

B A F F L E G A B

Semi-annual newsletter of the Community Advocacy & Legal Centre

Volume 19, Number 2

Fall 2010

Reflecting on 30 years of working for social justice

CALC is celebrating the clinic's 30th anniversary by hosting a number of special community events.

On Thursday, December 2 please join us at the Belleville Kinsmen Centre from 11:30 to 1:30 for a light lunch and informal reflections from a panel of our community partners about our collective work for social change in our community. The clinic's Annual General Meeting follows at 1:30.

We welcome reflective contributions from everyone who is able to

come. We hope to visually build a 30-year timeline together. Panel members will be discussing developments, milestones, projects, and events that



have resulted in positive change for low-income and vulnerable people in Hastings, Prince Edward, and Lennox & Addington Counties.

We hope to reflect on achievements in the areas of income security, affordable housing and prevention of homelessness issues, employment law and rights at work, supporting victims of crime and survivors of family and sexual violence, and vulnerable client groups.

Our theme is "*Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.*" (Margaret Mead)

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Social assistance rates increase by 1%

Ontario Disability recipients will get an increase effective November 1. For a single person, the maximum monthly cheque rises from \$1042 to \$1053 and for a couple (one disabled) it goes from \$1584 to \$1601. Ontario Works recipients will see their cheques increase effective December 1. The monthly maximum for a single person will increase from \$585 to \$592 and for a couple the maximum rate will rise from \$1010 to \$1020. The increases will provide social assistance recipients an additional \$57 million annually.

CALC organizes study tour for Ukrainians

Clinic staff and Board were delighted to host a week-long study tour for a dozen Ukrainian visitors who are working to establish community law centres in Ukraine. They were accompanied by Tiernan Miennen of the Open Society Institute (OSI) who is overseeing

Legal Empowerment of the Poor projects in several countries. This project aims to increase access to justice for people living in poverty throughout the world, and Ontario's unique community legal clinic system was identified by the OSI as a promising model.

Arriving in late June, the delegation spent a week meeting staff and Board at CALC and sister clinics in Sharbot Lake, Kingston, Cobourg, and specialty legal clinics in Toronto. Delegates also met with law students from Queen's Legal Aid and Osgoode

(Continued on page 6)

Bedbugs in your rental unit — Who's responsible?

Bedbugs are biting in Belleville – and surrounding areas. The small, oval shaped insects, similar in size and colour to apple seeds, are increasingly being reported to the clinic by tenants.

Bedbugs can show up anywhere. Contrary to popular belief, bedbug infestations have nothing to do with cleanliness, personal hygiene or income levels. Other regions have reported bedbug infestations in their hospitals, office buildings, and libraries along with rental units and single family homes. You may have heard of bedbug problems in New York City stores.

How can you protect yourself from bedbugs?

Be wary of purchasing second hand items such as mattresses, furniture, clothing and even books. Bedbugs can remain dormant for up to 2 years, hiding in seams and folds of old furniture or objects.

Where will you likely see bedbugs?



Bedbugs can hide anywhere in your home, including behind baseboards, electrical plates, and around window and door casings. The most common place to find evidence of bedbugs is in your mattress. Bedbugs can leave small brown spots on your mattress. Check under your sheets.

You will likely experience bites, especially in the night. However, some people are not affected by biting.

What should you do?

Getting rid of a bedbug infestation is difficult. The entire rental unit and contents need to be treated. Health experts agree that to fully eradicate bedbugs from a unit or building, there needs to be cooperation between tenants and landlords. Landlords need to fulfill their

duty to eradicate the bugs and keep them from returning. Tenants must take the steps that are directed from the extermination professional.

If you suspect you have bedbugs, tell your landlord immediately. Delay will only make the infestation worse. Insist that the problem be treated professionally. This may mean that you have to get rid of some of your possessions.

Bedbug claims at the Landlord and Tenant Board (LTB) are based on section 20 of the *Residential Tenancies Act* (RTA), which codifies the landlord's duty to maintain the property. Municipal by-laws that set property standards in our local areas state that properties must be maintained reasonably free of pests and vermin.

Call the clinic if you are having problems with bedbugs in your rental home.

Gina Cockburn, Clinic Lawyer

Annual General Meeting Notice

Our Annual General Meeting is December 2 (see insert for details)

Want to be a member of our clinic? Call us or visit our website: www.communitylegalcentre.ca/about/Membership.htm

Energy update

The Provincial Government has renewed its interest in developing a strategy to deal with energy poverty.

The Ontario Energy Board has been asked to resume work on a province-wide strategy to help low-income consumers reduce their energy consumption and

costs. The Low-Income Energy Program (LEAP) is to provide more flexible customer service rules, emergency financial assistance and conservation. Of particular interest to our low-income clients is an adequately funded emergency energy assistance program to avoid homelessness for vulnerable

households facing short-term financial crises.

The new programs are expected to be in place by January 2011. We will be watching for more details and posting to our website.

Gina Cockburn, Clinic Lawyer

LEGAL RIGHTS

Are you disabled? Under age 60? Have an RDSP? You should!

The Registered Disability Savings Plan (RDSP) helps people with disabilities and their



families save for the future.

If you are a Canadian resident under age 60 and are eligible for the

Disability Tax Credit, you are eligible for an RDSP. Earnings accumulate tax-free, until you take money out of your RDSP. Parents or guardians may open an RDSP for a minor. If you agree in writing, anyone can contribute to your RDSP.

Canada Disability Savings Grant

Through the Canada Disability Savings Grant, the Government provides matching grants of up to **300%**, (up to \$3500 per year) depending on how much has been contributed and your family income.

Canada Disability Savings Bond

Through the Canada Disability Savings Bond, the Government deposits money into the RDSPs of low-income and modest-income Canadians.

If you qualify for the Bond, you could receive up to **\$1,000 a year from the Government**, with a limit of \$20,000 over your lifetime. Contributions do not need to be made to the RDSP in order to receive the Bond.

For more information contact the Federal Government toll-free at: 1-800-O-Canada (1-800-622-6232). Contact Northern Lights Canada about their next information session by calling 1-800-361-4642 (TTY 1-905-576-3129).

Jessica Michael, Clinic Lawyer

Social Assistance Improvements for those on Ontario Works

In September the Government introduced rule changes that benefit people receiving Ontario Works. Small **non-cash** gifts received from family or friends will no longer be deducted from social assistance. This can include small gifts such as groceries or gift cards. Also, the penalty for not complying with participation requirements (your cheque being reduced or cancelled for up to 6 months) has been reduced to a reduction or cancellation for 1 month for the first time it happens and 3 months for the second time. You have the right to appeal this decision. For more information on your appeal rights, call the clinic.

Affordable housing update and National Housing Strategy Day

In Hastings County, the Affordable Housing Action Network (AHAN) has taken part in the municipal election by holding information sessions for candidates to inform about affordable housing. National Housing Strategy Day (November 17) will be marked by a day-long educational forum on the issue of hoarding at Knights of Columbus Hall, 57 Stella Crescent, in Trenton.

Hoarding is recognized as a mental health issue and is a problem that can lead to eviction. Hoarding tenants can

pose serious risk to other tenants, usually due to risk of fire and sometimes health concerns. To learn more about the forum, visit AHAN's website: www.hastingshousing.com/ahan/ or call the clinic.

Prince Edward and Lennox & Addington Counties continue to study the issue of affordable housing in each of these communities. Both counties have a study and consultation underway that will report about the state of affordability in the community and make recommendations about next

steps to increase and ensure affordable housing options.

The Provincial Government has not yet released its affordable housing strategy. The province consulted in 2009 with groups and citizens, including voices from all of our local counties. The report was originally scheduled for release in June 2010 but has been delayed. We will be watching for the report and waiting to provide feedback to the Government.

Gina Cockburn, Clinic Lawyer

LEGAL RIGHTS

Spotlight on: Advocacy Centre for the Elderly

The Advocacy Centre for the Elderly (ACE) is a community-based legal clinic for low-income senior citizens. ACE does 25% of its work outside Toronto.

ACE deals with many issues affecting seniors, including retirement homes, hospital discharge issues, capacity issues, long term care, palliative care and elder abuse.

ACE does a lot of health law work as people don't know the



issues have a legal component. They do about 80 speaking engagements per year to service providers. ACE also deals with medical/legal issues and has been training doctors and other health professionals. They have also done training in capacity issues across the province. ACE says many hospitals have improper discharge policies.

ACE, The Canadian Centre for Elder Law and the Law Commission of Ontario, hosted

the 5th annual Canadian (International) Conference on Elder Law October 28-30 in Toronto.

The conference brought together Canadian and international experts, academics, lawyers and advocates to promote and advance the discussion of elder law issues. It explored 3 broad issues: ageism and the law, access to justice for older adults, and law reform.

For more information on ACE visit www.ancelaw.ca/.

Do you want more money? Apply for the Disability Tax Credit

This tax credit reduces the amount of tax you pay to the Federal Government. You can apply for it by taking the form (T2201, Disability Tax Credit Certificate) to your family doctor to be filled out. The tax credit can also be claimed retroactively. You need to get the T2201 form filled out, write a letter asking for retroactivity and then submit both the form and the letter to the Canada Revenue Agency. Call the clinic for more information.

Are your workplace concerns being heard?

The Fair Practices Commission is an independent office working to promote and ensure fair practices in the Workplace Safety and Insurance Board (WSIB) in Ontario.

They will:

- Listen to the concerns of injured workers, employers, and service providers
- Resolve fairness issues quickly
- Identify recurring trends and system-wide issues and report them to the WSIB with recommendations for improvements

According to the Commission one of the most common concerns is that the WSIB has taken too long to make a decision, to send a written decision, or respond to calls or letters.

If you have concerns about the WSIB you can contact the Fair Practices Commission at 1-866-258-4383 and tell them your WSIB concerns, go online at www.fairpractices.on.ca, or call us here at the clinic.

Jessica Michael, Clinic Lawyer



Listening to our community: Update on the Connecting Region project

As reported in our last newsletter, we've begun meeting with people to find out how we can improve access to legal information and advice for people who live in rural areas, or who are Deaf, or don't speak English or French. We are looking for community partners to work with us. To help everyone know where best to refer people who need help, we've created an experimental "Access to Justice" Tool Kit that can be found at: www.communitylegalcentre.ca/ConnectingRegions/. In March 2011, we will be holding a special forum to release our findings and talk about next steps.

The pizza delivery man

A few years ago, I met a pizza delivery man. He was not the first pizza delivery man I have ever met, and I have certainly met others since him. He was, however, not delivering any pizzas that day. Instead, we sat in a small room and calculated together how much his employer owed him in unpaid wages. I knew his employer very well. I had assisted 7 other workers from that company with their unpaid wages.

The pizza delivery man was originally a journalist from Southeastern Europe and once wrote negatively about a high-ranking military official. He left his native country when one of the military official's henchmen shot at him in a failed assassination attempt.

When I showed interest in his story, the pizza delivery man took out a weary press ID card from his wallet. Despite the fact that he had not worked as a journalist since coming over to Canada many years ago, he had been carrying the old press ID card with him everywhere. It must have reassured him as his employer barked orders at him.

As the pizza delivery man spoke to me, I thought to myself that

he was probably never going to see his wages. The Ontario Ministry of Labour, unfortunately, is not very good at its job.

When a worker files a claim for unpaid wages to the Ministry, the worker will wait approximately 1 year before the Ministry finally starts its investigation. If the Ministry determines that an employer violated the *Employment Standards Act* and owes a worker wages, then it often gives the employer a chance to pay voluntarily. The Ministry rarely assesses penalties and never does it add interest to the unpaid wages.

This is a very good system for unscrupulous employers. If the employer does not pay 10 workers and 9 subsequently complain to the Ministry, then the employer still comes out ahead.

How well does the system work for the workers? According to the most recent numbers that the Ministry released, the Ministry has ordered Ontario employers to pay \$168.9 million in unpaid wages. Out of that amount, the Ministry failed to collect \$100.5 million.

Consequently, I knew even before filing the claim that this pizza delivery man would probably never see his wages. The Ministry had failed to collect the wages for his 7 co-workers, so I could not imagine it doing so for him.

At the end of our meeting, he shook my hand to thank me. He carefully placed his press ID card back in his wallet and asked me to contact him as soon as the Ministry recovers his wages. They never did.

The clinic still encourages workers to file Employment Standards claims with the Ministry of Labour. **Despite the discouraging figures, many workers do collect their wages.** Even if you do not collect your wages, it is still important to let the Ministry know that you are owed the wages. Perhaps the Ministry of Labour will finally take some action when the amount of uncollected wages becomes so large that it becomes too embarrassing.

John No, Clinic Lawyer



The Provincial Government creates new dental program for children

The Healthy Smiles Ontario program is aimed at children under 18 who have no other dental coverage and are in a household with an adjusted net family income of \$20,000 or less. For details, call 1-866-532-3161 (TTY: 1-800-387-5559), go to www.health.gov.on.ca/en/public/programs/dental/, or visit your local health unit.

Criminal injuries conference a success

On September 20, the clinic, with support from the Quinte & District Victim's Fund, hosted a conference entitled: ***Beyond the Basics: Helping Victims of Crime Claim Compensation.***

Highlights of the day included a keynote address by Maureen Armstrong, Chair of Criminal Injuries Compensation Board (CICB), on the application process. (CICB is a government-funded program which provides compensation to victims of violent crime.) Pamela Cross, feminist lawyer, delivered a motivating and inspiring talk on victims' rights. Kandace Davies,

local lawyer, provided detailed information about civil suit options. A moving account from a former CICB client and a touching testimonial from Sandi LeBlanc-Decresce, Mental Health Counsellor, on how to support victims, capped off an interesting learning event.

Additionally, clinic staff explained how to complete CICB applications, and provided helpful advice about how to create stronger counselling reports to support victims' requests for compensation.

Seventy participants, from local health and social service organizations, and other members of the community, left with a better understanding of how best to support victims who make a CICB claim and an increased awareness of available compensation. Conference materials are online at www.communitylegalcentre.ca/legal_information/CICB/Conference.htm.

If you are interested in making a CICB claim, the clinic may be able to help you. Please contact us for more information.

Sharon Powell, Law Clerk/Advocate

Denying ODSP to people with addictions violates human rights

Recently the Ontario Court of Appeal ruled that denying benefits under the Ontario Disability Support Program (ODSP) to people with addictions violates the *Ontario Human Rights Code*. The Court decision confirms that people who are disabled and unable to work

because of a drug or alcohol addiction may be eligible for ODSP benefits.

The Court rejected the Government's argument that preventing people with addictions from getting ODSP promoted their recovery. The

Court found that the legislation discriminated against addicts on the basis of disability.

We encourage service providers working in the field of addictions to contact the clinic for more information.

Deirdre McDade, Clinic Lawyer

CALC organizes study tour for Ukrainians (Cont'd from page 1)

Hall's Parkdale Community Legal Clinic. Officials from Legal Aid Ontario, the Association of Community Legal Clinics Ontario, and the Clinic Resource Office also welcomed them. (Go to <http://bit.ly/duSJ2C> for a full account of the Cobourg visit.)

A highlight of the trip was meeting the "father" of Ontario's community legal clinic system, former Chief Justice and

Attorney-General Roy McMurtry. He applauded and encouraged them in their work to bring access to justice to vulnerable people living in Ukraine, and told them about the historical challenges that were faced in the early days of building the community legal clinic system in Ontario.

The OSI, an international development organization,

contracted with the clinic to organize the study tour, and continues to provide ongoing support to the Ukrainian organizations through the International Renaissance Foundation in Ukraine. The study tour was a unique and valuable learning experience for all the visitors and our clinic and Legal Aid Ontario colleagues.

Michele Leering, Executive Director and Clinic Lawyer

WHAT'S NEW AT THE CLINIC

Increasing rural access to justice — Our new articling position

The Law Foundation of Ontario is supporting rural and linguistic access to justice by providing articling students to the clinic for the next 2 years. An articling student is completing the final training to be a lawyer.

Our first student, Gillian Fahy, started work in August 2010. With her help we will be trying to reach 2 groups – lumber

workers in North Hastings and migrant farm workers, primarily in Prince Edward County. We will be providing information about the legal clinic and particularly about employment law and workers' rights.

Having extra help will ensure that we have a regular presence in our Centre and North Hastings offices and allow us to

increase the public legal education we provide in those communities.

We would like to hear from you if you are, or know, a migrant farm worker or lumber worker who needs legal information or advice.

Gina Cockburn, Clinic Lawyer

The year in review: Highlights of our work in 2010 (available in December)

If you are interested in reading more about our work this year, we are preparing a full report available at www.communitylegalcentre.ca/about/Board/Annual_Reports.htm or by mail. Just call the clinic for your copy of our **2010 Annual Report**. The report will detail some of the issues and projects we have been working on, the kind of results we've been able to achieve for our clients, a client's story, and our future directions. It will also be available at our December Annual General Meeting.

Reflections on 8 years as a CALC Board member

As I complete my 8th and final year on the clinic's Board, I am grateful for the opportunity I have had. I found that being a Board member involves listening, thinking, preparing and participating in discussions and making choices.

Training for Board members and the opportunity to work with creative and dedicated staff helps Board members learn what they need to know to be

effective. I have learned a great deal about the type of work clinic staff do and have developed a great admiration for their ability to assist clients to get the benefits and services they are entitled to.

Working with community partners, clinic staff also use their expertise to advocate for important changes in laws and policies that affect low-income people. Through my

involvement as a Board member, I feel I have developed a deeper knowledge and understanding of "access to justice." A challenge that doesn't seem to be getting any easier is thinking about what needs to change systemically to get people out of poverty and how can we best have an impact.

Cathy McCallum, Board Member

CALC at the Hastings Highlands Loggers Games: Outreach to self-employed loggers



Clinic staff attended the 21st Annual Hastings Highlands Loggers Games during Maynooth Madness Weekend in Maynooth on Labour Day weekend.

We met with local residents, loggers, service providers and visitors to the area. We distributed information on clinic services, Workplace Safety & Insurance Board, and employment law materials.

BAFFLEGAB is published semi-annually by:



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Do you prefer to receive **newsletters by email**? Email us at bafflegab@communitylegalcentre.ca.

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

Are you a service provider? You can request copies of our clinic pamphlet for your clients. Please contact Denise, ext 23, or email us at clinicoutreach@communitylegalcentre.ca.

We're on the Web! www.communitylegalcentre.ca

Follow us on twitter! www.twitter.com/CALCtweets

Clinic staff & Board news — Comings and goings

Welcome to:

- Articling Student **Gillian Fahy**
- Executive Assistant **Angela Warren**
- Volunteer **Michael Green**
- Loyalist Placement Students (starting in November) **Carrie McGeown & Amy McDonald**
- Queen's Law Student (work bursary) **Melissa Mac Rae**

Goodbye and thanks to:

- our summer Law Students **Melissa Mac Rae & Matthew Garrett**
- Volunteers **Mike Seeley, Eva Singha, Steven Fisher, Annemieke Little-Leering & Barbara Weiderwick**
- Volunteer Law Students **Anupa Varghese, Ken Menlove, & Corinna Trill**
- **Cathy McCallum** and **Penny Hendricks**, who have served 8 years and 5 years, respectively, on the Board of Directors

Volunteers welcome

The clinic appreciates past volunteers and placement students and thanks them for their hard work and dedication. We need volunteer help with office duties, working with clients, preparing legal education materials and more. For information about volunteer placement opportunities at the clinic, please check the clinic's website at: www.communitylegalcentre.ca/about/volunteers.htm, or email Sharon Powell, Volunteer Facilitator, at powells@lao.on.ca.

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 clinic in your area.

Go to www.legalaid.on.ca to find a clinic serving you.