



# Annual Report 2017

**Workers' Health and Safety Legal Clinic (WHSLC)**

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**The Workers' Health and Safety Legal Clinic (WHSLC) exists to promote and provide access to justice to low income non-union workers/organizations by providing advice, representation, public legal education and law reform concerning occupational health and safety and related workplace laws through consistently high quality services in a cost-effective, efficient and innovative manner.**

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The Clinic's activities in pursuit of those goals are described below under the following headings:

- I. Law Reform**
- II. Casework**
- III. Outreach** (including networking, community development and education)

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## **I. Law Reform**

The Clinic continues to promote improved occupational health and safety laws and their enforcement. As well, we promote improved WSIB laws on behalf of our client community. 2016-17 afforded the opportunity to promote Employment Standards reform with the emergence of the Changing Workplaces Review Report.

The Clinic's law reform activities are as follows:

- i. Written and oral submissions regarding Bill 70 to the Standing Committee on Finance and Economics;
- ii. Further written submissions concerning Ontario Labour Relations Board's (OLRB) procedures as requested by the leaders of the consultation regarding the Changing Workplaces Review;
- iii. Oral submissions in reference to Workplace Safety and Insurance Board (WSIB) Appeal Procedures and WSIB Policies;
- iv. Oral submissions on Ministry of Labour enforcement role as part of the Occupational Health and Safety Strategy;

- v. Oral submissions on WSIB to the Minister of Labour;
- vi. Written submissions on WSIB to the Ombudsman;
- vii. Oral submissions concerning Vulnerable Workers as part of the Provincial Occupational Health and Safety Strategic Plan;
- viii. Oral submissions to the Minister of Labour on employer training accreditation;
- ix. Written and oral submissions to committee of the legislature on harassment provisions of the OHS Act, Bill 132 and Bill 127; and
- x. Written and oral submissions to the committee of the legislature on Bill 109 concerning claim suppression at the WSIB.

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## **II. Casework and Advice**

Our casework statistics have continued to increase as a direct result of the reallocation of administrative funding to direct service that began in the Fall of 2016 due to the retirement of our Office Manager. These funds allowed us to hire a full time intake lawyer, Jennifer Chan. Jennifer has improved the timeliness of our service because callers are no longer screened by reception and instead have direct access to legal advice, and referral where appropriate.

As well, we continued to use FEG funds to have a Spanish speaking articling student that we co-fund with the Centre For Spanish Speaking Peoples. As a result, we have reached more Spanish speaking low wage workers, and have assisted them with their employment issues.

We continue to represent people at hearings and mediations within and outside the GTA in OLRB section 50 reprisals, ESA terminations, Ontario Human Rights Tribunal as well as WSIAT matters, and Small Claims Court wrongful dismissal matters.

## **Casework/Advice Statistical Review**

The increase in Clinic staff has definitely impacted our statistics. We are growing and helping more people than ever gain access to justice:

### Number of Casework Staff/Comparison of Annual Statistics:

2016-2017	4 lawyers, 1 full time articling student, 1 part time articling student, and 1 summer law student
2015-2016	3 lawyers, 2 part time articling students, and 1 summer law student
2014-2015	2 lawyers, ½ articling student, and 1 summer law student

### Casework Statistics for the 12-month periods ending:

	March 31, 2017	March 31, 2016
Cases	119	99
Advice	458	458

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## **III. Outreach/Public Legal Education**

The job share between Carl Kaufman, Community Legal Worker with the Clinic since 1997, and Genevieve D'lorio, a long-time clinic volunteer continues to the present. They each work 2.5 days a week.

Our Community Legal Workers are dedicated to providing public legal education sessions in the community on occupational health and safety and other workplace laws. They are often the first contact that participants have to accessing Legal Aid Ontario services and as such, play an integral role in facilitating access to justice.

Our Funding Application for 2017-2018 reported that since the job share began in October 2015 we are able to be more flexible with scheduling and tailoring of workshops to fit the needs of the individuals we present to. As a result, we are connected to more community organizations and educational institutions that provide job readiness training and other programs that serve youth, newcomers and job-seekers across the GTA.

	Contacts	Participants
Total April 1, 2016 - March 31, 2017:	226	3102
Total April 1, 2015-March 31, 2016:	149	1976

Vocational, job readiness and occupational specific language training programs present structured and accessible spaces for participants to learn about their rights at work as well as familiarize themselves with the legal resources available to them in Ontario. Special thanks are extended to our steadfast community partners: Toronto District School Board, Jobstart, YES, West Neighbourhood House, Operation Springboard, St. Stephen's Community House, JVS, Working Skills, ACCES Employment, YWCA JUMP Scarborough, YMCA Newcomer Information Centres Next-Steps Employment Centres, Skills for Change, George Brown College, and Humber College.

The Clinic continues to work with other groups who share similar goals and objectives. These groups are:

- i. Workers' Compensation Network
- ii. Toronto Injured Workers Advocacy Group (TIWAG)
- iii. Ontario Federation of Labour Health and Safety and Workers' Compensation Committees
- iv. Provincial Workers' Rights Advocacy Group
- v. Institute of Work and Health and Occupational Health Clinic for Ontario Workers (OHCOW)

- vi. Prevention Program Review Group
- vii. Prevention Council
- viii. Experience Rating Working Group
- ix. Inter-Clinic Employment Insurance Working Group

Staff Lawyer, John Bartolomeo was quoted in a Toronto Star article regarding WSIB. John was also interviewed by Jim Richards on CFRB.

In keeping with tradition, every year Lawyer/Director Linda Vannucci speaks about new developments in WSIB and OH&S on the Labour News Program, which runs for an hour at 8:00 pm every Thursday night on 1610 AM Radio, Voces Latinas.

In the 2016-2017 academic year, Clinic volunteer, Dr. Michael Grossman oversaw the hosting of first year and fourth year placement students from the University of Toronto's Engineering Strategies Project. Summaries of some of these projects are reported in Clinic newsletters.

### **Presence on the Internet**

During Summer and Fall of 2016 we worked with an IT consultant to make our website more accessible. As of December 2016 we have a more modern website with moving parts and fillable forms. We are able to regularly update communication posts, as well as develop new webpages as required by the Clinic's activities.

Earlier in 2016, we also took the opportunity to update the Clinic's name to reflect our provincial mandate. The Clinic filed a minor amendment to drop the word "Toronto" so that we are now named the Workers' Health and Safety Legal Clinic.

Furthermore, we refreshed our logo and updated our print materials and publications to advise the public of our expanded areas of service in Ontario to include general employment law.

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## **Membership Report**

As of March 31, 2017 the Clinic had 170 members and a newsletter mailing list of approximately 200 names of individuals and organizations.

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## **Legal Aid Ontario**

Because of the timing of the FEG funding we had a surplus of 2014-15 and 2015-16 funds which LAO has allowed us to use to hire an articling student for 2016-17 and two for fiscal 2017-18.

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## **Other Source Funding**

As of June 2016, the Clinic is in partnership with the Centre For Spanish Speaking Peoples (CSSP). We will provide training and support to the project which has received \$140,000 in funding by OHSPPIP (Occupational Health and Safety Prevention Innovation Program) to hire a Spanish speaking social justice lawyer on a two year contract. The aim of the project is to do outreach, public legal education, advice and representation to undocumented young Spanish speaking workers who are engaged in hazardous work. As of March 31, 2017, CSSP and WHSLC created public legal education materials in both Spanish and English for distribution by the social justice lawyer.■