

B A F F L E G A B

Semi-annual newsletter of the Community Advocacy & Legal Centre

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Navigating with the wandering lost: Seeking paths to justice — Special Forum

Are people living on a low income or in poverty getting access to the legal help they need? Are people who live in rural or remote parts of our service area or who are Deaf or hard of hearing or who speak languages other than English or French able to access services funded by Legal Aid Ontario? If they are not - what can we do to change this?

rights, consumer, and education law, for example), our clients sometimes have related legal problems in other areas like family or criminal law. Our Network is exploring how to meet

from domestic violence, immigration, being a victim of crime, and rural and linguistic (Deaf) challenges.

At this forum, and in this newsletter, you will learn about our innovative plans to tackle these issues. Many challenges were already identified in our recent *Paths to Justice: Navigating with the Wandering Lost* report (see article on page 2). We want your feedback on what else we can do to improve access to justice. What

challenges have you noticed in the last 6 or 7 months? Have you seen improvements?

Please join us in Belleville, on Wednesday, November 23 from 10:00am – noon, at the Quinte Gardens Auditorium, 30 College Street West. At noon, join us for a free lunch and informal networking. ASL interpretation will be provided.

(Continued on page 2)



Providing access to justice and raising questions about social justice and access to justice issues are part of our legal clinic's mandate and mission. Legal Aid Ontario recently awarded an Innovations grant to our Five County Legal Aid Service Provider's Network. We have recently started a one-year pilot project to improve the coordination of criminal, family and poverty law services. Although the legal clinic provides only poverty law services (roof over the head, food on the table, and related legal work in employment, human

people's legal needs more proactively and efficiently over the coming years. How can legal aid services be more collaborative, holistic and integrated? Please join us on November 23 for an informative and thought-provoking presentation and dialogue about some of these questions and issues. A special interactive forum will include presentations about challenges arising from poverty law, family law, and issues arising

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Annual General Meeting Notice

Our Annual General Meeting will be held at 1:00 p.m. on **Wednesday, November 23**

LEGAL RIGHTS

"60s Scoop" class action - First Nations children placed for adoption or fostering in Ontario between 1965 and 1984

Brown and Commanda and Canada is a class action lawsuit against the Government of Canada. Marcia Brown and Robert Commanda are suing Canada on behalf of possibly 16,000 other Aboriginal/First Nations (First Nations) persons. The lawsuit has become known as the "60s Scoop" class action.



**SIXTIES
SCOOP**
CLASS ACTION LAWSUIT

Brown and Commanda are arguing that a wrongful act was committed between the years

1965–1984 because Canada did not comply with its duty to preserve the cultural identity for all of the First Nations children in Ontario who were placed in non-aboriginal homes for adoption, either as Crown wards or as foster children. They argue that as a consequence of what Canada did or did not do, they lost their cultural identity and this has caused them much pain and suffering. The appeal is scheduled to be heard at the

Divisional Court, Toronto, ON, on October 28, 2011. It is a public hearing and anyone can attend.

To find out whether you are eligible as a "claimant" in this lawsuit you can find more information available online at: www.sixtiesscoopclaim.ca. Eligible individuals can register to be claimants in the class action online as well.

(Adapted from an article in HALCO's Spring 2011 Newsletter)

Deirdre McDade, Clinic Lawyer

NEW* Get referrals for legal information at your public library *NEW

Public libraries are hubs for people looking for answers to all kinds of questions and for people who need free internet access. We are thrilled to be working with local public libraries and the Hastings County Law Association to improve access to justice by making legal information easier to find. We are collaborating to ensure we can help everyone get better access to legal information, including over the internet. We're also hoping to work on more projects together, including making CLEO's (Community Legal Education Ontario's) legal information materials accessible in libraries in rural and remote areas, and developing tip sheets on how to deal with your lawyer in family law or wills and estates matters.

Special Forum

(Continued from page 1)

RSVPs to 613-966-8686, ext. 0, are only required if you are staying for lunch. The session will be recorded for replay in our satellite office areas, if there is sufficient interest.

The clinic's Annual General Meeting follows at 1:00 pm.

Michele Leering, Executive Director and Clinic Lawyer



Paths to Justice update

In March, following our consultations with many of you, we submitted the *Paths to Justice* report (<http://bit.ly/riEgEs>) to the Law Foundation of Ontario (LFO).

The LFO funded our Five County Network of Legal Aid funded service providers to consult, research, reflect and recommend how to best increase access to justice in rural areas and for linguistic groups. Although we did not get funding for our proposed Phase II LEARN LAW

and LEARN Legal Literacy projects, we are partnering with community organizations, legal clinics and local lawyers to carry out some of our recommended initiatives in a very low cost way.

So, to improve legal aid services and promote legal literacy and legal awareness:

- We will be publishing LEARN LAW legal information columns in selected local newspapers.

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LEGAL RIGHTS

Can I get Employment Insurance if I get fired or quit my job?

If you are unemployed and looking for a job, you may be able to get Employment Insurance (EI) benefits, provided you worked enough hours over the last year.

There are circumstances when you might be denied EI. Usually, you will be denied if you quit your job or if you were fired, but there are exceptions which you should know about.

If you quit your job and had "just cause" for doing so, you may be entitled to EI. "Just cause" will vary in each case, but examples include:

- you were being harassed
- you were discriminated against
- your employer wanted you to work in a dangerous environment

- you needed to move to accompany your spouse/child
- you were reasonably sure you had another job lined up
- your wages, salary or work duties changed significantly
- you had to work excessive overtime
- your employer was doing something illegal or pressured you to leave your job.

It is always helpful to show you tried to work with your employer to fix the problem before having to quit your job. You should also try to find other work before quitting your current job. It is very important that you get legal advice before you quit your job for **any** reason.

If you fall into any of the above exceptions and believe you

should qualify for EI benefits, please call the clinic.

You can still get EI benefits if you were fired, depending on the reason given by your employer. You may not receive benefits if you were fired for misconduct, including things like threatening or violent behaviour, destruction of company property, or disobedience. Even if you believe you may have been fired for cause, you should still get legal advice.

If you have already applied and were refused benefits, you have the right to appeal the decision. Contact the clinic for help.

Read pamphlets on EI at www.cleo.on.ca/english/pub/onpub/subject/work.htm.

Jordana Laporte, Clinic Lawyer

Low-income energy news – New rules for electric companies

There are new rules for electric companies that affect low-income customers, starting October 1, 2011. These rules relate to deposits for new accounts, getting deposits back, or repaying money owing.

The electric company can still ask for a utility deposit, but if you qualify as a low-income customer you can ask that the deposit be waived (not collected). You must let your electric company know that you qualify.

Most people who get social assistance benefits or those who

have received Emergency Financial Assistance in the past, will qualify. You remain qualified for 2 years.

If your electric company already has your deposit, the new rules



allow you to ask for it back. If you owe them money, it will not be returned. Most of the time the deposit will be applied to future bills.

For low-income customers who owe money to the electric company, a payment plan can be made, instead of making a lump sum payment. There are some

rules about the time periods for paying back money owing. Payment plans will often include a requirement that 10% of the money owing is made at the time of the payment plan.

You can enter into a payment plan as many times as needed as long as you complete any previous plans. For more information about this program, including time periods for payment plans, see www.ontarioenergyboard.ca or call 1-877-632-2727.

Allison Gaw, Summer Law Student

LEGAL RIGHTS

Spotlight on: HIV & AIDS Legal Clinic Ontario (HALCO)

One of our legal clinic partners is HALCO, the HIV & AIDS Legal Clinic Ontario, a community legal clinic that provides free legal advice to people living with or affected by HIV/AIDS in Ontario in a number of areas of law, including income security, housing, immigration, human rights, health law, powers of attorney and substitute decision-making, and privacy law.

HALCO believes that people living with HIV/AIDS face unique



legal problems. They envision a society where the law helps to reduce discrimination, stigma, poverty and injustice for people living with HIV/AIDS. HALCO staff are willing to speak to community groups about legal issues. Call our clinic for more information.

In addition to providing advice and representation to clients, HALCO works to reform laws. They are participating in a campaign calling on the Ministry of the Attorney General to

ensure that HIV-related criminal complaints are handled fairly and in a non-discriminatory manner by crown prosecutors.

HALCO also intervenes in court cases to ensure that the perspective of the HIV/AIDS community is heard in cases that will impact on people living with HIV/AIDS.

For further information, visit HALCO's website at www.halco.org or call our clinic.

Daniel McCabe, Clinic Lawyer

Save the Date! November 17, 2011

National Housing Day Event

Hosted by the Affordable Housing Action Network (AHAN)

Location: Eastminister United Church, Belleville. Mark your calendar for this annual event. Details will be posted on our website and on AHAN's at: www.hastingshousing.com/ahan/.

Why should you invest in Canada Learning Bonds?

The Canada Learning Bond allows children of modest-income families to get \$500 for a child's education after high school. The Canada Learning Bond (CLB) is a grant offered by the Government of Canada to help parents, friends, and family members save early for the post-secondary education of children.

Your child can get the \$500 Canada Learning Bond plus an extra \$100 per year up to age 15 if:

- your child was born after December 31, 2003, and

- you get the National Child Benefit Supplement as part of the Canada Child Tax Benefit, commonly known as "family allowance" or "baby bonus."

It is a simple 2-step process:

1. Get a Social Insurance Number (SIN) for yourself and your child. There's no fee. However, certain documents, such as a birth certificate, are required.
2. Open a Registered Education Savings Plan (RESP) account with an RESP Provider that offers the Canada Learning Bond.

You don't even have to put any money into the RESP. Your RESP provider will apply for the bond, which will be deposited directly into your child's RESP account.

For more information:

- Check out the Canada Learning Bond brochure at www.canlearn.ca.
- Call 1-800-O-Canada (1-800-622-6232) to order a free copy or to find the location of a local office where you can pick one up (if you use a TTY, call 1-800-926-9105).

Robert Doxtator, Summer Law Student

Working to reduce poverty & exclusion: Social Assistance Review

In January 2011 the Social Assistance Review began with the appointment of Commissionaires Frances Lankin and Dr. Munir Sheikh. The Commissionaires held consultations across the province but unfortunately did not hold one in our local area. In order to make sure that local voices were heard, we held our own consultations. We worked with the ODSP Action Coalition to host a local meeting about how social assistance can be improved. We invited people who were receiving income support from Ontario Works (OW) and the Ontario Disability Support Program (ODSP) or who had received it in the past to participate in our consultations.

In August, 20 participants met at the Belleville Public Library for

our consultation. We also partnered with the Community Health Centre in Napanee to host 2 local consultations. One session was for recipients of OW and ODSP and the other session was for service providers.

We used the results of the consultations and prepared a submission to the Social Assistance Review Commission outlining local concerns and suggestions for improvement. We concluded that both the OW and ODSP rates are far too low and do not provide people with enough money to pay their rent and buy healthy food and pay for transportation costs. We also found that the social assistance rules were too complex and



difficult to understand. That finding isn't surprising given that there are over 800 rules! We concluded that social assistance programs need to be administered in a way that is more sensitive, respectful and empowering.

We are hopeful that as a result of this review changes will be recommended to social assistance that embrace the values of respect and dignity while ensuring people no longer live in poverty.

For more information on the Social Assistance Review go to www.sareview.ca. For our submission go to <http://bit.ly/rggFiz>.

Deirdre McDade, Clinic Lawyer

Medical reviews for people on Ontario Disability: Good news!

If you are receiving benefits from the Ontario Disability Support Program (ODSP), you may get notified that your disability status is being reviewed.

The review process requires you to fill out a new application for disability benefits and go through the entire disability assessment process all over again.

We believe this is the wrong process to use. It is also inefficient. The medical review process should not revisit the



decision of whether you have a disability. That was already determined the first time you applied. The issue on a medical review should be whether your medical condition has improved so that you are no longer disabled.

The Social Benefits Tribunal agrees with us. In May 2011 we argued this issue on an appeal to the Social Benefits Tribunal after a client had lost her benefits because of a medical review. The Tribunal accepted our argument that the test on

appeal of a medical review decision should be different. The Tribunal found that since our client had already been found to be a person with a disability, the test on a medical review is whether or not she **continued** to be a person with a disability and the lack of any improvement in her condition should be enough to satisfy this test.

If you receive a notice from ODSP that your medical status is being reviewed, please contact us for help.

Deirdre McDade, Clinic Lawyer

Poverty activists – Fall action

Working together, local groups raised the issue of poverty in the 2011 provincial election. This clinic helped organize this systematic approach to raising awareness and encouraging discussion about poverty.

The Quinte Labour Council kicked off with their Labour Day display at the Quinte Mall, by advertising the launch of the "Poverty Free Ontario" campaign. Other events included the showing of the film *Poor No More* and an all-candidates meeting on September 21.

Marvin Novak, on the invitation of the Community Development Council of Quinte, unveiled the

Poverty Free Ontario Campaign on September 12. "Poverty Free Ontario" signs could be seen on lawns throughout our area. Mr. Novak's key message included: end deep poverty, end working poverty and protect food money.



Poor No More, a film focusing on the need for stable and meaningful

employment in fighting poverty, played to a crowd of more than 200 including local politicians at the Empire Theatre in Belleville on September 15. The film raised more than \$2,000 for Bridging the Gap for Kids. Speakers engaged in thought-provoking discussion.

The themes of jobs, poverty and affordable housing came up at an all-candidates debate on September 21. The event, hosted by the Affordable Housing Action Network and moderated by Eastminster United Church's Rev. Ed Bentley, saw a fast-paced and excellent debate between 2 candidates for the Prince Edward-Hastings riding.

A diverse and motivated group of community activists will continue to raise the issue of poverty in our community. Watch the clinic's website for upcoming events and updates.

Gina Cockburn, Clinic Lawyer

Bancroft Drop-in Clinic Returns! Visit us in our Bancroft office, no appointment needed, on the 2nd Tuesday of every month, from 10:00 am – 12:00 pm. (Note: We cannot advise on family or criminal law.)



Paths to Justice update (Continued from page 2)

- We are working with libraries in Hastings, Prince Edward, and Lennox & Addington Counties to help their staff provide better legal information and referrals, with the help of Community Legal Education Ontario (CLEO).
- Over the next year, we are organizing 2 or 3 LEARN LAW lunches/sessions for service providers in our satellite office communities with the help of volunteer lawyers who do wills and powers of attorney and family law.
- With the help of an outreach and a project coordinator funded by Legal Aid Ontario, we will be working more closely with Family and Criminal Duty counsel, court staff, and Legal Aid's Client Service Centre to better triage legal help so that clients receive more appropriate and seamless services. (Come to our special forum, see page 1 article, on November 23 where we want to talk to you about this!)
- We are creating American Sign Language video clips and embedding them in our website to make it easier for the Deaf to use it.
- We will be doing outreach to the Deaf and working with the Canadian Hearing Society to make video relay interpreting available through our legal clinic.
- We will be making more webinars and workshops on legal topics available through partnerships with CLEO and the Community Law School of Sarnia Lambton (consumer and debt issues).

Michele Leering, Project Lead

Peter Kerr, Project Coordinator

WHAT'S NEW AT THE CLINIC

Want to give back to your community?



Do you want to know more about how poverty impacts on access to justice? Do you want to make a difference? Have you wondered how you might get involved? Now could be the time!

We are looking for members of the community to stand for election to our Board of Directors. If you live in a rural area, it is possible to participate in Board meetings by Skype or conference call. We may also be able to provide a small travel allowance.

If you think you might be interested and want more information, visit our website at www.communitylegalcentre.ca/about/Board.htm, call Lynda Morgan at ext. 25, or use our TTY.

Lynda Morgan, Office Manager

The year in review: Highlights of our work in 2011 (available in December)

If you are interested in reading more about our work this year, we are preparing a full report which you will find online at www.communitylegalcentre.ca/about/Board/Annual_Reports.htm, or just call the clinic for your copy of our **2011 Annual Report** or come to our Annual General Meeting November 23. 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.

Clinic staff news — Comings, goings and celebrations

Welcome to:

- Clinic Lawyers **Daniel McCabe & Jordana Laporte**
- Junior Legal Assistant **Carrie McGeown**
- Queen's Law Externs **Jerri Phillips & Danielle Rode**
- Volunteers **Jane Boyle, Wanda Campbell, Andrew Dinkel, Krystal Johnson, Mark MacDonald & Andrea Steiner**

Goodbye & thanks to:

- Clinic Lawyer **Jessica Michael**
- Articling Student **Gillian Fahy**
- Summer Law Students **Robert Doxtator, Allison Gaw, Melissa MacRae, Chris Robertson & Corinna Traill**
- Volunteers **Chris Black, Ann Durnford, Samantha Foster, Gord Mitchell, Kym Nicholls, Melanie Stratton & Jackie Wimbush**
- Board Members **Rasa Baltutis, Tim Grew & Ken Palmer**, who have served 8, 6.5 & 7.5 years respectively

Congratulations to:

- Clinic Lawyer **Gina Cockburn**, celebrating 10 years with the clinic on December 3
- Legal Secretary/Intake Worker **Diane French**, celebrating 15 years on November 12
- Community Legal Worker **Marieanne Langer**, celebrating 15 years on February 3, 2012
- Clinic Lawyer/Executive Director **Michele Leering**, on her appointment to the Ukrainian Legal Aid Foundations' International Advisory Board

Help us raise money for an ACCESS to JUSTICE Fellowship & Thank you to a client for the first donation!

A special thank you to a former client for a generous donation to our new ACCESS to JUSTICE Internship Fund (A2JIF)! The monies raised will be devoted to articling or summer law student placements at the clinic. We will now be able to provide important learning opportunities to students concerned about and committed to social justice and the needs of our special rural and remote and linguistic (Deaf) communities. Working with people who are living in poverty is an incredible opportunity to see their courage in the face of overwhelming adversity, how the "law as lived" really works, and to begin to understand how to use the law and legal processes to make a difference.

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Email (Deaf clients only): calc@lao.on.ca (NEW!)

Charitable Reg. No: 12464 4121 RR001

Do you prefer to receive **newsletters by email**? Email us at calc@lao.on.ca.

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

Pamphlets and brochures available — Free!

Come down to our Belleville office any time during office hours and pick up some free pamphlets on a variety of legal topics, or give us a call.

(or get pamphlets online at www.cleo.on.ca)

We have pamphlets on:

- Ontario Works (OW)
- Ontario Disability (ODSP)
- Workplace Safety & Insurance (WSIB)
- Tenants' Rights
- Family Law



Volunteers & Interns 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. Internships and externships for law students from Ontario, other provinces, and other countries are also warmly welcomed. 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.

**Visit us
online!**



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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.legallaid.on.ca to find a clinic serving you.