COMMUNITY ADVOCACY & LEGAL CENTRE (CALC)

BAFFLEGAB

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CALC and the 6th wave of COVID

It is a priority to get back out to our rural communities and Tyendinaga Mohawk Territory. So we will be traveling to reacquaint people with our services over the summer months. We will be visiting local hotspots, service agencies, healthcare providers, municipal offices, constituency offices, and public libraries, among others. We are not yet seeing our clients in person outside of Belleville. Stay tuned for changes in the fall.

We will provide newly developed resources to help people understand more about their legal rights. We've got information for seniors to help them avoid financial abuse - including window stickers ("no door to door sales") and other materials to help people take steps to protect themselves from scams and unscrupulous companies.

We have new "legal health" posters to build awareness about legal rights and entitlements. And details about our legal awareness campaign to end sexual harassment in the workplace.

CALC's Belleville office is open for in-person services by appointment only. In an urgent situation, where a person needs our help but does not have a phone or internet access, an appointment is not needed.

We also still provide help through our expanded range of virtual legal services by phone, email, and video meetings, and we plan to keep innovating in this way. And we've recently updated our COVID-19 information page on our website. If you need help, please call or email us.

For clients who have virtual tribunal hearings scheduled, but no reliable internet access or a confidential and safe space, we also host these in a new hearing space we created. (Although we think our clients need in-person hearings at the Social Benefits Tribunal (SBT) and Landlord and Tenant Board (LTB), we're offering this as an interim COVID solution while we advocate for change.)

We appreciate the support of our clients, service providers, and the community as we continue to navigate these challenging times.

Michele Leering, Executive Director/ Lawyer

Provincial Election 2022 Participation Guide

The Ontario Provincial Election is on June 2, 2022 and the Income Security Advocacy Centre (ISAC) has been hard at work developing a **Participation Guide** to help you.

The Guide has information on how to vote, how to make your concerns heard to local candidates, and what income security issues the Ontario government is responsible for.

It also includes guides on other topics like ending poverty, digital access, the modernization of social assistance, worker's wages and benefits, precarious worker issues and Legal Aid.

Find the guide on ISAC's website: http://incomesecurity.org/general/prov-election-2022-participation-guide/

Danielle Holbrough, Clinic Lawyer

Helping Seniors Stay "SAFE"

This summer we will be visiting our rural communities to reconnect and distribute brand new materials to help seniors stay safe from scams and financial abuse. Thanks in part to a federal grant from Employment Social Development Canada, we developed materials like bookmarks, coasters, magnets and posters for our Seniors Against Financial Exploitation (SAFE) project. We also have "paths to justice" guides on preventing and dealing with scams and financial abuse.

If you would like any of these resources, or to book a workshop on this topic, please contact us.

It's time to stop workplace sexual harassment

Workplace sexual harassment is a common problem in Canada. Research shows that nearly 50% of women and 12% of men have been targets of sexual harassment at work.

Sexual harassment does more than harm the worker experiencing harassment – it can poison the entire workplace. Sexual harassment affects workers both physically and mentally and increases absenteeism and sick leaves. This impacts employers due to lost productivity, high staff turnover and legal costs.

Sexual harassment includes a wide spectrum of behaviours:

- visual harassment, such as posting or sharing sexual images, or sending obscene emails or texts;
- verbal harassment, such as rude or insulting language, not taking no for an answer, or calling people sex-specific derogatory names, and;
- physical harassment, such as sexual gestures, staring, unnecessary physical contact, and hugs or kissing.

By law, all workplaces in Ontario must have a sexual harassment policy that explains what someone should do if they are harassed or witness harassment. The policy must indicate to whom such incidents should be reported and identify an alternate person to report to in case that person is the harasser. If there isn't a policy, harassment should be reported to a supervisor or manager.

However, even with laws making anti-harassment policies mandatory, statistics indicate that 70% of victims of workplace sexual harassment do not make a formal complaint to anyone.

Workers who experience violence and harassment, particularly marginalized workers, face many barriers to reporting. We can help break down some of those barriers and explain different options so you can decide the remedy that is best for your specific situation. CALC received funding from the Department of Justice to provide free and confidential legal advice to any worker who has been sexually harassed. Call us – we can help.

Deirdre McDade, Clinic Lawyer

Landlord wants you to move? Read before you sign!

Your landlord shows up at your door with papers for you to sign, sometimes asking you to sign right there, sometimes offering you cash if you sign. They may tell you that the house is for sale, maybe they say that their child is moving in, or that your lease is up and you need to leave. **Do not sign anything without reading it over carefully** and understanding what you may be agreeing to.

Most tenancies in Ontario are covered by the *Residential Tenancies Act*. The landlord has to follow a process if they want you to move out. It doesn't matter what the reason is that they want you to leave - they are still required to serve you an eviction notice and file with the Landlord and Tenant Board to get an Order before they can force you to move.

If you sign something agreeing to move out, you do not have the same right to a hearing. Depending on the reason your landlord wants you to move, you may miss out on compensation the landlord has to pay you.

If your landlord wants you to sign something, take a pause. Read it carefully. **Contact us for legal advice**. Make an informed decision. Only sign if you are sure that you want to move out on the date the landlord is proposing.

Samantha Hayward, Clinic Lawyer

Employment news round-up

Working for Workers Act, 2022 (Working for Workers Act 2)

A new law in Ontario, the *Working for Workers Act 2*, passed on April 11, 2022. It protects gig workers and makes changes to existing laws affecting workers. Most of these changes come into effect later this year.

Some of the key changes:

- Protection for digital gig workers: *Digital Platform Workers' Rights Act, 2022*

This new Act provides rights and protections for workers in the digital gig economy (Uber, Door Dash etc.) including minimum wage, ability to keep tips, information about how pay is calculated and protection from reprisal.

- Requirement of Electronic Monitoring Policy:

A change to the *Employment Standards Act, 2000* ("ESA") means employers with 25 or more employees will need a written policy on electronic monitoring of employees setting out how and for what purpose the information they collect may be used. Electronic monitoring may include: monitoring of staff through computers, cell phones and/or GPS systems. **Employers must have a policy in place by October11, 2022**.

- Military Reservist Leave

Another amendment to the ESA gives military reservists job-protected leave for training. Reservists will be eligible after working for 3 months with their employer (instead of 6 months).

- Opioid Overdose Prevention in the workplace

An amendment to the *Occupational Health and Safety Act* ("OHSA") will require employers to have a naloxone kit on site in workplaces where there is a risk of opioid overdose by workers. Employers also must provide training to workers on signs of an opioid overdose and how to use the naloxone kit.

The OHSA has also been amended to increase maximum fines imposed for breach of health and safety rules and extended the timeframe for prosecutions to 2 years.

Temporary Changes to the *Employment Standards Act* ("ESA")

At the start of the pandemic, the Ontario Government made temporary changes to the ESA including Infectious Disease Emergency Leave ("IDEL") which "deemed" workers to be on unpaid, job-protected leave if they had hours cut or were laid off due to COVID.

These changes protected non-unionized employees from being fired when businesses temporarily closed due to COVID. But it also meant workers could not make claims of constructive dismissal to the Ministry of Labour for having their hours or wages cut due to COVID lay-offs and closures.

Unless the government extends the deadline, these changes are set to end on July 30, 2022, which means that as of July 31, 2022, ESA rules around constructive dismissal and temporary lay-offs will apply.

If you are living on a low income and need help, call us!

Karen McClellan, Clinic Lawyer

Upcoming community engagement: Gender-based violence and legal needs

We are working with 8 other legal clinics across Ontario to explore the unmet needs of survivors of intimate partner and sexual violence. In addition to researching legal issues and participating in training, we will spend the spring and summer of 2022 meeting with local organizations, healthcare providers, the justice sector and survivors about how we can help fill existing gaps in access to justice for these communities.

Based on these conversations and research, CALC will identify opportunities to help set priorities, and propose next steps. We have funding for a part-time lawyer to pilot new legal help strategies after we issue our report in the late fall, 2022.

Look for our update on this important project in the fall. This work is supported by the federal government's Strategy to End Gender-Based Violence and will continue through to March 2026.

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In recognition of **National Indigenous Peoples 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 will therefore be closed from 9am-1pm.)

We are committed to supporting reconciliation and recognize it as our duty.

DONATE NOW Charitable Reg. No: 12464 4121 RR0001
Donations appreciated!

Virtual Public Legal Education Sessions Available - Call us!

CALC
Community Advocacy & Legal Centre

Your community legal clinic

Income security update

Help for seniors

Some seniors received CERB payments throughout the COVID-19 pandemic to maintain financial stability. Unfortunately, as many low-income seniors in our community learned, this stability came at a price. The receipt of CERB benefits resulted in low-income seniors having their Guaranteed Income Security (GIS) benefits reduced or taken away.

Thankfully, due to the advocacy of our clinic and other community legal clinics led by the Income Security Advocacy Centre, we can now share good news. The federal government took action and sent out automatic reimbursement payments to seniors who had their GIS taken over the last year. These payments began April 18. Seniors do not have to do anything to receive this lump sum payment. The payment is non-taxable and non-reportable for CRA purposes. If you received a reduced GIS payment last month you will continue to receive a reduced amount until July 2022. As of July, no senior should have their GIS reduced based on past receipt of CERB Benefits.

If you receive GIS and/or Old Age Security (OAS) and your benefits are reduced for any reason, please call us.

Keep getting important social assistance letters

In the latest push for social assistance modernization, people getting Ontario Works (OW) and Ontario Disability Support Program (ODSP) benefits have been asked to use the MyBenefits App. While this may be helpful for some, there are potential issues with using this system.

By default, the MyBenefits App delivers decision letters about your file electronically. You will not receive a paper copy by mail. This means that important decision letters, like notifying you about cancelling or reducing your benefits or assessing an overpayment, will no longer be mailed to you. You can opt-out of this paperless system to ensure that you still receive decision letters by mail.

For a helpful step-by-step guide to opting-out of paperless delivery, please see the tip sheet on our website.

If you receive a letter from OW or ODSP changing your benefits you have 30 days to do an internal review request so it is important that you contact us right away. We can discuss your legal options with you and connect you with community supports.

Samuel Clements, Clinic Lawyer

French Language Services: Now Available at CALC!

We are excited to announce that CALC now offers some legal services in French. Changes to CALC's website are forthcoming. Please share this news with friends and partners in the community.

Services en français : maintenant disponibles au CALC!

Nous sommes ravis d'annoncer que nous pouvons maintenant offrir certains services juridiques en français. Des changements au site web de CALC sont à venir. Veuillez partager cette nouvelle avec vos amis et partenaires de la communauté.

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.