



## Backgrounder

Enviro-nics Research Group is pleased to present this summary of qualitative and quantitative research findings to the Office of the Commissioner of Review Tribunals. These findings are based on two surveys, one national survey of 1,406 Appellants, and one survey of 202 Non-Appellants, both 18 years of age or older. The national survey of Appellants was conducted between April 4-26, 2002, while the survey of Non-Appellants was conducted between April 17-24, 2002. Overall, the Appellant survey results are accurate within +/- 2.6 percent, 19 times out of 20 while the Non-Appellant survey results are accurate within +/- 6.9 percent, 19 times out of 20.

Two focus group sessions were also conducted in Ottawa as part of this study and make up the qualitative aspect of the findings. The focus group sessions were conducted on March 7<sup>th</sup>, 2002. Participants in each session were recruited according to a variety of attitudinal and demographic criteria determined in consultation with the OCRT project authority. Each participant had to have been denied disability benefits by the CPP, appealed this decision to the OCRT, and had this appeal settled within the last three years. One session was conducted among Anglophones who were successful Appellants and one session was conducted among bilingual Canadians who were either denied benefits or who had withdrawn from the appeal process. In each instance, half of the participants had representatives throughout the appeal process and half had not had this assistance. In addition, quotas were used to ensure that participants reflected a range of ages and educational backgrounds, as well as a rough gender balance. For example, we ensured that a range of ages (at least two persons over 60 years of age) was represented. While the focus group results are not necessarily representative of the general public, they do provide valuable insights regarding typical public reaction to these issues.

### *Demographic Profile*

Significant proportions of Appellants are represented across various age groups, with larger proportions among those 50 to 60 years of age. In general, Appellants are slightly less educated than Canadians in the general public. A plurality of Appellants live in households of two people, including themselves. Three-quarters of Appellants had their most recent hearing between 1999 and 2001. Seven in ten Appellants do not consider themselves to be visible minorities, while one-quarter consider themselves to be visible minorities. While survey respondents tended to be less affluent than the general population, they were fairly well distributed among each of the various five income groups we examined in this survey. More than one-half of Appellants are women while more than two-fifths are men. Ninety-six percent are Anglophones and four percent are Francophones<sup>1</sup>. Appellants are well distributed across the country, including the six regions of Ontario that are served by the Commissioner's Office.

Non-Appellant respondents are relatively evenly distributed across the designated age groups. As with the Appellants, Non-Appellants tend to have lower levels of education than the general population in Canada.

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<sup>1</sup> Conclusions based on these results are somewhat limited, given the relatively small proportion of Francophones in the sample.

Pluralities of Non-Appellants live in a household of two people, one in five live in a household with four or more people and one in five live alone. As with the Appellants, the Non-Appellants in this study tend to have lower incomes than the general population; but in contrast to Appellants, Non-Appellants are less well-distributed among the various income groups. Over half of Non-Appellants have a total annual household income under \$30,000. More than one-half of Non-Appellants are women and more than two in five are men. Further, all of the Non-Appellants interviewed for this study are Anglophones. In terms of regional distribution, all Non-Appellants are situated in Ontario.

### ***Response to the Canada Pension Plan Denial of Disability Benefits***

Most Non-Appellants did nothing after their claim was denied. The most popular active response was to consult a physician or specialist. Non-Appellants that contacted the Canada Pension Plan (CPP) disability office tended to contact them by phone and most were not satisfied with the response they received from the Canada Pension Plan disability office.

Non-Appellants had mixed experiences in terms of comprehending why their claim for benefits may have been denied. While a slight majority of Non-Appellants say that they did understand the reasons why their benefits were denied, more than two-fifths suggest that they do not.

### ***Factors Affecting Non-Appellants***

A large majority of Non-Appellants indicate that they were aware of the option to appeal the CPP decision to a Review Tribunal after being denied these benefits. Smaller majorities indicate that they did not feel that they qualified for CPP disability benefits, and pluralities say that they did not think that going through an appeal would change the government's decision.

A majority of Non-Appellants say that the stress involved in the appeal is the major factor influencing the decision not to appeal CPP's decision, while a plurality says that a lack of representation is the major factor in this regard. Although responses are somewhat divided on whether the length of time is a factor in this decision, Non-Appellants are clear that the cost of the appeal, the loss of income from other disability benefits and incomplete medical records are non-factors in their decision not to appeal the ruling made by CPP.

Appellants tend to appeal due to a strong sense of entitlement to the benefits. Of those who do not appeal on their own accord, a majority was told to appeal the CPP's decision by their doctor or by a private insurance agent or group. Non-Appellants were not often advised to appeal CPP's decision. When advice of this nature was given, it was primarily given by CPP representatives.

When asked whether they are satisfied that they were treated fairly by the Canada Pension Plan disability even though they were turned down, over one-half of Non-Appellants feel that they were not treated fairly by CPP.

### ***Review Tribunal Experience***

Three-quarters of Appellants had a hearing in order to resolve their most recent appeal. Top-of-mind perceptions of the Review Tribunal process are largely negative; a majority mentions general negative emotions, an impression that the process was unfair, they were unhappy with the process and the Tribunal was skeptical or inconsiderate. Focus group participants corroborated the negative top-of-mind results with many mentioning the negative emotions that they experienced as part of their Tribunal. Of note, even those

Appellants who were successful in their appeal predominantly mentioned negative emotions rather than positive when describing the Review Tribunal process.

However, majorities and pluralities hold positive perceptions about the Tribunal members and the Commissioner's staff, and they understood the procedures that are a part of the appeal. They feel that the hearing was fair and that they had the appropriate amount of time to present their case at the Tribunal hearing. In fact, three-quarters of Appellants report they had the right amount of time to present their case at their Tribunal hearing.

Appellants are generally uninformed about the expenses that the Commissioner's Office will cover as part of an appeal, with majorities saying that costs related to photocopying documents and procuring medical records for the appeal are not covered and unaware that interpretation costs are covered at the hearing. Only a plurality is aware that travel costs are covered. Appellants are aware that legal costs are not covered by the OCRT. Focus group participants were also relatively unaware of the costs covered by the Commissioner's Office, with awareness no greater among those who were successful than those who were unsuccessful in their appeal. Focus group participant awareness of travel costs appeared to be highest, similar to survey results, followed by awareness of photocopying costs.

Majorities of Appellants agree that the hearing location was accessible, convenient and had easily understood signage.

When Appellants are asked to rate the helpfulness of seven types of people who can be involved in the appeal process, majorities indicate that their representative is very helpful, followed by their doctor and their family. Lower on the list are the three Review Tribunal members and the Commissioner's Office staff, and at the very bottom are insurance company representatives.

When those respondents who were ruled against in their most recent appeal hearing are asked to indicate the reasons why this ruling came about, a plurality suggest that this is due to perceptions of their disability as not seen to be as serious as alleged, their situation was dismissed by the Tribunal and their circumstances unappreciated.

### ***Accessibility of the Commissioner's Office***

A majority of Appellants did not access the Commissioner's Office through their website, e-mail or fax. Those who did use a courier, phone or mail to reach OCRT are satisfied with this service. Three-quarters of Appellants say they are satisfied with the hours of service of the Commissioner's Office.

### ***Service Issues***

Responses to the 12 service issue items were generally very positive. Majorities of Appellants agree that they had a choice of service in either English or French, they were informed of everything they had to do in order to get their appeal heard, their questions were answered, documents and other information were easy to understand, procedures were straightforward and they received consistent information and advice. Communications with the Commissioner's Office appears to be the area most in need of improvement. Appellants are divided as to whether they strongly agree or disagree that the forms were not easy to understand and fill out. However, they show clear disagreement that the information they needed was not available, written and verbal language was not clear and the service staff were not easy to understand. Regarding the issue of the brown brochure from the

Commissioner's Office, while a plurality of respondents disagree that they received this brochure, a large minority do not know or cannot respond to this question.

We presented Non-Appellants with 11 statements on service issues identical in every aspect to those presented to the Appellants, except that Non-Appellants were asked to respond to these as they related to the Canada Pension Plan (CPP) office. Majorities agree that they had a choice of service in either official language, that they were not satisfied with their communications with the CPP office, the procedures were straightforward and easy to understand and documents and other information were easy to understand. Majorities also disagree that they were informed of everything in order to get their appeal heard, if they were to appeal and that they received consistent information and advice. Responses for the remaining statements are mixed, with similar proportions in each instance indicating strong agreement and strong disagreement to each statement.

### ***Health Records Issues***

A majority of Appellants feel that the health records sent to them by the Commissioner's Office were very complete. As well, Appellants and Non-Appellants overwhelmingly suggest that they were able to obtain all the health records that they needed for their appeal or application for disability benefits, with little or no difficulty. However, when they are asked to cite barriers to accessing these health records, Appellants and Non-Appellants refer to delays by doctors and cost as the two biggest barriers.

Although doctors are seen as one of the biggest barriers to the provision of complete and timely health records, a majority of Non-Appellants have a very favourable opinion regarding the assistance they received from their physician in their application for disability benefits from the Canada Pension Plan office. Furthermore, a plurality of Non-Appellants feel that they had enough medical information to help the CPP people make a proper decision on their case.

### ***Benefits Other than Canada Pension Plan Disability***

A majority of Appellants and Non-Appellants say that they did not qualify for insurance or disability benefits other than the Canada Pension Plan Disability. For those who do qualify, private or group insurance is the most popular form of other insurance.

A majority of Appellants report that their other insurance or disability benefits were not affected as a result of their appeal to the Review Tribunals. Non-Appellants are even more likely to report that their insurance benefits were not affected after being denied CPP disability. However, in the focus groups, the opposite trend was seen, where Appellants particularly mentioned that their disability benefits had decreased upon receipt of Canada Pension Plan disability benefits, either through receiving a smaller amount of benefits or through receiving benefits that were taxable in place of those that were previously non-taxable.

### ***Representatives***

A majority of Appellants used representatives in their most recent appeal. Of those who did not, cost was the largest prohibitive factor. Appellants are most likely to have their own family or a lawyer act as their representative.

When given a mix of positively and negatively-worded statements to which Appellants could agree or disagree, a majority of Appellants strongly disagree that they could afford a representative but concurrently strongly agree

that they needed a representative in order to help with their most recent appeal. A plurality strongly agree that they found a representative to help with their appeal, with three in ten indicating strong disagreement to this statement. Pluralities also strongly disagree that people offered to represent them and that representatives were located too far away for proper consultation. These results suggest that representatives are needed and often found within a reasonable distance from the Appellants who hire them, but that Appellants have to find these representatives themselves and cannot often afford them.

More than two-thirds of Appellants did not have to pay their representative a fee. Of those who did, two in five paid \$1,000 or less.

Focus group participants tended to agree that having a representative was helpful. However, a few focus group participants also gave anecdotes to illustrate the prohibitive costs associated with having a representative.

### ***Life Changes***

Appellants tend to report negative life changes as a result of their overall experience with Canada Pension Disability. A decrease in their standard of living and an inability to work are the most frequently cited negative changes in their life. Fewer Appellants mention positive life changes, such as, an increase in their income or a sense of relief, satisfaction, or vindication.

### ***Perceptions of Organizational Independence***

An overwhelming majority of respondents say that it is important that the Canada Pension Plan Disability and the Commissioner's Office maintain independence from one another, but only a plurality of Appellants believe this situation actually exists. In the focus groups, these findings were contrasted and taken one step further. Here, participants tended to think that these two organizations were not at all independent, and that they were conspiring to present an independent front to the public. Several participants gave illustrations to support these assertions.

A slight majority of Appellants feel that the Tribunal members and the Canada Pension Plan disability office are at least somewhat independent from one another. Focus group participants were much more suspicious than were survey respondents, with the perceptions that there was a conspiracy to present an independent front as a predominant theme.

### ***Connectivity***

A majority of Appellants have access to a computer. However, access to the Internet and e-mail is less prevalent, followed by access to a fax machine. Connectivity varies with age, income and education. Further, even though a majority of Appellants have computer access and a plurality have Internet access, use of the Commissioner's website is very low.

As with trends seen in Appellants' responses, the majority of Non-Appellants have computer access, but smaller proportions have Internet and e-mail access. Very small proportions have access to a fax machine. There appears to be a trend toward computer, Internet and e-mail access decreasing with age and increasing with income. Furthermore, access to a computer and the Internet increases with the number of people in the household.

***Research Issues***

Often when public opinion research is undertaken with specialized samples such as those in this study, research issues arise. It is helpful to have these issues outlined for two reasons: it gives a clearer context for the results discussed in the report, and it provides guidelines for future research in this area. We include a concise outline of the research issues specific to this research, including making allowances for a distrustful sample, modification of questionnaire items for the specific audience of disabled people, providing extra sensitivity training to our interviewers and conducting interviews in the daytime to meet sample needs.

Given that many results did not vary with standard demographic information such as gender, age, education and income as expected, it is likely that a measure of level of disability might have accounted for many of the results. In future research, inclusion of this measure would be an asset.

Survey results indicate overwhelmingly that the health records experience of Appellants and Non-Appellants (the ease of obtaining records and the completeness of these records) is a factor driving perceptions of a variety of aspects of the appeal process. If the Commissioner's Office were to make only one change, it should be to facilitate the provision of complete health records with minimal difficulty, and to apprise medical professionals of the role that they play in the timely preparation of these records.