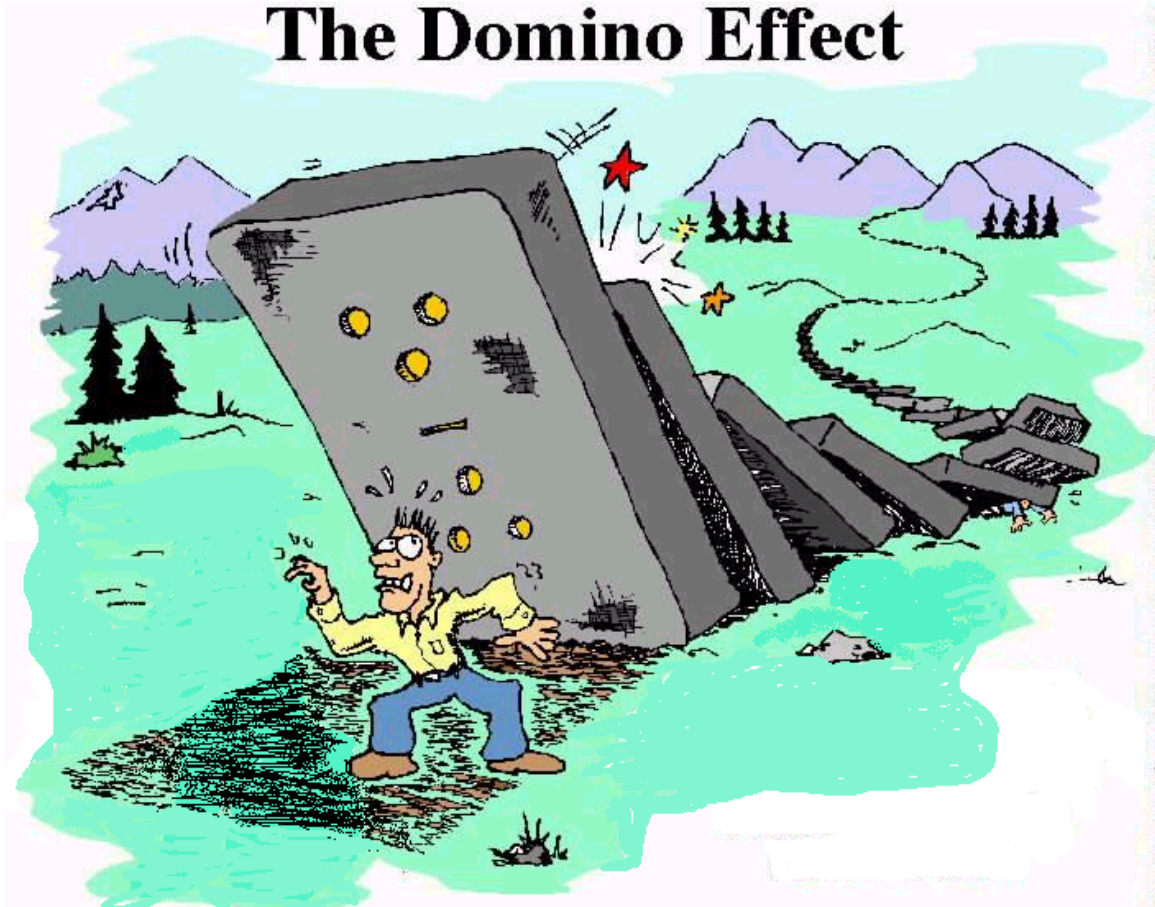


The Domino Effect



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 available from ferrisr@lao.on.ca)

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 available from mccormm@lao.on.ca)

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 lookinga 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 15th,
- 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 lookinga 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 available from littled@lao.on.ca)

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 available from mcdaded@lao.on.ca)

Concluding remarks by Community Legal Clinic (text available from leeringm@lao.on.ca)