

# B AFFLEGAB

Semi-annual newsletter of the Community Advocacy & Legal Centre (CALC)

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Spring 2015

## Improving access to justice in Eastern Ontario: Community legal clinics rise to the challenge!

Ten community legal clinics in Eastern/Central Ontario are on a mission to figure out how we can collaborate to improve our services. We'd like to offer help in more areas of law, reach more people, do more preventative and early intervention work with trusted intermediaries and make a bigger difference in the lives of people who are living on a low income or in poverty.

Staff and Board representatives are meeting monthly to review our community-based research findings, legal needs assessments, demographic information, and to talk about how similar organizations in other regions, provinces and countries are meeting similar challenges.

CALC staff has started a major local outreach project. We are asking many of you about what new kinds of legal help people might need.

We want to take a social inclusion lens to our work and to ensure we are taking a holistic approach. We want to consider the legal problems of people we haven't been able to help before, like seniors, families at risk, or those who are in trouble with the law.

For example, is there early intervention work we can do that will lead to crime prevention or reoffending? Helping people get a secure income and safe and affordable housing is part of that equation. And what about the needs of new immigrants and

refugees? How can we bring legal help for these people into our local communities? We are also looking at consumer and debt issues to see what we can tackle with the help of our colleagues in other clinics.

Emerging legal needs of several minorities also concern us. We are participating in a province-wide study of the needs of people who are transgendered.

We're excited about the possibilities to offer better services. Our community's legal health is important to us: that's why we're already redesigning our community legal education program to focus on identifying legal problems and taking the

*(Continued on page 7)*

The **Community Advocacy & Legal Centre** is a non-profit community legal clinic and registered charity.

We provide free legal services to low-income residents of Hastings, Prince Edward and Lennox & Addington Counties.

Visit our website to learn more about us!

[www.communitylegalcentre.ca](http://www.communitylegalcentre.ca)

### Help with electricity costs coming in 2016



Ontario has announced that it will be introducing a program to assist low-income families with the cost of electricity as of **January 1, 2016**.

Under the proposed Ontario Electricity Support Program (OESP) ([www.energy.gov.on.ca/en/ontario-electricity-support-program/](http://www.energy.gov.on.ca/en/ontario-electricity-support-program/)), qualifying individuals could be eligible for a \$20 to \$50 monthly credit that would be applied directly to their hydro bills, based on the size of the household and income.

The province will also be removing the Debt Retirement Charge for all residential consumers. Read the news release at <http://bit.ly/1KdlheS>.

# LEGAL RIGHTS

## Closing the Gap research project — Help vulnerable workers

Workers! Have you ever filed a claim under the *Employment Standards Act (ESA)* for unpaid wages or overtime pay? Maybe you had to file to get vacation or public holiday pay? Were you laid off without proper notice and filed a claim?



If you are a worker who has made a claim of any kind through the Ministry of Labour under the *ESA*, there are researchers who want to speak to you.

Closing the Employment Standards Enforcement Gap is a collaborative research initiative of 7 Ontario universities and 16 cross-sectoral partner organizations, including the legal

clinic. The 5-year project seeks to inform effective employment standards enforcement in Ontario.

The purpose of the research project is to better understand the problems that workers face when

their rights have been violated. The project will:

- map the nature and range of employment standards violations;
- take a look at things like enforcement practices and complaint investigation; and
- look at different ways that might be used in Ontario to deal with these problems.

Researchers will be coming to our community and want to talk

to you about your Employment Standards Claim.

You will receive \$40 for your participation in an interview that will last about 1 hour. Your answers will be confidential and the meeting will take place in a safe location.

If you have experience with filing an Employment Standards Claim, you can participate in this research by contacting: Yuko Sorano 1-855-736-5331 or [closegap@yorku.ca](mailto:closegap@yorku.ca) to discuss a possible interview. To read more about the project visit <http://closeesgap.ca/>.

Help the researchers learn about your lived experience.

*Gina Cockburn, Clinic Lawyer*

## Help develop new online tool for women experiencing abuse

iCAN Plan 4 Safety is looking for participants to take part in a research study to test a new online tool for women who are experiencing abuse.

The purpose of the study is to learn if using an online tool affects the safety and health of abused women.

You can participate in the study if:

- you are a woman who is experiencing abuse from a current or former partner

- you live in British Columbia, Ontario or New Brunswick
- you have a safe computer and internet and are comfortable using them
- you are 19 years of age or older
- you speak English

You will complete 4 confidential online sessions over the course of one year. You will receive a gift card each time you complete an online session. They

particularly want to connect with women who live in rural areas or small towns, identify as LBTQ (lesbian, bisexual, transgender, or queer) and/or may not be accessing services.

To learn more or to enroll in the study, please call the study line at: 1-844-264-iCAN or visit the study website at [www.icanplan4safety.ca](http://www.icanplan4safety.ca).

*Sharon Powell, Community Legal Worker/  
Licensed Paralegal*



## LEGAL RIGHTS

### New social assistance management system causes headaches

In November 2015 the Ontario government rolled out *SAMS* (Social Assistance Management System) a new computer management system.

There have been many problems with *SAMS*. \$20 million in overpayments were distributed to 17,000 social assistance recipients because of problems with *SAMS*. In March 2015 it was reported that as many as 500,000 social assistance tax forms (T5's) had to be shredded and reprinted because of errors caused by *SAMS*.

Additionally, 700 recipients of Ontario Works (OW) and Ontario Disability (ODSP) had their privacy rights breached when T5

forms were sent to former trustees instead of recipients.

The difficulties with the implementation of *SAMS* have led to major headaches for OW and ODSP recipients and caseworkers as well as high costs to get *SAMS* running to an operational state. It is estimated that the provincial government spent \$242 million to pay for the development of *SAMS* and may spend an additional \$21 million to fix it. These costs are mainly to cover additional staff time required to deal with the implementation of *SAMS*. Recently the government hired an independent investigation

firm to evaluate *SAMS* for \$300,000.



Caseworkers report difficulties with *SAMS* when clients have changes in their income or expenses. This has resulted in people not receiving the correct amount of benefits.

If your OW or ODSP cheque changes, it may be the result of a *SAMS* error. Call us for help if you think you are not receiving the correct amount of income support or your cheque stub shows an overpayment. We can help!

*Justin Chong, Articling Student*

### Positive changes for workers

Recent changes to the *Employment Standards Act* (ESA) gives workers more time to make claims to the Ministry of Labour and remove the cap on claims for wages owed.

Starting February 20, 2015, the new rules eliminate the \$10,000 cap on the recovery of wages, and wages can now be claimed in any amount. The changes also increase the time for filing a claim from 6 and 12 months to 2 years. These changes apply to ESA claims for unpaid wages that came due on or after February 20, 2015. The old cap and time limits will still apply to wages that came due before February 20, 2015. Need to make a claim? Call us to see if we can help you.

### Changes to the Landlord and Tenant Board process

The Landlord & Tenant Board recently updated all of the forms used for filing tenant applications at the Board. The new forms are available online at [www.ltb.on.gov.ca](http://www.ltb.on.gov.ca) or by visiting a ServiceOntario Centre. The old forms are only being accepted until May 31, 2015.



Landlord  
and  
Tenant Board

will begin serving copies of tenant applications to the landlord directly. Tenants will no longer be responsible for making sure their landlord gets a copy of

Starting on July 1, 2015, the Board

the application and hearing notice.

Tenants still need to serve the application on their landlord themselves if the application is filed before July 1, 2015.

*Samantha Hayward, Clinic Lawyer*

## LEGAL RIGHTS

### Family and criminal law services expand for Hastings County

Legal Aid Ontario is expanding services for low-income clients in Hastings County in the areas of family and criminal law, starting in July 2015.

Two new staff lawyers will advise and represent financially eligible clients in family and criminal matters. Having these new lawyers in place allows for continuity of representation, to the benefit of clients.

Although the new staff lawyers will be working mainly in Belleville, they will also have a presence at the Bancroft and Picton courts, where they will be able to assist low-income residents in those areas.

Clients in Belleville will be able to consult with a lawyer at a criminal law information clinic each Wednesday from 1-4 pm and at a family law information

clinic each Tuesday from 12:30-4:30 pm or each Friday from 9 am - 1 pm. Both clinics operate out of the Quinte Consolidated Court at 15 Bridge St. W. Belleville.

For more information please contact Legal Aid's Napanee office at 613-354-4773.

*Steven Starbuck, Manager, Legal Services, Legal Aid Ontario*

### New WSIB policies — Injured workers beware!

In November 2014 the Workplace Safety & Insurance Board (WSIB) put new policies in place that caused protest by injured workers groups across the province. Why? The concern is that these new policies will negatively impact future injured workers.

Of most concern to groups representing workers is a new policy on "pre-existing conditions." Before November 2014, WSIB did not have a "pre-existing conditions" policy. WSIB was concerned that benefits were being given to injured workers for conditions that were not related to the workplace injury. The new policy states that a pre-existing condition can be an underlying condition that a worker did not know existed, and had no symptoms of, prior to the workplace accident. Injured workers' groups are worried that any condition may be used to deny a claim for WSIB benefits or reduce the length of time a worker receives

benefits – for example, degenerative disc disease linked to aging. This is especially concerning because a condition can be taken into account by WSIB even when the worker had no previous symptoms or even knew that he/she had a particular condition. Given the aging work population, it is likely that most workers will have some sort of degenerative condition. It seems unfair to deny workers benefits on this fact alone.

A further change in the policy deals with "Aggravation Basis." This is where a previous injury or condition is made worse by a workplace accident. Due to the changes in the policy, it appears that no permanent aggravation will be recognized by WSIB. This means that any worsening of a workers' pre-existing condition following a workplace accident will be seen as temporary. Therefore, if a worker does not improve following a workplace accident, WSIB is likely to find

that the worker is not improving because of the pre-existing condition instead of because of the workplace accident. So any benefits given for an aggravation injury are likely to be time limited.

WSIB has published new Practice Documents, which may help to resolve some of these concerns. However, it may be necessary to challenge these new policies at WSIB and eventually at the Workplace Safety & Insurance Appeals Tribunal (WSIAT), which will be a long process. In the meantime, there is a great deal of concern that vulnerable injured workers will have to rely on social assistance rather than WSIB benefits while challenges to these new policies take place.

If you have a WSIB issue and require help, please contact us.

*Trisha Simpson, Clinic Lawyer*

## Financial benefits for seniors

Planning for retirement and want to be financially prepared? Read on for some information about the benefits available to seniors.

### Old Age Security (OAS)

#### What is it?

If you are 65 years or older, you may be eligible for an Old Age Security (OAS) pension. As of January 2015 you can get a maximum of \$563.74 per month.

#### How do I apply?

You may get a letter from Service Canada saying your pension will start automatically. If you are turning 65 in 6 months or less and you did not get a letter, call Service Canada at 1-800-277-9914 (TTY: 1-800-529-3742) and press Option "2" to have an OAS application mailed to you. You can also find the application on the Service Canada website:

[www.servicecanada.gc.ca](http://www.servicecanada.gc.ca).

### Guaranteed Income Supplement & Guaranteed Annual Income System

#### What is it?

If you are 65 years or older and low income, you may be eligible for the Guaranteed Income Supplement (GIS) and

Guaranteed Annual Income System (GAINS). The amount you get is based on your marital status and other income. As of January 2015 if you are single with no other income you can get \$764.40 from GIS per month and \$83.00 from GAINS per month.

#### How do I apply?

Call Service Canada at 1-800-277-9914 and press Option "2" to have a GIS application mailed to you. You can also find the application on the Service Canada website. The government automatically decides if you are eligible for GAINS when they review your GIS application. You must file your tax return each year to get the GIS and GAINS.

### Canada Pension Plan (CPP) – Retirement

#### What is it?

If you are 60 years or older, you may be eligible for Canada Pension Plan (CPP) retirement benefits. The amount you get depends on how much you contributed to CPP and your age. To get an estimate of your CPP benefits, call Service Canada at 1-800-277-9914 and press

Option "6". As of January 2015 you can get a maximum of \$1,065 per month.

#### How do I apply?

Call Service Canada at 1-800-277-9914 and press Option "2" to have a CPP application mailed to you. You can also find the application on the Service Canada website.

#### When should I apply for CPP?

You should think carefully about this decision, and may want to get financial or legal advice. If you get your CPP retirement benefits at age 60 rather than age 65, you could get up to 32.4% less per month. Also, if you begin CPP retirement benefits at age 60 and then become disabled before age 65, you may not be eligible for CPP disability benefits. The Ontario Disability Support Program (ODSP) and Ontario Works (OW) cannot force you to apply for CPP retirement benefits before age 65, and if you do apply, your CPP retirement benefits will be deducted dollar for dollar from your ODSP or OW benefits.

*Lisa Turik, Clinic Lawyer*



### Access to Justice Events

We made a presentation at the "Flip Your Wig For Justice" forum on April 8. View it on our website at

[www.communitylegalcentre.ca/about/docs/LSUC-A2J-Workshop-2015-04-08.pdf](http://www.communitylegalcentre.ca/about/docs/LSUC-A2J-Workshop-2015-04-08.pdf). Our articling student Justin

Chong also participated at the "Hackcess to Justice" event

([www.ryerson.ca/zonelearning/events/HackcessToJustice.html](http://www.ryerson.ca/zonelearning/events/HackcessToJustice.html)) in March.



## WHAT'S NEW AT THE CLINIC

### The Legal Clinic—Serving Northern Lennox & Addington

If you need legal help and are living in the Township of Addington Highlands, The Legal Clinic (formerly known as Rural Legal Services) offers a range of free legal services for lower income residents.

Through funding from Legal Aid Ontario The Legal Clinic (TLC) provides free legal information and summary advice, as well as representation in the areas of social assistance (Ontario Works and ODSP), income security (Canada Pension and Old Age Security), housing, human rights in employment, compensation for victims of crime, consumer law, special education and Wills and Powers of Attorney.

Since 2000, TLC and the Community Advocacy & Legal Centre (CALC) have shared the delivery of clinic law services for the county of Lennox & Addington.



While CALC administers the Tenant Duty Counsel Program and provides free legal services in southern Lennox & Addington, as well as in Hastings & Prince Edward counties, TLC serves northern Lennox & Addington, northern Frontenac and the counties of Lanark, Leeds & Grenville.

Although having the services of 2 community legal clinics in

Lennox & Addington may seem confusing, there's no need to worry! Both TLC and CALC work collaboratively to help ensure that clients get the legal help they need from the clinic location that is most accessible.

TLC has full time offices in Sharbot Lake and Perth, as well as a satellite office at Land O' Lakes Community Services, 12497A Hwy 41, Northbrook. To schedule an appointment please call 1-888-777-8916.

*Susan Irwin, Staff Lawyer,  
The Legal Clinic*

#### The year in review: Highlights of our work in 2014

If you are interested in reading more about our work last year, we've prepared a full report available at [www.communitylegalcentre.ca/about/Board/Annual\\_Reports.htm](http://www.communitylegalcentre.ca/about/Board/Annual_Reports.htm) or by mail. Just call us for your copy of our **2014 Annual Report**. The report details some of the issues and projects we have been working on, the kind of results we've been able to achieve for our clients, a client's story, and our future directions.

#### LEARN LAW Column: Shoplifting Demand Letters



Read our latest LEARN LAW column, on shoplifting demand letters, found on our website at [www.communitylegalcentre.ca/legal\\_information/Tips/LEARNLAW-25-ShopliftingDemandLetters.pdf](http://www.communitylegalcentre.ca/legal_information/Tips/LEARNLAW-25-ShopliftingDemandLetters.pdf) or call us to have a copy mailed (or emailed) to you.

### "Pop-up" clinics coming to food banks/community meal programs

**ADVICE**

Are you hearing from your clients that they have lost their job recently?  
Been denied

ODSP? Can't pay their rent?  
Been cut off social assistance benefits? Have they said their

apartment is in need of repair or they are being evicted? We can help.

For the next 6 months, CALC will be piloting a monthly legal advice clinic at local food banks and community meal locations.

Call us and we will provide free legal advice to your clients!

*Deirdre McDade, Clinic Lawyer*

## WHAT'S NEW AT THE CLINIC

### Improving access to justice in Eastern Ontario (Cont'd from pg 1)

necessary steps to find help and take action.

We're also involved in a Rural & Remote Boldness project where we are experimenting with innovative ways to improve services for people in rural areas (see the separate article below).

All these efforts hold much promise for helping us to "transform" our services. We really hope we will be able to work even more closely with local lawyers and Legal Aid Ontario staff who are providing

criminal and family law services—we want our services to be much more seamless when our clients have multiple and intersecting legal issues: we know that happens a lot!

For more information about the Eastern clinic project, please visit [www.ecrtp.ca/](http://www.ecrtp.ca/). We also have our own online survey you can take to tell us more about how you think we can improve our services at <https://www.surveymonkey.com/s/calc-client-survey>. If you don't have access to the internet or prefer a hard copy, you can also call the

clinic and ask to be mailed a copy to complete or pick one up in any of our offices.

At a special forum this Fall, we'll be sharing what we've learned.

We'll be outlining our new 2016-2020 strategic plan and what you can expect from us for the next 5 years. We want to continue to hear from you about what our community needs.

*Michele Leering, Executive Director and Clinic Lawyer*

### Friends of the Clinic

Recently, several former members of the CALC Board have been meeting to establish an independent Association of Friends of CALC. Our mandate is to promote social justice and to support CALC, its staff and Board, and the community legal clinic system in general. We sponsored one of the Belleville DocFest films this year, and two of us are working with CALC staff on the new Rural Justice & Health Partnership project. We'll provide more details about our work and how to get involved in the next Bafflegab and at the clinic's Annual General Meeting in November.

### New initiatives to help rural and remote residents

We have also been working with clinic colleagues across Ontario on several new projects to help us reach more people living in rural and remote (RR) areas.

Clinic Lawyer Lisa Turik and Executive Director/Clinic Lawyer Michele Leering are working with Friends of the Clinic volunteers Ken Palmer and Cathy McCallum to create a prototype for Rural Justice & Health Partnerships that hope to help achieve better health outcomes for people with legal problems. Contact us if

you are a primary care health provider and are interested in working with us to birth this new endeavor. We are planning a special brainstorming ("skunkworks") meeting in the late summer with interested partners.



**THE  
RURAL & REMOTE  
ACCESS TO JUSTICE  
BOLDNESS PROJECT**

We are also developing other approaches for engaging legal

professionals (Catalysts for Justice) on RR access issues. We are collaborating with other clinics across Ontario to do better "insourcing" and sharing expertise across geographic boundaries. In addition, we hope to roll out our highly successful "Public Libraries for Justice" project to other RR communities in Ontario. More news in the Fall!

*Michele Leering, Executive Director and Clinic Lawyer*

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Do you prefer to receive **newsletters by email**? Email us at [calc@lao.on.ca](mailto:calc@lao.on.ca).

If you would like to support the clinic by **becoming a member**, please contact Lynda, ext. 25, or visit our website at [www.communitylegalcentre.ca/about/Membership.htm](http://www.communitylegalcentre.ca/about/Membership.htm) to learn more.

## Where can I get emergency financial help?

In 2013, the Community Start Up and Maintenance Benefit (CSUMB) was cut. CSUMB was a mandatory benefit that people receiving social assistance could use to help stay in their homes, to find new permanent housing or to cover other emergency housing expenses.

Although the CSUMB has been cut, there are still some programs available to help low-income people keep their housing. These programs are run by municipal governments.

Hastings County has a Housing and Homelessness Fund (HHF) and Prince Edward and Lennox & Addington Counties have a Community Homelessness Prevention Initiative (CHPI). These programs can provide emergency assistance to help

low-income people pay emergency housing expenses, such as rent and heating bills.

To apply to the HHF in Hastings County, call 1-866-414-0300. If you receive social assistance, you can contact your Ontario Works (OW) or Ontario Disability (ODSP) caseworker.

To apply for CHPI in Prince Edward or Lennox & Addington Counties, call 1-866-716-7991. When you apply for benefits, ask for a decision letter. Call us if you are denied.

If you are denied emergency housing assistance, you can also call your local MPP to protest the provincial government cuts to homelessness prevention benefits.

## We provide legal services in the following areas of law:

- Tenant Rights
- Ontario Works
- Special Education
- Consumer Law
- Criminal Injuries Compensation
- Employment Law and Human Rights
- Canada Pension Plan — Disability
- Ontario Disability Support Program
- Workplace Safety & Insurance Board

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