

# PLAIN TALK

The Newsletter of the Income Security Advocacy Centre

Summer 2003

## LOOKING FOR JUSTICE IN ALL THE WRONG PLACES

The Supreme Court of Canada has delivered a body blow to low-income people and those who advocate with them.

In denying Kelly Lesiuk's request that it hear her appeal of a decision which left intact the discriminatory Employment Insurance eligibility rules, the court has demonstrated once again why meaningful social and economic justice can never be found in a court room.

Kelly Lesiuk is like many other working mothers across Canada. She juggles childcare responsibilities with part-time work.

She also found herself unemployed when she and her family moved from their home in Brandon Manitoba to Winnipeg where her husband had recently found a new job.

For almost five years prior to the move, Ms. Lesiuk had been employed part-time as a registered nurse. When she and her family arrived in Winnipeg, Kelly Lesiuk applied for Employment Insurance benefits. She had been paying into the program for years – now she needed to use it.

Like thousands of other unemployed part-time workers across Canada, Kelly Lesiuk had the door slammed in her face. Almost five consecutive years of part-time work did not give her enough hours of paid work to qualify for benefits.

Canadians often pin much of the blame for our crumbling social safety net on provincial cut-backs in the mid to late 1990's. This is particularly true in Ontario. However, before Mike Harris took his first swipe at welfare and social housing, the Federal Liberals had quietly spent years dismantling some of our most fundamental income security programs.

Since the early 1990's, for example, the Federal government has been using stealth and double-speak to practically obliterate the unemployment insurance system.

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Following the IMF's mantra of increasing labour market "flexibility" and removing "employment disincentives", Paul Martin and the Federal Liberals have dramatically cut benefit levels and periods, and have tightened up eligibility requirements to the point where the majority of unemployed workers cannot access benefits.

In 1989, almost three quarters of unemployed workers received unemployment insurance benefits. Now, under Employment Insurance, only about 37% do. In Ontario, only about 27% of unemployed workers can get benefits. The government, at the behest of the corporate sector, has shifted responsibility for unemployment from the state to individual workers.

**In Ontario, only about 27% of unemployed workers can get EI benefits.**

The hardest hit are those in part-time employment. Most of these workers, like Kelly Lesiuk, just cannot build up the hours of work required in a one year period to qualify for benefits. In 1999, only about 20% of unemployed part-time workers who had worked in the past twelve months received Employment Insurance benefits.

And who makes up the ranks of Canada's part-time workers? Women, visible minorities, immigrants and persons with disabilities are all over-represented in the part-time labour force.

Women, in particular, make up about 70% of all part-time workers – in part because they still perform two thirds of unpaid work in the home and are overwhelmingly responsible for childcare. Not surprisingly, they are far less likely than men to receive Employment Insurance benefits when they lose their jobs.

While they may not be able to access benefits, Canadian workers are still paying their premiums and the EI fund surplus is now over \$40 billion – money which the

Government considers part of its budgetary revenues.

Courageously, Kelly Lesiuk decided to challenge this unfair system. With the assistance of the Community Unemployed Help Centre and the Public Interest Law Centre in Winnipeg, she asked the court to hear her appeal of the decision to deny her Employment Insurance benefits.

Ms. Lesiuk argued that the eligibility rules discriminate against women and parents and are in violation of the Charter of Rights and Freedoms. In early 2003, she was set to bring her case to Canada's highest court.

On July 17, the Supreme Court of Canada abandoned her and thousands of other women, persons of colour, immigrants and people with disabilities when it decided not to hear the case. According to the Supreme Court, the fact that Canada's most fundamental income security program severely disadvantages women and other marginalized workers is not an issue of national importance – it is not even worth considering. We should be very disturbed by this.

Canadians should be appalled by the fact that the Court also ordered Ms. Lesiuk to pay the costs associated with her appeal. This will certainly cause low income people to hesitate before looking to enforce their rights in a courtroom.

No one should be surprised by this result. The vast majority of judges are the poster children of a political and economic system built on the bedrocks of greed and profit. The pretense of a commitment to fairness and justice is part of a complex web woven by those who seek to preserve the present system.

It is particularly baffling in light of the fact that when Ms. Lesiuk first appealed her denial of benefits, she won. It was the Federal Government that then appealed this decision to the Federal Court of Appeal.

Activists need to lift the veil that shrouds the true intentions and agenda of the corporate sector. Sometimes we can do this in a courtroom. But most of the time, and certainly when we do head to court, we need to ensure that there is a vibrant and vital community campaign to advance the issue. Litigation cannot replace organizing. It is impossible to know if the outcome of this case might have been different had there been a solid grassroots campaign in place. But we do know this: unemployed activists need to mobilize now in order that this important issue not drop off the radar screen.

The courts failed Kelly Lesiuk and unemployed workers. Canadians will have to rely on each other and rally together to demand that the Federal Government put in place an unemployment insurance system that actually works for people and replaces wages when they lose their jobs.

We will accept no less than that.

*ISAC appeared as an intervenor to support Ms. Lesiuk's case at the Federal Court of Appeal. A version of this article appeared in the Toronto Star on July 31, 2003.*



## LOW INCOME PEOPLE HIT HARDEST BY BLACKOUT

### *Social Services Unable To Respond Effectively*

"I was trapped on the 20th floor, in the sweltering heat, with small children. We went two days without power, water and food, a telephone, or even candles. When I finally got down to a phone the first night, I found out there was nowhere I could get to for help!". This is typical of the stories that community agencies and crisis lines are hearing all over the province. "211", Toronto's 24/7 community information line, experienced a three fold increase in calls within the first 24 hours of the power failure.

For the million or more Ontarians living on incomes below the poverty line, the blackout was a disaster. Refrigerated foods are expensive and cannot be replaced at most food-banks. Few can afford extra food, candles and batteries, or to stock up for the next blackout. Hundreds of high-rise buildings could not pump water and had no emergency lights. Rural households with wells and electric pumps were also in trouble. New Canadians also face challenges due to language barriers and not knowing where to turn. Many low-income people who can no longer afford a phone or are socially isolated from their communities, cannot or are afraid to reach out to others for help. Transportation to safety is not an option for the majority of people on fixed incomes. These realities left many in the dark, without food, water or help.

Due to massive cuts to social service agencies and community organizations, it has not been possible for most organizations to help with the distribution of basic needs or to check on isolated, vulnerable households, or homeless people.

In part because of cuts to programs like welfare and employment insurance, a low minimum wage, and the increase in poorly paid and insecure jobs, too many individuals and families cannot survive a crisis like this without extra help.

**In part because of cuts to income security programs and the increase in poorly paid and insecure jobs, too many individuals and families cannot survive a crisis like this without extra help.**

In coalition with the Disabled Women's Network (DAWN), Low Income Families Together (LIFT) and the Ontario Coalition for Social Justice (OCSJ), the Income Security Advocacy Centre issued a media advisory in which we called for the Province to immediately:

- provide emergency relief funds to municipalities and social services to assist low income people
- undertake a review of emergency response preparedness in relation to low income and vulnerable households and implement an improved response system

These and other longer- term sustainability measures such as raising the minimum wage and social assistance rates are necessary to ensure that the most vulnerable in our communities do not suffer further and more severe hardship as a result of the current or future power failures. The situation might become dire even in the absence of power failures should the cap on the price of electricity be lifted.

ISAC and the community groups we work with will be monitoring this issue carefully.



## **ISAC PERSUADES PREMIER TO DECLARE ODSP OFFICES AN ESSENTIAL SERVICE**

Once ISAC learned that ODSP offices and the Social Benefits Tribunal were declared non-essential services and therefore closed during the week following the power failure, we wrote to the Premier and followed up with phone calls urging that both are essential. We argued that low income people experienced more distress than those with middle and upper incomes due to the power shortage and that to deny these basic services was to put people at risk of going without any source of income.

While the SBT remained shut, the day we made our phone calls to the Premier's office, ODSP offices were declared an essential service and therefore open although on reduced hours.



## **ISAC'S INCOME SECURITY CONSULTATION**

ISAC launched its province-wide income security consultation in March 2003. We met with people using income security programs such as social assistance and employment insurance in seventeen communities across Ontario and were led by low-income organizations and local legal clinics. Participants met in small groups and discussed the barriers they faced, including inadequate resources, inaccessible programs and the gaps between income security programs. Solutions to these barriers were also discussed and action plans were created so that participants could continue to work together to lobby local politicians, provide support for one another and create local alliances.

Feedback on the consultation has been very positive. ISAC staff members were told by participants in session after session that they are rarely asked about their experiences in dealing with welfare or ODSP or the problems they face when working minimum wage jobs. Participants often said they wanted more time to continue to discuss these issues. ISAC staff also heard that many participants welcomed the opportunity to meet with other low-income people in their community because poverty is so isolating. Each community facilitator has submitted a report on their sessions and we are now preparing a summary of the reports for release in September 2003. We also plan to hold a public hearing in September to highlight the issues raised during the consultation.

As part of the consultation follow-up, ISAC is working with provincial anti-poverty groups and the Canadian Union of Public Employees as well as local anti-poverty activists on a provincial People's Assembly. The goal is to promote low-income leadership in the anti-poverty movement by bringing low-income people together to meet one another, share resources, build skills and to make decisions about the anti-poverty movement's next

steps. A draft proposal is being circulated and a steering committee will be elected in September. If you or your organization is interested in participating, please contact Josephine Grey at ISAC.

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**ONTARIO NEEDS A RAISE!**

"Ontario needs a raise!" is the demand of a broad coalition of groups working to get the minimum wage raised to \$10 an hour and social assistance rates raised to reflect the actual cost of living and both indexed to inflation. The group is determined to make poverty an election issue.

On June 5, in twenty-five communities across Ontario community activists distributed over 50 000 flyers calling for the raises. The province-wide event got a lot of media attention as well as significant community support. Many activists were surprised how sympathetic people were to the demands. Building on the momentum created by the June 5 activities, the group is making plans for another major province-wide day of action on September 10.

**On June 5, in twenty-five communities across Ontario community activists distributed over 50 000 flyers calling for raises to social assistance rates and the minimum wage.**

If you would like to get involved in the campaign contact the Ontario Coalition for Social Justice at 416-441-3714 or ocsj@ocsj.ca

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**AN ONTARIO CHILD BENEFIT?**

On August 11, events and vigils were held in Ottawa, Sudbury, Toronto and North Bay to commemorate the second anniversary of Kimberly Rogers' death and to alert people to the ongoing cruelty of the Ontario Tories'

welfare regime. In response to media attention, the Minister of Community, Family and Children's Services, Brenda Elliott, commented that her government plans to raise social assistance rates for families if re-elected. Is the provincial government planning to implement the recommendation from the Rogers Inquest that social assistance rates be raised to cover actual living costs? What was Brenda Elliot referring to?

The answer to this question can be found buried in *The Road Ahead*, the provincial Conservative Party's election platform which was released in June. Unfortunately, there are no plans to raise social assistance rates to levels that are actually adequate. Instead, the government proposes to put in place a new child benefit for families receiving social assistance. According to the platform, the Ontario Child Benefit would "increase social assistance support for children" and effectively take them off of welfare.

However, that's where the specifics end. The Tory election platform provides no details on precisely how the benefit will work. ISAC has sent a letter to Brenda Elliott requesting further information, but we have yet to receive any response.

A curious thing about the child benefit described in the platform is that the "extra" benefits are identical to the National Child Benefit Supplement, a federal benefit that provides low income families with a "top up" to the Canada Child Tax Benefit. In Ontario, as in many other provinces, this supplement is "clawed-back" from families receiving social assistance. They don't receive a penny of the money.

A recent proposal put forward by the Association of Municipalities of Ontario (AMO) may shed some light on the situation. On February 28, the Board of the AMO endorsed a proposal by the Association's Community and Social Services Task Force to reform social assistance by creating a new child benefit. This proposal was forwarded to the provincial government and many people



of Labour's Women Vote campaign with accessible materials online.

A Caring Communities (anti-poverty) week is also being organized in September with support from the city. DAWN organized two Income Security Consultations for ISAC. Out of these sessions, local strategies emerged that are re-energizing and empowering participants to work towards positive change. The Network continues to solicit and receive local endorsements of the Feed the Kids and Pay the Rent campaign. For more information, contact Barbara Anello at [anello@thot.net](mailto:anello@thot.net).

*Due to space limitations, we have only been able to include two community updates in this issue of Plain Talk. For a more complete listing of local campaigns and actions, please see our website, [www.incomesecurity.org](http://www.incomesecurity.org).*



## THE "LIFETIME BAN" GOES TO COURT

The constitutional validity of the lifetime ban on receipt of social assistance will finally be decided once the case of *Broomer et al. v. Attorney General of Ontario et al.* is heard in Toronto on October 14<sup>th</sup> and 15<sup>th</sup>, 2003.

Since we first reported on this, more applicants have joined the case, including a client of the Kinna-aweya Legal Clinic, in Thunder Bay, who pled guilty to fraud because he had received assistance for his children and maintained a residence for them, during periods when they were in state care. He is an Aboriginal man. The total amount of excess benefits received in this latter case was \$8,290, which represents a total of 9 months, only 3 of which were post-April 1, 2000 – the date on which the lifetime ban provisions became effective. The recipient in question was banned as of April 1, 2003, and has been relying on the charity of organizations within his community to survive. His application to have his benefits re-instated pending the hearing was refused,

and it is only a short while before he is evicted and rendered homeless.

As for the other 100 or so individuals and families subject to the lifetime ban, we have no idea what has happened to them and how they are surviving. Ignored by a government that is not even interested in monitoring what happens to them after the ban is imposed, these individuals and families are left to rely on the limited resources of their communities.

The circumstances of all of the applicants involved in the lifetime ban case demonstrate the effect of government policies which treat the poor and the vulnerable as disposable, and which cast them out of society rather than giving them the support and opportunity to participate and lead fulfilling lives. Of course, long-term solutions must focus on the eradication of poverty rather than its creation and perpetuation.



## ISAC AGM NOTICE

Join us at our Second Annual AGM. We will hear from one of the organizers of the anti-poverty movement in Quebec which successfully campaigned for an anti-poverty law. Also on hand will be Steve Sinnicks, a folk singer and activist from Hamilton who writes his own songs.

**When:** September 21  
12:30 -1:00 (Registration)  
1:00-4:00 (AGM)

**Where:** ISAC  
425 Adelaide Street West (one street west of Spadina Avenue), 5th floor.

**PLAIN TALK** is the newsletter of the Income Security Advocacy Centre and is published three times per year.

ISAC is funded by Legal Aid Ontario to work with and on behalf of low income communities in Ontario to address issues of income security and poverty.