



# Ontario's Community Legal Clinics

Together Making the Equal Rights Dream a Reality

*2020 Annual Report*



Association of Community Legal Clinics of Ontario

[www.aclco.org](http://www.aclco.org)

## A Client's Story

Our client was in Canada for 30 years without immigration status. For 25 years she has been in an abusive relationship - her husband, instead of sponsoring her, used her lack of status to further abuse her. In 2020, we assisted the client to obtain a temporary resident permit as a victim of family violence; to obtain social assistance benefits; to apply for a social housing unit; and to finally leave her spouse without fear that he would try to have her deported. The clinic continues to assist the client in her application for permanent residence on humanitarian and compassionate grounds.

## Who We Are

Ontario's community legal clinics serve individuals and families in communities across Ontario. Through modest capped budgets, funded by Legal Aid Ontario, we offer a broad range of legal services to address the basic legal needs of low-income Ontarians.

There are 72 Community Legal Clinics in Ontario, each with their own board of directors chosen by the community. Community clinics serve the most vulnerable on issues that are most critical to them, including affordable and secure housing, income security, education, health care, disability programs, workers' rights, victim's assistance, environmental issues and more. The vital work

that clinics do is aimed at ensuring that people with low incomes are able to meet their most basic needs, giving them the ability to live healthy lives, in dignity, as active members of society. Most neighbourhood clinics serve geographic communities, while specialty clinics serve specific groups including people with disabilities, injured workers, racialized communities, the elderly, children and youth.

Clinics are rooted in the communities we serve, using limited resources to provide often life-saving services that are most needed by that community, while working closely with other local agencies to ensure that clients are well-served.



*“Legal Aid, and, in particular community law, is perhaps the single most important mechanism we have to make the equal rights dream a reality.”*

**Former Ontario Chief Justice Roy McMurtry**



*“The most advanced justice system in the world is a failure if it does not provide justice to the people it is meant to serve. Access to justice is therefore critical. Unfortunately, many Canadian men and women find themselves unable, mainly for financial reasons, to access the Canadian justice system.”*

**Former Supreme Court of Canada Chief Justice, Beverley McLachlin**



*“Whenever I think about access to justice, a quote from Honoré de Balzac comes to mind. He said that, ‘Laws are spider webs through which the big flies pass and the little ones get caught.’ To me, that image perfectly captures not just the inequities in our legal system, but the tangible effects those inequities have on people. While the system is meant to treat everyone equally, some people get stuck, and expend a great deal of time and energy trying to break free. Others breeze*

*through to resolution, and move on with their lives. Giving people access to justice is like giving them the tools to free themselves from the spider’s web.”*

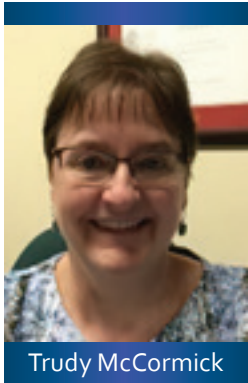
**The Right Honourable Richard Wagner, P.C., Chief Justice of the Supreme Court of Canada**



# ACLCO Co-Chairs' Message

Looking back at our 2019 Annual Report message, we started off acknowledging that 2019 was an incredibly challenging year for community legal clinics in Ontario. Little did we know what was in store for us all in 2020.

Our year started out with LASA 2020 and clinic modernization on the horizon. Suddenly we were in the midst of a global pandemic, struggling to understand what that meant for our communities, our clients, and our



Trudy McCormick

staff. We went home to work for 2 weeks, to “flatten the curve”. As we write this message, many are still working from home, and we are in the third, and worst wave yet.

Community legal clinics pivoted their services, to ensure that the most vulnerable in our communities had our support in these uncertain and scary times. As essential workers, clinics learned to meet by zoom, do hearings on multiple platforms, and work in a world of PPE and sanitizing measures. Board meetings were held by zoom.

Many continued to see clients, as the clinic was the only way they could connect to the virtual world. We have worked hard on the implementation of LASA 2020, and what that will mean for clinics, virtually.

The uncertainty, the fear, the challenges continue. One truth has held strong through 2020, and continues today. Together, Ontario community legal clinics and the ACLCO, can get through this. Together, we will continue to support the most vulnerable in our communities at a time when that support is more important than ever.



Gary Newhouse



# ACLCO Executive Director's Message

*Resilience:* That's the word that comes to my mind when thinking about 2020. The resilience shown by community legal clinics, and our clients in dealing with a very challenging year.

As we all know, 2019 was a very difficult year, with the provincial budget resulting in significant cutbacks to the clinic system, and challenges to the very model of community-based legal services. However, clinics and our communities rose up in opposition to those cuts, and to those who questioned the value of our model. And in the wake of that successful mobilization, we were beginning to rebuild and rebound, when a pandemic of historic proportions hit the world.



Lenny Abramowicz

It became obvious early on that, as so often is the case with crises, our clients and communities would bear the brunt of the COVID pandemic. Both on the health-care front, and on the economic and social justice fronts. Clinics were declared essential services, and so were able to remain working to assist our clients and communities with the many challenges they were facing. But clinics needed to figure out how to continue to best serve our clients in a pandemic-impacted environments; when we couldn't regularly attend our offices, and the tribunals and courts we dealt with suddenly shifted to online and telephone hearings.

As usual, clinics worked together, shared our thinking and our resources. We found a way to continue to serve our clients, even in imperfect ways. We mirrored our clients' resilience in finding ways to make it work.

And, at the same time, 2020 brought the start of "clinic modernization"; Legal Aid Ontario's (LAO's) attempt to forge a new "Funding Framework" with the province's legal clinics. The ACLCO has spent months working with LAO on this project, trying to ensure that the new funding framework will continue to provide stability and security for clinics so that, in turn, we can continue to provide top quality services to our communities.

It has been a challenging year, for both clinics and our clients. Our strength and our resilience has been critical in making it through 2020. I have no doubt that these qualities will carry us through the challenges of 2021.

# Legal Services that ensure equal voices and reduce poverty

Community Legal Clinics work every day to protect and promote the rights of low-income Ontarians. Whether speaking for a client whose wages have not been paid, or bringing to the Supreme Court of Canada arguments that underscore the impact of the law on the communities we serve, Community Legal Clinics fight for justice for the most disadvantaged among us. Steadfast advocacy for access to justice and respect for the right of all, regardless of ability to pay, ensure a just and equitable society for all Ontarians.

Much of the work done by Community Legal Clinics is aimed at ensuring people with low-incomes have access to basic measures of income support and housing. These essential supports in turn result in improved health, improved opportunities for children to succeed in school and for adults to participate in the labour market and the economy.

The work that Community Legal Clinics do to help low-income people secure access to our justice system is therefore not only an issue of justice. Clinic services that result in a reduction of poverty have a significant positive impact on the health, vitality and economic return of local communities.



## The Most Appropriate Response

Clinics distinguish themselves among legal aid services providers by offering a broad range of legal services to address the needs of their clients and the inequities confronting them. Clinics offer legal representation in courts and tribunals, brief services, legal advice, public legal education, and referrals to other sources of assistance. Clinics address a variety of client needs by choosing the right tool in their legal toolkit to address the problem most effectively and efficiently.

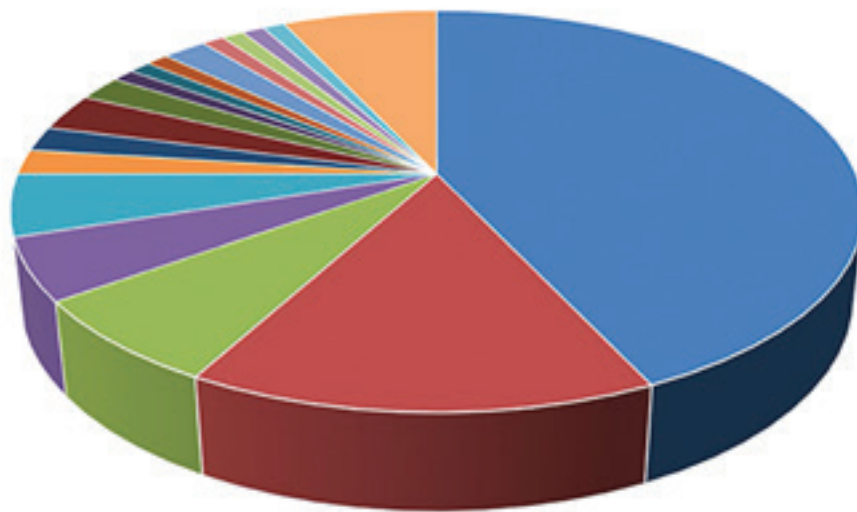
The community legal clinics across Ontario provided services to hundreds of thousands of people by:

- ✓ Representing clients in courts or tribunals
- ✓ Providing quick interventions, detailed legal advice and assistance
- ✓ Carrying out public legal education, community development, policy advocacy, law reform projects and initiatives.

# The People

Community Legal Clinics serve the most disadvantaged who have been pushed to society's margins— people living with disabilities, single mothers, racialized people, victims of abuse and torture, the elderly, newcomers and refugees, among many others – addressing the following issues.

Areas of Poverty Law



- Housing
- Employment
- Family
- Taxation
- Human Rights
- Social Assistance - Disability
- Other Income Maintenance
- Workers' Compensation
- Criminal
- Indigenous Rights
- Immigration/Refugee/Citizenship
- Health Care/Substitute Decisions
- Violence (Victim of Violence/Crime)
- Public Services
- Privacy/Access to Information

# What clients say about Community Legal Clinics

From a “client experience questionnaire”:  
asked if satisfied:  
the answer was *“more than satisfied, I’m  
forever grateful”*.

Asked if they would recommend Hamilton  
Community Legal Clinic to others:  
the reply was *“already have. ‘Big Thumbs  
Up’”*.


Asked if treated with respect:  
the answer was: *“I was treated with  
compassion and like a human being, that  
“Does Have Rights” and I was heard. You  
saved me from a fate far worse than death,  
“HOMELESSNESS”. I was at my wits end.  
But you helped me, listened to me and  
“BELIEVED ME!” I can’t thank you enough.  
You really are a Godsend.”*


Hamilton Roundtable for Poverty Reduction Facebook  
post about an individual who was suicidal with  
despair, and referred to his local clinic.

“He has severe social anxiety and staff made it so  
easy for him. You really did save his life.”

**Dear Ms. Laura Cattari: 8  
years ago you gave me  
fantastic advice that  
saved me, and changed  
my life for the better.  
Thank you.**

 Love

 Comment

 Share

 You, Asher Hunter and 3 others



**Laura Cattari**  
Just sharing the love my friend. I  
can’t believe it’s been eight  
years!

 1



## 2020 - Our Communities hit hard!

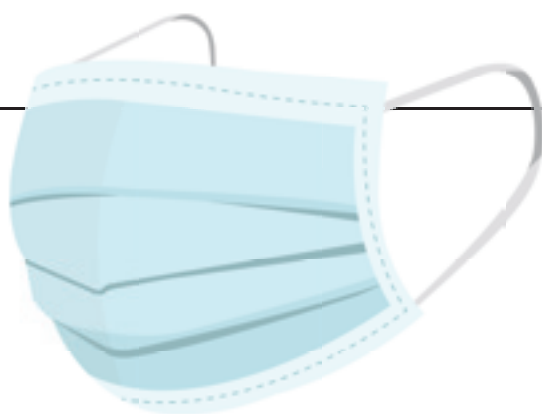
Many inequities have intensified over this past year as a result of the disproportionate impact of the COVID pandemic on racialized communities. Black, Indigenous and peoples of colour were already over represented among the poor in Ontario and in the justice systems. Communities of colour are disproportionately more likely to require the poverty law services that clinics provide.

The pandemic has imperiled lives and the health of racialized communities; cost many their livelihood; increased open racist attacks on racialized individuals; and, deepened poverty in already disadvantaged communities.

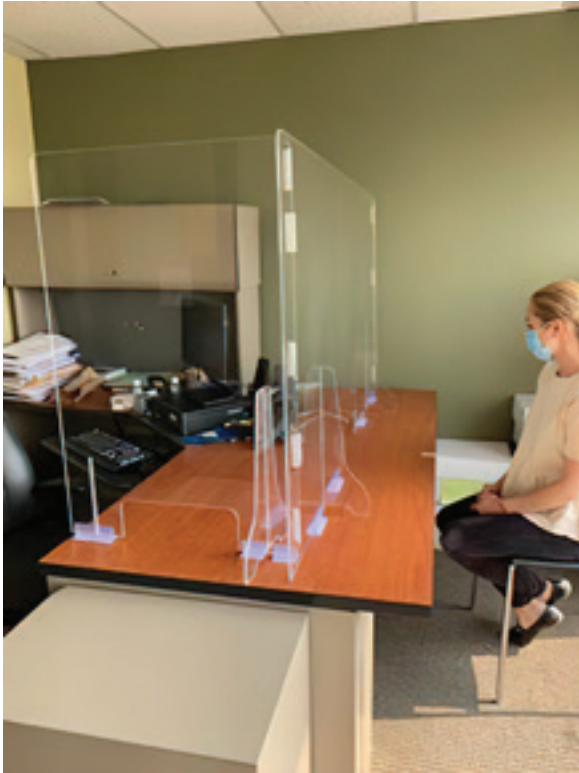
As poverty law service providers, it is incumbent on clinics to identify the legal needs and to protect the legal rights of racialized communities in the justice system, and to recognize that racialized communities are more likely to require legal aid services.

Clinics are an integral part of the delivery of legal aid services that must be responsive to the diverse and intersecting needs of racialized communities, and continue to advocate for the systemic solutions that are necessary to achieve greater equity for all.

In this difficult year, clinics have stepped up to address a number of inequities and pressing issues. Clinics have worked hard to ensure accessibility of their services for disadvantaged communities.



# Adapting clinic services



As providers of essential services in the pandemic, clinics had to adapt and change the way we deliver services to clients. To reduce the risk to staff and clients, many clinic staff have had to work from home and communicate with clients by phone, email or other technology. However, many clients do not have access to email or WeChat, or don't know how to use them. Many clients do not even have access to the internet.

In addition, administrative tribunals in Ontario stopped in-person hearings and clinics have had to step up to provide the technology that is often needed for access to the proceedings that determine a person's continued shelter or access to much needed income maintenance benefits.

For these reasons, most clinics continued to provide in-person services so that the most vulnerable will continue to have barrier-free access to vital legal services.

With special funding from Legal Aid Ontario, many clinics made significant physical changes to their spaces so that staff could provide in-person services to clients, enhancing health and safety features to protect staff and clients who needed to be at the clinic. These features included: an automatic door with audio communication, Plexiglass screens in interview rooms and videoconference offices for tribunal hearings, and personal protective equipment.

Clinics have also generously shared with one another their approaches to ensuring safety for clinic staff and clients using written information; and webinar sessions. Some notably generous clinics have been **Sudbury Community Legal Clinic, Northumberland Community Legal Centre and Community Legal Services of Ottawa.**

# Responding to the Rise in Anti-Asian Racism

Not long after China reported the first case of the coronavirus in Wuhan, Canadians of Chinese descent started to brace for the anticipated racist attack by other Canadians, just as they were made target during the SARS outbreak in 2003. By January 2020, over 10,000 parents in York Region petitioned their local school boards to ban Chinese students from attending school, for fear that they would spread the virus. The **Chinese and Southeast Asian Legal Clinic**, began to receive calls from restaurant workers who were let go from work because people stopped going to Chinese restaurants.

Anti-Asian racist attacks and xenophobia continued to rise across Canada including in Ontario. The clinic joined forces with groups such as the Chinese Canadian National Council for Social Justice, to launch an online reporting tool for people who experience COVID-19 racism at [covidracism.ca](https://covidracism.ca). The clinic continues to use both mainstream and ethnic media to speak out against Anti-Asian racism as well as presenting on the issue to many organizations including universities and colleges, community organizations, hospitals, foundations and other agencies. The clinic's staff also participated in panel discussions hosted by advocacy groups working to address the growing poverty and other issues of inequities facing marginalized communities.

## Helping Those Who are Left Behind

Ontario's Community Legal Clinics has received a significant number of calls from clients who have lost their jobs due to COVID-19 and are struggling to make ends meet.

Clinics have diligently provided advice and representation to the clients who contact them seeking help with their legal issues due to COVID-19, including assistance in accessing the various benefits available through the Federal and Provincial governments to help alleviate the economic hardship caused by the pandemic.





Clinic staff have spent the past year continuously creating and posting materials about the COVID-19 related legal issues onto their websites, including information about new benefits such as EI and CERB for people who have lost their jobs due to the pandemic.

**West Scarborough Community Legal Services** has prepared a number of visual aids, such as this one, to help clients navigate the complex array of benefits available to them.

The **Chinese and Southeast Asian Community Legal Clinic** prepares material in English and then translates them into Chinese and Vietnamese. The clinic has created YouTube videos on these subjects in Mandarin and Cantonese, garnering thousands of views.




Updated as of November 11, 2020

# NEW RECOVERY BENEFITS

## WHAT TO EXPECT & HOW THEY WILL WORK

**FOR SELF-EMPLOYED WORKERS WHO ARE DIRECTLY AFFECTED BY COVID-19 AND FOR THOSE WHO DO NOT QUALIFY FOR EI**

3 TEMPORARY BENEFITS IN PLACE FOR 1 YEAR STARTING SEPTEMBER 27, 2020 AND ENDING SEPTEMBER 25, 2021		
APPLICATIONS NOW OPEN	APPLICATIONS NOW OPEN	APPLICATIONS NOW OPEN
 <p style="margin: 0;"><b>CRB Canada Recovery Benefit</b></p>	 <p style="margin: 0;"><b>CRSB Canada Recovery Sick Benefit</b></p>	 <p style="margin: 0;"><b>CRCB Canada Recovery Caregiving Benefit</b></p>
<p style="margin: 0;"><b>Benefit Periods &amp; Benefit Rates</b></p> <ul style="list-style-type: none"> <li>2 week periods \$1000 (\$900 after tax)</li> <li>Up to a maximum of 26 weeks</li> </ul>	<ul style="list-style-type: none"> <li>1 week periods \$500 (\$450 after tax)</li> <li>Up to a maximum of 2 weeks</li> </ul>	<ul style="list-style-type: none"> <li>1 week periods \$500 (\$450 after tax)</li> <li>Up to a maximum of 26 weeks per household</li> </ul>
<p style="margin: 0;"><b>Common Eligibility</b></p> <ul style="list-style-type: none"> <li>At least 15 years old</li> <li>Reside in Canada (do not need to be a citizen or permanent resident) – International Students are also covered</li> <li>Have a Valid Social Insurance Number (SIN)</li> <li>Earned at least \$5000 in 2019, or 2020, or in the last 12 months</li> <li>Income from CERB, CESB, CRB, CRCB, and/or CRSB benefits <b>do not count</b> towards the \$5000 requirement</li> </ul>		
<p style="margin: 0;"><b>Specific Eligibility</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <ul style="list-style-type: none"> <li>Have stopped working or had their income reduced by at least 50% due to COVID-19, and who are not eligible for Employment Insurance (EI)</li> <li>Have not quit your job or reduced your hours voluntarily on or after September 27, 2020</li> <li>Seeking work during the benefits period, not turned down reasonable work in the period you are applying for</li> <li>You are allowed to work and earn a maximum income of \$38,000 per year.</li> </ul> </div> <div style="width: 30%;"> <ul style="list-style-type: none"> <li>Are unable to work for at least 50% of the scheduled week because you contracted COVID-19</li> <li>Are self isolated for reasons related to COVID-19</li> <li>Have underlying conditions, are undergoing treatments or have contracted other sicknesses that, in the opinion of a medical practitioner, nurse practitioner, person in authority, government or public health authority, would make them more susceptible to COVID-19.</li> </ul> </div> <div style="width: 30%;"> <ul style="list-style-type: none"> <li>Are unable to work for at least 50% of the normal week schedule</li> <li>Caring for your child under 12 years old or a family member who needs care because they are at home for <b>ONE</b> of the following reasons:                             <ul style="list-style-type: none"> <li>Their school, daycare, day program, or care facility is closed or unavailable to them due to COVID-19. Their regular care services are unavailable due to COVID-19</li> </ul> </li> <li><b>OR</b></li> <li>The person under your care is:                             <ul style="list-style-type: none"> <li>Sick with/or has symptoms of COVID-19</li> <li>At risk of serious health complications if they get COVID-19, as advised by a medical professional to self-isolate due to COVID-19</li> </ul> </li> <li>You are the only person applying in your household for the week</li> <li>You are not receiving paid leave from your employer during the same period.</li> </ul> </div> </div>		
<p style="margin: 0;"><b>Apply</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <ul style="list-style-type: none"> <li>Canada Revenue Agency (CRA) My Account</li> <li>Automated Phone Line - Call 1-800-959-2019</li> <li>OR Call 1-800-959-2041</li> <li><small>Call Phone Centre Hours: Monday to Sunday - 6am to 3am (Eastern)</small></li> </ul> </div> <div style="width: 35%;"> <ul style="list-style-type: none"> <li>Must apply within 60 days after period has ended</li> <li>Apply every period to continue receiving benefits (weekly or biweekly)</li> </ul> </div> </div>		

More information: <https://tinyurl.com/RecoveryBenefits>

Dial 211 to find the closest legal aid clinic in your neighbourhood | Legal Aid Ontario toll-free at 1-800-668-8258



# Ensuring Adequate Shelter

## Resettling homeless people



COVID brought with it increased shelter insecurities. More encampments arose during the pandemic and clinics responded to the heightened legal needs of homeless people. In collaboration with community partners, including a shelter health network, a harm reduction group and the private bar, the **Hamilton Community Legal Clinic** brought a legal challenge to the dismantlement of tent encampments whose residents are comprised of marginalized and highly vulnerable individuals.

An injunction was successfully obtained in the summer to prohibit the removal of tent encampments and was extended to allow the negotiation of a settlement agreement with the City for a humane, rights-based approach to resettlement. All residents of encampments were offered an assessment using a Vulnerability Index-Service Prioritization Decision Assessment Tool for determining acuity. The clinic provided services on site during the dismantling and oversaw a volunteer legal observer team throughout. The clinic also spoke with police for reassurance that they would take a human rights and person-centred approach to avoid unnecessary trauma.

# Ensuring Safe Shelters

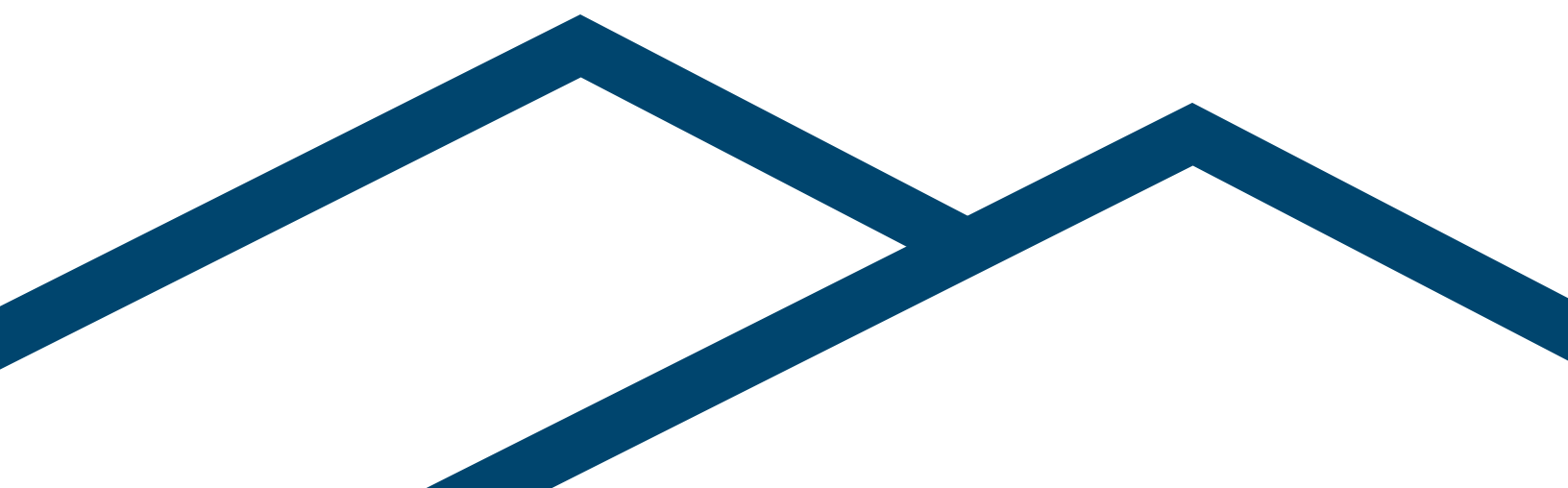
In response to a lawsuit filed by a coalition of legal clinics and other community organizations, the City of Toronto committed to enforceable physical distancing standards across its shelter system. An interim agreement was reached to protect the lives of shelter residents, shelter employees and the public at large.

The coalition is comprised of the following organizations: **Aboriginal Legal Services, Advocacy Centre for Tenants Ontario, Black Legal Action Centre, HIV & AIDS Legal Clinic Ontario, Canadian Civil Liberties Association, and Sanctuary Ministries Toronto.**

The agreement brings a measure of accountability and public transparency that was lacking in the City's approach to dealing with the pandemic crisis within the shelter system. The City is now required to provide regular, detailed reports about its efforts and progress in achieving and sustaining physical distancing standards that will surely save lives.

The terms of the agreement are that the City must use best efforts to "achieve without delay and thereafter sustain" 2 metres between beds and, end the use of bunk beds across the City's shelters, respites, and overnight drop-ins. The City must also report regularly on its progress until it reaches and sustains compliance for 2 months.

Since mid-March 2020, over 617 people in the shelter system have tested positive for COVID-19, 4 have died, and there have been 38 outbreaks in shelter sites. COVID-19 remains a serious problem for people experiencing homelessness in Toronto. In July 2020, due to serious concern that the City had not reached compliance with its obligations, the coalition announced that they were taking the City back to court. The coalition is committed to ensuring that the City complies fully with its legal obligations, in order to protect the lives of shelter residents as well as the health of shelter employees and the public at large.



# Protecting Essential Workers

Migrant farm workers have been particularly vulnerable during this COVID-19 pandemic due to the longstanding systemic barriers they face in accessing protections. As expected, the living arrangements and working conditions of workers resulted in outbreaks in several farming communities. More than 1,800 farm workers in Ontario tested positive to the virus, with three reported deaths. Even in the face of a global pandemic, protections have been hard fought and few.

In July 2020, the **Industrial Accident Victims Group of Ontario (IAVGO)**, Justicia for Migrant Workers, and the **Community Legal Clinic – Brant, Haldimand, Norfolk** intervened as a coalition in *Schuyler Farms Limited v Dr. Nesathurai*. At issue was the public health order issued by Dr. Shanker Nesathurai, the Medical Officer of Health for the Haldimand-Norfolk Health Unit. The order restricted the number of migrant farm workers to three per bunkhouse during their mandatory 14-day self-isolation period upon arrival into Canada. Its purpose was to reduce the risk of COVID-19 transmission among migrant farm workers to a level comparable to the rest of the community. Among Dr. Nesathurai's considerations, was the heightened risk of congregate living, the risk inherent in international travel, and the feasibility of adequate physical distancing. The Health Services Appeal and Review Board had sided with Norfolk County farmer Brett Schuyler, who had challenged the restriction as unreasonable and arbitrary.

The coalition's submissions to the Divisional Court focused on the vulnerability of migrant farm workers in Canada, and the systems of oppression that continue to jeopardize their safety. These concerns were ultimately echoed in the Court's unanimous decision to reinstate the order. The Court recognized that migrant farm workers are "exceptionally vulnerable because of their immigration status, race and the precarious employment relationships imposed by the structure of the programs under which they are employed," and that "[a]llowing larger numbers to isolate together exposes [migrant farm workers] to a level of risk not tolerated for others in the community, thereby increasing the vulnerability of an already vulnerable group." It further affirmed that "[i]f the order is necessary, especially in circumstances where the risk is high, then its financial impact is irrelevant."

While the decision is a victory for migrant farm workers, the root causes of their vulnerability continue to demand broader systemic reform.

# Public Legal Education and Community Outreach Project COVID 19



Through a special project funded by the Red Cross throughout 2020 and into 2021, **West Scarborough Community Legal Services**, was able to provide its community with the following:

- ✓ 35 Zoom webinars about the new federal and provincial COVID-19 pandemic benefits and 8 ethnic community platforms reaching more than 165,530 vulnerable individuals in Scarborough
- ✓ 5 community members meetings – opportunity to learn about low income retirement planning, income maintenance, affordable housing or to ask questions about social assistance
- ✓ 4 trainings for Community Leaders – storytelling, conflict resolution, anti-oppression, community development
- ✓ 10 YouTube videos – 7 on new Federal and Provincial COVID-19 benefits – 3 in Dari/Persian, Tamil and Arabic
- ✓ New facts sheets on Employment Insurance and Canada Recovery Benefits for legal staff and community members and translated into Tamil and Arabic
- ✓ Social media & new Clinic Twitter account - @WSClegalservice#follow
- ✓ 2 jam-packed newsletters



# Advocating for Systemic Change

## Social Assistance Rates

As with other issues affecting their communities, clinics continued during the pandemic to identify systemic issues relating to access to the new COVID benefit schemes.

The COVID-19 pandemic has caused illness, deaths and immense economic disruption and undermined the income security of many in Ontario

An umbrella group of low-income Ontarians, health care providers, and other organizations, led by the **Income Security Advocacy Group** called on the Minister of Community and Social Services to ensure the most vulnerable members of the province have meaningful income security during the COVID-19 pandemic.

The clinics worked together for many low-income Ontarians still falling through the cracks, to ensure that nobody in Ontario is left behind. The group that included 30 Ontario community legal clinics called for immediate changes to help low-income Ontarians, whose vulnerability to ill health during the emergency has worsened. The call was for an immediate increase to social assistance rates that are insufficient for coping with additional needs during a pandemic. The group advocated that, unlike some discretionary benefits that were put into place by the provincial government, substantially raising the rates is a broad-reaching, transparent, and long-term solution. It is the right thing to do ensure that everyone is able to feed and clothe themselves and live with health and basic human dignity.



# Community Legal Services of Ottawa advances the call for systemic change.



## Benefits for Excluded Groups

Many of the pandemic related benefits are only available to individuals who are legally able to work in Canada and who have a valid social insurance number. Excluded are people with precarious immigration status, including many who come to clinics for help. To make matters worse, these individuals are no longer able to rely on cash jobs to support themselves, as those job opportunities have largely been wiped out by the pandemic.

Thus, along with providing assistance to individual clients, the **Chinese and Southeast Asian Legal Clinic** has pressed for systemic reform. Throughout 2020, the clinic:

- ✓ appeared before the House of Commons Standing Committee on Health to respond to its study on the Canadian response to the outbreak of the coronavirus;
- ✓ filed a written submission and made an oral presentation to the Equity Seeking Groups and COVID-19 Task Force of the Canadian Government, made up of about 78 Directors or Deputy Directors from different departments and agencies;
- ✓ and, as part of Colour of Poverty-Colour of Change, released a Reconstruction and Reset Plan for Canada, calling on the Canadian Government to develop policy and legislative initiatives that will reduce and/or eliminate systemic racism in employment, health, housing, immigration, justice, and poverty, among others.

# Recognizing Indigenous heritage in the justice system



*R. v. Gladue* [1999] 1 S.C.R. 688 is the leading decision on the importance of considering Indigenous heritage when determining the appropriate sentence for an Indigenous offender. In that decision, the Supreme Court of Canada acknowledged that “the circumstances of Aboriginal offenders differ from those of the majority because many Aboriginal people are victims of systemic and direct discrimination, many suffer the legacy of dislocation, and many are substantially affected by poor social and economic conditions.” The decision directed judges in criminal cases to consider these systemic background factors as mitigating on sentence and take into account all reasonable alternatives to incarceration for Indigenous offenders.

The same systemic background factors are as relevant for Indigenous people involved in other aspects of the justice system as within the criminal process. There is a clear role for Gladue factors being considered by decision-makers in other forums.

An Interregional Gladue Brief Project was started in Ontario’s southwest region and led by **Elgin Oxford Legal Clinic, Hamilton Community Legal Clinic, the Income Security Advocacy Centre and Kinna-aweya Legal Clinic**. A Gladue writer/educator was hired to support the introduction of Gladue principles to the adjudication process in core areas of clinic practice.

This involved developing and delivering extensive training for clinic staff in the region, so they are familiar with when and how to use Gladue in a culturally appropriate and sensitive way in their casework with Indigenous clients. This training resource is a product of that Project and was distributed to all clinic staff in April 2020.



Organizers from Elgin-Oxford, Hamilton and ISAC met with the Social Justice Tribunals of Ontario’s Executive Chair and the Social Benefits Tribunal Chair and both were supportive of this initiative. There was an immediate recognition that Gladue Briefs are consistent with the approach in Ontario Disability Support Program cases to consider the whole person. During the Project, Gladue Briefs were accepted by all adjudicators where a caseworker sought to introduce them. Factors raised in Briefs have been included in decisions and caseworkers have indicated that their inclusion has influenced positive decisions.



# The Long View:

## Reflections following a distinguished career in community legal clinics

As a 'Clinic Alumnus' one of the privileges of being retired is being able to reflect on matters with the benefit of time and distance... My first personal experience with Community Legal Clinics was in 1985 as a student in the Intensive Poverty Law Program at Parkdale Community Legal Services (where some guy named Lenny Abramowicz was articling) and, in the thirty-six years since then, in my various roles as Clinic Board Member, Staff Lawyer, Executive Director and Member of the ACLCO Executive, I have been regularly amazed by the strength and resilience of the Community Legal Clinic System.

From the earliest days Clinics have faced multiple challenges, mostly to funding, but also challenges to fundamental values such as independence, community-based governance and a mandate which includes public legal education, law reform and community development, along with the more conventional services of summary advice and representation. Without secure long-term funding, Clinics have always struggled for the respect and recognition they deserve and have had to prove their worth over and over again to successive provincial governments. However, as frustrating and time-consuming as these struggles have been, I believe that they are largely responsible for the continuing existence of the Community Legal Clinic System in Ontario. Legal Clinics have always risen to the challenge and I believe it can truly be said of the Clinic System, 'what does not kill you makes you stronger.'

Of the essential qualities that have enabled the survival of the Clinic System foremost, certainly, is the unfailing dedication of clinic staff, Board members and volunteers who share a vision and a strong commitment to social justice. Strong community support is also a major factor; the kind of support that can only come from community-level governance and solid cooperative relationships with local organizations.

Equally important has been the quality of relationships amongst the Clinics. Over the years, the shared vision, the greater good, has always won out over any differences. Clinics have trained together, learned

from each other, innovated as one to meet changing circumstances and provided mutual support. It is in the ACLCO that this spirit of solidarity amongst Clinics has found its finest expression. It has given form and force to the ethos of cooperation and collaboration which is at the core of Community Legal Clinic culture.

Finally, Clinics have survived because the model works. Even from the narrow metric of cost alone Clinics are a good deal. Studies have shown that every dollar invested in legal aid saves six dollars in other areas of government spending. Nowhere is this truer than in the provision of poverty law services by Community Legal Clinics where early intervention may avert homelessness, hunger and failing health. Over the years, legal aid providers have come from all over the globe to learn from us. Clinic workers have participated in many international development projects to share the clinic model with the world. While sadly, here at home, it seems the Clinic System must keep proving its value to every new provincial government.

A mere six years ago Lenny Abramowicz (yeah, that same guy) wrote, in the 2015 ACLCO Annual Report, "...with the development of the Clinic system's Strategic Plan, the signing of the Framework Agreements with Legal Aid Ontario, and the investment of new funds into legal aid and community legal clinics, we may be entering a new even golden age for Ontario's community clinics." Facing very changed circumstances he wrote in 2019 that it had been "...a challenging year...possibly the most challenging one in the clinic system's history...The budget of every clinic was reduced, with approximately a third of the clinics receiving disproportionately large cuts."

I know the last couple of years have been extremely difficult and challenging. The history of Community Legal Clinics in Ontario is a long narrative of tough times and hard-won battles but Clinics have always persevered. This is not to minimize the pain of the last two years, or to downplay the significant challenges ahead but simply to say that Clinics have faced fundamental, even existential, threats many times before and have always survived and, sometimes, even come away stronger.

*-David Balderston*



## Awards and Recognition



**Sandi Bell**, long-serving member of the Hamilton Community Legal Clinic Board of Directors and, **Gachi Issa**, Hamilton Community Legal Clinic Communications Coordinator were recognized as *Women Who Rock* - a Hamilton platform to celebrate notable women and girls who are making significant contributions to the community. These awards are presented to women who, through their work, serve to empower others and inspire change.



**Mary Birdsell** is being recognized with the J. Shirley Denison Award for her unfailing commitment and dedication to her clients and to promoting and advancing access to justice for vulnerable children and young people. She is the Executive Director at Justice for Children and Youth (JFCY), a legal clinic serving vulnerable and marginalized children. She is the founder of JFCY's Street Youth Legal Services program, a specialized legal outreach program designed to serve the unique needs of homeless youth.



**Marie Chen** was awarded the Law Society Medal, given for outstanding service within the profession. Marie has dedicated her career to advocating for justice for low-income and marginalized communities. Her commitment has led her to serve the majority of her professional career in community legal clinics; engaging in law reform and litigating countless cases that have advanced racial equality and income security for disadvantaged communities.



**Dr. Ron Ellis** was awarded the Law Society Medal for outstanding service in accordance with the highest ideals of the legal profession. Ron Ellis is recognized as a leader in administrative law, a teacher and mentor, adjudicator and tribunal administrator who has spoken and written extensively about administrative justice systems. As the inaugural Chair of the Worker's Compensation Appeals Tribunal, he entrenched the rule of law in the adjudication of workers' compensation claims in Ontario and is known for his persistent advocacy for rule-of-law reforms in Canadian administrative justice systems generally. Ron Ellis is a long-standing leader and advocate for community legal clinics and continues to support the clinic system through his work on the Friends of the Clinics Committee.



The Advocate Society's Young Advocates' Standing Committee 2020 Civility Award was awarded to **Omar Ha-Redeye**, Executive Director of the Durham Community Legal Clinic. This award recognizes a young advocate who epitomizes the principles of Civility and Professionalism. The Awards were created to recognize the contributions of the Society's young advocate members (ten years of call or less) and to celebrate these achievements with their peers.



**Michele Leering**, Executive Director/Lawyer of the Community Advocacy and Legal Centre, has been appointed a member of the Order of Canada for her dedication to helping underprivileged and marginalized populations gain access to legal services and the justice system.



## Who we are

The ACLCO is the representative body of Ontario's Community Legal Clinics. Seventy community legal clinics throughout Ontario are members of the ACLCO. We are governed by a 13-person executive comprised of staff and board members from clinics from all regions of the province. We have developed expertise in poverty law services delivered through the community legal clinic model. We act in a leadership role to advocate for sustainable legal aid services and, we are recognized throughout Canada and internationally as a champion of community based legal services.



## What we do

The ACLCO communicates and collaborates regularly with government, funders, community and justice organizations regarding legal aid and community legal clinics. The ACLCO helps coordinate the clinic system's interactions with a variety of external justice partners.

A primary focus of the ACLCO has been to work with other legal aid service provider groups, primarily through the Alliance for Sustainable Legal Aid, to pursue increased government funding for legal aid. In the past year, these efforts were concentrated on working with the provincial government to educate it about the importance of access to justice and legal aid investment. Significant work was also done with the federal government surrounding its role in funding legal aid services in Ontario.

Collaboration with the primary funder of Clinics, Legal Aid Ontario (LAO), remains an important focus for the ACLCO. We work with LAO to ensure robust and thriving poverty law services in Ontario. In addition, the ACLCO works with LAO on a wide range of issues affecting the clinic system through the ACLCO Executive and a number of standing and ad hoc advisory committees.

The ACLCO has expanded its supports for community clinics. We operate the KnowledgeNow program, promoting knowledge creation and sharing throughout the clinic system. The ACLCO Policy Counsel plays an important role in clinic support and leadership. For several years before LAO withdrew funding in September 2019, the ACLCO managed the clinic learning and training program for the clinic system.

The ACLCO will continue to work on behalf of Ontario's community clinics by ensuring the ongoing flow of new funding into legal aid and the clinic system, by strengthening the clinic – LAO relationship, by fostering strong relations between the clinic system and our justice sector partners, and by expanding the supports we provide to clinics throughout the province.



Advocacy Centre for Tenants Ontario • Advocacy Centre for the Elderly • Algoma Community Legal Clinic  
 ARCH Disability Law Centre • Black Legal Action Centre • Canadian Environmental Law Association  
 Centre for Spanish-Speaking Peoples • Chatham-Kent Legal Clinic • Chinese and Southeast Asian Legal Clinic  
 Community Legal Education Ontario/Éducation juridique communautaire Ontario (CLEO)  
 Clinique juridique francophone de l'Est d'Ottawa • Clinique juridique Grand-Nord/Grand-Nord Legal Clinic  
 Clinique juridique populaire de Prescott et Russell Inc. Clinique juridique Roy McMurtry (SDG) Legal Clinic  
 Community Advocacy & Legal Centre • Community Legal Assistance Sarnia  
 Community Legal Clinic — Brant, Haldimand, Norfolk  
 Community Legal Clinic — Simcoe, Haliburton, Kawartha Lakes • Community Legal Clinic of York Region  
 Community Legal Services of Ottawa/Services Juridiques Communautaires d'Ottawa  
 Downsview Community Legal Services • Durham Community Legal Clinic • East Toronto Community Legal Services  
 Elgin-Oxford Legal Clinic • Elliot Lake & North Shore Community Legal Clinic • Flemingdon Community Legal Services  
 Grey-Bruce Community Legal Clinic • Hamilton Community Legal Clinic/Clinique juridique communautaire de Hamilton  
 HIV & AIDS Legal Clinic Ontario (HALCO) • Huron Perth Community Legal Clinic • Income Security Advocacy Centre  
 Industrial Accident Victims' Group of Ontario (IAVGO) • Injured Workers Community Legal Clinic  
 Jane Finch Community Legal Services • Justice for Children and Youth • Keewaytinok Native Legal Services  
 Kensington-Bellwoods Community Legal Services • Kingston Community Legal Clinic • Kinna-aweya Legal Clinic  
 Lake Country Community Legal Clinic • Landlord's Self-Help Centre • Legal Assistance of Windsor  
 Manitoulin Legal Clinic • Mississauga Community Legal Services • Neighbourhood Legal Services Neighbourhood Legal  
 Services (London & Middlesex)  
 Niagara Community Legal Clinic/Clinique juridique communautaire de Niagara • Nipissing Community Legal Clinic  
 North Peel & Dufferin Community Legal Services • Northumberland Community Legal Centre  
 Northwest Community Legal Clinic • Parkdale Community Legal Services • Peterborough Community Legal Centre  
 Queen's Prison Law Clinic • Renfrew County Legal Clinic • Rexdale Community Legal Clinic  
 Scarborough Community Legal Services • Services d'aide juridique du Centre francophone de Toronto  
 South Asian Legal Clinic of Ontario • South Etobicoke Community Legal Services  
 Sudbury Community Legal Clinic • The Legal Clinic  
 Timmins-Temiskaming Community Legal Clinic/ Clinique juridique communautaire Timmins-Témiskamingue  
 Unison Health and Community Services • Waterloo Region Community Legal Services  
 West Scarborough Community Legal Services • West Toronto Community Legal Services  
 Willowdale Community Legal Services • Windsor-Essex Bilingual Legal Clinic/  
 Clinique juridique bilingue Windsor-Essex • Workers' Health & Safety Legal Clinic