

## Chapter 15: Integrity Measures

### (iii) False Pretenses

<b>Intent:</b>	To clarify the procedures when a recipient knowingly receives Income Support benefits to which they are not entitled.
<b>Act:</b> (if applicable)	<p>48. (1) A person shall not, on behalf of himself or herself or on behalf of another person, knowingly obtain or receive income or employment support that the person or the other person is not entitled to obtain or receive under this Act.</p> <p>(2) A person shall not provide a false or misleading statement in an application made under this Act or provide any false or misleading information to the minister or an officer.</p> <p>(3) A person shall not knowingly aid or abet another person in applying for, obtaining or receiving any support under this Act that the person is not eligible for under this Act.</p> <p>(4) A person who has committed fraud in respect of income or employment support received under this Act is guilty of an offence and, in addition to the penalty referred to in section 49, shall repay the income or employment support fraudulently obtained.</p> <p>(5) A person who violates this section is guilty of an offence.</p> <p>49. A person guilty of an offence under this Act or the regulations is liable on summary conviction to a fine of not more than \$1,000.</p> <p>50. A prosecution under this Act or the regulations shall be started within 3 years from the date the offence is alleged to have been committed.</p>
<b>Regulations:</b>	N/A
<b>Overview:</b> (if applicable)	N/A

**Policy:**

- Applicants/recipients have a responsibility to ensure their eligibility for Income Support has been established and the information provided by the applicant/recipient is true and accurate.
- [Section 13 \(1\) of the Income and Employment Act](#) requires applicants to pursue all other financial resources available to them as a condition of eligibility for Income Support benefits.
- [Section 14 of the Income and Employment Support Act](#) requires applicants/recipients to provide any information needed in order to confirm eligibility for Income Support, or continued eligibility for Income Support benefits.
- In situations, where a recipient has obtained Income Support benefits under false pretenses, a referral must be made to the Eligibility Assurance Unit.
- Circumstances sometimes occur where an exception is made and a client is approved to receive their payments through cheque rather than direct deposit. If an incident occurs and there is allegedly cheque fraud, the case must be immediately suspended and the Client Services Officer (CSO) must consult with the Finance Division to ensure that the fraud risk is lessened by requiring direct deposit set up or some other means of payment.

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**Procedure: Client Services Officer must:**

- Determine if the recipient still meets the criteria for eligibility for Income Support if there has been evidence the recipient has received benefits to which there was no entitlement;
  - Refer for investigation if there are possible false pretenses (e.g. unreported income or unreported family unit relationship);
  - In consultation with the Client Services Manager/Regional Manager decide if the recipient should be referred for prosecution under the Income and Employment Support Act or the Criminal Code of Canada; and
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- If an overpayment is created, advise the recipient in writing, of the amount, the reason for the overpayment and their right to appeal.

**Client Services Manager/Regional Manager must:**

- review all information provided by the CSO who investigated the case and make a decision regarding continued income support benefits;
- in situations where the dollar value is greater than \$5,000, determine if there was intent or pre-meditation to defraud, and if so, consideration should be made to prosecute cases under Section 380 (1)(a) of the Criminal Code of Canada;
- proceed with prosecution within three years from the date on which the offence is alleged to have been committed.

**Authority Level:** Client Services Officer

Client Services Officer Responsible for Investigations

Client Services Managers/Regional Managers

**Date revised:** September 18, 2018