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The Federal Income Support for Parents of Murdered or Missing Children Grant

A Systemic Review

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A note about terminology in this report:

The *Canadian Victims Bill of Rights* defines “victim” as “an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence.”

For the purposes of this review, “victim” refers both to the murdered or missing child as well as, or in addition to, the parent/guardian who is suffering the loss of the child. The terms “parent”, “guardian” or “victim” may be used interchangeably.

Executive Summary

Through its mandate, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) is tasked, in part, with identifying and reviewing emerging and systemic issues that impact negatively on victims of crime at the federal level, and promoting access to existing federal programs and services for victims. As part of that work, the OFOVC undertook a systemic review of the Federal Income Support for Parents of Murdered or Missing Children (PMMC) grant. The overall goal of the review was to identify recommendations to the federal government that would assist in increasing uptake of the grant and in ensuring that the funds earmarked to assist victims were being dispersed to the extent possible.

On January 1, 2013 the Government made the PMMC grant available to help support parents¹ facing some of the most tragic of circumstances – the death or disappearance of their child under age 18 years resulting from a probable *Criminal Code* offence. The grant provides income support to parents suffering a loss of income as a result of taking time off work in these circumstances. At the time of its introduction, the grant was expected to support up to 1,000 families annually².

At the same time, through the *Helping Families in Need Act*, the *Canada Labour Code* was amended to allow for unpaid leave and to protect the jobs of parents whose child dies or disappears as a result of a probable *Criminal Code* offence. This allows parents who work in a federally-regulated company to take time away from work while knowing that their job is protected.

I was encouraged when the Government brought in these measures for victims. In my testimony to two Parliamentary committees in 2012, I supported these

¹ While the term “parent” will be used in this report, the grant is available to those who are legally responsible for a child. This means “a person who, in law, is a parent including an adoptive parent of the child; has the custody of, or in Quebec, parental authority over the child, or is the guardian of or, in Quebec, the tutor to, the person of the child; and individuals with whom a child was placed for the purpose of adoption under the laws governing adoption in the province in which the person resides” (Service Canada, Application Guide Definitions).

² In its December 30, 2012 news release, the Government identified that 1,000 families would be helped by the grant. However, documents reviewed by the OFOVC indicate that ESDC including Service Canada, the Department of Justice Canada, Statistics Canada, and the Royal Canadian Mounted Police jointly prepared an estimate of the volume of applicants; based on crime statistics, it was estimated that there may be up to 1,200 potentially eligible incidents annually (1,100 disappearances and 100 deaths).

measures, however, I voiced concern that the proposed PMMC grant would not address the circumstances of many victims of crime, and could be more inclusive in its eligibility and reach.

As a result of this early interest in the program, my Office has continued to monitor the issue. Since its launch, we have heard directly from victims of crime who have experienced challenges accessing the grant. In April 2014, reports began to emerge in the media indicating that the program was underutilized, having only received 12 applications since its inception.

Given these factors, in 2014, my Office began communicating with federal government officials from Employment and Social Development Canada (ESDC)³ and Service Canada in order to better understand the program. ESDC is ultimately accountable for the PMMC grant; Service Canada, which is part of ESDC's Portfolio, answers program inquiries, collects and processes applications, and issues payments.

As of early 2016 there was still very little uptake of the program and, as a result, I advised the Minister of ESDC in April 2016 of our intent to conduct a systemic review of the PMMC grant.

The results of the review indicated that, since its inception, the PMMC grant has been considerably underutilized, resulting in significant underspending of a federal funding envelope dedicated to victims of crime. Overall, actual grant payments to parents have been minimal, totalling just \$223,300 from the time of the grant's launch to the end of fiscal year 2015-16.⁴ In comparison, program administration costs have been about 14 times higher than grant amounts paid out to parents of murdered and missing children.

It is concerning that a grant intended to help ease the financial burden on parents whose children have been victimized is being underutilized. Crime has substantial economic impacts. What's more, victims bear most of the costs associated with crime. Victims and their loved ones face a range of financial consequences, including

³ ESDC is a federal government department which is responsible for developing, managing and delivering social programs and services.

⁴ See Government of Canada, *Public Accounts of Canada, 2013 to 2016*.

in relation to their labour market participation and employment earnings. Such impacts arise when people find it difficult to work, have to take time off work to deal with the consequences of the crime, or are unable to find work in the aftermath of the crime. This can result in lost wages and lost jobs.

Our review of the PMMC grant led to recommendations aimed at:

- enhancing the application process and support available to victims;
- increasing program flexibility and broadening the eligibility requirements; exploring possible barriers to uptake; and
- looking forward at how to better support victims.

A comprehensive list of the recommendations contained in this report are available in the Appendix.

The Office of the Federal Ombudsman for Victims of Crime

The Office of the Federal Ombudsman for Victims of Crime (OFOVC) is an independent resource for victims in Canada. It was created in 2007 to ensure that the federal government meets its responsibilities to victims of crime.

Our mandate relates exclusively to matters of federal jurisdiction and enables us to:

- promote access by victims to existing federal programs and services for victims;
- address complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of crimes committed by offenders under federal jurisdiction;
- promote awareness of the needs and concerns of victims and the applicable laws that benefit victims of crime, including to promote the principles set out in the Canadian Statement of Basic Principles of Justice for Victims of Crime with respect to matters of federal jurisdiction, among criminal justice personnel and policy makers;
- identify and review emerging and systemic issues, including those issues related to programs and services provided or administered by the Department of Justice Canada or the Department of Public Safety and Emergency Preparedness Canada, that impact negatively on victims of crime; and
- facilitate access by victims to existing federal programs and services by providing them with information and referrals.

We are also involved in ongoing discussions with the Government about our mandate in relation to the *Canadian Victims Bill of Rights* (CVBR). The CVBR, which came into effect on July 23, 2015⁵, gives registered victims of crime a more effective voice in the criminal justice system.

⁵ The *Victims Bill of Rights: An Act to Enact the Canadian Victims Bill of Rights and to Amend Certain Acts* created the legislative recognition of victims' rights and made amendments to the *Criminal Code*, *Corrections and Conditional Release Act*, *Canada Evidence Act*, and *Employment Insurance Act*. While almost all technical amendments came into force on July 23, 2015, some amendments to the *Corrections and Conditional Release Act* came into force on June 1, 2016.

Introduction

I was encouraged when the Government of Canada sought to introduce both the Federal Income Support for Parents of Murdered or Missing Children (PMMC) grant, as well as unpaid leave provisions for parents of murdered or missing children under the *Helping Families in Need Act*, both of which came into effect on January 1, 2013. I subsequently provided evidence to two Parliamentary committees in the context of the legislative review of the *Helping Families in Need Act*, including the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (October 23, 2012) and the Standing Senate Committee on Social Affairs, Science and Technology (December 5, 2012).

While I was supportive of the measures, I recommended to both committees that they be broadened in order to increase impact and access for victims of crime. Specifically, my recommendations at that time included to:

- widen the reach of the *Canada Labour Code* amendments to be more inclusive of victims of crime by broadening eligibility to include, for example, leave for spouses and siblings, and by removing the cap of 18 years of age for the murdered or missing victim;
- create a separate Employment Insurance (EI) category for victims of crime in order to ensure that Canadians who are impacted by crime are able to access the existing EI structure;
- provide access to a program similar to the PMMC grant in instances where family members may not meet EI eligibility requirements, or where the benefit would be less than \$350 per week; and
- build in flexibility to the proposed unpaid leave provisions under the *Canada Labour Code* so that parents of murdered or missing children can access leave at different times, when they need to, instead of all at once.

My Office continued to monitor the new measures after they were implemented. We also began to hear from victims who experienced challenges accessing the PMMC grant.

In January 2014, one year after the measures were launched, my Office met with officials from ESDC, including Service Canada, regarding the development, implementation and performance of the PMMC grant in order to better understand its eligibility criteria and how applications are processed. This dialogue informed us that participation in the PMMC grant was much lower than expected. In April of that year, media reports began to emerge which likewise indicated that the program was underutilized. Whereas the Government had estimated that up to 1,000 families would be supported by the grant annually, according to Access to Information documents obtained by media, only 12 applications had been received for the program since its inception.⁶

Based on public records, the OFOVC noted that uptake continued to be low, despite efforts by PMMC program officials to increase outreach efforts to raise awareness of the program. The OFOVC also continued to hear about issues regarding the program from victims. Together, these factors prompted my Office to continue to discuss the grant with ESDC and Service Canada.

In April 2016, my Office advised the federal government of our intent to undertake a systemic review of the PMMC grant. The purpose of the review was to better understand the underlying challenges and identify ways in which the program could be improved in order to better support victims of crime. The recommendations provided in this report are the result of that review.

This report outlines what my Office learned about the PMMC grant during the review and provides my recommendations to ensure the grant is used to the fullest extent possible and to more broadly enhance support to those whose employment and income have been affected by victimization.

⁶ Michelle Zilio, "Income support program for parents of missing, murdered children draws weak uptake."

Overview of the Systemic Review Process

What is a systemic review?

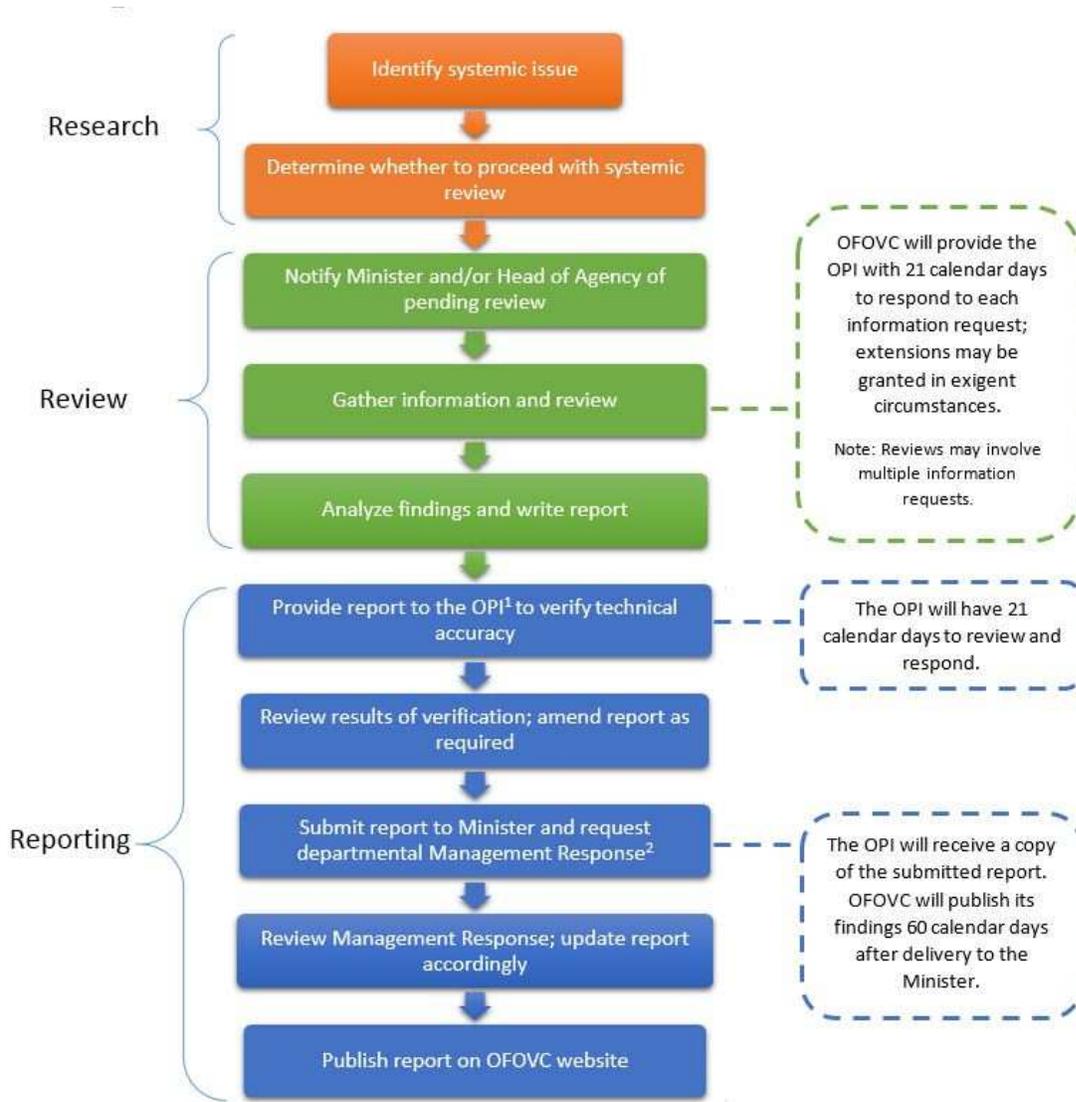
As appropriate, the OFOVC analyzes systemic issues and conducts systemic reviews. We define a systemic issue as an issue that currently impacts negatively on victims of crime, and if not identified and appropriately addressed, has the potential to continue to negatively impact victims. A systemic issue may be a result of:

- a process or system change
- a lack of, or inadequate, policies or procedures
- inconsistency in program administration
- other factors

The OFOVC conducts systemic reviews in order to identify barriers to accessing programs or services designed to assist Canadian victims of crime, and in order to assist in resolving those issues by proposing reasonable solutions or recommendations for positive change going forward. The OFOVC strives to ensure that its systemic reviews are conducted in a fair, transparent and thorough manner, in consultation with the relevant federal department/agency or parties concerned.

Figure 1 illustrates the OFOVC's systemic review process model.

Figure 1: OFOVC Systemic Review Process



¹Office of Primary Interest (OPI) is the branch, program area or individual responsible for a particular policy, service or program in question.

²As per the OFOVC's Schedule, the Ombudsman may request a management response from the Department. The management response must indicate what action is contemplated or being taken with respect to a report's recommendations or explain why the recommended action will not be taken.

Reviewing the PMMC grant

Using this model, following an initial exploratory phase, which included discussions with ESDC officials, I sent a letter to Minister Duclos on April 5, 2016, advising him that my Office would be conducting a systemic review of the PMMC grant. The letter was subsequently provided to the Honourable MaryAnn Mihychuk, then Minister of Employment, Workforce Development and Labour, whose responsibilities at that time included oversight of the PMMC grant. In her July 8, 2016 response, Minister Mihychuk acknowledged that take up of the grant was “lower than expected, despite significant efforts by departmental officials to raise awareness among stakeholders,” and noted that suggestions on potential changes to the program and its delivery would be appreciated.

In conducting the review, the OFOVC drew from a number of information sources. Our methodology included:

- **Case review and analysis** – reviewed historic cases brought forward by victims to the OFOVC and established common complaints amongst victims regarding the PMMC grant with the aim to better focus the scope of the review.
- **Review of available data, media, stakeholder positions, and research** – gathered data from public sources (e.g., Public Accounts regarding the grant, national statistics on missing and murdered children), as well as positions of other victim-serving agencies regarding the grant.
- **Liaison with relevant officials** – From January 2014 to August 2016, a series of communications, meetings and information exchanges took place between the OFOVC and program officials from ESDC and Service Canada.

Before finalizing this report, the OFOVC submitted a draft to ESDC in order to verify the accuracy of the information captured and reported.

About the PMMC grant

History

As per its 2011 electoral platform, on April 20, 2012, the Government announced⁷ that it would launch a new income support benefit on January 1, 2013. Its purpose would be to ease the financial pressure on parents while they are taking time off work to cope with the death or disappearance of a child under 18 years of age as a result of a probable *Criminal Code* offence.

In tandem, former Bill C-44, the *Helping Families in Need Act*, was introduced in the House of Commons and passed its first reading on September 20, 2012. The bill proposed to amend, among other things, the *Canada Labour Code* to provide parents employed by a federally-regulated company the right to take unpaid leave in these circumstances.

The *Helping Families in Need Act* received Royal Assent on December 14, 2012. It provides for a period of unpaid leave for parents up to 104 weeks in the case of the death, and 52 weeks in the case of a disappearance, of their child. On December 30, 2012, the Government confirmed that, as a complement to the *Canada Labour Code* unpaid leave provisions, a new Federal Income Support for Parents of Murdered or Missing Children grant would be launched. It was estimated that the new grant would help up to 1,000 families annually.

Both the provisions of the *Helping Families in Need Act* pertaining to parents of murdered and missing children and the PMMC grant came into effect on January 1, 2013.

Payment structure

The PMMC grant provides a fixed amount of \$350 of income support per week, minus taxes, paid bi-weekly, up to a maximum of \$12,250. The grant is available for up to a maximum of 35 weeks within the one-year (52-week) period following the death or disappearance of a child under 18 years of age.

⁷ CBC News, "Parents of killed or missing kids to get income help".

The grant can be shared amongst parents. In such cases, the 35 weeks are divided amongst eligible applicants, with payments made either at the same time or separately to a maximum combined total of 35 weeks. If applicants do not agree on how to divide the weeks, Service Canada applies existing program policies using a “sharing mechanism.”⁸

Applications received more than 52 weeks following the incident are not considered. Any amounts that are due for eligible weeks prior to the application being processed and approved are paid in a lump sum when payments begin. An individual may apply for PMMC payments only once within the 52-week period following the death or disappearance of their child – even if, for example, another of their children were to be murdered or disappear within that period.

In the case of a missing child, if the child is found while the grant is being paid, the grant will continue to be paid for two weeks, provided that certain criteria continue to be met, for example, the parent(s) must not have resumed work and must not have exhausted their grant payment. As well, no more than one year must have elapsed since the child’s disappearance.

PMMC grant payments are taxable and must be declared as income for income tax purposes. T4A slips (RL-1 slips for Quebec residents) are issued at the end of the year.

Governance

ESDC is the federal government department that has overall responsibility for the PMMC grant.⁹

Service Canada, which is part of ESDC’s portfolio, provides service delivery of the grant. Its PMMC Processing Centre provides information about the program through its 1-800 O Canada telephone service and its website, collects and processes

⁸ Service Canada, *Application Guide for Federal Income Support for Parents of Murdered or Missing Children Grant*.

⁹ The grant is part of ESDC’s Grants and Contributions. A Memorandum of Understanding (MOU) with the Department of Justice Canada signed in 2013 formally commits the latter to provide ESDC with expertise, advice and access to stakeholder networks.

applications, and may follow up regarding applications, for instance, to confirm or validate information provided in the application forms. It also issues grant payments.

It is important to note that the PMMC grant is not funded through the Employment Insurance operating account and is not included in the *Employment Insurance Act*. It is a voted federal grant (Vote 5) of up to \$10 million per year funded through the Consolidated Revenue Fund (CRF) of Canada¹⁰, and falls under Transfer Payment Programs. As such, unused funds are returned to the CRF; they cannot be reallocated given that a federal grant is designated to a specific group of beneficiaries – in this case, parents whose child has been murdered or is missing as the result of a probable *Criminal Code* offence.

The grant is ongoing and has no specified end date.

Eligibility requirements

While the grant is not an EI benefit, there are labour market criteria attached to its eligibility requirements. In order to be eligible, an applicant must stop work from all employment, including part-time employment. However, the applicant must demonstrate recent labour force attachment. Specifically, the applicant must have earned at least \$6,500 in the previous calendar year or in the 52 weeks immediately preceding the death or disappearance of their child(ren).

The PMMC grant has two eligibility tests: 1) the applicant must meet certain criteria and 2) the incident (death or disappearance) must adhere to specific circumstances. Table 1 provides an overview of the eligibility criteria.

¹⁰ The account into which the government deposits taxes, tariffs, excises and other revenues, once collected, and from which it withdraws the money it requires to cover its expenditures. See Parliament of Canada, *House of Commons Procedure and Practice*, Second Edition.

Table 1: Eligibility Criteria for the PMMC Grant

Applicant Eligibility Criteria	Incident Eligibility Criteria
<p>The applicant must:</p> <ul style="list-style-type: none"> • be legally responsible for the child(ren) involved • have earned at least \$6,500 in the previous calendar year or in the 52 weeks immediately prior to the death or disappearance • be on leave from all employment as a result of the death or disappearance, or if already on leave from employment at the time of the incident, be unable to return to work • have a valid Social Insurance Number (SIN) • have not been charged with committing a probable <i>Criminal Code</i> offence that led to the death or disappearance of the child • not currently be receiving any type of Employment Insurance benefits or Québec Parental Insurance Plan benefits 	<p>The child must:</p> <ul style="list-style-type: none"> • be deceased or missing as a result of a probable <i>Criminal Code</i> offence • be under the age of 18 years at the time of death or disappearance • have died or disappeared in Canada on or after January 1, 2013 • in the case of a missing child, have been missing for over one week • in the case of a deceased child, not have been a willing party to the crime that led to his or her death

Application process

To apply for the grant, the applicant must submit three different forms, including:

- a PMMC Application Form, showing that they meet all eligibility criteria for the grant
- a PMMC Employment Form, capturing employment and earnings information and confirming that the applicant has stopped working or is on leave

- A separate form must be completed and signed by each employer the applicant is currently employed with or worked for in the 52 weeks prior to the incident. Alternatively, if self-employed, applicants complete the form on their own behalf and must submit a Canada Revenue Agency Notice of Assessment from the previous income tax year.
- a PMMC Incident Report Form, stamped by the law enforcement agency to which the incident was reported

In the event that more than one person is applying for the grant in respect of the same incident, each applicant must complete and submit their own package of forms.

Table 2 outlines the specific types of information required for each form.

Table 2: Application Forms for the PMMC Grant

Application Form	Required Information
PMMC Application Form	<ul style="list-style-type: none"> ● Applicant name, date of birth and contact information ● Applicant Social Insurance Number ● Employment information ● Declaration of any Employment Insurance or Quebec Parental Insurance Plan benefits received ● Personal information of victim (name, date of birth) ● Relationship of applicant to victim ● Date of incident and police report number ● Signature ● Direct deposit information
PMMC Incident Report Form	<ul style="list-style-type: none"> ● Applicant information (first name, middle name, last name, address, phone number) ● Personal information of the victim (name, date of birth) ● Confirmation of the victim’s death or disappearance. Law enforcement agencies (LEAs) must confirm: <ul style="list-style-type: none"> ○ that the child is missing or deceased as a result of a probable <i>Criminal Code</i> offence;

Application Form	Required Information
	<ul style="list-style-type: none"> ○ that the applicant has not been charged with a <i>Criminal Code</i> offence that led to the death or disappearance of the child; ○ the date the child, if missing, was found (if applicable); and ○ that the incident occurred in Canada. ● LEAs are also asked to provide additional information such as: <ul style="list-style-type: none"> ○ the Police Incident Report Number; ○ the name of police officer investigating the crime; and ○ the police station address.
PMMC Employment Form	<ul style="list-style-type: none"> ● Employee information, completed by the applicant (SIN, name, address) ● Employment information, completed by the employer (one form per employer) or, if self-employed, by the applicant (name of employer/business, address, business registration number, contact information, confirmation that the applicant has stopped working or is on leave, and date the applicant last worked) ● Employee earnings information (if self-employed or reporting both self-employed and employment earnings, applicants must also submit their Canada Revenue Agency Notice of Assessment from the previous income tax year) ● Employer signature and declaration
Consent to Release Personal Information to a Designated Individual Form (applicable only in cases where applicants want someone else to communicate on their behalf)	<ul style="list-style-type: none"> ● First name, middle name, last name, SIN and contact information of applicant ● Signature of applicant ● Name and contact information of designated individual ● Official language to be used in communications with designated individual ● Signature and declaration of designated individual

Outreach

To support the launch of the grant, the Department of Justice Canada conducted an email marketing campaign targeting the justice community. Since that time, PPMC program officials have expanded the list of stakeholders for outreach. In addition to giving presentations about the grant, they maintain regular contact with several stakeholders, such as federal, provincial and municipal government services, Indigenous organizations, law enforcement agencies, and national associations such as missing children networks and victim-serving agencies.

An E-kit to promote awareness of the grant was developed and can be used by organizations. It includes a web button for the Service Canada website about the PPMC grant, an article that could be included in an organization's newsletter, messages to include on social media platforms such as Facebook and Twitter, and brochures about the grant that an organization could distribute to its clients. As of August 2016, the E-kit had been sent by Service Canada to nearly 170 organizations.

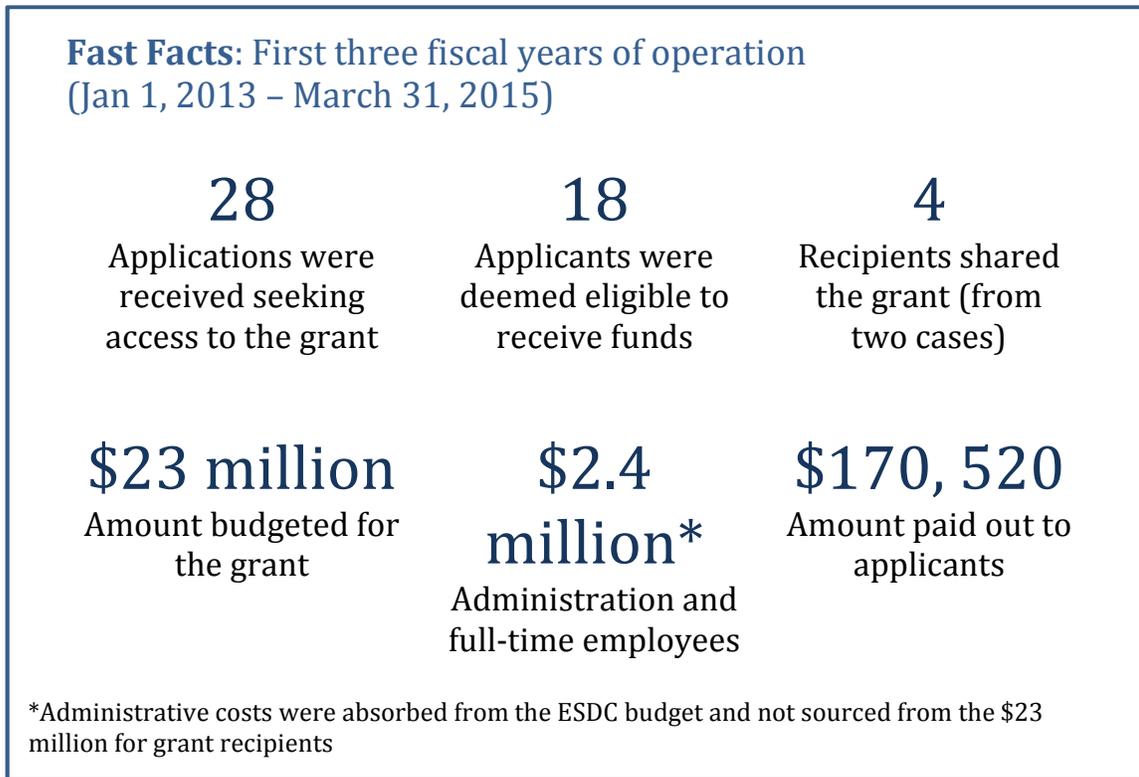
ESDC also works with the Department of Justice Canada, the Royal Canadian Mounted Police, and other federal partners to raise awareness of the grant through their respective networks.

Evaluation

An evaluation of the PPMC grant has yet to be completed. One is planned for completion by 2017-18, within the five-year window required under the *Financial Administration Act*.

Key Findings

The PMMC grant was originally estimated to assist 1,000 families each year with a total budget of \$10 million per year. Our review of the PMMC grant confirmed that since it was launched, there has been very little uptake, resulting in significant underspending of the dollars allocated to the grant.



- The amount spent to administer the program in its first three fiscal years of operation was about 14 times greater than the amount paid out to parents of murdered and missing children.
- Data for fiscal year 2016-17 (ending on March 31, 2017) were not yet available at the time of writing. However, the available data from ESDC's Departmental Performance Reports¹¹ and the Public Accounts of Canada for the most recent fiscal year for which data were available (fiscal year 2015-16,

¹¹ See Employment and Social Development Canada, *Departmental Performance Reports, 2013-14 to 2015-16*.

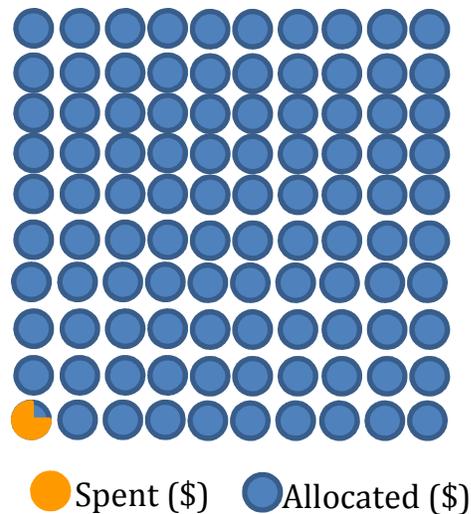
ending on March 31, 2016), showed that instead of going up, annual grant payment amounts have been declining. They totalled just \$52,780 in fiscal year 2015-16, down from \$95,830 the previous fiscal year (2014-15).¹²

- Overall, actual grant payouts to parents have been minimal, totalling just \$223,300 from the time of the grant’s launch to the end of fiscal year 2015-16.¹³ This is particularly striking given that \$33 million was budgeted for this purpose during that window.

Table 3: Overview of annual PMMC grant spending¹⁴ from 2012-13¹⁵ to 2015-16 from the Public Accounts of Canada

	2012-13	2013-14	2014-15	2015-16
Dollars spent	\$4,200	\$70,490	\$95,830	\$52,780
Dollars allocated	\$3,000,000	\$10,000,000	\$10,000,000	\$10,000,000

Less than 1 percent of the amount allocated to help parents coping with the violent victimization of their child has been used.



¹² See *Public Accounts of Canada, 2016*, Volume II, p. 201.

¹³ See *Public Accounts of Canada, 2013 to 2016*.

¹⁴ *Ibid.*

¹⁵ The PMMC grant was implemented on January 1, 2013; therefore, for fiscal year 2012-13, \$4,200 represents dollars used in the three month period between January 1, 2013 and March 31, 2013 and the allocated budget was \$3 million for the year.

Impact on Victims

That a large funding envelope intended to provide financial relief to victims of crime is not being used to its full capacity is problematic, particularly as we know from the available research that victimization has significant socio-economic impacts on victims and their families.

For example, in its study of the social and economic costs of crime in Canada in 2008, the Department of Justice Canada¹⁶ found that a large majority of the costs, approximately 83 percent,¹⁷ were borne by victims. Impacts on employment, such as lost wages and productivity losses, were among the costs incurred by victims as a direct result of crime. In fact, productivity losses represented 47 percent of the total costs borne by victims.

Whereas the cost of crime study looked at economic impacts of crime, broadly, a subsequent study by the Department of Justice Canada looked specifically at the economic impacts of five types of *violent crime*¹⁸ (assault, criminal harassment, homicide, robbery¹⁹, and sexual offences, including sexual assault) in 2009. It likewise concluded that, “Victims bear the greatest and most direct impacts of violent crime,” and that these costs are considerable. Across all five crimes, justice system costs were \$1.9 billion, victim costs were \$10.6 billion, and third-party costs were \$0.2 billion meaning that, again, victims bore 83 percent of the financial burden of the costs.

In the United Kingdom, results of a study of families bereaved by homicide conducted in 2011 concluded that “the physical health, the ability to work, to maintain relationships, care for children, and manage new financial burdens were all significant problems for families who had experienced the homicide of a loved one.”²⁰ The same study revealed that 70 percent of respondents stopped working for

¹⁶ Ting Zhang, *Costs of Crime in Canada, 2008*.

¹⁷ When one also factored in intangible costs such as pain and suffering and costs associated with loss of life, alongside direct costs.

¹⁸ Only incidents that occurred in 2009, involved adult victims (aged 18 and up), and involved no spousal relationship between the offender and victim were included.

¹⁹ Robbery in this study included incidents involving theft with violence or the threat of violence (crime against the person), as opposed to crimes against property. All theft and break and enter violations were excluded.

²⁰ Louise Casey, *Review into the Needs of Families Bereaved by Homicide*.

a period of time as a result of bereavement. The amount of time taken off varied from under a month to over a year. Several respondents in the study noted that they had lost their jobs as a result of the impact of the loss of their loved one. However, it should be noted that respondents in this study were not all parents; the study also highlighted the impacts on spouses, siblings, and co-residing extended family.

My Office hears on a regular basis that employment protection and financial security are two crucial supports required by victims of crime. We hear this from victims, victim-serving agencies, and from other stakeholders – both nationally and internationally. The PMMC grant was designed to provide such supports but is only achieving a fraction of its potential, despite clear needs for financial support amongst victims.

Recommendations

Enhancing the application process and victim assistance

Generally speaking, the federal government should ensure that its programs and services are as accessible as possible. This accessibility hinges on a few key elements, including:

- clear, plain language information and instructions related to the program which are made available in multiple formats (print, electronic, etc.) and languages
- a straight-forward application process that does not require excessive effort or documentation
- timely person-to-person support, be it by phone or other means, to help applicants who have questions or need assistance

In the case of programs or services intended for victims of crime, it becomes even more important to ensure that the application process does not create additional stress or a sense of being re-victimized by a system that is not trauma-informed. For example, requiring people to recall and disclose details about the victimization can be triggering for some victims. Each victim's experience is unique, and while not all victims report suffering the same trauma, or find themselves triggered by the same types of things, the program should be built in a manner that sensitively recognizes the *potential* impacts, and minimizes them. In this regard, information should be requested on a truly as-needed basis and support should be provided for victims who may be more easily overwhelmed by the application process as a result of the trauma they may be suffering.

The process must reflect the fact that at a time when victims are facing difficult tasks – such as notifying friends or family of the news, participating in a criminal investigation, looking for a missing child, or making funeral arrangements – they may have neither the time nor energy to complete a complex application. It must also be nimble enough to meet victims' needs in situations where, due to the unexpected and devastating nature of their loss, they may need money quickly.

The following recommendations are intended to help ensure the application process for the PMMC better meets the needs of victims.

Recommendation 1

Simplify the PMMC grant application process.

The Canadian Statement of Basic Principles of Justice for Victims of Crime, which was first endorsed by Federal, Provincial and Territorial Ministers Responsible for Justice in 1988 and again in 2003, and which is included in the preamble to the CVBR, guides the development of policies, programs and legislation related to victims of crime. Included in the Statement is the principle that, “All reasonable measures should be taken to minimize inconvenience to victims.”

The current PMMC grant application process is lengthy and onerous, requiring the victim to provide information across multiple forms and from multiple sources. Victims are required to seek information from law enforcement officials, including documented confirmation of a probable *Criminal Code* offence, and from their employers to demonstrate they meet the requirement to have made \$6,500 in the year prior to the disappearance or death of their child. Where a victim has worked for more than one employer in the year prior to the disappearance or loss of their child, they are required to go to each employer – even if they have already satisfied the \$6,500 requirement through just one employer’s confirmation.

In cases where multiple parents/guardians are applying for the grant, there is no option to complete a joint application. Each parent must complete a separate form, with separate employer and law enforcement confirmation documents.

The burdensome process of applying for the PMMC grant may deter some victims. It is recommended that efforts are taken to streamline the process. Examples of these enhancements could include ensuring that a victim would only need to complete one application form, at which point PMMC staff should facilitate the collection of additional employment and law enforcement information; and that there be an option, for families who wish to do so, to complete one joint application.

Case example: Mr. M contacted the OFOVC in August 2016 regarding difficulties he was having in navigating the PMMC application process. He reported to the OFOVC that he called the 1-800 O Canada phone number, but the Service Canada agent was unable to assist him, as he did not know what to do with the application. Mr. M told the OFOVC that he then tried to get in touch with someone from Employment Insurance, but was unable to get through for two weeks, continuously receiving a message stating that the call volume was too high.

Given that the OFOVC had an established contact at the PMMC program, the OFOVC worker speaking with Mr. M did an outreach to the PMMC program. With Mr. M's permission, the OFOVC shared his contact information with the PMMC worker in order to have someone from the program call him back to discuss his file.

The OFOVC followed up with Mr. M in November 2016, at which time he spoke about the difficulties he encountered in applying for the PMMC grant and the frustrations he encountered around getting information and support in navigating the application forms, which he found to be onerous. In addition, he noted that he felt insulted when he finally heard back from the program regarding the amount that he would be entitled to receive, and spoke to his frustrations around the current limiting eligibility criteria of the program. Finally, Mr. M spoke to the negative emotional impact and the serious financial difficulties that he is currently facing as a result of the lack of financial support he was able to receive at this difficult time.

Recommendation 2

Ensure that *all* staff interacting with victims who inquire about, or apply for, the PMMC grant are trained in a victim-centred service delivery approach or, alternatively, provide a dedicated PMMC phone line and email.

Victims have expressed frustration to the OFOVC about their inability to contact the PMMC program or get answers to their questions regarding eligibility for the grant. Currently, those interested in the PMMC grant are directed to call Service Canada's

1-800 O Canada line, which provides general information on many different Government of Canada programs, services, and initiatives.

Whereas Service Canada has PMMC program staff who have specialized training with respect to interacting with victims, staff who operate the 1-800 line do not – an important consideration given that they are victims’ first point of contact with the program and may be the only staff with whom a victim ever speaks. I recommend that *all* those interacting with victims with respect to the PMMC grant should be trained on a victim-centred approach, which includes:

- treating all victims of crime with the compassion, dignity and respect they deserve
- creating supportive environments where victims feel comfortable to seek the help they need
- ensuring that victims have information about their options
- prioritizing victims’ safety, protection, well-being, privacy, empowerment and rehabilitation
- taking a sensitive, non-judgmental and coordinated approach to delivery of services
- ensuring that victims are heard
- taking into consider each victim’s unique circumstances and needs

This type of approach offers significant benefits for victims and their loved ones. It allows them to feel heard, to participate in a meaningful way and promotes healing and resilience. It also reduces the potential for further harm, re-victimization and post-traumatic stress. Overall, victims feel safer and more secure and are more likely to be satisfied with the process.

Given that training all of the 1-800 staff on a victim-centred approach may not be feasible, an even better service delivery option would be to create a toll-free telephone number and dedicated email address specific to the PMMC. Through such a service, those PMMC staff who already have specialized training in responding to victims could provide a more seamless service delivery by:

- providing individual assistance in navigating the program and application process

- exploring with applicants their potential eligibility on a case-by-case basis
- explaining to applicants what to expect
- providing key contacts in the event that applicants need help retrieving certain types of information to complete the application – such as their Social Insurance Number
- highlighting the potential impacts of applying for the grant and the associated need for individuals to check with those programs for more information (for example, grant payments may impact other benefits a person is receiving, such as provincial/territorial benefits for victims)

Recommendation 3

Improve online information about the grant by making it clearer and easier to understand.

It is important to ensure that the information provided online about the PMMC is easy to understand and navigate.

Currently, PMMC grant information is provided across multiple webpages and in an Application Guide, each providing varying degrees of information. Clear information addressing who is eligible and who is ineligible, amounts provided, timelines for submitting an application, examples of what would constitute a properly completed application, and other information should be covered in a clear, concise way and in plain language.

Key points should be provided upfront so they are not missed. In my Office's review of the grant, we found that some key information about the grant that could have significant impacts on applicants was not easy to find. For example, one has to search several pages before finding on the Additional Information page important details about grant recipients' responsibility to notify provincial/territorial victims' programs about their grant payments, as there may be impacts. This important point, which could have significant financial consequences for the applicant, is not covered under Frequently Asked Questions or in the Application Guide, and could therefore easily be missed.

It is important that victims have all of the information they need in order to make informed choices. Victims applying for this grant are already struggling with the impacts of very recent victimization; the information and tools they need should be provided in a clear, easy-to-navigate, concise way.

Recommendation 4

Provide a more specific definition of a “missing child.”

As part of providing clear information for victims, there needs to be a more specific definition of what is meant by a “missing” child. The information provided indicates that in order for a parent of a missing child to be eligible for the PMMC grant, the child must be missing for over one week as a result of a probable *Criminal Code* offence. However, absent from the information on the PMMC grant are examples of what is meant by “missing”.

The website MissingKids.ca, a national missing children resource centre, provides good definitions of the different categories of missing children, such as “runaway”, “parental abduction”, “stranger abduction”, or “lost”. Similar definitions for the PMMC grant might help parents better understand whether or not their situation is applicable. For example, the definition of “runaway” on the MissingKids.ca website includes “situations where it is suspected that the child has been coerced or encouraged to leave home by a third party (not their parent)”. Would such an incident be eligible for the PMMC grant? Providing examples of the types of situations in which the PMMC grant would apply would bring greater clarity to the eligibility criteria.

Recommendation 5

Create an internal complaints mechanism specific to the PMMC grant and explore the possibility of creating a more accessible appeals mechanism.

Complaints Mechanism

Victims who may wish to submit a complaint regarding service delivery of the PMMC grant, or to provide feedback about it, must currently do so through Service Canada's Office of Client Satisfaction (OCS). The OCS is an Office which reviews and responds to suggestions, comments, and complaints about delivery of a broad array of Service Canada's programs.

It is my Office's understanding that while OCS staff would have general sensitivity training with respect to working with its clients, they would not have training on victim-centred service delivery specifically – something that would be beneficial in ensuring that victims are adequately and sensitively supported in making a complaint. Moreover, as currently structured, the requirement to report a complaint to the OCS adds another level of burden to the victim given that they would need to contact an additional office within Service Canada.

It is recommended that ESDC revisit, in collaboration with Service Canada, the notion of providing a more seamless and appropriate complaints process with respect to service delivery – one wherein staff would be trained in a victim-centred approach.

Furthermore, clear information about the complaints mechanism – how it works, what steps are involved, etc. – should be provided. Victims should be made aware, through the PMMC Application Guide and the Service Canada website, about their ability to make a complaint, and how to do so.

Appeals Mechanism

ESDC has acknowledged that a formal appeals mechanism specific to the PMMC grant was not created when the grant was launched. Currently, victims who wish to appeal an ESDC decision regarding grant eligibility currently must do so through the Federal Court of Canada. Practically speaking, pursuing such a process would be extremely challenging if not prohibitive given the time and resources needed to launch such an appeal. It is therefore recommended that ESDC and Service Canada give consideration to the development of a more accessible mechanism for dealing with instances in which victims do not agree with a decision regarding eligibility.

Increasing program flexibility and broadening eligibility requirements

In addition to the recommendations regarding the application process, it is my view that the PMMC grant is likely underutilized as a result of its rigid structure and narrow eligibility criteria. While there are certainly other factors that contribute to its underuse, such as a need for further outreach and a lack of awareness of the grant, the grant in its current form is only accessible by a relatively small group of victims. Even those victims who squarely fit the description of having a missing or murdered child cannot necessarily access the support offered by the grant.

While the intention behind the grant, and the idea of the grant itself, speak to the positive desire to better support victims, unfortunately the structure of the program does not provide for the realities of certain populations and circumstances. For example, the grant would not cover someone who lost a 19-year-old child, or whose child was abducted or killed while vacationing outside of Canada. The grant must accommodate the reality of today's non-nuclear families and caretaker arrangements which often mean that those who are caring for a child, and who may be significantly impacted in the case of their disappearance or death, may not be a parent or legal guardian. What about older adult siblings, step-parents or grandparents? What about children who may have a history of running away, where law enforcement may not view their disappearance as a probable *Criminal Code* offence? What about the parent who only recently found employment, but had not earned the necessary \$6,500 in the previous year? We can in no way suggest that the pain of these losses do not have tremendous negative impacts on the ability of family members to work, or that they do not deserve the same supports.

The following recommendations are intended to help increase the flexibility of the program, as well as to broaden the eligibility

I didn't qualify to have my son murdered, my family didn't qualify to become "victims". There is nobody I know of that has ever qualified to become a victim under any circumstances, let alone the murder of a family member or a missing or murdered loved one. Why are there such strict rules for those families, why does it have to be so difficult to get help?

- a victim reflecting on the PMMC

requirements pertaining to both the incident that resulted in the child's disappearance, and to the applicants.

Recommendation 6

Build flexibility into the program so that claimants can access the payment when needed and not solely within the 52-week period immediately following the crime.

Currently, under the PMMC grant, flexibility is limited to allowing payments for eligible weeks to be taken either in consecutive weeks or divided into periods *within the 52-week income support period eligibility window*. However, there is no flexibility to provide payments beyond the 52-week window, which begins following the child's death or disappearance. In fact, once the 52-week period has ended, payments will no longer be made to someone who has qualified, even if the maximum of 35 weeks has not yet been paid. When we consider that a parent who has experienced the loss of a child will probably only start to think of seeking support for their own needs well after the initial shock and following periods of intense grief, this makes the 52-week period seem unnecessarily restrictive.

Unfortunately, another reality of the aftermath of this kind of life event is that the criminal case typically takes longer than a year and the grieving process – which looks different for everyone – does not necessarily follow a linear path.

Violent victimization can have significant long-term impacts, resulting in a need for time off work. However, while one person coping with victimization may take the bulk of time off work immediately following the crime, another person may need to take a mix of some time away from work in the immediate aftermath and some later. This type of divided leave may be required not only in relation to healing and managing stress, but also in order to participate in the criminal justice system, from the time of the investigation through any court proceedings and beyond.

Criminal trials often require considerable time and resources on the part of victims and their loved ones, for example, to provide testimony and to prepare victim impact statements, and/or to attend court dates. Cases involving more serious offences, such as homicide, often take longer than others to complete. In 2013-14, homicide cases in Canada took the longest to complete and were the only type of crime with a median length of case longer than one year.²¹ That year, the median time from the laying of a homicide charge to a case's final conclusion in Canada was 451 days²², which correlates to 64 weeks. And, as noted in the 2016 interim report of the Standing Senate Committee on Legal and Constitutional Affairs in its study of delays in the criminal justice system, many cases take longer than the median time.²³

*In 2013-14, the median time from the laying of a homicide charge to a case's final conclusion in Canada was 451 days, or **64 weeks**. Many cases take longer.*

Greater flexibility would allow victims to receive income support when they need it and would assist individuals taking time off work to attend a trial, or other criminal justice proceedings, in the event that these extend beyond the 52-week window following the crime.

Greater flexibility would also help to recognize that in such traumatic circumstances, it can take people time to be able to find out about available supports such as the PPMC grant, and complete and submit the required paperwork.

Recommendation 7

Broaden eligibility for the PPMC grant to include additional surviving family members.

Currently, eligibility for the PPMC grant is restricted to those who are “legally responsible for the child.” This is defined as including: a legal parent; adoptive

²¹ Ashley Maxwell, “Adult criminal court statistics in Canada, 2013/2014”.

²² Standing Senate Committee on Legal and Constitutional Affairs, *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada*.

²³ *Ibid.*

parent; person with whom the child was placed for the purpose of adoption under the applicable provincial/territorial laws; or a person with custody of, or in Quebec, parental authority over the child, or is the guardian of, or in Quebec, the tutor to, the person of the child.

The PMMC grant's restriction on eligibility does not acknowledge other members of a family who may need to take time away from work when a child is murdered or disappears. It is important to note that time off work related to the disappearance may not be strictly healing related. In the cases of missing children, family members will spend time and energy working with law enforcement and raising awareness in their communities and beyond of their child's disappearance. In those cases, it may not always be the child's parents who are in the best position to do this work, depending on relationships and geography. For example, perhaps there is an aunt who lives in the city in which the child was last seen who could contribute on the ground.

I recommend that eligibility for the PMMC grant be made more inclusive and that siblings, grandparents, those with Aboriginal customary agreements, and extended family members become eligible to apply to the program. Such expanded eligibility should be open both to those who live with the child and those who do not.

Broadening eligibility in this way would also give better recognition to the diverse and varied family structures and living arrangements of Canadians, in which grandparents, stepfamilies, extended family such as aunts, uncles, or foster parents, and others may play a key role. In particular, the available research has underscored the importance of extended families and others in Indigenous communities.²⁴

Recommendation 8

Amend the eligibility criteria to raise the 18-year age limit of the child victim.

²⁴ Statistics Canada, *Aboriginal Children's Survey, 2006: Family, Community and Child Care*.

The number of families who would be helped by the PMMC grant was estimated to be up to 1,000 per year. Yet, actual uptake has been substantially lower. One reason may be that available research would tend to indicate that fewer than 1,000 families would qualify for the grant with its current eligibility parameters.

At the outset, it must be noted that the specific types of child victimization designated for the PMMC grant are horrific and the intent in discussing their low prevalence is in no way meant to diminish the severity of these crimes.

In Canada, the majority of children who go missing have run away, with most returning home soon after; in contrast, child abductions by strangers are rare. According to the Royal Canadian Mounted Police (RCMP)'s National Centre for Missing Persons and Unidentified Remains, in 2015, the majority of missing children were children who had run away.²⁵ That year, of the 45,288 reports of missing children in Canada as reported by the RCMP, 34,445 were reported as children who had run away, while only 24 were reported as cases involving an abduction by a stranger.²⁶

Likewise, child homicide is not a frequent occurrence. In 2015, there were 604 victims of homicide in Canada, representing less than 1 percent of all violent crimes in Canada. Of the 604 homicide victims, approximately 49 victims were under the age of 18,²⁷ the age group designated by the PMMC grant.

In 2015, the age group experiencing the highest homicide rate were those aged 25 to 34, followed by those aged 18 to 24. Rates of homicide among male victims were highest for those aged 25 to 34 years (4.38 per 100,000 population), followed by those aged 18 to 24 years (4.29 per 100,000 population). For female victims, the highest homicide rate was reported for those aged 18 to 24 years (1.46 per 100,000 population), followed closely by female victims aged 25 to 34 years (1.41 per 100,000 population).²⁸ Based on these statistics, impact and reach of the PMMC

²⁵ Data is obtained from missing persons reports in the Canadian Police Information Centre (CPIC) and thus is limited by the quality and types of data law enforcement agencies enter into CPIC, and the techniques used by the National Centre for Missing Persons and Unidentified Remains to compile that data.

²⁶ Government of Canada, *Canada's Missing, 2015 Fast Fact Sheet*, <http://www.canadasmissing.ca/pubs/2015/index-eng.htm>

²⁷ Leah Mulligan et al., *Homicide in Canada, 2015*, CANSIM table [253-0003](#) and Homicide Survey, Canadian Centre for Justice Statistics.

²⁸ *Ibid.*

grant may increase if eligibility were expanded to also address parents of young adults aged 18 to 24 and beyond.

According to our review of the grant, a key reason provided for the age cap of 18 years was to recognize the unique pain and suffering of parents of children that age who are murdered or who disappear, the dependent nature of the child on the adult, and the ongoing decision-making responsibilities of the parent for the child.

Yet, such a perspective does not recognize that those who are above age 18 may remain dependent on their parent(s) for a variety of reasons, including reasons related to having a disability or health condition. We know from the available evidence that persons with disabilities are at greater risk of criminal victimization

In 2015, the age group experiencing the highest homicide rate comprised those aged 25 to 34, followed by those aged 18 to 24. Based on these statistics, impact and reach of the PMMC grant may increase if eligibility were expanded to also address parents of young adults aged 18 to 24 and beyond.

compared to people without mental or physical limitations.²⁹ For example, mental health-related disability was the second most influential factor associated with the risk of violent victimization in 2014.³⁰ Such considerations are important, given that children with disabilities often continue to be dependants of their parents well beyond the 18-year age limit included in the PMMC grant incident eligibility criteria. The eligibility criteria provide no allowance for the concept of a “dependant child.”

The 18-year age cap as a reflection of dependency also does not reflect current cultural norms and socio-economic conditions. For example, results of the 2011 Census of Population indicate that 42.3 percent of the 4.3 million young adults aged 20 to 29 in Canada lived in the parental home, either because they never left it or because they had returned home after living elsewhere³¹. Among those aged 20 to 24, about six in ten (59 percent) lived in the parental home and among those aged 25 to 29, one-quarter (25 percent) lived with their parent.

²⁹ Samuel Perreault, *Criminal Victimization in Canada*, 2014.

³⁰ *Ibid.*

³¹ Statistics Canada, *Census in Brief: Living Arrangements of Young Adults aged 20 to 29: Families, Households and Marital Status, 2011 Census of Population*.

Moreover and most importantly, impacts on parents whose child has been murdered or has disappeared will be vast whether the child is under age 18 years or not. My Office has heard from victims who have questioned why there would be an age limit for the victim, given that whenever a loved one disappears or is killed as a result of a crime, parents and other family members are impacted irrespective of the age of the victim.

The Canadian Resource Centre for Victims of Crime (CRCVC) has also raised concerns about the eligibility criterion requiring the victim to be under the age of 18 years at the time of death or disappearance. In a letter, dated March 24, 2016, to the Minister of Employment, Workforce Development and Labour, the CRCVC recommended the age limit be expanded to children aged 21 years and under.

While I am not recommending a specific age limit at this time, I do recommend that the eligibility criteria be amended to raise the 18-year age limit of the child victim.

Recommendation 9

Remove the criterion precluding eligibility in cases where the child was “a willing party” to the crime that led to their death.

The criterion denying support to parents whose child(ren) was a “willing party” to the crime is problematic for a number of reasons:

- it is inconsistent with the definition of “victim” in the CVBR;
- there is an inability, without supposition and assumption, to prove willingness in a crime without a fair trial; and
- it is inconsistent with Canada’s general approach to youth justice.

Inconsistent definitions of victim

Under the CVBR, a victim is defined as “an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence.” The legislation also states that, “An individual is not a victim in relation to an offence, or entitled to exercise a victim’s rights under [the CVBR] if the individual is charged with the offence, found guilty of the offence or

found not criminally responsible on account of mental disorder or unfit to stand trial in respect of the offence.”

In the case of the PMMC grant, in order for a parent to be eligible, the parent must not be “a willing party to the *Criminal Code* offence that led to the child’s death or disappearance.” The rationale for this criterion is clear; no individual should stand to financially benefit from a crime they have committed against another person.

However, with respect to a murdered child, a parent must also attest that, to the best of their knowledge, the *child* was not a “willing party to the crime that led to his or her death.”³² This is inconsistent with the CVBR which only precludes defining individuals as victims if they themselves were directly complicit in the offence.

Subjectivity

The term “willingness” is vague, unmeasurable and is even more prescriptive than the exception to the definition of victim as outlined in the CVBR. It is difficult to know how “willingness” would be inferred, particularly in the absence of any specific guidelines or investigation. For example, would the parent of a gang-involved youth who was killed by a rival gang be precluded from eligibility for the PMMC grant? What about a youth who was killed in the course of a break and enter? In such cases and others, on what basis would one establish the child’s “culpability” in the absence of the child being found guilty of an offence through a fair trial?

This eligibility criterion lends itself toward victim blaming by placing part of the accountability for the death of the child who was murdered on the parents or guardians.

³² Service Canada, *Application Guide for Federal Income Support for Parents of Murdered or Missing Children Grant*.

Canada's approach to youth justice

In Canada, a child under the age of twelve cannot be held accountable for a criminal offence. Further, the *Youth Criminal Justice Act* (YCJA) – federal legislation which applies to youth aged 12 to 17 who come into conflict with the law and provides the framework for Canada's youth criminal justice system – recognizes that young people lack the maturity of adults. The YCJA acknowledges that, while young persons must be held accountable for criminal acts, they are not necessarily accountable in the same way or to the same extent as adults. As well, the Supreme Court of Canada has recognized the reduced moral blameworthiness of youth as a Charter-protected principle of fundamental justice (R. v. D.B., [2008] S.C.J. No. 25). From that perspective, it is unclear to what extent it is appropriate to have an eligibility criterion that makes reference to the child as a “willing party.”

My recommendation is that the criterion for the child to not have been a “willing party” be removed. Barring complete removal, I would recommend that the term “willing party” be revisited and articulated in a way that does not leave room for interpretation and is not offensive to parents.

Case study: Ms. S contacted the OFOVC in November 2016 to express her disappointment regarding the restrictive eligibility criteria of the PMMC grant. Years ago, when Ms. S's mother was murdered, Ms. S was required to take time off from work and travel to another city in order to settle her mother's estate and affairs.

As someone who had been paying into Employment Insurance, Ms. S expressed that she would have appreciated financial support to compensate for the time she had to be away from work, while coping with her mother's death.

Although the PMMC grant was not available at the time of Ms. S's victimization, she would still like to see families of victims of homicide receive the financial support they deserve. Specifically, Ms. S believes that the PMMC grant should be extended to adult children of murdered parents, siblings or spouses, particularly people who have the additional burden of settling estate affairs of murdered family members.

Recommendation 10

Revisit the requirement for the crime to be the “result of a probable *Criminal Code* offence.”

According to information provided online about the PMMC grant, the requirement for the disappearance to be the result of a “probable *Criminal Code* offence” is met as follows:

An agent or officer from the Canadian law enforcement agency where the incident was reported must complete a PMMC Incident Report Form on your behalf, as part of your application for the PMMC income support grant. A separate form is required for each child if there are multiple victims. This report will confirm whether or not the incident is the result of a probable *Criminal Code* offence. However, the completion of this form does not constitute a conclusion to the investigation being conducted by the law enforcement agency.³³

Law enforcement must check off a box confirming that the child is missing or deceased as a result of a probable *Criminal Code* offence. Given the time this may take, requiring that the death or disappearance be the result of a probable *Criminal Code* offence may be too high a benchmark for the PMMC grant and/or create delays for people who should otherwise qualify to be eligible for the grant. I recommend that ESDC consult with the RCMP to identify whether a less stringent benchmark could instead be applied.

Such discussions could take into consideration questions we have fielded from victims about the PMMC grant – for example, what happens in a case where a youth has a history of running away and assumptions are made by law enforcement that there is no probable offence? What happens in cases where parents and law enforcement do not agree on the “probable cause” of a child’s disappearance?

³³ Government of Canada, “Frequently Asked Questions: Federal Income Support for Parents of Murdered or Missing Children Grant”.

Recommendation 11

That consideration be given to extending the PMMC grant to circumstances where the child was victimized outside of Canada.

For the incident to be eligible, the death or disappearance must have occurred in Canada. Practically speaking, this means that, for example, if a child were murdered while the family is vacationing or travelling in another country, the PMMC could not be accessed – even though parents in those circumstances may have just as much need to take time off work as they would if the crime happened on Canadian soil. Simply put, people need help whether a crime happened in Canada or elsewhere.

The federal government has already recognized this need through another of its programs – the Victims Fund (Canadians Victimized Abroad component), administered by the Department of Justice Canada. Under the Victims Fund (Abroad component), Canadians who have been the victim of a serious violent crime (i.e., homicide, sexual assault, aggravated assault, or assault with serious personal violence, including against a child) in a foreign country, and family members of a Canadian victim who is dead, ill or incapacitated due to their victimization in a foreign jurisdiction, or in the case of a child, a parent or the person responsible for the care or support of the child, may be eligible for financial assistance. The funding is available in situations of undue hardship where no other sources of financial assistance are available, and can help with travel expenses to return to the country where the crime occurred to attend a hearing, or with expenses for the victim to return to Canada.

I am recommending that consideration be given to extending the PMMC grant to likewise apply in circumstances where the child was victimized outside of Canada and the parent subsequently needs to take time off work. Moving forward, I continue to urge the Government of Canada to broaden the parameters of who is considered a victim in its policies, programs, and legislation by considering Canadians who have been victimized outside of Canada.

Exploring possible barriers to uptake and looking forward

Beyond enhancements to the existing program structure, it is important that ESDC look further to explore what other barriers may be preventing potential applicants from applying for support, to identify measures that could be taken to increase uptake of the support offered, and to review and report on the grant's progress.

In conducting this review, my Office looked to do some possible analysis in this regard. We requested general program statistics with respect to the types of applications received. We inquired for example, about the number of applicants, the characteristics of applicants such as the age of the child involved, and the reasons why applicants were deemed ineligible.

We were advised that 67 percent of applications were successful in fiscal years 2013-14 and 2014-15, and that, for those two years, the average number of weeks paid per incident was 35 weeks. However, other types of information we requested could not be provided by ESDC for privacy reasons due to the low number of cases involved, in order to prevent individual clients from being identified.

As a result, we were unable to determine the general demographics of individuals accessing the grant, as well as the reasons why applications had been denied. For example, were the unsuccessful applications (33 percent of applications in both 2013-14 and 2014-15) primarily related to characteristics of the applicant, such as their earnings in the previous calendar year? Or were they instead related to characteristics of the incident, such as in cases where the death or disappearance of the child occurred outside the 52-week period of eligibility? Had specific populations, such as Indigenous people, attempted to access the grant and, if so, to what extent were their applications successful?

The recommendations in this section propose avenues for better understanding the grant's low uptake and provide suggestions for how to enhance support for victims.

Recommendation 12

Explore whether any populations are facing barriers to accessing the grant, for example, Indigenous families and persons with disabilities.

Regardless of initial consultations during the conception phase of the PMMC grant, I recommend that ESDC explore, in discussion with stakeholders, whether the current eligibility criteria and application process are culturally responsive enough to work for diverse populations across Canada, such as Indigenous people.

This is an important consideration given that, since the time of the grant's launch in 2013, significant data have been released underscoring the overrepresentation of Indigenous people amongst homicide victims. For example, according to Statistics Canada, in 2015, Indigenous people represented an estimated 5 percent of the Canadian population, yet accounted for 25 percent of homicide victims.³⁴ Overall, in 2015, the rate of homicide for Indigenous people (8.77 Indigenous victims per 100,000 Indigenous people) was about seven times higher than for non-Indigenous people (1.31 non-Indigenous victims per 100,000 non-Indigenous people).³⁵

What's more, since the time the grant was launched, there has been more awareness brought to the issue of violence against Indigenous women and girls, particularly with regard to cases of missing and murdered Indigenous women and girls. For example, the RCMP have released information which shows that Indigenous women have, and continue to be, overrepresented among Canada's missing and murdered women. In its 2014 report, the RCMP found that, while Indigenous women comprise 4 percent of Canada's female population, 16 percent of all women murdered in Canada between 1980 and 2012 were Indigenous. A further report issued in 2015 found that Indigenous women continued to be overrepresented in this regard.

Additionally, in December 2015, the federal government announced the launch of an independent national inquiry to address the high number of missing and murdered Indigenous women and girls in Canada. The Commission officially began the Inquiry in September 2016 and is expected to complete its mandate by the end of 2018. In

³⁴ Leah Mulligan et al., *Homicide in Canada, 2015*.

³⁵ *Ibid.*

its first quarterly report card³⁶ on the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Native Women's Association of Canada commented on the need for funding to support Indigenous people who want to participate in the inquiry process. Victims may be required to take time off work in order to participate in the inquiry process, however many would be ineligible because of the 52-week restriction. Thus, in light of these issues, further engagement and dialogue with Indigenous communities regarding the PMMC grant is warranted.

In addition to considering to what extent Indigenous victims may face barriers to accessing the grant, another group of victims the federal government may wish to consider is victims with disabilities – realizing, of course, that there can also be overlap amongst these communities.

Victims of crime with disabilities face unique challenges, and it is therefore important for victims' services and programs to ensure that they are adequately considered. This is important given that persons with mental or physical limitations have generally been found to be less likely to use support services due to accessibility reasons.³⁷ It is therefore necessary that measures be put in place to enable victims with disabilities to fully access services. For example, the PMMC grant application forms are only available online in one format (PDF). The grant application process should be revisited to ensure accessibility to victims who may have a range of disabilities (visual, auditory, cognitive, etc.).

Since the inception of the PMMC grant, program officials have been making outreach efforts, such as by providing presentations about the grant, and providing information resources through an E-kit that was developed to help promote awareness of the grant. However, organizations which serve persons with disabilities are not amongst the PMMC E-kit distribution list. Organizations such as the DisAbled Women's Network (DAWN) should be included in the grant's outreach activities in order to increase inclusivity and reach of the grant program, and to be

³⁶ Native Women's Association of Canada, *NWAC Report Card, September 2016-December 2016: The National Inquiry into Missing and Murdered Indigenous Women and Girls*.

³⁷ Samuel Perreault, *Criminal Victimization and Health: A Profile of Victimization among Persons with Activity Limitations or Other Health Problems*.

able to proactively address any gaps or challenges that persons with disabilities may identify with respect to accessing the grant.

Recommendation 13

Review whether the eligibility criterion pertaining to labour force attachment is a barrier to accessing the grant for low-income earners and Employment Insurance (EI) recipients.

While I recognize the PMMC grant is intended to be temporary income replacement for a portion of earnings that parents would have received had they been working, it is important to consider whether the eligibility criterion regarding labour force attachment might be a barrier for low-income earners and various EI recipients.

According to the 2004 General Social Survey results, Canadians living in low-income households were more likely to be the victims of violent crime than were Canadians from households with higher incomes.³⁸ Furthermore, victims of crime from low-income households experience more disruption to their daily activities (e.g. work) because of their victimization than did victims from higher income households.³⁹

This is an important consideration, given that there may be victims who, for many reasons have not earned the required \$6,500 in the year preceding the death or disappearance of their child. Low-income earners, for example people who work part-time, might not make enough money to be eligible for the grant. Furthermore, there is an issue regarding the adequacy of the income support grant itself. If one

According to the 2004 General Social Survey results, Canadians living in low-income households were more likely to be the victims of violent crime than were Canadians from households with higher incomes. Yet, there is no flexibility for parents to supplement their income by, for example, working part time – they must stop all work in order to access the benefit

³⁸ Andrea Taylor-Butts, *Household Income and Victimization in Canada, 2004*.

³⁹ *Ibid.*

cannot receive any form of EI (e.g., regular benefits, maternity, sickness, compassionate care) and can only receive \$350 per week before taxes through the grant, this may not be sufficient financial support. Yet, there is no flexibility for parents to supplement their income by, for example, working part time – they must stop all work in order to access the grant.

As well, another consideration is whether or not any individuals receiving EI would potentially be ineligible to access the PMMC grant once their EI benefits end. Although EI is taxable income, depending on the amount of EI benefits they have received the year before the death or disappearance of their child, potentially, a parent may not qualify for the PMMC grant.

I encourage the Government to further explore whether the income-related eligibility criteria, as currently structured, pose a barrier to accessing much need support and whether the support provided is sufficient.

Recommendation 14

Provide an annual report on PMMC grant activities to improve transparency.

Without any formal reporting, other than information on program spending in departmental performance reports and Canada public accounts, it is difficult to understand accurately why the program continues to be underutilized.

Consistent monitoring and reporting will improve transparency and identify the issues regarding program participation, as well as help to identify ways in which the program can evolve on an ongoing basis in order to best meet the needs and concerns of the applicants.

Recommendation 15

The Government of Canada should consider creating an Employment Insurance category to support all victims of crime.

The creation of the PMMC grant and changes made to the *Canada Labour Code* were a positive step forward not only in that they sought to provide tangible supports to victims, but also because they recognized that crime can have long-lasting financial and emotional impacts. While the pain of losing a child is extremely difficult, so is the pain of losing a partner, a parent, a sibling and more.

Though outside the scope of my review on this specific grant, I feel it important to raise here my recommendation that the federal government explore options to ensure that *all* victims of crime are afforded employment protection and income support rights in the aftermath of a crime. Financial stability is a key support in helping victims of crime move forward. To that end, my Office has proposed options⁴⁰ such as the creation of a separate EI category for victims of crime, and an accompanying federal income support benefit that would be in place to provide victims of crime support following victimization.

Canadians pay into EI to provide income support when they cannot work. The available evidence clearly indicates that many victims' ability to work is impacted subsequent to victimization. For instance, taking victims of domestic violence as an example, a 2014 survey estimated that, among Canadians who reported experiencing domestic violence, nearly 82 percent said it affected their work performance in a negative way, 38 percent said it impacted their ability to get to their jobs, and 9 percent said they had lost a job because of it.⁴¹ As well, a report by the Department of Justice Canada estimated the economic impact of spousal violence in 2009 to amount to nearly \$21 million in lost wages for its female victims.⁴²

⁴⁰ See, e.g., Parliament of Canada, Evidence/Minutes, remarks by Sue O'Sullivan to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, October 23, 2012.

⁴¹ Wathen, C.N. et al. with the Canadian Labour Congress, *Can Work Be Safe, When Home Isn't?: Initial Findings of a Pan-Canadian Survey on Domestic Violence and the Workplace*.

⁴² T. Zhang et al., *An Estimation of the Economic Impact of Spousal Violence in Canada, 2009*.

Efforts to recognize the employment impacts on victims of domestic violence appear to be gaining some traction at the provincial/territorial level in Canada. For example, the Government of Manitoba recently passed legislation providing victims of domestic violence the right to take leave from work, including five days of paid leave. Similarly, a private member's bill was introduced in Ontario⁴³ in 2016 which, if passed, would provide entitlement to flexible work arrangements and a paid leave of absence in cases where an employee or the employee's child of under 18 years has experienced domestic or sexual violence. The bill provides that the leave of absence could be used for one or more of several purposes, such as to seek medical attention, to obtain services from a social services or community-based agency, to obtain psychological or other professional counselling, to relocate, or to seek legal or law enforcement assistance including to prepare for or participate in a civil, criminal or administrative proceeding.

In the international realm, through its National Employment Standards⁴⁴, Australia provides the right for eligible employees who are experiencing domestic violence, or providing care or support for a family or household member experiencing domestic violence, to request flexible working arrangements. As well, an increasing number of collective agreements in Australia include paid leave and other workplace provisions for employees experiencing domestic violence. As of March 2016, 1,234 union agreements contained a domestic and family violence clause, covering 1,004,720 workers.⁴⁵

While these examples pertain to domestic violence, all victims who experience loss and devastation should be afforded the same necessary supports and consideration.

⁴³ Bill 177, *Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act*, 2016, http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=3795

⁴⁴ The National Employment Standards (NES) are 10 minimum employment entitlements that have to be provided to all employees. See, e.g., <https://www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace/flexible-working-arrangements>.

⁴⁵ University of Sydney, *"Domestic Violence and the Workplace"*.

Conclusion

My Office hears from victims on a daily basis about what they feel is a lack of tangible supports across the country available to them. Their experiences include going into immense debt, suffering ill health and relationships, and otherwise having difficulty accessing the supports they need to deal with the practical realities of life following a crime.

The PPMC grant was designed to provide concrete support following an experience of victimization. As such, it represents an important funding envelope for victims of crime and I want to ensure it is being used to the extent possible.

The systemic review of the PPMC grant provided an important opportunity to understand how the program could be improved to ensure broader participation by victims of crime. It is our hope that this review and its recommendations will help to inform broader ongoing efforts to improve both the program and supports for victims of crime in Canada.

I encourage the Department to review and implement the recommendations included within this report. I also encourage the federal government to think more globally about the development and implementation of similar support measures to be made available to all victims of crime in Canada.

Following the delivery of this review, I look forward to hearing from ESDC on the steps they will be taking to address the issues raised.

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Appendix: Comprehensive List of Recommendations

1. Simplify the PMMC grant application process.
2. Ensure that *all* staff interacting with victims who inquire about, or apply for, the PMMC grant are trained in a victim-centred service delivery approach or, alternatively, provide a dedicated PMMC phone line and email.
3. Improve online information about the grant by making it clearer and easier to understand.
4. Provide a more specific definition of a “missing child.”
5. Create an internal complaints mechanism specific to the PMMC grant and explore the possibility of creating a more accessible appeals mechanism.
6. Build flexibility into the program so that claimants can access the payment when needed and not solely within the 52-week period immediately following the crime.
7. Broaden eligibility for the PMMC grant to include additional surviving family members.
8. Amend the eligibility criteria to raise the 18-year age limit of the child victim.
9. Remove the criterion precluding eligibility in cases where the child was “a willing party” to the crime that led to their death.
10. Revisit the requirement for the crime to be the “result of a probable *Criminal Code offence*.”
11. That consideration be given to extending the PMMC grant to circumstances where the child was victimized outside of Canada.
12. Explore whether any populations are facing barriers to accessing the grant, for example, Indigenous families and persons with disabilities.
13. Review whether the eligibility criterion pertaining to labour force attachment is a barrier to accessing the grant for low-income earners and Employment Insurance (EI) recipients.
14. Provide an annual report on PMMC grant activities to improve transparency.
15. The Government of Canada should consider creating an Employment Insurance category to support all victims of crime.