

Volume 1, Issue 1
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Website highlights:

- ISAC has updated its website with new information and easier navigation. Have a look at: www.incomesecurity.org.
- ISAC is a founding member of the 25 in 5 Network for Poverty Reduction. Information about 25 in 5 is at www.25in5.ca.

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ISAC UPDATE

Special Diet Litigation: Lead Case Goes to Hearing

ISAC and the Clinic Resource Office Barrister are co-counselling with case-workers from legal clinics around the province on *Ball v. Ontario*, the lead special diet case before the Human Rights Tribunal of Ontario.

The *Ball* complaints allege that the Ministry of Community and Social Service's (MCSS) current Special Diet Allowance schedule discriminates against individual social assistance recipients on the basis of disability.

Opening statements, pre-

liminary issues, and the evidence of the complainants were heard before the Tribunal over two weeks starting March 24.



Evidence-in-chief for all other witnesses was filed through written reports and affidavits in advance, and cross-examinations of the

complainants' expert witnesses took place before a Special Examiner.

Cross-examination of the two government witnesses, Norm Helfand, Director of ODSP, and Dr. Greg De Marchi, MCSS Chief Medical Advisor, will take place April 21 through 24.

The case began with four lead complainants who have medical conditions that were excluded from the schedule, and/or conditions for which the allowance amount is inadequate.

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Ending Poverty Project: Nothing About Us Without Us

What would it take to end poverty in your community? That's the question the Ending Poverty Project wants to help answer in nine communities across Ontario.

Since January 2008, 290 low-income people have been engaged with the Project to find solutions to the problem of poverty in their local area.

Working with partner organizations in the nine communities, ISAC and Ontario Campaign 2000 — the Project's initiators — released a report in De-

cember 2008 on their first year's work. *Solutions Start with Us: Voices of Low Income People in Ontario* recounts the experiences of low-income people and their ideas for steps governments can take to make life better.

The report was sent to key government ministers and the MPPs overseeing implementation of Ontario's poverty reduction strategy.

Now in its second year, the Project will continue working in the nine communities — Windsor, Ottawa, Thunder Bay, Sault Ste Marie,

and Owen Sound, as well as families in Rexdale, youth in Scarborough, South Asian families in Scarborough, and people with disabilities in Toronto.

Key local issues identified by low-income people over the past year will be the focus for this year's work in each community, as well as building awareness of local poverty and ways to tackle it.

The Report and more information about the Project is on ISAC's website at www.incomesecurity.org/endingpovertyproject.htm.



“The Government’s poverty reduction strategy is guided by the vision of a province where every person has the opportunity to achieve his or her full potential ...”

From the preamble to Bill 152, An Act respecting a long-term strategy to reduce poverty in Ontario



Poverty Reduction Legislation Introduced

Bill 152: The Poverty Reduction Act was introduced into the Ontario legislature on February 26, 2009. This important legislation commits current and future governments to adhering to a poverty reduction strategy.

While the bill gets several things right, it needs teeth. It must be amended to, among other things, state that the ultimate goal is poverty eradication, require

all government policy to be consistent with poverty reduction principles, provide for appropriate public scrutiny and debate, and create an independent body to conduct regular reviews.

The government is holding public hearings on Bill 152 in Toronto April 20 and 21. ISAC will participate in the hearings, and information about how activists around the province can take part

is posted on our website.

Materials on what provincial legislation can and cannot accomplish can be found at www.metcalffoundation.com. The materials were created for a recent workshop hosted by ISAC, the Metcalf Foundation, and the Mennonite Central Committee.

More information about ISAC’s work on poverty reduction is available at www.incomesecurity.org/campaigns/OntarioPovertyReductionStrategy.html.

New Case Criteria Finalized: Cases Underway

Over the last year, ISAC’s Board of Directors has been reviewing its internal governance structures, and has finalized its new case selection criteria.

Strategic priorities this year include OW and ODSP rules that impact negatively on the overall income of recipients, and rules that are punitive instead of supportive. We are also looking at interactions between social assistance and family law that are detrimental to women and children.

Currently, in addition to the Special Diet case at the Human Rights Tribunal (see story on page 1), ISAC is going to Divisional Court on a Ministry appeal of a Social Benefits Tribunal decision.

The Director of ODSP found a young adult with multiple disabilities not eli-

gible for benefits because her mother gets child support payments from her father for disability-related expenses. Although these payments would be exempt if made directly or if the support order were more specific, the Director refuses to acknowledge these payments as exempt.

ISAC is also considering challenging the ODSP mileage rate, which is currently 18¢ per kilometre (18.5¢ in the north) for people who use their own private vehicles to get to medical appointments. This is a particular problem for people in rural areas as they often do not have access to public transportation. ISAC in the preliminary stages of this work and is consulting with clinics on next steps.

The new case selection criteria are available at www.incomesecurity.org/

Special Diet Litigation *continued*

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quate. Two of the four complainants had their conditions added to the schedule by way of a regulation change that took place in January. One of those two cases has settled, and the second is currently adjourned. The claim of a fifth complainant is being presented by a private bar lawyer.

Final arguments will be held before the Tribunal on June 16, 17, 23, and 24.

We hope a successful decision will force MCSS to make systemic changes that go beyond the claims of the lead complainants. Whatever the result, the lead case decision will give important guidance for the resolution of the other 100+ complainants.

New PRS Results Committee

Government has appointed 5 MPPs and two external experts to sit on the newly-created Poverty Reduction Results Committee.

The Results Committee takes over from the Cabinet Committee on Poverty Reduction. Its mandate is to implement the Poverty Reduction Strategy announced Dec 4, 2008. It will also look at the recommendations of the Roots of Youth Violence Report.

The Committee is:

- Minister Deb Matthews, Children & Youth Services
- Minister Madeleine Meilleur, Community & Social Services
- Minister John Milloy, Training, Colleges & Universities
- Minister Kathleen Wynne, Education
- Gerry Phillips, Cabinet Chair
- Carol Mitchell, Parliamentary Assistant to the Minister of Municipal Affairs and Housing
- Mark Chamberlain, Chair, Hamilton Roundtable on Poverty Reduction
- Michael Mendelson, Caledon Institute

ISAC will continue to work with its partners in the 25 in 5 Network for Poverty Reduction to ensure that the Results Committee gets on with the job of implementation, and that government extends its commitments beyond those made in December. Information on that work is at www.25in5.ca.

Social Assistance Review to Begin Soon: Stay Tuned

The social assistance system in Ontario is broken. It doesn't provide the financial supports people need to live, and it doesn't give people the opportunities or supports they need to have the lives they deserve.

That's why a broad review of social assistance is so important, and why ISAC has advocated hard for one over the past year.

So it was encouraging that the Ontario government committed to reviewing social assistance programs in Ontario, as part of its long-awaited Poverty Reduction Strategy announcement on Dec 4, 2008.

This commitment is significant because it gives anti-poverty advocates and ac-

tivists the opportunity to insist that government create a new social assistance system that provides adequate benefits and supports in a dignified and helpful manner.

The government has not yet announced the scope of or process for the Review, so ISAC is advocating to ensure the Review goes beyond tinkering with so-called "stupid rules" but instead completely re-imagines and redesigns the system so that it works.

We will send out information about how to participate in the Review when we know more. Check our website for updates at www.incomesecurity.org/campaigns/OntarioPovertyReductionStrategy.html.

Decision-Making at the DAU: Clinic Summaries Analysis

Last July, legal clinics across the province sent Disability Adjudication Unit (DAU) decision summaries to ISAC for analysis.

The DAU is the government body that determines whether or not someone is eligible for ODSP. And ISAC's work was done at the request of the DAU Sub-Committee of the legal clinics' province-wide Steering Committee on Social Assistance.

ISAC's detailed analysis of

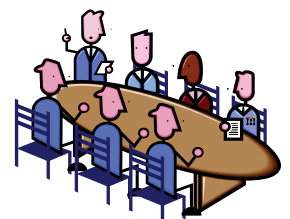
all 317 summaries showed that decisions on certain kinds of medical conditions seemed to be based less on the medical reports prepared by the applicant's doctor, and more on assumptions made by the DAU when specific kinds of medical treatments or extreme symptoms were not documented in the ODSP application.

In September, the ODSP Director initiated an internal review of DAU decision-



“Welfare is supposed to be a safety net that catches people when everything else fails and helps them get back on their feet. Unfortunately, the system we have is a net that traps people and holds them back.”

Toronto Star Editorial,
March 24, 2009



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e-newsletter at
[www.cleonet.ca/
email_bulletin](http://www.cleonet.ca/email_bulletin)

ISAC's Vision: To work with the community to advocate for and seek legal remedies to address systemic issues and improve income security for people in Ontario.

ISAC was established in 2001 by the Ontario Social Safety Network and the Steering Committee on Social Assistance, a provincial inter-clinic network, and funded by Legal Aid Ontario to serve low income Ontarians by conducting test case and appellate litigation relating to provincial and federal income security programs. These programs include Ontario Works (OW), the Ontario Disability Support Program (ODSP), Employment Insurance (EI), and the Canada Pension Plan (CPP).

ISAC's legal work takes place in the broader context of law reform, public legal education and community development.

In our litigation, law reform and community development activities, we work closely with community legal clinics across Ontario, grassroots anti-poverty and social justice organizations, private bar lawyers, academics and researchers, and individual activists.

DAU Decision-Making *continued*

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making, which made ISAC's analysis timely.

The ODSP Director invited the Steering Committee on Social Assistance to a roundtable in November with senior DAU management, their legal team, and the Director himself, and the findings of ISAC's analysis were presented.

We are now waiting for follow up to the November meeting, but were pleased that our analysis effectively documented complaints that clinic caseworkers have been making for years about problems with decisions at the DAU.

Staff Changes, New Additions at ISAC

The last few months have seen lots of changes at ISAC — some staff leaving, some staff arriving, and some babies being born!

JoAnne Frenschkowski, one of ISAC's two permanent staff lawyers, has taken a one-year leave of absence to join the Human Rights Legal Support Centre, supporting appellants through the new Human Rights Tribunal process.

Filling in for JoAnne while she's away is Patty Robinet. Patty has most recently been staff lawyer at Algoma Community Legal Clinic, but made the move to Toronto to fill in. Welcome Patty!

Francine Reid has been acting Legal Secretary while Leandra Matthie is away on maternity leave.



Leandra and her husband had a beautiful baby girl in July 2008. Francine was at Rexdale Community Legal Clinic before coming to ISAC, and we're happy she's here!

Emma Jean-Noel is the new receptionist at ISAC and has been with us since August 2008. She replaces

Genny Merino, who has also joined the Human Rights Legal Support Centre as a Client Services Representative. But we'll soon be losing Emma temporarily as she goes on maternity leave in April!

And Sarah Blackstock, ISAC's Research and Policy Analyst, returned from maternity leave in January. Another beautiful baby girl joined Sarah and her partner in October 2007.

Jennefer Laidley was filling in while Sarah was away. Jennefer has now moved into a new contract position as Communications and Community Engagement Coordinator and will be with ISAC until December.