

§ Canada Emergency Response Benefit (CERB) and Overpayments

Last year the federal government introduced a financial support benefit to help people who lost their jobs, had reduced work hours, or could not maintain self-employment because of the COVID-19 pandemic. The Canada Emergency Response Benefit (CERB) paid \$2,000 a month and was available from March 15 to September 26, 2020. Since then, some issues with CERB have started to arise.

- **CERB Overpayments:** The Canada Revenue Agency (CRA) has started notifying some people who got the CERB that they were not eligible for the benefit. People may not have been eligible because their situation may have changed since they first applied, or they may have made an honest mistake when applying. Payments made to anyone not eligible for CERB will need to be returned. Information about how to repay the CERB can be found on the [CRA website](#). If you cannot afford to repay the CERB, you can contact the CRA to talk about a repayment plan and financial hardship. If you have a letter saying you need to repay the CERB and you think you were

eligible for these benefits, please call us for advice.

- **CERB Tax Debt:** The CERB was not taxed when it was paid, meaning that some people were unpleasantly surprised with a big tax bill when they filed their 2020 income tax return. The CRA has introduced tax interest relief on CERB payments. If you received the CERB and your 2020 income was \$75,000 or less, you will not have to pay interest on any amount owing from your 2020 taxes until April 30, 2022.
- **Ontario Works (OW) and Ontario Disability Support Program (ODSP) Overpayments:** some people who received the CERB at the same time as they received OW or ODSP are now being asked to pay OW or ODSP back. If you received a letter saying you owe money to OW or ODSP because you received the CERB, please call us for advice.

The CERB was lifesaving for many Canadians. It helped many people cover their rent and basic necessities while isolating safely at home.

We commend the federal government for acting quickly and decisively to get necessary income support into the hands of the people who needed it. At the same time, there was confusion in the roll-out about who was eligible for the CERB. And now, many people living on OW and ODSP who can't prove they were eligible are being told they must repay money they don't have.

CALC joins with other legal clinics across Ontario and with groups like Campaign 2000 to ask the federal government to grant CERB repayment amnesty to all low income people on social assistance who received the CERB in error. We already know the pandemic has disproportionately impacted marginalized groups, including those on social assistance. To ask those already living in deep poverty to repay the CERB will only ensure they remain in deep poverty for years to come.

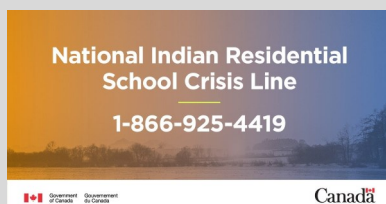
If you are having problems with your income support, please call us. You may also be able to find answers to your questions on [Steps to Justice](#).

Lisa Turik, Clinic Lawyer



National Indigenous Day: June 21

In recognition of National Indigenous Day, and the traditional Mohawk, Chippewa, Anishnaabe, and Haudenosaunee territory on which we work, CALC staff will be participating in cultural competency activities on June 21. We are committed to supporting reconciliation and recognize it as our duty.



A national Indian Residential School Crisis Line has been set up to provide support for former students and those affected. Access emotional and crisis referral services by calling the 24-hour national crisis line, toll free: 1-866-925-4419.



Online sexual harassment in the remote workplace

Sexual harassment in the workplace is illegal. This includes comments or behaviours of offensive sexual nature. As many workplaces have switched to remote work during the COVID-19 pandemic, workplace sexual harassment has also moved online.

Sexual harassment does not have to be physical touching. It can happen in phone calls, conference calls or video meetings. Unwanted comments can appear in emails and text messages. Unwanted messages may be directed to your personal phone, social media accounts and other online platforms.

Just like in-person harassment, unwanted comments or behaviours could come from a co-worker, a supervisor or a customer. Employers have a legal duty to take steps to prevent and respond to sexual harassment in the workplace, both in-person and remote.

Online sexual harassment in the remote workplace can include:

- Unwelcome comments about appearance during video meetings
- Telling someone to wear more make-up or to dress more provocatively for video meetings

- Sending emails or messages that include comments, questions, requests, jokes, pictures, GIFS, or emojis of sexual content, sexist, or homophobic nature
- Unwanted flirting or romantic advances, even if not sexually explicit
- Repeated pattern of inappropriate comments and/or behaviours with the intent to eliminate someone from the organization based on gender identity or sexuality

Dealing with sexual harassment, particularly in the workplace, can be difficult. We can help. CALC is providing workers with free and confidential legal information and advice on their rights and remedies. We are also offering legal information workshops on how to prevent workplace sexual harassment to all interested workers and employers. Please contact us for free legal services or to book a free workshop.

Soojee Hahn, Summer Law Student

DID YOU KNOW?

Sexual harassment in the workplace is against the law

WE OFFER **FREE** LEGAL ADVICE IF YOU HAVE BEEN SEXUALLY HARASSED AT WORK

#EndSHIW #HealthyWorkplaces #WeCanHelp

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- Taking screenshots of colleagues during video meetings and circulating them around with comments of derogatory or sexual nature
- Showing pornographic images and/or audio during video or phone meetings



COVID-19 in the workplace and your rights

Workers are entitled to be free from discrimination due to disability and cannot be threatened, disciplined or fired for reasons related to COVID-19. This means that workers are protected if they are diagnosed with or show symptoms of COVID-19, or have to quarantine or self-isolate.

Employers must accommodate workers if they are sick with COVID-19 or are a caregiver due to COVID-19, like caring for a sick family member or a child when schools are closed. Employers have a duty to accommodate workers up to the point of undue hardship. There is no

one-size-fits-all approach and accommodation will depend on the nature of the employment and business, and the worker's needs.

While workers are protected from discrimination under the Ontario *Human Rights Code*, public health and safety concerns must also be considered. Workers' rights to be free from discrimination may be limited where there are real and serious health and safety risks arising from COVID-19 exposure. For example, an employer may require a worker with COVID-19 symptoms to

stay home while they wait for their test results.

Workplace rules related to COVID-19 precautions may be allowed if they are effective and necessary to make sure workers are fit to work and can work safely during the pandemic. These rules might include temperature-checking, mask wearing, and/or medical testing for COVID-19.

Workers with questions or concerns about human rights in the workplace should contact us for legal advice.

Karen McClellan, Clinic Lawyer

Digital first: The new world of Landlord & Tenant Board hearings

The pandemic brought many changes to the way legal hearings take place. Most notably, hearings are now happening through video conferencing software. Tenants who don't have access to computers and internet can participate by phone.

While we continue to advocate for the return of in-person hearings, the Landlord & Tenant



Board (LTB) says that it plans to continue a “digital first” way of operating even after the pandemic ends.

This creates difficulties for many tenants to participate in their hearings. Tenants who do not have access to a phone or internet and have an upcoming hearing at the LTB can still be evicted.

Tenants are also now required to submit to the LTB any evidence they want to show at their hearing 7 days before the hearing date. Evidence can be emailed or faxed in to the LTB.

If you are a tenant with a hearing at the LTB, contact the clinic as soon as possible for legal advice.

Samantha Hayward, Clinic Lawyer

Gina Cockburn Appointed CALC Acting Executive Director

CALC's Director of Legal Services Gina Cockburn has been appointed as Acting Executive Director (AED) during long-time Executive Director Michele Leering's unpaid research leave at Queen's University.

Michele will return to CALC in December 2021 after she completes her study of how Canadian legal education could be enhanced to support law students becoming more reflective, resilient and creative justice-ready legal professionals with an access to justice consciousness.

Can't buy me love: Online dating scams

Online dating can be a great way to connect and meet new people. Unfortunately, it has also become a place full of scams and frauds.

If someone online asks you for money, for any reason, there is a good chance that you have become a target of a scammer. These scams are very convincing.

Scammers may tell sad stories of sick relatives, say that they can only travel to meet you if you send them money, or say that they will buy you something if you send them money. You should be concerned if someone claims to live in another country,

refuses to meet you in person, or doesn't want to video chat.

Never send money to someone you have met only online, no matter what promises or sob stories they tell you.

While not everyone online is out to hurt you, people who are honestly looking for love online won't be asking you for e-transfers.



If you have been a victim of online fraud, you can report it to the police and the Canadian Anti-Fraud Centre, but once you have sent money to one of these scams, it is almost impossible to get the money back or find the person behind the scam.

Falling for one of these schemes can leave you broke, as well as heartbroken.

Samantha Hayward, Clinic Lawyer

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Minimum Wage Increases Oct 1

Effective October 1, 2021, the minimum wage rates in Ontario will increase.

The general wage will go from \$14.25 per hr to \$14.35 per hr.

To view all the new rates, visit Ontario.ca/minimumwage.

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When your landlord sells your unit: N12s and N11s

The current real estate market is hot and houses are selling at record prices, in record time. Many landlords are taking advantage of the seller's market by putting their rental properties up for sale. But where does this leave tenants?

A landlord cannot evict a tenant because they want to put the property on the market and thinks it would be easier to sell without a tenant. Landlords can only serve an eviction notice to a tenant once there is an offer to purchase on the table. This eviction notice is called an N12 and must state that the purchaser will be moving in themselves (or moving their parent or child in). The N12 must give at least 60 days' notice. The termination date will be on the notice and is the day the landlord wants the tenant to leave by. It must be the last day of the rental period. So if a tenant is supposed to pay rent on the 1st of the month, the N12 should be dated for the 30th or 31st.

A tenant cannot be evicted because a purchaser wants to rent the unit to someone else at a higher rate. The landlord must pay a

tenant the equivalent of one month's rent as compensation for moving out.

So what happens if a tenant can't move by the termination date? The landlord still has to apply to the Landlord & Tenant Board to get an Order for eviction. The landlord cannot change the locks on a tenant without this Order.

It's common for a landlord to try to work out a deal with the tenant. Landlords may try to get tenants to sign an N11 form. An N11 is an agreement to end the tenancy on a certain date. It is a binding agreement to move, which means that if a tenant signs the N11 they have to move out. We strongly encourage any tenant to get legal advice before signing any document with the landlord. A tenant is not required to sign anything during this process.

If you receive an N12 notice, or your landlord has asked you to sign an N11, contact the legal clinic for help.

Samantha Hayward, Clinic Lawyer



Virtual workshops on how to stop sexual harassment at work

We have received a federal government project grant to prevent and eliminate sexual harassment at work. Sexual harassment is any unwanted behaviour that is sexual in nature and that impacts you negatively. It includes sexual comments, demands for dates and displays of pornography. It can be perpetuated by employers, supervisors, co-workers or customers. All workers have the right to a workplace free of harassment.

Dealing with sexual harassment, particularly in the workplace, can be difficult. We can help! CALC is providing workers with free and confidential legal information and advice on their rights and remedies. We are also offering virtual legal information workshops on how to prevent workplace sexual harassment to all interested workers and employers. Please [contact us](#) to book a workshop or use the [form on our website](#).



Visit the [COVID-19 page](#) on our website to keep up to date on COVID-19 legal news. We also feature links to the Steps to Justice COVID page. Follow us on social media!

[Call us](#) for help or use our online [Request for Legal Information/Advice form](#).

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 a [community legal clinic](#) near you.