

Marion Overholt
Executive Director



2019 was a challenging year for LAW. We experienced funding uncertainty and reductions throughout the year. It is a relief to say we survived the turmoil and kept our eye steadily focused on our services to clients. Our Staff and Board did a tremendous job of digging deep and working hard for our clients and community. When legal aid cuts were pending we received a tremendous outpouring of support and encouragement from our community partners and client base.

The clinic system as a whole under the leadership of the ACLCO successfully lobbied the provincial government to avoid further cuts to the system. We don't know what provisions of the pending Legal Aid Act reforms will be enacted, but I am confident as a system, we will demonstrate the same tenacity and commitment to advancing the rights of our clients.

As I write this report I am pleased to note our Indigenous Justice Program has now been granted permanent funding from Legal Aid Ontario and our Anti-Human Trafficking Project will now receive annualized funding. The upcoming year will be an opportunity to take stock and plan our future once we have stabilized again post COVID-19.

In 2019, our I Decide project was wound up when Stephanie Dickson moved to private practice. Claire Gatto decided to pursue further academic study and Lisa Bezaire sought permanent employment within our community.

We were able to expand our Anti-Human Trafficking staff and welcomed Yannin Ramirez and Kelly Stack to our staff. Robyn Hodge returned to staff from her maternity leave.

Adam Wydrzynski will be retiring from the Board of Directors. Dave Palin has resigned his position as Treasurer. We appreciate their exceptional service and dedication to the work of LAW and wish them all the best. Adam has served on the Board for 6 years and has been a tremendous support and advocate for our 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.

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 have made significant progress in developing a working relationship with the Southwest Detention centre and we have been working with them to coordinate services for justice clients.

Lawyers Feed the Hungry

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



2019-2020

LAW STAFF

Executive Director	Marion Overholt
Co-ordinator of Social Work Programs	Shelley Gilbert
Staff Lawyer	Johanna Dennie
Staff Lawyer	Anna Colombo
Staff Lawyer	Laura Stairs
Staff Social Worker	Jennifer Cline
Human Trafficking Project Co-ordinator	Robyn Hodge
Youth In Transition Worker	Gillian Golden
Indigenous Justice Co-ordinator	Sharon George
Service Co-ordinator	Laura Pratt
Intake worker	Sarah Whalen (mat. Leave)
Support Staff	Kelly Demers
Articling Student	Bianca Foradori

LAW BOARD

President	Hugo Vega
Vice President	Dean Chris Watters
Treasurer	Dave Palin
Secretary	Marion Overholt (Ex officio)

LAW DIRECTORS

Marion Fantetti	Adrian Guta
Rielly McLaren	Hughie Carpenter
Michelle Pilutti	Naomi Williams
Adam Wydrzynski	

Ex officio:

Johanna Dennie, Staff Lawyer Jillian Rogin, Academic Clinic Professor

Shelley Gilbert
Coordinator of Social Work Services



My primary responsibilities include providing support and supervision to the Social Work staff, Child and Youth Worker, Housing Worker, Outreach Worker and students at Legal Assistance of Windsor. I also provide advocacy and counselling to individuals experiencing trauma and written psychosocial assessments for Criminal Injuries Compensation proceedings as well as for immigration applications for temporary resident permits, Humanitarian & Compassionate ground applications and refugee claims for LAW clients and in partnership with the private bar.

Migrant Workers and Partnerships

Our partnership with the United Farm and Commercial Workers Union (UFCW) has expanded to include provision of health and safety information by the UFCW, screening of situations of exploitation and referrals to legal resources by LAW as well as joint support and applications for Open Work Permits for Vulnerable Workers.

Outreach to domestically and internationally trafficked people and groups at risk of exploitation such as migrant workers, refugee claimants and undocumented people is currently conducted by Kelly Stack, hired in November 2019, through funding allocated by MCSS for LAW's anti-human trafficking project WEFIGHT.

As a result of having a dedicated staff in the County, we are able to assist extremely vulnerable individuals to access legal and social services, regulate their immigration status as well as provide necessary work place and immigration education to an increased number of people in the community.

We are currently supporting approximately 27 individuals who have experienced labour trafficking and are living in the Leamington area and another 20 individuals who have experienced fraud, extortion or violence in their country of origin.

In February 2020, in consultation with the FCJ Refugee Centre and The Centre to End Human Trafficking, we hosted focus groups with approximately 40 migrant workers regarding human trafficking, their knowledge of the issue and resources as well as needs.

Canadian Council for Refugees (CCR)

I continue as co-chair of the CCR's Anti-Human Trafficking Committee comprised of service providers from across the country. The committee has created resources for lawyers and service providers regarding human trafficking, conducted "Legal Case Hacks" in Vancouver and Toronto and hosted and presented issues and best practices at CCR consultations in Vancouver and Ottawa.

In February 2020, LAW co-hosted a Southwest Ontario Regional Anti-Human Trafficking meeting of the CCR. Approximately 25 service providers from southwest Ontario met to discuss trends in our communities and discuss best practices and collaborations. This was followed by a full day conference addressing international human trafficking co-hosted by LAW and the FCJ Refugee Centre. Approximately 80 participants representing various sectors heard from speakers addressing the needs of internationally trafficked people.

We will be putting forward a systemic advocacy strategy with 5 specific calls to action and begin working with community partners across the country to develop specific tools and operationalize these actions including a pathway of permanent protection for trafficked people.

Housing

A lack of affordable housing and resulting homelessness contributes to an increase in addiction and mental health needs. We continue to be part of the City of Windsor's By-names List Committee and "Situation Table." The purpose of these tables is to bring together various sectors meant to address the specific needs of the most vulnerable homeless individuals and families in our community and ensure the necessary services are provided in the most expedient manner.

Legal Assistance of Windsor continues to provide rent supplements to trafficked or high risk individuals through the WEFIGHT initiative. We currently have 17 trafficked people living in safe, affordable housing with a rent supplement.

Robyn Hodge, MSW, RSW
Anti-Human Trafficking Project Coordinator



Legal Assistance of Windsor has been the lead organization of WEFiGHT since 2002. WEFiGHT provides direct services to internationally and domestically trafficked men, women and children experiencing forced labour, sex trafficking and those trafficked through forced marriage. Direct service provision includes crisis intervention and counselling, assistance with law enforcement and the criminal court process, advocating for basic entitlements such as Ontario Works, ODSP, housing, education/training and representation/support in obtaining Temporary Resident Permits and/or other pathways to permanent residence.

WEFiGHT continues to focus on developing relationships and protocols with agencies in the Windsor and Essex Community. Currently there are over 25 partner agencies that sit on the WEFiGHT steering committee which meets monthly. The focus of this steering committee is to identify new trends, discuss challenges, and enhance support services for survivors of human trafficking in our community. With 4 total staff in the WEFiGHT program we have approximately 125 active clients who are receiving direct support.

Outreach and Education has been an ongoing focus throughout the year, as we strive to build the capacity of our service partners and the wider community to help identify and support those at risk of human trafficking. Monthly 'in services' are held at House of Sophrosyne, Withdrawal Management, and the South West Detention Centre.

Essential Partnerships

We want to acknowledge the essential partnership with Victim Services of Windsor and Essex Country. The WVAP program has provided instrumental supports to survivors of human trafficking. Some of the supports include funds for basic needs, cell phones, residential treatment and funds for private counselling.

Funding Updates

The Ministry of Community and Social Services Anti-Human Trafficking Provincial Office provided funding for the past 3 years (2017-2020). We are hopeful to have MCSS continue funding for the WEFiGHT program as of April 1, 2020.

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, focusing on the unique needs of each client. Emphasis is placed on identifying risk factors, building community supports, assessing safety concerns and advocating on behalf of clients. I currently have more than 20 active clients who are receiving intensive case management supports. In just under three years I have provided direct service to more than 60 new clients of LAW/WEFiGHT.

I create an individualized service plan focused on the circumstances of each client – providing direct interventions combined with system navigation to link young people with longer term formal and informal supports targeted to reduce their risk for involvement in Human Trafficking activities.

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. In just under three years, I have been able to provide outreach and education to over 400 youth in the Windsor-Essex Community. This includes the various group homes, treatment facilities, youth homeless shelters and drop-in centres. During this outreach youth are educated on signs of human trafficking, staying safe and where to go when they need help. Through these events youth leaders become our ambassadors and can then refer and assist other youth to access assistance should they require.

Throughout 2019, I have done a number of training, educational and awareness presentations for local service providers. These presentations provide an understanding of what human trafficking is, what it looks like in our community and how service providers can assist.

Yannin Ramirez
Housing Support Worker



The Housing Support Worker position was created in late 2019 through funding from the Provincial Anti-Trafficking Coordination Office (PATCO).

As the Housing Support Worker, my main role is obtaining and maintaining housing for trafficked people. This entails providing housing support based on the needs of victims and survivors and assessing clients' strengths/needs in order to advocate for adequate and affordable housing.

Obtaining and maintaining housing can be extremely difficult for some of our survivors after experiencing severe trauma. As their housing advocate, I ensure they are aware of their housing rights, negotiate tenancy of units and provide life skill training for clients so they are able to successfully maintain their housing and regain their independence.

I currently have 20 active clients, 15 housed, and 5 who are currently experiencing homelessness as we explore housing options. LAW's WEFiGHT program currently has 17 clients housed via a rent supplement and more than 25 clients in RGI and private market housing.

Direct Service

In my role, it is crucial to build connections with landlords and stay connected with clients to ensure a good relationship between both parties is established and maintained. To do this, I make it a point to have more frequent visits with those clients who may need more support and help with navigating their new role as tenants. It is crucial to work collaboratively with other staff in the development and implementation of appropriate support plans for clients to help them define their goals and develop personal plans towards those goals. It is important to encourage the development of life skills for independent living and to access resources needed to increase their quality of life. By offering housing support on an ongoing basis, we can assist our clients in being successful within their tenancy.

Jennifer Cline
Staff Social Worker



I recently started my role at LAW in January 2020. I have worked in various Social Work roles in our community including Child Protection, Addictions, Mental Health, Youth Justice and Homelessness. I come to LAW excited to hold the role as Staff Worker and advocate for our clients.

Since being in my role, I have gotten to see the significant need for our services in various avenues within our community. My caseload is very diverse with needs including, homelessness, mental health, addiction, medical advocacy, income advocacy and immigration to name a few. I have also noticed there is a large number of older adults (over 65) who are accessing services.

I have been busy connecting with community partners including the Geriatric Mental Health team, Street Health, House of Sophrosyne, Windsor Addiction Assessment and Referral to look at providing a more streamlined referral for our clients or a warm hand off. I look forward to being able to connect with other community service providers and working closely with them to meet the needs of our clients.

In addition to my role as staff Social Worker, I also oversee the Social Work placement students. This role includes providing daily supervision of their files and their own social work goals with respect to learning. I encourage the students to shadow our community partners and attend community meetings and committees to further enrich their knowledge and learning. I also provide consultation to the law students as needed regarding their files.

I will be completing the VI SPADAT training in March which will allow me to be part of the By-Names List Committee. I am part of the situation table which brings community agencies together to provide support to high risk/ needs clients. I also sit on the treatment and recovery working group which focuses on the addiction strategic plan for our community. I attended the African-Centered Community Research consultation which discussed the concerns African's are facing in the community and how we can work together to address them. There is a 5 year strategic plan being developed by the African Community of Windsor and I look forward to being able to work with the African community on future client collaboration.

Sharon George

Indigenous Justice Coordinator



Throughout the year the Indigenous Justice Coordinator (IJC) has met with a number of clients in office and home visits on various issues such as: *Individuals seeking their Indigenous status, birth certificates, evictions, health care, housing, Ontario Works, ODSP, etc.* As well I have advocated for clients in Family Court, Criminal Court and at various Tribunals. Supporting clients includes providing transportation for some clients to court, health care, housing, and mental health appointments.

The Indigenous Justice Coordinator continued identifying what community services in the Chatham-Kent community are utilized by the Indigenous population. Through connecting with agencies in Chatham-Kent, the IJC began working with the Ending Poverty initiative; attended meetings and joined the Listening Team sub-committee which is addressing the lack of housing.

The IJC provided assistance to a mom who was having issues with the school system. The issues were resolved by connecting her with the IFNM Counsellor and attending meetings to ensure the school continued doing their part by addressing the child's education needs.

The IJC continued connecting with a number of community agencies for referrals and informational meetings, including attending at the Southwest Detention Centre to provide information and assistance to Indigenous inmates. We acknowledge the enormous support to our Indigenous clients from the Southwest Ontario Aboriginal Health Access Centre (SOAHAC). We have met and exchanged information about our programs and referrals for clients for services. They have a Mental Health Counsellor who has been an excellent support to Indigenous clients seeking mental health services, assessments, alcohol and drug counselling and so much more. Another valuable partnership is with Can-Am Urban Native Homes for housing referrals specifically for Indigenous housing services.

The Coordinator organized community events; such as Indigenous People and CAS Workshop; an informational session on the 60's Scoop; and Sister's In Spirit Event on Murdered and Missing Indigenous Women and Girls. Some of these events involved planning committees with agency collaboration and bringing speakers from First Nations and other urban Indigenous communities. Each of these events were well attended and had enormous positive feedback.

A follow-up tele-conference was held with Mary Jamieson, about the Indigenous Justice Program Evaluation; she completed the written report for fiscal year end.

The IJC presented a number of presentations to classes at St. Clair College and other agencies and provided Indigenous Cultural Education to LAW and CLA students each term. I also attended various Training sessions throughout the year; and set-up display tables to share information about the program and agency.

We look forward to continued supports and collaboration with other agencies to provide resources for our Indigenous clients and communities for this next year.

Johanna Dennie
Staff Lawyer



Immigration & Refugee Law

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
- Deferral of Removal and Stay Motions

Refugee Protection

Over the past year, LAW has expanded its competency to include refugee claims before the Refugee Protection Division (RPD), as well as appeals to the Refugee Appeal Division (RAD). LAW has successfully represented several clients before the RPD, and is currently awaiting a decision in a case before the RAD.

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.

As such, 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, Johanna 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.

Laura Stairs
Staff Lawyer



I joined LAW as a staff lawyer in July 2019 working in the area of public benefits law. We focus primarily on appeals to the Social Benefits Tribunal (“SBT”). Our case load includes Ontario Disability Support Program (“ODSP”) and Ontario Works (“OW”) denials, cancellations, suspensions and overpayments. We assist our clients in filing internal reviews and appeals to the SBT, as well as providing representation before the SBT.

Social Benefits Tribunal

Appeals with respect to OW and ODSP are made to the SBT. Over the past year, the terms of many SBT members expired and the SBT was slow to renew terms or appoint new members. As a result, we were short members and many of our hearings were adjourned. Additionally, hearings are now being scheduled almost one year in advance. These delays are very prejudicial to our clients. We have disability denial appeals scheduled for hearings this summer for decisions that were initially made in 2017 because they have been adjourned repeatedly. This means our clients have been living with less income than they may be entitled to for 3 years. In cases where clients have been denied Ontario Works or their benefits have been cancelled or suspended, we often apply for an Interim Assistance Order from the SBT. This allows the client to receive OW or ODSP benefits while waiting for a decision from the SBT. If they lose their appeal, all the money they received pursuant to the Order becomes an overpayment because they were never entitled to those benefits. The longer an appeal continues, the greater the risk becomes for our clients receiving Interim Assistance. Recently, new members have been appointed and previous members had their terms extended. We have been advocating with the SBT to have our hearings scheduled as soon as possible to mitigate these risks for our clients.

Disability Denials

The current provincial government has proposed changing the definition of disability used to find individuals eligible for ODSP benefits. They are considering a more strict definition consistent with the federal definition used for CPP-D. This definition would likely mean less individuals would be eligible ODSP. This year we have focused energy in both getting individuals onto ODSP so they may be grandparented into the program if the definition of disability does change and participating in advocacy efforts to maintain the current definition of disability.

Anna Colombo
Staff Lawyer



Housing

At LAW we advise and represent tenants who are facing 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.

Vacancy rates in Windsor remained low in 2019 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 remain few.

Our Tenant Duty Counsel program continued to see an increase of tenants served in 2018-2019 compared to the previous year.

We continued to provide advice through our summary advice clinic. Alongside our intake worker, this clinic has been extremely beneficial in triaging the more urgent cases in need of representation.

Because the relatively more straightforward eviction matters are able to receive assistance through our summary advice clinic, we continue to see 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, government, 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.

The Provincial government introduced legislation to decrease CICB pain and suffering awards from \$25,000 to \$5,000. The expenses awards have been increased, including loss of wages, to \$30,000. However, this does not benefit our clients as their incurred expenses are limited, are not employed at the time of the injury. Despite the lower limit award, we have been successful in obtaining awards above \$5,000 for our clients who have experienced multiple crimes of violence.

Legislation was then passed to bring an end to the CICB. This meant that as of September 30, 2019 the CICB stopped accepting applications, including applications for variation orders for

additional therapy and other treatment expenses. There is also no longer a review or appeal process for the CICB decisions. Applications filed by the deadline continue to be processed.

Victims of crime can access the Victim Quick Response Program+ service; while there is no pain and suffering award, they can access funding for some expenses and treatment costs.

These changes have been difficult news for our clients, as many of them find healing through the CICB process and through the ongoing therapy whose cost the CICB covered. It was also one of the few times in our clients' lives that they would receive a significant lump sum of money.

As the CICB winds down, they have been holding many more written hearings, rather than electronic or in-person hearings. As a result, we have been providing more written submissions. They have also been moving to hold hearings as soon as possible.

These changes resulted in a significant surge of applications to the CICB from our office in a short period of time and the files are moving faster than usual as the CICB works to wind up operations.

We continue to represent our clients through to the conclusion of their CICB application, with no new CICB files being opened.