

**AN APPLICATION BY A COALITION COMPOSED OF  
THE ONTARIO SOCIAL SAFETY NETWORK (“OSSN”) and  
THE STEERING COMMITTEE ON SOCIAL ASSISTANCE (“THE STEERING  
COMMITTEE) FOR STANDING  
AT THE INQUEST INTO THE DEATH OF KIMBERLY ROGERS**

1. The coalition of the OSSN and the Steering Committee seeks standing at the inquest into the death of Kimberly Rogers as it has a direct and substantial interest in the inquest as set out in this application.

**I. HISTORIES OF THE OSSN AND THE STEERING COMMITTEE**

**A. The Ontario Social Safety Network**

**i. Membership of the OSSN**

2. The OSSN is a provincial network of grass-roots, low-income individuals, community and faith based groups, social agencies and community legal workers which provides a critical analysis of law and policy pertaining to the alleviation, prevention and ultimately, the eradication of poverty and inequity.
3. The OSSN is committed to strong representation from across the province, and its members are representative of all regions within the province. The OSSN is the only organization of its kind in Ontario bringing as it does, the voices of low-income Ontarians to the table with governmental actors.
4. The OSSN is directed by a steering committee composed of members from various parts of Ontario. The involvement of low-income Ontarians, including people who are or have been on social assistance is a founding principle of the OSSN. It has as a fundamental policy that one of the co-

chairs of its steering committee and half of the committee members must be low-income Ontarians.

5. Currently the OSSN counts close to one hundred individual and institutional members. Attached you will find a list of the institutional members of the OSSN.

**ii. Mandate of the OSSN**

6. Since its inception over 10 years ago, the OSSN has provided a leadership role in addressing poverty and in particular, welfare law and policy. It is a central objective of the OSSN to improve the delivery and accessibility of income security programs, and to ensure the adequacy of benefits and services.
7. The OSSN provides an important forum for low-income persons and groups working with them, to communicate their direct experiences with policy-makers and with each other. The OSSN is an important and recognized link between policy-makers and the people directly affected by provincial policies.
8. The ***OSSN Mission Statement*** gives expression to the organization's commitment to the following principles:
  - *That human dignity, mutual respect, economic equity, social justice, compassion and self-determination are essential to a healthy and just society;*
  - *That a healthy and just society requires the full and meaningful participation of all members;*
  - *That all governments must work together to eliminate and prevent poverty and to remove the causes of poverty in Canada;*
  - *That all members of society require and have a fundamental human right to the basic material necessities of life, including adequate food, shelter, health, education and childcare.*

### iii. Expertise of the OSSN

9. Providing a vehicle for the expression of the voices of low-income Ontarians, the OSSN is a leader in identifying strategies for the alleviation, prevention and ultimately, the eradication of poverty. The OSSN works in various venues including joint research on various poverty-related issues, participation in law and policy development and consultations on a broad range of issues affecting the hundreds of thousands of Ontarians living on social assistance.
10. The OSSN has made representations to both levels of government concerning proposed changes to the social safety net and has researched and published numerous reports on social assistance in Ontario including two reports on the impact of social assistance changes since 1995 on low-income Ontarians and communities:
  - Ontario's Welfare Cuts: An Anniversary Reports (October 1996)
  - Five Years later: Welfare Rate Cuts Anniversary Report (November 2000).
11. In 1995, the OSSN embarked on a lengthy project entitled "Telling Our Stories", which gathered the experiences of social assistance recipients and published them as "Reality Cheque: Telling Our Stories of Life on Welfare in Ontario", in order to provide all Ontarians with a greater understanding of the reality and challenges faced by social assistance recipients.
12. In collaboration, the Steering Committee on Social Assistance, a long time community partner, the OSSN created an extensive set of public education materials and analyses at the time of the introduction of the

*Social Assistance Reform Act, 1997*. Materials were produced on the topics of:

- The Human Cost of Welfare Reform;
- Welfare Reform and the Labour Market;
- Welfare Reform and Single Mothers;
- Welfare Reform and Immigrants;
- Legal Issues under the *Ontario Works Act*;
- The *Ontario Disability Support Program Act*.

13. Recently, the OSSN and its community partners, Low Income Families Together and Workfare Watch completed an evaluation of the new central welfare intake system and structural reforms under the Ontario Works Program.
14. The OSSN, in coalition with the Steering Committee, is currently undertaking research on the Ontario Disability Support Program in order to prepare a brief for presentation to the provincial government on the effects of structural reform and the new service delivery model. The OSSN has been convening local forums of ODSP recipients, in order to collect and consolidate information on the accessibility of the program.
15. Currently, the OSSN is one of the community partners engaged in interdisciplinary, collaborative research funded through the Social Science and Humanities Research Council of Canada. The research involves the collection of information from women across Ontario, in order to explore the experience of abused women on social assistance. The research will examine whether the effect of recent social assistance reforms has been to enhance the power of abusive men, thereby harming abused women. The research is being undertaken by academics in three disciplines: Law (Janet Mosher, Osgoode Law School), Political Science (Pat Evans, York University), and Social Work (Margaret Little, Queen's University), along

with community partners: the OSSN and the Ontario Association of Interval and Transition Houses (“OAITH”).

**B. The Steering Committee on Social Assistance**

**i. Membership of the Steering Committee**

16. The Steering Committee on Social Assistance is a provincial inter-clinic organization composed of social assistance caseworkers from Ontario community legal clinics. It was officially formed in 1988, at the time of the Social Assistance Review Committee’s hearings into the welfare system in the province, although it had existed *de facto* since 1986. The Steering Committee is funded by and reports annually to Legal Aid Ontario.
17. The structure of the Steering Committee reflects the geographical division of clinics established across Ontario, as well as the functional division between general and service clinics and specialized clinics. Attached you will find a list of the clinics represented by the Steering Committee.

**ii. Mandate of the Steering Committee**

18. The members of the Steering Committee are committed to advocating on behalf of social assistance recipients in a manner that promotes their rights as individuals and as a social group, and that respects and promotes their dignity, equality, and security.
19. The Steering Committee advances the principle that social assistance recipients and low-income Ontarians must be given equal opportunity to participate in society and must be treated with equality and respect by legislators and policy-makers.

20. The Steering Committee's mandate is to undertake the following activities:
- Advocacy on an individual and on a systemic basis on social assistance issues;
  - Acting as a liaison between legal clinics and other community organizations on matters of social assistance;
  - Identification of social assistance issues of provincial importance and assisting in the development of a response;
  - Promotion and co-ordination of law reform activities in the area of social assistance;
  - Development of publicly available resource materials on social assistance issues.
21. The Steering Committee provides a forum for social assistance caseworkers in the 70 legal clinics to exchange information, discuss systemic issues, and chiefly, to advocate change in the matter of welfare law and policy, often by way of consultations and dialogue with the provincial government.

**iii. Expertise of the Steering Committee**

22. Community legal clinic caseworkers provide advice and representation to thousands of social assistance recipients every year. The members of the Steering Committee, and the caseworkers in the clinics they represent, embody extensive knowledge of the complex rules which govern the administration of welfare in Ontario and the way in which those rules interact with related income security and community support programs. The Steering Committee and the caseworkers they represent are unrivaled leaders in safeguarding the rights of social assistance claimants and recipients.

23. The expertise of the Steering Committee in matters of social assistance law and policy has been recognized by the provincial government. Members of the Steering Committee have been invited to participate in government advisory groups, providing analysis and input into social assistance legislation and reviewing draft legislation at the request of the government:

- In 1988, the Steering Committee participated in consultations for the review of the social assistance regime, leading to the “Transitions” report;
- Making representations to the government concerning the implementation of the “Transitions” report;
- Presenting a written brief and making oral representations to the Advisory Group on the new social assistance legislation in October 1991, leading to the “Back on Track” report;
- Making written representations to the government concerning the implementation of the “Back on Track” report;
- Participation in the Legislative Development Project Team, which resulted in the “Time for Action” report on social assistance in 1992;
- Providing detailed written submissions on the government white paper on social assistance “Turning Point” in October 1993;
- Preparation of a protocol on “Social Assistance and Family Violence” in 1996;
- Presentation of written and oral submissions to the Metro Toronto Human Services Committee on “Proposed Client Identification and Benefits System”;
- Presentation of a detailed analysis and submission at public hearings into the *Social Assistance Reform Act* in September 1997.

## **II. COLLABORATION BETWEEN OSSN AND THE STEERING COMMITTEE**

24. The OSSN and the Steering Committee are distinct entities, each with its own unique perspective. We have recognized that within our shared area

of experience and interest, namely the domain of social assistance law and its consequences for low-income Ontarians, our individual perspectives and knowledge are enhanced by our collaboration, and that our shared goals are better achieved by working in coalition with each other.

25. Both organizations have, been working in close collaboration over the last 10 years to provide a critical equality analysis of poverty and including the intersection of welfare policies with those in the areas of housing, health care, community supports and the criminal justice system.
26. Legal clinic caseworkers have participated and continue to participate in the OSSN as members, and have in the past acted as one of the joint chairs. This facilitates on-going communication and co-ordination of activities between the OSSN and the Steering Committee. The groups have mutually supported each other in their research and campaigns.
27. Many of the projects and papers described in previous sections were undertaken jointly by the OSSN and the Steering Committee, or were prepared and finalized in consultation with each other.
28. We therefore ask that our groups be granted standing as a coalition, given our lengthy history of cooperative work and community of interest.

### **III. THE NECESSITY FOR THE PARTICIPATION OF THE OSSN AND STEERING COMMITTEE AT THIS INQUEST**

29. We understand that this inquest will examine the death of Kimberly Rogers within the broader context of the systemic issues that may have contributed to her death.
30. Three broad areas have already been identified as part of that context:

- her medical care, including her care as a pregnant woman;
- the fact that she was a welfare recipient, including the fact that she had been charged with fraud, pled guilty and had her benefits terminated and then reinstated, subject to an overpayment deduction;
- the fact that she was under house arrest, serving a conditional sentence imposed after her guilty plead and subject to a restitution order.

To this we would suggest should be added:

- the extent to which her circumstances required her to depend upon and the availability of local community support services.

31. The coalition of the OSSN and Steering Committee has a direct, substantial and acute interest in all aspects of the inquest, as well as significant expertise and a unique perspective to offer the coroner and jury in the matter of welfare law and policy in Ontario.
32. We believe that the participation of our coalition is necessary to ensure that the role of the provincial welfare regime, and the way in which it interacts with the housing, health care, criminal justice and community service delivery systems is thoroughly examined, both in terms of understanding the cause of Kimberly Rogers' death and preventing similar deaths in the future.

**A. Direct and Substantial Interest**

33. The OSSN includes and advocates on behalf of low-income Ontarians, including those who are or have been social assistance recipients. Its members continue to experience, first-hand, the impact of social assistance law and policy. These individuals have an identity of legal interest with that of Kimberly Rogers, and will be profoundly affected by recommendations touching on social assistance law that would issue from the inquest.

34. The community legal clinic system in Ontario is mandated to meet the needs of and advocate on behalf of low-income Ontarians. The caseworkers represented by the Steering Committee work with social assistance recipients directly to ensure access to the program and to other related community and institutional supports. The interests of the thousands of individuals who make up the community legal clinic social assistance client group as well as the ability of clinic case workers to provide effective representation and support to their social assistance clients is directly and substantially affected by recommendations relating to the delivery of welfare and related services.

**C. The Expertise and Unique Perspective of the Coalition**

35. This coalition's unique perspective and expertise combines the lived experience of individuals required to navigate the complex requirements of the social assistance regime with the legal expertise of those who act as advocates for social assistance recipients. Both perspectives are necessary to ensure a full and balanced evaluation of the role played by the social assistance policies in the death of Kimberly Rogers and to assist the jury to formulate recommendation aimed at preventing similar deaths.
36. More specifically, the coalition will be able to offer the coroner and jury invaluable insight and understanding into the reality of life on social assistance, that is, the struggles and challenges faced by persons like Kimberly Rogers, the social exclusion and isolation faced in their daily lives and the extent to which health and well being of social assistance recipients may be put at risk as a result.

**D. Unique Interest of the Coalition as distinct from the interest or perspective of the Provincial Government and the interests of other public interest groups seeking standing at this inquest.**

37. The coalition has a direct and substantial interest in ensuring that low-income Ontarians are the beneficiaries rather than the victims of welfare law and policy. In this regard, the coalition represents a public interest and perspective which may be distinct from that of the current provincial government. We are concerned that the Ontario government has implemented changes to welfare law and policy which have deepened rather than alleviated poverty and put the health and welfare of social assistance recipients at risk. In the context of this inquiry, the perspective of both the provider of social assistance and the recipients and their advocates is necessary to ensure a balanced examination of the factors relating to this death and the steps necessary to prevent similar deaths in future.
38. The coalition has a perspective and expertise that is distinct from that of the other two public interest applicants, the CAEFS/LEAF/NAPO/NAWL coalition and the Social Planning Council of Sudbury. The OSSN/Steering Committee coalition has as its singular focus social assistance law and policy in Ontario and the unique experience that comes from many years of working with and on behalf of low-income Ontarians on social assistance advocacy. The other two applicants bring interests and expertise that are grounded in a national focus on the experience of women in the criminal justice system and the local provision of community services, respectively.

#### **IV. CONCLUDING REMARKS**

39. Kimberly Rogers was one of hundreds of thousands of people in Ontario in need of social assistance and who confront on a daily basis, the complex, intrusive and demeaning web of laws and policies pertaining to welfare. This coalition brings together those who live this reality and those advocate with them. The findings and resulting recommendations arising from this inquest will have a direct impact on the members of the OSSN and the Steering Committee on Social Assistance. We believe that our participation is necessary to ensure the fullest scrutiny of the circumstances that contributed to the death of Kimberly Rogers, and the recommendations necessary to prevent similar deaths in the future.

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Barbara Anello  
Steering Committee Member  
Ontario Social Safety Network

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Margo Ayers  
Chair, Steering Committee on  
Social Assistance