

HALCO *news*

HIV & AIDS Legal Clinic Ontario

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

Dignity

Equity

Justice

Summer 2016



- HALCO Open House and 2016 Annual General Meeting - page 2
 - HALCO has moved! - page 2
 - Important change to HIV testing and reporting in Ontario - page 3
 - New guide: Women living with HIV and intimate partner violence - page 4
 - Ontario Minimum Wage Increases - page 5
 - New Canada Child Benefit - page 5
 - Social Assistance Updates (including rate increases) - page 6
 - Income Security Reform - page 8
 - Payday Loan(s) from The Cash Store or Instalozans? - page 9
 - TRANSforming JUSTICE: Trans* Legal Needs Assessment Project - page 10
 - HALCO People, including Staff, Board, Funders and Supporters - page 12
 - Membership Information and Statement of Principles - page 14
 - HALCO Website and Public Legal Education Workshops - page 15
- Getting Legal Help and HALCO Information** back page (page 16)

HALCO Open House and 2016 Annual General Meeting - Save the date!

Please plan to join us on the afternoon and evening of **Wednesday October 26, 2016**, for our Open House and 2016 Annual General Meeting.

The open house and meeting will take place at our new offices at 55 University Avenue, Suite 1400, Toronto (please see below for more information about our new location).

For more information, please call us at telephone 416-340-7790 / toll-free telephone 1-888-705-8889, or, send an email to talklaw@halco.org

HALCO has moved!

In late May 2016, we moved 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 have not changed (please see back page).

For information about accessibility, transit and parking at our new HALCO office, please see our [HALCO Accessibility, Transit and Parking Information](#) on our website:

www.halco.org/accessibility-policy

For more information about our move, please visit our website:

www.halco.org/2016/news/halco-is-moving-this-weekend

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

Important Change to HIV Testing and Reporting in Ontario

The reporting regulation under the *Health Protection and Promotion Act* (HPPA) has changed: the names and contact information of people who test positive for HIV at anonymous testing clinics may **not** have to be reported to Public Health in Ontario.

If you have your initial HIV test at an anonymous testing clinic you may be able to use your positive anonymous HIV test code to have anonymous HIV viral load testing.

For more information please visit our website:

www.halco.org/areas-of-law/health/hiv-testing

Anonymous HIV tests are free in Ontario, and you do not need an Ontario Health Insurance Plan (OHIP) card or number to get an anonymous HIV test.

To find an anonymous HIV testing clinic in Ontario, you can contact the free, confidential **Ontario AIDS & Sexual Health Infoline** (you do not have to give your name or information):

- English and a number of other languages: 416-392-2437 or toll-free in Ontario 1-800-668-2437
- French: toll-free in Ontario 1-800-267-7432
- website: www.toronto.ca/health/sexualhealth/aids_hotline.htm

If you test HIV positive at an anonymous HIV testing clinic, we encourage you to keep your positive anonymous HIV test code.

If you have questions about Public Health reporting requirements, we encourage you to contact us for free legal advice as soon as possible after you receive the positive anonymous HIV test result (ideally before you seek medical treatment).

New Guide:

- **Women living with HIV and intimate partner violence: Questions & Answers**
- **Femmes vivant avec le VIH et violence au sein d'une relation intime : Questions et Réponses**

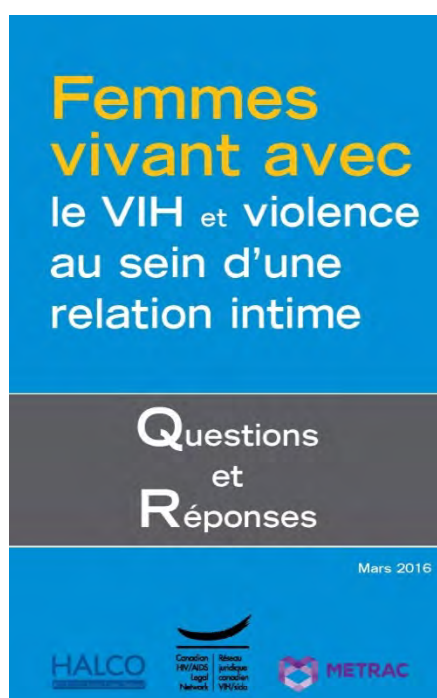
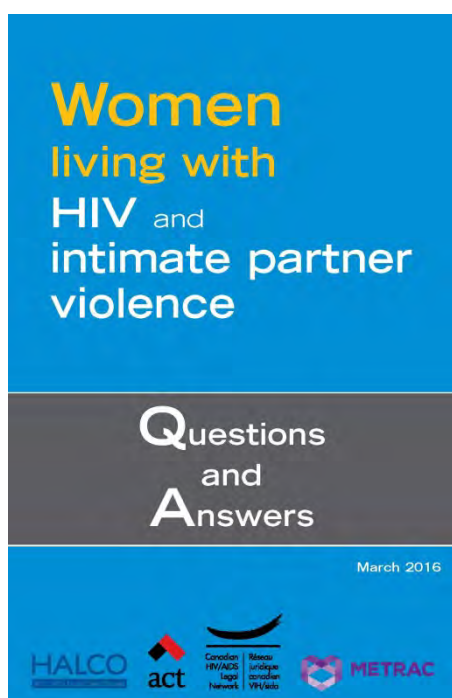
This new guide is for women, including trans women, who are living with HIV and who experience or are at risk of experiencing violence from their intimate partner.

Intimate partner violence can relate to physical, emotional, psychological or sexual abuse from a current or former intimate partner. Abuse by an intimate partner is not only wrong - it can be against the law.

The guide is available on our website and can be printed as a booklet in Adobe Reader/Acrobat:

www.halco.org/2016/news/new-guide-women-living-with-hiv-and-intimate-partner-violence-in-english-and-french

The guide was produced by HALCO, the Canadian HIV/AIDS Legal Network, METRAC and the AIDS Committee of Toronto.



Increases to Ontario's Minimum Wages starting October 1, 2016

Increases to Ontario's minimum wages will take effect on October 1, 2016:

- General minimum wage increasing to \$11.40 per hour (from \$11.25).
- Student increasing to \$10.70 per hour (from \$10.55).
- Liquor Server increasing to \$9.90 per hour (from \$9.80).
- Homeworker increasing to \$12.55 per hour (from \$12.40).

You can find more information on the Ontario government website:

www.labour.gov.on.ca/english/es/pubs/guide/minwage.php



NEW Canada Child Benefit

In late July 2016, the government of Canada started paying the new Canada Child Benefit (CCB) to families with children:

www.esdc.gc.ca/en/canada_child_benefit.page

The CCB replaces the Canada Child Tax Benefit, the National Child Benefit Supplement and the Universal Child Care Benefit. Low- and middle-income families will see an increase in their monthly benefits compared to the old child benefit system.

The CCB does not affect the Canada Child Disability Benefit.

In June, Ontario became the first province in Canada to confirm that the new CCB will not be clawed back from Ontario's social assistance benefits: Ontario Works (OW) and Ontario Disability Support Program (ODSP). So families on social assistance in Ontario will receive the full amount of the increased payments. In addition, the CCB will not affect eligibility for social assistance, child care subsidies, children's dental benefits, or housing supports in Ontario.

Other provinces and territories have also confirmed that the CCB will not be clawed back from children on social assistance.

Social Assistance Updates

- Ontario Works (OW)
- Ontario Disability Support Program (ODSP)

Change to the way that social assistance recipients access Ontario Drug Benefits

The Ontario government is changing the way that people who receive OW, ODSP, and Assistance for Children with Severe Disabilities (ACSD) access their Ontario Drug Benefit (ODB) program benefits. Starting in September 2016, people who receive social assistance will be able to use their Ontario health card for their ODB benefits. The ODB program coverage is not changing.

Beginning in the late fall of 2016: people who receive OW, ODSP and ACSD will no longer receive monthly drug eligibility cards. If you do not already have an Ontario health card, or if you have lost your Ontario health card, you should apply now to get or replace your health card.

If you receive social assistance but you are not eligible for an Ontario health card, you should contact OW, ODSP or ACSD to ask to continue to receive a monthly drug card.

New Canada Child Benefit not clawed back from OW and ODSP recipients

As noted in the Canada Child Benefit (CCB) article on page 5, the Ontario government announced that it is not clawing back the new CCB from families on social assistance, and that the CCB does not affect eligibility for social assistance, child care subsidies, children's dental benefits, or housing supports in Ontario. Here is a link to the government's announcement: <https://news.ontario.ca/mcss/en/2016/06/ontario-ensuring-vulnerable-families-keep-full-canada-child-benefit.html>

Child Support will no longer be deducted from OW and ODSP

Currently, child support payments are treated as income for OW and ODSP, and are deducted dollar-for-dollar. Starting with the OW and ODSP benefits issued in late January 2017, both child support payments and the Canada Pension Plan (CPP) orphan benefit payments will no longer be considered as income.

Social Assistance Updates continue on page 7

Social Assistance Updates - continued from page 6

The exemption will apply to legally required child support payments for any member of a benefit unit regardless of age, including children under 18, dependent adults and recipients eligible in their own right. OW and ODSP recipients will no longer be required to pursue child support as a condition of eligibility for social assistance.

Spousal support payments are not affected and will not be exempted from income. Recipients may still be required to pursue spousal support. Assignments of spousal support will no longer be required.

The government's announcement is available on the Ontario government website:

<https://news.ontario.ca/mcss/en/2016/06/ontario-ensuring-that-vulnerable-families-keep-child-support-payments.html>

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).

Social Assistance Rate Increases

Some ODSP and OW rates are increasing. Recipients will see these increases in the benefits that they receive at the end of October 2016. Some of the increases include:

Ontario Disability Support Program (ODSP):

- \$18.00 per month increase to basic needs allowance for people with disabilities who receive ODSP: from \$631 to \$649 for a single recipient. No increase for their non-disabled family members and no increase to maximum ODSP shelter amounts.
- 1.5 – 2% increase to Remote Communities Allowance, Special Boarder Allowance, and guide dog benefit.
- \$10 increase to maximum Assistance for Children with Severe Disabilities (ACSD) from \$470 to \$480 per month.

Ontario Works (OW):

- \$25 per month increase to maximum basic needs amount for single adult OW recipients without children (from \$305 to \$330). No increase to maximum shelter allowance for single recipients.
- 1.5% increase to basic needs, shelter maximums, and board and lodge rates for adult OW recipients with spouses and/or children.
- 1.5 – 2% increase to Remote Communities Allowance, Advanced Age Allowance, Temporary Care Assistance, Special Boarder Allowance and guide dog benefit.

Social Assistance Updates continue on page 8

ODSP and OW amounts that continue to be frozen include:

- ODSP basic needs for non-disabled family members
- ODSP shelter maximums
- Special Diet Allowances and Infant Special Diet Allowances, which have not changed in many years.

Income Security Reform

Income Security Reform Working Group

In late June 2016, the Ontario government announced the establishment of a new Income Security Reform Working Group, stating:

Ontario has established an Income Security Reform Working Group to help guide the province's efforts to reduce poverty, support people in their efforts to participate in the economy, and provide services in a way that makes sense to the people who need them. The province is working to move away from a complex system of social assistance, to a more holistic, client-centred approach to a broader income security system.

The group, which held its first meeting on June 30, will report to the government with recommendations by the summer of 2017. You can find more information on the Ontario government website:

<https://news.ontario.ca/mcss/en/2016/06/ontario-establishing-income-security-reform-working-group.html>

Basic Income Pilot

The Ontario government announced a “basic income pilot” in the 2016 Ontario budget. In June, the government announced that former Senator, the Honourable **Hugh Segal**, has been appointed to develop a discussion paper to be presented in the fall. The news release states:

Basic income, or guaranteed annual income, is a payment to eligible families or individuals that ensures a minimum level of income. Ontario will design and implement a pilot program to test the growing view that a basic income could help deliver income support more efficiently, while improving health, employment and housing outcomes for Ontarians.

You can find more information on the Ontario government website:

<https://news.ontario.ca/mcss/en/2016/06/ontario-moving-forward-with-basic-income-pilot.html>

Payday Loan(s) from The Cash Store or Instalozans?

If you took a payday loan or line of credit from **The Cash Store** or **Instalozans** in Ontario on or after September 1, 2011, you may be able to collect money from class action lawsuit settlements.

In order to collect, you must file a claim by October 31, 2016.

You can file your claim online or by paper (see the links to the class action website below). If you are eligible, you will receive a minimum of \$50, or potentially more, depending on the total number of claims received and the value of the claims.

Here are links to the website for class members:

www.takebackyourcash.com/

- **Frequently Asked Questions (FAQ):** www.takebackyourcash.com/faq/
- **Start a Claim:** www.takebackyourcash.com/beginclaim/
- **Contact information:** www.takebackyourcash.com/contact/



You can call RicePoint Administration (the Claims Administrator) toll free number at **1-866-840-2631**.

For general information about consumer and debt law, please visit the **Consumer and Debt Law** page of our website: www.halco.org/areas-of-law/consumer-and-debt



TRANSforming JUSTICE:

Trans* Legal Needs Assessment Ontario Project

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

As many of you may know, HALCO is administering the TRANSforming JUSTICE: Trans* Legal Needs Assessment Ontario project. The project uses "trans" as an umbrella term to refer to people whose gender identity or expression is not reflected by the sex assigned to them at birth, including people who identify as two-spirit, non-binary, agender, gender queer, cross dresser, transgender, or transsexual, as well as those who identify as men or women with a history that involves a gender transition.

Funded by Legal Aid Ontario (LAO) and the Ontario HIV Treatment Network, the project aims to:

- document the legal burden facing trans people in Ontario;
- identify challenges the law and legal system may pose for trans people;
- understand barriers to accessing justice and legal services; and,
- help determine and support law reform and legal service priorities.

There are four committees guiding the project:

- trans community consultation and outreach committee;
- legal service provider committee;
- social service provider committee; and,
- decision-maker committee (including judges and administrative tribunal members).

Ethics approval was obtained through research ethics boards at the University of Toronto and the University of Western Ontario.

The legal challenges and needs of trans people living with or affected by HIV are a significant focus of the project.

The project is also engaging with legal service providers to understand the legal challenges of trans people from a provider perspective; to gain insight into the supports providers may need to deliver vital legal services to trans people in Ontario; and, to help increase their capacity to provide informed and inclusive services for trans clients. Legal service provider workshops are accredited by the Law Society of Upper Canada as containing 1 hour and 10 minutes of Continuing Professional Development Professionalism content.

TRANSforming JUSTICE continues on page 11

TRANSforming JUSTICE - continued from page 10

The data collection phase of the project is underway. More than 170 trans community members have already completed the survey. The project lead, LAO staff lawyer, **Nicole Nussbaum**, and project research coordinator, **Dr. Julie James**, have been scheduling interviews for trans people living with or affected by HIV, conducting focus groups, and running legal education workshops with trans people and legal service providers around the province. Sessions have also been held for LAO legal staff at LAO regional trainings.

The feedback about the workshops has been very positive. It was especially rewarding to hear about one legal service provider attendee who said later that they were able to assist a trans client with a criminal matter and achieve a positive result for the client based on information learned during the training.

In June 2016, Nicole presented a selection of preliminary results at the World Professional Association for Transgender Health conference. Later in June, Nicole was joined by **Ryan Peck**, HALCO executive director and lawyer, to present an update on the project and preliminary results to senior LAO staff. The project team, which includes **Dr. David Brennan**, professor at the Factor-Inwentash School of Social Work at the University of Toronto, and **Dr. Greta Bauer**, professor of epidemiology at the Schulich School of Medicine, are planning the project reports, which will include a staged release of results in order to make information available to trans and legal service provider communities as quickly as possible.

There are still a number of focus groups and workshops scheduled in September and early October for people who would like to participate. A focus group and a legal education workshop for trans people affected by HIV are scheduled for the evening of September 27, 2016: www.halco.org/2016/news/transforming-justice-september-27-2016-focus-group-and-workshop-for-trans-identified-people-living-with-or-affected-by-hiv

Please see www.transformingjustice.ca for the survey as well as focus group and workshop schedules and registration, and one-on-one interview registration. For information, please visit the website www.transformingjustice.ca, email transneedsassess@lao.on.ca, or call 647-782-8773 (you can call collect).

Your assistance in getting the word out to potential participants is vital and much appreciated.



HALCO People

Staff Update

We depend on our dedicated staff team to provide free legal services to people living with HIV across Ontario. As well, our staff carry out all of our other activities, including law reform, community development and public legal education initiatives.

Recent staff comings and goings are included on this page. For our complete staff list, please see page 13.

Farewell Fathima

We fondly thank and bid farewell to staff lawyer **Fathima Cader** as she has left HALCO for new career pursuits. We wish her all the best.

Thank you Steve

Steve Foster joined us as staff lawyer in January 2016 on contract. We were very sorry to have to say goodbye to Steve as his term with us came to an end in August. We wish Steve all the best.

All the best David

The term of **David Nisker**, our articling student for the 2015-2016 year, came to an end in May. We wish him the best.

Welcome Julia

We are delighted to welcome staff lawyer **Julia Brown** who joined us in August. Julia is already very busy handling intake for new legal inquiries as well as carrying case files in a broad range of areas of law. Welcome Julia!

Welcome Matthew

Matthew Malott joined us in July as our articling student for the 2016-2017 year and is already hard at work. Matthew works with our staff lawyers to provide intake for new legal inquiries and to assist clients with their legal issues. Welcome Matthew!



HALCO People

HALCO Staff

- **Amy Secord** (office manager)
- **Amy Wah** (staff lawyer)
- **Clare McMullen-Crummey** (staff lawyer)
- **Jill McNall** (community legal worker)
- **John Nelson** (staff lawyer, on leave)
- **Julia Brown** (staff lawyer)
- **Khalid Janmohamed** (staff lawyer)
- **Matthew Malott** (articling student)
- **Meagan Johnston** (staff lawyer)
- **Rick Lobodzinski** (admin. assistant)
- **Ryan Peck** (executive director/lawyer)

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

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 by clicking on our website **DONATE** button at www.halco.org or by contacting us (see back page).

HALCO Membership

HALCO's work is supported by our members. HALCO membership is free and renewed annually. Please offer your support by becoming a member of HALCO!

If you are a resident of Ontario who is 16 years of age or older and you agree with our [Statement of Principles](#) (below), you can apply for HALCO membership:

- on our HALCO website: 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.

HALCO website: 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

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

www.halco.org/getinvolved/membership



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

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).

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

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 August/September)