

SUPPORTING INDIVIDUALS
AND OUR COMMUNITY BY
PROVIDING QUALITY LEGAL
SERVICES.

Northwest Community Legal Clinic

SEPTEMBER 2012

Clinic Membership and AGM Invitation

Trudy McCormick, Executive Director

Summer vacations are winding down, and fall is upon us once again. At the Northwest Community Legal Clinic, fall means that it is time for our Annual General Meeting, where we reflect on the adventures of the past year, and look towards the opportunities of the coming year.

We encourage participation from our communities through membership in the Northwest Community Legal Clinic. There is a membership application form as part of this newsletter. Please complete and return it to one of the Clinic offices, to show your support for the continued services of the Legal Clinic in the

Kenora and Rainy River Districts. Without our members, we would not be here.

Our Annual General Meeting (AGM) is on Friday, October 12th at 7pm at the Super 8 Minis Hall in Kenora. We look forward to seeing you there!

CICB & The Relevance of Criminal Records

Nan Normand, CLW, Kenora

Last year's *Sweet* decision (*Sweet v. Ontario 2011*) has had bitter repercussions for crime victims who have applied to the Criminal Injuries Compensation Board (CICB). Although the victim may have been the innocent victim of the crime for which application has been made, the CICB has now begun to apply the victim's own criminal record as a relevant circumstance in the determination of awards. The applicant's entire life becomes open for judgment rather than the

specific victimization. This approach mirrors the historical approach to rape victims in which any evidence of a lack of chastity in other circumstances reduced the rapist's culpability.

In the *Sweet* decision, an applicant who had been physically and sexually assaulted between the ages of 10 -16 at a training school was denied compensation because of his own future misconduct. Given that known consequences of childhood sexual assault include antisocial behaviours, the innocent

victim loses compensation for the injuries endured because of the impact of the victimization. It creates an absurdity within the intent of the law. Provincial legal clinics are preparing to challenge the relevance of the victim's criminal record when the record has no specific bearing on the committed crime. It is through this type of precedent seeking that ensures that interpretations of the law remain focused on justice rather than judgment.

Changes to Employment Insurance

Sallie Hunt, Staff Lawyer, Kenora

Starting in June 2013, a parent with a critically ill or injured child will be able to take time off work to care for that child and receive Employment Insurance (EI)

special benefits for up to 35 weeks. The child must have a life-threatening illness or injury.

The Federal government has also introduced other EI benefits, such

as: expanded eligibility for compassionate care; and allowing self-employed workers to opt into the EI program to receive maternity, parental, sickness and compassionate care benefits.

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Home Repairs Benefit

Sallie Hunt, Staff Lawyer, Kenora

Until the most recent provincial budget, people receiving ODSP disability benefits (Ontario Disability Support Program), who owned their own homes, could apply for a **home repairs benefit**. A *home repairs benefit* provided funds to help with certain necessary maintenance costs, such as replacing an old furnace, new roofing, etc., when no other source of funding was available. The idea behind this benefit was to help someone receiving ODSP disability benefits to continue living in the home by assisting with some of the unexpected costs of upkeep.

The 2012 Ontario Budget cancelled the **home repairs benefit**, effective January 1, 2013. All work under the *home repairs benefit* must be completed by December 31, 2012, except in certain exceptional circumstances.

In order to ensure that all repairs are completed by

December 31st, all applications had to be submitted to ODSP local offices by June 30th. For home repair applications that were submitted by June 30, 2012 and approved, all payments must be made for the completed repair work by no later than December 31, 2012, unless there is an exceptional circumstance.

The province has two other government programs that may assist people on social assistance with the cost of home repairs:

Investment in Affordable Housing for Ontario Program Guidelines

<http://www.mah.gov.on.ca/AssetFactory.aspx?did=9288>.

Ontario Renovates is a new housing program that may be available in many municipalities to assist people of low-income, including those receiving social assistance, with the cost of necessary home repairs. It can help repair a home to bring it to acceptable standards while

improving energy-efficiency.

Residential Rehabilitation Assistance Program – RRAP (for those living in First Nations Communities) http://www.cmhc-schl.gc.ca/en/ab/onre/onre_015.cfm.

RRAP offers financial assistance to Band Councils and Band members to repair substandard homes to a minimum level of health and safety and to improve the accessibility of housing for disabled persons.

Band Councils or individual members may be eligible for funding if their house lacks basic facilities or is in need of major repair in one of the following categories: structural, electrical, plumbing, heating or fire safety. For more information contact your Band Council or local CMHC Office http://www.cmhc-schl.gc.ca/en/corp/cous/cous_017.cfm.

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.

Capping Discretionary Benefits

Sallie Hunt, Staff Lawyer, Kenora

The 2012 Ontario Budget made several changes to Ontario Works and Ontario Disability Support Program (ODSP). People receiving OW and ODSP benefits may have already noticed some of the changes.

The Budget capped the amount of Discretionary

Benefits that the province will pay to \$10.00 per case, for both *health-related* and *non-health-related* Discretionary Benefits together. Previously, *health-related* Discretionary Benefits were not subject to a cap. Some of the Discretionary Benefits that are affected for OW or ODSP recipients are: dental

and vision care for adults; prosthetics; funerals; and energy and water conservation measures.

People receiving OW or ODSP benefits may notice that they will be denied payment for services that previously were allowed or that they will receive less money.

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.

Ministry of Labour Mandatory Posters

Carol Grosset, Office Manager

The [Employment Standards Act, 2000](#) sets minimum standards for conditions of employment in most workplaces in Ontario. Knowing about employment laws is an essential business tool for both the employer and the employee. It is mandatory that the poster **What You Should Know About the**

Employment Standards Act be posted in the workplace. Exemptions to this may be found on the Ministry of Labour's website. The poster may be found at - <http://www.labour.gov.on.ca/english/es/pdf/poster.pdf>

Effective October 1, 2012, Ontario Ministry of Labour inspectors will

begin enforcing the requirement for all workplaces to post the posters **Health & Safety at Work – Prevention Starts Here**, a requirement of the [Ontario Health & Safety Act](#). Further information and a copy of this poster may be obtained from the Ministry's website at http://www.labour.gov.on.ca/english/hs/pubs/poster_prevention.php

Age Discrimination Complaint

Laurie Nuttall, Staff Lawyer, Fort Frances

The Human Rights Legal Support Centre is representing a group of seven older women in a human rights complaint to the Ontario Human Rights Tribunal. Ageism complaints are not common and make up less than three per cent of all complaints to the Human Rights Legal Support Centre. The complaint alleges "age discrimination" as the seven older women had their work hours cut from 14 to 28 hours per week to zero. The complaint is against Metro stores and product sampling company InStore Focus.

Their replacements were all younger women in their 20s, 30s and 40s. The seniors replaced range in age from 62 to 78. The claim is one of the biggest claims of alleged age discrimination filed to date with the Ontario Human Rights Tribunal. The women are seeking \$25,000.00 each in damages and a total loss of wages of \$38,000.00. They are asking for damages for "insult to dignity" alleging they were let go from their jobs as they "no longer fit the profile." It will be interesting to know the result when this case is resolved.

If you believe you have experienced discrimination please note that The Human Rights Legal Support Centre offers human rights legal services to individuals throughout Ontario who have experienced discrimination contrary to the *Ontario Human Rights Code*. Their services may include legal assistance in filing applications at the Human Rights Tribunal of Ontario, and legal representation at mediations and hearings. The Toll-Free number to call for assistance is 1-866-625-5179, TTY Toll Free: 1-866 612-8627.

Changes to Psychiatry Guidebook

Laurie Nuttall, Staff Lawyer, Fort Frances

The psychiatry guidebook *Diagnostic and Statistical Manual of Mental Disorders* is in the process of getting an overhaul with the fifth version of this book; (DSM-V). The manual should be released for publication in 2013. A draft of the new manual can be found on the American Psychiatric Association web site. The guidebook has been

used by medical professionals in diagnosing psychiatric conditions and has also been used by legal professionals as a guidepost when arguing that disability benefits should be granted. One major change is that "hoarding", defined in the new DSM-V as a "persistent difficulty discarding or parting with possessions, regardless of their

actual value," will now be considered its own psychiatric disorder, and will be labelled "Hoarding Disorder." This may make it easier for tenant advocates to argue for human rights accommodation due to disability on behalf of tenants who face eviction due to the accumulation of possessions and clutter in living areas.



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.**

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Office Closures

Monday, October 8 - Thanksgiving
Friday, October 12 - Staff Meetings
Monday, November 12 - In
observance of Remembrance Day

Sub-Offices

Red Lake - October 3, December 5
Ear Falls - October 4, December 6

Experimental Lakes Area (ELA)

Sallie Hunt, Staff Lawyer, Kenora

Almost hidden in the wilderness of North-western Ontario lies a gem that is almost unknown by most Canadians, including those who live in Northwestern Ontario – the Experimental Lakes Area (ELA) – a series of 58 lakes, located between Kenora and Dryden, where research into fresh water systems has been on-going since the late 1960s.

The ELA is one of Canada's most important aquatic research areas – a natural outdoor laboratory to study the effects of contaminants on "entire lake ecosystems." Research at the ELA has looked into acid rain, climate change, fish farming and the myriad of ways that human activity can affect freshwater systems.

If you are old enough, you may remember photographs from the 1970s of a lake in which half the lake looks normal while the other half is a vibrant pea green colour. Research at the ELA determined that phosphorous had fed algae which then created the green algal bloom. Who would have thought that phosphates used in

detergents would cause algae to grow out of control, leading to lower oxygen levels that kill fish?

ELA has advanced global knowledge of lakes and pollution and has helped develop environmental policies both nationally and internationally.

The ELA is Canada's flagship environmental research centre.

The remote lakes, typical of those found in the Canadian Shield, offer an untouched natural laboratory, where scientists can monitor changes to entire ecosystems when pollution is introduced. Scientists around the world use data collected there as a **gold standard** to which they compare aquatic systems in their own countries.

"The Experimental Lakes Area, in my opinion, is the best-known freshwater research facility on the planet, bar none. Some countries have large particle accelerators. We have the Experimental Lakes Area" – John Smol, an award-winning biologist at Queen's University.

But the ELA is being closed at the end of March 2013, as the federal government has cancelled its funding.

Closing down the Experimental Lakes Area is closing our eyes to the most vital resource we have in the country. Such research becomes even more vital as heavier demands are placed on our water – lakes and watersheds are being surrounded by more cottages, used by more industry, and receive pollution from far-away sources.

Canada has more fresh water than any country on the planet – almost a quarter of the world's supply of fresh water. This gives us a huge responsibility for stewardship of that water, to ensure a clean supply for future generations.

To find out more contact the Coalition to Save ELA – a non-partisan group of scientists and citizens concerned about the future of Canada's Experimental Lakes Area, go to their website: <http://saveela.org>.



Consider the environment...

Please recycle this newsletter!