



ANNUAL REPORT

21 / 22



LAND ACKNOWLEDGEMENT

We work on land covered by the Dish With One Spoon Wampum Belt Covenant, which was a pre-contact agreement between the Haudenosaunee and the Anishinaabeg to share and care for the resources around the Great Lakes.

We welcome you to acknowledge the original inhabitants of the territory upon which you live and work. It is part of the collective responsibility of settlers and guests of these lands to educate ourselves and to actively engage with the Calls to Action of The Truth and Reconciliation Commission and the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls and 2SLGBTQQIA people.

The Income Security Advocacy Centre commits to moving from acknowledgement to action in order to end the cycles of colonial violence, including enforced income insecurity and poverty, faced by Indigenous Peoples in Ontario today.

OUR VISION

A province where everyone flourishes on a livable income.

OUR MISSION

To advance the systemic interests and rights of low-income and equity-seeking communities and meaningfully support Indigenous Peoples and communities, with a focus on improving income security programs and ending low-wage precarious employment.

WHO WE ARE

The Income Security Advocacy Centre (ISAC) was established in 2001, in partnership with Legal Aid Ontario. We are a specialty legal clinic dedicated to meeting the needs of low income Ontarians for legal services to address systemic issues in respect of income security programs. Our clinic comes from a shared vision of social programs based on our experiences and drawn from core values expressed in Canada's international commitments and fundamental values of our legal system. Since then, we have been fully funded by LAO. We are the only legal clinic solely devoted to systemic advocacy on income security. In order to achieve income security, ISAC challenges both sub-standard income benefit and inadequate programs and employment protections.

As a non-profit organization, we are governed by a community Board of Directors with representation from all regions of Ontario. Our Board includes legal clinic representatives and people with lived experience, and has representation from Indigenous communities, racialized communities, people with disabilities, and recipients of income support benefit programs.

ISAC's work is supported by our members. We welcome the participation of individuals and organizations who share our goals and objectives and are interested in advancing our common message within your own communities and with our elected officials. Together, our common voices are strong.

WHAT WE DO

Our work is guided by our strategic plan, a multi-year plan developed by the Board of Directors together with ISAC staff. The plan is based on ongoing assessment of the needs of our client communities and the opportunities presented in the environment in which we work. Our strategic plan is available on our website.

The strategic priorities established by the Board are implemented by staff using systemic litigation, policy work, and community organizing. The methods we use depend on the issue and the opportunities to pursue reform, but they are often used in combination. We also work in coalition with other advocacy groups and organizations. We maximize our impact by working with partners in the legal clinic system and the community, and expand our reach by creating and distributing public education materials on the issues we are working on. Our analysis and recommendations are informed by ongoing consultation with, and information provided by, low-income Ontarians, our partners and others in the anti-poverty sector.

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MESSAGE FROM OUR CHAIR

I am very pleased to present to you the ISAC 2022 Annual Report, on behalf of our Board, management and staff.

It has been a busy and productive year for ISAC, despite continued COVID-19 restrictions. In late 2021, the Board, management and staff of ISAC collaborated to develop our 2022 – 2025 Strategic Plan. With the help of Board Rx, these efforts included interviews with ISAC's primary stakeholders to ensure that our efforts and services are fully relevant to the communities we serve. The priorities and objectives set down in this document are the markers by which the Board evaluates ISAC's progress on a regular basis.

It has been a pleasure for me to work with the members of our Board over the past year. Our board meetings are full of lively, constructive discussion, resulting in informed decision-making.

A few of our Directors have had to step down during the year, due to heavy workloads, job changes, etc: DR. Jonny Grek, a physician from Kenora; Tanya Matthews, a community member from the North; and Fay Moore, our long-time clinic representative from the Northern region. Thank you to all three of you for your contributions to ISAC. We hope you'll keep in touch.

At this year's AGM, we will also have to say goodbye to Sandra Parker, our long-standing community member from Kingston and our diligent Secretary for the past few years. Thank you so much, Sandra, for your calm, thoughtful and well-reasoned contributions to our many Board discussions over the past 6 years. You will be missed and we hope to work with you again.

I would like to welcome the numerous new members that have joined ISAC over the past year and to thank those long-standing members who are still with us. Your support, participation and input is integral to ISAC's success.

We look forward to another year of hard work, collaboration and collective successes with regard to access to justice and income security for low-income Ontarians.



Jenny Gullen, Chair
ISAC Board of Directors

MESSAGE FROM OUR EXECUTIVE DIRECTOR

Momentum. That is the word that best describes ISAC's advocacy efforts in serving our clients and communities this past year. It reflects the urgency that comes with knowing our clients and communities require changes in the laws and policies that affect them and the hope that comes with working towards those goals. On behalf of the Board of Directors and the Staff at ISAC, I am honoured to report highlights of our work and progress to our membership for the 2021-2022 fiscal year.

Reflecting on the last year, it is hard not to be inspired by our client-communities around the province, who have persevered through the challenges not only of the pandemic, but through the unintended consequences of income security measures that were designed to assist. Loss of income, uncertainty about benefits, inflation, and health inequities are all difficulties that require us to keep fighting alongside our communities until change can be made.

We also know we have much work to do on our journey towards reconciliation. This year, we mourned with Indigenous communities upon the discovery of the many unmarked graves of children on the grounds of residential schools across the country. We continue to listen, learn, build relationships, and move towards action.

Armed with a finalized strategic plan to guide ISAC's work for the next several years, ISAC continues to lead systemic advocacy in income security and workers' rights. Bolstering our organizational infrastructure is a key pillar to doing this work.

The 2021-2022 fiscal year saw increased growth and capacity building within ISAC. Additional colleagues joined our team to ensure that we can engage in the advocacy necessary to work for and with our clients and communities. To this end, we have increased our legal case work (summary advice, litigation, interventions) 400% compared with the previous fiscal year. Similarly, ISAC has increased its community-serving initiatives, including law and policy reform and public legal education, by 180%.

In accordance with our strategic plan, ISAC expanded and enhanced our communications work adding social media and increased traditional media work to support our advocacy initiatives and amplify the voices of our clients, communities, and partners. We have launched a new website to better engage with our client-communities around the province and to share information about our services, advocacy initiatives, and materials. We have also welcomed back community-based organizing work to complement our policy and litigation advocacy. You will learn more about our work of the past year in the coming pages.

Thank you to our Board of Directors who have dedicated numerous volunteer hours to the governance of our organization. We are grateful for your time, insight, and experience. Your passion and commitment for the work we do has allowed us to navigate the challenges of the last year and steadily lead us into the next.

Thank you to our funder, Legal Aid Ontario. Your support is what allows us to continue this important work.

Thank you to my colleagues at ISAC. Your commitment to social justice is matched only by your hard work and pursuit of excellence. Your relentless advocacy within the various spaces in which we work has continued to advance the rights of those who access income support programs or who are precariously employed.

Lastly, to our clients, communities, and partners. Working alongside you in this fight for systemic change is truly a privilege.

Yours truly,

A handwritten signature in black ink, appearing to read 'M Ferlisi', on a light-colored rectangular background.

Melinda Ferlisi
Executive Director

ISAC 2021-2022

IMPACT HIGHLIGHTS

Campaign Highlights:

ISAC's Restore the GIS! Campaign started with a letter to Minister Carla Qualtrough in August 2021, and ended with the passing of amendments to the OAS Act and a financial commitment from the federal government to pay out all of the Guaranteed Income Supplement (GIS) amounts lost to seniors whose income temporarily rose with the receipt of the Canada Emergency Response Benefit (CERB) or Canada Recovery Benefit (CRB) in 2020. The campaign took an all-hands-on-deck approach, with ISAC staff lawyers supporting clients and clinic system colleagues in navigating the available legal pathways, and ISAC's policy analyst and organizer developing and executing a campaign designed to call for broader attention to the issue and equitable compensation for impacted seniors. As a result of the campaign:

- 90,000 seniors across Canada recovered all of their lost monthly GIS allowance
- 2 invitations to present submissions to Parliament, in front of House and Senate Committees
- 1 major amendment to the OAS Act as a direct result of ISAC's work
- 100+ relationships established or strengthened with advocacy groups that focus on seniors' poverty and/or income security

Litigation Highlights:

ISAC staff lawyers made a major impact in the courts in 2021-2022. ISAC staff litigated or intervened in several significant cases, spending hundreds of hours preparing and delivering arguments on behalf of a diverse set of clients.

- 1 appearance at the Supreme Court of Canada, with arguments quoted in the decision
- 2 appearances at the Ontario Court of Appeal, with arguments quoted in the decision
- Co-counselled on numerous Tribunal matters successfully assisting vulnerable clients facing complex issues

ISAC 2021-2022

IMPACT HIGHLIGHTS

Policy Reform Highlights:

ISAC staff has worked through government roundtables, committees, and submissions to put forward policy positions advocating for improved equity, access, and supports for our client-communities. Staff has supported research and produced policy reform work on a range of topics including employment insurance reform, workers' rights, and pandemic benefits.

- 6 government roundtables attended
- 4 budget analyses or pre-budget submissions released
- 4+ submissions on federal or provincial bills

Legal and Advocacy Education Highlights

ISAC staff delivered trainings/PLEs on a variety of subjects, from employment insurance, basic income, human rights in the workplace, the modernization of social assistance, federal benefits interactions, judicial review, improving access to benefits for underserved groups, and more.

- 25+ PLEs delivered to internal clinic audience and/or the public
- 700+ attendees combined
- Consistently positive responses received through newly implemented feedback surveys

Community Work Highlights:

The COVID-19 Pandemic continued to impact the ability to host and attend in-person gatherings with regularity. Despite this, ISAC organizers continued to participate in and support major campaigns focused on achieving status for all undocumented immigrants; justice for workers; and repayment amnesty for people living on low incomes who received the CERB and were later deemed ineligible.

- 5 major campaigns supported
- 15+ rallies and other community-led organizing events supported or attended
- Incorporation of social media into outreach and advocacy work
- Major overhaul of ISAC's website to make it more accessible and easier to use, and to improve multi-lingual functionality

ISAC SERVICE DELIVERY IMPACT BY THE NUMBERS

Legal Service Inquiries: 223

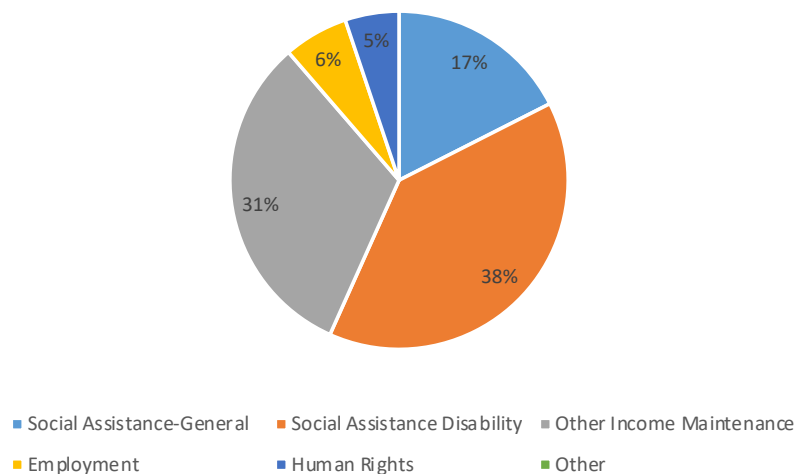
Community Serving Initiatives: 118

Cases Opened: 117

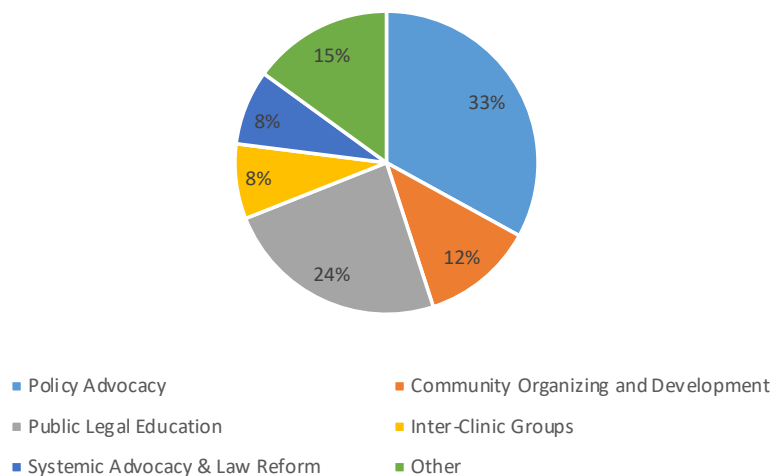
Media appearances: 9

Total, including 6 appearances in publications or broadcasts and 3 background information interviews

Cases by Areas of Law



Initiative By Type



OUR WORK 2021-2022

ISAC strives to improve laws and the legal system to better meet the needs of people living in poverty, focussing on those who live on government income support for their survival. The pandemic brought an extraordinary ad hoc system of pandemic income support benefits in a short time. Much of our law reform activities this year focused on damage control and urgently responding to unintended consequences of these programs. ISAC legal reform activities integrated test case litigation, community organizing, policy advocacy, and public legal education relating to pandemic benefits interaction with social assistance and other income security programs.

LAW AND POLICY REFORM AND ADVOCACY

Social Assistance Reform (Modernization)

ISAC offered a clinic-wide training on the once-in-a-generation overhaul of social assistance. It covered both sections of modernization – Social Assistance Renewal and the Employment Services Transformation. It also included presentations from front-line clinic lawyers on what they are seeing so far, and a lively discussion on how we can best advocate for our clients and mobilize within the clinic system (December 2021).

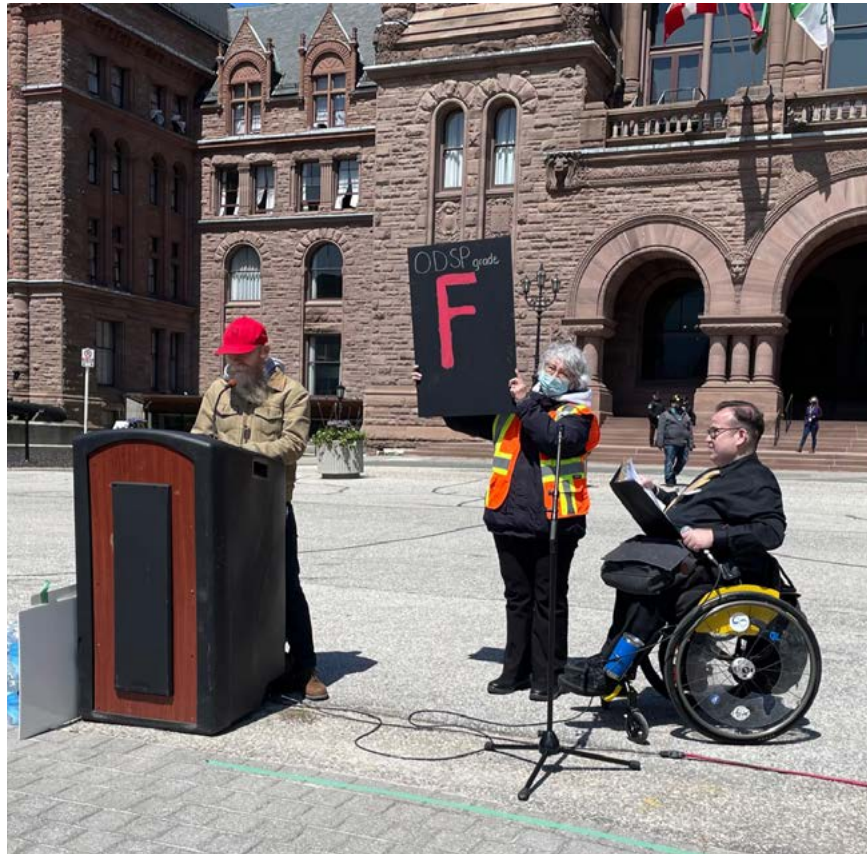
ISAC sent a submission and presented at the Standing Committee on General Government at Queen's Park on *Bill 276, Supporting Recovery and Competitiveness Act, 2021*, particularly on Schedule 21 on amendments to the *Ontario Works Act, 1997*. ISAC argued to raise social assistance rates; define “life stabilization” services and make them voluntary; invest in robust, high-quality and culturally appropriate social services; and to establish clear, realistic and fair benchmarks for the duration and quality of services as well as metrics to measure life stabilization outcomes (May 2021).

ISAC continues to play an active role on the Steering Committee on Social Assistance and assisted in writing submissions to the Ministry of Children, Community and Social Services on a law reform initiative. With the Steering Committee, we have also continued to advocate for social assistance clients' needs during the rollout of the modernization of social assistance.

Reforming Canada's Employment Insurance system

In 2021, the federal government launched a historic review of Canada's Employment Insurance system, with the goal of reforming it to better serve workers. ISAC has long advocated for improvement to EI, which has become increasingly

hard to access for low-wage and precarious workers. As co-chair of the Ontario Community Legal Clinics EI Working Group, ISAC was invited by the government to participate in written and oral consultations about how to improve EI.



Kyle Vose from the ODSP Action Coalition, Catherine Manson from Don Valley Community Legal Services, and Anthony Frisina from the Ontario Disability Coalition outside of Queen's Park during an ODSP Action Coalition rally.

ISAC submitted a written report about the ways in which EI currently disadvantages low-wage workers who are disproportionately racialized, Indigenous, women, migrants, and persons living with disabilities. The report made recommendations on improving EI that would ensure it better supports the workers who need it most. ISAC also participated in oral consultations with Minister Carla Qualtrough and Employment and Social Development Canada. The government is expected to propose changes to the EI system in future.

GIS and CERB Interaction: Responding to pandemic benefits unintended consequences

The GIS/CERB issue is a good example of an integrated approach to our work working well. In late summer 2021, the legal clinic system heard from seniors in dire financial need who received federal government letters denying or reducing their GIS as a result of collecting CERB in 2020. Suddenly, thousands of low income seniors were thrust into precarious financial position as a result of collecting CERB. This reduction threatened their housing, health, access to food and the ability to take care of themselves.

ISAC, within the community legal clinic system, worked collaboratively with many community advocates across Canada to sound the alarm. Over 100 groups from across Canada signed an open letter setting out the urgent policy changes and financial remedies needed to improve the situation immediately (November 2021). We sought federal policy reform to make pandemic benefits exempt from the GIS eligibility calculation and to immediately requalify affected seniors for GIS. Every day that passed put low income seniors more at risk.

ISAC developed test cases targeting seniors who lost their GIS as a result of receiving CERB because they relied on the government's unclear information about the potential negative consequences of collected CERB as well as litigation to excluded CERB from the GIS calculation in partnership with Peterborough Community Legal Centre and Grey Bruce Legal Clinic. However, we knew that test case litigation was not the most effective solution because advancing individual legal challenges would be slow, inaccessible and ultimately referred to Tax Court and appealed to the Federal Court.

In early December, while policy reform and litigation efforts were ongoing, the campaign continued to garner public attention and apply public pressure. ISAC held an emergency "phone zap" meeting, calling upon allies and community supporters of the campaign to join an online meeting and participate in calling the Prime Minister, the Deputy Prime Minister/Finance Minister, the Seniors Minister, and the Minister of Employment, Workforce Development and Disability Inclusion all at the same time, reiterating the demands of the campaign. Over 40 phone messages were left by several participants within the span of 30 minutes.

ISAC presented at the House of Commons Standing Committee on Finance on *Bill C-2, An Act to provide further support in response to COVID-19*. ISAC advocated to retroactively extend the Canada Recovery Benefit to its \$500 per week rate. We also argued that the federal government should exempt the CERB from the calculation of the GIS, and retroactively return lost GIS benefits so that seniors' already living in poverty did not experience increased poverty during the pandemic (December 2021).

ISAC presented at the Senate Standing Committee on Social Affairs, Science and Technology on *Bill C-12, An Act to amend the Old Age Security Act (Guaranteed Income Supplement)*. *Bill C-12* was a result, in major part, of ISAC's advocacy. It led the federal government to earmark \$742.4 million in the Economic and Fiscal Update (December 2021) for a one-time payment to correct the clawback of GIS for seniors who received CERB. At the committee, ISAC

supported *Bill C-12* and urged the government to send the payment to seniors without further delay (February 2022).

On March 3, 2022, the *Old Age Security Act* was amended to exclude any pandemic benefits for the purposes of calculating the amount of GIS payable as of July 2022.

In April 2022, low income seniors who saw a reduced or denied GIS due to collecting CERB received an automatic one-time payment. These non-taxable lump sum payments compensated the full annualized amount of the GIS loss or reduction as a result of pandemic benefits.

2022 Federal Pre-Budget Submissions

In the submission for the 2022 Federal Budget, ISAC advocated for 7 employer-paid sick days, Employment Insurance reforms, broadened access to the Disability Tax Credit, CERB repayment amnesty for low-income people, and to extend eligibility of the Canada Child Benefit (CCB) to everyone regardless of their immigration status (August 2021).

2022 Provincial Budget Consultations

As part of the 2022 Provincial Budget Consultations, ISAC advocated for 10 employer-paid sick days and enforcement of workplace health and safety for workers. For people on social assistance, we advocated to raise the rates, provide more pandemic supports, end clawbacks, raise asset limits, invest in trauma-informed and client-centred wraparound services, implement a new digital access benefit, and for sufficient job training for clients so they can find quality and stable jobs that provide decent wages and meaningful work. For access to justice, we recommended timely adjudication at the Social Benefits Tribunal and the Human Rights Tribunal of Ontario and investments for a stable funding plan for Legal Aid Ontario. ISAC submitted these recommendations and also presented them at the Standing Committee on Finance and Economic Affairs at Queen's Park (February 2022).

Pre-Election Advocacy

Federal Election 2021

ISAC produced advocacy tools for the Federal Election 2021. It included information on pandemic recovery for workers, ending poverty for people with disabilities, ending child poverty and supporting child care, ensuring pandemic recovery benefits support people who need them most, and a participation and voters' guide (September 2021).

Provincial Election 2022

ISAC presented on income security as part of a panel in York Region, “Re-imagining a Just Recovery”. The event was well-attended by experts from the non-profit sector on housing, childcare, decent work and income security as well as several MPPs from Queen’s Park (January 2022).

ISAC presented at an Ontario for All Income Security Policy Roundtable alongside experts from the Mississauga Food Bank, the ODSP Action Coalition and Maytree (March 2022).

Basic Income

ISAC presented a Basic Income “One Size Might Not Fit All” webinar. It examined the concerns of basic income for several groups including Indigenous Peoples, women, people with disabilities, low-income workers, and people with precarious immigration status. ISAC also provided an overview and analysis of the Ontario Basic Income Pilot, the difference from the Canada Emergency Response Benefit, and recent policy reports both in favour and cautious of basic income. The webinar was well attended and received good reviews for nuancing the conversation around basic income (June 2021).

ISAC was also the moderator at the LEAF Basic Income Report Launch Event that released two reports related to basic income, one on the care economy and second on disability (October 2021). ISAC served on LEAF’s Universal Basic Income Project Committee leading up to the release to advise on the two reports.

Workers’ Rights

ISAC supported and was involved in the Justice for Workers campaign, which was launched in April 2021. Justice for Workers is a broad based campaign calling for reforms to the *Employment Standards Act* such as \$20 minimum wage and 10 paid sick days. ISAC attends the monthly provincial organizing meetings. ISAC staff has been involved in multiple facets of the campaign such as organizing outreach activities, phone banks, trainings, presentations and undertaking research and developing materials.

Over the last year the Justice for Workers Campaign played a key role in fighting to win and to extend the temporary paid sick day program (Worker Income Protection Benefit), as well as winning an off-schedule minimum wage increase to \$15 an hour in January 2022. From January through to the end of March ISAC played an important role in planning and supporting the resumption of in-person outreach actions for the Justice for Workers campaign.

As part of the broader decent work movement ISAC continued to support the call for migrant worker justice. ISAC organizers attended meetings of the Migrant Rights Network and helped plan the rally for migrant rights in March of 2022. ISAC is part of the Status for All campaign of the Migrant Rights Network.

ISAC has also worked closely with Gig Workers United and the Ontario Federation of Labour in their efforts to fight for the full rights of gig workers. While *Bill 88* was a setback for gig workers' rights, ISAC is proud to support and be part of the broad-based campaign to ensure full rights for gig workers. ISAC continued to play an important role in the Workers' Rights Action Group (WRAG), the interclinic group focused on employment law. WRAG is helping to build out the employment law practice in the community legal clinic system. Through its monthly meetings and its employment law conference WRAG has been a critical group to talk through current employment law cases, share legal strategies and connect individual cases at the clinic level with broader efforts at labour law reform. ISAC helped to organize the annual WRAG employment law conference in June 2021.

Addressing Access to Justice by Preserving Tribunals and Access to Tribunals

ISAC devoted many of our resources assisting local clinics to pivot quickly to meet the unique legal challenges resulting from the pandemic. The pandemic disproportionately spotlighted the negative consequences of the digital divide for our clients. Low income people with multiple and intersectional barriers have disproportionate difficulty participating in virtual hearings due to a lack of reliable access to internet, computers, or smartphones capable of supporting Zoom; difficulty reading a large volume of documents to prepare for a hearing through a smart phone; capped phone data; poor quality devices, and poor digital skills that are intensified by language barriers, poverty, and disability related impairments.

The Social Benefits Tribunal moved to a digital first format during the pandemic. As a result, ISAC worked with the clinic system to advocate for hearing format changes at the Tribunal as an accommodation. ISAC's submissions were subsequently used as advocacy tools in hearing format changes litigation. Casework examples include the following:

- In partnership with Peterborough Community Legal Centre, ISAC was successful in its motion to convert a video conferencing hearing into a written hearing for a senior client who had poor digital access during the lockdown

and multiple physical and mental health barriers. When balancing the parties' right to a fair hearing, as well as the public interest in having matters heard efficiently and expeditiously, we successfully argued a written hearing is the appropriate format in this case.

- In partnership with Don Valley Community Legal Services, ISAC was successful in changing a video conferencing hearing into a written hearing. The client is not able to participate in a telephone or electronic hearing, as she recently returned to her home country which was in lockdown and without stable internet.
- In partnership with Services juridiques communautaires d'Ottawa (Ouest) / Community Legal Services (West), ISAC brought a motion to change an ODSP disability video hearing to an in person hearing as an accommodation for a client living with cognitive and emotional impairments. We argued that a telephone or video hearing would cause significant prejudice to our client's ability to meaningfully participate in the hearing and present his case. The hearing was settled before the motion and the client was approved for ODSP benefits.

ISAC joined a panel discussion at the Society of Ontario Adjudicators and Regulators discussing the new realities of digital adjudication for the most marginalized people. We highlighted that those who suffer the adverse consequences of the digital divide are prominently low-income, rural and remote, disabled, racialized, immigrants, Indigenous and elderly populations. ISAC emphasized that it is imperative that adjudicators be made aware of the existence of the digital divide and understand how this phenomenon negatively impacts access to justice.

SYSTEMIC LITIGATION

COVID-19 Benefits and Impacts on OW/ODSP: Responding to Social Assistance and Overpayments

Many individuals living below the poverty line are burdened by crushing government debts that they will never be able to repay. These social assistance debts often occur for innocent reasons. One of the ripple effects of federal pandemic income benefits was to exacerbate the negative effects of overpayments on social assistance recipients. ISAC, along with sister clinics, people living on social assistance, and other stakeholders, continued to play a leading role in efforts to reform the law regarding overpayment debt.

Before the pandemic, the Ministry doubled the standard rate of recovery on new overpayments from 5 percent to 10 percent of budgetary requirements. In April 2021, ISAC wrote to Hon. Minister Todd Smith, Minister of Children, Community and Social Services requesting immediate deferral of overpayment collection for social assistance recipients due to the negative impacts of the pandemic on marginalized populations.



**Melinda Ferlisi,
Claudia Calabro and
Dave Bush**

On the litigation front, ISAC supported the Peterborough Community Legal Centre in a successful ODSP overpayment appeal that acknowledged the link between poverty, crushing debt, and poor health. We submitted our client's circumstances gave rise to financial hardship, such that overpayment should not be recovered. Our client was a senior living on capped government seniors' benefits and was \$10,000 in debt. The Director took the position that our client had sufficient funds from her monthly budget to make some sort of repayment.

In the end, the Tribunal did not accept the Director's position, noting almost seventy per cent of our client's monthly income went towards maintaining her housing and the rest was spent on food and medical treatment/supplies. The Tribunal acknowledged that our client relied on a food bank to make ends meet and had no budget for a phone or internet. To suggest that she could afford to make ongoing payments was unreasonable. Using the following refreshing language, the Tribunal confirmed the consequence of ongoing debt recovery meant greater poverty for our client:

"I also agree that in the case of this Appellant her poor health is a factor to be considered relevant in these circumstances. The consequence of ongoing recovery of the debt means greater poverty for this Appellant. Unaffordable housing, food insecurity (having to use food banks) and poor health are linked. To suggest there is no evidence presented to support this fact ignores all of the social programming to date that the Appellant has and continues to rely upon."

ISAC was also successful in getting a \$33,000 overpayment reversed for a single mother of two young children living on OW. After conducting a cursory social media and document investigation, the Administrator's denied our client OW assistance as a sole supporting parent, alleging that she lived with her boyfriend and that she failed to disclose this information. The client tried self-advocate that she had a strained on and off again relationship with her boyfriend and they did not live together. She found the legal process difficult, demeaning and stressful. After collecting various documents from our client and meeting with the OW representative to explain that our client's relationship status, the overpayment was reversed.

Levelling the Playing Field for Mental Health: The Disability Tax Credit

The Disability Tax Credit is a non-refundable tax credit that reduces the income tax payable for those living with severe and prolonged impairment in physical and/or mental functions that impedes their ability to carry out the

basic activities of daily living. Importantly, the DTC is the gateway to eligibility for important federal disability benefits and programs such as the child disability benefit, the Registered Disability Savings Plan, and the Canada Disability Savings Grant. The eligibility criteria for people living with mental health impairments are more rigorous than they are for physical functions. This results in unequal treatment of impairment in physical and in mental conditions. Because of this inequality, ISAC focused on building capacity within the clinic system to represent clients living with mental health disabilities and who are denied the DTC.

ISAC, in partnership with Neighbourhood Legal Services, offered a clinic-wide training “Getting to Know the Disability Tax Credit (Focus on “mental function”)” to assist clients in gaining access to benefits unlocked by the federal DTC. The presentation focused on the purpose, design, and eligibility criteria of the DTC and how those living with mental health disabilities can access the benefit.

ISAC, in partnership with Neighbourhood Legal Services, worked with the family health team at St. Michael’s Hospital in Toronto (through the Health Justice Program) to develop legal resources and fact sheets for health care practitioners to assist their clients applying for Disability Tax Credit. This included precedent letters and tip sheets in filling out the required forms focusing on mental function.

To put this knowledge into practice, ISAC partnered with Willowdale Legal Services to appeal Disability Tax Credit denial for a client who lived with poor mental health including social anxiety disorder and depression. In the appeal, we submitted that given the client’s severe impairments and the medical evidence, the disability tax credit provisions must be given a humane and compassionate construction to award her the benefit. The benefit was thus approved.

Responding to Severe Consequences of Housing Instability

ISAC’s litigation focused on ensuring that those living on social assistance did not lose all their belonging during housing instability.

In *A.C v. Director of the Ontario Disability Support Program (Div. Ct.)*, ISAC and Legal Assistance of Windsor appealed the pre-pandemic Social Benefits Tribunal’s decision affirming the Director’s refusal to pay a shelter allowance to an ODSP recipient to cover her storage costs during a period of housing instability to the Divisional Court.

Our client rented various storage units in order to preserve her most precious contents of her home, including furniture, clothing and her children's belongings, while living in a shelter and until she was able to find a new home. We argued that the SBT erred in its interpretation of the shelter provision in ODSPR222 s. 31(1)6) and the SBT failed to apply the ODSPA and ODSPR222 in a broad and flexible manner consistent with the legislative purposes to assist those living with disabilities.

The case was settled before the Divisional Court hearing and the client was paid in full.

Subsequently, in partnership with Community Legal Services of Ottawa, ISAC was successful in obtaining a new hearing for a client living on ODSP who was denied reimbursement of storage unit fees. She rented a storage unit when she was hospitalized and in rehab after she broke her ankle and while she waited to find suitable living accommodations. We argued in part that the Tribunal erred in law in its' statutory interpretation of s. 31(1) of the Regulation and failed to provide adequate reasons. We will continue to monitor this important issue as those living on social assistance should not lose all of their personal belongings while living in temporary unstable housing situations.

Long Service Wrongful Dismissal Case:

T.T. v. A.R.E.M.L et al

ISAC co-counselled with Scarborough Community Legal Services to represent an elderly, racialized worker who was a building technician for almost three decades before he was fired without notice. The worker also experienced discrimination towards the end of his tenure with his employer. The case was successfully settled at mediation.

Misclassification, Discrimination and Wrongful Dismissal: S.O.T.B. v. Canada

Together with Lake Country Community Legal Clinic, ISAC is representing an Indigenous Elder who worked as a Cultural Advisor at a federal penitentiary and who experienced discrimination and harassment. ISAC has filed a wrongful dismissal action with the Ontario Superior Court of Justice, as well as a human rights complaint with the Canadian Human Rights Commission. The Commission acts as a gatekeeper and determines whether human rights complaints submitted by individuals have sufficient merit to be referred for a hearing at the Canadian Human Rights Tribunal. This is a highly selective process and usually only complaints that are in the public interest and that address systemic discrimination will be heard. In March 2022, ISAC was successful in persuading the Commission to refer the complaint to the Tribunal for an inquiry and hearing.

PUBLIC INTEREST INTERVENTIONS

Privacy Rights for Low-Income Individuals Who Access Courts and Tribunals: Sherman Estate v. Donovan

In June 2021, the Supreme Court of Canada released a decision about whether courts should grant sealing orders over court files that contain an individual's private and sensitive information. ISAC successfully intervened in the case to highlight the harms that may arise when vulnerable individuals' personal or sensitive information is shared publicly as a result of their engagement in the legal system. ISAC argued that there is a public interest in granting sealing and confidentiality orders, in appropriate circumstances, to protect the privacy of low-income and vulnerable individuals and ensure that they can continue to access courts and tribunals. The Supreme Court of Canada referred to and agreed with ISAC's submissions that detailed information about family structure and work history may constitute sensitive information that gives rise to harm.

ISAC is grateful to Ewa Krajewska, Teagan Markin and Mannu Chowdhury (formerly at Borden Ladner Gervais LLP), who represented ISAC before the Supreme Court of Canada and provided excellent submissions on ISAC's behalf.

Ensuring Access to the Canada Child Benefit for All Children: YY and SZ. v Her Majesty the Queen

The Canada Child Benefit (CCB) was introduced by the federal government in 2016 to help low and middle-income families with the cost of raising children, and reduce child poverty. However, the program excludes children of refugee



*ISAC staff lawyers
Anu Bakshi and
Nabila Qureshi
with CSALC lawyer
Jin Chien*

claimants and others without immigration status from receiving CCB, even though those children are among those most in need of the benefit. The denial of CCB benefits has adversely impacted racialized people and women in particular.

The Chinese and Southeast Asian Legal Clinic together with Osler, Hoskin & Harcourt LLP are pursuing an appeal and a *Charter* Challenge on the basis that the CCB's exclusion is unconstitutional. ISAC is intervening in the case to argue that the *U.N. Convention of the Rights of the Child* requires the court to consider the Best Interests of the Child. ISAC will also argue that equality principles must inform the analysis of whether the CCB exclusion breaches section 7 of the *Charter*. The trial commenced in November 2021 with testimony by the appellants and expert witnesses, and will conclude with closing arguments by all parties, including ISAC, in the fall of 2022.

Panhandling to Survive Should Not Be an Offence: Fair Change Community Legal Clinic v. Ontario (Attorney General)

Thousands of people in Ontario struggle with poverty and homelessness, and many turn to panhandling in order to survive. However, *Ontario's Safe Streets Act* prohibits poor individuals from panhandling in certain circumstances. Anyone who violates the *Safe Streets Act* could be subject to fines they cannot afford to pay, or even jail time.

As a result, the Fair Change Community Legal Clinic in Ottawa launched a *Charter* challenge at the Superior Court of Ontario that states that the *Safe Streets Act* is unconstitutional. In April 2021, ISAC was granted leave to intervene in the case. ISAC will argue that the *Act* discriminates against individuals who receive social assistance, contrary to section 15 of the *Charter*, and that it hurts individuals' ability to meet their basic needs, contrary to section 7 of the *Charter*.

Removing Barriers to Accessing Judicial Review: Yatar v. TD Insurance Meloche Monnex

Social assistance recipients have a statutory right to appeal certain decisions about their benefits to the Social Benefits Tribunal. However, there are some decisions that they cannot appeal. For example, decisions about access to "discretionary benefits" to cover dental, medical, and other expenses cannot be appealed. Social assistance recipients' only option in these situations is to bring

an application for judicial review at the Ontario Divisional Court. Therefore, judicial review applications should remain reasonably accessible.

In February 2022, ISAC was granted leave to intervene in a case before the Ontario Court of Appeal. The case concerns an appeal from a decision of the Ontario Divisional Court that significantly restricted access to judicial review applications. ISAC's submissions highlighted the importance of judicial review applications for low-income social assistance recipients.

PUBLIC LEGAL EDUCATION, COMMUNITY ORGANIZING AND OUTREACH, AND CAPACITY BUILDING

Trainings, Webinars, and Presentations by ISAC

ISAC staff attended a variety of trainings and events as presenters, panellists, and speakers. Some of these events were co-presented with others, and additional trainings may have taken place which are not listed here. We thank and acknowledge all of our co-presenters.

- Co-moderated panel at ACLCO Annual Conference and AGM on Income Security (May 2021)
- Delivered training on Misclassification: Employee vs. Contractor, an Update on the Law (June 2021)
- Delivered training on the New Ontario Temporary Sick Leave Benefits (June 2021)
- Presented Basic Income webinar "One Size Might Not Fit All" (July 2021)
- Sat as a panellist on Income Guarantee panel at Inspiring Change: Ottawa Food Security Conference (October 2021)
- Moderated LEAF Basic Income Report Launch Event (October 2021)
- Delivered trainings on CERB and the GIS: CPP-WG (November 2021), Unity Health (November 2021), CALC Seniors Forum (December 2021), and provided materials for other clinics to hold internal trainings
- Presented on federal benefits to Riverdale CHC (November 2021)
- Delivered training on the modernization of Social Assistance (December 2021)
- Provided training on engagement with municipalities at the Social Assistance Action Committee (GTA) (January 2022)

- Participated in a roundtable with National Advisory Council on Poverty on Canada's social safety net (February 2022)
- Delivered CPP-D Training for Injured Migrant Workers (February 2022)
- Provided a judicial notice training session at the Social Assistance Action Committee (GTA) (February 2022)
- Provided training session for CARFAC (March 2022)

Community Coalitions and Campaigns

ISAC continued to convene and Chair meetings with Defend Disability. The coalition has engaged in several advocacy initiatives around the modernization of social assistance.

ISAC continues to support and play an active role with the ODSP Action Coalition's Policy and Research Committee (PRC), Public Awareness and Action Committee (PAAC), and Steering Committee.

ISAC continued to support and play an active role with the CERB Amnesty campaign with Campaign 2000, speaking particularly for support for low-income Ontarians who accessed CERB and are now being asked to pay it back (May 2021). ISAC also participated in meetings with the Ontario Campaign 2000 Steering Committee.

ISAC re-joined Healthcare Providers Against Poverty (HPAP) as a supporter and participant in ongoing campaigns focused on provincial issues.

ISAC re-established connection to the Status for All campaign of the Migrant Rights Network, and participated in supporting the Network's calls to action.

In the Media

ISAC co-published an op-ed in the *Toronto Star* on how Ontario's five-year poverty reduction strategy *Building a Strong Foundation for Success: Reducing Poverty in Ontario (2020-2025)* and *Recovery and Renewal: Ontario's Vision for Social Assistance* will make life worse for low-income Ontarians following the pandemic (July 2021).

Link: <https://incomesecurity.org/ontarios-strategies-to-end-poverty-will-make-life-worse-for-low-income-people-post-pandemic-the-star/>

OUR WORK 2021-2022

ISAC spoke alongside members of the ODSP Action Coalition as part of Daily Break Food Bank's The 2030 Project episode, "Trapped behind the Welfare Wall on Disability Assistance." (September 2021)

Link: <https://incomesecurity.org/trapped-behind-the-welfare-wall-on-disability-assistance-podcast-episode/>

ISAC was interviewed for an article in Island Social Trends about the Restore the GIS! Campaign (December 2021)

Link: <https://islandsocialtrends.ca/huge-letdown-for-low-income-seniors-as-gis-clawback-repayment-promise-drags-on/>

ISAC spoke on Handi-Link with Cam Wells on the pandemic's impact on persons with disabilities (January 2022)

Link: <https://previous.ncra.ca/dspProgramDetail.cfm?programID=264011>

ISAC was quoted in an article for Newmarket Today recapping the Just Recovery event where ISAC was a panellist (February 2022)

Link: <https://www.newmarkettoday.ca/local-news/the-situation-is-unable-social-justice-advocates-politicians-join-to-discuss-recovery-in-york-region-5010405>

ISAC was interviewed for an article in the Hill Times on the GIS repayment rollout for low-income seniors (March 2022).

Link: <https://incomesecurity.org/in-the-media-low-income-seniors-complain-of-poor-communication-hidden-deadlines-in-gis-repayment-rollout-the-hill-times/>

FINANCIALS

INCOME SECURITY ADVOCACY CENTRE

Statement of Financial Position

March 31, 2022

	General Fund \$	Legal Disbursements Fund \$	Capital Fund \$	Non-LAO Fund \$	Total \$
ASSETS					
Current Assets					
Cash	270,908	69,102	-	-	340,010
Accounts receivable	1,619	-	-	-	1,619
HST recoverable	11,281	12	-	-	11,293
Prepaid expenses	25,934	-	-	-	25,934
	309,742	69,114	-	-	378,856
Capital assets (note 3)	-	-	5,320	-	5,320
Total assets	309,742	69,114	5,320	-	384,176
LIABILITIES					
Current Liabilities					
Accounts payable	75,169	-	-	-	75,169
Inter-fund payable (receivable)	17,403	-	-	(17,403)	-
	92,572	-	-	(17,403)	75,169
FUNDS BALANCE	217,170	69,114	5,320	17,403	309,007
Total liabilities and funds balance	309,742	69,114	5,320	-	384,176

Approved on behalf of the Board:



Director
Income Security Advocacy Centre

NOTE: This information is a condensed financial statement consistent with and derived from the audited financial statements of the Income Security Advocacy Centre as of March 31, 2022. Audited financial statements were prepared by Hilborn LLP Chartered Professional Accountants in accordance with the Canadian generally accepted standards and who express an unqualified opinion on these financial statements in their report dated August 5, 2022. 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.

FINANCIALS

INCOME SECURITY ADVOCACY CENTRE

Statement of Operations and Funds Balance

March 31, 2022

	General Fund \$	Legal Disbursements Fund \$	Capital Fund \$	Non-LAO Fund \$	Total \$
Revenues					
Legal Aid Ontario					
-direct receipts	1,341,978	-	-	-	1,341,978
-indirect receipts	64,198	-	-	-	64,198
Other income	2,700	36	-	-	2,736
	<u>1,408,876</u>	<u>36</u>	<u>-</u>	<u>-</u>	<u>1,408,912</u>
Expenses					
Salaries	788,639	-	-	-	788,639
Benefits	111,146	-	-	-	111,146
Professional dues	6,115	-	-	-	6,115
Travel	12,206	-	-	-	12,206
Communications	14,090	-	-	-	14,090
Accommodations	112,611	-	-	-	112,611
Equipment	2,110	-	-	-	2,110
Library	3,384	-	-	-	3,384
Supplies and services	22,334	-	-	-	22,334
Audit fees	4,542	-	-	-	4,542
Indirect payments	64,198	-	-	-	64,198
Consulting and legal	46,125	-	-	-	46,125
Legal disbursements	-	2,624	-	-	2,624
Amortization	-	-	2,160	-	2,160
	<u>1,187,500</u>	<u>2,624</u>	<u>2,160</u>	<u>-</u>	<u>1,192,284</u>
Excess of revenues over expenses (expenses over revenues)	221,376	(2,588)	(2,160)	-	216,628
Transfer to Capital Fund	(6,650)	-	6,650	-	-
Return of funding to Legal Aid Ontario	(633,161)	-	-	-	(633,161)
Funds balance, beginning of year	635,605	71,702	830	17,403	725,540
Funds balance, end of year	<u>217,170</u>	<u>69,114</u>	<u>5,320</u>	<u>17,403</u>	<u>309,007</u>

ISAC 2021-2022

TEAM & KEY PARTNERS

2021-2022 Staff Changes

Over the 2021-2022 year ISAC said goodbye to Sandra Gonzalez Ponce, Staff Lawyer, and Lorna Martin, our longstanding Receptionist and Administrative Assistant (shared with ACTO). We want to add a special thank you to Lorna, who served in this position for almost 10 years, working diligently and professionally. We have been very fortunate to have Lorna as part of our teams and are extremely grateful for her support over the past years. Lorna has always been passionate about social justice and demonstrated that with every tactful response and dedicated follow-through handling client and community needs. She was always willing to lend a helping hand to a colleague and to share her knowledge and skills when asked for assistance. We congratulate Lorna on a well-deserved retirement after a long career and wish her the very best.

We also want to extend a warm welcome to Zumrad Amirdjanova (Legal Assistant), Dave Bush (Organizer), Claudia Calabro (Communications Specialist / Organizer), and Adrian Merdzan (Staff Lawyer), all of whom joined the ISAC staff team in 2021-2022.



ISAC 2021-2022

TEAM & KEY PARTNERS

Board of Directors

Community Members: Jenny Gullen (Chair), Jessica Mayer, Julia McNally (Treasurer), John Mills (Vice chair), Sandra Parker (Secretary), Claudette Paul, Larry Woolley
Regional Clinic Reps: Dominique Conway, Rachael Lake, Christie McQuarrie, Fay Moore

Staff Team

Zumrad Amirdjanova, Legal Assistant (May 2021)
Anu Bakshi, Staff Lawyer
Dave Bush, Workers' Rights Organizer (January 2022)
Claudia Calabro, Communications Specialist / Organizer (August 2021)
Melinda Ferlisi, Executive Director
Sandra Gonzalez Ponce, Staff Lawyer (until January 2022)
Devorah Kobluk, Senior Policy Analyst
Elena Koneva, Office Manager
Lorna Martin, Receptionist and Administrative Assistant
Adrian Merdzan, Staff Lawyer (February 2022)
Nabila Qureshi, Staff Lawyer



ISAC 2021-2022

TEAM & KEY PARTNERS

Key Partners

We deeply appreciate support from and partnerships with:

Access to Justice Committee
Association of Community Legal Clinics of Ontario (ACLCO)
Advocacy Centre for Tenants Ontario (ACTO)
Campaign 2000
Canadian Artists Representation (CARFAC)
CanAge
Clinic Resource Office (CRO)
Co-operative of Specialty Community Legal Clinics of Ontario
CPP/Pensions Group
Daily Bread Foodbank
Defend Disability
EI Working Group
Family health team at St. Michael's Hospital
Gig Workers United
Health Justice Coalition
Health Providers Against Poverty (HPAP)
Justice for Workers (J4W)
Women's Legal and Education Action Fund (LEAF)
Lincoln Alexander School of Law
Maytree Foundation
Migrant Rights Network (MRN)
Ministry Relations Sub-committee
Ontario Council of Agencies Serving Immigrants (OCASI)
ODSP Action Coalition
Ontario Federation of Labour
Ontario for All
Ontario Native Welfare Administrator's Association (ONWAA)
Open Policy
The Ontario Project for Inter-Clinic Community Organizing (OPICCO)
Prosper Canada
Regional Income Maintenance Study Groups: north, southwest, east, GTA
SBT Practice Advisory Committee
Society of Ontario Adjudicators and Regulators (SOAR)
Steering Committee on Social Assistance
Workers Action Centre (WAC)
Workers' Rights Action Group (WRAG)
YWCA Toronto

ISAC 2021-2022

TEAM & KEY PARTNERS

***Clinics we've
co-counselled or
collaborated
with during
2021-2022***

Advocacy Centre for the Elderly (ACE)
Chatham-Kent Legal Clinic
Chinese and Southeast Asian Legal Clinic (CSALC)
Clinique juridique francophone d'Ottawa
Community Advocacy and Legal Centre
Community Legal Clinic of York Region
Community Legal Services of Ottawa (CLSO)
Grey Bruce Community Legal Clinic
Industrial Accident Victims Group of Ontario (IAVGO)
Kinna-aweya Legal Clinic
Legal Assistance of Windsor
Mississauga Community Legal Services
Neighborhood Legal Services
Parkdale Community Legal Services
Peterborough Community Legal Centre
Scarborough Community Legal Services
South Asian Legal Clinic of Ontario (SALCO)
South Etobicoke Community Legal Services
Sudbury Community Legal Clinic
Waterloo Region Community Legal Services
West Toronto Community Legal Services
Willowdale Community Legal Services



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

Income Security Advocacy Centre
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Website: www.incomesecurity.org
Email: info@isac.clcj.ca

