

Ontario Works Policy Directives

11.2 Delegations of Authority

Legislative Authority

Section 2 and Part III, Sections 37, 38, 39, 43, 44, 45, 46, 47, 48 and 50 and Part V, Sections 69, 71, 72, 73 and 74 (1) and (2) of the Act.

Part II, Sections 20.2 (1), (2) of Regulation 134/98

Sections 6 and 15 (1) of Regulation 135/98

Section 4 of Regulation 136/98

Audit Requirements

Documentation is on file to support all delegations of authority. Designations are documented in accordance with provincial standards.

Application of Policy

The Act provides authority to the Minister to appoint the Director of Ontario Works. The Act also provides authority to the Minister to designate a delivery agent to exercise powers and duties under the Act, within a specified geographic area.

The Act provides authority to the Director to approve the appointment of an Administrator, supervise and require the delivery agent to provide information, and determine how the payment of costs is allocated.

The Act provides authority to the Administrators to administer the Act and provide employment assistance and basic financial assistance according to provincial standards.

Delegation

In accordance with Section 47(3) of the Act, the Director may delegate a power or duty which has been imposed or conferred upon him/her to any other person or class of persons whom he/she authorizes. The delegation of authority must be in writing and must set out limitations, restrictions, conditions and requirements.

The Administrator has the authority to delegate his/her powers and duties that are prescribed in Section 44 of the Act. The Administrator must ensure that a person(s) he/she delegates is authorized through a procedure established to

satisfy provincial standards. The Administrator must also ensure that any challenge to authority can be substantiated through documentation. The delegation of authority must be in writing and must set out limitations, restrictions, conditions and requirements.

Contracting

The Act provides for the contracting out of any matters related to its administration or for the provision of assistance in the delivery agent's geographic area subject to the following restriction: under Regulation 136/98, as amended, a delivery agent may only contract out eligibility determination if the agreement is with another delivery agent, a municipality or a District Social Services Administration Board (DSSAB). The agreement must require the contractor to comply with any duties of the delivery agent under the Act with respect to that authority and must authorize the delivery agent to cancel the agreement if the contractor does not comply with those duties.

Designations

Section 38(1) of the Act states that the Minister may designate a municipality, band or prescribed board as a delivery agent for each geographic area. Regulation 136/98 designates delivery agents for each geographic area. The **District Social Services Administration Board Act** (DSSABA) authorizes DSSABs to be delivery agents for the Act and to exercise any other power given to it under any other Act. These designations have the powers and duties of the delivery agent for that geographic area. There are 47 consolidated municipal delivery agents, 10 of which are DSSABs, as well as 100 First Nation delivery agents.

Section 58(1) of the Act states a Director or Administrator may designate persons as eligibility review officers to exercise the powers and duties to investigate a person's past or present eligibility for social assistance and the authority to apply for and act under a search warrant ([see Directive 9.7: Controlling Fraud](#) for more information).

Section 59(1) of the Act states an Administrator may designate persons as family support workers to exercise the powers and duties including the authority to collect and disclose personal information for purposes of assisting in legal proceedings for support and in the enforcement of agreements, orders and judgements relating to support ([see Directive 5.5: Family Support](#) for more information).

Sections 69(1) and 69(2) of the Act state a Director and Administrator shall designate persons or a class of persons as a commissioner for taking affidavits within the meaning of the **Commissioners for Taking Affidavits Act** ([see Directive 11.4: Statutory Declarations and Affidavits](#) for more information).

Section 15 (1) of Regulation 135/98 states the Director may establish a catchment area consisting of one or more geographic areas designated by the Minister and may appoint a delivery agent to serve as the intake point for that catchment area.