POVERTY, LAW & HEALTH: THE PROMISE OF JUSTICE AND HEALTH COLLABORATIONS

Michele Leering, Executive Director/Lawyer, Community Advocacy & Legal Centre

Cathy McCallum, retired, formerly Program Manager, Hastings & Prince Edward Counties Health Unit

March 16, 2015

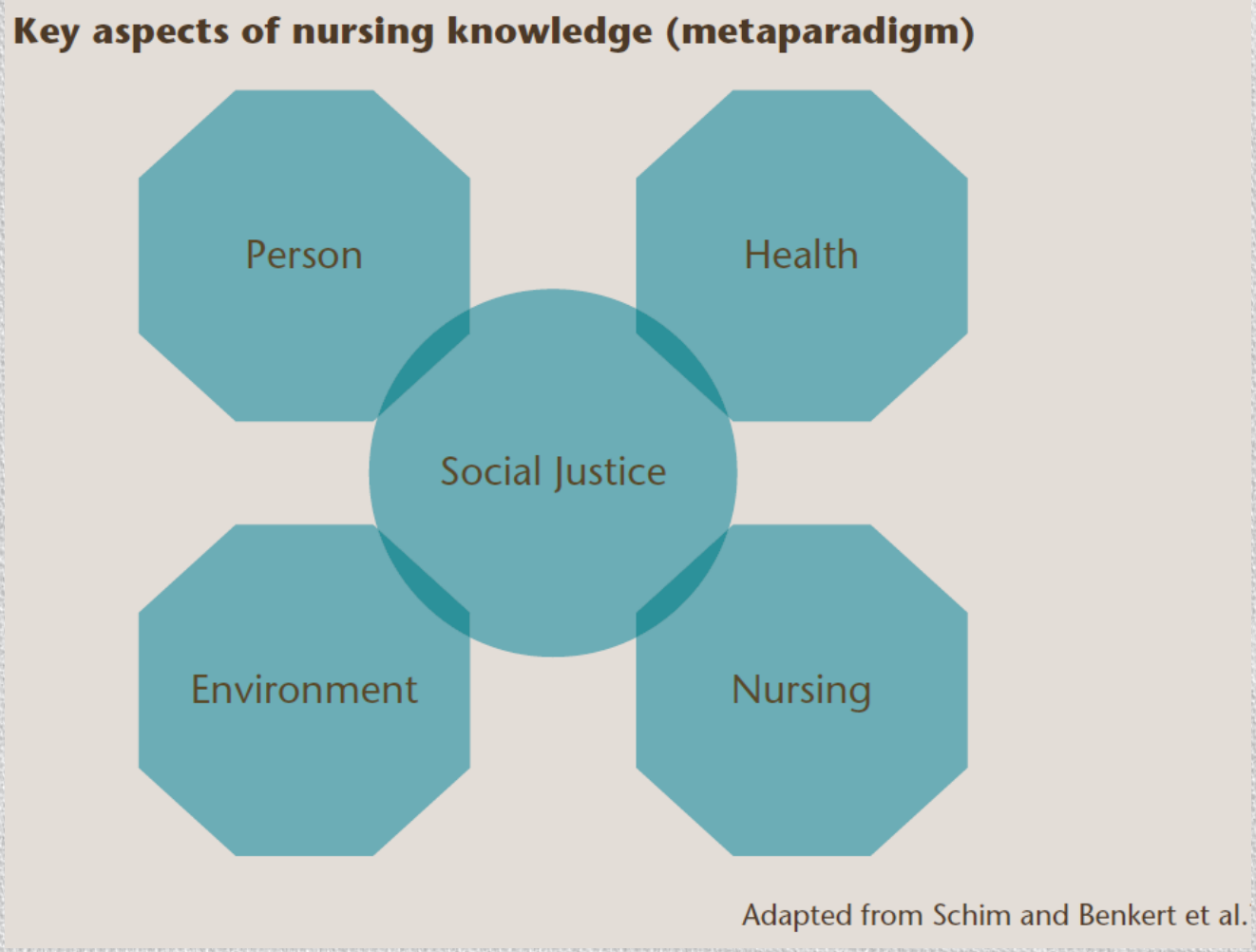
Seminar outcomes:

1. Raise awareness of the intersection between poverty, health and justice
   a) Individual level
   b) Community level
   c) Policy level

2. Survey of potential strategies to understand intersecting issues and create change based on historical work

3. Increased understanding of recent, cutting edge developments in the field of medical-legal partnerships

Nursing role in population/community health



Nursing role in population/community health

- Working in partnership with communities, families and individuals
- Planning and promoting public policy that will improve health, social justice and equity
- Using evidence to inform practice decisions
- Participating in research process
- Engaging in reflective practice and life-long learning
- Working within a socio-environmental (ecological) model for health promotion – consider social determinants of health

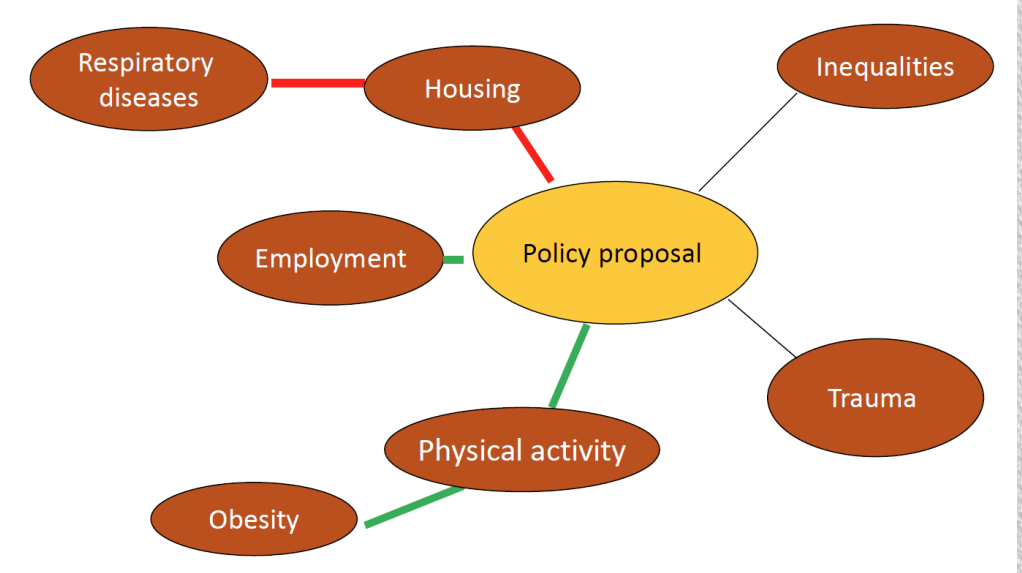
Let's talk about health

Our health is shaped by:

- Income and its distribution
- Education
- Employment and working conditions
- Housing
- Nutrition/food security
- Early childhood development
- Social supports/social exclusion
- Personal health practices and coping skills
- Health services
- Aboriginal status
- Gender
- Race
- Disability

… what are known as the social determinants of health.

Healthy Public Policy

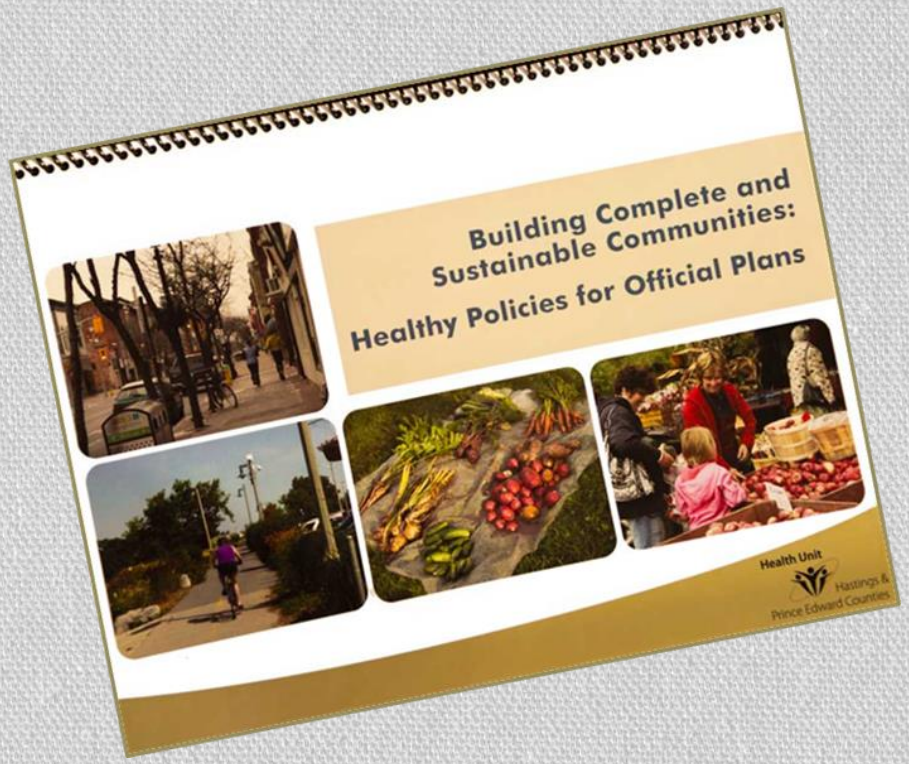


The National Collaborating Centre for Healthy Public Policy www.ncchpp.ca provides resources, research and expertise on public policy work including the assessment of policies for their health impact.

Healthy Public Policy - Municipal

Each section of the document provides:

- A policy goal
- An evidence-based rationale
- Objectives related to the goal
- Link to the Provincial Policy Statement for municipalities
- Suggested policy statements
- Implementation strategies



Healthy Public Policy - Municipal

Provincial Planning Policy offers clear guidance for municipalities on the need to create healthy and complete communities. The municipal level of government provides an excellent opportunity to have input into policies that impact health.

Health Unit
Hastings & Prince Edward Counties

Building Complete and Sustainable Communities:
Healthy Policies for Official Plans
Hastings & Prince Edward Counties Health Unit 2012

The health unit produced this document and review checklists to assist municipalities in using a healthy communities lens throughout their Official Plan review process.

Poverty

Poor people are not just like rich people without money… Poor people do not lead settled lives into which the law seldom intrudes; they are constantly involved with the law in its most intrusive forms. For instance, poor people must go to government officials for many of the things which not-poor people get privately… Poverty creates an abrasive interface with society: poor people are always bumping into sharp legal things.

Wexler, S. (1970). Practicing Law for Poor People. *Yale Law Journal*, 79(6), p 150.

Poverty and health

High income does not guarantee good health, but low income almost inevitably ensures poor health and significant health inequity in Canada.

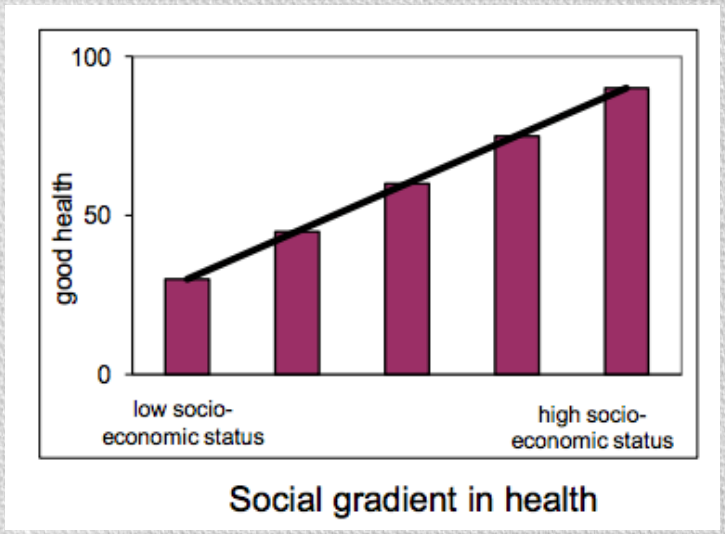
Relatively small increases in incomes of poor Canadians will lead to substantial increases in their health.

The poorest one-fifth of Canadians, when compared to the richest twenty per cent, has:

- more than double the rate of diabetes and heart disease;
- a sixty per cent greater rate of two or more chronic health conditions;
- more than three times the rate of bronchitis;
- and nearly double the rate of arthritis or rheumatism.

Poverty is making us sick: A comprehensive survey of income and health in Canada. Lightman, E., Mitchell A. Wilson B. Wellesley Institute and the Social Planning Council of Ontario. December 2008.

Poverty and health



Social gradient in health

Although ill health is most prominent among the poorest of the poor, extensive evidence confirms that health and illness follow a social gradient worldwide: at all levels of income, the lower the socioeconomic position, the worse is a person's health.

This gradient is also apparent in Canada with the most disproportionate affect on newcomers to Canada and Aboriginal communities.

Brief Summary of International Legal Needs Literature

- Multiple legal problems and interconnected problem clusters more likely among disadvantaged populations
- Intersectionality and "triggers"
- People are unlikely to take action
- Holistic approaches are needed

Dr. Albert Currie, Canadian expert, Department of Justice

Does your Health depend on your Access to Justice?
Presented by CIHR Café Scientifique
Thursday, January 31, 2013 at 7 p.m.
Gladstone Hotel
1214 Queen Street West, Toronto
Panelists
Dr. Lesley Jacobs
Professor of Law & Society and Pol. Sci.
York University
Dr. Blake Poland
Associate Professor
Dalla Lana School of Public Health
Dr. Ross Upshur
Canada Research Chair in Primary Care
Moderator
Prof. Albert Yoon
Professor
Faculty of Law
University of Toronto
RSVP: info@justiceandhealth.ca
Join leading experts from the medical, legal and public health communities as they discuss connections between health and access to justice, and help contribute to the conversation!
www.justiceandhealth.ca
Refreshments will be served.
Space is limited.
CIHR IRSC
UNIVERSITY OF TORONTO
DALLA LANA SCHOOL OF PUBLIC HEALTH
Centre for the Legal Profession

Access to justice and health

- Access to justice may be framed as a social determinant of health
- Legal problems such as discrimination, landlord and tenant disputes regarding disrepair, unfair treatment by public institutions resulting in lack of a secure income can result in:
  - Social exclusion
  - Systemic inequalities
  - Significant socio-economic hardship
- Studies beginning to show that civil and social injustice and the inability to address these can manifest in poor health – including both physical and mental illness.
- Opportunities for better collaboration and service delivery

What is access to justice?

- Providing information about the law, legal rights, legal processes and the legal system;
- Increasing the amount of advice and "brief" services to help people understand and navigate the system
- Supporting methods to reform unjust laws and to encourage the adoption of new laws to promote justice
- Undertaking systemic advocacy to improve the legal practices of institutions
- Providing access to enforcement mechanisms, and appropriate legal representation at all stages of legal proceedings.

Outcomes: Access to Justice

Clients have increased security in achieving and protecting their basic needs, such as food, shelter, income, education, employment, health care, personal safety and family relationships

Clients obtain access to the justice system, civil liberties, equal protection and intended benefit of the law

Legal Literacy

Legal literacy can be defined as "the process of acquiring critical awareness about rights and law, the ability to assert rights, and the capacity to mobilize for change."

(Schuler & Kadirgamar-Rajasingham, 1992, p. 2)

Legal Literacy

- A continuum that begins with being able to identify that an issue or problem has a legal component…
- having the capacity to understand the legal framework of a particular issue or problem or situation…
- having a basic knowledge of the legal rules and principles that apply, and …
- a practical sense of how to go about enforcing those laws, and when needed…
- how to go about proposing changes to unjust or unhelpful laws or to express the need for new laws.

In plain language (to use a colloquial expression), it is about understanding the rules of the game so that we are all on a level playing field.

Communities Taking a Collaborative approach

- Recognition of issues facing community members that are broader than one organization's mandate
- Working together to identify and address gaps/challenges
- Increase in complex problems that do not have simple linear solutions
- Underlying issue of poverty

Timeline

1989
- Task Force on Hunger

1997
- Mayor's Task Force on Social Assistance Cuts & Changes

2000
- Housing Working Group

2005/06
- Affordable Housing Action Network (AHAN) formed

2009
- Food Security Network

2011
- Submissions to Ontario Social Assistance Review

2012
- Healthy Communities Partnership

2013
- Poverty Roundtable

Local Study: Paths to Justice

Low-income people face significant barriers in accessing legal information and services. These barriers are even greater for people living in rural communities and/or who do not speak English or French.

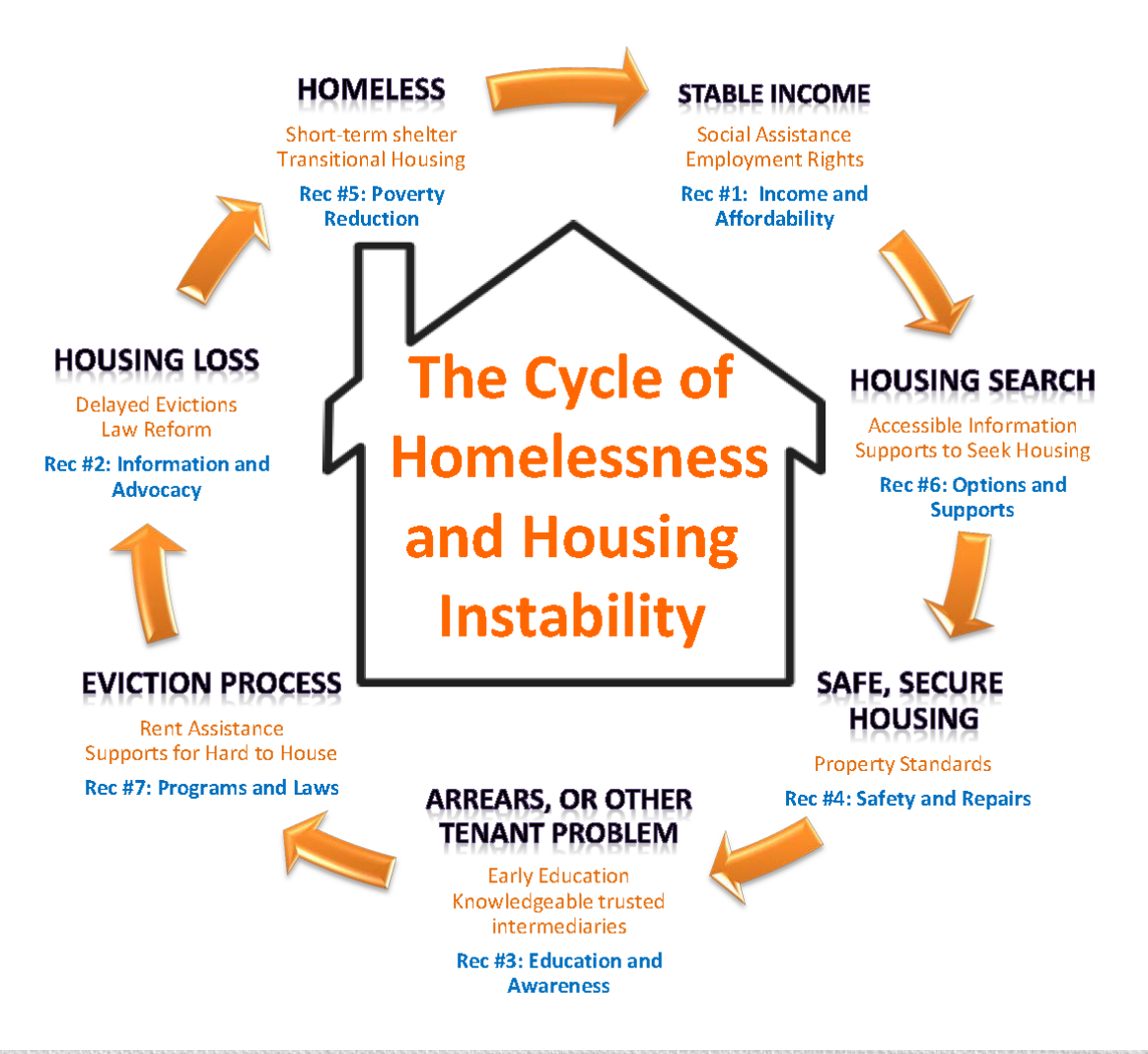
As a result, legal problems often go unresolved, which leads to serious detrimental economic, social and both physical and emotional health consequences. More generally, people who have multiple unresolved legal problems face social exclusion and disadvantage.

From: Paths to Justice: Navigating with the Wandering Lost (P2J, 2011)

Why Trusted Intermediaries?

- Build an expanded justice system by integrating community resources and legal services
- Key strategy - Intermediaries: the fence at the top of the cliff

Building Our Analysis: Early Interventions to Prevent Homelessness



Adapted from diagram in Eviction Prevention and its Relation to Homelessness, Acacia Consulting & Research Final Report, March 2006

Blind men and the elephant: Which part do you see?

Case study of John Smith

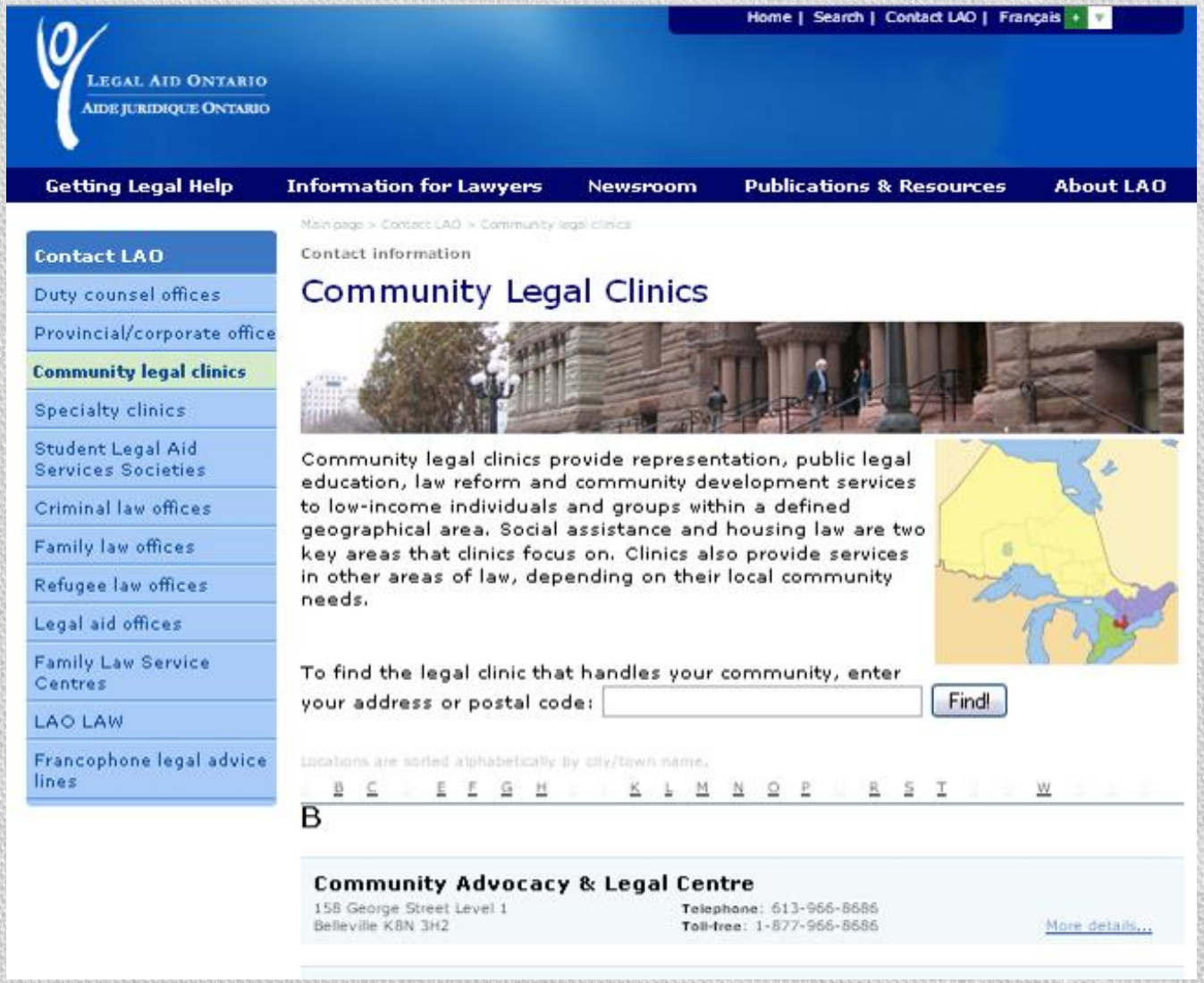
John Smith has left his common law spouse of five years a few months ago and had to move cities. He had also been diagnosed with a very aggressive cancer before he moved. He's very upset with his welfare worker as he's been told he has a large overpayment for reasons he doesn't understand and that his monthly cheque will be reduced.

He's not sure how he is going to pay for his new special dietary needs or his transportation to see the cancer specialist in a large urban area. He hasn't got a new family doctor to complete a disability pension application so he hasn't applied. He's moved into a rental apartment but discovered that the toilet is backing up. The landlord just gave him a handwritten note telling him he's going to evict him for late rent.

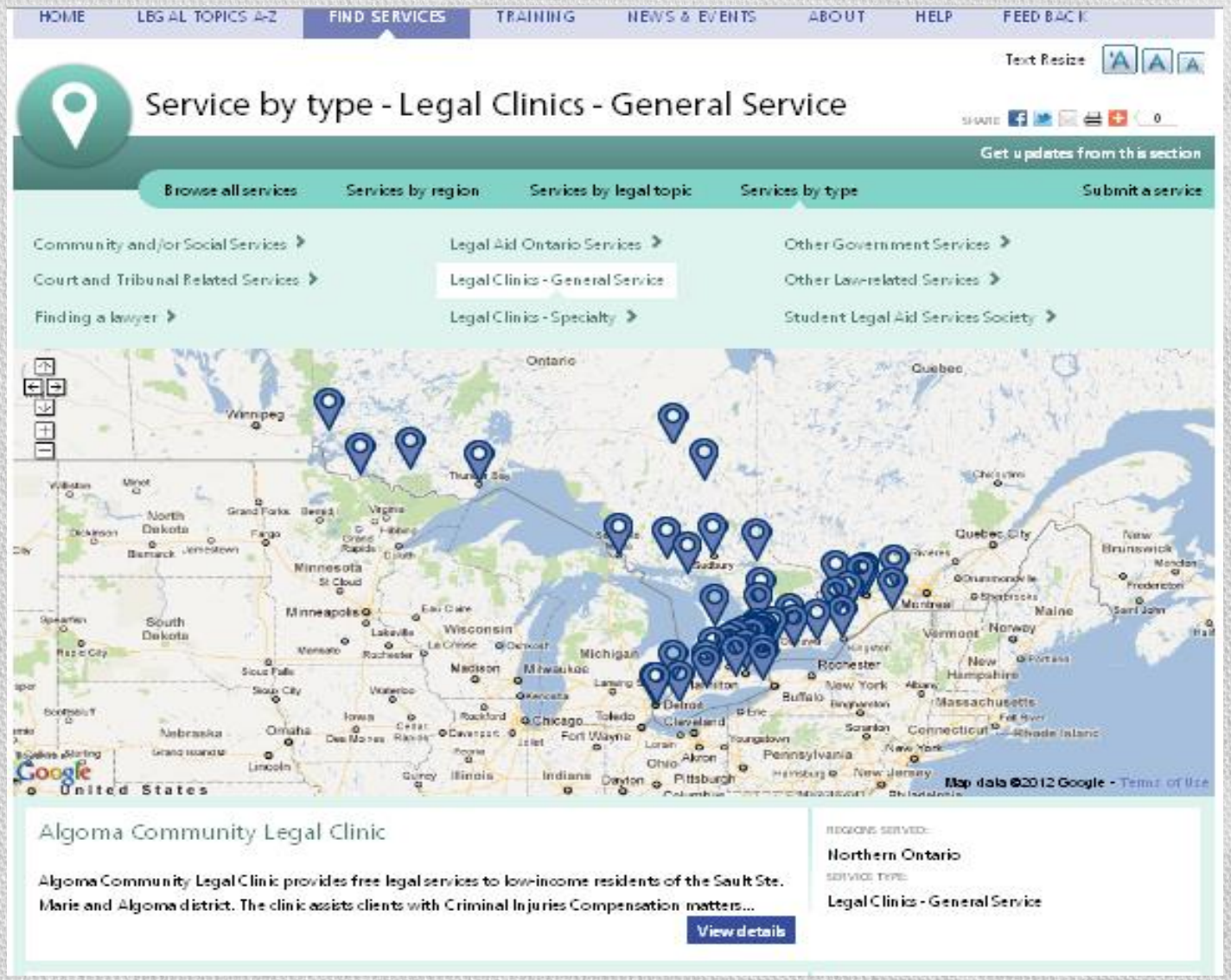
Case study debriefing # 1

Client/individual perspective

- What legal issues arise?
- How would you help John?
- What else do you need to find out?
- What should you be careful about?



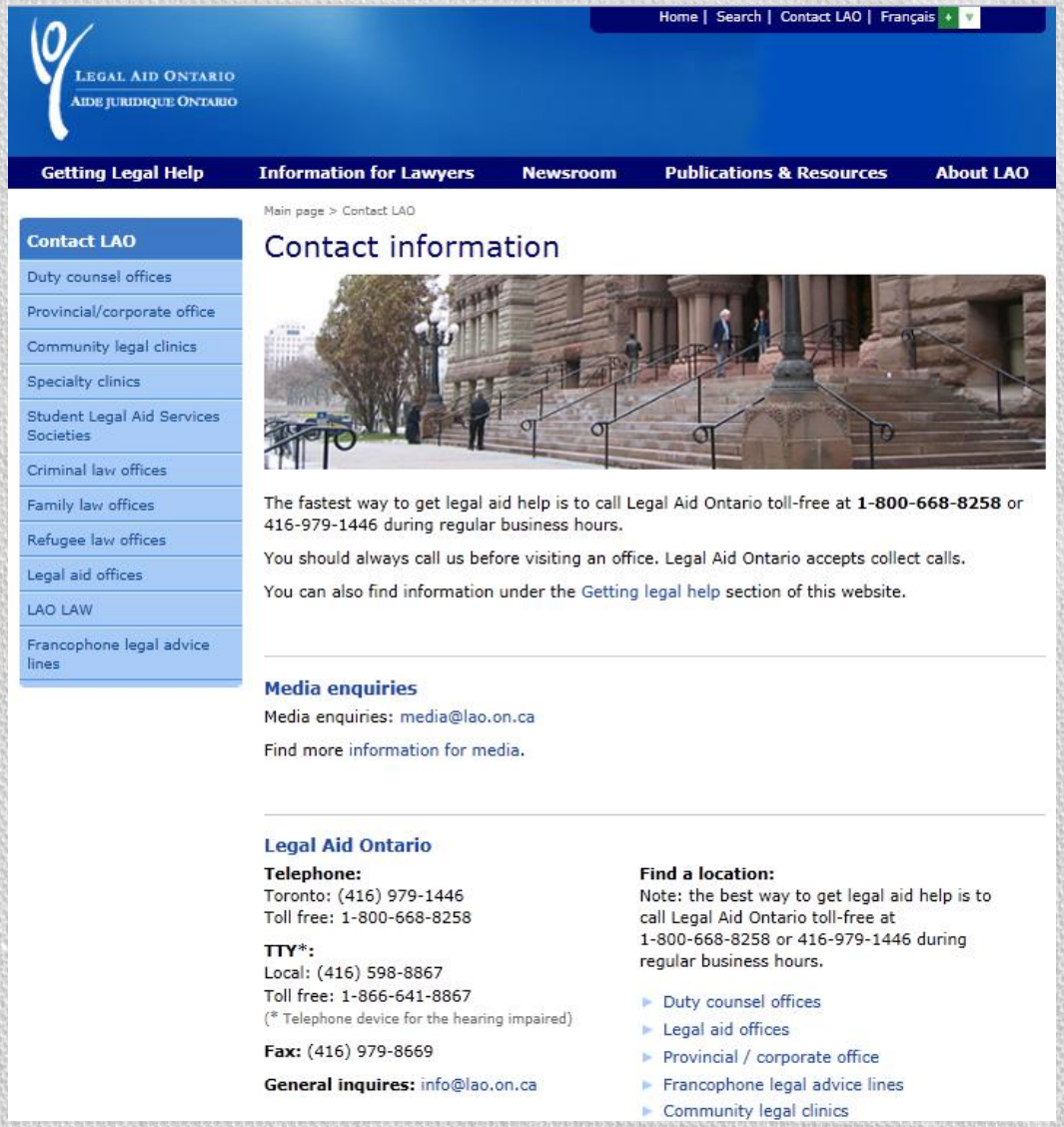
http://www.legalaid.on.ca/en/contact/contact.asp?type=cl



http://yourlegalrights.on.ca/service-type/274

http://yourlegalrights.on.ca/resource-legal-subtopic/113

http://www.communitylegalcentre.ca/legal_information/IM/OW.htm



http://www.legalaid.on.ca/en/contact/default.asp

Case study debriefing # 2

- What public policy issues arise?
- What might you do?

Medical-Legal Partnerships

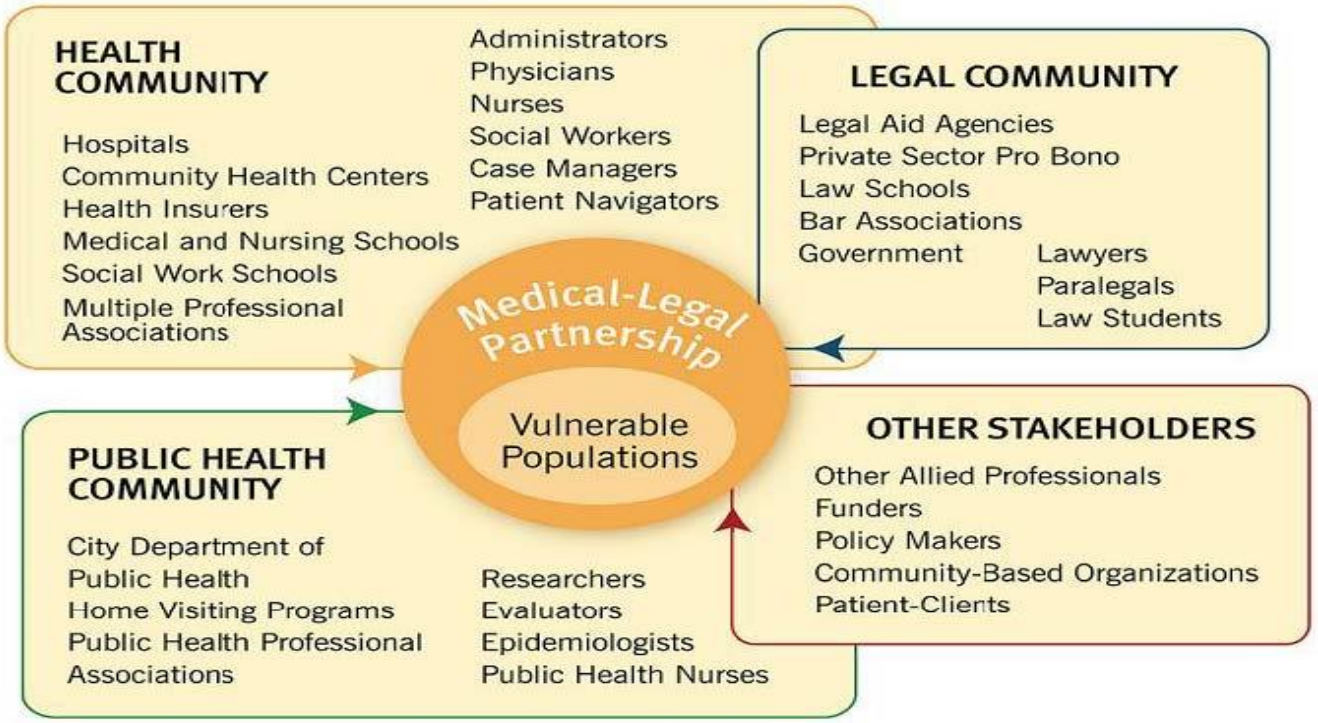
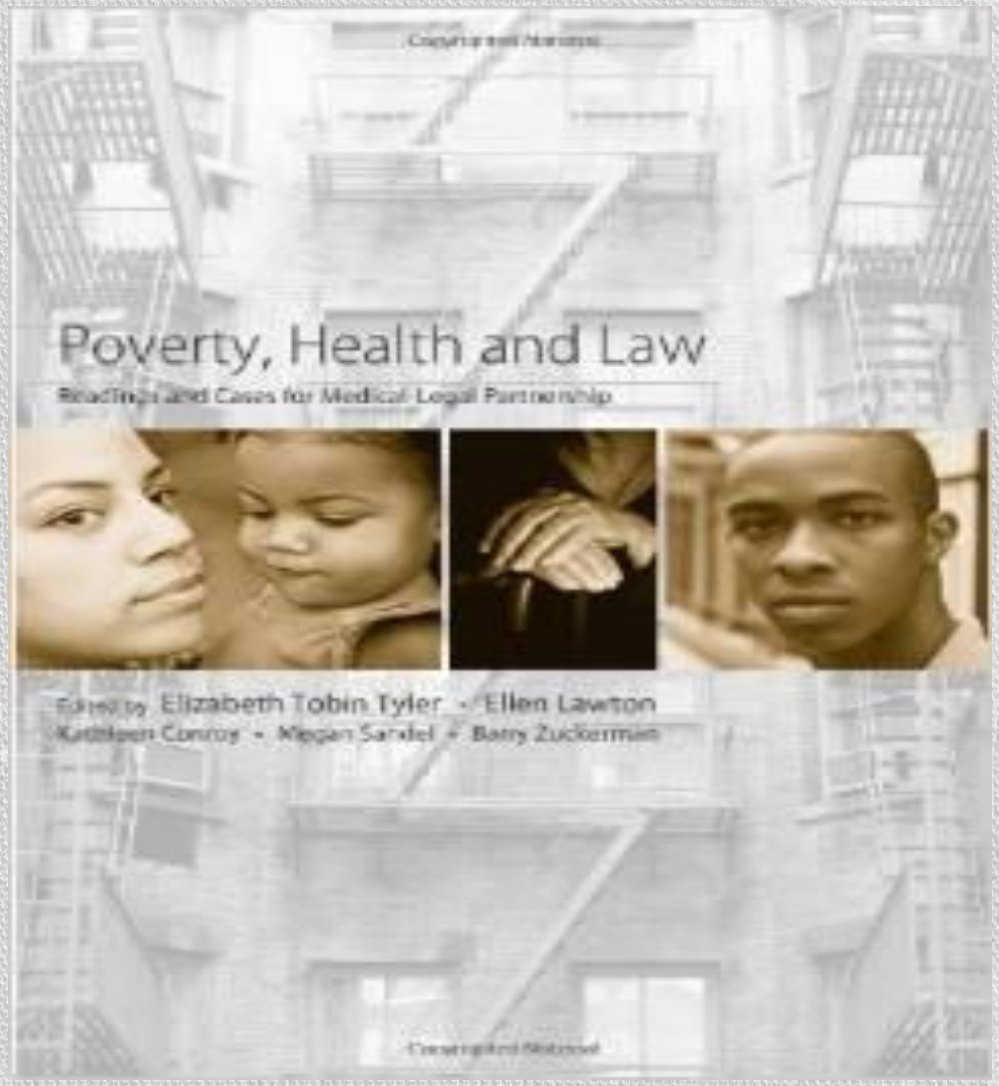


Figure 3: MLP in Community Context. Source: National Center for Medical-Legal Partnership, www.medical-legalpartnership.org.

New resources

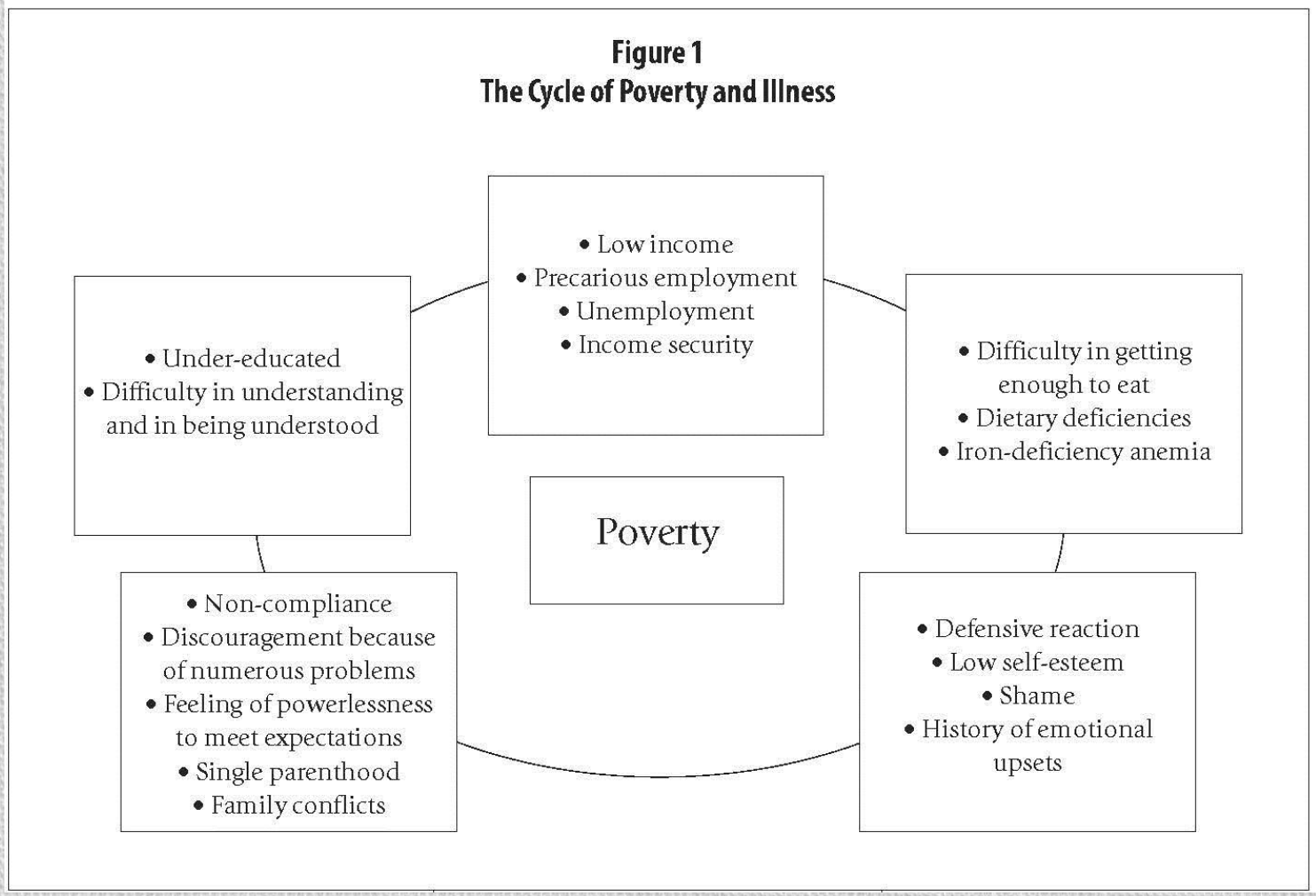


Shifting Paradigms in Healthcare & Law

	PREVAILING MODEL	MLP MODEL
LEGAL ASSISTANCE	• Service is crisis-driven • Individuals are responsible for seeking legal assistance • Primary pursuit is justice	• Service is preventive, focuses on early identification of and response to legal needs • Healthcare team works with patients to identify legal needs and makes referrals for assistance • Aims include improved health and well-being
HEALTHCARE	• Adverse social conditions affect patient health but are difficult to address • Healthcare team refers patients to social worker/case manager for limited assistance • Advocacy skills are valued, taught and deployed inconsistently	• Adverse social conditions with legal remedies are identified and addressed as part of care • Healthcare, social work and legal teams work together to address legal needs, improve health and change systems • Advocacy skills are prioritized as part of the standard of care

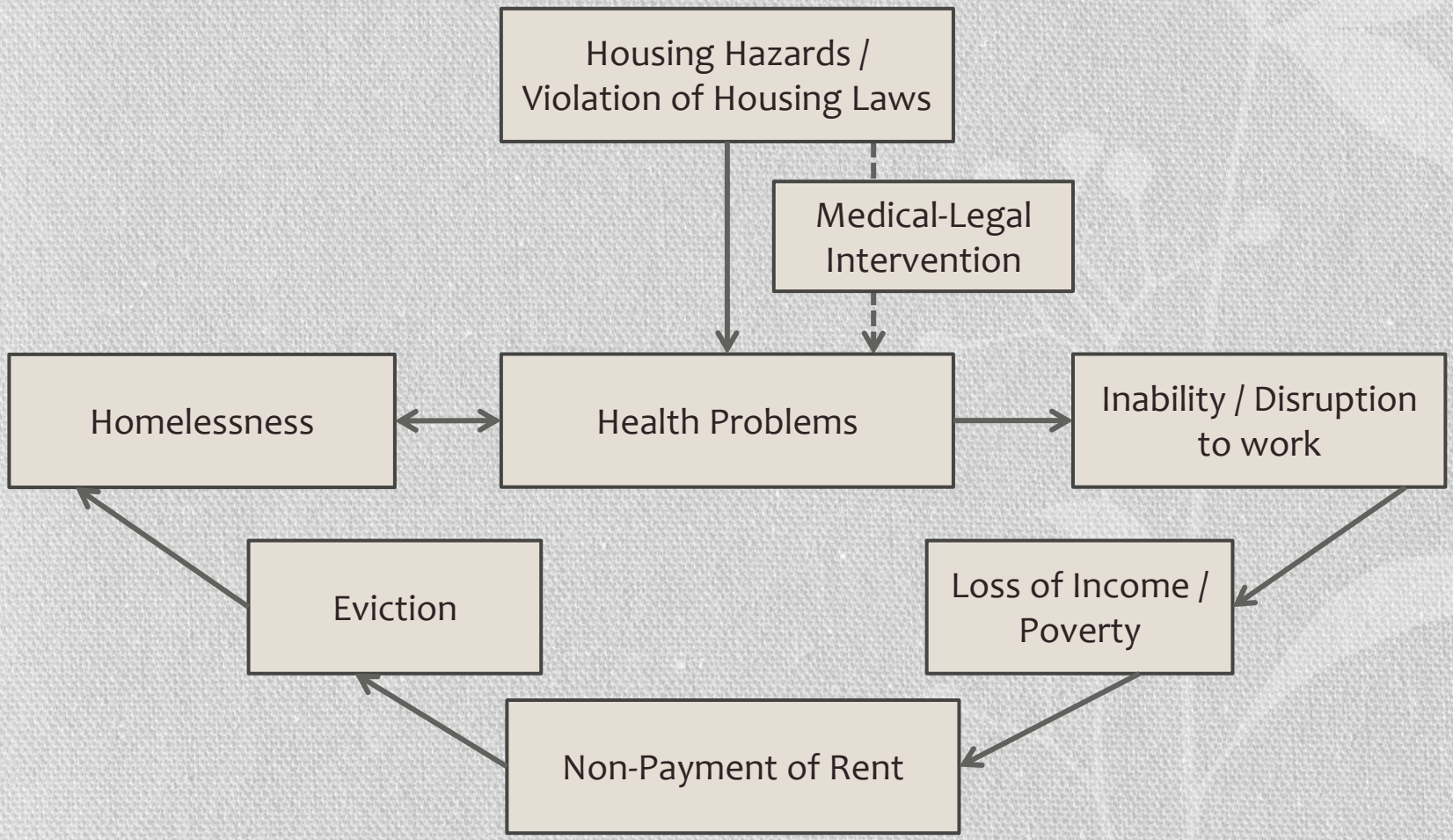
Tyler, E. (2011). *Poverty, Health and Law: Readings and cases for medical-legal partnership, p. 77, Figure 3.3.* Durham, N.C.: Carolina Academic Press.

Cycle of Poverty & Illness



https://www.oma.org/Resources/Documents/OMRpovertyseries2008.pdf

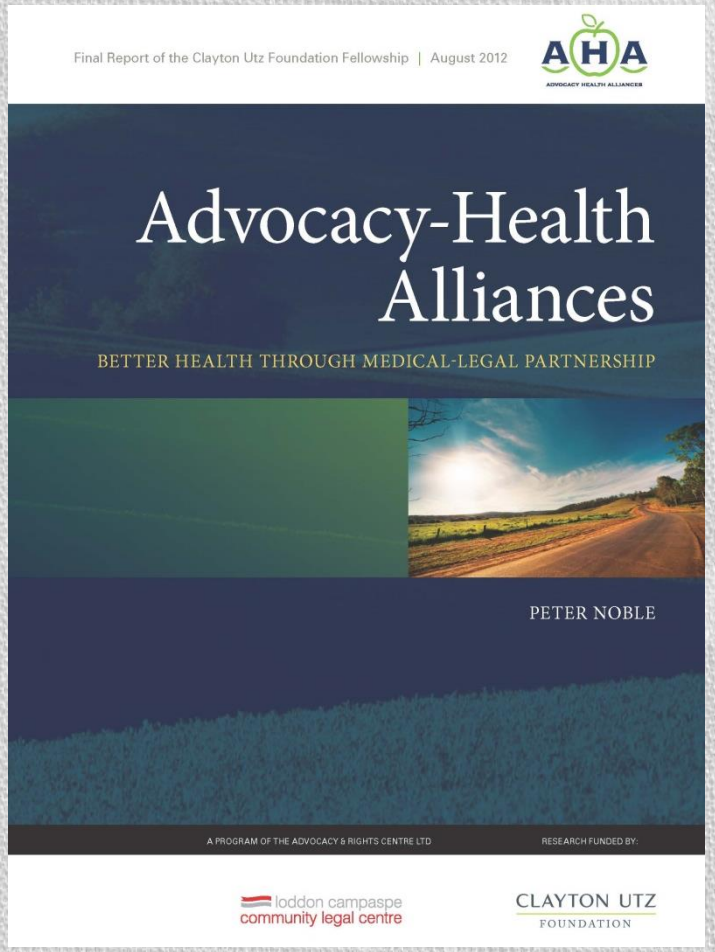
Preventive Legal Advocacy in the Housing Context



Tyler, E. (2011). *Poverty, Health and Law: Readings and cases for medical-legal partnership, p. 236, Figure 8.4.* Durham, N.C.: Carolina Academic Press.

Promising approaches with "Trusted Intermediaries" – Creating new partnerships

- Visit to Loddon-Campaspe Community Legal Centre (Bendigo), Australia
- Advocacy-Health Alliances http://advocacyhealthalliances.files.wordpress.com/2012/08/aha-report_general1.pdf



Experimenting with different approaches with “Trusted Intermediaries”: Legal health check-ups

Legal Health Check-Up

Seeking solutions to legal problems in everyday life that may be harmful to your health

Things You Should Know

We want to help you before a neglected or unresolved problem makes you sick and leads to a crisis like eviction and homelessness.

We know problems can add up. It is best to deal with problems one at a time. Dealing with all your problems at once can be overwhelming. But we might be able to help you. How?

If you answer the questions in this legal health check-up and return it to us, we might be able to help you address any problems you have. We can also refer you to other community groups and agencies that might be able to help you.

If you decide to complete this check up:

- All of your answers will be confidential.
- There is a contact sheet at the end of the legal health check-up that you can fill in if:
  - you would like someone from our legal clinic to call you about how we can help
  - you would like us to send you helpful information about other community services that can help
  - you would like to attend a free education and support session to learn about your legal rights with people sharing the same kind of experience
- Answering these questions does not make you a client of Halton Community Legal Services.

Would you like to contact us?

Call us at 905-875-2069 and speak with our intake worker about your answers.

Visit us online

Get more information at www.haltonlegal.ca

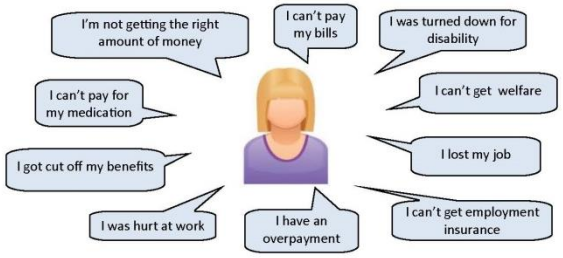
CALC Legal Health Checklist

Community Advocacy & Legal Centre

If you have problems like these, contact us for help.
Some of these problems may be urgent, so it is best to call as soon as possible.

Income Security

- Welfare/Ontario Works (OW)
- Ontario Disability Support Program (ODSP)
- Canada Pension Plan Disability (CPPD)
- Employment Insurance (EI)
- Workplace Safety & Insurance Board (WSIB)



Housing

158 George Street, Belleville, Ontario, K8N 3H2
613-966-8686 or 1-877-966-8686 / TTY: 613-966-8714 or 1-877-966-8714

Updated: December 2014
www.communitylegalcentre.ca/legal_information/Tips/LegalHealthChecklist.pdf

Page 1 of 2

https://www.legalhealthcheckup.ca/

http://www.communitylegalcentre.ca/legal_information/Tips/LegalHealthChecklist.pdf

Legal needs uncovered in a rural US MLP

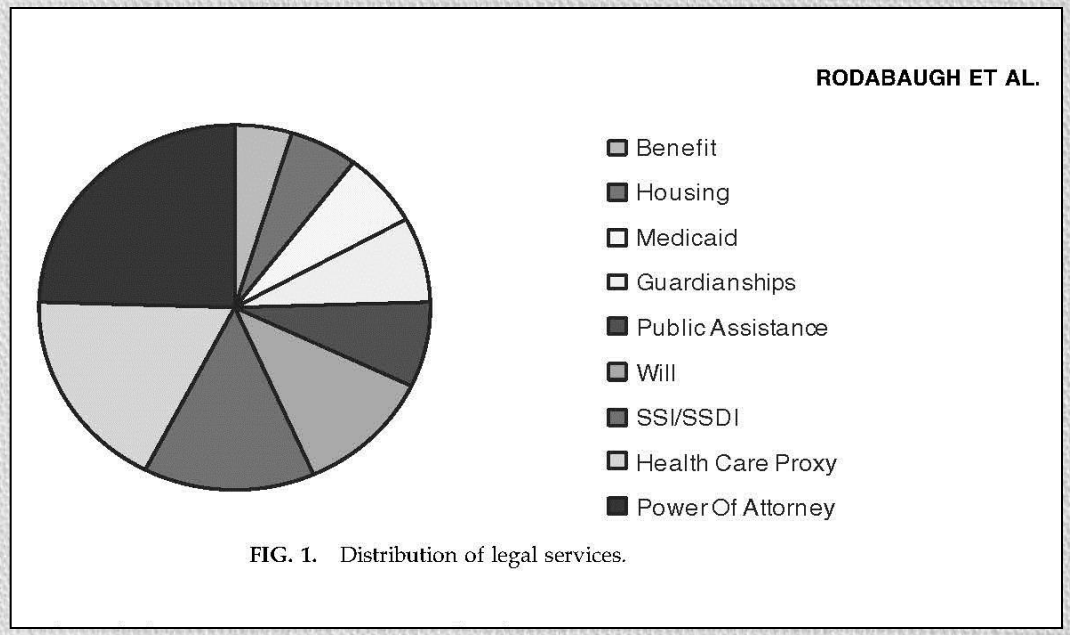
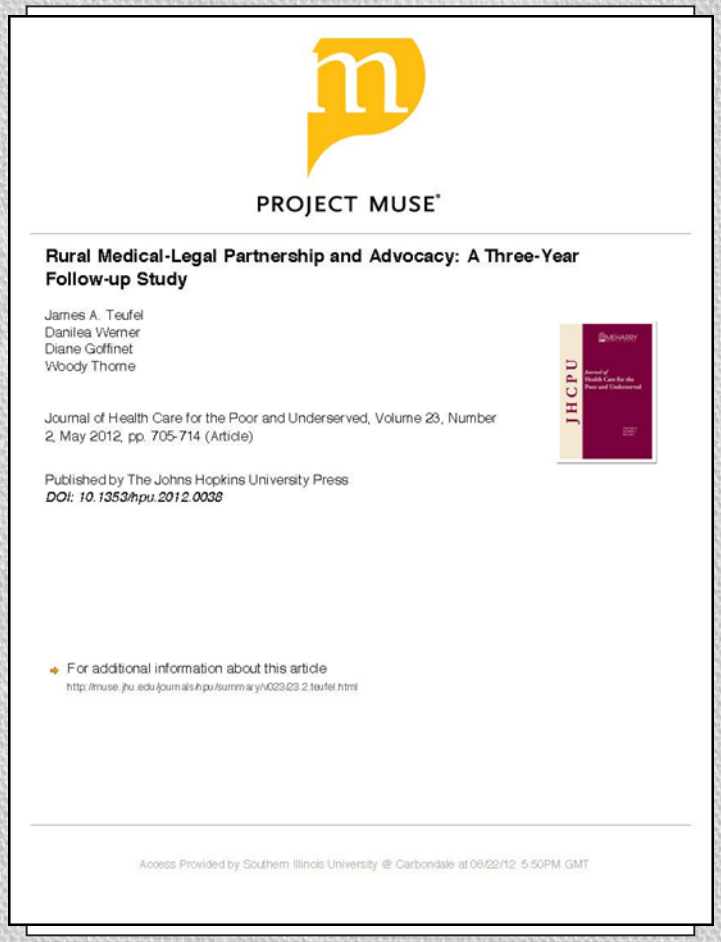


FIG. 1. Distribution of legal services.

Distribution of legal problems



PROJECT MUSE

Rural Medical-Legal Partnership and Advocacy: A Three-Year Follow-up Study

James A. Teufel
Danilea Werner
Diane Goffinet
Woody Thorne

Journal of Health Care for the Poor and Underserved, Volume 23, Number 2, May 2012, pp. 705-714 (Article)

Published by The Johns Hopkins University Press
DOI: 10.1353/hpu.2012.0038

For additional information about this article
http://muse.jhu.edu/journals/hpu/summary/v023/23.2.teufel.html

Access Provided by Southern Illinois University @ Carbondale at 08/22/12 5:50PM GMT

May 23, 2013

LAW AS A HEALING PROFESSION: A NEW PARADIGM?

WITH J. KIM WRIGHT

More information about Kim's work can be found at cuttingedgelaw.com

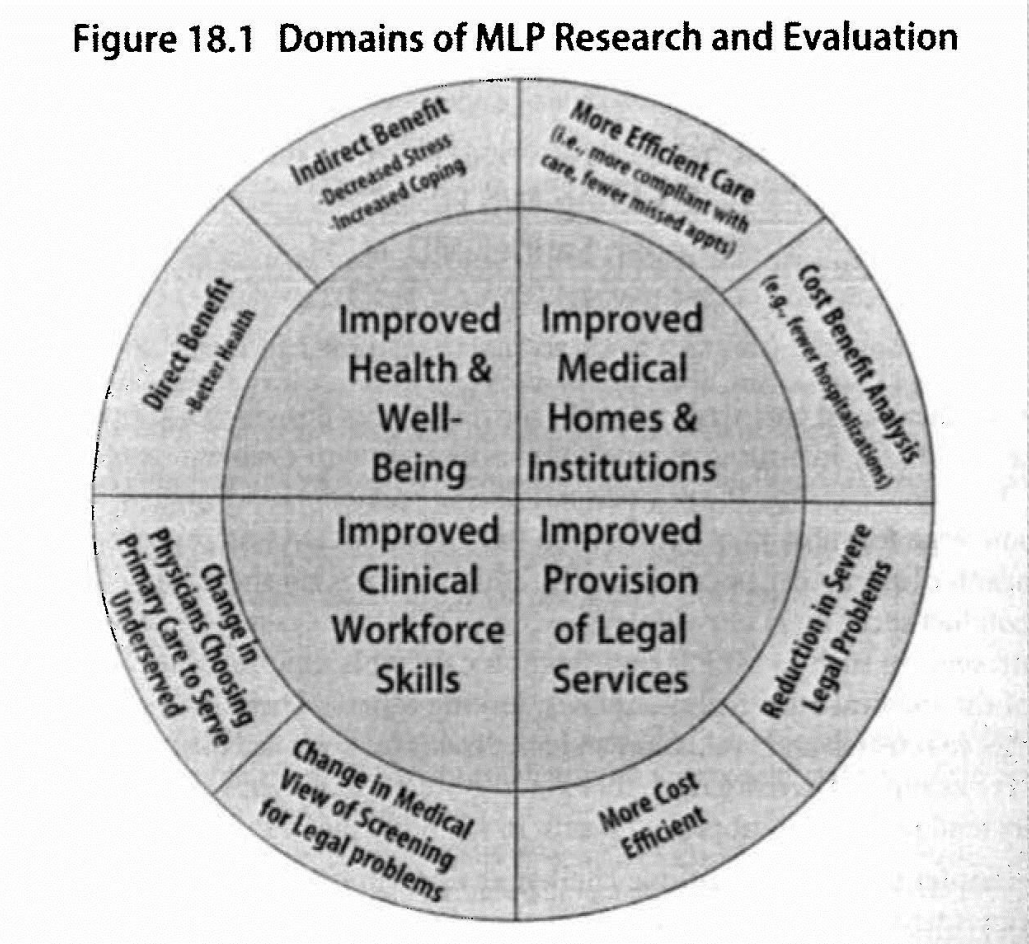
University of Toronto – Faculty of Law
Rowell Room, Falconer Hall
84 Queen's Park Cres
Toronto, M5S 2C5
Contact: rebecca.sutton@utoronto.ca

On a daily basis many lawyers are involved in problem solving, conflict resolution, and even peace-building. What would the role of lawyer-as-healer look like?

Join us on May 23 from 4:30 – 5:30 for light refreshments and casual conversation, 5:30 – 7:30 for a workshop and dialogue with Kim Wright, and at 8:00 for dinner close by for those who are interested in more conversation.

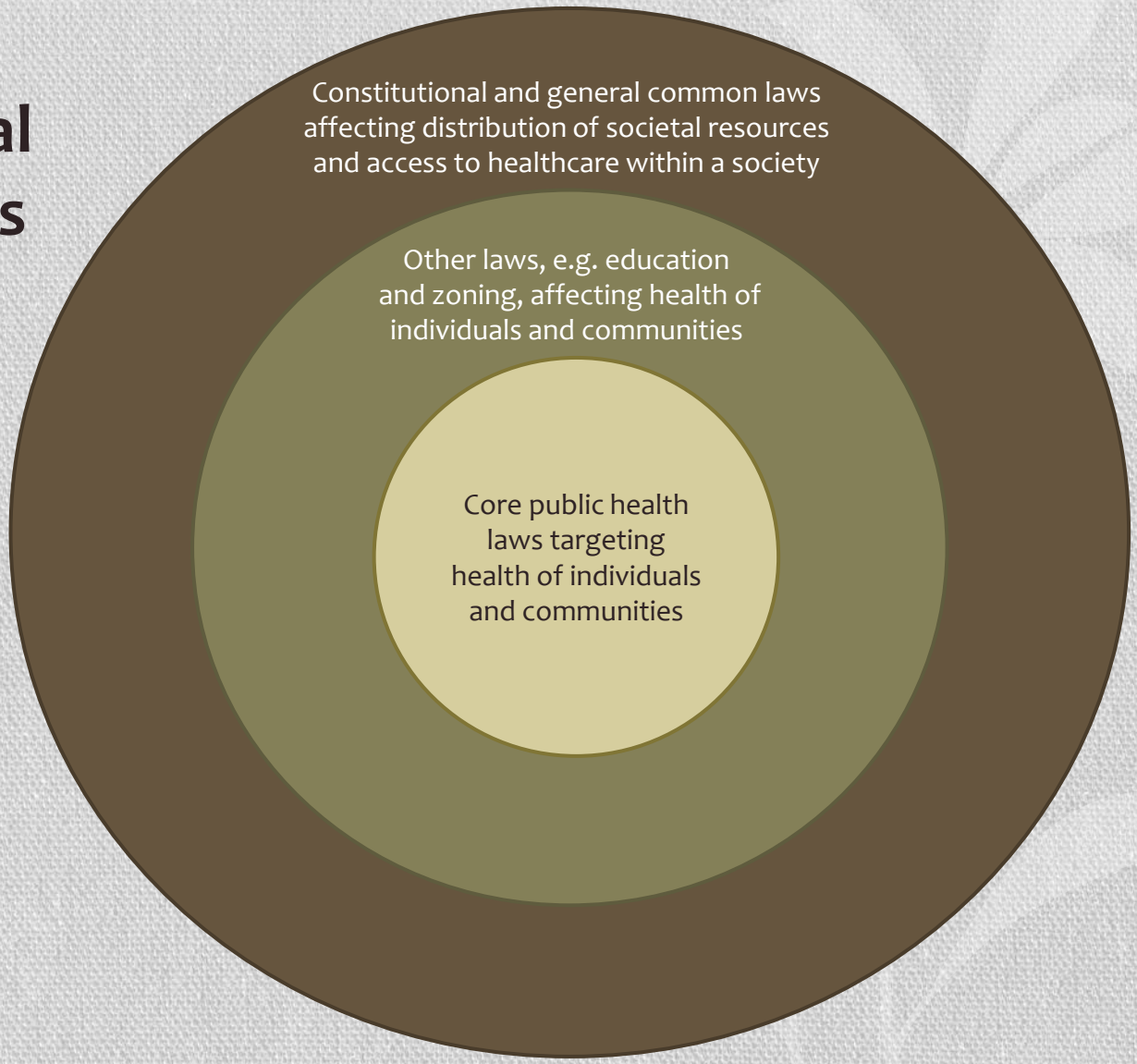
This event is being sponsored and facilitated by **Michele Leering** (Community Advocacy & Legal Centre) and **Rebecca Sutton** (University of Toronto law graduate).

Free will donations to defray the cost of Kim's travel and refreshments are gladly accepted.



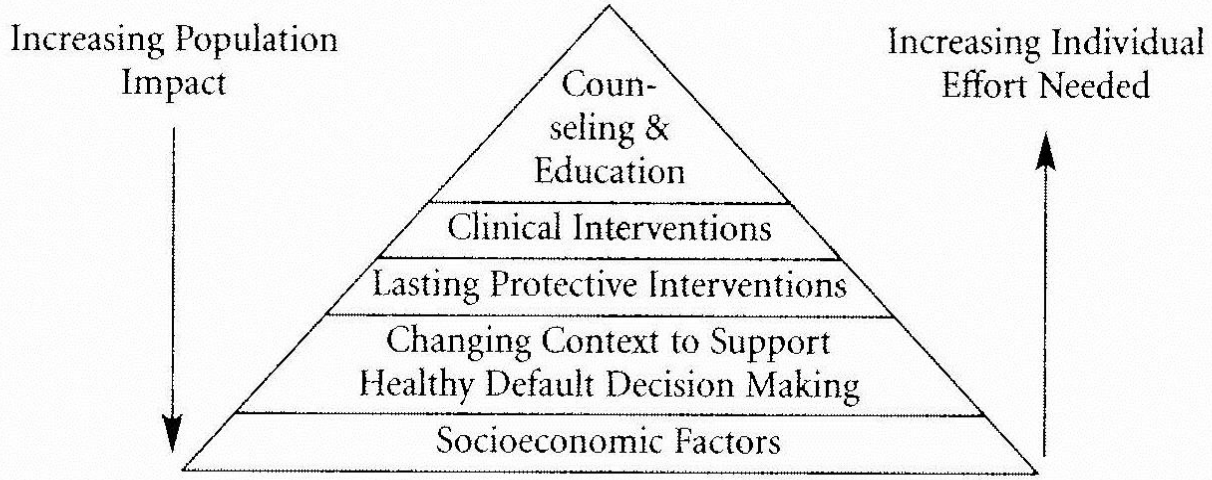
Tyler, E. (2011). *Poverty, Health and Law: Readings and cases for medical-legal partnership, p. 644, Figure 18.1.* Durham, N.C.: Carolina Academic Press.

Laws as Social Determinants



Tyler, E. (2011). *Poverty, Health and Law: Readings and cases for medical-legal partnership, p. 23, Figure 1.9.* Durham, N.C.: Carolina Academic Press.

Figure 1.8 Health Impact Pyramid



Source: Adapted from T. R. Frieden, "A Framework for Public Health Action: The Health Impact Pyramid," *American Journal of Public Health*, 100, no. 4 (April 2010): 590–595.

Tyler, E. (2011). *Poverty, Health and Law: Readings and cases for medical-legal partnership, p. 20*. Durham, N.C.: Carolina Academic Press.

Levels of Advocacy, Advocacy Intervention, and Policy Impact

Level of Advocacy	Advocacy Need	Advocacy Intervention	Policy Change
Institutional	Healthcare providers unsure how to document patient's disability to trigger eligibility for benefits and services	Electronic health records as screening tool for disability and a training series for healthcare team.	Improved access to disability benefits and services adopted as clinical priority and quality indicator.
Local	Housing codes insufficient to protect children from lead poisoning	Joint testimony by physician-lawyer team before city council details health risks and recommends policy actions to protect child health	Recommendations adopted by local city council and housing codes revised to strengthen protections and expand enforcement.
State	Low-income chronically and terminally ill patients forced to repeatedly secure physician letters documenting health status to avoid utility shut-off	Regulatory comments jointly developed by physician-lawyer team recommends (1) expansion of qualified healthcare providers who can document need and (2) reduction of required documentation	Department of Public Utilities adopts regulations citing physician input as persuasive
Federal	Adults with disabilities mistakenly denied disability protections due to out-of-date disability standards	Physician-lawyer team publishes journal series on disability standards and submits regulatory comments recommending revisions to medical disability and functional limitation definitions	Federal disability agency revises disability standards to reflect current medical standards

Tyler, E. (2011). *Poverty, Health and Law: Readings and cases for medical-legal partnership, p.582 , Table 16.1.* Durham, N.C.: Carolina Academic Press.

Understanding Anecdotes and Evidence in Policy Advocacy

	Definition	Justification	Purpose
Anecdotes	Stories told to illustrate a problem or the failure of a policy, such as "I saw someone buy a steak with food stamps" or "welfare queen" stories	To justify starting or stopping programs by providing an easily understood story with obvious conclusions and underlying normative or moral principles	Good for staking out a position on an issue or motivating people to believe a certain way; less useful as part of serious analysis because they do delve deeply into how programs work
Evidence from scientific study	Conclusions reached through scientific study of a problem or of the outcomes of a policy	To justify starting or stopping programs by providing the most scientifically sound information that policymakers can use to make decisions.	Much stronger than anecdotes in understanding how and why things work the way they do; however, results of scientific studies are seldom straightforward and are always accompanied by unanswered questions. Many policymakers lack the technical expertise to fully understand the degree of uncertainty inherent in scientific analysis.

Tyler, E. (2011). *Poverty, Health and Law: Readings and cases for medical-legal partnership, p. 589, Table 16.3.* Durham, N.C.: Carolina Academic Press.

Additional Resources

Poverty Is Making Us Sick: A Comprehensive Survey Of Income And Health In Canada

Authors: Ernie Lightman Ph.D, Andrew Mitchell, MA and Beth Wilson, MES

Released: December, 2008

Toolkit to Healthier Communities – Influencing Healthy Public Policies

Ontario Chronic Disease Prevention Alliance (2001)

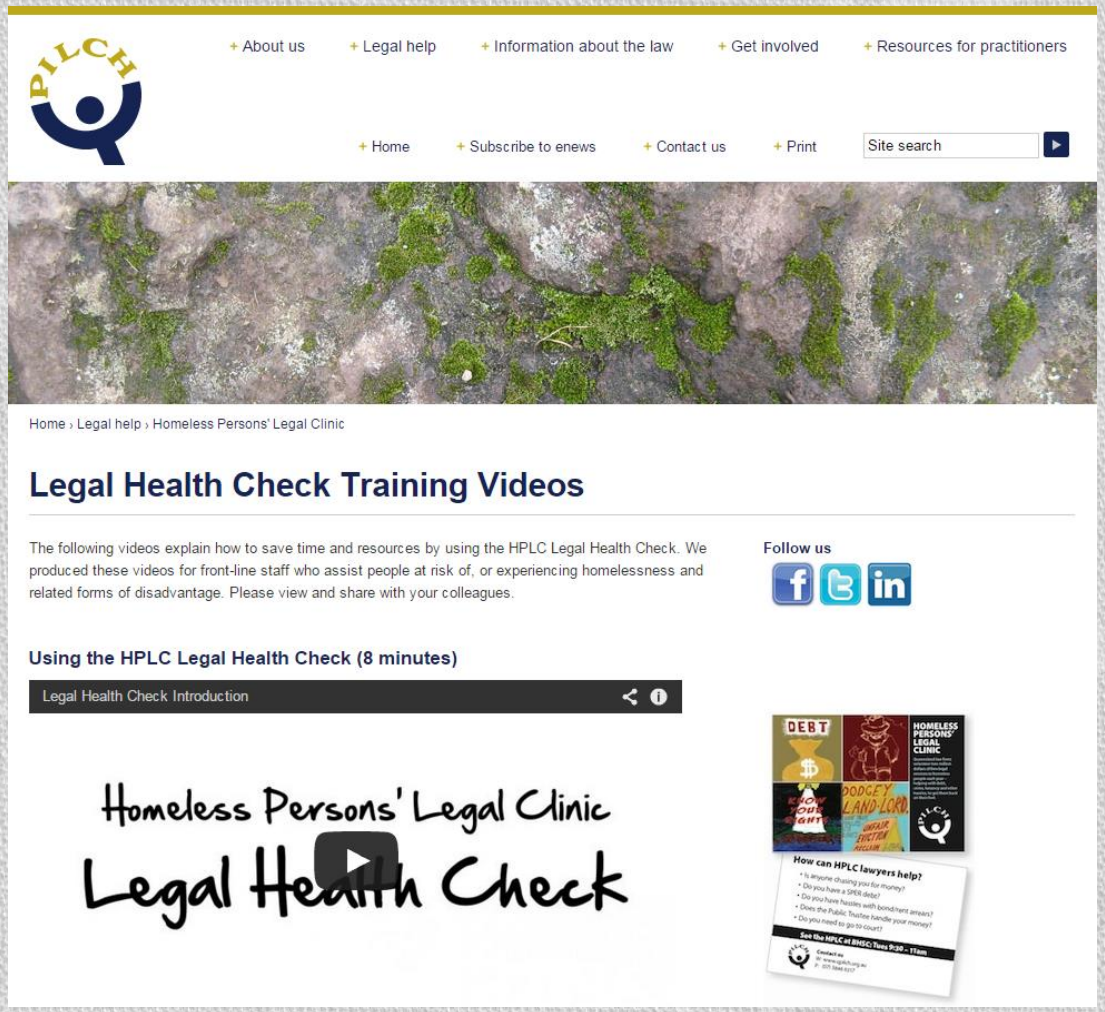
www.ocdpa.on.ca

Levelling up (part1): a discussion paper on concepts and principles for tackling social inequities in health

Margaret Whitehead & Goran Dahlgren

WHO Collaborating Centre for Policy Research on Social Determinants of Health, University of Liverpool

© World Health organization 2006

Legal Health Check Training Video

http://www.qpilch.org.au/cms/details.asp?ID=692