any information they provide to the Ministry can be subject to disclosure under FIPPA. For example, the Ministry may have to disclose the information if someone makes an access request.

5.1.1 Privacy Policy and Privacy Training

The transfer payment agreement requires OSEB Coordinators to:

- establish and implement a publicly available privacy policy that complies with the Personal Information Protection and Electronic Documents Act (PIPEDA), a federal statute that regulates how private-sector organizations collect, use and disclose personal information in the course of commercial activities, or the Canadian Standards Association's (CSA) Code for the Protection of Personal Information;
- designate an official who will be responsible for ensuring compliance with the privacy protection provisions of the transfer payment agreement;
- implement appropriate privacy protection training of employees and subcontractors who have access to personal information of individuals and participants.

OSEB Coordinators must ensure that their employees, volunteers and contractors who need to have access to personal information of OSEB individuals and participants are aware of its privacy policy and the privacy protection provisions of the transfer payment agreement.

Not all OSEB Coordinators will be subject to PIPEDA. OSEB Coordinators may want to contact the federal Privacy Commissioner to help them to determine whether they are subject to PIPEDA. If OSEB Coordinators are not subject to PIPEDA, their privacy policy must be based on the 10 basic principles set out in the Canadian Standards Association (CSA) Code for the Protection of Personal Information.

PIPEDA is available at www.priv.gc.ca as well as a fact sheet on the application of PIPEDA to Charitable and Non-Profit Organizations.

The CSA Code for the Protection of Personal Information is available at www.csa.ca.

5.1.2 Ministry Access to Personal Information in the Custody or under the Control of the OSEB Coordinator

The Ministry does not have custody or control of an OSEB Coordinator's records. Under the transfer payment agreement with the Ministry, however, OSEB Coordinators agree to make certain information, including pertinent limited personal information, available to the Ministry for the purpose of administering and financing the OSEB program.

The OSEB Coordinator agreement with the Ministry requires OSEB Coordinators to obtain the consent of every individual to the indirect collection of personal information by the Ministry and to give notice of the uses the Ministry will make of their personal information.

5.2 OSEB Forms

Forms for OSEB Coordinator use are posted on the Employment Ontario Partners' Gateway (EOPG) website.