

GROWING

APRIL 2021

ANNUAL
REPORT

MARCH 2022

JUSTICE



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PLANTING SEEDS OF JUSTICE



11 years of growing *community justice*

In 2011, three legal clinics operating in the City of Hamilton amalgamated to form the Hamilton Community Legal Clinic. This amalgamation recognized the importance of a centralized clinic structure that enabled further reach into our growing community.

At its root, the Hamilton Community Legal Clinic focuses on growing access to justice for *all* Hamiltonians. In this mission, we have grown to adapt our services in order to better understand and respond to the unique legal needs of our community members and neighbors.

We work to grow **access to justice** in and across the City of Hamilton through both individual case work across various legal practice areas, and through our community development and systemic law reform projects. In the next decade of our work, we will continue to expand and grow justice alongside our neighbours and community.

Planting Seeds

- Worker Injury
- Workers Compensation
- Employment Law
- Housing Law
- Social Assistance Law and Appeals
- Immigration Law
- Wills & Estate Planning
- Insurance Law
- Education Law

Growing Roots

- Queer Justice Project
- Indigenous Justice Project
- Black Justice Project
- Mental Health Outreach Project



PROTECTING OUR COMMUNITY

New challenges have impacted our community in 2021-2022. Along with the ongoing impacts and distancing required to keep our community safe, with special focus given to the elderly and immunocompromised who bear the greatest burden of COVID-19 infection and its impact, this year intensified challenges for many in our community.

At the height of COVID-19 restrictions, front-line workers needed to fight harder for the health and safety of their workplace. A lack of meaningful paid sick leave meant that many workers, predominantly newcomers, members of the BIPOC community, and income precarious, compromised their health and safety to maintain their employment status.

The housing crisis has continued to affect many of us - but especially newcomers to Canada, members of the disabled and BIPOC communities, and those that live in social and subsidized housing. In the 2021-2022 year, the average rent price has ballooned, intensifying the need for meaningful interventions into stopping and preventing evictions, maintenance of the affordable housing stock, and new, truly affordable, dignified and accessible housing options.

Social assistance rates, already low and insufficient for a dignified life, created further burdens and hardship in the face of inflation. We see and know the pain that many in our community are facing, at a time when those on fixed incomes are feeling the greatest crush under a greater cost of living.

In 2021-2022, we fought to uphold the legal rights of our community and advance systemic law reform initiatives to address the root causes of these disparities.

MESSAGE FROM THE BOARD

Last year, the Hamilton Community Legal Clinic celebrated 10 years since it was formed through an amalgamation of three smaller, localized legal clinics servicing the Greater Hamilton Area.

Over those 10 years, we crafted and responded to access to justice needs within our community as they have grown to be informed by Hamilton's ever-changing and dynamic demographic.

Last year, following thirty years of dedicated service as our Executive Director, Hue Tye announce his retirement. We wish Hue all the very best. We are also pleased to welcome a new Executive Director - Clare Freeman. Clare brings to our Clinic over twenty years of experience acting as an executive director of social justice-oriented community services and organizations.

We are excited to work on a new strategic plan that will continue to grow the seeds of justice that we have worked to plant within our community over the last 11 years.

As you review this Annual General Report I hope you are provided with an opportunity to reflect on the amazing justice we have all collaboratively worked to grow in our Hamilton Community.

Hina Saeed
President of the Board of Directors

MESSAGE FROM THE EXECUTIVE DIRECTOR

I am so happy to have joined an organization and staff team dedicated to the pursuit of social justice. In the few months that I have been with the clinic, I have witnessed the positive impact this team has had on individuals in crisis and across our community. This team centres and responds to the changing and dynamic needs of its service users.

The COVID-19 pandemic has changed not only *how* we do our work but *what* our work is responding to. The pandemic has increased economic disparities and access to justice for so many vulnerable people in our community. Many once forward facing and paper applications have gone to digital and online platforms. Hearing and tribunals are now online and causing backlogs and barriers.

As we navigate these changes and disparities as a clinic we are asking ourselves, what does justice mean today? What does "justice" work mean, in face of a growing housing crisis, food insecurity, and economic disparities that thrust the most marginalized and made-precarious neighbors into making decisions that might be the difference between life and death? What does "justice" mean, for communities that continue to face systemic and individualized actions of discrimination and hatred - systemic barriers that deny communities full participation in society?

What does "justice" mean to our Indigenous communities when there is a lack of progress on the Truth and Reconciliation recommendations? What does "justice" mean, to seniors, elderly, young, and disabled neighbors?

As we look towards the next few years, we will continue to plant the seeds of justice by continuing to respond and reflect on the different ways to break down barriers to justice. We will work to ensure our legal work, both immediate and systemic, reflects the vision of the most made-marginal, made-precarious neighbors we live alongside. We invite all of our community to work alongside us and build a community where everyone can participate fully and is valued.

Clare Freeman
Executive Director

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FRONT LINES
OF COVID-19

MARCH 2022

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FRONT LINE STAFF

Our front line staff have been a **central** and **essential** component of our office's community support and service.

Between April 2021 and March 2022, our front line staff have:

Directed over

100

Community Referrals



Answered over

7000

Phone calls



Created over

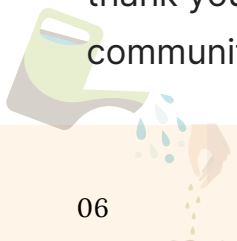
5956

Service Intakes



These numbers don't capture the kindness, empathetic, and truly supportive ear that our front line staff offer to those who contact our clinic for legal support. When many in our community seek out legal services, it usually comes in moments of dire circumstances like an eviction, worker's injury, unjust employment termination, or a social assistance denial. Our front line staff work to meet our community exactly where they are and navigate their legal issue to the proper clinic worker, or a local organization that can better support them.

This role has been especially critical, but all the more difficult, as COVID-19 restrictions and compounding social pressures mounted on our community. To our front line staff, thank you for the indispensable, and unquantifiable role you play in supporting our community.



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CASEWORKER
TEAMS

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HOUSING TEAM

The Housing Team has faced challenges this year with increased demand for services due to the increasing housing crisis in Hamilton and navigating the ever-changing COVID-19 pandemic and the transition of the Landlord and Tenant Board (LTB) to virtual service only. The team has represented numerous individuals at the LTB this year and assisted many tenants in remaining housed and advocating for their rights.

The Housing Team provides Tenant Duty Counsel services at the LTB and through our intake line, providing free legal advice to tenants on their legal rights. The team also maintain two dedicated intake workers daily to respond to requests for legal advice from tenants. The team has continued to offer in person services during the past year for those with technological or other barriers to service.

The Housing Team held several Public Legal Education sessions on tenant rights for community groups, including tenant associations, students through McMaster's Student Union, and community partners. The team continues to work with ACTO on law reform issues including reform at the LTB. The team has also continued to lead the Southwest Housing Study Group, gathering 2-3 times per year to discuss housing issues in the Southwest and for case conferencing and collaborating with colleagues.

IMMIGRATION TEAM

The Immigration Team plays a key role in advising and representing newcomer community members whose immigration status may be uncertain and or needs regularization in Canada. In addition, the team assists permanent residents and Canadian citizens with legal advice relating to family reunification and family sponsorship. Representation in this area has been given by team members based on merit and financial eligibility.

The team collaborated with the YWCA providing legal education sessions and training for newcomers settling in Hamilton. In the past year, the Team also coordinated work with the Refugee Law Office to assist individuals who could not be served by them due to capacity issues. The Immigration Team contributes regularly to discussions and provides training to the legal clinic system through their involvement with the Inter Clinic Immigration Working Group (ICIWG).

SOCIAL ASSISTANCE SUPPORT

For the files closed in the period of January 1, 2022 to Jun 17, 2022, the ODSP Team had a 77% success rate with the ODSP appeals. Half of the successes came from successful Social Benefit Tribunal decisions and the other half of the successes came from the decisions of the Disability Adjudication Unit at ODSP to reverse the original denial decisions.

In addition to our casework, HCLC has collaborated with community partners with the goal of improving income security in Hamilton.

- HCLC and the McMaster Family Health Team collaborate to provide continuing educational development for doctors in the Family Practice Residency program called: The Best Prescription You'll Ever Write! The focus is on improving health through successful ODSP applications.
- HCLC, Hamilton Physicians Against Poverty, Shelter Health Network, and the Hamilton Clinic identified that there is a gap in our community for those who do not have a family physician but have substantial health concerns which may meet the definition of disability under the ODSP legislation. We began offering ODSP application clinics, where clients would get their medical records, meet with a physician and a caseworker from HCLC and apply for ODSP. These clinics have been very well attended, confirming the need, and have linked clients to physicians at the Shelter Health Network and caseworkers at HCLC and permitted clients to begin the ODSP application process.

HCLC is committed to improving health in Hamilton through income security.

The Social Benefits Tribunal continued to hold hearings throughout the pandemic and the ODSP team worked through the shutdown of other tribunals. We adapted to the changes during the pandemic to continue to provide excellent service for our clients.

Through our ODSP guided self-help program, the ODSP team helps low-income individuals to have a better quality of life by helping our clients to obtain successful decisions from the Social Benefits Tribunal and successful decisions from the Disability Adjudication Unit of ODSP. Income and social protection are social determinants of health and they influence health outcomes. With the rising costs of food and shelter, obtaining income, health, and disability benefits from ODSP has become increasingly important for our clients.

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SYSTEMIC
INITIATIVES

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YÉN:TENE: INDIGENOUS JUSTICE PROJECT

Serving the Indigenous community in and around the City of Hamilton, the YÉN:TENE project is one of the Clinic's first large scale, systemic law reform initiatives. Since 2013, the YÉN:TENE project has worked to engage municipal, provincial, federal and a multitude of Indigenous communities in responding to ongoing colonial violence and systemic entrenchment. This year, the YÉN:TENE project continued its community advocacy and support by amplifying calls for systemic reform in instances of Indigenous death in healthcare institutions, and community education and action in the face of growing reports of mass graves across Turtle Island's sites of colonial residential schools and former churches.



TOGETHER WE RISE: BLACK JUSTICE PROJECT

This year, under a new Black Justice Coordinator, Together We Rise/ S'élever ensemble supported community advocates and members in retaining counsel, and supported them throughout the legal process. Through this, we began to support many community members who have faced instances of anti-black racism by supporting them through legal processes and advocating for them in the community. TWR hosted events leading up to the provincial elections, lead debates and began supporting SACHA through their Take Back The Night committee. TWR is a part of many committees, namely the human rights and equity committee at the school board. We have informed the Anti Black Racism and Human rights Policies that are currently being crafted. Above all, we have created meaningful relationships with the Black community— we have tabled at community events, supported emerging programming and delivered public legal education sessions. Specifically, we are currently delivering Public Legal Education sessions to the Black Student Success Centre at McMaster on housing and tenant rights.



QUEER JUSTICE PROJECT

Serving Hamilton's Two-Spirit and LGBTQIA+ ["Queer"] community, the Queer Justice Project engages in systemic access to justice work to break barriers to the legal system through a variety of casework, law reform and community engagement. The Queer Justice Project has continued its systemic work in the 2021-2022 year by offering virtual support to members of the Two-Spirit and Queer community through the Trans ID Clinic initiative, online Positive Space training in partnership with the YÉN:TENE project and ongoing expansion of community resources and support.



Provided services to

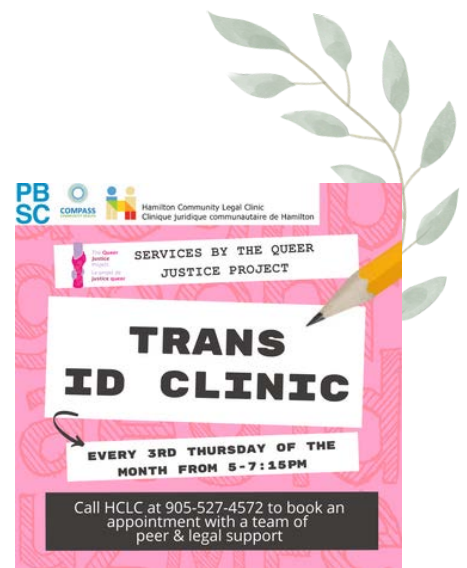
100+

Queer-identifying community members through direct services

Developed and Hosted

13

Trans ID Clinics with the support of our partners



TRANS ID CLINIC FACTS:

- #1 We offer peer and legal support changing your name and/or gender marker
- #2 **NEXT CLINICS:** JAN 21ST, FEB 18TH, MAR 18TH, APR 15TH FROM 5-7PM
- #3 Call the HCLC to make a virtual/phone/in person appt: (905) 527-4572
- #4 Translators available upon request
- #5 Priority given to Hamilton residents

HAMILTON LEGAL OUTREACH: MENTAL HEALTH JUSTICE

Encampment Litigation

HLO is currently involved in a second round of litigation against the City of Hamilton regarding its treatment of homeless encampments. In the early stages of the pandemic, when the rest of the world was being told to stay home, individuals in homeless encampments were repeatedly forcibly removed. This was happening in the context of an escalating affordable housing crisis, a chronic lack of capacity in the shelter system, and the inability of the shelter system to accommodate many individuals. Some of the most marginalized members of society were left with no viable options, left to wander the streets, and stripped of even a tent to provide nominal protection and personal security.

Corner's Inquest

28 year old Attila Csanyi was found dead on the roof of Jackson Square in May 2020 after being unlawfully evicted from a Residential Care Facility (RCF). Since his death, HLO has advocated for an investigation into his death, including the need for reform of RCFs. In March of 2022, the Regional Coroner announced an Inquest into Mr. Csanyi's death, opening the door to substantive reform. HLO has partnered with Swadron Associates, who are providing services on a pro bono basis, to represent the family.

Police Accountability

HLO represented a man unlawfully evicted by Hamilton Police Services in a lawsuit for negligence and breach of the man's Charter rights. The lawsuit was settled earlier this year. In addition to the settlement, the police have made substantive changes to their policies on responding to landlord and tenant disputes, with the expectation that these changes will reduce the frequency of police-assisted unlawful evictions. HLO will also be involved in new training for the police in the fall.

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IN THE
COMMUNITY

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COMMUNITY DEVELOPMENT

HCLC has worked with local community organizers, organizations, and community members to address systemic injustices in the community. Here are some highlights of these efforts and the efforts of all HCLC's initiatives:

1) ARAO and Righting Relations: HCLC and Righting Relations partnered to deliver a total of 12 workshops on the topics of oppression/anti-oppression and privilege in the workplace to various community partners and organizations.

2) No Hate in the Hammer: NHH coalition Creating a Community Response to Hate: A Virtual Speaker Series and celebration of 3 years of NHH in the community and announce a new resource, "Hamilton's Community Response to Hate".

3) Law Reform: At our local Municipal level, HCLC is a member of The Just Recovery Hamilton Coalition which laid out core values/areas of investment the city must make starting with the 2021 budget to build a stronger, more just and inclusive city.

4) Public Legal Education: Local tenant committees, newcomers, seniors and youth have benefitted from public legal education sessions on landlord tenant, employment, income, refugee and migrant justice issues.

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

6) Greater Hamilton Health Network and Family Health Team: HCLC is present to ensure equity and ARAO principles are embedded in health services in order to address systemic inequalities that vulnerable populations face when accessing health services in Hamilton.

WINS FOR OUR COMMUNITY

"I assisted a Spanish speaking client referred to us from a local medical clinic. They were unable to verify their application status for ODSP benefits, and had recently been denied CPP. I coordinated support between myself and his daughter to arrange translation support, and engaged numerous offices across the city and local politicians to gather information that could support the client.

Working with medical professionals to offer wrap around services highlights the importance of working *within* our community, and engaging in service provision between professionals and settings."

Lysa

Front-line service provider



WINS FOR OUR COMMUNITY

"The worker suffered a physical injury during a fall in January 18, 2000 that the WSIB recognized had left the worker with a permanent physical impairment. There were attempts by all parties to achieve a return to work between July 2000 and January 2001– on the basis of physical factors only – but the worker complained of significant pain. The worker had been granted a Non Economic Loss (NEL) of 20%. By 2004, there was clear evidence of compensable mental impairment arising from the physical injury as well. After appealing to the WSIAT, the psychotraumatic aspect of the worker's impairments were accepted, increasing the level of NEL to 50% – yet the WSIB refused to associate those impairments – evident in the worker's daily activities – with impairments affecting the modified work offered as part of the early return to work efforts. A further WSIAT appeal has corrected that. The Worker now has full Loss of Earnings, amounting to \$524,000 retroactively and a decent income going forward until they are 65.

The worker developed pain and restrictions in the joints while working. They had been denied ongoing WSIB benefits. The worker had a very small permanent impairment award, which allowed them to be placed in a retraining program through WSIB. The worker was deemed capable of working in the job they were retrained to do. The worker, however, found that their condition was deteriorating and they were not able to do that kind of work. The worker did find part time minimum wage work. The clinic pursued the issues to the WSIAT. This resulted in a decision setting aside the job and concluding they can only work 20 hours a week at minimum wage. (The worker received \$103,000.00 in retroactive Loss of Earnings as well as ongoing Loss of Earnings Benefits)"

Mike
Director of Legal Services

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APPENDIX A:
FINANCIAL
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