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Northwest Community Legal Clinic

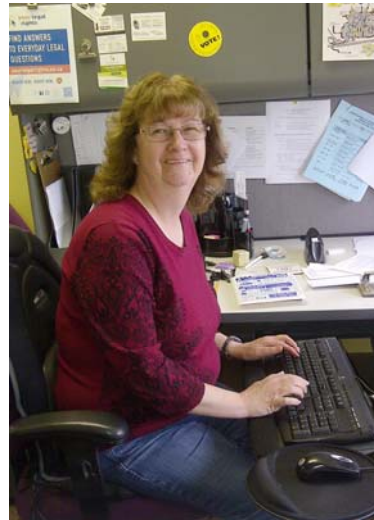
MAY 2014

Happy Retirement Deb!

Trudy McCormick, Executive Director

After 26 years of dedication to legal clinic clients and our community, Debra Bruyere, Atikokan Support Staff, will be retiring from her work at the Northwest Community Legal Clinic on May 30th.

Debra was part of the group that first approached the then Ontario Legal Aid Plan to fund a community legal clinic in Atikokan, which ultimately resulted in the funding of the Rainy River District Community Legal Clinic, with offices in Fort Frances and Atikokan. In 2009,



Debra Bruyere

when the clinic merged with the Kenora Community Legal Clinic to become the Northwest Community Legal Clinic, Debra used her experience and knowledge to work with other staff of the new organization to ensure that clients and community would continue to receive the same high level of service and commitment.

On behalf of the Board, staff, clients and communities, we wish Debra well in her retirement and thank her for her many years of work with the Clinic.

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Farewell

Debra Bruyere, Support Staff, Atikokan

I would like to take this opportunity to say goodbye to the Northwest Community Legal Clinic. As of May 30th I will be leaving the Legal Clinic to enjoy my retirement. I have

been with the Legal Clinic for over 26 years. I first became involved with the Legal Clinic as a board member in 1986. I was later hired in April of 1988 as a support staff worker and

have had the pleasure of working here ever since. I wish the staff and board continued success for years to come.

Reminder!

Association Membership renewals were due March 31, 2014 for the 2014-2015 year. If you have not done so and wish to renew your membership, please contact your local office right away. You will NOT receive any further newsletters if you do not renew your membership.

If you wish to become an association member, you can complete an application and return it to any office of the Northwest Community Legal Clinic at any time.

Ontario Fishing and Hunting Licenses

Carol Grosset, OM, Kenora

Did you know....
You will not be notified when your Outdoors Card, fishing and/or hunting licences expire?

The Ontario Ministry of Natural Resources no longer notifies anglers and hunters when their Ontario *Outdoors Card* and fishing and/or hunting licences expire. The onus is on you to review your cards and licences on a regular basis and make note of when they expire.

Renewals can be made by telephone at 1-800-288-1155, however it will take twenty days for your new card to be received. If your licence has already expired, you will not be able to fish and/or hunt until you receive the new card. If you renew on-line, **you will need to save your E-Licence Document before printing it**, and you

will need to carry it around with you until your card arrives in about twenty days. This can be done at https://www.on.wildlifelicence.com/index_hf.php



Remember, the onus is on you to ensure that your fishing and/or hunting licences have not expired. You will NOT get notification from the Ministry.

211 is an easy to remember 3-digit non-emergency number that provides information and referrals on related government, community, health and social services. The service is free, confidential, and always answered by a live Information & Referral Specialist, 24 hours a day, 7 days a week.



So when you don't know where to turn in finding the programs and/or services you need, call 2-1-1.

Mandatory Occupational Health and Safety Act Training

Carol Grosset, OM

Effective July 1, 2014, employers in Ontario must ensure that all their workers and supervisors separately complete a basic occupational health and safety awareness training program under the *Occupational Health and Safety Act (O.Reg297/13)*.

Information with regard to this may be found on the Ontario Ministry of Labour website. Click on either the "Training for workers" or "Training for supervisors" link for further information or to

access the e-learning module. <http://www.labour.gov.on.ca/english/hs/training/>
 The training program should take between forty-five minutes to one hour. Upon completion, a *Proof of Completion* certificate will be provided which will need to be saved and printed. The Certificate would go with the worker

to new jobs.

In addition to these new training requirements, employers have a duty under the *Act* to inform workers about workplace hazards, by providing information, instruction and supervision, to protect the health or safety of the worker, on an on-going basis.

Training for workers



[Worker Health and Safety Awareness in 4 Steps](#)

Training for supervisors



[Supervisor Health and Safety Awareness in 5 Steps](#)

Terminating Life Support Treatments

Nan Normand, CLW, Kenora

We are living in a time where the beginning and the end points of our life spans are blurring through scientific advancements. This blurring leads to legal battles over right to life issues. For those who are aware that their end point is approaching, life support issues loom larger. When is the person dead and the body merely an extension of the medical machinery?

The *Rasouli* case brought this end of life issue to public attention in 2013. The attending physician believed that the machines supporting Hassan Rasouli's life functions should be removed. The patient's wife

objected and refused to give consent. The case went to the Supreme Court for resolution.

In Ontario, citizens who are capable of legal decision making have the right to direct their own end of life processes. If the individual is unable to communicate their decision because of physical or cognitive disabilities, previously expressed directions take precedence. The best vehicle for ensuring that wishes are known and referenced is to have a Power of Attorney for Personal Care (POA-PC). This is a written record of your end of life



decisions that must be followed. When there is no POA-PC, the *Substitute Decision Makers Act* directs who makes the decision on behalf of the disabled patient. The recent *Rasouli* Supreme Court decision confirmed that in cases in which the Substitute Decision Maker (SDM) and the attending physician disagree on the termination of life support, the Consent and Capacity Board can arbitrate the decision.

As we face this end of life decision making landscape, it is important to know what our legal rights are. For further information contact your local community legal clinic.

A Very Small Start - Increasing the Minimum Wage

Fay Clark, CLW, Kenora

Minimum wage is the lowest wage an employee is legally required be paid; in Ontario, minimum wage is set out in the *Ontario Employment Standards Act, 2000*. On February 14th, 2014, a new Ontario government regulation was introduced increasing the minimum wage rates on June 1st, 2014.

All employees in Ontario earning minimum wage (with

some special exemptions) are entitled to an increase in pay on June 1st, 2014. If a change in pay occurs during a pay period, the two pay periods will be separated and the pay will reflect the minimum wage rate on the day that it was earned.

The recent increase is only a small start. Full time employment at \$11.00 per hour places workers **16% below** the pov-

erty line. *Bill 165, Fair Wage Act* is currently being reviewed by the Legislative Assembly of Ontario. If passed, this new law will allow yearly increases to minimum wage based on inflation rates. The Ontario Government needs to continue moving forward to ensure that Ontario workers are provided with safe, secure and respectful employment and not working to live in poverty.

Ontario Minimum Wage Chart

Minimum Wage	Current	June 1 st
General	\$10.25	\$11.00
Student	\$9.60	\$10.30
Liquor Servers	\$8.90	\$9.55
Hunting/Fishing Guides	\$51.25/under 5 hours /day \$102.50/over 5 hours /day	\$55.00 \$110.00
Homeworkers	\$11.28	\$12.10

Emergency Preparedness Week - May 4-10th

Yvonne Treffers, CLW, Atikokan

Are you and your family prepared for an emergency like a large-scale natural disaster? Would you be able to cope for 72 hours without assistance?

Emergency Preparedness Week is a public education event designed to educate and encourage all Canadians to be prepared to cope on their own for at least the first 72 hours of a large-scale emergency such as flooding, severe storms, wildfires, and

man-made disasters such as chemical spills and train derailments.

Relying on local emergency services or other agencies may mean a delay in obtaining food, water and medical supplies. It is important that you and your family prepare to be self-reliant for at least three (3) days immediately after or during an emergency. Emergency Preparedness Week emphasizes three key points – know the risks, make a plan, and get an emergency kit.

Being prepared and knowing what to do in advance could save your life, and those of your loved ones. Detailed information is available free of charge from Public Safety Canada (Government of Canada) and Emergency Management Ontario (toll-free at 1.877.314.3723)

www.GetPrepared.gc.ca/EPweek

<http://www.emergencymanagementontario.ca>



Our Pamphlet Stands

All three offices of the Northwest Community Legal Clinic carry a large supply of pamphlets relating to areas of law within the Clinic Mandate. We invite you to call or stop into your local office to view the selection.

From the Get Prepared website FAQ's

Q: I need to take daily medications. The emergency kit suggestion is that a supply of prescription medication is stored for future need during an emergency. The problem is that you can't get additional medications dispensed. A pharmacist will only fill your prescription to meet current needs, so putting anything aside isn't permissible under

their code of practice. What would you suggest?

A: The Public Health Agency of Canada advises that if it is not possible to keep additional medication on hand for emergency use, you should prepare and keep on you an accurate description of your health conditions, your prescriptions (including dose),

treatment requirements, and name of your prescribing physician.

Having this information readily available can assist emergency responders to address people's medical and health needs in the most timely and efficient way possible.

Class Action

Fay Clark, CLW & Sallie Hunt, Staff Lawyer, Kenora

A class action or class action law suit allows a group of people, who have similar complaints against the same “Defendant” to come together as complainants, known as “Plaintiffs”. The plaintiffs usually do not know each other, but they have been affected by similar circumstances. Usually, the law suit is started by one or two people who act as representatives for others not yet named, who have common interests.

Suing by class action allows the cost of a very expensive law suit to be shared by all of the plaintiffs. It allows people, who were affected by similar circumstances but may not be able to sue, to benefit. It also means that the same issue is not litigated over and over, and, thus, saves Court costs.

Class action law suits began in England around the year 1200 when whole communities might come together to make a claim, but by 1850, group litigation was no longer allowed. The United States class action laws, however, survived the turmoil and paved the way for Canada, where each province can decide whether or not to allow class actions. Quebec was the first province to introduce class action suits in 1978, with the rest of the provinces eventually following. In 1992, Ontario introduced the *Class Proceedings Act, 1992*, which made it possible to file a class action suit in Ontario. Once a class action has been

approved by an Ontario court, someone who would have been included in that class action can choose not to be part of the class action, by “opting out,” if that person so chooses. Usually, there is a deadline and the person choosing to “opt-out” must do so by the deadline, or that person will be included in the class action. When someone chooses to “opt-out,” that person still retains the right to file a claim on his/her own.

Because of the expense, most class actions are filed by lawyers on a “contingency basis.” This means that there are no upfront fees for the clients, but if successful, the lawyers receive a significant portion of the total award.

It may take many, many years before a class action is either resolved or has its day in court. If a class action is successful, the monetary award is shared, often according to a formula of “who suffered from the greatest damage.”

Canada’s largest class action was settled in 2005 after [Nora Bernard](#) filed a claim, suing the Canadian government on behalf of an estimated 79,000 survivors of Canada’s [residential school system](#). The award was nearly five-billion dollars.

Some of the better known class action law suits include: Huronia, Rideau and South-western Regional Centre Residents, those affected by SARS, and the “Sixties Scoop”.

The *Sixties Scoop* is a class action against The Attorney General of Canada filed by Plaintiffs Brown and Commanda, who represent themselves and an estimated 16,000 other Aboriginal persons who were placed in non-Aboriginal homes for adoption or as Crown wards or foster children from 1965 to 1984.

Brown and Commanda are claiming that the government did not ensure that their Aboriginal cultural identity would be preserved. They claim that because of the actions taken by the Canadian Government, or because of actions that the Canadian Government failed to take, they lost their cultural identity, which has caused them much pain and suffering.

The *Sixties Scoop* class action has been certified by the Superior Court. This is the second time that it has been certified, and, as before, the Canadian government has appealed against the decision of certification. This appeal will have to be heard again before the case can proceed. No date has been set for the appeal.

Through class actions, wrongs done in the past can sometimes be redressed through monetary awards. However, whatever the amount, it is very unlikely that the money awarded can undo the harm that has been done. While class actions may provide “legal justice” and perhaps a sense of closure, it is debatable whether they provide the true meaning of justice.



Does your group require accessible meeting space in Fort Frances or Kenora during regular office hours? Please contact our office to discuss.



Supporting individuals and our community
by providing quality legal services.

Fort Frances

206 Scott Street
Fort Frances, ON
P9A 1G7

(807) 274-5327 Phone
1-800-799-2485 Toll Free
(807) 274-3141 Fax

Kenora

Ste. 6 - 308 Second St. S
Kenora, ON
P9N 1G4

(807) 468-8888 Phone
1-800-403-4757 Toll Free
(807) 468-4928 Fax

Atikokan

305 Main St. W
PO BOX 1676
Atikokan, ON
P0T 1C0

(807) 597-2811 Phone
(807) 597-6697 Fax

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Office Closures

Monday, May 19th
Wednesday & Thursday, May 28 & 29th
Tuesday, July 1st
Monday, August 4th
Monday, September 1st

Sub-Offices

Red Lake - Wednesdays June 4th,
July 2nd, September 3rd
Ear Falls - Thursdays June 5th, July 3rd,
September 4th

New legislation for residents of First Nations

Liz Boucha, Support Staff, Kenora

For many years, there have been people living on First Nations that had few or no rights to their house when they separated from their spouse or their spouse died (either common-law or legally married spouse). In these situations, the *Indian Act* didn't provide any direction and neither Provincial nor Federal rules applied to these on-reserve matrimonial property issues.

Aboriginal Affairs and Northern Development Canada (AANDC)

worked with First Nations people, communities and groups to develop the *Family Homes on Reserves and Matrimonial Interests or Rights Act* to govern these situations.

As of December 16, 2013, First Nations can choose to make their own matrimonial real property laws which reflect their cultural and community's beliefs and needs. For First Nations who choose not to make their own laws or have not done so by December 16,

2014, the Provisional Federal Rules will then apply until (and if) the First Nation chooses to develop and enact their own laws.



For more information on this long overdue legislation, visit aandc.gc.ca/mrp or The Centre of Excellence for Matrimonial Real Property's website at coemrp.ca.

DISCLAIMER: These articles provide information only and are not to be considered as legal advice. Content reflects the laws that were current at the time of publication and the law may have since changed. Consult your community legal clinic or legal representative for legal advice on your specific situation.



Consider the environment...

Please recycle this newsletter!