

-HALCO provides free legal services to people living with HIV in Ontario-

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Welcome to the first edition of *HALCO news/brief* - a mini version of our regular *HALCO news!* This quick update will help to keep you informed without taking too much of your all-to-brief summer...

HALCO 2013 Annual General Meeting

Please mark the date and plan to attend!

Monday September 23, 2013
6:30 p.m., Main Floor Meeting Room
490 Sherbourne Street, Toronto

HALCO Staff Update

In June, we said farewell to **Lesley Freiberg**, who was our incredibly hard-working and dedicated articling student for the 2012-2013 year – thank you and all the best Lesley! In July, we welcomed **Javier Arvizu** as our articling student for the 2013/2014 year – welcome Javier! It was with very mixed feelings that we said farewell to HALCO staff lawyer **Kevin Wong** in July: we are very happy for Kevin that he is pursuing his interests outside of law but we are very sorry to see him leave HALCO. Kevin’s commitment and innumerable contributions to HALCO during the 2 ½ years that he worked with us were truly appreciated. We wish him every success and we miss him already. We look forward to welcoming **Meagan Johnston** when she joins us as a staff lawyer in mid-August. In addition to providing intake for new legal inquiries, Meagan will be assisting with immigration law matters.

HALCO Fundraising News

HALCO's fun and fabulous Bowl-a-thon 2013

HALCO's 5th Annual Fundraising Bowl-a-Thon will be held on **Saturday, November 2, 2013, at 8:00 pm** at Bathurst Bowlarama (2788 Bathurst Street at Glencairn, Toronto). Please join us for a fabulous evening of fundraising and disco dancing bowling as we raise funds for HALCO.



There are prizes for the individual and the team that raise the most money, as well as prizes for the best - and worst! - bowler, and the very popular "Team Spirit" award. In addition, there are some marvelous incentives to help you raise funds. Costumes are not mandatory...but they are highly recommended!

Each bowler is being asked to raise a minimum of \$175.00 in pledges. Funds raised will be used to provide front-line legal services for people with HIV in Ontario. We are also looking for silent auction items, including sporting event and theatre tickets, gift certificates, etc.

We provide tax receipts for all donations of \$20.00 or more. Thank you for your support of this fabulous event! To register, donate or for more information, please contact:

- **Bill Merryweather** at merryww@lao.on.ca or 416-340-7790 extension 42, or
- **Rhonda Major** at majorr@lao.on.ca or 416-340-7790 extension 32.

🎵 HALCO Debriefed & Proud Fundraising Cabaret 🎵

HALCO Debriefed & Proud, our second fundraising cabaret, was performed on Saturday, June 22, 2013, at The Flying Beaver Pubaret at 488 Parliament Street, Toronto (<http://pubaret.com>). Special thanks to **Donavon LeNabat, Jody Malone, Stephen Martin, Bill Merryweather, Mindy Perlmutter** and **Kevin Wong** for lending their fabulous voices to the evening. Over \$1,000 was raised to support direct legal services for our clients. Thanks as always to **Heather** and **Maggie** at "The Beaver" for their wonderful and continuing support!

HALCO thanks all of our funders and supporters

Core Funders:

- Legal Aid Ontario
- AIDS Bureau of the Ministry of Health and Long-Term Care

Funding Partners:

- Visionary:** - M-A-C AIDS Fund
- Leader:** - ViiV Healthcare Shire Canada
- Pride and Remembrance Association (2012 Pride Run)

Individuals:

To all those who support us in so many ways: without you, we would not be able to do the work that we do.

Ontario Social Assistance Changes

The Ontario government is making some significant changes to Ontario's Social Assistance programs. Ontario Works (OW) and the Ontario Disability Support Program (ODSP) are the primary social assistance programs in Ontario.

This article gives brief summaries about some of the changes. Information on the government of Ontario website may not yet include these changes.

Rate increases

Social Assistance rates were frozen in 1993 and then OW rates were reduced by almost 22% in 1995. The rates remained frozen for many years. In 2005, the Ontario government began to implement small rate increases beginning with a 3% increase and then generally 1% per year. In 2013, some social assistance rates are increasing and some are not. People who receive ODSP and OW will receive a notice about the rate increases.



Income/Earnings Exemptions

The treatment of earnings is changing for both OW and ODSP recipients. Currently, both ODSP and OW exempt 50% of net earnings from employment or training, but OW does not apply the exemption until the person has been receiving OW for three months or more. As of September 1, 2013, the first \$200 earned by each adult member of an ODSP or OW benefit unit will be fully exempt from income. The 50% exemption will continue to apply to net monthly earnings above \$200.00.



Earnings Exemptions for Secondary School Students

Earnings exemptions for members of ODSP and OW benefit units who are in secondary school are being expanded. The changes are somewhat complicated, so if you are receiving ODSP or OW and have questions about student earnings, you may need legal advice (see page 6).

Absences from Ontario

ODSP and OW recipients may lose their benefits if they are absent from Ontario for more than 30 days (ODSP) or 7 days (OW) unless the absence is for health or extraordinary reasons, and is approved by OW or ODSP. As of September 1, 2013, an absence will only be considered as being for health reasons if it is for necessary medical treatment outside of Ontario that is prescribed by a physician and insured by the Ontario Health Insurance Plan (OHIP).

(continues on page 4)

Some OW Changes

OW Asset limits are increasing to \$2,500 for a single recipient and \$5,000 for a couple (as of September 1, 2013). For people with dependent children, the asset limit is generally increased by \$500 for each dependent. A primary vehicle of any value will be exempt. In the past, the exempt vehicle value for OW was a maximum of \$10,000.

As of September 1, 2013, OW recipients will be permitted to receive up to \$6,000 in any 12-month period for gifts and voluntary payments. ODSP recipients are already permitted to receive up to \$6,000 in any 12-month period for gifts and voluntary payments. Asset limits still apply, and the amounts must still be reported and records kept of how the money is spent.

If you disagree with an ODSP or OW decision

If you disagree with any ODSP or OW decision, you have the right to request an Internal Review within 30 days. Even if it has been more than 30 days, you can ask for an extension of time to make your Internal Review request. If you disagree with an ODSP or OW decision, you should get legal advice as soon as possible (see page 6).



The time limit for ODSP/OW to complete an internal review will increase from **10 days to 30 days** (as of September 1, 2013). Government policy materials state that ODSP and OW should still complete Internal Reviews as quickly as possible.

Immigration Law Update: Proposed Changes to Definition of “Dependent Children”

In May 2013, the government announced proposed changes to Canada’s immigration regulations that will affect people who want to bring their children to Canada.

In most cases, the law allows a person to include any “dependent children” in his or her application for permanent residence. The law also allows Canadian citizens and permanent residents to sponsor their dependent children to come to Canada.

The proposal would make two major changes to the definition of “dependent children”:

- the maximum age would be reduced to 18 years of age from the current 21 years.
- full-time students over age 21 would no longer be eligible as dependent children.



The proposal is expected to become law on January 1, 2014. If you apply before January 1, 2014 (or have already applied), your children will be considered under the current law.

If you are living with HIV in Ontario, please contact HALCO for free legal advice (see page 6).

Sex Work Case at the Supreme Court

In June 2013, the Supreme Court of Canada heard *Bedford v. Canada*, a landmark case that could have a profound effect on the health, safety and human rights of sex workers in Canada. HALCO, the Canadian HIV/AIDS Legal Network (Legal Network) and the British Columbia Centre for Excellence in HIV/AIDS (BC-CfE) intervened at the Supreme Court.

While sex work itself is not illegal in Canada, many provisions in Canada's *Criminal Code* make it all but impossible to engage in sex work without risk of prosecution. We represented the Legal Network and BC-CfE when the Court of Appeal for Ontario heard the case in 2011., In 2012, the Court of Appeal for Ontario released its decision that:

- struck down the law that prohibits “bawdy houses” (another word for brothels).
- changed the law that prohibits “living off the avails” of sex work so that it would only apply where there are “circumstances of exploitation.”
- upheld the provision concerning the criminalization of communicating for the purpose of prostitution.

Although the Court of Appeal made its decision, the existing law continues in effect until the Supreme Court of Canada releases its decision (which may take up to one year).

Our arguments at the Supreme Court focused on the communication prohibition. The law effectively makes it illegal to engage in outdoor sex work, despite the fact that sex work itself is not illegal in Canada. Working outside is often the riskiest form of sex work and the communication prohibition:

- has serious implications for sex workers' relationships with local law enforcement, and as such sex workers are less likely to report crimes committed against them.
- seriously hinders sex workers' ability to negotiate safer sex with clients, effectively forcing them to work in unsafe conditions.

In short, the law makes sex workers disproportionately vulnerable to violence, death, and increased risk of contracting HIV and other communicable diseases. We also emphasized the issue of access to health care, as many sex workers have difficulty accessing even basic health care treatment and prevention services as a result of the law. We await the Supreme Court's decision. We offer our sincere thanks to **Jonathan Shime** and **Megan M. Schwartzentruber** of Cooper, Sandler Shime & Bergman LLP for assisting us with this matter.

Criminalization of HIV Non-Disclosure – Prosecutorial Guidelines Urgently Required

Prosecutorial guidelines continue to be urgently required in order to bring fairness to the application of the criminal law in relation to HIV non-disclosure. As reported in *HALCO news Spring 2013*, in December 2010 Ontario's Attorney General agreed to develop guidelines with the input of the Ontario Working Group on Criminal Law and HIV Exposure (CLHE). Two and a half years later, in May 2013, the Ontario government finally informed CLHE that prosecutorial guidelines should be finalized by fall 2013. However, officials from the Ministry of the Attorney General continue to refuse to meet with CLHE to discuss the content of the guidelines. **Please sign the petition (<http://clhe.ca>) to Premier Wynne and the Attorney General to demand an in-person meeting to discuss the content of the prosecutorial guidelines.**

Getting legal help

If you are living with HIV in Ontario, please contact us for free legal information and advice.

Others in Ontario can contact their local community legal clinic:
www.legalaid.on.ca/clinics.

HALCO provides intake for new inquiries on Monday, Tuesday, Thursday and Friday from 9 a.m. to 5 p.m. (not Wednesdays). A HALCO caseworker is assigned to deal with new inquiries each intake day.

HALCO is a “scent-reduced environment” so please avoid wearing scented products when coming to our offices. Help us to make HALCO more comfortable for everyone!

HALCO is a registered charity funded by Legal Aid Ontario, the AIDS Bureau of the Ministry of Health and Long-Term Care, and other sources including corporate, foundation and individual donors. We welcome donations.

HALCO news/brief contains general information only. It is not legal advice.

Laws, policies and practices can and often do change.

If you have a legal question or problem, you need legal advice. Please contact HALCO, your local legal clinic or a lawyer for legal advice.

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(HALCO – 2013 July)

