Celebrating 15 Years!

Annual Report 2015-2016

INCOME SECURITY ADVOCACY CENTRE
Centre d'action pour la sécurité du revenu

www.incomesecurity.org

Our Mission

To work with the community to advocate for and seek legal remedies to address systemic issues and improve income security for people in Ontario

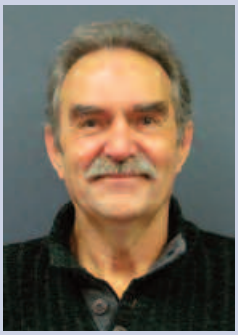
The Income Security Advocacy Centre is a specialty clinic within the community legal clinic system of Ontario.

We have a provincial mandate to improve the income security of people living in Ontario through test case litigation, policy advocacy and community organizing. We receive our funding from Legal Aid Ontario (LAO).

We are governed by an elected Board of Directors that includes members of the low-income community from across the province, as well as Indigenous persons, members of racialized communities, service providers, legal experts, and academics.

We work closely with local community legal clinics who practise income security law, and in coalition with other community-based organizations who share our goals.

Message from the Board Chair



As another year ends, I would like to thank the Board for all their hard work and diligence. We have finally landed at our new location at 55 University Avenue, thanks to the amazing co-location project team and the staff who performed the physical move.

It saddens me to report the retirement of Joanna Tie, our long-time Director of Administration. Joanna led the creation of ISAC and provided strong leadership through our first 15 years. As the last founding staff member, her departure marks the end of an era.

But I am delighted to report that we have hired Lily Manea as her successor. Lily comes with much experience and is a great fit to "Team ISAC". We look forward to the new era that now begins.

ISAC is moving into employment law and was successful in receiving new funding for two more staff to help take on this new challenge. Staff continue to do the core work of advocating for improvements to social assistance, CPP-Disability, Employment Insurance, and other benefit programs to make positive change in the lives of low-income Ontarians.

On behalf of the Board I would like to thank the co-directors for being such great champions and the staff for all of their conscientious work. "Team ISAC" collaborates, takes action, and gets results!

Larry Woolley
Chair, ISAC Board of Directors

Message from the Co-Directors

This year ISAC celebrates 15 years. As we continue to make strides in challenging laws and policies that disadvantage Ontarians in need of better income security benefits and programs, 2015-2016 was also a year of significant organizational change.

We contributed to some welcome changes to Ontario's social assistance programs: streamlining ODSP medical reviews and the decision to allow those on OW and ODSP to keep child support payments; and, in partnership with Aboriginal Legal Services, a successful legal challenge to ODSP's very low medical travel mileage rate. You'll read about these and other important successes inside.

Internally, we have begun planning for our expansion into employment law, and are excited to bring on two new staff to support our growing mandate. We have moved into our new space at 55 University Avenue as part of a co-operative with seven other specialty legal clinics and the ACLCO. And we have said goodbye to our longtime and founding Director of Administration, Joanna Tie.

Finally, we want to extend our gratitude to and acknowledge the contribution of our Board of Directors for their leadership, our community partners for their insights, and our staff team for their energy, creativity, dedication, and resilience during this time of change. We also acknowledge Legal Aid Ontario for their funding and support, not only of our work, but as well for funding our new co-located offices.

Lily Manea,
Director of
Administration

Mary Marrone,
Director of Advocacy
& Legal Services

Our Key Achievements 2015-2016

At ISAC, we strive to integrate our systemic litigation, policy advocacy, and community organizing work to achieve the best law reform outcomes possible. Our fifteenth year has seen a number of successes in many areas; here are just a few of the highlights.

Medical Reviews

After persuading the Minister of Community and Social Services in April 2015 not to proceed with a major increase in monthly ODSP medical reviews, ISAC and our partners worked with the Ministry to implement our recommendations for improving the medical review process. Medical reviews are used to determine when a person with a disability that has the possibility of improving no longer qualifies for ODSP. In this way, they are the mechanism that allows people with shorter-term disabilities to qualify for supports. Until now, however, the Ministry treated medical reviews the same as a new application. This process used the wrong legal test, and created an unnecessary burden on clients, health care professionals, and legal clinics.

This year, the Ministry announced that a new process would be created, using our long-standing recommendation that the correct test to be applied is whether or not the medical conditions, impairments, and restrictions of ODSP recipients have improved.

The Ministry set up a working group of legal, medical, and lived experience stakeholders to improve disability adjudication, starting with creating new medical review forms. The forms are pending approval at the Ontario Medical Association and will start being used in the new year. They reflect the new and more appropriate approach and will be much more straightforward for health care providers to complete. The working group is now turning its attention to making improvements to the system and processes for how decisions on disability eligibility are made on all initial ODSP applications.

Medical reviews continued while the new forms were being developed, using the old forms but the new test. However, the Ministry first undertook a process suggested in another of our recommendations. Before sending out the medical review notice to ODSP recipients, information already on their file was examined to determine if new medical information was actually required. This process has resulted in 30% of people scheduled for reviews being found to still be eligible for benefits, reducing significantly the number of people subjected to the stress of a medical review.

These file reviews have also led to better training of disability adjudicators, resulting in a drop in the number of people scheduled for medical reviews. Use of the new test, and other Ministry quality improvement measures, has led to positive decisions in 80% of all medical reviews conducted this year, a much higher rate than under the old system.

ISAC has also been successful in working with the Social Benefits Tribunal (SBT) to reduce the burden of medical reviews on people appealing negative medical review decisions. Our work has led to a collaboration between the SBT, the Ministry, and the clinic system to create an early resolution system for appeals. The process is being tested as a pilot project with a number of clinics across the province, who report that it is working well and leading to faster and better resolutions.

Social Assistance Reform

This year the province announced the end of the dollar-for-dollar claw-back of child support payments. Starting in January 2017, people on OW and ODSP will be able to keep 100% of any child support they receive.

ISAC began work on this issue in 2010 and Campaign 2000 became an important partner advocating for this vital change. Over the years, we have also had support from across the clinic system as well as from the Office of the Provincial Advocate for Children and Youth. This is a huge win for low-income women around the province and for all the families who will now benefit from this source of funds.

The province continues to move forward on larger reforms to the social assistance system. This year ISAC was successful not only in moving the conversation toward a broader focus on income security and away from past recommendations from the Lankin / Sheikh commission, but also in becoming a key partner in the newly created Income Security Reform Working Group. This group, which is made up of people with lived experience of the programs, advocates, health care professionals and service managers, was appointed by Minister Jaczek in June 2016 and is to make recommendations on reform by summer 2017.

Smaller-scale reforms may also be on the horizon. ISAC coordinated with partners to make suggestions for a number of changes to the current OW and ODSP programs that would have an immediate positive impact for recipients. Ontario's 2017 Budget will present the first opportunity for us to assess the impact of this advocacy work.

Access to ODSP

In the past year, ISAC implemented a strategy to address concerns among several clinics in the South West region about a Social Benefits Tribunal member's high rate of decisions to deny ODSP benefits to people appealing negative decisions made by the Ministry.

Working with Mississauga Community Legal Services, we asked the Tribunal to reconsider a number of cases. Almost all were unsuccessful at this stage. Appeals were then filed in the Divisional Court in four cases.

Most of the cases we examined involved people with mental health conditions. Our appeals raised errors of law by the Tribunal member in drawing negative inferences from the medical treatment received by applicants to find that they did not meet the test. The appeals also addressed the Tribunal's application of a higher standard for meeting the definition of disability than is required in the ODSP legislation.

ISAC's litigation team: Dan Rohde, Marie Chen, and Jackie Esmonde.

All appeals were settled in favour of the clients. In addition, the Minister agreed to grant the clients ODSP benefits as opposed to sending their cases back to the Tribunal to be re-heard, which is the usual order from Divisional Court.

In the course of our work, we saw other Tribunal members using similar reasoning to deny ODSP benefits, particularly to people with mental health disabilities. To address this issue in a more systemic way, we are working with the University of Toronto's Collaborative Mental Health Care Working Group on an expert report on the treatment of mental health for clinics to use in their own cases. We will continue to pursue other avenues to ensure better decision making and therefore better access for people with disabilities to ODSP benefits.

ODSP Medical Travel Mileage Rate

ISAC worked with Aboriginal Legal Services (ALS) this year to make progress on improving supports for people on ODSP to get to medical treatment.

Access to treatment is vital to ensure the health and wellness of ODSP recipients. The program currently reimburses full costs for those who travel for

medical treatment by public transit, taxi, or with an agency driver. However, the mileage rate for travelling by personal car is only 18 cents per kilometre.

Many people on ODSP must travel by car, because of where they live or the nature of their disabilities. An 18 cent mileage rate is well below the actual cost of driving, and forces people on ODSP to divert money from food and rent to pay to get to the medical treatment they need, undermining their health and well-being. The mileage rate has been the same since 2000, even though the cost of gas has gone up over 130% in that same period.

ISAC has been working on this issue for many years. In 2010, we developed resources to help legal clinics challenge the mileage rate at the Social Benefits Tribunal, including evidence about the costs of driving and a precedent legal submission that could be adapted to particular cases. A number of clinics have successfully used these resources to win increases in the mileage rate for specific clients, but ODSP has not changed the mileage rate policy.

ISAC's Liz Walker and Jennefer Laidley with Susan Campbell of Lake Country clinic and Helen Luu of ACTO, at the clinic system's Northern Region Training in fall 2015.

ALS had a client with complex health needs that required him to travel extensively for medical treatments and, while ODSP approved his travel, the program refused to increase the mileage rate. ALS had appealed to the Social Benefits Tribunal, adapting the materials ISAC had prepared, but the appeal was denied.

ISAC and ALS worked together to represent this client in an appeal to Divisional Court, which was granted in October 2016. The Divisional Court was concerned that the mileage rate has not increased in 16 years, and ordered the Social Benefits Tribunal to re-hear the case on the basis that ODSP must cover the costs of both owning (e.g. insurance, registration fees) and operating (e.g. gas) a car.

This decision gives us a good basis to prepare updated evidence and legal submissions to help clinics argue for a higher mileage rate. We will continue to work with ALS to support the re-hearing and to advocate for a policy change to increase the mileage rate for everyone.

Building Organizing Capacity

ISAC`s organizing focus this year has been about creating the conditions and building the capacity for community organizing around income security to flourish, and to connect with other community-based groups on issues of mutual concern.

In the clinic system, we engaged with clinic caseworkers at as many training events as possible, to assess their capacity to do organizing and their needs for skill-building, and then to help fill the gaps where identified.

In our work with the ODSP Action Coalition, we have been recruiting chairs to fill vacant positions, building internal capacity, and creating a plan to put adequacy and fairness at the forefront in decision-makers' minds. The Coalition also supported the Hamilton Poverty Roundtable's Fix the Gap! campaign to call on government to address low social assistance benefits by pegging rates to actual costs of living.

This work is setting the foundation for building and supporting a provincial movement to address income adequacy and fairness in all income support benefit programs.

With our new mandate in employment law, we have also begun building stronger links with community-

based organizations across the province, to support campaigns that focus on improving the quality of work in Ontario. We helped organize 15 visits to MPPs about reforming the Employment Standards Act, focusing on the needs of the most precarious workers. We worked with the six Toronto East Employment Law Services clinics on their TEELS bus tour to demand that the Ministry of Labour enforce employment standards protections. And we worked with unions and legal clinics to bring people coming from communities across the province to the Rally for Decent Work at Queen's Park.

Moving Into Employment Law

After increasing our capacity last year to work on federal income programs and on the interactions between social assistance and other legal regimes, this year we began the transition toward expanding our services into the area of employment law.

As the roll-out of new funding from the Ministry of the Attorney General continues to enhance access to Legal Aid Ontario services, clinics across the province have been hiring new staff to increase their ability to respond to the problems that low-income community members face with workplace and employment issues. Our move into employment law is intended to enhance the clinic system's ability to address these problems through systemic litigation, law reform and organizing.

ISAC was successful in obtaining funding from Legal Aid Ontario for two new staff positions to support this transition. A new staff lawyer has been hired, and we are conducting a needs assessment with partners in both the clinic system and the community to determine how best to envision and enact our role in this new area of law.

Specialty Clinic Co-Location

ISAC has finally moved into our new space along with all of our co-location partners – see the list in the sidebar on this page. We are settling in and learning to work together as a team in the Cooperative of Specialty Legal Clinics of Ontario.

We have already seen the benefits of co-location in increased opportunities to consult with our co-location partners on issues of mutual concern, engage in joint trainings, and make submissions to government on legislation and consultation processes that we may not have otherwise known about. We anticipate finding more opportunities and new ways to work together as we get to know more about the specifics of each other's issues and areas of focus.

ISAC continues to offer space to our clinic and community partners for meetings and events, with enhanced communications technologies and a public resource centre, and are in the final stages of ensuring that all of our space is fully accessible for people with disabilities.

After four years of very hard work, our vision of enhancing the collective capacity of specialty clinics to take on systemic law reform work is being realized.

Co-operative of Specialty Community Legal Clinics of Ontario

Advocacy Centre for Tenants Ontario (ACTO)

ARCH Disability Law Centre

Canadian Environmental Law Association (CELA)

HIV/AIDS Legal Clinic Ontario (HALCO)

Income Security Advocacy Centre (ISAC)

Industrial Accident Victims' Group of Ontario (IAVGO)

Justice for Children and Youth (JFCY)

Landlord's Self-Help Centre

Association of Community Legal Clinics of Ontario (ACLCO)

Income Security Advocacy Centre
Statement of Financial Position

March 31, 2016	General Fund $	Legal Disbursements Fund $	Capital Fund $	OPICCO Fund $	SCSA Fund $	Non-LAO Fund $	TOTAL $
ASSETS							
Current Assets							
Cash	384,576	89,932	-	4,273	-	-	478,781
Accounts receivable	12,133	-	-	-	-	-	12,133
HST recoverable	23,515	110	-	107	-	-	23,732
Prepaid expenses	6,207	-	-	-	-	-	6,207
	426,431	90,042	-	4,380	-	-	520,853
Capital assets	-	-	26,693	-	-	-	26,693
Total assets	426,431	90,042	26,693	4,380	-	-	547,546
LIABILITIES							
Current Liabilities							
Accounts payable	90,533	-	-	-	-	-	90,533
Inter-Fund payable (receivable)	28,910	(10,551)	-	150	(4,885)	(13,624)	-
	119,443	(10,551)	-	150	(4,885)	(13,624)	90,533
FUNDS BALANCE	306,988	100,593	26,693	4,230	4,885	13,624	457,013
Total liabilities and funds balance	426,431	90,042	26,693	4,380	-	-	547,546

NOTE: This information is a condensed financial statement consistent with and derived from the audited financial statements of the Income Security Advocacy Centre as at March 31, 2016. Audited financial statements were prepared by Hilborn LLP Chartered Professional Accountants in accordance with the Canadian generally accepted standards and who expressed an unqualified opinion on these financial statements in their report dated September 28, 2016. To obtain a better understanding of the organization's financial position and the results of its operations and cash flows for the year in question, the condensed financial statements should be read in light of the relevant audited financial statements, which are available upon request..

Income Security Advocacy Centre
Statement of Operations and Funds Balance

Year Ended March 31, 2016	General Fund $	Legal Disbursements Fund $	Capital Fund $	OPICCO Fund $	SCSA Fund $	Non-LAO Fund $	TOTAL $
REVENUES							
Legal Aid Ontario							
- direct receipts	1,371,149	21,802	-	4,797	6,789	-	1,404,537
- indirect receipts	9,230	-	-	-	-	-	9,230
Other Income	1,185	86	-	9	-	-	1,280
	1,381,564	21,888	-	4,806	6,789	-	1,415,047
EXPENSES							
Salaries	778,270	-	-	-	-	-	778,270
Benefits	119,400	-	-	-	-	-	119,400
Professional dues	7,743	-	-	-	-	-	7,743
Travel	53,102	-	-	-	-	-	53,102
Communications	4,879	-	-	-	-	-	4,879
Accommodations	84,939	-	-	-	-	-	84,939
Equipment	17,629	-	-	-	-	-	17,629
Library	16,398	-	-	-	-	-	16,398
Supplies and services	17,284	-	-	-	-	-	17,284
Audit fees	3,451	-	-	-	-	-	3,451
Indirect payments	9,230	-	-	-	-	-	9,230
Legal disbursements	-	5,715	-	-	-	-	5,715
Project expenses	-	-	-	15,689	4,865	-	20,554
Amortization	-	-	13,526	-	-	-	13,526
	1,112,325	5,715	13,526	15,689	4,865	-	1,152,120
Excess of revenues over expenses (expenses over revenues)	269,239	16,173	(13,526)	(10,883)	1,924	-	262,927
Transfer to Capital Fund	(32,049)	-	32,049	-	-	-	-
Return of funding to Legal Aid Ontario	-	-	-	(3,843)	(17)	-	(3,860)
Funds balance, beginning of year	69,798	84,420	8,170	18,956	2,978	13,624	197,946
Funds balance, end of year	306,988	100,593	26,693	4,230	4,885	13,624	457,013

Our Team 2015-2016

Board of Directors

Community Members

Larry Woolley (Chair)
Hélène Ménard (Vice Chair)
Jan Richardson (Secretary)
Sandi Bell
Virginia Goulais
Sandra Parker
Jess Rueger
Opal Sparks

Regional Clinic Reps

Julie Ellery (Treasurer)
Donna Eaton
Kimberly Hurt
Vinay Jain
Norma MacKenzie

Staff

Marie Chen, Staff Lawyer
Jackie Esmonde, Staff Lawyer
Jennefer Laidley, Research & Policy Analyst
Lily Manea, Director of Administration
Mary Marrone, Director of Advocacy & Legal Services
Lorna Martin, Reception Coordinator
Leandra Matthie, Legal Administrative Assistant
Dan Rohde, Staff Lawyer
Liz Walker, Provincial Organizer

Key Partners

We deeply appreciate our partnerships with and the support of:

All the clinics we've co-counselled with in 2015-2016
Advocacy Centre for Tenants Ontario (ACTO)
Clinic Resource Office (CRO)
EI, CPP-D, and Migrant Workers Working Groups
Law Commission of Ontario
Ontario Project for Inter-Clinic Community Organizing (OPICCO)
Provincial Learning Action Committee (PLAC)
Regional Income Maintenance Study Groups
Specialty Clinics Co-Location Steering Committee
Steering Committee on Social Assistance (SCSA)
Your Legal Rights, a project of CLEO
Campaign 2000
Canada Social Research Newsletter (Gilles Séguin)
Canadian Centre for Policy Alternatives – Ontario
Canadian Centre for Policy Alternatives
Canadian Mental Health Association – Ontario
Collaborative Mental Health Care Working Group, University of Toronto
Colour of Poverty / Colour of Change Coalition
Good Jobs for All Coalition
Migrant Workers Alliance for Change
ODSP Action Coalition recipient members & member organizations
Ontario Campaign 2000
Open Policy Ontario
WSIB / ODSP Research Working Group
25in5 Network for Poverty Reduction & Network organizations

ODSP Action Coalition members receiving the ACLCO's 2016 Community Champion Award, with ISAC's Mary Marrone and ARCH's Teresa Daw. ISAC and ARCH Disability Law nominated the Coalition for the award.

Our Strategic Plan 2013-2016

ISAC's board and staff have developed this strategic plan to guide our work over three years.

Strategic Priorities

- Participate in Legislative/regulatory reform opportunities at the provincial and federal level, particularly the transformation process for social assistance
- Advocate for improvements within existing programs through more generous statutory interpretation at appellate courts
- Advocate for improved access to disability benefits and improved disability adjudication.
- Participate in opportunities to improve access to justice at provincial and federal Tribunals
- Develop ISAC's economic literacy to better engage in advocating for investments in income security programs
- Continue to develop equity lens on income security for historically disadvantaged groups: Aboriginal communities, immigrants and newcomers with temporary immigration status, persons with disabilities, racialized communities, seniors, women and other marginalized genders
- Build on ISAC's leadership role in the clinic system and work with our clinic colleagues to implement the ACLCO strategic plan
- Continue to develop ISAC's approach to delivering French language services in partnerships.
- Continuous improvement of ISAC's governance process including its ability to evaluate programs

Strategies

- Litigation: Undertake appellate and systemic cases through direct representation, co-counselling with partners, and interventions
- Policy advocacy: Link policy development with our community organizing work and other policy experts
- Community organizing: Develop appropriate partnerships so ISAC can maintain a provincial focus
- Working with partners: Leverage our resources in each of litigation, policy advocacy and organizing; build coalitions to advance our policy advocacy and organizing; share expertise
- Convening: Bring together a range of expertise, particularly to explore emerging or controversial issues
- Increased use of technology: Broaden the reach of our public legal education and training

Happy Retirement to Joanna Tie after nearly 15 years at ISAC and 30 years in the clinic system! Thank you and we will miss you!

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ISAC

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