



2017 ANNUAL REPORT  
Providing advocacy, education, community building



*“It is justice, not charity, that is wanting in the world.”*

—MARY WOLLSTONECRAFT

## WHO WE ARE

**Together Against Poverty Society (TAPS)** is the largest anti-poverty organization on Vancouver Island. We have a positive impact on people's lives in ways that honour and promote human rights, justice, and a healthy, sustainable community. TAPS is a recognized leader and resource for citizens, community groups, and social agencies attempting to reduce poverty. Our education and advocacy services touch over 6,000 people per year – and we are not yet meeting the needs of all who approach us. We provide services to residents of the Greater Victoria area and adjacent municipalities including the Western Communities, Saanich Peninsula, and the Southern Gulf Islands.

TAPS was established and registered as a Society in 1989, receiving charitable tax status in 1994. TAPS is a non-profit society whose membership is open to individuals or groups concerned with the preservation of civil society, social justice, the eradication of poverty, as well as the continuing moral progress of those ideals.

## WHAT WE DO

- Advocacy services in the areas of income assistance, federal and provincial disabilities benefits, employment standards, tenancy, and income tax preparation. Our work includes providing information and giving summary advice, negotiation and/or representation to persons of no, low or fixed income;
- Training for low income persons and other interested community groups and organizations, which then enables them to advocate for themselves or for their members;
- Identifying, researching and addressing issues relating to poverty with particular emphasis on those that affect our local community and;
- Working in cooperation with other community groups and social service providers in advancing poverty issues.

ON THE COVER: *Tenant advocates Emily Rogers and Yuka Kurokawa*  
PHOTO BY ADRIAN LAM, VICTORIA TIMES-COLONIST

## President's Report 2017

This year has seen some triumphs and some ongoing challenges, but TAPS is excited about the potential for positive change that has come with a new provincial government. Recent increases to income assistance and PWD assistance and earnings exemptions, along with reinstatement of the bus pass for persons with a disability, while modest and insufficient, are a step in the right direction. And finally, BC will have a Poverty Reduction Strategy. We are so pleased that the expertise of one of our advocates, Jen Mathews, and board member Hilary Marks, will be included through their appointment to the Minister's Advisory Forum on Poverty Reduction.

It is disappointing to report that TAPS has still not secured new office space. As you know, the building at 895 Fort Street has been sold and is slated for redevelopment, and we anticipate we will need to relocate by summer of 2018. We have looked at numerous locations over the past year. There are still two possible locations that we are considering.

One of the most significant undertakings of the board of TAPS this year was the completion of a new strategic plan with the capable assistance of Catherine Schissel of Schissel and Associates. A day-long planning retreat was held with staff, volunteer representatives, and the board. The new plan sets out an ambitious set of goals for the organization over the next three years, and if you'd like to take a look you can find it on the TAPS website.

This has been a year of change at TAPS. Three of our longest serving, amazing staff members left this fall for other endeavors. Two staff members are on educational leave. Stephen Portman, our extraordinary lead advocate and one of the heroes of the battle for the rights of the homeless campers at Super Intent City, received a Fellowship in Global Journalism at the Munk School of Global Affairs. Thea McDonagh, whose warmth, compassion and sense of fun have permeated the culture of TAPS for many years, has returned to UVic to complete her Child and Youth Care degree. We truly hope that Stephen and Thea will both decide to return to TAPS following their studies.

Kelly Newhook, who has led TAPS as executive director for the past seven years, left us in September for work with the new provincial government. She accepted a position as Senior Ministerial Assistant in the Ministry of Tourism, Arts and Culture. Kelly was TAPS' first executive director, and her boundless energy, positive outlook, and ability to reach out and connect with people in all walks of life will be truly missed. Kelly brought a professionalism to TAPS that has seen the organization grow to become a recognized leader in BC in the battle against legislated poverty. She has raised the public profile of TAPS, which is reflected in our access to the media and in the community support that we enjoy. Thank you, Kelly. Thank you from all of us.

In October, we were pleased to select our new executive director, Douglas King. Doug comes to us from Pivot Legal Society in Vancouver where he was their Litigation Director. Doug has a law degree from UBC focusing on social justice, environmental and criminal law. He and his family recently relocated to Victoria and the timing could not have been better from TAPS' perspective.

Doug shares the vision, the values and the passion for social justice of TAPS and we know that he will be a good fit for our organization. Please take the time in the near future to introduce yourself to Doug and welcome him to the TAPS family.

I would also like to acknowledge and thank two board members who have completed their three, two-year terms on the TAPS board. Tony Pullman, our trusted treasurer and tax volunteer and Michel Janisse who has shared his talent in fund development. I have also completed my six years (as set out in our by-laws) on the board. I will miss the camaraderie and the enormous range of talents and experiences of the TAPS board, but I will continue to volunteer with TAPS. If that voice on the phone sounds familiar when you call, it just might be me.

*Brenda McBain*

**BRENDA MCBAIN**  
*President, Together Against Poverty Society*



*Minister of Social Development and Poverty Reduction Shane Simpson is joined by Parliamentary Secretary and co-chair Mable Elmore (left), and UNBC chair Dawn Hemingway (right), as they announce the formation of the Minister's Advisory Forum on Poverty Reduction. TAPS income-assistance advocate Jennifer Matthews, and TAPS board member Hilary Marks, have been appointed to sit on the Forum. October 30, 2017.*

## Executive Director's Report

Even though I've only been on the job as Executive Director at TAPS for a month at the time of writing this report, I can already tell that there is something very special about this organization and its devoted team of staff and volunteers. There can be no mistake that I have incredibly large shoes to fill in the departure of Kelly Newhook, someone who in many ways became synonymous with the success of this organization, but luckily I find myself surrounded by a staff that couldn't be more dedicated and capable of independently advocating for our clients.

Before moving to Victoria in July of this year I worked in Vancouver's Downtown Eastside for a legal advocacy group called Pivot Legal Society. During my stay at Pivot, a non-profit Society which is similar in size to TAPS, I experienced periods of expansion and growth as new opportunities presented themselves, and difficult times where financial instability led to retraction. Throughout the years though my friends and co-workers at Pivot taught me a valuable lesson, that instead of trying to dictate every aspect of what work should be done and how to do it, the role of the Executive Director first and foremost should be to create and maintain a well-resourced and healthy environment, where staff have the tools that they need to confidently make decisions and flourish in their work.

And there is certainly a lot of work in front of us. TAPS is one of the largest providers of legal advocacy services in British Columbia, and is responsible for a truly awe-inspiring amount of service to more and more clients every year. Sadly, despite positive developments in many aspects of our work, and commitments by government to implement a poverty reduction strategy, the number of people needing our help is not likely to go down any time soon.

When we look back at 2017 we will likely remember it for the multiple levels of crisis that have made life difficult and tragic for low-income and marginalized residents. A housing crisis that continues to drive up rents and home prices, and drive out more low-income people from being able to access the private rental market entirely. An opioid overdose crisis that has taken the lives of 155 people on Vancouver Island up to September alone, more than any previous year on record. These are difficult and stressful times for low-income people in our province who need support and solidarity now more than ever.

There will be a lot of learning in my first few months on the job, and a lot of new relationships to form, but I am incredibly honoured to join the TAPS team, and optimistic that 2018 will be another successful year for one of BC's oldest and most trusted legal advocacy organizations.



**DOUGLAS KING**

*Executive Director, Together Against Poverty Society*

## Legal Supervisor's Report

**A**s the legal supervisor at TAPS, my primary role is to provide legal advice, supervision and training to the TAPS Advocates to support them in representing individual clients. As well, I am responsible for ensuring that the practice of advocacy is carried out professionally, ethically and with accountability to our clients. TAPS also ensures that students working at TAPS meet these same standards.

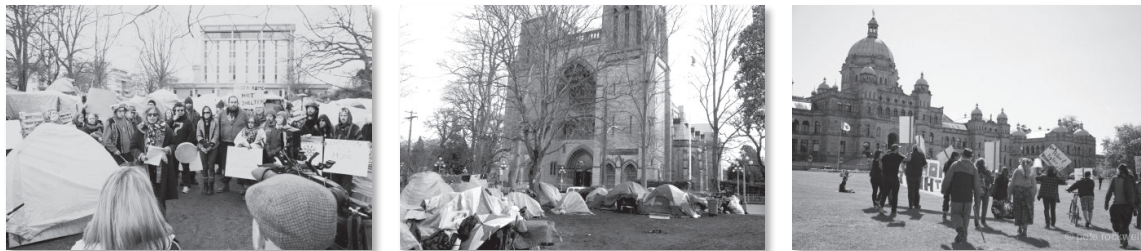
No surprise, it's been a busy year. I hoped that once the Super Intent City work was completed, we could slow down a bit and catch up on administrative tasks like review of precedents and cataloguing of legal resources but it was not to be! As you will see from the advocates' reports, and in particular the report on Residential Tenancy, the volume and complexity of client needs has increased. At the same time it has been interesting to support the advocates in their work of pointing out badly needed policy and legislative changes to the new government.

The staff changes, permanent and temporary, have been an opportunity to assess the need for and delivery of in-house training. Based on the advocate's feedback, we have started to focus on shorter sessions using examples from the advocate's own practice area, which has been proving more effective than the more general training done in the past.

In a province where access to justice is sadly wanting, TAPS fills a huge gap by providing professional advocacy to people living in poverty in Greater Victoria. This advocacy supports our clients in defending their statutory rights and in obtaining the benefits to which they are entitled for those most basic essentials of life.

**LISA COWAN**

*Supervising Lawyer, Together Against Poverty Society*



*Images taken from the summer of 2016 show Super Intent City, and a march on the provincial legislature demanding housing rights*

PHOTO: SUPER INTENT CITY SOCIETY (SIC SOCIETY)

# Income Assistance Legal Advocacy Project

JEN MATTHEWS, DANIEL JACKSON, STEPHEN PORTMAN, THEA MCDONAGH, ISABELLE DEHLER-HYDE

## PROJECT DESCRIPTION:

TAPS Income Assistance Legal Advocacy Project offers high quality legal advocacy services to economically disadvantaged people accessing benefits from the newly named Ministry of Social Development and Poverty Reduction (MSDPR).

2565  
individuals  
served

## OBJECTIVES

- Enhance access to justice by providing reliable legal information to people living in poverty about their rights and the benefits and entitlements available to them through provincial income assistance programs
- Provide vigorous legal advocacy services to people living in poverty through negotiation with MSDPR staff, composition of written submissions, and full representation in income assistance appeal (EAAT) hearings
- Offer engaging and informative public legal education presentations to community groups and their clients about the rights and entitlements of income assistance law
- Educate and empower individuals to effectively advocate on their own behalf

## CASE TRENDS

### Accessibility at the Ministry

Difficulties accessing services from MSDPR continues to be a source of deep frustration and disenfranchisement for clients of TAPS. The transition to a centralized service delivery model primarily accessed through MSDPR's online portal and general inquiries telephone line has made it very difficult for people to access basic information about their rights, entitlements, and responsibilities regarding assistance. Clients routinely report being denied in-person services from Ministry offices, particularly during the intake process, and are told their inquiries need to be addressed online or by telephone despite repeated assurance from Ministry officials that in-person services are available. Excessive wait times on hold when calling through to the 1-866 general inquiries line, and inability to access or navigate online information systems only make it more difficult to take up queries. TAPS clients also frequently report instances where they were not adequately informed of decisions regarding their eligibility for assistance, despite staff obligations outlined in MSDPR policy. Too often people find out about eligibility issues only after they have not received their monthly assistance, and must navigate inaccessible communication systems to determine why. This results in desperate circumstances for people relying on assistance for the basic necessities of life. Lack of reliable and consistent information from MSDPR staff and supervisors has also been a persistent

problem for clients and advocates alike, which compounds the issues and consequences of inaccessibility at MSDPR.

TAPS advocates continue to push for accessible services both independently and in collaboration with organizations across the province.

#### CASE PROFILE

Shauna is a single mother who approached TAPS after having her PPMB designation renewal application denied at the Reconsideration level. Shauna has struggled with severe dyslexia, depression, and anxiety since she was a child. She is functionally illiterate, and experiences extreme stress when forced to navigate written material. Shauna had obvious difficulties understanding the requirements and reasons underlying the MSDPR's decisions regarding her assistance, but was motivated to maintain her designation due to the higher earnings exemption it afforded her.

Shauna and her TAPS advocate were unsuccessful in their appeal to the Employment & Assistance Appeals Tribunal. Both the Tribunal and MSDPR stated that, while there was now ample evidence to conclude that Shauna should maintain her designation, the denial was reasonable given the information available to MSDPR at the time of reconsideration.

TAPS worked with the BC Public Interest Advocacy Centre in Vancouver to file a petition for judicial review of this case, arguing that EAAT had erred in several ways. MSDPR ultimately settled before the case went to court. MSDPR retroactively reinstated Shauna's designation, and provided the assistance that it had withheld due to her temporarily reduced earnings exemption.

The Ministry failed to approve Shauna's well-supported renewal application through every level of decision making. This designation results in only a very nominal increase in the money paid to Shauna; the primary benefit is allowing her to do more paid work to support her young family. Shauna was forced to expose her vulnerabilities and disabilities to dozens of workers and professionals in the course of this review, which involved multiple staff, supervisors, advocates, and at least four lawyers. While this is not the process that TAPS would choose, we feel it is critical to pursue these cases to their end in order to ensure the Ministry is accountable for its unsupportable decisions.

**1696**  
**individuals**  
**served**



# Tenant Legal Advocacy Project

YUKA KUROKAWA AND EMILY ROGERS

## PROJECT DESCRIPTION:

The TAPS Tenant Legal Advocacy Project aims to enhance access to justice by providing unique legal advocacy services to the tenant community of Greater Victoria and surrounding region.

## OBJECTIVES

Provide legal information and advice to low-income and vulnerable tenants regarding their rights and responsibilities under the British Columbia *Residential Tenancy Act (RTA)* and *Manufactured Home Park Tenancy Act (MHPTA)*

- Engage in negotiation on behalf of tenants with their landlords toward the resolution of disputes
- Represent tenants at Residential Tenancy Branch (RTB) Dispute Resolution hearings
- Assist tenants with navigating the complex residential tenancy system
- Provide engaging and informative public workshops for tenants and other stakeholders regarding tenancy issues, rights and responsibilities
- Facilitate the creation and operation of a community tenants' rights group
- Advocate for systemic change by acting as tenancy and housing consultants to local stakeholders and engaging in policy initiatives

1912  
individuals  
served

## CASE TRENDS

### Tenant Displacement

One of the most concerning aspects of Victoria's ongoing housing crisis is the rate at which tenants are being displaced from their rental units due to renovations, demolitions, and disasters such as fires. When experiencing such emergencies, tenants often find themselves looking for information about their rights as tenants, seeking support in respect to advocating for those rights, and navigating legal processes. In response to this dynamic, TAPS' Tenant Legal Advocates have established the Victoria Tenants Action Group (VTAG). This group is a network of tenants with knowledge and experience in respect to displacement issues who offer peer support, share common tenancy concerns, and bring the power of the collective voice to the attention of decision-makers and the public at large. The Tenant Legal Advocates view this work as Public Legal Education, empowering community members to disseminate important information about tenant rights to their friends, family, and neighbours.

### Joint Applications

The Residential Tenancy Branch has a "joint application" process that allows tenants to join their dispute resolution applications together if their concerns are similar and occur at the same residence. This process allows tenants to work together to advance their case and feel supported by each other

during the process. Throughout this reporting period, advocates of the Tenant Legal Advocacy Project have been particularly active in addressing joint applications. The Advocates believe that the demand for joint case work is partly a result of the increasing severity of the local housing crisis. In total, the Tenant Legal Advocates have represented 48 tenants through 5 joint application cases over the past year.

### Unseen Impacts of the Housing Crisis

The housing crisis in Greater Victoria continues to pose significant challenges for tenants, and in turn, for the Tenant Legal Advocacy Project. High rental costs and low vacancy rates affect the way tenants choose to approach tenancy issues. Specifically, clients are more likely to stay



silent regarding service and repair issues even if their living conditions are substandard. Tenants are also more likely to accept mutual agreements to end tenancy, as the uncertainty of challenging an eviction notice and being served with an Order of Possession is perceived as being too risky by many tenants, even when there is merit to their case. The Tenant Legal Advocates have become increasingly more creative in their strategic and negotiation tactics when supporting clients in these precarious situations.

Local and national media have continued to call upon the Tenant Legal Advocacy Project to provide expertise on the housing crisis. These stories are aired across the province,

highlighting the fact that the Tenant Legal Advocacy Project is widely viewed as leaders within our field and that our extensive work representing tenants has earned the Tenant Legal Advocacy Project a reputation as being knowledgeable and effective advocates.

### CASE PROFILE

A property developer purchased a multi-unit apartment building that houses low-income residents and they were all immediately served with eviction notices. The notice stated that the landlord intended to conduct extensive renovations to the entire building, and that this required every unit to be vacant. The landlord claimed that they had obtained all of the necessary building permits and permissions required to conduct the renovations.

The ten tenants contacted a TAPS Tenant Legal Advocate. Over several months, the tenants and the Advocate worked together to build a joint residential tenancy case against the landlord. The Advocate participated in group meetings with the tenants, assisted the tenants with gathering evidence, and drafted a legal submission. The advocate also attempted to negotiate with the landlord by sending multiple requests to discuss the situation prior to the hearing. The advocate represented the tenants at their hearing, at which time arbitrator determined that the landlord did not have legal grounds to "renovict" the tenants. The landlord was advised by the arbitrator that they must comply with their legal obligations and undergo the proper processes of obtaining rezoning and other building permits before they can evict the tenants.

In the midst of a severe housing crisis, it was particularly important to these tenants that they were able to stand up for their rights and preserve their affordable rental units for as long as possible.

# Volunteer Disability Advocacy Project

ISABELLE DEHLER-HYDE, THEA MCDONAGH

## PROJECT DESCRIPTION:

The Volunteer Disability Advocacy Project (VDAP) provides legal advocacy and support to economically disadvantaged people who are applying for Persons with Disability (PWD) status with the Ministry of Social Development and Poverty Reduction (formerly known as the Ministry of Social Development and Social Innovation).

## OBJECTIVES

- To assist people with disabilities with applying and qualifying for provincial Persons with Disabilities (PWD) status.
- To help people with understand and maintain their PWD benefits.
- To recruit, train and supervise a diverse network of volunteer advocates to support clients with the complex and lengthy PWD application process.
- To encourage individuals living with disabilities to become VDAP volunteers.
- To update and refine training materials and resources used by the VDAP volunteers.
- To provide ongoing training opportunities for volunteer advocates.
- To provide opportunities for public legal education on disability issues to the community.

911  
individuals  
served

### Updates and Activities:

This year VDAP coordinators recruited, trained, and supervised 34 new VDAP volunteers. The coordinators also trained and supervised 2 new assessors who are able to fill out the assessor portion of the PWD application. The role of the coordinator also included providing VDAP clients with referrals to community resources and information about their rights and benefits under the Employment and Assistance for Persons with Disabilities Act.

The project was able to assist 911 individuals in the Greater Victoria area to understand, apply for, and maintain their PWD benefits. In addition to the face-to-face services offered by volunteers, the project also provides services to any VDAP clients whose applications are denied, which often results in an appeal. This year the VDAP coordinators represented 25 clients in appeals.

### Volunteer Advocates:

Clients are referred to VDAP through community agencies, family, friends, and the Ministry of Social Development and Poverty Reduction due to the program's strong reputation in the community as being the leading experts in the PWD application. Volunteers come from diverse backgrounds including many students from the School of Social Work and Law School at the University of Victoria's Faculty of Law, social service providers looking to expand their skills, and community members who may have applied for the benefit themselves. VDAP focuses on encouraging and supporting individuals who are living with disabilities to become volunteer

advocates, as these volunteers have a unique ability to empathize with applicants and, having been through the application process themselves, have personal experience that is invaluable.

Our advocates show a great deal of dedication and compassion for the people they work with and many clients are unaccustomed to being treated with this level of care. Often clients are sharing very painful and private information regarding the nature of their disabilities and the support of a skilled and caring volunteer can make all the difference.

#### CASE PROFILE

Ms. Green first approached TAPS in May 2017 looking for assistance to apply for PWD due to several complex mental health and learning disabilities. Ms. Green had moved to Victoria recently to flee an abusive relationship where she endured much trauma. She was unable to do many day-to-day activities and was unable to leave her home without being accompanied by another person or her dog. The VDAP volunteer drafted a self-report for Ms. Green's application and supported her as she tried to get the rest of her application filled out by a physician.

Being new to the city, Ms. Green was unable to find a family physician to take her as a patient at the time of her application. As a result, Ms. Green had her application done by a local walk-in clinic. While supportive of her application, the doctor who filled out her application did not have access to her full medical records, did not have the time to learn about the complexities of her multiple diagnoses, and likely misunderstood some of the language on the application. As a result, Ms. Green ended up with an application that was not only weak but also did not accurately reflect the severity of her disabilities. The volunteer suggested edits to the physician based on information gathered through extensive interviews with Ms. Green, but the doctor was not pleased with the volunteer's suggestions and submitted Ms. Green's application without making any changes, and without Ms. Green's self-report. As a result, her application was denied, and Ms. Green was advised by that physician that there was nothing else he could do for her.

Ms. Green met with the coordinator, distraught and feeling hopeless about the PWD process. Luckily, Ms. Green had recently found a family physician. The coordinator assisted Ms. Green and her new physician to submit additional medical evidence regarding her disabilities and their impact on her life and wellbeing. Her request for reconsideration was successful. Ms. Green's resilience and determination combined with the support of her family physician made it so Ms. Green's monthly income and access to medical and dental benefits have increased, giving her some financial stability and peace of mind.

# Federal Disability Advocacy Project

DANIEL JACKSON AND CAITLIN WRIGHT

## PROJECT DESCRIPTION

TAPS' Federal Disability Advocacy Project is in its third year of operation, and provides legal information, advocacy, and legal representation to low-income people pursuing federal disability income benefits. These benefits include Canada Pension Plan Disability benefits (CPP-D), the Disability Tax Credit (DTC), and Registered Disability Savings Plan (RDSP).

## OBJECTIVES:

- Assist people living in poverty with disabilities to apply and qualify for CPP-D, DTC, and RDSP
- Recruit, train, mentor and supervise volunteer federal disability advocates
- Create greater awareness of federal disability benefits including the DTC and RDSP within our community
- Educate and help empower individuals to advocate for themselves in relation to provincial and federal governmental bodies and income benefits

Total Individuals Served: 744

744  
individuals  
served

## UPDATES AND ACTIVITIES

This last reporting period saw many changes in the staffing of the FDAP project. Last September 2016 Zoe Macmillan departed from her role as FDAP Coordinator. From September to December 2016 that position was held by Emily Rogers. In January of 2017, Caitlin Wright was hired to assume the position, working part-time within the project. Due to issues with funding, as well as the need for more advanced legal knowledge and skills to support clients through reconsiderations and appeals, the capacity of the FDAP project was temporarily reduced.

However, in May of 2017 Income Assistance advocate Daniel Jackson joined the FDAP project, and once again TAPS was able to provide much-needed legal representation for both reconsiderations and appeals for CPP-D and DTC applications. Clients have expressed their appreciation for the reinstatement of this type of legal representation.

### CASE TRENDS

#### CPP-D Recovery and the Ministry of Social Development and Poverty Reduction (MSDPR)

As in 2016, the primary issue that continued to dominate the FDAP project was providing advocacy to clients receiving provincial disability benefits who are required by the Ministry to apply for CPP-D benefits. As the payer of “last resort”, the Ministry requires that clients pursue

other potential sources of income benefits in order to remain eligible for assistance. The majority of full representation clients served by this project are CPP-D Recovery clients. These clients contact TAPS, often in crisis for fear of losing their provincial disability benefits, given the complex nature of CPP-D applications and the tight timelines the Ministry enforces. An unfortunate component of CPP-D Recovery involves the Ministry clawing-back retroactive CPP-D benefits as payment for clients who received both Income Assistance and PWD benefits; frustratingly, as CPP-D benefits are taxable, clients who were entitled to a lump-sum of retroactive benefits can be faced with a high tax bill the following year, even though they never received the monies which were automatically transferred back to the province. This can however provide an opportunity for clients to work with advocates on applying for the Disability Tax Credit certificate, which helps individuals with disabilities reduce their personal income tax.

During the reporting period FDAP advocates have also been collaborating more with the VDAP coordinator on engaging newly-approved PWD clients in applying for the Disability Tax Credit. While the DTC provides a tax credit, it also entitles individuals with disabilities to open a Registered Disability Savings Plan. Until the age of 49 the federal government will contribute \$1000 to low-income individuals with the DTC, in order to build a long-term savings plan; they also will provide matching funds to personal contributions.

#### CASE PROFILE

Jonas approached TAPS after being denied CPP-D benefits at the initial and reconsideration stages. Jonas' medical condition is both complex and rare, and he had continued gathering information throughout his application and appeal process. By the time his hearing date was scheduled, his diagnosis and prognosis had solidified, and it was clear that Jonas was eligible for CPP-D. Jonas' TAPS advocate prepared detailed written submissions in advance of the hearing, addressing the Ministry's reasons for denial, and providing Jonas' updated information. Despite the increased medical clarity in Jonas' case, the Ministry provided several counter-submissions, and forced the case to proceed to an oral hearing.

Jonas and his advocate appeared before the Social Security Tribunal by video conference, accompanied by TAPS' supervising lawyer. The arbitrator ultimately sided with Jonas, awarding retroactive CPP-D benefits in the amount of \$27,452.

Jonas worked diligently to amass a clear medical file, and the submissions by the TAPS advocate made it very clear that he was entitled to this benefit. Jonas' fight for CPP-D took approximately 30 months, and he was forced to rely on income assistance while the matter was resolved.

# Employment Standards Legal Advocacy Project (ESLAP)

STEPHEN PORTMAN AND DAVID HUXTABLE

## PROJECT DESCRIPTION

ESLAP provides public education, as well as individual advice and advocacy support to low-income, non-union workers who feel that their rights under the BC Employment Standards Act have been violated. Our public legal education efforts are focused on providing accessible information to those most likely to be vulnerable in the labour market: youth, First Nations People, and new Canadians. In addition to providing information and summary advice to individual workers on Employment Standards, we also provide referrals to other organizations for workers who have had their human rights violated at work, or who have been injured on the job. The bulk of our time, however, is providing individual support to workers who need to access the Employment Standards Branch complaint process to have their rights protected. This work involves helping workers identify which sections of the Act have been violated, approaching their employers on their behalf, preparing workers for mediation and helping them through the arbitration process, when necessary.

145  
individuals  
served

## OBJECTIVES:

- To educate workers about their basic employment rights
- To help workers access their employment rights through the Employment Standards complaint process
- To hold unscrupulous and abusive bosses to account
- To promote economic stability for marginalized workers through dispute resolution assistance

## UPDATES AND ACTIVITIES

Our case load continues to increase, and this year we have taken on several long and/or complex cases. Collaboration between ESLAP, the Retail Action Network, and the Vancouver Island Human Rights Coalition on providing public education, and cross referrals has been increased, and our relationships with the trade union movement have also grown stronger over the year. This year, we began to develop a network of union organizers we can refer workers to when appropriate. This relationship works both ways, and union organizers have referred non-union workers to us for assistance with Employment Standards issues. We have also had some success in our effort to reach out to First Nations communities, as discussed below.

*The logo for the Retail Action Network,  
one of TAPS' many community partners*



**CASE TRENDS:****Wage theft and Refusal to Pay Awards**

Wage theft continues to be a significant problem. Wage theft occurs when employers simply refuse to pay wages they owe. This act of theft results in significant hardship to clientele, and often leads to ESLAP staff working with other Advocacy staff to deal with emergency access to Income Assistance and evictions. Many wage theft cases are solved outside of the formal dispute resolution through negotiated settlement before a complaint with the Employment Standards Branch is even filed.

We also have several cases that we have won through arbitration over the past year that are not yet closed because the employer refuses to pay what the Branch has awarded the worker.

**Termination without notice or compensation**

Another significant issue ESLAP staff see in their cases is when an employer terminates an employment relationship without notice or compensation. Under the Act, employers must provide notice of termination (from 1-8 weeks, depending on length of employment) or financial compensation for a lack of notice. Many employers do not seem to understand what “just cause” means, and these cases often go to arbitration due to employer intransigence. Like wage theft, termination without notice or compensation often leaves workers in a desperate situation.

**Length of time to resolve cases**

Closely related, we see that cases not resolved informally are taking an extraordinary amount of time to reach resolution through the formal process. According to the former Ministry of Jobs, Tourism and Skills Training, the benchmark time-frame that the Branch set for itself to resolve complaints is 180 days. In other words, if a complaint is resolved within 6 months, the Branch considers this a success. The impact of these timelines on low-waged workers who have had wages stolen, or who have been terminated without severance, is profound: they are very often forced onto Income Assistance and/or face eviction. In short, we are seeing Branch timelines to resolution – particularly when coupled with a minimum wage that is far below a livable income – contribute to homelessness.

**CASE PROFILE**

Sam is a recent immigrant who was sponsored by his employer. Because of his precarious immigration status and his dependency on his employer, Sam was afraid to complain about the 10 to 12 hour working days at his employer’s restaurant. He worked these excessive hours for months until his immigration status was settled. He then came to see ESLAP. ESLAP advocates sat with Sam through two failed efforts at mediation. Then they helped Sam organize his evidence and witnesses, and take his case to an Employment Standards adjudication hearing.

Sam, his colleagues, and his employer all speak English as a second language, so the advocate approached other non-profits in Victoria for assistance in translation and interpretation. Sam’s case was also complicated by the fact that some of his potential witnesses were still waiting to hear about their permanent residency status in Canada, and therefore afraid to speak out. Despite these challenges, Sam won his case, and in January 2017, the Employment Standards Branch awarded Sam over \$17,000 in stolen wages, and fined his former employer an additional \$2,500.



## Public Legal Education Highlights

Over the past year, ESLAP staff have, through collaboration with the Retail Action Network, developed a fun and interactive new PLE program. The new program involves role-play, where the students act as workers in a non-union print shop producing posters for the Employment Standards Branch. While the “workers” produce these posters, with the aid of information packages, one of the educators plays the role of the “bad boss,” who demands that the workers engage in unsafe work practices, introduces a new – and sexist – dress code, and makes illegal deductions from their pay. At the end of the role-play, we discuss the posters and the problems that emerged during the role-play.

While the role-play was developed with young workers in mind, we have also used it with groups of indigenous workers of mixed ages, and a group of new Canadians of varying backgrounds and ages. It has proved to be a very popular and effective way of educating people about their rights.

In addition to this new program, ESLAP staff participate twice each month in an evening drop-in session on workplace rights at the Victoria Event Centre, organized by the Retail Action Network.

# Outreach Legal Advocacy Project

KHALELA BELL

## PROJECT DESCRIPTION

The Outreach Legal Advocacy Project (OLA) provides flexible outreach legal advocacy to individuals who identify as chronically and episodically homeless through working with partnering Service Organizations in the community. OLA offers information, summary advice and full representation for matters that fall under the legislative purview of the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act*.

103  
individuals  
served

## PROJECT OBJECTIVES:

- Enhance existing case management services and client identification tools through a flexible outreach approach that seeks to meet individuals experiencing homelessness ‘where they are at’
- Provide legal information and summary advice to applicants and recipients of income assistance and provincial disability benefits concerning their rights, responsibilities and entitlements under the relevant legislation
- Organize flexible intake procedures at and with participating organization partners. Develop relationships through outreach services, informal meetings, and ongoing casework
- Provide public legal education presentations to community organizations concerning income assistance rights, responsibilities and entitlements

## CASE TRENDS

### Systemic and Cultural Barriers:

Many clients experiencing homelessness are negatively impacted by more than simply the housing crisis. In addition to a shortage of housing, many clients’ lives are complicated by the shortage of doctors, daily displacement due to laws regarding public space, criminalization, and discrimination. Clients are forced to carry their belongings at all times and are subsequently vulnerable to theft and confiscation of belongings by police and bylaw officers, including identification documents. First Nations clients are particularly impacted, and often experience overt racism at government offices, walk-in clinics, and banks. Discrimination is one of the greatest barriers our clients face, as the desire to seek support is severely impacted by repeated negative experiences in formal office environments.

### Effective Support Requires a Network:

Forming relationships within partnering organizations eases the burden on clients to coordinate the multiple services that they must access. Homelessness is complicated – individuals must be at service organizations at certain times to access food, shelter beds, health services, and to communicate with one another. The ability to coordinate with other outreach workers, social workers, and advocates enables more efficient communication and navigation of services. Additionally, ongoing working relationships with other service providers creates a sense of community, as clients feel that they have a team of support, rather than several disjointed workers who may be unfamiliar with each other.

**CASE PROFILE**

Lara worked full time for a verbally abusive boss, until her mental health deteriorated to the extent that she was hospitalized. When I met her at a partnering service organization, she had an eviction notice requiring that she leave her apartment that day. She had no money to her name, and was told by MSDPR that she was not eligible for Income Assistance because she needed to apply for Employment Insurance, but she was then told by Service Canada that she was not eligible for Employment Insurance. She was so overwhelmed by her circumstance that she was considering returning to the hospital due to a lack of other options.

The flexibility of the OLA position allowed for immediate accompaniment to access food, help with Service Canada for Employment Insurance processing, the gathering of documents for Hardship Assistance (a form of Income Assistance to which she was entitled), and expedited processing of these documents with 24 hours. Thanks to our help Lara was able to maintain her tenancy, avoid another hospital stay, and moved forward with accessing the health supports that she needed.

**PROOF TAPS**  
TOGETHER AGAINST POVERTY SOCIETY

**RIGHTS  
WELFARE  
DISABILITY  
SUPPORTS  
INCOME**

**TAPS OUTREACH LEGAL ADVOCATE IS  
HERE TO HELP BREAK DOWN THE WALL**

Challenges with homelessness?  
Facing barriers to accessing rights,  
welfare, disability or  
other income supports? No Computer,  
No Phone, Trapped behind a wall?

DATE \_\_\_\_\_  
TIME \_\_\_\_\_  
NAME \_\_\_\_\_

In person support available at the time  
and date noted above.

Can't be here in person? Drop by TAPS at 302-895 Fort Street  
ask for outreach or phone at 250-361-3521 or email at outreach@tapsbc.ca.

POSTER DESIGN BY NICK PORTMAN

## TAPS' Community Volunteer Income Tax Project

TONY PULLMAN, PETER YEUNG, FRAN ROTHMAN,  
SUSANNA GRIMES, JIM ROGERS, BARB DOUGLAS,  
PAUL DWYER, ALISON BAILEY, PIERS STAINFORTH

**1160**  
individuals  
served

### PROJECT DESCRIPTION

TAPS is an approved community partner with the Canada Revenue Agency and supports trained volunteers to provide free income tax preparation. This service is part of a network across Canada that assists tax filers, regardless of their ability to pay, to access Canada's tax system. Each week throughout the year (except August), TAPS' team of volunteers provides free, face-to-face income tax preparation for eligible individuals (primarily people living on a low-income, with disabilities and/or seniors). Over the past year, TAPS has had up to eight volunteers working together to serve people in the Capital Regional District in response to a demand that grows unabated.

TAPS volunteers may prepare up to 10 years of income tax returns for clients who are in arrears with their tax filings. This is a much-needed service in our community as Canada Revenue Agency no longer provides counter service to clients, and other agencies that provide this service either do not provide face-to-face service, do not help with multiple years, or do not provide service beyond April 30<sup>th</sup>. In addition to receiving the income tax refunds that one is entitled to, there are many potential benefits that result from getting one's taxes completed. It enables people to participate in many provincial and federal income-tested programs, such as the Child Tax Benefit, the Guaranteed Income Supplement for seniors, the Federal Goods and Services Tax Credit, BC's low-income climate tax action credit and PST refund, as well as large number of non-tax related programs such as access to public housing, assisted living for seniors, Medical Services Plan Premium Assistance, Fair Pharmacare, ESL programs at community colleges, Canada Student Loans, and Registered Disability Savings Plans.

During the year our volunteers were also able to offer clinics in conjunction with organizations providing services for Youth in Greater Victoria. In total our volunteers saw 1,160 clients and prepared 1,766 tax returns, which generated over \$2.1 million in refunds and credits.

## Taproot

Taproot is our newsletter that provides legal information and updates on our work, and is published six times a year. We have an e-mail version of the newsletter, which we currently send to about 670 people. We also send Taproot by post to some 90 people and organizations, and we print about 500 copies of each issue for delivery to over 35 organizations around Victoria, including the Disability Resource Centre, John Howard Society, and the Victoria Native Friendship Centre. We also mail the Taproot to organizations around the more rural parts of our province such as the Haida Gwaii Legal Project Society, the Nicola Valley Advocacy Centre in Merritt, the Northern Rockies Aboriginal Women Society in Fort Nelson, and The Advocacy Centre in Nelson, among others.

The Taproot presents articles by staff, board, volunteers and members of the community. In the past year, we have had articles on the rules related to working while receiving Canada Pension Plan Disability benefits, the legal position of people renting rooms in other people's homes, the medical benefits available to people on provincial disability benefits, and how to navigate the online income assistance application process, to name a few.

## TAPS Volunteers

TAPS relies on the hard work and dedication of its 50 or so volunteers, who do everything from helping people prepare their tax returns, to disability advocacy, to front desk reception, and even data entry. People volunteer at TAPS for many reasons—to join the fight against poverty, to be involved in the community, to help others. Our volunteers are people who have experienced poverty firsthand, people with a commitment to social justice, students, retirees, and people with disabilities. Some have specific skills they want to use, such as writing or drawing, and some come to gain skills and experience in legal advocacy or office reception. Many simply want to be involved in an organization that helps people.

TAPS has an all-volunteer front desk reception. While we do have a solid core of front desk volunteers, we have had some challenges over the past year keeping all 10 weekly shifts covered. We generally need to have about 16 front desk volunteers on our roster—10 volunteers with permanent shifts and 6 volunteers who can fill in when any of the regular volunteers is away. Since June 2017 we have had in the range of 7 to 10 volunteers at any one time.

We also have several office volunteers who help us with such things as mail outs and photocopying jobs, and tracking our members and donors in our database. Volunteers on the newsletter team produce artwork, proofread, and prepare the mail out. We also benefit from the help of volunteers from the Garth Homer Society who deliver the newsletters to organizations around Victoria.

## Public Legal Education

**An important aspect of TAPS mandate is to increase awareness and capacity in our community regarding the rights of people experiencing poverty. The following is a list of just some of the organizations to whom TAPS Legal Advocates have presented over the past year.**

- Peers Victoria Resources Society
- Residents of the James Bay neighbourhood
- Residents of the Fairfield neighbourhood
- Residents of Esquimalt
- Residents of Downtown Victoria
- Residents of Saanich
- Youth Empowerment Society
- Ministry of Children and Family Development, Youth Advisory Council
- University of Victoria, Child and Youth Care students
- Greater Victoria Housing Society
- Single Parent Resource Centre
- Island Métis Family & Community Services Society
- Our Place, Project Connect
- Law Foundation of British Columbia, 2017 Legal Advocate Training Conference
- Burnside Gorge Community Association
- AIDS Vancouver Island
- Beacon Springboard to Success Program
- Victoria Immigrant and Refugee Centre Society
- The Law Centre
- Island Métis Family & Community Services Society
- Mt. Douglas Secondary
- Reynolds Secondary
- CELÁSET (Moving Forward) Program: The Centre for Indigenous Education & Community Connections at Camosun College in partnership with the Songhees and Pauquachin First Nations
- The Anarchist Book Sale
- Worklink Employment Society



# 2016–2017 Board of Directors

## MEMBERS OF THE EXECUTIVE

**Brenda McBain – President**

Consultant

**Marika Albert – Vice President**

Executive Director, Community Social Planning Council

**Tony Pullman – Treasurer**

Retired Chartered Accountant

**Ryan Tonkin – Secretary**

Lawyer

## MEMBERS-AT-LARGE

**Michel Janisse**

Freelance Fund Development Manager

**Bernice Kamano**

Aboriginal Outreach Worker

**Hilary Marks**

Student

**Sarah Cunningham**

Community Development Consultant

**Felicity Smith**

Retired Organizer and Fundraiser

**Patricia Cochran**

Assistant Professor, Faculty of Law, UVic

**Nathan Cartwright**

Accountant

**Linda Doctoroff**

Retired Social Worker



TOGETHER AGAINST POVERTY SOCIETY  
GRATEFULLY ACKNOWLEDGES OUR FINANCIAL PARTNERS:



... and our many generous individual donors. *Thank you!*