



Community Advocacy & Legal Centre



## 2010 ANNUAL REPORT

2010 is the beginning of our celebration of 30 years of providing legal services to our community.

In December we reflected on these 30 years—together with our community partners. We created a visual timeline of our shared work promoting and enhancing social justice and access to justice for people living in poverty in the counties of Hastings, Prince Edward and Lennox & Addington. To recognize this special anniversary, several special workshops will be held in 2011.

2010 has been an exciting year. In addition to all our regular work, the results of which are documented in this report, we continued to be involved in a number of new and innovative initiatives.

As project sponsor and manager, we were delighted in March to release the KnowledgeNOW Report. In June, we were pleased to host a week-long study tour of the Ontario community legal clinic system for an international delegation from Ukraine, sponsored by the Open Society Institute. In July, we launched Phase I of the Five

County Legal Literacy and Access to Justice Project, funded by the Law Foundation of Ontario (LFO) and, in August, we welcomed the clinic's first articling student, also funded by the LFO as a pilot project to increase rural and linguistic access to justice.

We continue to be involved in a number of provincial legal clinic system projects, and also continue to work towards coordination of services funded by Legal Aid Ontario. We are also working on the new strategic plan commitments we made in 2010.

### Our Mission

The Community Advocacy & Legal Centre provides access to justice through quality legal services, advocacy and information for people living on a low income or in poverty.

### Our Vision

We strive to achieve social justice with dignity by influencing change in our community, our institutions and the law.

### Our Values

We believe:

- Justice is a right for individuals and communities
- In being client centered and accessible
- Every person is of infinite value
- In being responsive to, and collaborative with, our community
- In creative, innovative and effective services and work

## Demand for services and more money for clients

In the first nine months of 2010, we dealt with approximately 3,600 requests for information, advice, and brief services, a 6% increase over last year. Of these requests, the majority were regarding housing, followed by Ontario Disability, and employment matters. We also took on 388 new client cases, a slight decrease over the same period last year. Overall, about 1,000 people per month benefited from our help.

internal projects that focus on quality improvements or innovations, staff training, or collaborative work with legal clinic colleagues and Legal Aid Ontario.

The conservative estimates in the box below are based on the awards that people received as a result of our advocacy in seven types of cases only, and not on the future value which is worth

much more. These estimates are for monies recovered for our clients in the past 12 months (October 2009 to September 2010). Many of the awards have increased from last year, including housing awards, which have doubled, employment/human rights awards, which have more than doubled, CPP awards, which have tripled, and our WSIB awards, which also increased significantly.

We worked on more than 100 projects. Project files are opened for our outreach, legal education, community development, systemic advocacy and law reform initiatives, in addition to special

Ontario Disability Support Plan (ODSP) appeals.....	\$ 1,036,640
Canada Pension Plan Disability (CPP) appeals .....	144,660
Workers Safety & Insurance Board (WSIB) appeals .....	448,350
Employment law and Human Rights.....	159,000
Criminal Injuries Compensation Board (CICB) cases.....	348,040
Housing (files and Tenant Duty Counsel).....	78,000
Social Assistance Overpayments.....	233,270

**Total: \$ 2,447,920**

## Disability appeals continue to benefit disabled clients

During the past year we have recovered \$1,036,640 for Ontario Disability Support Program (ODSP) clients. We have a combined success rate of 89% in ODSP appeals and a very high level of settlements before a hearing – 60% - which is much higher than the provincial average. This gets clients the money that is owed to them much more quickly, reduces the stress on clients of having to attend a hearing and saves the clinic staff time and resources.

Our clients living with disabilities get an estimated ODSP retroactive award of

over \$5,620, which allows them to pay off outstanding debts, acquire better housing and improve their standard of living.

We recently were successful in settling a Divisional Court appeal in a case where the Ministry ignored important medical evidence.

Within the clinic system we have become known as a leader in the area of ODSP case file management. Three Toronto clinics and one Eastern Regional Clinic visited us to learn about our system. We were also invited to

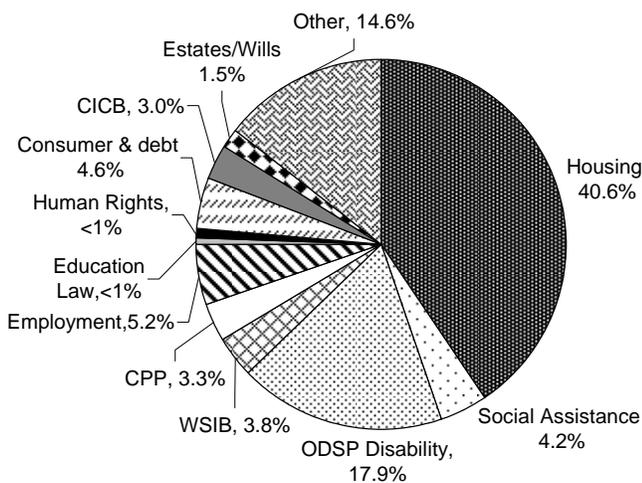
present our system at the Northern Regional Training in Thunder Bay.

We continue to share all our precedent materials electronically and respond to numerous requests for more information from clinic colleagues.

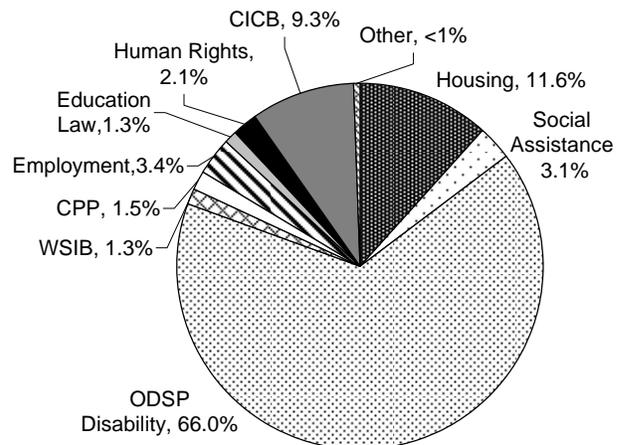
In 2010 we further increased our efficiency in managing these cases by developing a new database to track files from start to finish.

## 2010 Individual client service statistics, by area of law and by geographic area:

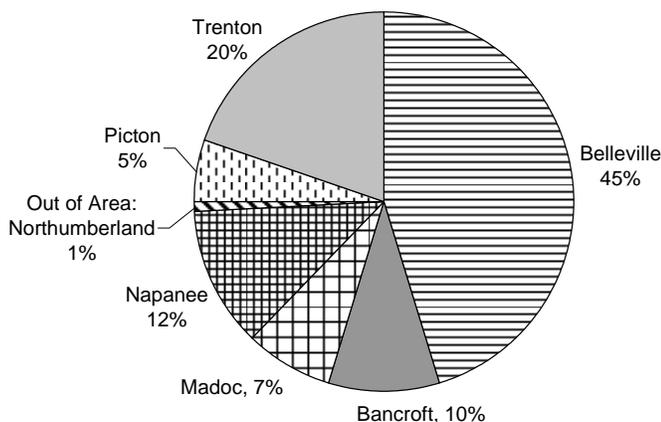
**Total Advice, Brief Services & Referrals (to Sep 30)**



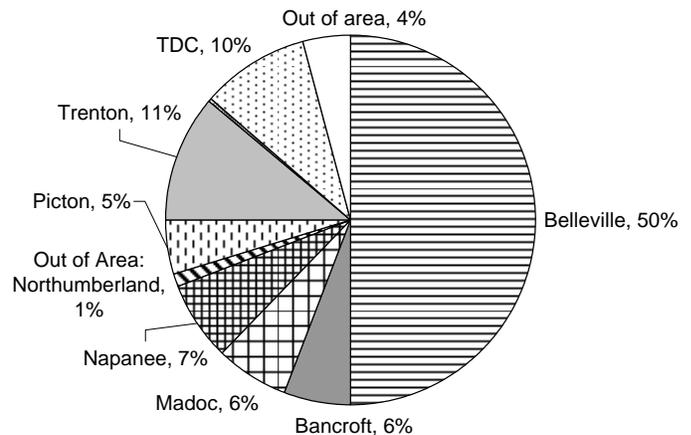
**Case Files Opened (to Sep 30)**



**Files Opened by Geographic Area (to Sep 30)**



**Percentage of Service (Advice, Brief Service, Referrals) by Geographic Area (to Sep 30)**





## Advocating for greater income security

We continue to successfully represent many social assistance recipients who face severe financial hardship when they are forced to pay overpayments by having their Ontario Works (OW) or Ontario Disability (ODSP) cheques reduced every month. In the period from October 2009 to September 2010, we saved our clients \$233,270 in overpayment recovery.

Many of these overpayments are a result of administrative error or because a recipient does not understand the very complicated reporting requirements.

One of our clinic lawyers provides leadership by participating on the Board of the Income Security Advocacy Centre (ISAC), a specialty clinic that serves low income Ontarians by conducting test case and Charter litigation relating to provincial and federal income security programs.

ISAC and the Clinic Resource Office (CRO) co-counselled with CALC and a number of other legal clinics on *Ball v. Ontario*, the lead Special Diet case before the Human Rights Tribunal. In a hearing that began in 2008, ISAC and CRO lawyers successfully argued

before the Tribunal that the provincial government's Special Diet Allowance Program discriminated against complainants on the basis of disability.

Despite the success of this litigation, the provincial government recently announced it would stop funding the Special Diet Allowance Program and replace it with another program.

The Board of CALC wrote to our local Members of Provincial Parliament to express their deep concern and outrage about the decision to end this program.

### Aboriginal outreach

CALC received funding from Kagita Mikam for a five month contract position. This funding allowed us to hire a person from the Tyendinaga Mohawk Territory to raise awareness of our services. Outreach activities included distribution of CALC pamphlets to service providers and businesses, staffing an information booth at the Pow Wow, organizing public legal education workshops, welcoming our Ukrainian visitors, and organizing a cultural awareness event for CALC staff and board members to celebrate National Aboriginal Day.

### KnowledgeNOW Project

CALC was proud to be the project sponsor for KnowledgeNOW, a provincial legal clinic system project that was managed by our Executive Director, in collaboration with LAO and legal clinic colleagues. *Knowledge Management, Sharing and Creation: Building on Our Strengths and Enhancing Access to Justice*, a comprehensive report with a long list of recommendations for future action, was released in March 2010 following two years of intense work. The report has been highly praised and has become a catalyst for enhancing the clinic system's commitment to high quality services, and efficiency and effectiveness in legal services delivery.

## Criminal injuries compensation advocacy reaps rewards for clients

In the past year (October 2009 to September 2010) our clients received over \$348,000. The average award per claim was approximately \$7,900.

We met with Maureen Armstrong, Chair of the Criminal Injuries Compensation Board (CICB), to discuss our concerns about offender notification, extension of time requests and the hearing process. CICB invited the clinic to provide input on the new CICB on-line application as well as the updated Rules of Procedure. We forwarded our suggestions for these documents to the Board.

In May 2010, we provided training to clinic legal workers at the Eastern Region Spring Training conference. A brief overview of the CICB process was presented followed by a discussion of promising practices and disturbing developments.

On September 20, 2010, we hosted a one-day conference on CICB providing training and information to 80 local and visiting service providers.

On behalf of 15 clinics, we recently wrote to the CICB Chair about our concerns over the CICB's recent

practice of notifying the offender in cases where there is not a conviction. We told the Chair that we believe that offender notification jeopardizes victims' safety and has a chilling effect on new applicants. We asked the Chair to meet with clinic representatives in person. We have not yet received a response to our request.

We were successful in settling our first Divisional Court Appeal in a case where the CICB had denied our client's claim.

## Reaching out to our community

We spoke with a variety of community service providers and many community groups. Our audiences included parents of children with disabilities, students, service providers and community members.

Focusing on rural outreach, we hit the road in Centre Hastings and distributed approximately 300 of our clinic pamphlets to various locations in that area. We also



presented at agencies throughout Hastings, Prince Edward, and Lennox & Addington counties, including the Napanee Community Health Centre, Prince Edward Collegiate, Tyendinaga Health Centre, Girls Inc., Freedom Support Centre and Loyalist College.

At the various outreach events which we attended in 2010, we distributed 1,127 CALC pamphlets and 729 fridge magnets.

We have also partnered with CLEONet to produce webinars which are hosted on CLEONet at [www.cleonet.ca/training/](http://www.cleonet.ca/training/). To date we have done webinars on Criminal Injuries, Human Rights in the Workplace and Employment Standards. In addition to the CLEONet postings, our employment-related webinars are also embedded in our own Employment Rights blog at <http://employmentrights.blogspot.com/search/label/Webinar>.

### Newsletter distribution



Our newsletter, produced in-house, was once again sent out in the spring and fall and posted to our website.

This year we distributed more than 3,200 copies, of which 17% were sent by email.

### Improving legal literacy and increasing access to justice

Our website continues to get more hits. Individual visits for the first 10 months of 2010 were just over 16,000, a 24% increase from visits in 2009 during the same time frame. Page hits (full page downloads) went up 14% to just over 196,000 pages viewed.

### Volunteers: A great asset to our clinic

Our volunteer program continues to grow, as 34 people donated their time to the clinic this year, amounting to 2,760 hours of volunteer service (a 100% increase over last year). Our volunteer base includes community members, law students and college students/graduates. Some of the duties our volunteers assist with are administration/clerical, legal research, Tenant Duty Counsel support, legal education, outreach, and assisting legal workers.

## Using social media

CALC has 81 followers on Twitter. Since September 30, 2009 we have sent out 262 tweets to our followers. Some of our followers include the Belleville Intelligencer, LawTimes, and CLEONet.

We have had 326 unique visitors to our Employment Rights blog with over 700 page views of our blog. We have had 50 people view our Employment Standards webinar that is embedded on our blog.

The three most visited posts have been:

1. Employment Standards Webinar
2. Human Rights Tribunal awards \$20,000 to employee fired after cancer diagnosis
3. Are your Workplace Safety & Insurance Board concerns being heard?





## Ensuring human rights are protected, helping vulnerable clients

During the past year, we obtained \$159,000 in unpaid wages, pays in lieu of notice, Employment Insurance (EI) benefits, and human rights awards. The chart below shows how we achieved increasing success since we expanded our employment law services in 2008.

2008	\$33,330 obtained for workers
2009	\$57,460 obtained for workers
2010	\$159,000 obtained for workers

Since our employment law expansion, we represent workers in the areas of wrongful dismissals, EI, human rights, employment standards, and Canada Labour Code. We also continue to represent workers with their Workplace Safety & Insurance Board (WSIB) claims.

Most of the clients we helped were workers in vulnerable or precarious employment situations. People we helped included young female workers who were sexually harassed, workers with disabilities who were fired, and workers who were working in substandard employment conditions.

We are also very active in employment law reform and education work. We are constantly attempting to reach out to vulnerable and marginalized communities and trying to hold the Ministry of Labour accountable in enforcing the *Employment Standards Act*. For example, we are providing seminars on workers' rights and human rights in person and online, participating in province-wide research on improving the *Employment Standards Act*, and reaching out to migrant farm workers and lumber workers.

## Service levels in housing

Demand for Tenant Duty Counsel service at the Landlord and Tenant Board (LTB) has increased by more than 25% over the same period in 2009 and is about the same as it was in 2008 when we started to track this statistic. The dedication of our volunteers allows us to provide a high level of service at the LTB.

We continue to track financial outcome in housing matters. To

October 31, 2010 our average benefit to the client per file is over \$2,000, its highest since we started tracking outcomes in 2007. The average financial benefit to tenants in Duty Counsel matters remains over \$1,000 per tenant.

Our Tenant Duty Counsel statistics tell us that we are helping to stop or delay evictions in more than half of our matters. When we represent tenants

we are able to delay or stop eviction in about 40% of matters. These success rates are virtually the same as in 2009.

Housing related matters continue to make up about 40% of the total summary advice offered by the clinic.

## Affordable housing updates

The Affordable Housing Action Network (AHAN) continues its networking and advocacy work in Hastings County. Clinic staff continue to participate in AHAN committees and chair the steering committee. This year saw AHAN lobby our federal Members of Parliament to support Bill C304, a private member's bill that calls for a national housing strategy to ensure safe, affordable and adequate housing in Canada. AHAN also met with municipal candidates throughout Hastings County, prior to the municipal elections, to offer information about

affordable housing in our communities. National Housing Day in November was celebrated with a day-long workshop on hoarding. AHAN also awaits the provincial Affordable Housing Strategy which may be released in 2010.

Clinic staff are actively involved in the affordable housing working groups in Prince Edward and Lennox & Addington Counties. Each County working group was successful in obtaining United Way funding.

In Prince Edward County the funding was used to hire a consultant to identify affordable housing needs and options and provide a report, which will be available in December 2010.

The Lennox & Addington affordable housing working group, which is newly named Housing Action Lennox & Addington (HALA), hired a Community Facilitator for Affordable Housing and Homelessness to help the group develop its terms of reference and an action plan. This work is now completed.

## Report from the Chair of the Board of Directors

This is a significant year to be associated with CALC as we celebrate 30 years of service in the community. It has been 30 years filled with achievements and growth and we have been fortunate to have such excellent staff and partners over that period of time. It is a time to celebrate, a time to give thanks to everyone who has been a part of it over the years, and a time to build for a strong future.

Once again it has been an interesting year. We are privileged to have such a dedicated staff who carry on the day-to-day work with such integrity. This year they have begun to implement the strategic vision which was set last fall. The visit of a group of community law centre staff from the Ukraine required a great deal of planning and much effort

to execute, resulting in a marvelous visit that was a benefit to all who took part. Hosting this visit was a major accomplishment and provided a special opportunity to display and explain the work of CALC and the legal clinic system.

For the Board this has been a year of consolidation and waiting. We have been mindful that Legal Aid Ontario has been restructuring and reorganizing. How legal clinics will be affected by these changes is unclear and has created a great deal of uncertainty making it a challenge to plan proactively and strategically.

The Annual General Meeting provides an opportunity to say thanks to everyone who makes this work

possible. Our partners in the community assist in so many ways. The staff continue to make this a very special legal clinic. We have many volunteers who come in and assist. Our Board members give hours of their time to oversee and plan for the work of the clinic.

As I thank you all, I want to single out one person in particular. Cathy McCallum has served eight years on the Board and will be leaving this year. Cathy has participated actively with Board meetings, chaired the Board for three years, as well as a variety of committees, and attended meetings locally and in distant places. She has done it all. Many, many thanks Cathy, you will be greatly missed.

## Reflections on eight years as a Board member

I remember how apprehensive I was attending my first meeting as a new Board member at the legal clinic, eight years ago! While I knew it is good to come out of your comfort zone and learn something new, perhaps this would be more than I had bargained for. The Board members who had been involved for a while were so knowledgeable and comfortable with concepts that sounded to me like a foreign language. However, I was also impressed by the passion for the clinic's work and the caring and appreciation in relationships among Board members and staff.

I quickly realized there was lots of work to be done in addressing the legal needs of people living on a low income in our community, and began to listen and ask questions to learn how I could become part of the team.

I found that being a Board member involves listening, thinking, preparing

and participating in discussions and making choices.

Training for Board members and the opportunity to work with creative and dedicated staff helps Board members learn what they need to know to be effective. I have learned a great deal about the type of work clinic staff do and have developed a great admiration for their ability to assist clients to get the benefits and services they are entitled to. Working with community partners, clinic staff also use their expertise to advocate for important changes in laws and policies that affect poor people.

Technological advances have been significant over these eight years – when I came on the Board the clinic had yet to launch its first website and staff now “tweet” regularly on issues of current interest. Despite the amount and complexity of work to be done, clinic staff continue to move forward

with dynamic leadership, a focus on providing efficient and effective services, and a culture of learning and sharing amongst themselves and with colleagues in other clinics. A challenge that doesn't seem to be getting any easier is thinking about what needs to change systemically to get people out of poverty and how can we best have an impact.

As I complete my final term on the clinic's Board, I am grateful for the opportunity I have had. Through my involvement as a Board member, I feel I have developed a deeper knowledge and understanding of “access to justice” which I will take with me. I would like to acknowledge the clinic staff, volunteers and my colleagues on the Board for their commitment to the rights of people living on a low income and to building a stronger and healthier community.

*Cathy McCallum*



## How our work impacts our clients' lives

### KAREN

Karen (not her real name) worked for a sales company in Trenton that was downsizing its workforce. Her employer downsized the company's workforce by calling one at a time the employees targeted for layoff to the owner's office.

At the meeting, the employer would accuse the employee of trying to sabotage the company by deliberately not meeting the sales quota. He would then threaten to fire the employee with cause, which would result in the employee receiving nothing for severance. However, the employer would 'generously' offer to give the employee a severance package less than what he or she is entitled to under the *Employment Standards Act*, if the employee would sign a release.

Karen felt that her employer was violating employment standards, and she publicly complained. Her employer fired her in response.

Karen applied for Employment Insurance benefits but was denied for

losing her employment due to wilful misconduct. We represented her at the Board of Referees, and the Board granted her benefits. We then filed a claim with the Ministry of Labour stating that her employer violated the *Employment Standards Act* when he fired her for speaking out.

Karen received approximately \$10,000 as compensation.

### MARINA

Marina (not her real name) is a 45-year-old single mother who we represented in an appeal to the Social Benefits Tribunal from a denial of ODSP income support. She had applied twice before for ODSP and been denied, but never appealed because she did not understand the appeal process. Marina told us that she was very nervous and worried about going to a hearing.

When we met with her, she told us that she had back pain and depression. We suspected that she had cognitive impairments and arranged for her to

have a psychological assessment, which was paid for by Ontario Works.

The assessment confirmed our suspicion that she is developmentally delayed with severe anxiety and depression. With Marina's consent, we sent the assessment to her family doctor who immediately arranged ongoing treatment and support.

After we submitted the assessment to the Disability Adjudication Unit, the decision to deny her benefits as a disabled person was reversed. This early intervention meant that Marina did not have to attend a hearing which would not have been scheduled until June 2011.

During the appeal process Marina was evicted from her home because she could not pay her rent and utility bills with the small amount of income she received from Ontario Works. Now that Marina is getting more income from ODSP she is able to pay her rent and no longer fears homelessness. Marina tells us that "this will be her best Christmas ever".

### Clinic organizes study tour for Ukrainians

Clinic staff and Board were delighted to host a week-long study tour for a dozen Ukrainian visitors who are working to establish community law centres in Ukraine. They were accompanied by Tiernan Miennen of the Open Society Institute (OSI) who is overseeing Legal Empowerment of the Poor projects in several countries. This project aims to increase access to justice for people living in poverty throughout the world, and Ontario's unique community legal clinic system was identified by the OSI as a promising model. Read the full article in our 2010 Fall Newsletter, found on our website at [www.communitylegalcentre.ca/news/newsletter.htm](http://www.communitylegalcentre.ca/news/newsletter.htm).

### Rural and Linguistic Access to Justice

The Law Foundation of Ontario has generously funded two projects to help increase the amount of legal information and representation to people who live in rural areas or do not speak English or French. CALC's first Articling Fellowship was created to help increase our outreach and legal services, and support work with migrant farm workers and lumberjacks. This fall we began Phase I of the Five County Legal Literacy and Access to Justice Project, working with our partners in the Legal Aid Ontario District Area Office, Northumberland Community Legal Centre, Kingston Community Legal Clinic, Queen's Legal Aid, and Rural Legal Services. Read about our work in our spring and fall newsletters on our website at [www.communitylegalcentre.ca/news/newsletter.htm](http://www.communitylegalcentre.ca/news/newsletter.htm).



## 2010 ANNUAL REPORT

### Community Advocacy & Legal Centre

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E-mail (for the deaf): [calcgen3@lao.on.ca](mailto:calcgen3@lao.on.ca)

*Your community legal clinic*

### Client services rated highly!

Client satisfaction is tracked through an evaluation form sent to each client as his/her case is closed. The clinic's performance continues to rank high.

Of the people returning the surveys, 100% were satisfied with the results of their case; 100% would refer us to others, and 98% said our help made a difference in their lives.

### 2009 — 2010 Board of Directors

<b>Chair</b>	Tim Grew
<b>Vice Chair</b>	Virginia Pearsall
<b>Treasurer</b>	Rick Helman
<b>Secretary</b>	Rasa Baltutis
<b>Members</b>	Matt Gemmell, Penny Hendricks, Cathy McCallum, Ruth James Morrow, Ken Palmer & Michelle Rosebush

### Thanks to our Volunteers!

Norma Barrett  
Heidi Bly  
Andrew Dinkel  
Lisa Dwyer  
Paul Fisher  
Chris Fleury  
Michael Green  
Julia Kiefel  
Colleen Lapello  
Steven Lefebvre  
Annemieke Little-Leering  
Lyne Maisonneuve  
Amy McDonald  
Carrie McGeown  
Kenneth Menlove  
Andrea Monckton  
Tracy Murphy-Gallant  
Carrie Nicholl  
Erika Ramage  
Brenda Scruby  
Mike Seeley  
Eva Sinha  
Sheighlyn Slade  
Anne Sweet  
Peter Rodgers  
Corinna Traill  
Anupa Varghese  
Barbara Weiderwick

### Staff

Denise Bird	Marieanne Langer
Gina Cockburn	Deirdre McDade
Gillian Fahy	Jessica Michael
Diane French	Lynda Morgan
Carolyn Hamilton	John No
Samantha Hayward	Sharon Powell
Peter Kerr	Ingrid Wood

Michele Leering, Executive Director

### Our work this year would not have been possible without support from the following funders:



### From our clients:

"Your services were excellent. No improvement needed."

"Too sufficient to see any faults."

"The service provided to me was proficient and understandable. The people here are professional and understand people's needs."

"The compassion, discrete manner and patience shown is phenomenal."

### From our volunteers:

"Volunteering at CALC has given me the opportunity to expand my education and gain valuable experience."

"Some of the benefits of volunteering are knowing that you have been of help or service to others; opportunity to learn and use new skills and being involved in the community."

### From an agency:

"She was the most engaging speaker we have ever had, she got and kept the girls' attention throughout the whole presentation. She was patient, down to earth and informative. Excellent job. Please pass along our thanks to her for doing this for our group and thanks to the Legal Clinic for providing this kind of first hand education for our clients."