

Ontario's Community Legal Clinics

Together Making the Equal Rights Dream a Reality



2021 Annual Report

Association of Community Legal Clinics of Ontario

www.aclco.org

A Client's Experience

Sent from my iPhone

Date: December 14, 2021

Hi,

I don't even know where to start when it comes to my gratitude and the need, for the staff at the legal clinic. I had been battling my abusive ex-husband in court. He had left me disabled through psychological abuse. Flailing through the system would be an understatement.

From the first moment that I walked into the legal clinic, they had my back. My family doctor had neglected to send in his part of the paperwork, and after 9 months, they had closed my case. Nancy Adams got to the bottom of what had played out in a few minutes, with a phone call, and I got my case reopened and on track.

Norma MacKenzie represented me during my meeting with the Adjudication board and during our meetings was actually able to help me to understand more about my experience with my anxiety disorder. I will never be able to thank her enough. The respect, kindness, and professionalism shown to me by the entire staff, stays with me still today.

It was a turning point for me and I will never know what would have happened to me if I hadn't walked through their door. I was homeless, battling my ex-husband while staying in various shelters at the time.

Today I am protected by the acquisition of my ODSP, just finishing up my case in court and getting ready to start my life over.

With much gratitude,

A client of **Nipissing Community Legal Clinic**

Who We Are

Ontario's community legal clinics serve individuals and families in communities across Ontario. Through 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 71 community legal clinics in Ontario, each with our own board of directors chosen by the community. Clinics serve the most vulnerable on issues that are most critical to them, including affordable and secure housing, income security, education, health care, human rights, disability programs, workers' rights, victim's assistance,

environmental issues and more. The vital work that we 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 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 rights 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.



“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

2021. When our history is written, it will be remembered as Year 2 of a global pandemic. Year 2 of Zoom, Teams, Skype, Facetime...year 2 of living our everyday lives on the platforms of technology.

Community legal clinics in Ontario experienced 2021 as the year that the new *Legal Aid Services Act* was proclaimed. We had six-month funding agreements from Legal Aid Ontario and then our first Services Agreements



Trudy McCormick

under the new legislation. These were momentous events for legal clinics, and as we have done in the past, once again clinics stepped up, came forward, and found ways to work through the challenges of these changes, together. We talked together, by email, via zoom, and even picked up the phone.

2021 was also a year of immense and serious challenges for clinic clients and communities. Tribunals Ontario's shift to a digital strategy left many people without the ability to participate in hearings, because they didn't have the technology to participate effectively. Clinics stepped up, and found creative ways to help people access the justice they so desperately need. Clinics continue to advocate for systemic change, to remove barriers faced by our clients in the newly fully digital world.



Gary Newhouse

We don't know how 2022 will be remembered. The past couple of years have taught us all just how quickly change can happen. What we do know is that Ontario's community legal clinics will continue to fight for justice for all members of our community in the most effective way possible. We will rely on each other, and we will do it together.



ACLCO Executive Director's Message

In last year's (2020) Annual Report, I referred to the word "resilience". Specifically, I pointed out how, in the wake of a global pandemic, and significant cuts to legal aid, community clinics and our clients had shown great resilience in persevering. Clinics dealt with the double blows of decreased funding and altering the way we could serve our clients by coming together and adjusting to continue to provide top quality poverty law services to our communities.

And, although that resilience was certainly a hallmark of 2021 as well, as COVID continued to wreak havoc with the lives of our clients and with navigating the justice system, there was a sense that perhaps we began turning a corner. The resilience we displayed, combined with the beginning of optimistic public health reports, brought the first signs of hope into view.



Lenny Abramowicz

To be sure, 2021 was replete with challenges. Clinics are still recovering from the budget cuts of 2019. And with the pandemic continuing to disrupt lives and threaten public health, clinics scrambled to ensure that we could serve our clients in a way that was safe for them, and for our staff. The withdrawal of pandemic supports landed hard on our clients, while we tried to navigate changes at some of Ontario's tribunals that seemed more about "administrative savings" than access to justice. And challenging discussions took place between Legal Aid Ontario and the community legal clinics about developing a new funding relationship in the wake of the enactment of the *Legal Aid Services Act, 2020*.

However, in the face of these real challenges, glimmers of hope began to appear. Vaccination and other public health measures brought the hope that we might be able to find a way to live with COVID. Creative approaches by clinics showed us that we could continue to serve our clients, regardless of the obstacles in our way. Clinic advocacy has raised the possibility that Tribunals Ontario will need to take into account the circumstances of our clients when developing their processes. Discussions about the new relationship between clinics and our funder led to the development of documents that continued to recognize the value and strength of independent community legal clinics. And outreach that the ACLCO, and our allies have made to both the provincial and federal governments bring the hope that further resources for clinics and legal aid are conceivable.

So, although 2021 brought many challenges, in typical clinic fashion, we came together to confront them head-on, and we now face a new year with the hope that the worst is behind us and we are ready to take large steps forward on behalf of our clients in 2022.

The Most Appropriate Response

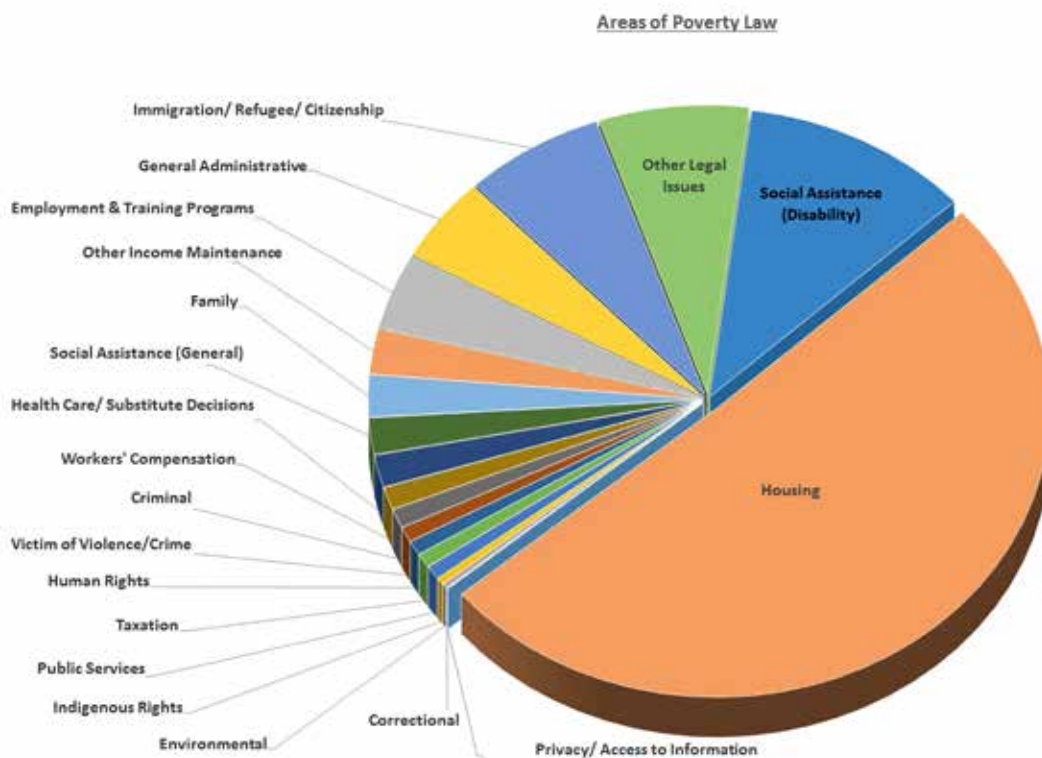
Community legal clinics are distinct among legal aid services providers as we offer a broad range of legal services to address the needs of our clients and the inequities confronting them. Clinics offer legal representation in courts and tribunals, brief services, legal advice, public legal education, and referrals to other sources of assistance. Clinics address a variety of client needs by choosing the right tool in our legal toolkit to address the problem most effectively and efficiently. 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 we serve

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, migrant workers, the elderly, newcomers and refugees, among many others – by addressing the following issues:



Punching above our weight

Often the best response to the inequities faced by disadvantaged people is a community response. Community legal clinics serve large numbers by undertaking community organizing to help build the capacity of people living on low-incomes to be involved in and influence the legal and political processes that affect them. Working with the community to organize and advocate has proven to be effective in changing policies and legislation and addressing systemic issues. In this way, the clinic system contributes to the process of social change and law reform needed to ensure basic human rights and improve the lives of low-income people in Ontario.

The **Ontario Project for Inter-Clinic Community Organizing (OPICCO)** is comprised of staff from clinics across the province. OPICCO provides training and support for community organizing within the clinic system to promote, strengthen and maintain the capacity of clinics to work with communities to empower, educate and organize for social and economic justice.

OPICCO also works to ensure that the voice of Ontario's low income communities continues to inform the work of clinics. At the OPICCO Forum in December 2021, clinics presented a sample of new **Community Development Projects**:

- **Keewaytinok:** "Trick or Treaty?" documentary screening in the summer; tabling at community events; Project Cold, clothing giveaway
- **Brant, Haldimand, Norfolk:** We provide many speaking and self-advocacy workshops for community members to gain more confidence and skills.
- **Advocacy Centre for the Elderly:** A 7-part Townhall Series educating and connecting seniors to legal advice
- **Injured Workers CLC:** "Workers Comp Is A Right" mass visit to MPPs
- **SALCO:** Campaign and work on forced marriage and gender-based violence
- **York Region:** Connection with Migrant Workers of Holland Marsh
- **Industrial Accident Victims Group (IAVGO):** Supporting Spanish speaking organizing efforts
- **Waterloo Region:** Community Development work focusing on anti-racism, equity and Indigenous justice issues
- **Hamilton:** Settler solidarity / housing advocacy
- **Willowdale and Windsor:** Indigenous engagement
- **Ottawa:** Social Assistance Campaign; Community partnerships & action towards affordable housing
- **Timmins:** "Operation UnderRoo" collecting donations to give out dry socks and clean underwear, one of life's simple pleasures!
- **Community Legal Education Ontario (CLEO):** Developing training templates, working with the ACLCO, OJEN and other community legal clinics
- **Grey-Bruce:** Sexual Harassment in the Workplace (SHIW); Temporary Foreign Workers Projects; Bridging the supports needed for local Indigenous communities to navigate the Indian Day school claim process.

Pandemic inequities: the unjust recovery

As we write this report, there is much conversation about a recovery from the COVID-19 pandemic. At the same time, Ontario's scientists and doctors report that the pandemic is still hitting low income areas hardest. The areas where clinic clients live have borne the brunt of COVID-19 in every single wave of the pandemic. And, doctors warn that disease will continue to be concentrated in poor, racialized areas.

Inequities have intensified over this past year. 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.

Black, Indigenous and peoples of colour were already over represented among the poor in Ontario and in the justice systems, and therefore, disproportionately more likely to require the poverty law services that clinics provide. Clinics are an integral part of the delivery of legal aid services that must identify and respond 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.

Clinics have continued to address a number of the inequities and pressing issues and are working hard to ensure accessibility of their services for disadvantaged communities.



COVID, Migrant Farm Workers, and Unsafe Housing



Roughly 20,000 workers who arrive each season from Mexico and the Caribbean work on Ontario farms, with no choice but to live in employer-provided housing. In 2021, communal bunkhouses resulted in several thousand temporary foreign workers contracting COVID-19 on the job.

The **Niagara Community Legal Clinic (NCLC)** prepared submissions to the Government of Canada on Migrant Worker Accommodation Rights and the Temporary Foreign Worker Program, bringing important media and government attention to a serious health and safety and human rights issue. The ongoing success of the Ontario wine industry would not be possible without the migrant workers. NCLC has advocated for a greater balance between federal investments in the vineyard owners and the people who do most of the work in growing Niagara's grapes.

NCLC noted in its submissions that a significant number of the migrant workers in Niagara are Indigenous people of Latin America, linking its advocacy for the rights of migrant workers to the clinic's work of reconciliation and decolonization.

Unsafe working conditions, no personal protective equipment, and overcrowded accommodations are significant culprits responsible for the high rate of COVID-19 among these workers. Workers are often intimidated toward not seeking justice when their rights are violated, for fear of being sent back to their country of origin.

The housing conditions that migrant workers are subject to in Niagara are undignified and appalling. NCLC advocated for minimum standards for accommodation to be written into any standard form contract binding workers and employers, and enshrined in federal legislation for temporary foreign workers throughout Canada; standards that cannot be contracted out of.

A path to citizenship for migrant workers who have served for many years is also clearly needed, as are robust and enforceable protections for migrant worker privacy – in the name of human rights and mental and physical health.

When the needed standards are implemented and enforced, as proposed by the NCLC, migrant workers will be less susceptible to the next public health crisis and better able to live and work with the dignity.

Fighting Anti-Asian Racism and the Barriers Caused by the Pandemic

The continuation of the pandemic in 2021 also saw the continued rise in anti-Asian racism. The spring of 2021 was especially busy for the **Chinese and Southeast Asian Legal Clinic (CSALC)** and its community partners. The Fight COVID Racism project's report was released in March documenting over 1,000 racist attacks reported online. This was followed by a mass solidarity rally at Toronto City Hall, and then an extremely busy Asian Heritage Month for the clinic. CSALC provided training and presentations on anti-Asian racism and hate for over 30 organizations from all parts of the community.



COVID-19 and Human Rights

As we have learned from other public health emergencies, including the HIV epidemic, all responses to the COVID-19 crisis must be grounded in the best available scientific evidence and align with human rights standards. Moreover, action must be taken (e.g., scaling up income supports and housing, responding to issues facing those in state custody, in congregate living settings, and in abusive relationships) to ensure that everyone is able to comply with public health measures including access to health information and vaccines.

A coalition of clinics, the **HIV & AIDS Legal Clinic Ontario (HALCO)**, **Aboriginal Legal Services (ALS)**, **Advocacy Centre for Tenants Ontario (ACTO)**, **Black Legal Action Centre (BLAC)**, along with the Canadian Civil Liberties Association (CCLA), and Sanctuary Ministries Toronto, commenced litigation against the City of Toronto to demand that it take immediate steps to update its Shelter and Respite Standards, provide safe housing to Toronto's homeless population, and comply with federal and provincial health authorities' guidance on physical distancing. While the case initially settled, it is currently ongoing as the City was found to not have met the terms of the settlement.

ALS, BLAC, HALCO and CCLA also challenged the Government of Ontario's decision to allow police access to the database of people who test positive for the virus that causes COVID-19, arguing that such access breached provincial health privacy protections and violated individuals' constitutional rights to privacy and equality. After the lawsuit was commenced, the Ontario government agreed to end police access to the database.

Devastating Impact of COVID-19 Policies on Opioid, Housing & Poverty Crises:

Ticketing Use of Public Spaces Disproportionately Impacting BIPOC Communities

On March 17, 2020, the Ontario government declared a state of emergency throughout the province in response to the COVID-19 pandemic. The emergency rules gave the government powers they don't normally have. From the outset, **Neighbourhood Legal Services in Toronto** was concerned about how these measures could be discriminatorily applied, concerned that overbroad policing powers were an inappropriate response to a public health crisis. The clinic participated in numerous conversations with other agencies including the *Canadian Civil Liberties Association* (CCLA), the *Fair Change Clinic* and *Sound Times* to gather information about how downtown east communities were being policed during this time. NLS created a "Know Your Rights" pocket-sized flyer with information and a link to register information about encounters with police or by-law officers. The flyer was distributed to local shelters, drop-ins and other front line service providers.

Emergency Order measures limited the size of gatherings and closed many services often used by marginally housed people. People could walk through green spaces such as parks, trails, and ravines, but could not use structures such as benches and tables. People had to identify themselves if asked to do so by a provincial offences officer. If caught breaking the emergency rules, individuals could face charges.

The CCLA led reporting on how these measures were applied locally and across Canada. In July 2021, the Toronto Ombudsman issued a report that affirmed that these police powers were unfairly applied. The CCLA called on the province to refund any unfair tickets already paid and to drop ongoing prosecutions.



Digital Justice:

Addressing digital divides

Rural and Remote

In the age of digitized justice, connection, and services, many people living in rural and remote areas are even more isolated and disadvantaged than they were in the past. **Lake Country Community Legal Clinic** applied for and received grants to undertake a Digital Access Project to increase digital access to community members. In partnership with a local organization, the clinic provided low-income community members with tablets and cell phones, and provided funds towards internet and cell phone bills. These are distributed through grassroots networks and community members received honorariums for the work they've done to steer the project and to deliver the goods across the two large districts the clinic serves. A trainer was hired to give lessons to seniors or those who are not familiar with the technology and need assistance becoming more digitally literate.

Racialized Communities

The **Chinese and Southeast Asian Legal Clinic** serves large client communities with low levels of English fluency. In addition to the overload of new and changing information about benefits, services and rights, there have been major barriers caused by the move to telephone and online communications. In an effort to remove those barriers, CSALC has continued to provide updated information and access for its client communities in Chinese and Vietnamese, including working with ethnic media and other community organizations.

Access to Justice for tenants

In March 2020, the Landlord and Tenant Board (LTB) shifted from in-person hearings to online hearings. In this shift, little to no effort has been made to accommodate tenants with mental health issues, or who are illiterate or innumerate, or who do not have English as their first language. This is compounded by the fact many low income and rural or remote households lack access to reliable internet and phone services. In short, many tenants lack access to justice.

The **Advocacy Centre for Tenants Ontario** (ACTO) did extensive research on the digital divide and have tirelessly advocated for improvements to the online hearing experience for tenants. Many of ACTO's recommendations to the LTB - such as creation of a moderator role, information inserts, switching from using Microsoft teams to hearings on Zoom to allow for breakout rooms - have been adopted. However, many concerns remain unresolved. ACTO, along with other clinics, continues to advocate for critical access to justice issues, such as long wait times for hearings, digital access and accommodation.

The **Advocacy Centre for Tenants Ontario** spoke extensively to media on a number of issues of concern regarding the severe housing crisis across Ontario. This coverage included the lack of support for participating in digital hearings as well as the impact of rent increases on renters, ongoing access to justice issues tenants have with the LTB given the institutional hostility against them, lack of eviction data and impact on policy, and the need for stronger rent controls.

A Just Recovery

The **Community Advocacy and Legal Centre**, participated in campaigns calling on all levels of government to ensure a just recovery from the pandemic in Ontario. The clinic participated in the Just Recovery Ontario campaign and worked as part of a coalition of community groups calling on the provincial government to pursue policies that strengthen public health including paid sick leave, an eviction freeze, increasing social assistance benefits and strengthening the tribunal system.



Improving Access to Benefits:

Bringing the Perspective of Low-Income People to the Courts

Whether arguing that there is a public interest in granting sealing and confidentiality orders to protect the privacy of low-income and vulnerable individuals where information is part of the public record, as the **Income Security Advocacy Centre (ISAC)** did in the *Sherman Estates* Supreme Court Case, or arguing that anti-panhandling laws discriminate against low-income individuals, as ISAC will do as an intervenor in the *Fair Change* Charter challenge of the Safe Streets Act, ISAC has fought to bring the perspective of low-income people to the Courts. In *Sherman Estates*, the Supreme Court highlighted ISAC's arguments in its decision.



The **Income Security Advocacy Centre (ISAC)** appeared in Court alongside the **Chinese and Southeast Asian Legal Clinic** in an ongoing Charter challenge against the federal government's denial of the Canada Child Benefit (CCB) to parents with precarious immigration status. The clinics argued that a section of the *Income Tax Act* violates section 15 of the Charter on the basis of immigration status; that Canada's obligations under the U.N. Convention on the Rights of the Child requires the Canada Revenue Agency to consider the Best Interests of the Child, and that equality principles must inform the analysis of whether the section of the *Income Tax Act* breaches section 7 of the Charter. Despite opposition by the Department of Justice, the Tax Court of Canada granted ISAC's leave motion, and the case is ongoing.

Making systemic changes and addressing inequality through casework

West Scarborough Community Legal Services has been involved in fighting for Employment Insurance law reform for over two decades. The cases of individual clients are used to advocate for a better process for racialized clients and people with language barriers.

The clinic worked with residents' groups, met with the Social Security Tribunal (SST) chair and decision-makers, provided submissions, deputations and organized unemployed workers to participate in community consultations and round table forums. A client's story has contributed to systemic change.



For Example:

- SST now publishes clinics' names on their website which directs applicants to legal advice and increases access to justice
- SST adjudicators now commit to writing their decisions in plain and simple language
- All SST staff are given training to improve cultural safety
- SST and Service Canada hire decision-makers from racialized communities, including two of our clinic workers
- SST is committed to providing an appeal process that is simple, quick and fair
- Clinics' and vulnerable clients' voices are heard loud and clear at policy discussions, and, more importantly, our recommendations are taken seriously as the federal government implements EI law reform initiatives.

“

The harm we see resulting from unjust policies lights a fire in our souls and compels us to connect with others to break down barriers and transform systems. You can't make change happen alone. It takes a community.

”

Queer Refugee Hearings Program Toolkit

In 2021, a **Community Legal Services of Ottawa** lawyer prepared and release the Queer Refugee Hearings Program (“QRHP”) Toolkit. This one-of-a-kind toolkit allows LGBTQ refugee claimants to learn more about the claim process and about misconceptions on the legal and evidentiary criteria; to navigate a personalized questionnaire to elicit information for their case narratives; to gather evidence; and to prepare to testify at their eventual hearing. The toolkit is available in English, Spanish, French, and Arabic.



Labour Violations against Long Haul Truck Drivers

The **Rexdale Community Legal Clinic** experienced an increase in enquiries related to interprovincial truck driving where there have been labour violations against federally regulated workers. The story is often the same: workers quit or get fired and their employer refuses to give them their final pay, often thousands of dollars. They are all misclassified as independent contractors but are clearly employees so are not paid vacation pay, holiday pay, or termination pay when they should be. RCLC's dedicated employment lawyer has been building capacity in the difficult to navigate federal system; a system that is not as proactive when it comes to the enforcement of rights. Five workers were represented in this area; in two cases, RCLC filed a *Canadian Labour Code* claim and the employer paid. Three cases are ongoing. The RCLC lawyer has begun collaborating with other organizations, including other legal clinics, the Workers' Action Centre, Naujawan Support Network, and Labour Community Services of Peel, to build collective capacity to support workers in this area.

North at Home: Challenges and opportunities for affordable housing in Northern Ontario

The **Advocacy Center for Tenants Ontario** (ACTO) and Advocacy North collaborated on the *North at Home project*, in order to better understand the challenges and opportunities for affordable housing in Northern Ontario. The housing sector in Northern Ontario is conditioned by the region's vast distances, harsh weather, low population density, and growing migration to larger urban centers. Seven issues emerged as pressing concerns:

- Limited new supply, with high construction costs and a short construction season;
- Lack of affordable rental housing, with few choices for low- and moderate-income tenants;
- The poor condition of the existing housing stock, particularly in smaller communities where the cost and difficulty of maintenance and repairs is highest;
- High energy costs that can lead to housing insecurity;
- Lack of adequate housing for the growing senior population who need more supports;
- Growing prevalence of homelessness, particularly hidden homelessness; and
- Limited supportive housing, with a growing population in need of support.


These needs are deepened by limited resources for service providers and local organizations. Moving forward will require efforts to preserve existing affordable housing stock that is at risk from poor conditions, support for the non-profit housing sector, innovative approaches such as the conversion of vacant buildings, partnerships between service providers across policy silos, and a focus on eviction prevention programs.



Relief from unacceptable living conditions

The **Hamilton Community Legal Clinic** represented a client who was forced to move out of their home due to a terrible state of disrepair. This is an all too familiar set of circumstances for the disadvantaged clients that clinics see every day. Even though the Landlord and Tenant Board is known for small awards for rental agreement breaches and discrimination, in this notable case, the clinic was able to break through these low standards to convince an adjudicator to order large rent abatements for periods of the tenancy, as well as to award pain and suffering for outstanding repairs and injury to the tenant's dignity. The total compensation was one of the largest awards ever ordered – over \$19,000.00.

The landlord had failed to comply with health, safety, housing or maintenance standards; and made it impossible for the tenant to continue to live in their home. Attempts to resolve the issues were met with threats of eviction. Photographs submitted to the Landlord and Tenant Board demonstrated the appalling state of repair: paint peeling from the ceiling from a water leak, cabinets falling apart, a large hole in the wall under the sink, a large number of tiles missing from the floor, a countertop falling apart, paint peeling off the wall, missing electrical outlet covers, and radiators that could not control the heat. There were also pest control issues in the unit. Because of the condition of the unit and the bites from bedbugs, the tenant had to move in with a family member for 10 months. The Landlord and Tenant Board ordered a 100% abatement of the rent paid while the tenant had to move out, finding that the unit was in such a state of disrepair that it should never have been rented to anyone.



The Landlord and Tenant Board noted that it is hard to measure the impact of these actions and inactions on this vulnerable tenant, but still awarded \$10,000.00 for general damages. The Board also ordered the landlord to repair the unit to a good state of repair within one week of the Board's order. The tenant was able to reduce their rent by 50% on an ongoing basis until repairs are complete.

Trainers' Guides for Community Legal Clinics

CLEO (**Community Legal Education Ontario**) collaborated with community clinic experts to create Trainers' Guides for clinics to customize and use to train workers at local community organizations on legal topics of concern for marginalized people. The Trainers' Guides include instructions for online and in-person training, and easy-to-customize slides, activity handouts, and other materials.

The recently-launched Trainers' Guides address the following legal topics:

- **Evictions** – Developed with **Advocacy Centre for Tenants Ontario**
- **Powers of Attorney** – Developed with **Community Advocacy & Legal Centre** and **Sudbury Community Legal Services**
- **Sexual Harassment in the Workplace** – Developed with **Peterborough Community Legal Centre** and the Public Legal Education Committee of the Sexual Harassment Advice, Prevention and Education Project
- **Workers' Rights** – Developed with **Mississauga Community Legal Services**
- **Youth Rights** – Developed with **Justice for Children and Youth**

Additional Guides will be available in 2022.



Empowering through Legal Education

A webinar focused on the barriers to accessing social assistance due a person's immigration status and the rules about sponsoring relatives or being sponsored while receiving social assistance benefits was co-presented **Community Legal Services of Ottawa, Income Security Advocacy Centre** and **Willowdale Community Legal Services** and hosted by **CLEO** and 380 community workers from across the province attended the webinar.

**WERE YOU
DENIED SOCIAL ASSISTANCE
BECAUSE OF YOUR
IMMIGRATION STATUS?**

STEP 1: GET A DECISION LETTER
Ask the Ontario Works or Ontario Disability Support Program worker to provide you a letter in writing explaining their decision.

STEP 2: CHALLENGE THE DECISION
You have 30 days to write a letter to the office and ask for an internal review.

Need help? Need legal advice?
Contact Community Legal Services of Ottawa
South: Tel. 613-733-0140
Downtown: Tel. 613-241-7008
West: Tel. 613-596-1641
<https://www.clsottawa.ca/>

No Hate in the Hammer



The *No Hate in the Hammer (NHH) Coalition*, co-founded and administered by the **Hamilton Community Legal Clinic**, celebrated two years of work in August 2021. Funds from the US Embassy “Democracy, Diversity & Human Rights Virtual Grant Program”, supported a two day community anti-Hate Summit called “Listen, Learn, Act” in May. It attracted over 300 registrations to sessions featuring local activists, as well as the “Canadian Anti-Hate Network”, the “Southern Poverty Law Centre”, the “Western States Centre” out of Portland and the “Othering & Belonging Institute” from Berkeley. A second speaker series launched in October and will run through the spring. With funding obtained from the Hamilton Community Foundation, *No Hate in the Hammer* is producing a community response to hate with an accompanying tool kit. NHH is named in the City’s “Hate Prevention and Mitigation Action Plan” released in December as a partner to consult with to ensure compliance. The clinic further supported the early work of the Hamilton Anti-Racism Resource Centre by joining its Board and sponsoring an application to the Ontario Trillium Foundation for funding to assist those experiencing hate incidents and crimes.



ACLCO Race Equity Advisory Committee

The ACLCO Race Equity Advisory Committee was formed by the ACLCO in 2020 to continue the conversation with clinics about their role in addressing racism directed at black, indigenous, and other racialized people of colour and communities. It is made up of a group of volunteers (board members, EDs, lawyers, paralegals/community legal workers, and Indigenous Justice Workers) from legal clinics across Ontario. The committee meets regularly to work on what it feels are some of the most pressing issues / needs of the clinic system and the ways in which the ACLCO can support those needs.

The work of the Committee is guided by the understanding that people are often disadvantaged by multiple sources of discrimination: race, disability, gender identity, sexual orientation, class, religion, and other identity markers, creating a complex convergence of oppression.

Highlights of the Committee's work in 2020-2021 include:

- Supporting the ACLCO in its efforts to secure funding for an Equity Advisor for clinics
- Considering options and opportunities to provide the clinic system with anti-racism and anti-oppression training and resources
- Advising on best practices on the collection of race-based data for clinics
- Supporting the ACLCO in reviewing board training materials on anti-racism
- Organizing sessions for legal clinics on creating their own anti-racism policies
- Supporting the ACLCO on advancing learning on Indigenous rights
- Better coordination with Legal Aid Ontario on its anti-racism initiatives
- Sharing knowledge across our work of anti-racism initiatives provincially and federally

Framing the Committee's work is our collective responsibility as access to justice providers to combat racism in our clinics and in the communities we serve. In previous years, the ACLCO heard loud and clear from clinics that much work needs to be done to address racism within the clinic system and for the clients and communities that we serve. Moving into 2022, the Committee hopes to support the ACLCO to create tangible resources for legal clinics to advance race equity within the system and within our communities.

The Committee's membership is drawn from 14 community legal clinics across the province, with each member bringing a distinct and valued perspective to the collective work. The ACLCO is grateful to all of them for their contributions and hard work.

Health Justice

The Health Justice Program is the signature community outreach program of **Neighbourhood Legal Services** (NLS). The program is embedded in the St. Michael's Hospital Academic Family Health Team that serves the downtown east side of Toronto. Thirty percent of the Team's patient population live under the Low Income Measure. This unique health justice partnership in a large urban Family Health Team is the first in Canada to adopt a poverty law and social justice lens.

St. Michael's Hospital's Academic Family Health Team, Unity Health Toronto, **NLS**, and collaborating legal clinics, **Aboriginal Legal Services**, **ARCH Disability Law Centre**, and **HIV & AIDS Legal Clinic Ontario**, have complementary expertise working with vulnerable populations. The partners continue to develop and deliver legal support to address the crises of vulnerable individuals, stabilize clients' situations, and where possible, prevent cascading problems.



The continued goals of the Health Justice Program are:

- Through **direct service**, to improve social determinants of health for low-income patients as well as access to justice (“legal health”) through preventative, stabilizing interventions before they become crises. The **direct service** offered is the cornerstone of the program and helps to inform education and systemic advocacy initiatives.
- Through **education**, to support and cultivate clinicians’ abilities to recognize and refer legal issues that impact their patients’ health.
- Through **systemic law reform**, to identify and take action on issues that impact low income patients’ social determinants of health, and to bring together the legal aid and medical partners in advocating for positive change.

The Long View

Little did I know that fateful summer day in 1976 when I received a phone call from Ernestine van Marle, the Executive Director of the Rexdale Community Information Directory, better known as CID, that my life would take a completely unexpected trajectory. CID was an Information Centre located in the north Etobicoke neighbourhood known as Rexdale.

Because I spoke Italian I was offered a six month job to do outreach in the community, along with Marta Shumelda, who was hired to do outreach in the Croatian community. Our outreach however, was short lived. People started coming to the Centre for help with a myriad of legal issues: letters or documents to be translated or filled; appeals to various departments; and need for attendance at different Tribunals and Boards. Marta and I took a crash course on various legislations.

Ernestine, ever resourceful, learned that the Ontario Legal Aid Plan was funding “legal” positions at local agencies. In April 1977, Marta’s position was funded by Legal Aid. The following year, a second position was funded, and I became a “legal” worker. It was surreal as Marta had a degree in sociology and mine was in psychology. What were we doing in the legal field?

Nettie (Annette) Vaughn was the OLAP person for the Clinics, and asked what we legal workers wanted to be called. Paralegal was suggested, but we chose Community Legal Worker because we wanted to make sure that it was recognized that “community” was and is a major part of our work.

The following year we were funded for a lawyer, support staff and then more positions and we grew. At the same time other clinics were funded in various communities throughout Ontario. The system also grew; each Clinic responding to the needs of its community. That has been the strength of the clinic system ever since.

The work we did, and continue to do, was in response to the needs of the community; as needs changed, our services changed. We responded to the legal needs of those experiencing domestic violence; of refugees fleeing persecution in Chile; increased needs for social assistance appeals, and for housing and shelter security.

The “legal” casework was important, but the community work was essential. This is how we gauged the needs of the ever-changing community. To me, this was the work of the CLW.

In 2018, I retired. In the 45 years I have been associated with the Clinic system, there have been many changes, some very good; particularly those that responded to community needs. However, there are always threats to the system. And, more importantly, threats to our clients have not stopped, with cutbacks to benefits and eligibility and even appeal rights. Clinics have been successful in lobbying the government for better programs; making presentations to different ministries on behalf of our communities. We built relations with the different department heads to bring the needs of our clients to the powers that be. We made gains, and had setbacks.

The successes are not always spectacular, such as a Supreme Court win (although, the clinic system has had a few), but the small day to day victories is what kept me going; the woman whose benefits were restored; the family that was not evicted; or simply an apology to a client from a worker who messed up. CLW work at its best.

Clinics have survived several threats to their continued existence. It was thanks to the ACLCO and individual clinics that fought to stop clinics from becoming a centralized assembly line dispensing legal services with no thought to the actual needs of clients we serve. With our collective voice along with the support of our respective communities, clinics are unbeatable.

Upon my retirement I was asked to join the clinic’s board. I am glad I did as it has given me another outlook on the whole system. I am fortunate to be able to contribute my experience to inform/remind/advise/discuss as necessary. Still, I keep in mind that the old way is not always the best way.

Ernestine had a handwritten note above her desk which has always stayed with me “our benchmark is ‘what is best for the client.’” This is not to say we dictate what is best, but simply let the client/community into the discussion, to listen not dictate. Not always easy, but very much necessary. True 45 years ago and true today.

Italica Battiston



CLWs Italica Battiston
and Marta Shumelda,
1977

Honouring Tireless Clinic workers

Kinna-aweya Legal Clinic has used creative measures to look after the well-being of hard-working and dedicated clinic staff. The staff, including branch office staff, held weekly check in “zoom” meetings (and continue to do so) with each other to keep connected!

Jim Bowles, Metis elder, shared traditional teachings and insights at a training and wellness event in Thunder Bay in October, 2021, hosted by the clinic. Staff enjoyed a nature walk followed by traditional, birch bark tea homemade by Jim and his wife, Faith, over a fire. Jim shared stories while we enjoyed the delicious, therapeutic tea while sitting together outside warming up around the fire.



This beautiful painting by Rod Ostamus honours Patricia Fenton, who retired from the clinic after 38 years of service. The trees in this painting represent the roots that Patricia established with clients, colleagues, and the community during her career. She is the older bear (mukwa) turning things over to the younger bear. Her paw is outstretched to encourage the younger bear to move forward into the future. It is a representation of Patricia’s retirement and the passing of responsibilities to the younger generation.



Awards and Recognition



The Alnoba Moment of Truth Award was awarded to **Christa Big Canoe**, legal director at Aboriginal Legal Services in Toronto. Christa has assisted the families of missing and murdered Indigenous women and girls in navigating the legal system to obtain justice. The Alnoba Moment of Truth Award is the first in a series of awards for gender equity leadership newly established by the Alnoba Lewis Family Foundation. The new award aims to distinguish a daring woman leader who commits to promoting gender equity and who shows moral courage, tenacity and guts.



Mary Birdsell is being recognized with the Lynn Factor Stand up for Kids National Award, which recognizes extraordinary Canadians whose efforts have improved the lives of vulnerable children and youth involved with child welfare. Mary is the Executive Director at Justice for Children and Youth, where she is dedicated to protecting and advancing the legal and human rights of children and youth. The award recognizes and celebrates Mary's unparalleled commitment to ensuring marginalized children and youth receive equal access to legal services that are delivered with compassion and inclusivity.



Bernadette Clement, the former Executive Director of the Roy McMurtry Legal Clinic and former mayor of Cornwall, was appointed to the Senate of Canada. Along with the many clients she served while at the clinic, Senator Clement took on many leadership roles in the clinic system including most recently as Co-Chair of the ACLCO's Race Equity Advisory Committee. Having worked alongside our former colleague for over 20 years, we are certain that she will bring a critical perspective to the Senate and that all of Canada will benefit.



Kathleen Cooper has been awarded the William J. Simpson Distinguished Paralegal Award from the Law Society of Ontario. Kathleen is a Senior Researcher, Paralegal, and Communications Coordinator at the Canadian Environmental Law Association (CELA). This award is an apt recognition of Kathleen's dedication and passion for environmental justice, and her contributions to consultations at all levels of government. Her work has significantly improved the lives of low-income people across Canada.



Lois Cromarty, Executive Director of the Northumberland Community Legal Centre, is the 2021 recipient of the Sidney B. Linden Award. The Sidney B. Linden Award is given by Legal Aid Ontario to exceptional individuals who help low income Ontarians in the pursuit of access to justice. Lois has served as the Executive Director of the Northumberland clinic since its inception nearly 31 years ago. During that time, she has worked to create partnerships and develop innovative ways to improve access to justice in this region and across the province. Lois has been a fearless advocate for the rights of injured workers, and continues to develop programs to meet the emerging legal needs of seniors, low-income and racialized workers, along with those facing sexual harassment in the workplace.



Avvy Go, for many years the Executive Director of the Chinese and Southeast Asian Legal Clinic, has been appointed a judge of the Federal Court. In her amazing 29 years with CSALC, Justice Go was an unwavering and powerful advocate for the disadvantaged. Her prominent advocacy for systemic changes and law reform made a real difference for thousands of clients and many communities. Under her leadership, CSALC has become a strong voice on issues of racial equity and social justice. We are certain that Justice Go's experience, grounded in her understanding of the law and how it affects diverse communities, will serve her well as a judge.



Laurie E. Joe is the 2021 J. Shirley Denison Award recipient. The Law Society of Ontario grants this award to be bestowed annually in recognition of significant contributions to access to justice and/or poverty issues. Laurie Joe has been a lawyer with Community Legal Services of Ottawa since 1994. She advocates on behalf of clients in the areas of immigration, refugee and disability law. She has worked with the Women and War program of the Sexual Assault Support Centre of Ottawa and is a founding member of Justice for Indigenous Women (J4IW) in addition to teaching part-time for various law schools and the Law Society of Ontario.



Shalini Konanur is the recipient of the 2020-2021 Ontario Victim Services Award of Distinction. In her work as the Executive Director of the South Asian Legal Clinic of Ontario, Shalini does a significant amount of direct legal service with people facing gender-based violence and has translated that into vociferous advocacy for better laws, policy, and supports for people facing that violence. Shalini continues to centre the voices and experiences of her clients facing violence to advocate for change.



George M. Thomson, the Chair of the Friends of the Clinics Committee, was appointed by Her Excellency the Right Honourable Mary Simon, Governor General of Canada, to the Order of Canada, for his contributions to family law in Canada, and for his innovative leadership as a judicial educator and mentor. The Order of Canada is one of our country's highest civilian honours. Its Companions, Officers and Members take to heart the motto of the Order: DESIDERANTES MELIOREM PATRIAM ("They desire a better country"). George Thomson is a stalwart supporter and advocate for Ontario's community legal clinic system and enjoys, with this distinguished recognition, our great respect and gratitude.



Who we are

The ACLCO is the representative body of Ontario's Community Legal Clinics. 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.

The ACLCO Annual Conference and General Meeting has been a cornerstone of our activities for many years. The event brought together clinic representatives, board and staff members, from all areas of Ontario for two days of meetings, learnings, discussions as well as solidarity and reaffirmation of the goals and values of the community legal clinic system. Each year, a small team, the ACLCO AGM Planning Committee, mobilizes to ensure a successful event for all who attend.



Holding our AGM and Conference virtually in 2021 presented a significant challenge – a two day event with multiple concurrent workshops, plenaries and speakers from Ontario, England, and the US, in addition to over 200 members attending from all across the province. Many thanks to the AGM Planning Committee for their continued hard work, dedication and flexibility that saw the event unfold again this year!

This was what 'command central' looked like in 2021 to keep the digital conference running!



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. These efforts have 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
 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 Education Ontario/Éducation juridique communautaire Ontario (CLEO)
 Community Legal Services of Ottawa/Services Juridiques Communautaires d'Ottawa
 Don Valley Community Legal Services • Downsview Community Legal Services
 Durham Community Legal Clinic • Elgin-Oxford Legal Clinic
 Elliot Lake & North Shore Community Legal Clinic • 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