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Do people in rural areas get the legal help they need? First Ontario Rural Justice Forum explores the issues

CALC Board and staff have been concerned for many years about the lack of equal access to justice for rural residents. We have undertaken many initiatives to close the justice gap, including ensuring satellite office locations throughout rural areas, toll-free telephone access, organizing legal information sessions, publishing a semi-annual newsletter, and participating in rural events. It has also been critical to build good relationships to the staff in other organizations providing services in rural communities. In recent years, we've added new approaches including working with public library staff, and most recently, with community health centres

and Family Health Teams to reach more people in need of our help. But we know there is yet more that we can do.



On January 30 & 31, we organized a special Rural Justice Forum in Gananoque to bring together legal organizations who are concerned about the challenges we face in Eastern & Central Ontario and curious about the approaches we might take to ensure more equitable access to legal help. Along with our community legal clinic partners, we are

drafting a Vision statement as well as principles to guide rural services based on the Forum results. We are investigating ways to strengthen our impact in rural areas by collaborating on legal information "road shows", increasing access points for legal help by creating stronger partnerships with other organizations (trusted intermediaries), raising awareness of environmental health and justice issues, developing IT solutions appropriate to rural areas, and working with Legal Aid Ontario to improve the seamless delivery of legal aid services to several designated rural areas as a pilot project.

Michele Leering, Executive Director & Clinic Lawyer

New CALC website coming this fall!

CALC is working closely with Community Legal Education Ontario and Community Legal Assistance Sarnia to develop a new prototype for a clinic website. It will have a fresh layout and be easier to find the legal information you need. We hope to launch it in November.

Legal Aid Ontario increases financial eligibility guidelines

Legal Aid once again increased financial eligibility guidelines, effective April 1, 2017. Financial eligibility guidelines for legal clinic services was also increased. These increases expand access to justice in Ontario as more people become eligible for Legal Aid or legal clinic services. See http://legalaid.on.ca/en/news/newsarchive/2017-03-31_details-financial-eligibility-guidelines.asp.

POSITIVE SPACE



CALC is a place where human rights are respected and where lesbian, gay, bisexual, trans, two spirit and queer people, and their friends and allies, are welcomed and supported.

Medical travel mileage rate increased for those on social assistance

The Ministry of Community and Social Services has increased the medical travel mileage rate to pay people receiving social assistance when travelling by car to their medical appointments.

The rate was 18 cents per kilometre and is now 40 cents per kilometre. This new mileage rate will better reflect the real cost of driving to medical appointments.



The mileage increase was effective as of October 1, 2016. This means people receiving Ontario Works and Ontario Disability will receive retroactive payments to reflect the increased rate. You will not have to apply for these payments. You must still submit mileage claims.

This policy change comes after two legal clinics, the Income Security Advocacy Centre and Aboriginal Legal Services, won a case at Divisional Court. The court accepted the argument that the very low rate of 18 cents per kilometre was unfair and had a negative impact on a person who had complex health needs

and needed frequent medical appointments.

The clinics argued that this low rate had the effect of undermining health and well-being because 18 cents per kilometre was below the actual cost of driving and forced people to divert money from food and rent to get the medical treatment they needed.

Along with medical travel, the Ministry has increased business expense deduction mileage rates to 40 cents per kilometre for people receiving social assistance who own their own businesses. This applies to those who are self-employed and use their personal vehicle for business travel. These business rates took effect on January 9, 2017 and is not retroactive.

We congratulate our sister legal clinics on this important victory!

For more information:

<http://incomesecurity.org/litigation/increase-won-to-odsp-ow-medical-travel-mileage-rate/>

Arif Hussain, Student-at-Law

Good news on ODSP medical reviews!

At the start of April 2017, the Ministry of Community and Social Services announced a new medical review process. This change is the direct result of clinic advocacy with government over a long period of time.

The key victory has been convincing the Ministry that the test for medical reviews is focused on "improvement." This new medical review process is easier for both people receiving ODSP and health professionals - saving time and effort. Previously, the ODSP medical review process used the same confusing form that was required for a person's initial ODSP eligibility assessment.

The goal of the new process is to reduce the burden on clients and

on health professionals and to clarify the legal test on a medical review. This has resulted in new medical review application forms. These new forms will be pre-populated with the conditions, impairments and restrictions from when ODSP was first granted by the Disability Adjudication Unit.

Now, a health care provider only needs to indicate whether or not there has been a "clinically significant" improvement in impairments and restrictions. If the provider confirms that there has been no improvement, that means no more documents are needed. Even if there has been improvement, the provider only needs to complete the simplified form. Only if there are new conditions and impairments will

the provider need to complete a more complex document.

As recommended by the community legal clinics' Steering Committee on Social Assistance, the Ministry put in place a better system to review files to determine whether new information was really required. Since implementing this "pre-notification review," 30% have passed the medical review with no further action needed.

If you have any questions about the ODSP medical review process, please contact us for help.

Deirdre McDade, Co-Director of Legal Services

Involved with the Children's Aid Society? Here is some great news!

Parents receiving Ontario Disability Support Program (ODSP) or Ontario Works (OW) benefits will no longer lose benefits when their children go into the care of a Children's Aid Society (CAS). Starting April 1, 2017, the Ministry of Community and Social Services introduced a policy change that will allow parents to keep their full ODSP or OW benefits until a court decides whether their children will return home or stay permanently in the care of CAS. The OW or ODSP benefits will only get reduced if the children are made Crown wards.

The Ministry says, since court decisions on Crown wardship may take up to two years or longer, full financial assistance will be provided to parents in order to support the child's possible return home.

This positive change came about after community legal clinics appealed to the Social Benefits Tribunal to help parents maintain OW benefits during litigation with the CAS. Losing ODSP or OW financial support makes it difficult for parents to maintain housing for their children, making it harder to

then get their children back from the CAS.

The Ministry advises that it is not possible to easily identify cases where a child in temporary care should potentially be reinstated to their parents' ODSP or OW.

If your OW or ODSP benefits have been reduced because your children are in the temporary care of the CAS, call us for help.

Deirdre McDade, Co-Director of Legal Services

Putting Consumers First Act — Strengthening consumer protections

Watch for new rules that help consumers, for example banning some door to door sales, new rules for payday loans, and the regulation of home inspectors. "The *Putting Consumers First Act* strengthens consumer protection at home and in the marketplace. New regulations will ensure that people aren't being taken advantage of through unsolicited door-to-door sales — that home buyers get regulated home inspection services — and that consumers receive fair and transparent payday loan and debt collection options." Tracy MacCharles, Minister of Government and Consumer Services. Visit <https://news.ontario.ca/mgs/en/2017/04/ontario-passes-legislation-to-put-consumers-first.html> for more information.

CALC welcomes student placements from other disciplines

CALC staff were delighted to host a large number of student placements this term.

Two Queen's nursing students contributed to our Justice & Health partnership project by creating a plain language advance care planning tool to be used alongside our Power of Attorney materials.

We were also very fortunate to work for the first time with two Master of Occupational Therapy students. Not only did they produce a literature review outlining medical studies that

showed a strong link between childhood abuse and poor health and adverse medical conditions, but they also briefed us on how clinic clients could be helped by an occupational therapy perspective on their legal needs. We learned about the concept of "occupational justice" and the lessons that this approach offers for helping our clients become more included, respected and empowered.

For the first time, we also provided a placement to a Master of Social Work student who did amazing work with clinic clients facing

special challenges, as well as providing a training session for all staff on how to ensure we take a trauma-informed approach to helping our clients.

These five placements were in addition to five Queen's Law students working on diverse projects and providing client support, as well as a number of paralegal students from Loyalist and Humber Colleges. We are learning so much from these placements!

Michele Leering, Executive Director & Clinic Lawyer

Dealing with unsolicited email or “spam”

Have you ever received an email for a service that you did not sign up for, or an email that you think is misleading or fraudulent? This is known as unsolicited email, or “spam.” On July 1, 2014, Canada created anti-spam laws to protect Canadians from receiving unsolicited email.

Unsolicited email can come in various forms and can have harmful effects on your computer. It can even lead to identity theft if you respond and provide your personal information to the sender. An email may be spam if it asks for your personal or sensitive information, impersonates someone you know, asks for money, or seems too good to be true (e.g. “you won a free trip!”).

If you get email from an unknown source/person, and think that it is spam, do not open it! Delete it

right away, as it can contain a virus and harm your computer. Do not open any links or attachments included with the email. This email may expose you to more spam or to computer viruses.



If you do get unsolicited email, ask yourself three questions: Did you give the sender permission to email you? Can you easily unsubscribe to the email? Did the sender give their identity and contact information? If you answer no to any of these questions, you should report the unsolicited email to the Spam Reporting Centre (“SPC”). You can forward unsolicited emails to: spam@fightspam.gc.ca.

The SPC was created under the anti-spam laws and is used by the Canadian government to gather information and investigate serious

instances of unsolicited emails. The government can issue warnings and fine individuals or businesses who do not comply with anti-spam laws.

Beginning in July 2017, you will be able to deal with unsolicited emails privately. This means that you will now be able to sue an individual or business who is not following the anti-spam laws.

To avoid getting unsolicited email, you should only provide your email address to people you know and trust. You should also avoid clicking on links through your social media (e.g. Facebook) accounts, and have a reliable firewall and anti-virus on your computer.

Information adapted from: www.fightspam.gc.ca.

Danielle Holbrough, Clinic Lawyer

WORKERS' COMP IS A RIGHT!

INJURED WORKERS' DAY RALLY AND MARCH

THURSDAY JUNE 1st
11:30am at QUEENS PARK

Stand up against
PRECARIOUS, UNSAFE
& TOXIC WORK.
Join the fight for
COMPENSATION for ALL
INJURED WORKERS!



Organized by the Ontario Network of Injured Workers' Groups
www.injuredworkersonline.org @ONIWG

Justice for Injured Workers' Bike Ride and Injured Workers' Day rally & march

Over the last two years The Ontario Network of Injured Workers' Groups (ONIWG), injured workers, unions and activist groups have supported the “Justice for Injured Workers' Bike Ride” (JFIW Bike Ride). The ride focused on the plight of injured workers and their right to compensation when injured at work. The theme for this year's bike ride is “RIGHTS FOR ALL.” Read more about it here: <http://injuredworkersonline.org/events/justice-bike-ride/>. The ride starts in Ottawa and will terminate at Queen's Park in Toronto for the ONIWG June 1st protest and rally.

June 1 is Injured Workers' Day and there will be a rally and march at Queen's Park to mark the day. There will also be an overnight vigil at Queen's Park the night before the rally, and a panel discussion after the rally.

Organized by the Ontario Network of Injured Workers' Groups (injuredworkersonline.org)

Facebook event: <https://www.facebook.com/events/1044072909025603/>

Help for seniors available at CALC

A new Seniors' Program is up and running at the clinic. Special services are available to low-income adults, age 60 and up, who require assistance with the following issues:

- Wills
- Powers of Attorney
- Advance health care planning
- Old Age Security/Guaranteed Income Supplement issues
- Care home and long-term care facility concerns
- Access to Community Care Access Centres
- Elder abuse
- Issues of Legal Capacity

In a 2015 study, clinics in the Eastern and Central region of Ontario discovered that seniors were accessing clinic services in much lower numbers than other age groups. Reasons for this included transportation barriers, lack of access to technology, and lack of information about services. As well, many clinics were unable

to provide some of the services needed, including wills, because they did not have enough staff. As a result, a travelling Seniors' Lawyer was hired to be shared among seven clinics. The goal of this project is to increase access to legal services for adults aged 60 and up.

The Seniors' Lawyer sees clients at CALC, in hospitals and long-term care facilities, and in their homes. Being able to serve clients in a range of locations benefits the many seniors who live in rural and remote areas. Many seniors are no longer able to drive, or they may have difficulty leaving their residence due to illness or mobility issues. Some are difficult to serve by phone as a result of hearing challenges, and benefit greatly from seeing a lawyer face-to-face. As well, some seniors may rely on family members or personal support workers for daily living assistance, and to get to appointments. This creates a

major barrier to accessing legal services and protecting their privacy.

The most popular services to date have been wills and powers of attorney. Although the people we help have limited assets, having a will allows the senior to name an executor to do the necessary tasks such as closing bank accounts, selling personal and real property, and making sure that inheritances get to the right people. When people die without wills, family members can be in the unfortunate position of having to apply to court to become the Estate Trustee, and they may have to post a bond to do so. This can be prohibitively expensive for family members who have low incomes. A major additional benefit flowing from having a will is the great sense of peace of mind it can offer. Call the clinic if you need help on seniors' legal issues.

Gina Rea, Seniors' Lawyer

Class action lawsuit against schools for the Deaf

There is a class action lawsuit against the Province of Ontario on behalf of the students in three schools for the deaf across Ontario. The schools are Ernest C. Drury School for the Deaf in Milton, Roberts School for the Deaf in London, and the Sir James Whitney School for the Deaf in Belleville.

The students of these three schools allege that they were psychologically, physically, and sexually abused at these three schools and the Province of Ontario failed to care for and protect them. This lawsuit started on August 23, 2016. It includes

anyone who had attended or resided at the schools for the Deaf from September 1, 1938, to August 23, 2016.

If you attended one of these schools during this time, you are automatically a member of this lawsuit and you do not have to do anything else. If benefits occur from this lawsuit, you will be contacted regarding your share. If you wish to be removed from this class action lawsuit, you must send a letter to School Abuse Class Action Administrator, c/o Crawford & Company Inc., 3-505 133 Weber St. N., Waterloo, ON, N2J 3G9 or go to their website at:

www.schoolsforthedeafclassaction.ca. The deadline to opt out is **September 1, 2017**.

To get legal advice and further information about the class action suit, contact the law firm Koskie Minsky LLP at <https://kmlaw.ca/cases/schoolabuse/> or you can call their office toll free at 1-877-309-9111 (if through Bell Relay dial 711 first). They also have videos on their website in American Sign Language.

Deirdre McDade, Co-Director of Legal Services

Law Foundation Connecting Regions Articling Fellowship

In order to practice law, after graduating from law school, students in Ontario must article or apprentice with a senior lawyer.

My experiences at CALC have been unique in that I have benefited from a wide variety of practical experiences allowing me to sharpen basic lawyering skills during the process. I have come to appreciate the high level of support from my fellow staff at the clinic. The clinic experience has allowed me to manage all aspects of my clients' legal issues, from opening to closing, including my personal favourite aspect: advocating on my feet and arguing before administrative tribunals. I have also learned the importance of rural issues directly from my clients in Bancroft. Above all else, I have been blessed with a very strong supervisor who supports me in pursuing community advocacy and empowerment projects.

Some of the community work I have been involved with includes the sewage water rate increase affecting Bancroft. I have put the community organizers of Bancroft

in touch with the Canadian Environmental Law Association ("CELA"), a specialty legal clinic. I attended an evening Town Hall meeting on this issue in Bancroft in March 2017. The purpose of this meeting was to explore why such huge increases to water/sewage rates are happening and to collectively seek solutions moving forward.

In September 2016 I attended a meeting in Coe Hill organized by the "Put Food in the Budget" campaign. The organization was created in response to the low rate of social assistance leading to people not able to put food on the table. The purpose of this meeting was to discuss rural Ontarians ability to afford high hydro costs and the potential risks of having hydro completely shut off. In October 2016 I attended a community service fair in Bancroft.

At the end of January 2017, I attended the first ever Rural Justice Forum in Gananoque (see details on page 1). The purpose of this conference was to discuss improving the services provided to

the rural and underserved areas. I was able to network and make contact with other service providers who have since assisted in systemic advocacy work taking place in Bancroft relating to environmental issues.

In March I attended the "See Me" Program as guest speaker at the Quinte West Youth Centre. I had been invited to talk about myself as a visible minority working in law. The audience ranged in age from 7-17 years and had a lot of questions and comments about my past and present experiences.

The LFO has generously funded an Articling student at CALC since 2010. I want to thank the Law Foundation of Ontario's Articling Fellowship program and CALC for providing me with this unique opportunity to practice law in a social justice capacity. My life's purpose had been to help and advocate for those most in need and this articling position has allowed me to do that. Thank you.

Arif Hussain, Student-at-Law

One client's successful battle with Workers' Compensation

Over four years ago, a worker came to our office because he had been diagnosed with lung cancer and he thought it was related to his work. He filed a Workplace Safety & Insurance Board (WSIB) claim, but was denied because he had a long history of smoking.

Unfortunately, the worker passed away shortly after coming to our office, as a result of his lung cancer. Before he died, the worker asked his widow to continue with his WSIB appeal because he wanted his wife to be supported after he died.

The appeal continued to the Workplace Safety & Appeals Insurance Tribunal (WSIAT) for a hearing at the end of 2016. The worker's family and other workers from the same workplace testified about the conditions and hazardous materials used in the workplace. Based on the hazardous exposures in the workplace, the WSIAT found that it was more likely than not that the workplace contributed to the worker's lung cancer. As a result, the worker was found to be entitled to WSIB benefits for his lung cancer.

These benefits almost doubled the widow's income. She also received retroactive benefits totalling over \$130,000* plus an additional one-time lump sum award of over \$30,000. This money will make a significant difference to her in the future and fulfills her husband's wishes of making sure she was supported after he passed away.

Trisha Simpson, Clinic Lawyer

*Results not typical and depend upon the individual facts of each case

Increased help with your electricity bill



Ontario Energy Board

THERE'S HELP FOR LOW-INCOME HOUSEHOLDS

You may qualify for a reduction on your electricity bill with the new Ontario Electricity Support Program.

Apply Now



Did you know the Ontario Electricity Support Program credit is increasing by 50% as of May 1?

Also, more households can now qualify due to increases to the maximum income threshold.

This translates to bigger savings on your hydro bill. If you have already been approved, or

recently applied, you do not need to reapply. Increased credits will happen automatically.

Apply now online or find an intake agency near you by calling toll free 1-855-831-8151 or visit their website at <https://ontarioelectricitysupport.ca/>.

High school students battle it out in the courtroom

On April 21, 2017, six local high schools competed in the Ontario Justice Education Network Hastings Cup Mock Trial competition. CALC joined with local lawyers and educators to organize the full day competition at the Quinte Consolidated Courthouse.

The students acted as Crown Attorneys and Defence Counsel in a criminal fact scenario, trying the case in front of volunteer judges. Congratulations to Quinte Secondary School, the 2017 Hastings Cup champions.

Samantha Hayward, Clinic Lawyer

Increased access to justice: Courtworker available to help First Nations/Métis/Inuit people in court

There is now a First Nations/Métis/Inuit courtworker available to help people who identify as First Nations, Métis or Inuit at the Belleville, Picton, Napanee and Bancroft courthouses.



The focus of this program is on criminal court, but the courtworker is available to offer support in other areas. They also offer pre- and post-diversion services for First Nations/Métis and Inuit youth and adults.

The courtworker program has been developed by the First Nations Technical Institute and

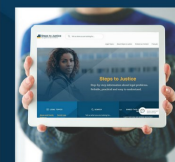
the Tontakaierine Tyendingaga Justice Circle to promote restorative justice and alternative solutions. Mark Brinklow is available to act as a liaison between Indigenous people and the court system, and he can be contacted at 613-827-5695 or markb@fnti.net.

CALC is proud to have been a member of the committee that helped to get funding to start this new program to increase access to justice for Indigenous people.

Brianna Robinson, Student-at-Law



stepstojustice.ca



Steps to Justice now has information on door-to-door sales

Steps to Justice is a great new initiative that empowers people in Ontario to understand and take action to deal with their legal problems. It gives comprehensive online information on common legal problems that people experience in family, housing, employment and other areas of law.

Steps to Justice:

- equips people to work through their legal problems through easy-to-understand steps
- includes practical tools, such as checklists, fillable forms, and self-help guides
- gives referral information for legal and social services across Ontario
- has live chat and email-based support for users with questions

Visit their website to learn more!
stepstojustice.ca

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Public Legal Education Sessions Available

If you would like a presentation to your group or organization on a specific legal topic, please call us!

CALC
Community Advocacy & Legal Centre

Your community legal clinic

The Community Advocacy & Legal Centre is a non-profit community legal clinic, funded by Legal Aid Ontario, and a registered charity. We provide free legal services to low-income residents of Hastings, Prince Edward and southern Lennox & Addington counties.

We provide legal services in the areas of:

Housing	Income Security
Rights and Injuries at Work	Consumer & Debt Problems
Human Rights and Education	Compensation for Crime Victims

Are you a Service Provider? Call us any time regarding the above issues. In most cases you will be able to speak to one of our legal workers right away to answer your questions.

Show your support for our work and become a clinic member!



If you would like to support us by becoming a member, please contact Lynda, ext. 25, or visit our website at www.communitylegalcentre.ca/about/Membership.htm to learn more and download a membership form. Memberships are free if you are living on a low income.

Legal Health Check—Call us for help!

Income Security

I can't get worker's compensation

I can't pay my bills

I was turned down for disability

I can't afford my medication

I can't get employment insurance

My benefits were cut off

I have an overpayment

I can't get welfare

www.communitylegalcentre.ca/legal_information/Legal-Health-Checklist.htm



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Donations are greatly appreciated!

The information in this newsletter is not legal advice. If you have a legal problem in any of the areas of law mentioned in this newsletter, please contact the community legal clinic in your area. Go to www.legalaid.on.ca to find a clinic serving you.