



Hamilton Community Legal Clinic
Clinique juridique communautaire de Hamilton

ANNUAL REPORT 2020-2021



Message from the Board of Directors

The Hamilton Community Legal Clinic (HCLC) congratulates our Executive Director, Hugh Tye, on more than thirty years of service to Ontario's legal clinic system on the eve of his retirement.

Hugh was called to the bar and joined the Centre for Spanish Speaking Peoples as a staff lawyer in 1988. In 1990 he joined Hamilton Mountain Legal & Community Services, where he took the reins as Executive Director in 1995.

Hugh has led HCLC as Executive Director since its inception in 2010 with the amalgamation of three clinics: Dundurn Community Legal Services, Hamilton Mountain Legal & Community Services and McQuestern Legal & Community Services.

During this time he has led initiatives to improve access to justice for historically marginalized communities, like YÉN:TENE (You and I will go there together) with Indigenous partners, Hamilton Legal Outreach in support of people experiencing mental health and substance use issues, Together We Rise! combating individual and systemic Anti-Black racism, and the Queer Justice Project with Two Spirit and LGBTQAI+ communities. These exist within an ongoing decolonizing, Anti-Racism Anti-Oppression journey to address and dismantle racism and oppression across all areas of our clinic.



baa-maa-pii, gi-gaa-waa-baa-min miin-waa

Hugh is a founding member of the Association of Community Legal Clinics of Ontario and served as the staff co-chair of the Association Executive until 2002. He has also sat on many provincial clinic committees over the years.

Hugh will retire from this leadership position at the end of 2021, but leaves behind a compassionate, motivated, and skilled team committed to access to justice, strong ties with communities and agencies across Hamilton engaged in the work of supporting our neighbours and protecting their dignity, and deep, organization-spanning practices of anti-oppression and continuous improvement.

"You have waged an incredible fight for access to justice and the very existence of a critical component to that access in Ontario," said Sandi Bell, Immediate Past Chair of the Board of Directors of HCLC. "And always with calm, compassion, and thoughtfulness that often exceeded the moment. When it is time to say goodbye, we will do all we can to follow the fierce example you've set for us."

We invite Hugh, our community, and all those across the clinic system who have worked with him on issues from the neighbourhood level up to the provincial to take a moment for reflection today: look back upon the legacy of a tireless champion and take heart in what great passion can accomplish.

until later, see you again

The Board of Directors

Hamilton Community Legal Clinic/Clinique juridique communautaire de Hamilton

Our Mission

Hamilton Community Legal Clinic is a community based not for profit agency whose diverse team of caring professionals and volunteers provides legal services to low income individuals and communities to promote access to justice and to improve quality of life.

We do this through: summary advice and referral, representation, community development, law reform and public legal education.

Our Vision

Hamilton Community Legal Clinic will be recognized and valued as an important provider of poverty law services and advocate for social change.



Community Advocacy

COVID restrictions have not hindered HCLC's efforts to build capacity and work alongside local community organisers, organizations and community members to combat systemic injustices. Here are some highlights of these efforts and the efforts over the last year:

No Hate in the Hammer: We are a founding member of this community coalition and were proud to support a fall/winter 2020/21 Speaker Series and an awesome two day Community Anti-Hate Summit (Listen, Learn, Act) in May. We continue to develop a community response to hate and a pragmatic tool kit. A new fall speaker series launches in October to build collective action.

HCLC takes an active part and supports Just Recovery Ontario, The Just Recovery Hamilton Coalition and The Hamilton Community Benefits Network to fight for a more inclusive society.

Righting Relations: As a commitment to take action on the recommendations of the Truth and Reconciliation Recommendations, HCLC conducts workshops and conversation series to share, co-learn, reflect, and take action on these recommendations.

The Clinic joined the 50-30 Challenge to encourage organizations to reach 50% gender parity and 30% representation from under-represented groups. We have already achieved this goal at the Board level and we are close at the Management Team (gender parity and 20% diversity), but the public pledge is an important component of our ARAO framework and commitment to equity & inclusion.



Public Legal Education

OPICCO (Ontario Project for Inter Clinic Organizing): HCLC supports many anti-poverty campaigns and groups across Ontario.



Public Legal Education: Local tenant committees, newcomers, seniors and youth have benefitted from public legal education sessions on landlord tenant, employment, and immigration issues. For example we coordinated the delivery of PLE sessions to the YWCA Newcomer Outreach Program dealing with general immigration issues and our services, sponsorship, housing, employment and WSIB.



HCLC also participates as an advisor with the COVID ambassadors' panel and the Hamilton Health Team to address systemic inequalities regarding access to vaccines and health care in vulnerable populations

Social Media/communications: to reach communities at large, HCLC conducts Bi-monthly 30 minute livestreams to inform Hamiltonians on issues affecting them and we post important information on social media



Federal Elections: With community partners we are hosting roundtables with Federal candidates on systemic racism, poverty, disability rights, & legislation

VICTORY!

Immigration

Here are highlights from the Immigration Team:

A successful case of family reunification of an eight year old child with her mother who is also working as a PSW.

Several successful Humanitarian and Compassionate (H&C) applications during the last year as well, resulting in landings for a number of families from around the world, including a single mother who was trafficked to Canada by an employer.

Successfully obtained study permits for a young woman who is a survivor of domestic abuse and whose initial PR application was mistakenly denied by IRCC, while we prepare the H&C.

Assisted a migrant worker who was abused by her employer while working as a nanny. She obtained an open work permit and hopefully she will be able to apply for PR in her current occupation as a seamstress.

Law Reform

Our Colleague, Constanza Duran, a paralegal in good standing, successfully argued against a motion from Paralegals at the Law Society of Ontario that would have prohibited clinic community legal workers from representing clients in tribunals and courts.

WSIB

One of our clients that had come from a war-torn country as a young wife and mother went to work here in manufacturing until she had an injury at work. She did not know about workers' compensation and when she found out, the WSIB denied her claim for failing to report an injury. In 2020 the WSIAT issued its third decision in this matter, determining that the level of disability was much higher than the WSIB had concluded and directing full loss of earnings be paid retroactively and ongoing. The retroactive award, alone, was more than \$400,000. This brought to a close a decade of worry added to the trauma of the injury itself. The client expressed tremendous appreciation for the presence of the legal clinic in the community. She would not have had the resources to pursue the outcome otherwise.

We obtained a successful WSIAT appeal decision, which paid retroactive benefits to the estate of our client totalling \$321,893.43.



French Language Services

The FLS Team continued to play a key role in the Francophone community by co-chairing the Interagency and presiding over three other committees. Of note, the team played a critical role in the organization of the Black Month History Gala of the Centre de Santé, with one of its members acting as the master of ceremony. It also sponsored events such as the FrancoFest and the Franco-Ontario day celebrations and promoted FLS via short promotional videos.

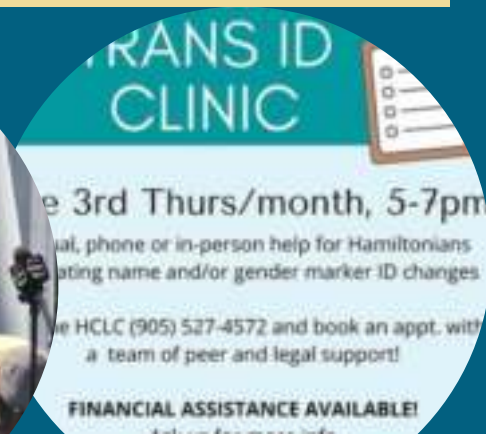
Further, the team offered thematic podcasts video to educate the public on aspects of immigration and housing law. The team also collaborated with AJEFO and the Centre de Santé to conduct educational sessions on immigration and family law.



Queer Justice

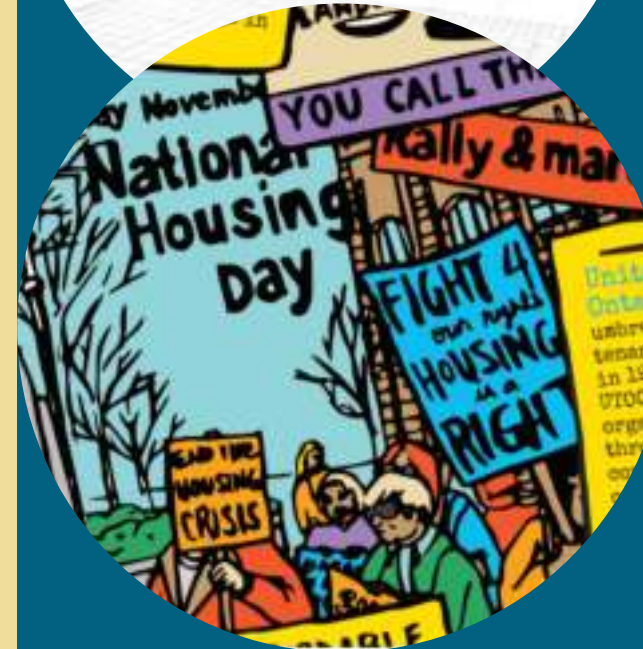
A significant focus has been the re-establishment of the monthly Trans ID Clinic, which had been suspended for several months following the widespread lockdowns at the beginning of the pandemic. Our team of dedicated volunteer lawyers and peer support workers assist in completing applications to change both names and sex designations on ID. We also were awarded a grant from the Hamilton Community Foundation that enables us to provide financial assistance by covering the fees associated with the submission of these applications.

Additionally, the QJP has continued working in conjunction with Yén:Tene to provide virtual positive space training relating to Two-Spirit history and identity, and Queer community topics.



Housing Team

The HCLC Housing Team has had a very busy year marked by a lot of change during the COVID-19 pandemic. We have pivoted to providing more services over the phone and through email and virtual platforms but we have also worked to continue to provide service to those without access to technology through limited in person appointments. The Housing Team has navigated the shift at the Landlord and Tenant Board to virtual hearings and has been called upon to increase TDC services due to an increase in hearings and to facilitate participation in the legal process as the LTB offices remain closed and in person hearings are restricted. We have worked with our fellow legal clinics and partners to advocate for increased access to justice, to try to ensure that those with disabilities and limited access to technology are able to participate meaningfully in the LTB dispute process. It has been a challenging year as housing affordability continues to worsen and alternate options for housing decline in Hamilton. We continue to support our community partners in advocating for affordable, safe, and appropriate housing for all.





YÉN:TENE

The COVID pandemic has been challenging for Indigenous communities across Turtle Island given that traditional ceremonies and practices, important for healing and transferring knowledge, are usually done in groups and/or with community. Healing the layers of trauma has been incredibly important during this pandemic as new layers have been added with the recent findings of graves on the grounds of former residential schools.

With community partners we have made it possible for both Indigenous and non-Indigenous people to come together in a covid-safe way to collectively grieve and mourn. YÉN:TENE assisted in bringing a sacred fire, medicines, songs, drumming, singing and laughter to anyone wanting to participate at the waterfront near Bay Front Park. We also made it possible for many Federal Indian day School survivors to access the necessary forms to submit for compensation. Many indigenous folks lack the technology to print these documents from home so YÉN:TENE made it possible for forms to be distributed throughout the region. Further information on Federal Indian Day Schools can be found at: <https://indiandayschools.com/en/>

Besides having assisted hundreds of Indigenous folks navigate through colonial legal systems that include poverty, criminal and family law, YÉN:TENE has engaged in community programs/projects that will prove beneficial for Indigenous folks and our allies.



This is some of the work being done to support and strengthen our community relationships with Indigenous communities:



Hamilton Indigenous Community Day of Love
JULY 1, 2021
1:00 PM TO 5:00 PM
The Indigenous Community is in a state of grief as our stolen children are being recovered.
On July 1st we will not be celebrating Canada but rather create space for song, for prayer, for medicines and for laughter.
We will be at Pier 4 with medicines, love and drums.
There is no agenda.
Just a space on the land and with community.
Open to Indigenous peoples and our allies.
#CancelCanadaDay

MMIWG2S DAY OF AWARENESS
WEDNESDAY MAY 5 2021
NATIONAL DAY OF AWARENESS
MMIWG2S
SACRED FIRE
12PM -2PM
WILL BE HAVING A FIRE IN HONOR OF INDIGENOUS MOTHERS, SISTERS, MOTHERS, AUNTIES, GRANDMOTHERS, SPIRIT PEOPLE WHO HAVE GONE MISSING, BEEN MURDERED, AND OUR MEDICINES

Together We Rise – S'Élever Ensemble

Our work to facilitate access to justice for the Black community in Hamilton is guided by a community Advisory Committee. During the pandemic community members raised concerns around healthcare, education for black youth, and hate incidents.

Since its beginning in 2019, the COVID-19 has uniquely affected racialized communities. Racial disparities persisted in the pandemic and affected the vaccine roll out strategies within racialized communities. TWR – SEE's Black History Month event this focused on this concern. The event entitled The colour of health: Black healthcare justice brought together medical and legal professionals as well as community leaders to discuss health, quality of care and strategies to ensure that vaccine roll out and data were prioritised by healthcare officials.

TWR – SEE was a key player in ensuring the Hamilton Anti-Racism Resource Centre (HARRC) was re-instated and set up for success. In this role, the Black Justice coordinator was invited to be part of the Community Advisory Panel formed by the City to select the inaugural board of directors for HARRC. The Black Justice coordinator was co-chair of the Hamilton Wentworth District School Board's Human Rights and Equity Advisory Committee. We are pleased to see that HWDSB has approved the implementation of an Anti-Black racism policy. We hope to continue our collaboration with the board and encourage the approval and implementation of an Anti-Racism Anti-Oppression framework.

We are also supporting the collaboration between local Black ethno-cultural associations and the Black Legal Action Centre (BLAC) for The Links to Justice Research & Advocacy Initiative. This project "focuses on the school-to-prison pipeline and is looking to engage with the Black community across Ontario (students, parents/caregivers) to better understand their experiences, provide spaces for learning, increase access to resources, and to advocate for meaningful change and policy reform within our justice and educational system".



Hamilton Legal Outreach (HLO)

HLO continues to partner with community agencies and Legal Aid Ontario in the Hamilton Boldness Committee in project planning to reduce strain on the formal justice system by 25% by 2025. HLO has also teamed up with the Housing Team and re-launched the Forms Clinic, helping vulnerable clients in precarious housing situations. The Forms clinic, powered by phenomenal social work and law students, helps clients file tenant applications at the Landlord and Tenant Board.

Throughout 2020 and 2021, HLO has pursued changes to the manner in which the City of Hamilton regulates Residential Care Facilities, pointing to the substandard treatment of these owners and operators towards the vulnerable residents of these homes. We have deposed at City Council, held meetings in partnership with the Residential Care Facility Coalition with the City, successfully establishing a rapport and dialogue with city officials. We were successful in pursuing an RCF liaison to proactively respond to residents' concerns. Our lawyers have also pursued a Coroner's Inquest following the death of an unlawfully evicted resident of an RCF home.

The HLO Team worked with community partners to preserve people's right to stay in encampments. HLO met with encampment residents and their advocates, learned of the trauma caused by relocation, and the increased risks of Covid transmission created. In response to reports of encampments being repeatedly dismantled with no appropriate indoor shelter options available, HLO and Ross & McBride obtained an injunction to prevent the City from forcing people to leave their tent. The injunction remained in place for approximately two months. During this time, outreach agencies were able to facilitate access to healthcare and basic needs, and connect individuals with various supports. In the fall of 2020, a settlement was reached. The settlement created an Encampment Task Force and a people-centred protocol. The police have been supportive in the application of this protocol, effectively using it as a means to ensure that individual rights were engaged prior to any enforcement measures.

Unfortunately, the City unilaterally revoked the protocol in August 2021, seemingly without any public or stakeholder consultation. HLO has again engaged with community partners to present a unified voice in opposition to this move, and is again exploring the possibility of further litigation.

In the midst of a pandemic, HLO continues to meet clients where they are at and beyond!



Thank you

We are able to meet our mandate because of remarkable people committed to our service mission. We humbly recognize and thank the dedicated professionals and volunteers who comprise HCLC's staff team and Board of Directors. It is an honour to work with you. We celebrate you. You Rock!

Nobody does it alone



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