

**LAW** | Legal  
Assistance of  
Windsor

Lawyers & Social Workers

## 2015-2016 ANNUAL REPORT



**January 26, 2016**

*Submitted by:  
Marion Overholt, Executive Director*

**Marion Overholt**  
**Executive Director**



2015 was a year of constant change and opportunity! The plan to co-locate Legal Assistance of Windsor and Community Legal Aid is finally being implemented. In 2016 we will be moving to our new location at 443 Ouellette. We anticipate the co-location will allow us to expand and coordinate our legal and social work services to the community while we provide law and social work students with greater opportunities to engage in community legal services and advocacy.

In September 2015, Dean Camille Cameron accepted a new position as Dean of the Dalhousie School of Law. LAW has thrived under her leadership and care and we are sad to see her leave. We have welcomed Acting Dean Chris Waters to the Board and appreciate his steadfast support of our work. Academic Director Gemma Smyth was appointed Acting Associate Dean of the Windsor Law Faculty in September 2015. Gemma revamped the academic law program at LAW and her scholarship and leadership in the clinical legal education field greatly benefited LAW.



We have also had a number of staff changes. Both staff lawyers, Preet Singh and Sarah Charow are pursuing new careers. Preet has been appointed to the Refugee and Immigration Review Board and Sarah will be moving to the Scarborough Legal Clinic to start up their employment law division. We are deeply grateful for all of their hard work and dedication and wish them all the best. Cathy Kolar, our community legal worker in immigration and refugee law concluded her contract at the end of December. Cathy played a pivotal role in providing support and outreach to the Thai and Mexican workers who brought the human rights applications with the assistance of Unifor. The award of \$100,000 and \$50,000 to the individual complainants are the highest awards to date. The decision will have a huge impact on human rights cases and foreign worker programs. Cathy has been a tireless advocate on behalf of refugee and immigrant clients and we thank her for her dedication.

In March 2015, Maureen Thrasher was hired as our Anti-human Trafficking Coordinator through funding received from the Trillium Foundation. We are delighted to work with her to extend the individual client services, outreach and education in this important initiative.

We were pleased to welcome Johanna Dennie as our immigration and refugee lawyer. Johanna's position was created in August 2015 as a result of new funding received from the University of Windsor, Faculty of Law. We will also be welcoming Anna Colombo, our new landlord/tenant lawyer in February 2016. Anna brings a wealth of experience as a former staff lawyer with the Ottawa SLASS Clinic.

## Awards of Merit

Shelley Gilbert received an award of merit from the Ottawa Police for her role in helping a complainant in a human trafficking case. Marcel Trepanier and Sarah Charow accepted Community Living Awards from both the Windsor and Essex chapters in recognition of their hard work on the class action awards. In October 2015 Marion Overholt received a community activist award from the Council of Canadians during their annual meeting which was held in Windsor.



LAW remains an active participant in the Southwest Clinics Transformation Project. In March we participated in a “Needs and Resource Assessment” to define the legal needs of the Windsor-Essex community. There were extensive interviews and focus groups with the staff, board, students, community agencies and clients of LAW. These two excerpts from the regional report reflect LAW’s positive assessment results.

*“Legal Assistance Windsor (LAW) is the premier example in the Southwest Region and in Ontario of a CLC employing students in its poverty law practice. LAW, however, has also always had a social work component to its practice, drawing on its access to a large pool of both law and social work students through the association with the University of Windsor. LAW has carefully fashioned a senior management structure that optimizes the deployment of both the legal and non-legal capacity of its human resource base. LAW has an established and proven service delivery model. Notably, the consultation focus group with LAW “clinic staff” for the NRA project involved nine law and seven social work students in addition to the eight clinic staff.” P. 76 Southwest Regional Report*

*“An added strength of the LAW model is the capacity that it brings to the clinic’s systemic law reform work. Both the law and social work students are engaged in broader social justice issues in the community as well as client casework, which serves their learning objectives but also provides LAW more capacity to fulfill its systemic law mandate. This practice, of course, is necessarily dependent on strong senior management supervision. Essentially, although a small clinic in terms of staff size for a large urban area, LAW is well-positioned with its longstanding relationship to the University of Windsor to support this unique human resource model.” P. 78 Southwest Regional Report.*

The staff and board will continue to review these reports to inform LAW’s annual planning process.



Windsor Law  
University of Windsor

### Academic Program

We had full enrollment of full time and part time law students for both academic terms. We expanded our working space to accommodate more students. Our MSW student program remains an attractive placement for the social work students. We anticipate an opportunity to expand our placement opportunities once we move to the new office

### Casework

LAW's downtown location is essential to our delivery of services to low income residents. 63% of our clients live in the core downtown area. From January 2015 to December 2015 we served over 5108 family members. We opened over 794 files, provided 501 brief services and 1184 advice services.

Housing and income maintenance (Ontario Works, Ontario Disability, Employment Insurance and Employment Standards) 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 \$3.8 million dollars.

## **OUTREACH ACTIVITIES**

### Mental Health Committees

LAW continues to serve on the Advisory Board to the Legal Aid Ontario Board of Directors. In addition, our Executive Director is a member of the local Human Services Justice Coordinating Committee which organized a Mental Health Court information workshop in February 2015 which was attended by over 200 community participants.

### Steering Committee on Aboriginal Legal Support Services

We continue to coordinate a local committee comprised of aboriginal agencies, students and Legal Aid Ontario to support the provision of legal services to our aboriginal communities. During 2015 we held a series of "Know your Rights" workshops for the aboriginal communities in Windsor and at the Caldwell Nation

office in Leamington. We organized two forums for the local bench, bar and community.

In June 2015 the presentation was on Gladue and involved members of defence bar, judiciary, crown attorney and aboriginal legal services. We were delighted with the decision of Legal Aid Ontario to provide a Gladue writer for Windsor.

In October 2015 we organized a Forum on Cultural Competency. Panelists included the Chiefs of Walpole and Caldwell First Nations, aboriginal community service organizations, Faculty of Law and aboriginal law students and lawyers. Lyndon George, the Aboriginal Justice Coordinator at the Hamilton clinic engaged the audience in an cultural sensitivity exercise.

Our committee has submitted an application to the Financial Eligibility Fund for an Aboriginal Justice Coordinator as part of a southwest regional application to LAO. We have been very pleased to be part of this initiative and look forward to expanding our services to the aboriginal community and continuing our dialogue with this community to promote and achieve greater justice within the legal system.



### Lawyers Feed the Hungry

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



## LAW STAFF

Executive Director	Marion Overholt
Co-ordinator of Social Work Programs	Shelley Gilbert
Staff Lawyer	Sarah Charow
Staff Lawyer	Johanna Dennie
Staff Lawyer	Anna Colombo
Staff Social Worker	Marcel Trepanier
Service Co-ordinator	Laura Pratt
Support Staff	Stella Blak
Support Staff	Catherine Farnham
Articling Student	Harkamal Singh

## LAW BOARD

Thomas Rolfe, President  
Acting Dean Christopher Water, Vice President  
Michelle Pilutti, Treasurer  
Marion Overholt, Secretary (Ex officio)  
Tanya Antoniw, Director  
Dave Cooke, Director  
Kimberly Gordon, Director  
Hugo Vega, Director  
Adam Wydryznski, Director  
Rena Hill, Director  
Dr. Robin Wright, Director

### Ex officio:

Johanna Dennie, Staff Lawyer

**Shelley Gilbert B.S.W.**  
**Coordinator of Social Work Services**



The community development initiatives of Legal Assistance of Windsor continue to address issues resulting from violence &/or exploitation of people as well those which improve the basic essential needs of low income &/or marginalized people in Windsor/Essex.

Housing

As such, I have continued advocacy and support on the Long Term Affordable Housing Strategy, assisted with evaluating and refining housing rent supplement program policies as well as those on the Central Housing Registry. The continued focus of these is to eliminate program barriers preventing access to services by low income or vulnerable groups.

LAW law and social work students provided additional and enhanced advise and support to individuals utilizing the services provided at the Windsor Youth Centre by providing satellite programming during the drop in on Wednesday evenings as well as information and assistance to youth attending the WYC Parenting Program on a monthly basis.

Working collaboratively with the legal services of LAW, our social service and arts community partners provided LAW the opportunity to provide innovative public legal education to new comers, youth and service providers in our community. We also partnered with St. Clair College marketing department to consider how information could be presented using minimal language, but provide necessary information to individuals about their rights. These projects were funded by ACTO and we appreciate their ongoing support.

St. Clair College is also formatting the tenant organizing manual that will provide groups with the information necessary to decide whether & how to organize in their building or neighbourhood.

Violence/Exploitation

I currently sit on the Domestic Violence Coordinating Committee as well as the Research Sub-Committee ensuring ongoing coordination of services and refining protocols/collaboration procedures as needed. As a member of the Research Committee, I participated in the Legal Aid Ontario Domestic Violence Strategy Consultation and provided information as to the needs of low income survivors of family violence as well as support for specific LAO initiatives. At this time, the

Research Committee is also considering the committee's participation in a provincial evaluation of the Mandatory Charging Policies in Ontario as well as other program evaluations and collaborative efforts.

Dedicated programming and supports have been introduced to assist newcomers and refugees through the efforts of a MSW Intern under my supervision. The support of this student will enhance the coordination and efforts of our community partners in this regard and assist to stem gaps in service by providing case management, ongoing supportive counselling, advocacy and coordination/collaboration of services. We will continue to collaborate with services providing assistance to government sponsored, private sponsored and blended refugees and will provide ongoing education as to services available in the community.

Continued supervision of an MSW Intern dedicated to the needs of survivors of crimes of violence has assisted ensuring residents of Windsor/Essex have access to and information about the Criminal Injuries Compensation process. The student assists survivors to document their stories for the purposes of application, provides ongoing supportive counselling if needed and coordinates services both within LAW and the community with the survivor.

## **Casework and Supervision** **Preet Singh, Staff Lawyer**



### Casework and Supervision

LAW continues to experience a steady demand from individuals requiring assistance with housing issues and disability benefit denials. Most of the assistance we provide in housing law is focussed on preventing tenant evictions. While most of these evictions are due to rent arrears, through our negotiation efforts, we have been able to reach a settlement in many of these cases. We also continue to make numerous referrals to the City's Housing Stability Program and we regularly advocate for and receive this financial assistance for our clients.

LAW's "Sheriff Squad" continues to see an increased demand for our services. The Sheriff Squad is comprised of law and social work students who volunteer to assist tenants facing imminent evictions. These tenants have received eviction orders or notices to vacate issued by the Sheriff. These students assist by completing appeal-like forms, providing representation at the LTB, negotiating with landlords, and/or assisting with a search for new housing. All of this work must be done in a high-pressure and time-sensitive environment as the "eviction clock is ticking" for these vulnerable tenants. Holistic support is provided to these tenants by working hand-in-hand with our Social Work department.

Our work on Criminal Injuries Compensation Board cases continues to provide an invaluable service to our clients and a unique learning experience for our students. These clients represent some of the most vulnerable and at risk individuals in our community. Our combined social work and legal assistance in these sensitive matters makes a significant difference to the recovery and compensation awarded to these victims of violent crime.

## Community Development

In addition to providing public legal education sessions in partnership with local agencies and community partners, we received funding from the Advocacy Centre for Tenant's Ontario to engage in two new and innovative projects.

The first project focuses on providing public legal education about tenants' rights to newcomers and their youth. The information is presented in an interactive and engaging format, encompassing skits, group discussion and hands-on participation in activities. The participation has been lively and the feedback has been amazing! Interpreters are also available to convey the information in different languages and the participants have been enjoying the sessions, some even choosing to attend multiple sessions. Easy to understand informational material was also published and the sessions have been recorded for future use.

Newcomers are among the City's most vulnerable and these sessions are working to empower them and they allow us to inform members of the community about our services and increase the number of individuals we can help. Our law and social work students are also involved in these sessions.

The second project, which will see more progress in the coming year, is the development of a tenant organizing manual to assist tenants wishing to form tenant associations.

The above summary represents just some of our significant achievements over the past year. Although my time at LAW has come to an end, I am sure LAW will continue to build on these successes in the upcoming year.

**Advocacy Centre for  
Tenants Ontario**



## **Casework and Supervision** **Sarah Charow, Staff Lawyer**



### Casework and Supervision

In the last few months, we have noticed a sharp increase in the amount of people who need assistance with appealing the denial of disability benefits. This seems to be based on more people applying for benefits, and an increase in “medical reviews” (people who were receiving Ontario Disability Support Program benefits having their medical conditions reviewed in order to determine if they are still eligible for benefits). As such, we have seen an increase in the amount of clients who need representation before the Social Benefits Tribunal and have expanded our services accordingly, both in terms of helping people complete and file internal reviews/appeals, as well as by booking more intake appointments to assess cases.

Working as part of a community-focused organization has also helped us identify and respond to legal and sociopolitical trends that impact low-income individuals, both through case work and community development. In this last year, I was asked to join the CLEO Content Committee for Employment Standards and our clinic has actively participated in the Employment Insurance and Employment Standards Working Groups.

### Changing Workplace Review Consultation

LAW has been very vocal about the laws surrounding the workplace. We made a presentation to the Ministry of Labour’s Changing Workplace Review Consultation. We discussed the nature of today’s workplace and how the exemptions for overtime pay and termination/severance pay adversely affected workers in precarious employment.

LAW students presented directly to the panel and were strong advocates for vulnerable workers. We also completed written submissions that were reviewed by the Changing Workplace panel.

## Public Legal Education

As always, LAW has been a significant presence in the community, giving informative and accessible presentations on a wide variety of legal issues, such as applying for social assistance, workers' rights, federal benefits, landlord/tenant law, and Criminal Injury Compensation matters. Our presentations have been very well-received, and our clinic has continued to notice an increase in referrals from the service providers who have attended these presentations.

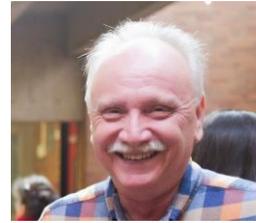


## Southwestern Regional Centre Class Action Settlement Claims

As reported last year, there were major class action suits involving provincial institutions for people with intellectual disabilities. Locally, the Southwestern Regional Centre (also known as Cedar Springs) was one of the institutions named in the class action suit. The lawsuits settled, and former residents could claim part of the settlement money by completing a claim form. Reviewing institutional files and completing the claim form proved to be extremely complicated and difficult for many of the former residents of these institutions.

In 2014, Legal Assistance of Windsor organized information sessions for those former residents and families who were interested in filing claims, and completed satellite days in partnership with Community Living Essex County and Community Living Windsor. Last year, as a result of our clinic's hard work and assistance, we were awarded the 2014/15 Community Inclusion Award from Community Living Essex County and a Community Service Award from Community Living Windsor. We appreciate the recognition and look forward to a long-lasting relationship with these community partners.

**Marcel Trepanier, BSW, RSW**  
**Staff Social Worker**



Casework and Supervision

The social work remains a vital service provided by the Clinic. As an integral part of an interdisciplinary setting, social work staff and students work closely with staff lawyers and law students in addressing the wellbeing of clients facing legal and other life challenges.

Social work focuses primarily on advocating on behalf of clients in areas such as provincial benefits, federal benefits, housing and obtaining health care. Our clients are often New Canadians who have difficulty speaking, reading and writing English and require assistance in applying for benefits or remaining eligible for benefits. Other clients may have literacy difficulties or suffer from poor mental or physical health. Many of our clients have had negative experiences in dealing with bureaucratic systems.

Social work services also provide short term counselling until such time the client can be referred to another service provider for ongoing counselling. Due to a lack of counselling services in the community many clients return to LAW as they receive assistance in a non-judgemental environment and trust the advice provided.

Social Work often meets with clients when the client appears extremely unsettled or is exhibiting suicidal ideation. Social work will conduct an assessment of the client's needs, develop a safety plan and engage appropriate community services.

Social work continues to offer field education placements for social work students. Students are provided with practical experience under the supervision of staff social workers. Students are involved in providing advocacy on behalf of clients, short term counselling and community development.



## **Casework and Supervision**

### **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 saw several personnel changes throughout 2015. In August 2015, LAW hired Johanna Dennie as the clinic's Immigration and Refugee lawyer on a full-time basis. Cathy Kolar, LAW's community legal worker in the areas of Immigration and Refugee law, concluded her employment with LAW in December 2015.

LAW assists clients with the submission of immigration applications in the following areas:

- Temporary Resident Permits and Worker Permits
- Humanitarian and Compassionate Applications for Permanent Residency
- Family Class Sponsorship
- Citizenship Applications
- Requests for Exemptions to Inadmissibility

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.

## Forced Labour and Human Trafficking

Legal immigration status is necessary if survivors are to access remedies through civil, administrative or criminal proceedings. As such, LAW has developed notable expertise in responding to the immigration needs victims of human trafficking.

We support our clients' regularization of status through the submission of applications for temporary resident permits and/or applications for permanent residency on humanitarian grounds.

The research and advocacy of students has been integral to the successful advancement of immigration cases for trafficking survivors. Students accompany survivors to the local immigration office to present cases for short term temporary resident permits. They also prepare written legal submissions to accompany permanent residency applications for survivors who choose to remain in Canada.

## Family Class Sponsorships

The clinic supports the regularization of spouses through the submission of in-Canada spousal sponsorships. We also support family reunification with spouses and dependent children through overseas sponsorship.

The introduction of two year "conditional permanent residency" for sponsored spouses and accompanying dependent children means that immigration status is no longer secure for two years after obtaining permanent residency. This increases inequality between spouses in Canada, and puts women and their children at a heightened risk of violence. Legal Assistance of Windsor provides information for local front line workers and support to clients so they understand the implications of this rule and can effectively utilize exceptions that exist in cases of neglect and abuse.

We have several minors who entered Canada unaccompanied, and we are supporting their applications to remain with family members permanently in Canada based on humanitarian and compassionate grounds.

## Citizenship Waivers

Bill C-24, an Act to amend the Citizenship Act, becomes operational in August of 2015. It increases the residency requirement, and creates additional barriers for both teenagers and the elderly by extending language and knowledge requirements to

these groups. Under the Act, those with learning disabilities and trauma continue to face barriers to citizenship due to an inability to fulfil the language and knowledge requirements.

As such, over the past year the clinic has provided education to local service providers about the upcoming changes and encouraged eligible area applicants to apply immediately for citizenship.

We have also taken 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 health or social 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.

### Law Reform Initiatives/ Community Outreach and Education

Johanna will continue Cathy’s work with the Inter Clinic Immigration Working Group and the Migrant Workers Alliance for Change coalition, and is also a member of the Inter Clinic Migrant Worker Working Group. Johanna also sits on a committee at the University of Windsor’s Faculty of Law which is working to create a refugee sponsorship support program at the law school. This program would pair law students and pro bono lawyers to assist community members to sponsor refugees to come to Canada.

**Maureen Thrasher**  
**Coordinator Anti-Human Trafficking Project**



Protocol Development

Protocols have been established with various agencies such as police services, shelters, youth serving agencies, addiction facilities, the detention centre and aboriginal service agencies.

Three key questions were developed for agencies to use on their intake packages to alert staff when someone may be a potential survivor of trafficking. These questions lead into a developing National Human Trafficking Assessment Tool, developed in collaboration with Dr. Sung Yun at the School of Social Work, University of Windsor, Canadian Council for Refugees and WEFiGHT.

Education

There have been numerous opportunities to provide education to students in the area of law, social work, women's studies and youth services at both St. Clair College and the University of Windsor. The importance of educating students prior to entering the workforce about human trafficking is essential. Students have been engaged and feedback has been very positive.

Outreach

WEFiGHT works closely with our community partners to provide outreach to their clients who may be vulnerable or at risk of being trafficked. We are currently involved in outreach at House of Sophrosyne, Welcome Centre, Downtown Mission, Southwest Detention Centre, Withdrawal Management and Windsor Youth Centre. We discuss the signs of human trafficking, how to exit safety and available supports.

Victim support

It is important to work closely with clients at their own pace to understand their individual needs. Meeting individuals where they are, gaining their trust and allowing them to take the lead in their journey is essential. We provide assistance with income support, food, clothing and shelter & long term housing. Additionally we may advocate for other services and support individuals who are

working with police and through the criminal court process. Counselling to address trauma is provided as well as referrals within LAW for legal information and potential representation regarding immigration issues.

### Marketing Campaign

WEFiGHT will be launching a new website this month. We have created posters and brochures to assist agencies with information on human trafficking and WEFiGHT. Facebook and Twitter pages have been created and are linked to our website. We will be looking into more outreach material in the near future.

