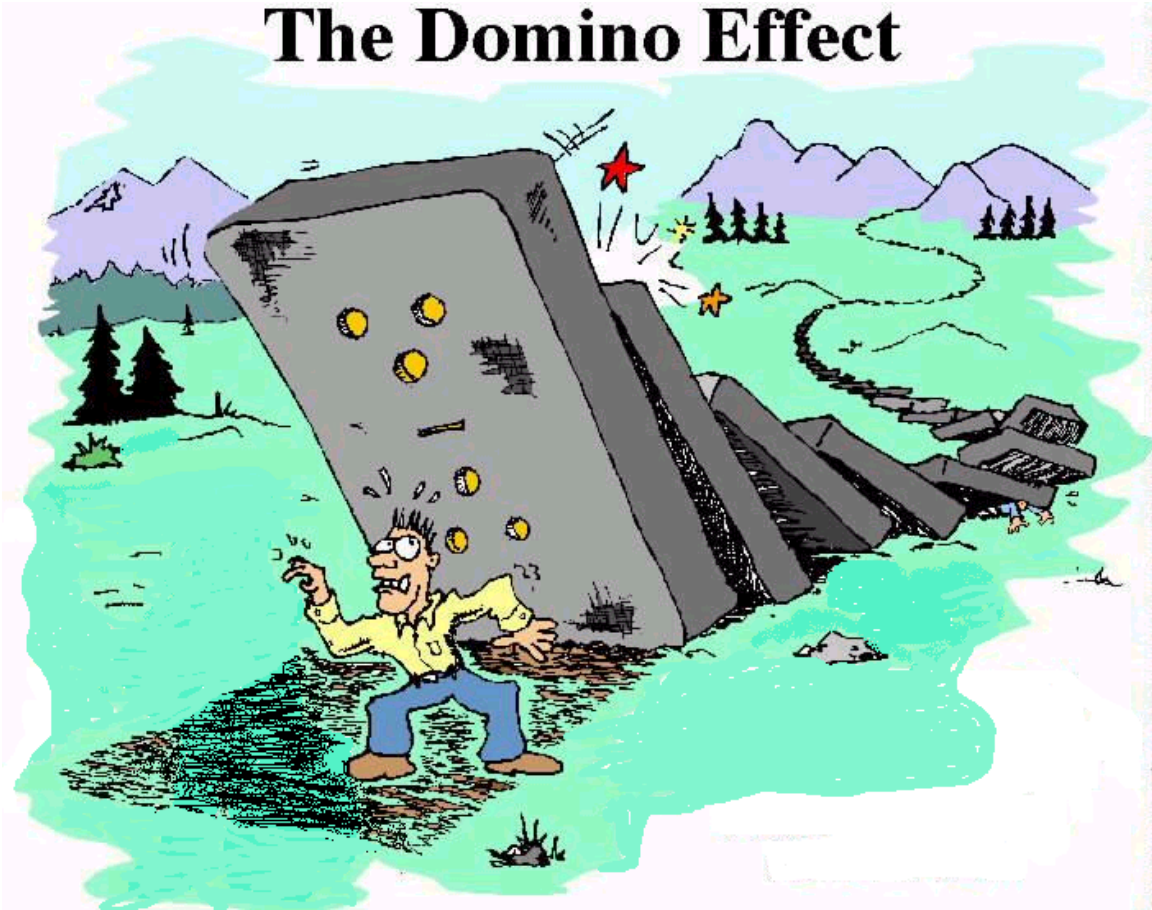


# The Domino Effect



A short dramatic play that will look at how one misfortune can set off a series of personal disasters plunging a person into poverty and despair.

Presented by

**The Community Legal Clinic of Hastings, Prince Edward and  
Lennox & Addington Counties**

November 20, 2003

**Commentator:** Good evening ladies and gentlemen. Our performance tonight is called "The Domino Effect."

You likely know the game of dominoes. You stand the tiles up on their narrow ends in equal distance from each other, and then you knock the first one over and watch as all tiles fall down in succession. The result can be quite a spectacle!

Translated into human lives, this phenomenon is known as "the domino effect." The dictionary defines it as "the cumulative effect that results when one event precipitates a series of like events."

The scenarios in this presentation have been taken from our everyday work at the clinic over the last several months. They are all real life situations, although we have, of course, changed the details for privacy reasons.

Each domino that affects our clients often represents an enormously complex problem involving laws, bureaucracies, politics, traditions and attitudes. Our play offers "reality checks" --you will notice the commentator wearing a "reality check" hat -- that puts the domino facing our client in a wider perspective.

All of the dominoes contribute towards the outcome. The outcome, of course, is whether the last tile in the row -- our client-- remains standing or falls. Each of us, whether we are citizens, service providers, or politicians, bears some responsibility in preventing the Domino Effect.

## **SCENE I** **(A Telephone Interview)**

### **Cast:**

**Ms. D:** single mother, on social assistance

**Justin Adler:** Clinic caseworker

**Commentator**

### **Commentator:**

Meet Ms. D, a single mother on social assistance.

She has contacted the legal clinic for advice, and is being helped by a legal worker.

**Justin** (*picks up telephone*): Community Legal Centre. How can I help you?

**Ms. D:** (*very agitated, panicky*): My landlord gave me an eviction notice! I have no place else to go. What can I do?

**Stagehand:** *pushes doll over*

**Justin:** (*tries to calm the woman down*). Ok, let's talk about this. There are a lot of rules that landlords have to follow when trying to evict someone. Can you describe what you got from your landlord?

**Ms. D:** Well, I got one paper a couple of weeks ago, and last week I got another one – something about a Tribunal. I don't know what that means. It has a date on it for me to go to court.

**Justin:** After you got the papers last week, did you file a dispute?

**Ms D:** A dispute? No, I thought I could just go to the court on that day.

**Justin:** Unfortunately not. You missed the deadline for filing a dispute. Look at the fine print under that hearing date. That's where it told you what you were supposed to do.

**Stagehand:** *places domino stone on top of doll*

**Justin** (*continues*): But we can still help by filing other documents. Is there some reason you haven't paid?

**Ms D:** Oh yes, there is.

I know I owe the landlord some money, but, you see, this place is a real dump! The fridge leaks, the windows have no screens or storms, there's mould in the bathroom and the floor is rotten.

He hasn't replaced the oil tank, so the oil company wouldn't fill the tank anymore. The landlord is supposed to provide the heat.

We didn't have enough heat last winter; so the kids were wearing their snowsuits in the house. I got behind with the hydro because I was running electric heaters. I had to pay off the hydro bill – otherwise they would have cut us off - so I got behind in the rent ....

**Stagehand:** *places domino stone on top of doll*

**Commentator – Reality Check:**

*The Tenant Protection Act provides that a landlord must maintain rental premises to minimum housing standards. However, for a tenant to enforce this provision of the Act she must bring an application to the Ontario Rental Housing Tribunal and enter into a personal legal action against her landlord.*

*The Tenant must produce all evidence of property standards violations to the Tribunal. This includes any work order that a local by-law enforcement officer may have written.*

*The Tenant Protection Act provides that municipalities may pass vital services bylaws that would protect tenants from an interruption of heat/hydro/water service as result of the landlord's action or inaction. However, no local municipalities have such a by-law.*

**Ms D:** They took my kids away from me – you know the Children’s Aid. Two months ago they came in and took them, because they said, children shouldn’t live in a place like this.

**Stagehand:** *places domino stone on top of doll*

**Commentator-Reality Check:**

*Between 1990 and 2002 the Hastings Children’s Aid Society experienced a 77% increase in the number of children admitted to its care.*

*In a recent study the Community Development Council found that when families are under stress, it is more likely that children will become at risk. A lack of affordable, adequate housing contributes to stress in the family.*

**Ms D:** I can’t find another place to live that I can afford. I’ve been on the list for subsidized housing for almost two years.

**Stagehand:** *places domino stone on top of doll*

**Commentator-Reality check:**

*In October 2003, there were 784 people on the waiting list for one of the 1,593 subsidized or geared-to-income housing units in Hastings County. The number of people on the waiting list varies little from month to month. In October 2003 there were 72 new applications for geared-to-income or subsidized housing.*

*It is estimated that 135,000 households are on waiting lists for social housing in Ontario.*

*The federal government has committed \$ 245 million dollars over five years to building affordable housing in Ontario, but these programs require matching funds from the Province.*

*The previous provincial government committed only \$20 million to this program with the balance of the \$120 million commitment to come from municipalities.*

*No subsidized housing units have been built in Ontario since 1995.*

**Ms D:** *(continues):* Even if I wanted to, I can’t pay the rent, because I don’t get enough from Ontario Works to pay for food and the rent. I got this letter from Ontario Works the other day, but I’m not sure what it is about. To tell you the truth, I’m not good at reading.

**Stagehand:** *places domino stone on top of doll*

**Commentator - Reality Check** (*interrupts*): *It is a fair assumption that the letter from Ontario Works does not contain “good news” for Ms. D. While statisticians, politicians, and think-tanks cannot agree on a benchmark for poverty, consider this:*

- ◆ *food bank use in Canada increased by 96% between 1989 and 2000*
- ◆ *welfare rates are 37% lower than they were in 1995, due to cuts and inflation*
- ◆ *According to CMHC, the average rent in Ontario was \$836 in 2002 – three times higher than the amount that the poorest renter households can actually afford.*
- ◆ *Ontario Works and Ontario Disability shelter allowances are not correlated to actual shelter costs. Rent and housing costs for this region exceed the shelter amounts by \$380 per month.*
- ◆ *According to Statistics Canada, 270,000 Ontario rental households pay over 50% of their income on rent.*
- ◆ *Ironically, an Ontario Works recipient may be subject to investigation if her rent constitutes a high percentage of benefits received.*

**Justin:** (*continues ongoing conversation*)... I can give you a list of all the places you can try to get help for rent money. You need to come in to the office so we can help you to bring a disrepair application against your landlord.

**Ms D:** Thank you so much (*hesitates*), but - well, you know, it’s really hard for me to get around since I had my breakdown a few years ago. I don’t have a car. I used to be able to borrow one. Now I can’t drive anymore because of the medication I take.

**Stagehand:** *places domino stone on top of doll*

**Ms D** (*continues*): There is no bus from where I live, and I don’t have money to take a cab or pay a friend to bring me. Maybe my sister can drive me one day when she’s coming to Belleville anyway.

**Justin:** OK, give me a call when you are able to get a ride, but remember we haven’t got much time to file the application.

**Ms D:** Is it OK if my sister calls in because I don’t have a phone either?

**Stagehand:** *places domino stone on top of doll*

**Commentator-Reality check:**

*There is limited transportation between our local cities and towns.*

*The cost of cab fare one way from Picton to Belleville or from Tweed to Belleville is \$30. From Trenton to Belleville you can take a cab for \$20 one way, or a bus which runs three times per day at \$10 for a round trip. Quinte West is the largest city in Ontario without a local public transit system.*

*Many of our clients cannot afford a telephone.*

**Justin:** So I just want to be sure I understand what you just told me: You had a breakdown several years ago?

**Ms D:** That's right. I had a full time job. Then one day the kids and I had to get out of our house in a big hurry and go to Three Oaks. We went to the shelter, but it was a long way from my work. I didn't have a car and I couldn't get a ride to work with my friend anymore, so I had to quit.

With the kids changing schools, living in a shelter, not having any of my things with me, losing my job and always going to family court, well, it was just all too much for me. I had a breakdown. I'm seeing a doctor and a counselor, but I'm still not feeling well enough to go back to work.

I've applied for Ontario Disability. I got a letter just the other day saying that I was turned down. I don't know what to do now. I can't read the letter very well and I don't understand what it is saying.

Really, I just don't feel like fighting anymore.

**Stagehand:** *places domino stone on top of doll*

**Justin:** Can your sister bring you to our office right away? I think that I can help you with the disability problem as well, but we can't afford to waste any time. We only have 10 days to challenge the decision then 30 days to appeal. Finally you'll get a hearing date about a year from the time you appeal.

Make sure that you bring all the letters you have with you . . .

**Stagehand:** *places last domino stone on top of doll*

**Ms D:** Thank you very much.

**Concluding Comments:**

**Presentation by Community Legal Clinic on our pro-active services and projects in the housing law area (text on following page).**

## **The Domino Effect - November 2003**

**Commentator: Richard Ferriss**

**Commentator:**

Meet Ms. D, a single mother on social assistance. She has contacted the legal clinic for advice, and is being helped by a legal worker.

**Commentator – Reality Check:**

The Tenant Protection Act requires landlords to maintain their rental premises in a good state of repair and fit for habitation and to comply with health, safety, housing and maintenance standards. However, for a tenant to enforce this provision of the Act, she must prepare an application and file it with the Ontario Rental Housing Tribunal - this means entering into a personal legal action against her landlord.

The Tenant must produce all evidence about her maintenance problems to the Tribunal. It is especially important to have a local by-law enforcement officer inspect the rental premises and produce a report which the tenant can give to the Tribunal at her hearing.

The Tenant Protection Act allows municipalities to pass vital services bylaws that would protect tenants from an interruption in heat, water or hydro services if the landlord was responsible for paying these utilities and didn't pay the bills. Disappointingly, no local municipalities have passed such a by-law.

**Commentator-Reality Check:**

Between 1990 and 2002 the Hastings Children's Aid Society experienced a 77% increase in the number of children admitted to its care.

In a recent study the Community Development Council found that when families are under stress, it is more likely that children will become at risk. A lack of affordable, adequate housing contributes to stress in the family.

**Commentator-Reality check:**

In October 2003, there were 784 people on the waiting list for one of the 1,593 subsidized or geared-to-income housing units in Hastings County. The number of people on the waiting list varies little from month to month. In October 2003 there were 72 new applications for geared-to-income or subsidized housing.

It is estimated that 135,000 households are on waiting lists for social housing in Ontario.

The federal government has committed \$ 245 million dollars over five years to build affordable housing in Ontario, but the Province must match these funds before this affordable housing can be built.

The previous provincial government committed only \$20 million to this program and has left it to the municipalities to come up with the balance of over \$180 million.

No subsidized housing units have been built in Ontario since 1995.

**Commentator - Reality Check** (interrupts): It is a fair assumption that the letter from Ontario Works does not contain “good news” for Ms. D.

While statisticians, politicians, and think-tanks cannot agree on a benchmark for poverty, consider this:

- ◆ food bank use in Canada increased by 96% between 1989 and 2000
- ◆ welfare rates are 37% lower than they were in 1995, due to cuts and inflation
- ◆ According to the Canadian Mortgage and Housing Corp., the average rent in Ontario was \$836 in 2002 – three times higher than the amount that the poorest renter households can actually afford.
- ◆ The shelter allowance given by Ontario Works and Ontario Disability are not related to actual shelter costs. Rent and housing costs for this region exceed the shelter amounts by \$380.00 per month.
- ◆ According to Statistics Canada, 270,000 Ontario rental households pay over 50% of their income on rent.
- ◆ Ironically, if an Ontario Works recipient pays a high percentage of her benefits on rent, she may be subject to an investigation.

**Commentator-Reality check:**

There is limited transportation between our local cities and towns.

The cost of a cab one way from Picton to Belleville or from Tweed to Belleville is \$30  
From Trenton to Belleville you can take a cab for \$20 one way, or a bus which runs three times per day at \$10 for a round trip.

Quinte West is the largest city in Ontario without a local public transit system.

Many of our clients simply cannot afford a telephone.



### **Commentator's Concluding Comments:**

That concludes scene 1 of our play. We'll get to scene 2 in a moment, but first I'd like to tell you some of the things our clinic is doing to stop the dominoes from falling, particularly in the area of housing.

- Little pressure early, greater pressure exerted later
- Hotline - immediate access to legal advice and information
  - E.g. ll says get out
- Disrepair project - intermediate
  - Try to end cycle of disrepair
- Tenant duty counsel
  - Last line of defense

## SCENE II (A Monologue)

### Cast:

**Joe Dough:** Recipient of Ontario Disability Support Program benefits

**The Voice:** "Pre-recorded" Ministry phone system

**Joe Dough:** *Wanders onto stage. Astonished to see a crowd.* Wow, there must be thirty people here. Is this a Belleville Bulls game? Anyway, I've got this self-advocacy kit (*reads from booklet*) "Self Advocacy for People Receiving Ontario Disability Support Program Benefits". It tells me right here on page four to phone the local office if you think you're not getting what you're entitled to. (*As an aside--my guess is I'm probably the only person calling today...*) *Picks up the phone and dials.* I've been on Ontario Disability for years--well, I was on welfare for about 4 months after my accident, but then I was on disability. Then two months ago, out of nowhere, my cheque shows an overpayment of \$500 and they're deducting about \$50 per month. Not even a letter, can you believe it? So just a second here, I'm phoning the Ontario Disability Office.

**The Voice:** Welcome to the Ministry of Public Benevolence where we take good care of the less fortunate. Your call is important to us. In order to get you in touch with the right person please choose among the following options.

For service in French press "1"  
For service in English press "2"  
For service in sign language press "Star"

**Joe Dough:** I press 2 (*presses 2*) (*music fades up, and then down*)

**The Voice:** If you wish to express your appreciation for the generosity of the benevolence program, we thank you. Please hang up now.

If you wish to report fraud, or to express your personal dissatisfaction with the benevolence program, press "1", and one of our investigators will be with you right away.

If you wish to discuss an overpayment or a cancellation of public benevolence, please press "2"

**Joe Dough:** Press 2 (*presses "2"*) (*music fades up, and then down*)

So then I wrote them a letter saying "what's this overpayment about?" So get this. In 1992 I was living in Windsor, and I had all my money stolen in a break and enter. Of course

they found the guy but not the money. So anyway, I had to bug my city counsellor who got me a food voucher from Welfare for \$100. Got me through the end of the month. Then apparently in 95 they made a mistake and gave me too much shelter allowance for six months. Never did cover the rent, mind you. Apparently \$400 too much over those six months. So Ontario Disability sends me this letter back saying that's why I have a \$500 overpayment and they've started "the recovery process."

**The Voice:** *(interrupts the music/propaganda) (music fades up, and then down)*

Your call is important to us. Unfortunately all our lines are busy. Thank you for your patience.

*Soothing elevator music fades up and then down*

**Joe Dough:** So the legal clinic helps me do this appeal form, and as part of that some Tribunal in Toronto says that Ontario Disability can't take any more money off my cheque until my appeal gets heard. Does that stop Ontario Disability from taking money out of my cheque? NO! Hang on a sec.

**The Voice:** *(interrupts the music/propaganda)*

Your call is important to us. Unfortunately all our lines are busy. Thank you for your patience.

*Soothing elevator music fades up and then down*

**Joe Dough:** So I phone them again. Ask them politely to read the Tribunal's order. "No deductions". *(Mimics bureaucrat)* "I'm sorry, we are behind in processing Tribunal orders. If we didn't get so many calls we could do our work." So I said "Great, easy for you to say. But in the meantime I can't pay my rent and so I have to use the line of credit the bank gave me on my account. Are you going to pay the interest?" *(mimics bureaucrat)* "You used a line of credit?" she says "that's income! I'll have to refer your file to an income support specialist. You'll probably have another overpayment."

**The Voice:** *(interrupts the music/propaganda)*

Your call is important to us. Unfortunately all our lines are busy. Thank you for your patience.

*Soothing elevator music fades up and then down*

**Joe Dough:** So yeah. What's next. Well I was so upset that I had to go to the Crisis Center to see a mental health worker. So I put in my transportation cost for reimbursement. No, they said, *mimics worker* "We don't pay for that. It's not on our list of "approved health care professionals." So I told my counsellor that he wasn't "approved." He told me to call the legal clinic about that one too. So I did. Hang on.

**The Voice:** *(interrupts the music/propaganda)*

Your call is important to us. Unfortunately all our lines are busy. Thank you for your patience.

*Soothing elevator music fades up and then down*

**Joe Dough:** So get this. The legal clinic says that the Tribunal will say "of course you get reimbursed for that", but you have to wait 18 months for the Tribunal to have a hearing to actually say that in my case! Well, I'm just going to give it one last shot at this, because now we have a new government and surely things have changed!

**The Voice:** Thank you for calling the Ministry of Public Benevolence where we take good care of the less fortunate. Our offices are now closed for the day. Please try again tomorrow during regular business hours. Have a pleasant evening.

**Joe Dough:***(exclamation and leaves the stage)*

**Concluding Comments:**

**Presentation by Community Legal Clinic on our pro-active services and projects related to the *Ontario Disability Support Plan Act* (text on following page).**

**The Domino Effect**  
**A Presentation by Mary McCormick**

We named 2003 the Year of the ODSP (Ontario Disability Support Program) because we saw so very many problems with the law and how the program is run.

We continue to represent people who have been turned down for disability and, in order to increase our efficiency, we developed a case manager system. We also represent people on a wide variety of other ODSP issues including denial of reimbursement for medical transportation expenses to see a counselor. So far this year we have represented people in 238 hearings before the Social Benefits Tribunal, most on ODSP issues. We have also appealed several cases to Divisional Court.

In order to try to counter the domino effect we have also been working in the following areas:

- Regular meetings and contacts with our MPP constituency staff;
- Monthly meetings with the managers of the local ODSP office; and
- Having large meetings with Social Service Providers in Bancroft and Belleville.

On the Provincial level, the ODSP Action Coalition had four different working groups meeting with senior Ministry staff. Today I was at the last meeting of the local offices working group. I actually feel (a bit) optimistic. I don't remember ever seeing the Disability Program supporting a series of recommendations to "Improve Customer Service". Recipients will actually receive information on benefits available under the program and will be asked, at the beginning, questions to determine what accommodations are needed for their disabilities.

However, there is still much to be done in the implementation and the amount of assistance needs to be raised immediately. The Throne Speech of November 20, 2003 urged communities to be patient. One of the biggest dominos facing social assistance recipients is the lack of money to pay the rent and feed the kids. As a community we cannot be patient on this any longer.

**SCENE III**  
**(At the Hospital)**

**Cast:**

**Commentator:** makes introductory and explanatory remarks, and he also directs the stagehand

**Walter McDonald**, who had an accident at work

**Fran McDonald**, Walter's wife,

**Ms. Saltzman**, bureaucrat with WSIB, and Ontario Works.

*Walter behind the table, all bandaged up. On his right is Fran, with her back turned towards the audience. On his left Ms. Saltzman, his back turned towards the audience. At a lectern is the commentator. In front there is a low table with a pile of dominoes and the doll.*

**Stagehand:** *holds up Week 1 sign*

**Commentator:** I'd like to introduce Walter McDonald. Until his accident he and his family lived a good life. But things changed when he slipped on some spilled oil down at work.

**Stagehand:** *stands up the doll*

**Commentator:** Please imagine Walter lying in his hospital bed, all bandaged up, unable to communicate. All he can do is groan. Walter?

**Walter:** (grunts)

**Stagehand:** places a domino stone behind the doll

**Commentator:** But things don't look too bad. After all, Walter is insured through WSIB, Employment Insurance, he lies in a semi-private room because of his health plan. Not to mention his private disability and life insurance policy. Gosh, he's got more coverage than I can throw a stick at. Now that's what I call a social safety net!! And to offer support we have his spouse, Fran.

**Stagehand:** (holds up sign **Week 4** behind Walter)

**Fran:** (turns around facing Walter) Hi Honey, how're ya feeling? You're looking .....a lot better today...

**Walter:** (grunts)

**Fran:** Honey, I don't know what's up with those workers' comp people. They still haven't sent the compensation cheque.

**Walter:** (grunts angrily)

**Stagehand:** places another domino stone behind the doll

**Fran:** Well, it'll come soon. That's what it's there for, you know. *(mimics a TV ad)*  
"We're there when you need us. Don't leave home without us!".  
But, Honey, all these bills have to be paid now --let's see, *(leafing through bills)*

- VISA minimum payment,
- the Canadian Tire card has your new golf clubs on it,
- mortgage is due on the 15<sup>th</sup>,
- payments on your pick-up and the TV

Oh well, we have some money in the bank that we were setting aside for Jimmy's hockey school next summer. We'll just "borrow" from that for awhile.

**Stagehand:** *places a domino stone behind the doll*

**Fran:** Tell you what, Walter, I'm gonna call the WSIB right away and straighten the whole mess out. So don't you worry. Anyway, gotta go. Jimmy's practice is in an hour. *(turns her back towards audience)*

**Walter:** (grunts)

**Stagehand:** holds up sign **Week 7** behind Walter)

**Ms. Saltzman (WSIB)** *(turns around to face Walter):* The WSIB notes that there are significant discrepancies between your report of accident and your employer's report of accident.

*(turns to Walter, waving a finger)* And the fact is that you did not seek immediate attention from your family doctor -- it's a pity you don't have one, but that's a "non-compensable problem." What I am trying to tell you, Sir, is that we are unable to pay you anything until we do an investigation. To put it bluntly, Mr. McDonald: you may very well be faking this. *(turns his back towards audience)*

**Reality Check Commentator:** *Over the last 15 years, the percentage of WSIB claims that were not allowed has more than doubled and the number of claims in which the Board actually paid lost time benefits dropped by over 40% . On the other hand, between 1995 and 2002, employer premiums were reduced by 29%.*

*The chronic shortage of both family physicians and specialists in our area has been well documented. Thousands are without a family doctor. Because the family doctor is the gatekeeper for claims on various public funds -- ODSP, CPP, WSIB and Ontario Works - the shortage affects low income people disproportionately.*

**Stagehand:** *places two more dominoes behind the doll*

**Fran:** *(turns around to face Walter, looking exasperated):* Something's seriously wrong here. Comp said the investigation could take six to eight weeks. *(Stage hand--another domino)* And we can't use your private disability plan because they say the accident happened at work!

**Stagehand:** *places another domino stone behind the doll*

**Fran:** Anyway, I called the Legal Clinic, and they do comp, but until WSIB makes a decision, there's nothing they can do. They said to call our MPP to see if they can get things moving faster. In the meantime, they said you should apply for Ontario Works, yeah, as if, . . . . and also apply for EI, because you'll probably qualify.

EI -- What a joke! -- I hope you have better luck than I did. Remember when I couldn't collect after I had worked for 4 years, -- because I quit my job as a truck driver? And when I told them that they made me drive more than the trucking regulations allowed, they said I should have made a "formal complaint" to someone in Toronto? Yeah right, EI. EI, E, I OWE.

**Commentator:** *In his tenure as Finance Minister, Paul Martin presided over a massive dismantling of Employment Insurance as a social safety net. In 1990, 74% of people who were laid off got EI. Now, only 38% qualify. The picture is bleaker for women--only 33% of women who lose their employment qualify for EI. Currently, the EI fund has a surplus of over 24 billion dollars that the government is using for other purposes. People who qualify wait 6-8 weeks for any benefits, assuming their applications are perfectly straightforward.*

**Walter:** (grunts)

**Fran:** OK, OK, I'll get the forms. If we had a new computer, we could do it over the internet. At least I wouldn't have to face those people!

Anyway, don't worry about a thing. I had a yard sale with all the junk that you had piled up in the garage, and that paid for a couple of bills.

Anyway, gotta go. Julie's dance recital is in an hour! *(turns her back towards audience)*

**Stagehand:** *places another domino stone behind the doll*

**Stagehand:** *holds up sign Week 13 behind Walter*

**Fran** *(looking distressed):* I don't understand this, deary. Worker's comp still hasn't made a decision, and all I hear from EI is that they are "in process".



But we have to pay those bills now! Anyway, I figured a way out, for now.

I took out a cash advance on the VISA to pay the Canadian Tire bill, and your brother lent me enough for the minimum payment for the VISA bill.

But this can't go on. Yesterday I phoned the welfare department but they say we can't get any help from them unless we sign something about some lien on our house!

**Walter:** (grunts)

**Stagehand:** *places another domino stone behind the doll*

**Stagehand:** holds up sign **Week 16** behind Walter)

**Fran** (looking very dis-shelved): "Yeah, finally, the Comp is coming through. Apparently they're going to allow your claim and give you some benefits. They're going to pay off EI first. But you know what, it's not enough. We can't make it, we're so far behind it's hopeless. Credit card is maxxed out, your brother can't help anymore... The bank manager said that we could sell the house, not that we're going to get anything much out of that. And Jimmy's not taking it well, deary, he's really acting out. I have to see the principal tomorrow. (*choked up, turns abruptly with her back towards the audience*)

**Stagehand:** *places another domino stone behind the doll. Holds up Week 18 sign*

**Ms. Saltzman (WSIB)** (*turns to face Walter*): Dear Mr. McDonald:  
Your claim for benefits made 18 weeks ago has been approved. You will be paid lost time benefits for 12 weeks following the accident based on your short term average earnings wages as a heavy equipment operator at \$17.50 an hour. Because you are an irregular worker in non-permanent employment, your earnings basis is subject to an adjustment under Board policy # 18 02 04. Please forward earnings records for the last two and a half years and until you do so, we will pay you a temporary rate of \$200 per week. (*turns his back towards audience*)

**Stagehand:** *holds up sign Week 20 behind Walter*

**Ms. Saltzman (WSIB)** (*turns to face Walter*): Dear Mr. McDonald:  
An adjustment to your benefit rate has been made effective 12 weeks after your accident. Your adjusted rate is \$946 per month.

Your employer has indicated that they have work that is suitable for you. Your doctor's opinion that you are unable to work lacks objective findings and our doctor here in Ottawa says you are not totally disabled. Go in on Monday and find out what your employer has for you. Your loss of earnings benefits will therefore end today.

"We wish you the best of luck in your future endeavours."

**Stagehand:** holds up sign **Week 24** behind Walter

**Fran** (*turns to face Walter*): Hi Walter, how are ya feeling? You're looking .....a lot better today. (*looks very uneasy*) Well I just stopped by to let you know that the kids and I are going to go stay with my mom for awhile. So I won't see you so often any more. Anyway I gotta go. Take care of yourself. (*turns her back*)

**Stagehand:** places another domino stone behind the doll

**Stagehand:** holds up sign **Week 26** behind Walter

**Ms. Saltzman** (*wears Ontario Works hat*) (*turns towards Walter, reads from letter, grinning viciously*)

Dear Mr. McDonald:

Your application for Social Assistance had been denied, because you are listed as a co-owner, with your two brothers, of a hunting camp property near Outta Luck Lake near Temiskaming. If you want to appeal this decision, write to us within 10 days of you receiving this letter, which was dated 7 days before it was actually mailed to you.

**Ms. Saltzman** (*wears Ontario Works hat*) (*turns towards Fran, smiling benevolently*)

Dear Ms. MacDonald:

Your application for social assistance has been accepted. However, since you are living with your parent, you and Jimmy and Julie are only entitled to total benefits of ...\$287 per month.

**Stagehand:** *places another domino stone behind the doll and then knocks it over to create the domino effect.*

### **Concluding Comments:**

**Presentation by Community Legal Clinic about the shift in our legal practice from workers' rights being focussed on Worker's Compensation advocacy to now including pro-active services and projects in many areas of employment law. This includes occupational health and safety issues; access to retraining, vocational rehabilitation services, employment supports; employment standards protection, wrongful dismissal. (text follows next page).**

## **The Domino Effect**

### **A Presentation by David Little - November 2003**

More than ever, work does not guarantee an escape from poverty. More and more people are working in part-time jobs, in casual jobs, in minimum wage jobs, through temporary employment agencies and as part of their Ontario Works participation plans. This means a whole new group of clients that we are trying to serve.

These clients are in precarious employment, and we are striving to prevent the first domino--the loss of employment-- from falling. Our clients need help ensuring safe workplaces, minimum employment standards while at work, freedom from harassment, the right to accommodation, and the right to return to their jobs after pregnancy.

For workers who lose their jobs, we strive to make sure the next domino does not fall, and that the client is protected by various insurance and income maintenance schemes.

Traditionally our advocacy, like most legal clinics, centered around services for injured workers. We are now expanding to other areas, try to provide fuller services for clients with occupational health and safety, human rights, and employment standards. We are trying to take a leadership role in getting other clinics in Eastern Ontario to provide more wide ranging workplace law services as well.

**Presentation # 2 by Community Legal Clinic about the *Ontario Works Act* test case litigation on the issue of "adult living with child" in collaboration with the Barrister Services at Clinic Resource office and two other clinics. (text follows next page.)**

**The Domino Effect**  
**A Presentation by Deirdre McDade**  
**For the Clinic AGM November 20, 2003**

Another thing that Community Legal Clinics do to prevent dominoes from falling is to undertake court litigation to challenge and change unfair laws.

In 1997 the Conservative government passed new welfare laws. Under the **Adult Living With Parent Rule** (ALWP) if you are receiving Ontario Works (welfare) and you reside with your parent you can only receive very reduced assistance from Ontario Works; \$50.00 per month if financially dependent; and \$250.00 per month if financially independent. If you are single and not residing with a parent, you can receive \$520.00 per month. You receive no money for rent because the law assumes your parent is supporting you. This is the case even if your parent is living in poverty and unable to support you.

Two years ago I had a client called Andrew who came to see me about this. He was a man who has worked all his life until he became ill in his late forties and unable to work. He applied for Ontario Disability and Canada Pension Plan Disability pensions. He was denied and he appealed. He was receiving Ontario Works as he was waiting for his disability hearings. It was a very long wait - over one year.

He had an elderly mother (in her 80s) in poor health and she needed him to live with her and act as her caregiver. She was on Old Age Security and living far below the poverty line and no longer able to live alone. They moved into an apartment together and planned on splitting the rent of \$585.00 per month. Ontario Works said no. Under the ALWP rule, Andrew would only get \$250.00 per month and out of this money he had to pay half the rent and clothe and feed himself, something which was impossible. He came to see me to see if the clinic could help.

I spoke with other clinic lawyers across the Province. There were two other clients in Toronto who also wanted to challenge this law and with the help of the CRO Barrister Program we brought a court challenge. We brought an Application in the Superior Court in Toronto to declare the ALWP law violates sections 7 and 15 of the Canadian Charter of Rights and Freedoms. We argued that the reduced amount of assistance our clients receive threatens their life, liberty and security of the person and discriminates against them on the basis on family status and receipt of social assistance.

To support the lawsuit Andrew filed an Affidavit where he tells his story about how this law effects him. He tells how he cannot afford to buy food and he goes to food banks but under their rules he can only go two times per month so he runs out of food and many days eats nothing at all. He tells how this makes him sick because his doctor and dietician have recommend that he be on a low fat, low cholesterol diet because he has a heart condition, but he can't get this type of food at the food bank. He tells about not being able to purchase the medications he needs. Although he gets a drug card from

Ontario Works, he takes 6 different medications and can't afford the \$2.00 deductible per medication that the pharmacy charges. He gets more and more sick. He talks about how he no longer sees his 13-year old daughter who lives with his ex-wife because he cannot afford transportation and is embarrassed that he can't offer her any food when she visits. He talks about the strain it put on his relationship with his mom because he can't pay his fair share and she too runs out of food every month. He talks about how he feels humiliated and embarrassed to be in his late forties and forced to have his mom support him.

The court case is now at the stage of cross-examinations and a hearing will be held in February 2004.

Unfortunately Andrew will not be attending that hearing because he died in November of 2002 of a heart attack while waiting for his Canada Pension Plan and Ontario Disability hearings and this Charter challenge. He was granted both CPP and Ontario Disability benefits retroactive after he died. Too-little and too-late to be of any assistance to Andrew.

We asked the coroner's office to hold an inquiry into the circumstances surrounding his death including how this law contributed to his death. The coroner refused that request.

His brother, the Estate Trustee, has instructed us to continue this litigation and I am very glad we are because this law must be changed.

Andrew's case is a very tragic one. I believe the reduced assistance he was getting under the ALWP rule which led to him being unable to eat properly or take his medications, contributed to his poor health and, ultimately, to his death. His case clearly demonstrates why it is necessary for clinics to challenge unjust poverty laws to stop the dominoes from falling in other cases.

**Concluding remarks by Community Legal Clinic follows, next page.**

**The Domino Effect**  
**Brief Presentation by Executive Director Michele Leering**  
**November 2003**

Thanks to Board and staff who wrote and played parts. A true collaborative effort.

Particular mention to the three authors - Board member Ivar Heissler, Staff Lawyers Gina Cockburn and David Little

Part of tonight's presentation was to feature symbolic gifts of dominoes to local politicians who could make a difference. We'd chosen our newly elected provincial MPPs as the most likely to be able to make a difference on most issues that effect our clients on a day to day basis. Unfortunately, the Throne Speech has intervened and we have not been able to include this as part of this evening's presentation. It was expected that local MPP Ernie Parsons would not be briefing us on the government's plans to prevent cascading dominoes.

Our alternate plan is this - Mr. Parsons will be available for comment tomorrow for the media. He has reviewed the play and prepared comments. Furthermore clinic staff will be setting up a special meeting with Mr. Parsons and Ms. Leona Dombrowsky to discuss their "domino prevention role". Mr. Parson's will be playing an important role as Co-chair of the Health and Human Services Committee from which we expect great things and high impact on decision-making on regulations and government policies that affect our clients. Ms. Dombrowsky is in Cabinet and will also have a high impact role.

You may well wonder why a legal clinic would stage this kind of event. Many people think we only help individual clients with legal problems. However, a legal clinic has a mandate to do much more than just that - in fact - we do have a mandate to prevent dominoes from falling. Systemic advocacy, law reform and community development activities are critical to the domino effect prevention field work.

You can learn more about the specifics of our many activities and projects by reading our bi-annual newsletters and reviewing my annual report which will be presented at our clinic's AGM tonight.

You might wonder why we chose to write this particular play right now. Preventing the dominoes from tumbling has become a metaphor for us. The domino effect

- ☑ speaks the truth about what happens to our clients and the insecurity of all our lives with a frayed and decaying social safety net
- ☑ names the increased complexity and interrelationship of the issues - no one ever comes to us with just one legal problem or issue any more - this has meant we've had to change how and when we respond, how we listen, how we advise, how we problem solve, our referral practices, our litigation strategies - everything has become urgent and we are largely involved in crisis management on a daily basis

(and the government is responsible for this, inadequate benefit rates, short time periods to prevent eviction, procedures to get ODSP and OW decisions reviewed, appeal etc.) all producing a CRISIS orientation

- ☑ reflects why our holistic advocacy and community lawyering approach to our work is so critical in meeting our client and community's challenges.

In addition to using the play's script to build awareness and commitment to action with our local MPPS we are considering:

- taking this play out to community college and high school classes as a community development tool
- sharing it with local social service providers to build awareness, create discuss and provoke action
- providing it to other legal clinic colleagues for use across the province as they see fit.

Tonight's presentation has also been filmed by Cogeco and will be re-run repeatedly for the general public's benefit as part of community programming on cable.