

2018-2019 ANNUAL REPORT



January 31, 2019

*Submitted by:
Marion Overholt, Executive Director*

Marion Overholt **Executive Director**



2018 was an exciting year for LAW. We launched our I Decide project which provides legal advice and representation to individuals with intellectual disabilities. Our Anti Human trafficking work continued to expand and we lead an initiative through the Legal Health Checkup to provide anti human trafficking training to southwest region community legal clinics.

In June 2018, Amanda Pierce joined our staff as the Anti Human Trafficking Coordinator to replace Robyn Hodge for her maternity leave. Sharon George joined us in May as the new Indigenous Justice Coordinator. In May we hired Stephanie Dickson to lead the I Decide Project. In July Kelly Demers joined us as Support Staff.

Tamas Miko, Robin Wright and Kimberly Gordon will be retiring from the Board of Directors. We appreciate their exceptional service and dedication to the work of LAW and wish them all the best. Kimberly has served on the Board for 6 years and has actively supported us in all of the transformations of our services and location.

Legal Aid Ontario

We have updated our participation agreement in the ELK (Essex Lambton Kent) clinic partnerships. Jayne Mallin our Regional Vice-President visited the clinic in September. Jayne is now the Vice President in charge of all of the clinics in Ontario. LAW will be participating in the upcoming discussions generated by the Auditor General's Report on the role of Community Legal Clinics.

Academic Program

We had full enrollment of full time and part time law students for both academic terms. Our MSW student program remains an attractive placement for the social work students. We also had a student placement at the Sarnia Community Legal Clinic.



Casework

LAW's downtown location is essential to our delivery of services to low income residents. 59% of our clients live in the core downtown area. From April 1, 2018 to January 15, 2019 we opened over 850 files, of those 252 were clients attending our new LTB Summary Advice Clinic to receive immediate advice on housing matters.

Housing and income maintenance (Ontario Works, Ontario Disability) are our largest client needs. Human trafficking and non-status immigrant clients continue to receive legal and social work services. The long term benefits obtained for our clients amounted to over \$3.5 million dollars.

Outreach Activities

Marion is continuing her second term of service on the Advisory Board to the Legal Aid Ontario Board of Directors. We remain active in the 672 Committee and the Human Services Justice Coordinating Committee. We continue to monitor the implementation of benefit and regulation changes for income security. We participated in the discussions with City Council on the licensing of residential landlords. We hosted a community forum in the fall with our local members of parliament, where over 100 participants presented their concerns. We have expanded our outreach program and presented 39 public legal information sessions to the general public.

Lawyers Feed the Hungry

LAW continues to serve meals at the Downtown Mission two to three times each term.



2018-2019

LAW STAFF

Executive Director	Marion Overholt
Co-ordinator of Social Work Programs	Shelley Gilbert
Staff Lawyer	Johanna Dennie
Staff Lawyer	Anna Colombo
Staff Lawyer	Arlene Dodge
Staff Lawyer	Stephanie Dickson
Staff Social Worker	Claire Gatto
Human Trafficking Project Co-ordinator	Amanda Pierce
Youth In Transition Worker	Gillian Golden
Indigenous Justice Co-ordinator	Sharon George
Service Co-ordinator	Laura Pratt
Intake worker	Sarah Whalen
Support Staff	Kelly Demers
Articling Student	Laura Noceta

LAW BOARD

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LAW DIRECTORS

Laura Stairs	Marion Fantetti
Susie Jones	Kimberly Gordon
Rielly McLaren	Robin Wright
Tamas Miko	

Ex officio:

Johanna Dennie, Staff Lawyer Jillian Rogin, Academic Clinic Professor

Shelley Gilbert
Coordinator of Social Work Services



Victims of Crime

The majority of my work at Legal Assistance of Windsor continues to involve supporting victims of various types of crimes of violence including sexual, physical assault and exploitation. Support of survivors often involves providing advocacy in multiple areas simultaneously including housing, financial assistance, criminal court navigation and criminal injuries compensation.

In addition, crisis intervention and ongoing counselling is provided to victims to assist them to address the immediate impact of victimization and re-establish tools and strategies to move forward. These supports are crucially important for victims who live with anxiety, depression and post traumatic symptoms resulting from victimization.

We have strong collaborations in support of these victims including Victim Services Windsor Essex, Victim Witness Assistance Program and Hiatus House.

Migrant Workers and Partnerships

Over the past year, I have established a partnership with the United Farm and Commercial Workers Union (UFCW) to outreach to migrant workers and provide information and screening of their circumstances for exploitation. As a result, I am providing support to 9 labour trafficked people and was successful in advocating for law enforcement to investigate and in getting temporary residence and work permits.

I have also established relationships with other new comer victims and have worked collaboratively with our staff lawyers and private lawyers in Windsor and across the province to ensure their immigration legal needs are met. In these circumstances, I attempt to ensure people are aware of and are accessing all rights and entitlements to Ontario Works, housing and health care.

Canadian Council for Refugees (CCR)

Currently, I am the co-chair of the CCR's Anti-Human Trafficking Committee. The committee is made up of service providers from across the country. In June 2018, the CCR hosted an international conference of approximately 800 people. At that time, I facilitated 2 sessions regarding issues related to trafficking and participated in a number of sessions related to the needs of refugees.

As well, in November 2018 I facilitated a workshop and forum on human trafficking in Montreal as well as facilitated the plenary session. Much of the work has centred on the establishment of an advocacy strategy. The strategy is now in the final stages and culminated from comments and information obtained from participants in CCR forums over the past year. I have also co-delivered webinars hosted by the CCR on Human Trafficking in the Law which is an information guide meant for lawyers as to how various forms of exploitation and human trafficking may influence a legal matter, including an immigration case.

Housing

A lack of affordable housing has caused an increase in need across the city. As a result, I have been part of the City of Windsor's By-names List Committee. This committee is composed of service providers and attempts to ensure homeless people in Windsor Essex are "matched" with appropriate services to support and house them. Getting on the By-Names list involves ensuring an assessment is completed and an application is submitted to register the individual or family on the list.

Legal Assistance of Windsor continues to provide rent supplements to trafficked or high risk individuals through the WEFIGHT initiative. We currently have 10 trafficked people living in safe, affordable housing with a rent supplement.

Treatment and Recovery

The addiction epidemic in Windsor is impacting many of our clients and/or their loved ones. I currently participate on the treatment and recovery working group composed of service providers and people in recovery. The work of the group is intended to streamline services and ensure information regarding programming is available throughout the community.

Johanna Dennie
Staff Lawyer



LAW provides support in the areas of Immigration and Refugee law to migrants with precarious immigration status in the Windsor-Essex County area.

LAW assists clients with the submission of immigration and refugee applications in a wide variety of areas, including, but not limited to, the following:

- Work Permits, Visitor Permits, and Restoration of Status
- Temporary Resident Permits
- Applications for Permanent Residence on Humanitarian and Compassionate Grounds
- Citizenship Applications, including requests for exemptions from the Language and Knowledge Requirements
- Requests for Exemptions to Inadmissibility, such as criminal, medical, or financial
- Family Class Sponsorship
- Refugee Protection applications
- Pre-removal risk assessment
- Applications for Judicial Review at the Federal Court

Family Reunification

In some cases refugees (and other migrants) who are resettled in Canada must leave their family members behind when they come to Canada. This may include their spouse and/or their children. Reuniting with these family members can be a long and complicated process, and in some cases applicants may be barred from sponsoring their family, if for example they did not disclose to Canada that they were married or had children. There are many reasons why a migrant may not disclose the existence of their family members, ranging from a simple mistake or miscommunication, to fear that they or their loved ones will be in danger. Over the past year, LAW has assisted in several cases of family separation, by assisting clients to submit applications to sponsor their family members and eventually reunite with them in Canada.

Migrant Worker Population in Essex County

While 5000-6000 foreign workers arrive in Essex County each year, there is no federally or provincially funded program designed to enable these workers to navigate the immigration system in order to ensure their continued legality as temporary migrants. Their difficulty accessing information regarding immigration regulations is compounded by barriers such as language, locality and mobility. LAW, with the support of students, continues to respond by:

- Providing public legal education through information sessions to temporary foreign workers;
- Disseminating educational materials to inform workers of their obligations and rights under immigration law;

- Presenting legal information to community agencies and leaders that interact with workers;
- Meeting with employers to discuss fair recruitment practices and to provide information regarding the immigration issues faced by their workers;
- Submitting individual work permits on behalf of clients;
- Providing assessment and advice regarding other immigration options;
- Identifying legal needs and referring workers to other community clinics, non-profit organizations or government agencies and departments, i.e. Windsor Workers Education Centre, IAVGO Community Legal Clinic, Human Rights Legal Support Centre, Ministry of Labour, WSIB, and the Police.

Citizenship Waivers

Under the *Citizenship Act*, permanent residents of Canada who wish to apply for citizenship must demonstrate a working knowledge of English or French, and must pass a test in English or French to demonstrate their knowledge of Canadian laws and norms. Often, LAW finds that our clients, particularly those with learning disabilities and trauma, are unable to meet these requirements and are thus barred from Canadian citizenship.

Over the past year the clinic has continued to take on a number of cases in which clients will require waivers for language and knowledge components of their citizenship applications. Students assist clients to obtain medical opinions and put forth substantive legal reasons, based on medical evidence and client history, for an exemption due to disability. In addition to written legal submissions, students accompany clients requiring waivers to their citizenship hearing.

Inadmissibility

Temporary and permanent residents of Canada can be found “inadmissible” to Canada on several grounds, such as having been convicted of a crime, or for having a medical condition which is believed to cause an excessive demand on Canada’s health services. The results of an inadmissibility finding can be severe, including refusal of applications, loss of status in Canada, and deportation. LAW assists clients who are facing admissibility proceedings by advocating with immigration officials to have the inadmissibility waived on humanitarian and compassionate grounds. LAW’s advocacy on behalf of clients may include written submissions, or representation at an Admissibility Hearing before the Immigration Division of the Immigration and Refugee Board.

Temporary Resident Permits

A person who is inadmissible to Canada may request a Temporary Resident Permit to allow them to enter or remain in Canada despite their inadmissibility. For example, LAW has assisted survivors of violence and exploitation to obtain Temporary Resident Permits in order for them to remain in Canada and participate in the criminal justice process against their abusers. LAW has also assisted a number of these clients who wish to remain in

Canada permanently to submit applications for permanent residence on humanitarian and compassionate grounds.

Law Reform Initiatives/ Community Outreach and Education

Provincially, I represented LAW at the Inter Clinic Immigration Working Group (ICIWG), a coalition of legal workers at community clinics whose mandate is to support advocacy for refugees and immigrants serviced by community legal clinics.

LAW is also a member of the Canadian Council for Refugees, a national non-profit umbrella organization committed to the rights and protection of refugees and other vulnerable migrants in Canada and around the world and to the settlement of refugees and immigrants in Canada. The CCR engages in dialogue with Immigration, Refugees and Citizenship Canada, Canada Border Services Agency, the Immigration and Refugee Board and other levels of government to get our member's concerns heard in order to resolve problems affecting refugees, immigrants and vulnerable migrants to Canada. As a member organization, LAW benefits from the CCR's information-sharing and advocacy networks, as well as participation in the CCR's national consultations and discussions.

Anna Colombo
Staff Lawyer



Housing

Vacancy rates in Windsor remained low in 2018 and rents continued to increase. As such, we continued to see high demand in the area of evictions as landlords continued to seek to end tenancies. Moreover, the safe and affordable housing options for low-income tenants facing eviction were few.

Our Tenant Duty Counsel program also saw a significant increase of tenants served in 2017-2018 compared to the previous year.

At LAW we advise and represent tenants who are facing imminent eviction, either challenging the eviction at the Landlord and Tenant Board or working with our social workers to assist our clients plan for eviction.

In addition to representing on eviction matters at the start of the eviction process, we file requests to review where the tenant was not reasonably able to participate in their hearing, motions to set aside where the tenant may have not been able to follow a previously agreed to settlement, and motions to void where the tenant was able to pay all arrears of rent owing.

Because the relatively more straightforward eviction matters are able to receive assistance through our summary advice clinic, we have seen an increase in the complexity of eviction cases we are retained on. This includes seeing an increase of the number of files with intersections between eviction and mental health, substance use disorder, and physical health.

Our advocacy includes accessing financial resources and connecting clients with supports and referrals to maintain a successful tenancy.

We provide regular legal education presentations on tenant rights and responsibilities to community organizations, and engage in systemic advocacy work with various agencies and landlords.

Criminal Injuries Compensation

We continued to represent clients at the Criminal Injuries Compensation Board for individuals who have experienced physical or sexual violence as children or adults. We have had ongoing success in obtaining awards for pain and suffering and the cost of psychological therapy.

Arlene Dodge
Staff Lawyer



LAW provides legal advice in the area of public benefits law, including appeals to the Social Benefits Tribunal for Ontario Disability Support Program (ODSP) denials, medical reviews; and Ontario Works matters, denial of benefits, overpayments and reconsiderations.

With respect to the ODSP, reviews are conducted by the Disability Adjudication Unit (DAU) to determine if an individual is still eligible for benefits as a person with a disability and/or they are denied ODSP based upon their sometimes lack of medical information. We review the information in order to obtain and submit new medical evidence. Results are sometimes positive resulting in the reversal of decisions and our clients become eligible for ODSP. We ensure that our students are well prepared for representing our clients before the Social Benefits Tribunal.

With respect to the Ontario Works benefit files, there are some clients that are refused benefits as their spouse is not in the country to attend the intake appointment or to sign the application due to circumstances out of their control (i.e. the spouse has no travel documents to be able to leave the country of origin and enter Canada or there are allegations of domestic violence). We assist our clients in filing internal reviews and appeals to the Social Benefits Tribunal, as well as providing representation before the Tribunal.

Overall, LAW continues to advocate for the rights of those who are not able to represent themselves, based on many systemic barriers. LAW strives to provide access to justice for the residents of Windsor-Essex County.

Stephanie Dickson
Staff Lawyer

I joined LAW as a staff lawyer in May 2018. After my call to the Ontario Bar in 2009, I began my legal career in class actions at Siskinds law firm. From 2012-2018, I was a staff lawyer at Neighborhood Legal Services in London, where I worked in social justice law, with a special focus on disability benefits and income security appeals.



Expanded Services at LAW

In May 2018, LAW launched The I Decide Project. The purpose of the project is to deliver rights-based education and services to community members with intellectual disabilities, in order to promote self-directed decisions and planning. This initiative is funded through the Strategic Program Investments Fund, established through the settlement agreements reached in the class action lawsuits brought by former residents of the Huronia, Rideau and Southwestern Regional Centres.

To date, I have handled 42 different intake matters, 23 of which have become open, ongoing legal files. The most frequent service requests include Powers of Attorney (drafting and revoking), general capacity/substitute decision-making advice, guardianship issues and concerns around financial abuse. Currently, there are two law students working under my supervision.

Documentary Video

On December 5, 2018, we hosted some 200 attendees at the Capitol Theatre for the screening of our 30-minute documentary video called “I Decide”. The video, directed by Chris Rabideau and Christie Nelson, highlights the journey of a local resident with an intellectual disability, while shedding light on Ontario’s long history of institutionalization and segregation. We are now turning our attention to the creation of video “shorts” with different legal topics, to be featured on our social media and in future training sessions.

Outreach

During the month of August, we held five interactive, informative I Decide-themed workshops. In total, we had over 40 participants, including individuals supported by Community Living Windsor and Essex County. We also established the I Decide Steering Committee, which meets monthly to review the direction of the project and to discuss systemic issues. For 2019, we are planning a number of training sessions that will highlight decision-making rights for various audiences, including people with disabilities, family/friends and agency staff.



Claire Gatto
Staff Social Worker



As Staff Social Worker I provide direct social work services to clients, provide supervision for students at our clinic, and community development activities relating to social inclusion.

Service Provision

The direct service I provide involves advocacy, short term or long term counselling in relation to an advocacy issue, case management, connecting clients to services and resources, information and referrals. These services are provided mainly in the area of social assistance, housing, immigration matters, accessing healthcare, and individuals who have experienced a crime who wish to apply for compensation to the Criminal Injuries Compensation Board.

Through the process of working with individuals who have experienced violence, particularly individuals applying to the Criminal Injuries Compensation Board, a trauma-informed lens is integrated in this process for safety and wellness.

Student Supervision

I am a placement supervisor for Bachelor of Social Work students from the University of Windsor where I have the opportunity to help students gain field experience and meet their placement goals. I provide supervision to social work students and also consultation and support to law students who are assigned individual cases.

Community Activities

In February of 2018 Legal Aid Ontario's Racialized Communities Consultation Strategy event was held in Windsor. For this event I organized and outreached to clients, community partners, and the broader community. LAO's Racialized Communities Strategy is intended to learn about the issues that racialized people experience accessing legal services to enhance services and improve justice outcomes. Members of the Racialized Communities Consultation Strategy facilitated the discussion. The event generated important conversations that served to better understand the needs and experiences of racialized community members' access to a range of legal services.

In October of 2018, I was pleased to organize and invite W.E. Trans Support to lead a workshop on issues facing the Transgender communities. In an effort to be responsive to the diverse communities LAW serves, the workshop generated helpful discussions on how best to serve and work alongside Transgender people.

As part of a Windsor-wide community crisis intervention response to individuals and families who are at an elevated risk, I participate in weekly Situation Table meetings alongside other community agencies. The Situation Table is an intervention strategy where LAW is able to assist individuals and families as a coordinated response with community partners, particularly those at risk of becoming homeless and victims of violence.

Sharon George
Indigenous Justice Coordinator



I was hired as Indigenous Justice Coordinator (IJC) in May, 2018. In May and June of 2018 I attended the Southwest Clinics Legal Conference, then off to Kingston for The Whole Lawyer (Assoc. for Canadian Clinical Legal Education), then attended Racial Justice Lead the Change Provincial Forum in Toronto. I also had an opportunity introduce myself to all of the previous clients, identifying and following up with assisting them with their issues.

Outreach

I re-designed the Indigenous Justice Program brochure to ensure it reflected the services of LAW for referrals and outreach of services available to the Indigenous population. I read and became familiar with the “Truth and Reconciliation – IJC Call for Action Report”. We will continue to follow-up on the recommendations of that report for LAW. During the term I facilitated two Indigenous Cultural Training sessions the staff and students.

We have been present in the community by participating with information tables at community events, such as National Aboriginal Awareness Day in June and attending many local ceremonies. I have been meeting with various community agencies to promote the program and begin a recruitment process of Indigenous clients. We led the organizing of the “Sisters in Spirit” ceremony in October and worked with other community partners to host a very successful event at Dieppe Park.

We have begun to set up Satellite Offices for the Indigenous Justice Program. To date, Caldwell First Nation and Aboriginal Child Resource Centre have agreed to have services to their community members. Ska:na (Early-on/Child Care) will be starting shortly, which will also service Can-Am Indigenous Friendship Centre.

Program Evaluation

The Southwest Clinics engaged with Mary Jamieson to conduct an evaluation of the Indigenous Justice Program Evaluation. Mary has verbally reported that the responses from agencies who attended with her went very well; with many good words and suggestions for the program; a written report will be provided prior to fiscal year end.

We are working with the Chatham-Kent Community Legal Clinic to identify what community services the Indigenous population of Chatham-Kent utilize, which in-turn would possibly expand the services provided by the Clinic to the Indigenous people in Chatham Kent. The Program Evaluator will be preparing a brief report by the end of March, 2019.

Kettlepoint/Ipperwash

The Program has been working with Professor Beverly Jacobs & Law Student Stephanie Pangowish of the University of Windsor on the Kettlepoint/Ipperwash Call to Action-Inquiry

report about the killing of Dudley George. A formal report will be completed with recommendations of how to move forward with the recommendations of the initial inquiry.

Summary

The goal over the next few months is to continue to focus on Indigenous recruitment of clientele, as well getting a firmer idea of the issues and concerns of the Indigenous population in Windsor area, this will provide better direction of service delivery for the next fiscal year for Indigenous people.

Gillian Golden
Youth In Transition Worker



Summary

The Youth in Transition worker – Anti-Human Trafficking position was created in May 2017. My work is committed to providing direct service to survivors of human trafficking youth aged 13-24 years old, within Windsor and Essex County.

My emphasis is on identifying risk factors, building community supports, assessing safety concerns and advocating on behalf of clients. I currently have 19 active clients who are receiving intensive case management supports and in just under two years I have provided direct service to more than 40 new clients of LAW/WEFiGHT.

I have conducted outreach with over 300 youth in the Windsor/Essex Community and held multiple presentations for local and provincial organizations and service providers who work with this vulnerable population.

Direct Service

Direct service for clients includes discussing safety concerns, creating and implementing a safety plan, finding emergency shelter or safe and affordable long-term housing as well as other basic and immediate needs. A large component of direct service is also connecting and advocating for youth with community agencies and resources based on the client need. Once a client finds stability the main focus shifts to goals, including education and training. I have been able to assist clients to return to high school or a similar educational program. I have also assisted in relocating clients for safety concerns and assisting clients who wish to access treatment facilities to overcome addictions. My work also includes supporting clients in various court and police processes.

Outreach/Public Education

This past year I have conducted extensive outreach in the Windsor Essex community. This includes the various group homes, treatment facilities, youth homeless shelters and drop-in centres. During outreach youth are educated on signs of human trafficking, staying safe and where to go when they need help. Through these events, youth become our ambassadors and can then refer and assist other youth with accessing assistance should they require it.

Throughout 2018, I have conducted a number of training, educational and awareness presentations for local service providers. These presentations provided an understanding of what human trafficking is and what it looks like in our community. The local agencies included: The Regional Children's Centre, Windsor/Essex Children's Aid Society staff, foster parents and youth, We Care for Youth Committee and Maryvale Adolescent and Family Services. I have also been provided the opportunity to travel beyond the Windsor Essex Community for to assist in educating and training service providers in other parts of Ontario.