

# HALCO *news*

HIV & AIDS Legal Clinic Ontario

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

Dignity

Equity

Justice

## *Spring 2016*



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# HALCO is moving at the end of May!

In late May 2016, we will be moving to:

**55 University Avenue, Suite 1400  
Toronto, Ontario M5J 2H7**

Our new office is on the east side of University Avenue, just south of King Street West and the fully accessible St. Andrew subway station. Our telephone, FAX, website and email contact information will not change.

To minimize service disruption, our move is scheduled to take place the last weekend of May. Our office will be closed on Friday, May 27 and Monday, May 30. **Our new office will open on Tuesday May 31, at 9 a.m.**

Our move is the exciting result of a co-location project. The specialty legal clinics co-locating with us are Advocacy Centre for Tenants Ontario, ARCH Disability Law Centre, Canadian Environmental Law Association, Income Security Advocacy Centre, Industrial Accidents Victims Group Ontario, Justice for Children and Youth, and Landlord's Self Help Centre. The Association of Community Legal Clinics of Ontario will also share the space.

HALCO is one of more than 75 community legal clinics in Ontario. Local legal clinics serve their local community (a geographic catchment area). Specialty legal clinics serve a particular community of people or respond to a particular area of law. HALCO's community is people living with HIV in Ontario.

As always, HALCO's primary focus continues to be the provision of legal services for people living with HIV in Ontario. Although we will be sharing common space with other co-located legal clinics, we will have a separate office and reception area. HALCO will continue to be an independent community-based legal clinic with a volunteer board of directors, the majority of whom must be living with HIV.

If you have any questions, please call us at 416-340-7790 or toll-free at 1-888-705-8889.

# Life Insurance for People with HIV

Life insurance is now available in Canada to people living with HIV. Until recently, insurance companies generally refused to provide individual life insurance policies to people living with HIV, so that group life insurance through an employer's benefit plan was generally the only life insurance option for people living with HIV.

On April 22, 2016, Manulife announced that it will accept applications for individual life insurance policies of up to \$2,000,000 from people who:

- have tested positive for HIV,
- are between the ages of 30 and 65, and
- meet certain criteria (we do not yet know what the criteria are).

While HALCO is encouraged to hear that a Canadian insurer is now offering life insurance to people living with HIV, we do not in any way endorse Manulife or this particular product.

Also, we do not know the details of the insurance to be offered by Manulife. For example, we do not know if the premiums or policy terms will be comparable to those offered under Manulife's standard life insurance policies.

HALCO views this as a significant first step towards insurance companies basing their policies for people living with HIV on current medical and scientific evidence. We hope to see other insurance companies also begin to offer similar life insurance options soon.

**If you are living with HIV in Ontario and have a legal question or problem, please contact us for free legal advice (see back page for HALCO contact information).**



# Medical Marijuana Regulations struck down by the Federal Court

On February 24, 2016, the Federal Court of Canada struck down Canada's *Marihuana for Medical Purposes Regulations* (the MMPR) as unconstitutional.



The decision, *Allard v. Canada*, does not take effect for 6 months to allow the federal government to develop new medical marijuana laws that comply with the Constitution. The Federal Court struck down the MMPR for a number of reasons, including that the MMPR:

- does not allow individuals to grow their own marijuana for medical purposes (which was previously allowed through a licensing process under Canada's old medical marijuana system, the Marihuana Medical Access Regulations or MMAR); and
- limits medical marijuana to dried form.

While the *Allard* case was being decided, the Federal Court made an interim order allowing some people who had certain valid licenses for growing medical marijuana under the old MMAR to continue to use those licenses until the case was decided.

That interim order continues to be in effect, so people who have both of the following old MMAR licenses can continue to grow their own medical marijuana or have their designated-person grow it for them:

- a personal or designated-person MMAR production license that was valid on or after September 30, 2013, and
- an associated valid Authorization to Possess under the MMAR as of March 21, 2014.

It is unclear how the Federal government will respond to the Court's decision. We will provide an update when we have more information.

In addition, as mentioned in our [HALCO news Autumn/Winter 2015](#) newsletter, medical marijuana is no longer restricted to dried form, so patients with a legal authorization to use marijuana as medicine are entitled to consume it in various forms such as edible or topical products (following a decision of the Supreme Court of Canada in *R. v. Smith* in June 2015). Following the *Smith* decision, Health Canada has issued an exemption allowing licensed producers of medical marijuana to produce and sell cannabis oil and fresh marijuana buds/leaves in addition to dried marijuana. We are very proud to have intervened in the *Smith* matter at the Supreme Court, in partnership with the Canadian HIV/AIDS Legal Network and the Canadian AIDS Society.

**Issues surrounding medical marijuana/cannabis are complicated. If you are living with HIV in Ontario and have questions, you can contact us for free legal advice.**

# TRANSforming JUSTICE:

## Trans\* Legal Needs Assessment Ontario Project

The **TRANSforming JUSTICE** project is taking place now!

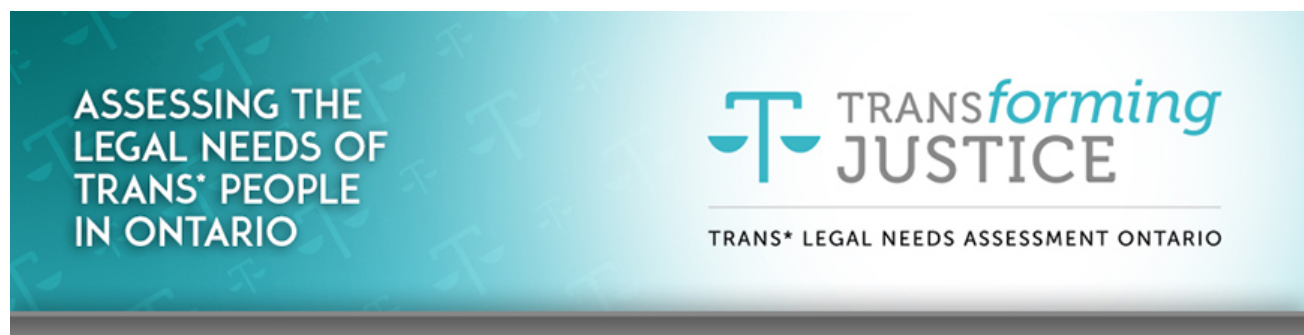
HALCO is leading the **TRANSforming JUSTICE** project to help ensure that the legal needs of trans\* people in Ontario are being met and to determine the barriers that trans\* people face in accessing justice.

The project is using “trans\*” as an umbrella term to refer to a diverse array of experiences and identities, including two-spirit, non-binary, agender, gender queer, cross dressers, transgender, transsexual, as well as those who identify as men or women but have a history that involves a gender transition.

The project includes:

- an anonymous survey for trans\* community members.
- one-on-one interviews for trans\* people living with or affected by HIV.
- focus groups and legal education workshops for trans\* community members, including specific focus groups and workshops for:
  - First Nations, Métis, or Inuit (First Peoples) trans\*/two-spirit people
  - racialized trans\* people/trans\* People of Colour
  - trans\* people living with or impacted by HIV.
- focus groups and workshops for legal service providers.

**The survey, focus group/workshop information, flyers and more are available now at: [www.transformingjustice.ca](http://www.transformingjustice.ca).**



# Low Income Seniors Drug Benefit Co-Payment Program

The Ontario government 2016 budget announced increases to the net income thresholds for the Ontario Drug Benefit Program (ODB) low income Seniors Co-Payment program.

Ontario Seniors who are age 65 and over and who have a valid OHIP card are automatically eligible for the ODB. Eligibility for senior ODB prescription drug coverage starts the first day of the month after their 65th birthday. They use their OHIP card at the pharmacy. The amount that they pay depends on their household income

Seniors who apply and are eligible for the low income Seniors Co-Payment program pay \$2.00 per prescription. Since most pharmacies waive \$2.00 per prescription for all ODB prescriptions, seniors below the income threshold do not pay for their prescriptions.

The Seniors Co-payment low-income thresholds are:

- Single net income: \$19,300 (increasing from \$16,017)
- Couple net income: \$32,300 (increasing from \$24,174).



**Seniors who think they may be eligible for the Seniors Co-payment need to apply. Applications are available:**

- At most pharmacies.
- By calling: 1-888-405-0405
- On-line:

[www.health.gov.on.ca/en/public/programs/drugs/programs/odb/opdp\\_pay.aspx](http://www.health.gov.on.ca/en/public/programs/drugs/programs/odb/opdp_pay.aspx)

Seniors who are not eligible for the ODB low income Seniors Co-payment pay a \$100 annual deductible plus \$6.11 per prescription. Since most pharmacies waive \$2.00 per ODB prescription, seniors who are not 'low income' pay \$4.11 per prescription. The Ontario budget 2016 announced increases to the annual deductible (from \$100 to \$170) and per prescription fee (from \$6.11 to \$7.11) but the government later announced that it has put those increases on hold.

**If you are living with HIV in Ontario, you can call HALCO for legal advice about Ontario's Drug Benefit programs.**

# In Memoriam: Martha MacKinnon

**1948 - 2016**



HALCO board and staff were extremely saddened to learn that Martha MacKinnon died in January 2016, after living with cancer for some time. We extend our sincerest sympathies to her family, friends and colleagues.

After starting her career as a teacher, Martha became a lawyer in 1986. Throughout her career in law, she was committed to access to justice, particularly for those who were often on the margins, including children, youth, and people with HIV. Martha was staff lawyer and then executive director at Justice for Children and Youth for many years.

Martha was a staunch supporter of social justice and of HALCO. She joined our board in November 2000 and continued to serve until September 2012, all the while making innumerable and invaluable contributions (including serving as vice-chair and chair, as well as actively participating in many board committees). Her ability to skilfully chair a meeting, while knitting elaborate socks with beautiful yarns, was memorable.

We remember Martha as determined, wise, insightful, skilled, wry, witty and truly dedicated. She will be sorely missed...

For more about Martha, please visit:

[www.legacy.com/obituaries/thestar/obituary.aspx?pid=177315011](http://www.legacy.com/obituaries/thestar/obituary.aspx?pid=177315011).



# Third Increase to Legal Aid Ontario Financial Eligibility Guidelines

Legal Aid Ontario (LAO) imposes financial eligibility guidelines for most legal aid services, including community legal clinics such as HALCO. The LAO financial eligibility guideline amounts for legal clinics were increased by 6% on November 1, 2014, and by another 6% on April 1, 2015. The November 2014 increase was the first since 1994.

The third 6% increase took effect on April 1, 2016. These increases mean that more low income people in Ontario are eligible for LAO services. The increases to financial eligibility increase access to justice in Ontario.

## HALCO thanks our funders and supporters

**Core Funders** - Legal Aid Ontario  
- AIDS Bureau, Ministry of Health and Long-Term Care

**Funding Partner** - M.A.C AIDS Fund

**ViiV Healthcare** - grant in support of our 2015-2016 articling program

**Individuals** - To all those who support us in so many ways: thank you!

HALCO is a registered charity and welcomes donations. Tax receipts are issued for donations of \$20.00 or more. You can make a donation at any time by clicking on the **DONATE** button on our website [www.halco.org](http://www.halco.org) or by contacting us (see back page).

**Without you, we would not be able to do the work we do.**



# HALCO People

## HALCO Staff

- **Amy Secord** (office manager)
- **Amy Wah** (staff lawyer)
- **Clare McMullen-Crummey**  
(staff lawyer)
- **David Nisker** (articling student)
- **Fathima Cader** (staff lawyer)
- **Jill McNall** (community legal worker)
- **John Nelson** (staff lawyer)
- **Khalid Janmohamed** (staff lawyer)
- **Meagan Johnston** (staff lawyer)
- **Rick Lobodzinski** (admin. assistant)
- **Ryan Peck** (executive director/lawyer)
- **Steve Foster** (staff lawyer-contract)

## HALCO Board of Directors

HALCO's skilled and dedicated volunteer board members oversee our governance:

- **Andrew Mantella**
- **Andrew Paizee**
- **Angela Smith**
- **Barbara Ncho**
- **Jessica Demeria**
- **Judith Odhiambo**
- **Marcus McCann**
- **Neesha Rao**
- **Rodney Kort**

For more information about our board and board committees, please contact us or visit **Get Involved** on our website:

[www.halco.org/get-involved](http://www.halco.org/get-involved)

# HALCO

HIV & AIDS Legal Clinic Ontario

# HALCO website: [www.halco.org](http://www.halco.org)

Our **What's New** website sidebar helps keep you up-to-date on current issues, announcements, events, and more.

Our **Areas of Law** pages include information about many different legal topics: [www.halco.org/areas-of-law](http://www.halco.org/areas-of-law).

You can apply to become a member of HALCO or to renew your HALCO membership:

[www.halco.org/getinvolved/membership](http://www.halco.org/getinvolved/membership).

If you have any questions about our website, please contact us!



## HALCO's Public Legal Education Workshops

As always, our staff provide legal education workshops for groups and organizations across Ontario. Workshops are on topics of interest to people living with HIV as well as HIV legal issues for the community in general. We also hold free workshop series twice a year that are open to everyone.

Please contact us or visit the **Public Legal Education** section of our website for more information: [www.halco.org/our-services/public-legal-education](http://www.halco.org/our-services/public-legal-education).

### Our workshop legal topics include:

- HIV and the Law Overview
- HIV Disclosure and the Law: Criminal and Public Health Issues
- HIV and Immigration Law
- HIV and Privacy Law
- HIV and Private Insurance
- HIV and Employment Law
- Medical Cannabis (marijuana)
- Planning for illness: legal information for people living with HIV in Ontario
- Powers of Attorney and Advance Care Planning
- Government Sources of Income for Individuals and Families
- Disability Tax Credits and Registered Disability Savings Plans
- Ontario's Drug Benefit Programs

**Please contact us if you would like to request a workshop or our participation in an event** (see back page for HALCO contact information).

# HALCO Membership

HALCO's work is supported by our members. HALCO membership is free and renewed annually.

To become a member: you must be a resident of Ontario who is 16 years of age or older and you must agree with our **Statement of Principles** (below).

**Please offer your support by becoming a member of HALCO!**

You can apply for HALCO membership or renew your HALCO membership:

- on our HALCO website: [www.halco.org/get-involved/membership](http://www.halco.org/get-involved/membership)
- by contacting us to ask for a membership application form by mail (please see back page for HALCO contact information).

**Please note that HALCO membership has no effect on eligibility to receive legal services from HALCO.**

## **Statement of Principles of the HIV & AIDS Legal Clinic Ontario** Adopted January 30, 2006, by the Board of Directors

**It is agreed that:**

- 1. People living with HIV/AIDS are confronted with unique legal problems of enormous proportions and complexity;**
- 2. Those best equipped to make choices regarding HIV/AIDS issues and problems are those individuals who are HIV positive themselves;**
- 3. People living with HIV/AIDS must have control over their own lives;**
- 4. The HIV/AIDS affected communities are very diverse and are confronted by overwhelming challenges derived from both their diversity and from their common experience as people living with HIV/AIDS;**
- 5. It is necessary to create and foster a climate of understanding and mutual respect for the dignity and worth of people living with HIV/AIDS; and**
- 6. The confidentiality, bodily security, autonomy and privacy of people living with HIV/AIDS must be respected, which include but are not limited to:**
  - a) the right of individuals to exercise control over their own medical treatment;**
  - b) the right of individuals to exercise control over decisions concerning their own socio-economic position;**
  - c) the right of all persons living with HIV/AIDS to be fully informed of all processes and procedures in which their interests are in any way involved; and**
  - d) the right of all persons living with HIV/AIDS to consent, or withhold their consent, in all matters affecting them.**

## Getting Legal Help

If you are living with HIV in Ontario and have a legal question or problem, please contact us for free legal advice at 416-340-7790 or toll-free 1-888-705-8889.

Others in Ontario can contact their local community legal clinic:  
[www.legalaid.on.ca/clinics](http://www.legalaid.on.ca/clinics).

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

**HALCO is a “scent-reduced environment”:** please avoid wearing fragrances or scented products when coming to our office.

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* 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.

*HALCO news* newsletter is published by the HIV & AIDS Legal Clinic Ontario (HALCO) and is distributed free to our members, interested individuals, agencies and organizations.

Please contact HALCO if you want to reproduce or excerpt any part of our newsletter.

The views expressed in *HALCO news* may not reflect those of HALCO board and/or staff, or funders.

(HALCO – 2016 May)

