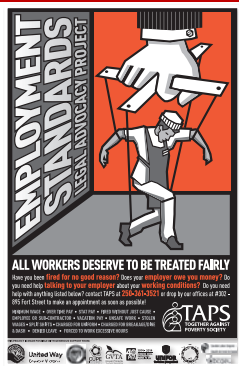




2016 ANNUAL REPORT
Providing advocacy, education, community building



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

—MARY WOLLSTONECRAFT

WHO WE ARE

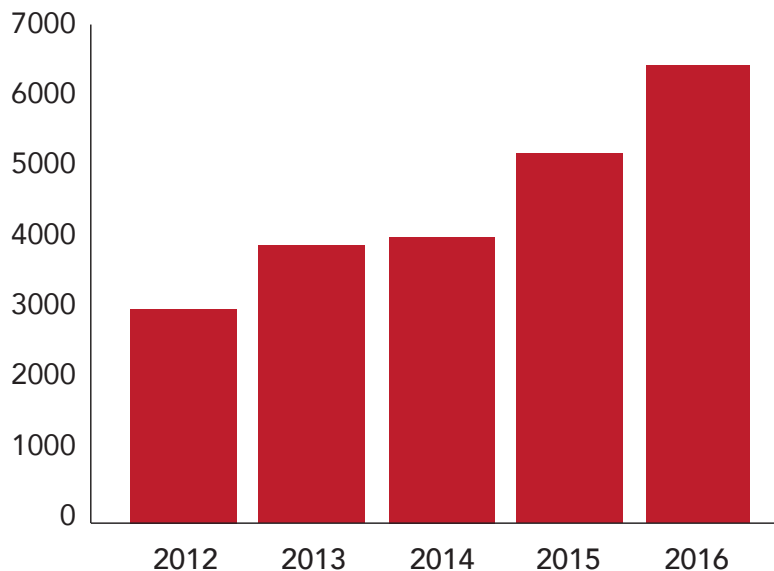
Together Against Poverty Society (TAPS) is the largest anti-poverty organization on Vancouver Island. We have a positive impact on people's lives in ways that honour and promote human rights, justice, and a healthy, sustainable community. TAPS is a recognized leader and resource for citizens, community 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, the social justice movement, 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 and tenancy including information, 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;
- Identify, research and address issues relating to poverty with particular emphasis on those that affect our local community and;
- Work in cooperation with other community groups and social service providers in advancing poverty issues.

Number of clients served by TAPS, 2012–16



Executive Director's Annual Report 2016

This year has been, by far, the most challenging, exciting and successful year at TAPS since I joined the organization in 2010. It will come as no surprise that the primary reason for this was TAPS' involvement in SuperIntencity, charter litigation will have that impact! However, there were other key factors that made this an epic year at TAPS. Even in the face of strained resources, TAPS Legal Advocates served almost 20% more clients than any other year, we established a new database, implemented a new monthly donor system, were represented in British Columbia Public Interest Advocacy Centre's intervention in BC Hydro's rate design application, were instrumental in organizing and pushing forward the Regional Housing First Motion, responded in an outreach capacity to tenants dealing with fires and renovictions and helped lead a province-wide fight against changes to the monthly bus pass program for PWD recipients.

All of this – in addition to the high quality legal advocacy services we provide to low-income citizens throughout Southern Vancouver Island and the surrounding Gulf Islands.

The reason our 'small but mighty' organization is able to accomplish so much is largely because of TAPS' incredible staff. I consider myself one of the luckiest people in the world to have the privilege to work with a group of people who have such a deep commitment to social justice, people who approach their practise with integrity, intelligence and a dogged determination to work on behalf of those needlessly living in poverty. A climate of unabashed fearlessness in confronting systems that serve to entrench and exacerbate poverty permeates our office and this fact is obvious and inspiring to me, the people we serve, and the community around us. Add to this more than 50 gifted and dedicated volunteers, the beating heart of our organization, and it is little wonder that TAPS has become a leader in the fight for community change.

In the year ahead we must be bolder still. As poverty levels continue to deepen in our region, with income assistance rates frozen at 2007 levels, vacancy rates at .06% and Greater Victoria being one of the most expensive places to live in Canada, TAPS' role in the community has never been more important. While we will continue to fulfill TAPS' mandate to provide high quality individual legal advocacy services for our community's most vulnerable citizens, we must also focus our resources on the broader, systemic causes of poverty and ensure we are speaking truth to power in an effective manner that helps create a more just and equal society for all. This year and to this end, TAPS created a new position of Advocacy Lead which is held by Stephen Portman. Stephen's work in this position was instrumental in TAPS' ability to support the charter rights of the homeless people living in the park between church and state on Broughton Street. Please read the Op-Ed (see next page) for more on the positive impact on our community of TAPS' involvement in SuperIntencity. We look forward to TAPS' further involvement in these important issues that will improve living conditions for all!

KELLY NEWHOOK

*Executive Director
November 2016*

COMMENT

It's time to stop pretending Canada stops at the Rockies

Tent city succeeded in showing the way forward

STEPHEN PORTMAN
and KELLY NEWHOOK

Although Chief Justice Christopher Hinkson has ruled that Super Intent City must be dismantled, there can be no doubt that its existence led to a historic victory in the struggle to provide homes to the homeless across our region — a victory fought for and won by the homeless themselves, with help from compassionate supporters.

A conservative estimate for the total investment in housing solutions, directly and indirectly attributable to the existence of the tent city, is \$86 million, with 714 units of housing for homeless people. This level of investment would not have happened if the homeless had not taken up residence on the courthouse property and made the problem impossible to ignore.

Many of these units are not permanent, some are yet to be constructed, and the homeless themselves are yet to be included in a meaningful way in the construction, design and proposed governance of these facilities.

Nevertheless, there is hope that the landscape of homelessness across the region will be transformed.

Tent cities in British Columbia are the visible manifestation of failed public policy, decades of disinvestment in social housing, an abysmal social safety net with welfare rates frozen for more than nine years, and the lowest minimum wage and the highest child-poverty rates in Canada. We live in a province where our government has virtually abdicated any role in improving the safety, security and future of an entire class of people.

The homeless themselves have demonstrated what it takes to solve the problems inflicted upon them by an underfunded, unresponsive and uncaring system. The answer? Exist in the state that these forces have reduced you to in a way that they cannot ignore, and social change begins to flow.

The tent city grew out of necessity. The homeless are forced to pick up and move along each and every day with nowhere to place their belongings, let alone a place

to belong themselves. Living with persistent sleep deprivation, hunger and illness, these individuals created a solution where no other could be found.

The residents of the tent city created what many of us take for granted: the right to autonomy, safety and security. A home in community and a place to build a future. The "truth to power" message has been made clear. End displacement, stop criminalization of the poor and recognize housing as a basic human right.

No doubt our community has been challenged since the first tent went up on the courthouse lawn. It has been ugly, complicated and has pitted people and neighbourhoods against one another. The neighbourhood, Christ Church Cathedral and indeed the residents of the tent city themselves have all faced real challenges over the past eight months. There should never have been a need for an economic refugee camp in a region as prosperous as ours. The question now is where to go from here.

We continue to wait for a definitive answer from the federal gov-

SEND US YOUR LETTERS

Mail: Letters to the Editor, Times Colonist, 2621 Douglas St., Victoria, B.C. V8T 4M2
 Fax: 250-380-5353 Email: letters@timescolonist.com
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ernment on whether it will add to the \$60 million already committed by the Capital Regional District Housing First Initiative and provincial government. Further, the province's most recent housing announcement regarding the Central Care Home and the Super 8 hotel is welcome and important.

Unfortunately, these new and long overdue efforts will not solve the problem in Victoria, where the depth of homelessness is far-reaching, affecting more than 1,400 people and their families. This is why we cannot rest until we have homes for all.

Let us return now to the sad reality. We are a city that has endorsed the criminalization of the poor through bylaws that punish people for sleeping outdoors where no other reasonable option exists. We are a region that has endorsed the development of housing that is far outside the reach of not only the homeless and working poor, but increasingly of middle-income families who want to build a future here.

We are a province that has legislated starvation through stagnant welfare rates and lack

of meaningful rent controls.

Finally, as a community, we have seen hate and misunderstanding grow in relation to class divisions and play out through public dialogue that unjustly and illogically stigmatizes and blames the poor. At the Together Against Poverty Society, we believe we can all do better.

While we work through these challenges together, let us remember that the villain is not our community or the people in it, not the municipality or region, and perhaps, to be generous, not the provincial and federal governments. The villain is collective neglect of basic concepts of human dignity, rights and equality. Let us remember to honour those principles even if it makes us uncomfortable.

The victory of Super Intent City will be a lasting legacy for this community. Regardless of the court decision, we owe our gratitude to the homeless for showing us the way forward.

Stephen Portman and Kelly Newhook are with the Together Against Poverty Society.

Legal Supervisor's Report

As the legal supervisor at TAPS, my primary role is to provide legal advice, supervision and training to TAPS' Legal Advocates to support them in representing individual clients. This involves everything from advice on tenants' remedies when there is a fire in their building, how to reclaim unlawful deductions from clients' disability benefits, to developing a strong file management policy to ensure accountability and confidentiality to clients. Because TAPS' Legal Advocates are all experts in their field, they provide more than a simple statement of the applicable law. Representation at TAPS includes giving broader strategic advice to address clients' legal issues, helping clients weigh possible settlements or decide whether to reapply rather than appeal a decision or when to go to mediation rather than straight to adjudication. This produces some complex and interesting legal issues. I have also had exciting opportunities to work on TAPS' broader social justice initiatives, most recently the representation of residents of Super in Tent City in response to the Province's injunction applications.

During the reporting period I had the opportunity to meet with the other Law Foundation funded legal supervisors which confirmed what I already knew – TAPS Legal Advocates are the most professional and legally knowledgeable group of advocates in the province and I have the good fortune to work at the challenging job of being their lawyer.

LISA COWAN
Legal Supervisor



PHOTO BY PETE ROCKWELL

Income Assistance Legal Advocacy Project

THEA MCDONAGH, STEPHEN PORTMAN, HEIDI BOUDREAU,
JEN MATTHEWS

PROJECT DESCRIPTION

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

2634
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 MSDSI 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

1) Inaccurate information and accessibility issues

TAPS clients and advocates continue to face ongoing challenges accessing MSDSI. While MSDSI has made some adjustments to reduce the wait time on hold when calling through to the 1-866 general inquiries line, people continue to experience excessive wait times, and can be on hold for up to 2 hours before speaking with a worker. Clients also continue to report long line ups at the office, and are frequently frustrated by worker's inability to address their issue in person when they reach the front of the cue.

Lack of reliable information from MSDSI workers and supervisors has also been a persistent problem for clients and advocates alike. Clients frequently report being given inaccurate information or contradictory instruction from multiple workers. Inability to access reliable information from MSDSI ultimately results in an offloading of MSDSI responsibilities to advocates, who are left with the time consuming task of sifting through the misinformation to provide clients an accurate understanding of their obligations and entitlements. TAPS advocates continue to voice concerns about access issues and inaccurate information through various levels at MSDSI.

2) Changes for people receiving PWD assistance

In the past year MSDSI has made a number of changes to the administration of Persons with Disabilities ('PWD') assistance. With the exception of adjustments made to transportation allowances and bus pass subsidies, most of these changes have had positive outcomes for people receiving PWD benefits. For example, recipients of PWD assistance can now hold assets up to \$100,000 without jeopardizing their eligibility for assistance. Inheritances and educational awards are now considered exempt income and are therefore no longer deducted from a person's assistance. The new PWD 'prescribed class' application makes it easier for people who have already been approved for another disability-related program to apply for the provincial PWD designation.

While these are welcomed changes that have increased financial security for some PWD recipients, they do not address the underlying issue that PWD recipients in general do not receive enough assistance to make ends meet. Furthermore, people receiving income assistance have been left out to dry in these changes, as there have been no equivalent modification to the income assistance regulation.

TAPS continues to fight for the most fundamental change that will dramatically improve the lives of everyone receiving provincial benefits – a substantial raise in income assistance and PWD assistance rates.

CASE PROFILE

John is a single dad who suffered a brain injury a number of years ago. He was found eligible for the PWD designation because of cognitive challenges. John approached TAPS with questions about how much monthly PWD assistance he should be receiving.

John's advocate was advised by MSDSI that \$280.00 was being deducted from his monthly PWD assistance. John was unaware that this money was being wrongfully deducted from his assistance.

With help from his advocate, John submitted a service request asking MSDSI to conduct an administrative underpayment review to determine the amount that had been wrongfully deducted. MSDSI only reviewed one of the several years this deduction had occurred, and determined that John was underpaid over \$3,000.00. However, MSDSI refused to pay John the money deducted from his PWD assistance, citing non-compliance with monthly reporting requirements.

John and his advocate unsuccessfully appealed this decision through both MSDSI's internal appeal process and EAAT. The case was made that, despite knowledge of how his disability prevented John from carrying out his monthly reporting, MSDSI failed to inquire about or provide accommodation, as per MSDSI's Duty to Accommodate policy.

John and his advocate filed a complaint with the Office of the BC Ombudsperson. His advocate also supported John in finding representation to assist him with a human rights complain. Through the settlement process it came to light that John was actually underpaid over \$12,000.00. John ended up settling for \$15,000.00, which included repayment of the \$12,000.00 wrongfully deducted from his PWD assistance, and an injury to dignity award of \$3,000.00.

Tenant Legal Advocacy Project

YUKA KUROKAWA, ANDREW TANG, 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
- Provide engaging and informative community Public Legal Education for tenants, community service providers and other stakeholders regarding tenancy issues, rights and responsibilities
- Educate and facilitate the empowerment of individuals so they are able to effectively advocate on their own behalf

1696
individuals
served

CASE TRENDS

Renovictions and Mass Evictions

TAPS' Tenant Legal Advocates have been particularly active in addressing community concerns surrounding mass renovation and eviction schemes.

This past winter, hundreds of tenants in a local neighbourhood were subject to a renoviction scare when their landlord, a large property developer, announced that they would be conducting mass renovations on six buildings. The tenants, along with TAPS Tenant Legal Advocates, city councillors, local MLA's and other community allies gathered at several public forums to discuss the tenants' rights as well as broader policy concerns in respect to renovations and affordable housing. These gatherings provided the tenants with tools to advocate for greater transparency and compliance from the landlord.

The advocates have taken opportunities such as these to engage in dialogue with the city and the province about the need for legislative changes, including the need for a "right to first refusal" policy, the need to tie annual rent increases with landlord obligations to conduct services and repairs, and the need to mandate landlords to assist tenants with finding new housing in the case of extensive renovations.

Lack of Affordable Housing

Lack of affordable housing in our city continues to perpetuate significant challenges for tenants living in poverty. A vacancy rate of 0.6% combined with a landlord's right to increase rent annually has created an extremely competitive rental market in which landlords charge premium prices for their units. This housing climate exacerbates low-income tenant's struggles to pay their rent; it also

reduces the likelihood that tenants will pursue actions against their landlord for fear of retaliation. Specifically, advocates have observed that 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 is perceived as being too risky by many tenants, even when there is merit to their case.

Access to Justice

RTB policies and procedures continue to create access to justice barriers for vulnerable tenants. The closure of the Victoria RTB office has been challenging, as tenants are often receiving conflicting and inaccurate information from Service BC Office workers that have in some cases led to unnecessary review applications and judicial reviews. Allowable rent increase provisions continue to compound housing affordability issues, and eviction notices for nonpayment of rent are common for tenants living in poverty as a result. Hearing wait times, such as for claims involving return of security deposits are resulting in tenants' struggling to secure new housing in a timely manner. Advocates continue to liaise with the RTB Policy Director, local government officials, and the broader social justice community in an attempt to address these concerns.

CASE PROFILE

An extensive fire ravaged a Saanich apartment building. Eighty tenants, many of whom live on Income Assistance and/or are individuals with disabilities, were displaced as the building was determined to be uninhabitable following the fire.

TAPS responded to the developing crisis and connected with agencies assisting tenants with their basic needs in the face of sudden homelessness. TAPS conducted two information sessions for former tenants of this building, informing residents of their entitlement to the return of their security deposit and access to any salvageable belongings still in their rooms. TAPS Tenant Legal Advocates assisted tenants in completing and serving "Forwarding Address" letters to their former landlord, a legal requirement for tenants who wish to have their landlord return their security deposit.

Unfortunately, the landlord has not provided a number of tenants with the return of their security deposit or pro-rated rent for the days remaining after the tenancy was frustrated by the fire. TAPS assisted five tenants with applications for Dispute Resolution and will represent these tenants in the arbitration process when their cases are heard in 2017.

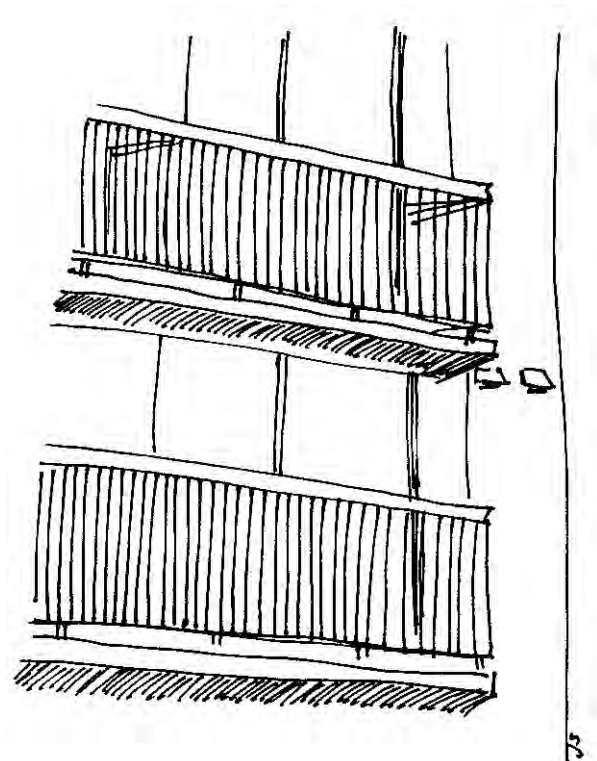


ILLUSTRATION BY JOAN STIEBEL

Volunteer Disability Advocacy Project

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 Social Innovation (MSDSI).



1377
individuals
served

OBJECTIVES

- To assist people with disabilities to apply and qualify for provincial Persons with Disabilities (PWD) status.
- To recruit, train and supervise a diverse volunteer network of advocates to support clients with the complex and lengthy PWD application process.
- To encourage individuals living with disabilities to become VDAP volunteers through our Peer Volunteer Project.
- To update and refine training materials and resources used by the VDAP volunteers.
- To provide ongoing training opportunities for volunteer advocates.
- To engage in public legal education on disability issues.

UPDATES AND ACTIVITIES

During the reporting period the VDAP coordinator recruited, trained and supervised the addition of 38 new VDAP volunteers. As a result, the project was able to assist 1377 individuals in the Greater Victoria area to apply for Persons with Disabilities (PWD) benefits. This reflects a significant increase over previous years.

In addition to the face-to-face services offered by volunteers, the project also provides service to any VDAP clients whose applications are denied and may result in an appeal. The VDAP coordinator represented 28 clients in appeals. The role of the coordinator also includes providing VDAP clients with information and referrals to resources in the community and information about their rights under the Employment and Assistance for Persons with Disabilities Act.

VOLUNTEER ADVOCATES

VDAP continues to enjoy a 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. 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 this can be very therapeutic for some people.

CASE PROFILE

Mr. Black first approached TAPS at the end of 2014 looking for assistance to apply for PWD due to several complex physical impairments that resulted in severe chronic pain. Mr. Black was unable to do many things independently, resulting in him living a very isolated existence. Mr. Black had immigrated to Canada and English was not his first language. He had a family physician who he felt was supportive of his application.

Mr. Black connected with a VDAP volunteer and submitted his application early in 2015. Mr. Black's application was denied and he was connected to the VDAP coordinator for assistance to request a reconsideration of this decision. The coordinator determined that there was merit in appealing and approached Mr. Black's physician for additional information in support of his appeal. Mr. Black was advised by his physician that there was nothing else he could do for him.

The coordinator assisted Mr. Black to submit additional first person evidence in the absence of more medical evidence but his request for reconsideration was denied. With further consultation, it was determined that there was merit to take Mr. Black's case to the Employment and Assistance Appeal Tribunal (EAAT). The coordinator represented Mr. Black at the tribunal and submitted lengthy written and oral submissions that relied on the evidence submitted by his physician, first person evidence as well as support letters from people in Mr. Black's life that provided him with regular assistance. In 2014, the EAAT upheld 94.6% of the ministries decisions with a similar trend in 2015. Mr. Black's case was unsuccessful.

Luckily Mr. Black is a resilient man and with the help of a VDAP volunteer, he decided to reapply using a different physician. His application was again denied but this time he was successful at reconsideration and recently received his PWD designation. After nearly two years of trying, Mr. Black now has 40% more income than he had on income assistance and also has access to increased medical and dental benefits.



ILLUSTRATION BY JOAN STIEBEL

Federal Disability Advocacy Project

ZOË MACMILLAN

PROJECT DESCRIPTION

TAPS' Federal Disability Advocacy Project (FDAP) provides legal information, advocacy and support to persons with low or fixed incomes applying for federal disability benefits. These benefits include Canada Pension Plan Disability benefits (CPP-D), the Disability Tax Credit (DTC), and the Registered Disability Savings Plan (RDSP).

579
individuals
served

OBJECTIVES

- To assist persons with disabilities to apply and qualify for CPP-D, DTC, and RDSP
 - ^a To recruit, train, mentor and supervise volunteer federal disability advocates
- To create a federal benefits advocacy training manual
- To raise community awareness of federal benefits including the DTC and RDSP

UPDATES AND ACTIVITIES

Although FDAP is the newest of advocacy projects offered at TAPS, demand for this assistance far exceeded available advocate hours. The addition of federal benefits advocacy to TAPS' current resources has enabled TAPS to provide more inclusive services to clients who desperately need a comprehensive examination of their rights and entitlements under both provincial and federal rules.

Zoë Macmillan acted as project Coordinator for the majority of the reporting period. The project's capacity was expanded and additional numbers of clients served with the assistance of students Leila Geggie-Hurst (Public Interest Law Student: January – April) and Caitlin Wright (Canada Summer Jobs: May – July). Since September, Emily Rogers has assumed the role of FDAP Coordinator.

The cases have been varied, including assessments, applications and assistance with appeals of all federal benefits covered by the project. Initial applications completed with the assistance of an FDAP advocate have had a high rate of success. Clients have also expressed an appreciation for having access to information regarding complex federal disability programs, in addition to gaining a better understanding of how provincial and federal benefits differ and interact.

CASE TRENDS

CPP-D Recovery & Ministry of Social Development & Social Innovation

This issue continued to predominate the advocacy provided through FDAP during the reporting period. Provincial PWD recipients are required, as a condition of ongoing eligibility, to pursue all means of income and support. For those with sufficient employment contributions to the Canada Pension Plan, this typically means the obligation to submit an application for CPP-D. Failure to do so generally results in provincial assistance being withheld. FDAP advocates often struggled to assist multiple PWD recipients who had been given short timelines by the Ministry to submit their

completed applications for federal benefits. The CPP-D application itself can be overwhelming. Often clients expressed frustration at being required to apply for CPP-D after having only recently been approved for PWD. Furthermore, based on their limited contributions to the Canada Pension Plan, many clients felt it was of little benefit of them to apply for CPP-D when they would see no improvement in their financial situation as this money would be deducted dollar-for-dollar from the PWD cheque. FDAP has been able to assist these individuals navigate the steps to comply with the Ministry's demands, explain the differences between provincial and federal benefits, and help complete the CPP-D applications. In doing so, FDAP has been able to bridge the service gap which individuals often experience when dealing with both provincial and federal systems of benefits. Sometimes this has even meant FDAP advocates working in collaboration with VDAP advocates to assist those clients who were approved for PWD based on information gathered in the application for provincial benefits. This has meant a continuity of benefits and sense of security in responding to requests from the Ministry and in planning for their financial future.

CASE PROFILE

During the reporting period, the FDAP advocate occasionally took on cases where CPP-D applicants were appealing a denial of their application before the Social Security Tribunal of Canada. Clients in this situation have typically waited years before their appeal is finally heard. In one such case, TAPS was contacted by Mark, a man who initially submitted his application for CPP-D in 2012. Mark had injured himself on the job many years prior to this. He tried pushing through the pain he was experiencing, hoping things would improve and that he could get back to work. Unfortunately, his symptoms only worsened to the point that he became totally unemployable. His initial application was denied in 2012, so Mark requested a reconsideration. He represented himself at this first level of appeal and tried explaining why the treatments he had undergone had not given him any relief. His request for reconsideration was also denied, with the adjudicator determining Mark had not been totally unemployable when he last had sufficient contributions to qualify for CPP-D in 2007. It took until 2016 for Mark's case to finally come before the Tribunal. He recognized he needed help and came to TAPS after being referred to FDAP by one of TAPS' community partners.

With the assistance of an FDAP advocate Mark's case was finally successful. Because he had waited for so long for this positive outcome he was awarded over \$45,000 in retroactive CPP-D benefits. He also became eligible for ongoing monthly disability payments until he turns 65 years old. In the course of preparing for the case, the advocate discovered Mark had actually been approved for the DTC many years earlier, but due an incorrect mailing address, had never received the notice. The FDAP advocate was also able to provide information to Mark on how to request a reassessment of his previous tax years to maximize his benefits.

Employment Standards Legal Advocacy Project (ESLAP)

STEPHEN PORTMAN, JENNIFER KING, DAVID HUXTABLE

PROJECT DESCRIPTION

TAPS Employment Standards Legal Advocates worked aggressively over the past year to provide effective negotiation, mediation and full representation services to workers requiring assistance in balancing the power relationship between workers and bosses.

359
individuals
served

OBJECTIVES

- To promote rights awareness for marginalized workers by providing accurate rights based information
- To increase access to justice for workers who are seeking assistance through information and referral
- To educate and empower individuals to effectively advocate on their own behalf
- To promote economic stability for marginalized workers through dispute resolution assistance

CASE TRENDS

- 1) *Wage Theft* – Wage theft continues to be the number one reason workers access TAPS services. Wage theft occurs when employers fail to pay agreed upon wages. When wage theft results in risks to workers ability to meet their basic needs, TAPS Legal Advocates will work across projects and bureaucracies to ensure housing and shelter supports are in place. ESLAP has been successful in solving many wage theft complaints outside of the formal dispute resolution through negotiated settlement before a complaint with the Employment Standards Branch is filed.
- 2) *New Workers* – ESLAP continues to serve a disproportionate number of clients who are new to Canada. Migrant workers face high hurdles with respect to seeking remedy for workplace grievances. Many of these workers are in situations where they are tied to an employer through their work permit and fear reprisal should they move to file a formal complaint or even bring mistreatment/underpayment of wages to the employer's attention. Advocates work alongside local migrant based service providers for assistance with translation services and to ensure that the services TAPS provides are culturally sensitive reflecting an appropriate and comforting place for all clients to access advocacy supports.
- 3) *Restaurant Workers* – This year saw a spike in the number of clients from the restaurant sector. While it has been a consistent trend that workers in the restaurant sector face wide spread and systemic contraventions of basic employment standards protection this annual report saw a marked increase.

EMPLOYMENT STANDARDS LEGAL ADVOCACY PROJECT



ALL WORKERS DESERVE TO BE TREATED FAIRLY

Have you been **fired for no good reason?** Does your **employer owe you money?** Do you need help **talking to your employer** about your **working conditions?** Do you need help with anything listed below? contact TAPS at **250-361-3521** or drop by our offices at #302 - 895 Fort Street to make an appointment as soon as possible!

- MINIMUM WAGE • OVER TIME PAY • STAT PAY • FIRED WITHOUT JUST CAUSE • EMPLOYEE OR SUB-CONTRACTOR • VACATION PAY • UNSAFE WORK • STOLEN WAGES • SPLIT SHIFTS • CHARGED FOR UNIFORM • CHARGED FOR BREAKAGE/DINE & DASH • DENIED LEAVE • FORCED TO WORK EXCESSIVE HOURS



THIS PROJECT IS MADE POSSIBLE WITH GENEROUS SUPPORT FROM:



4) *Settling for Less* – The majority of full representation case files for the period covered by this report closed at or before mediation. This is not always a good thing with respect to ensuring worker protections in BC. A troubling and growing trend in the mediation process is the number of workers who are inclined to settle for less than their statutory entitlements due to economic pressures made worse by the length of time needed and administrative burden associated with bringing a complaint to a full determination hearing. Branch staff consistently advise clients of the length of time, often 3 months from the date of complaint filing, for a full hearing to commence. Following the hearing it can take an additional 3 months to receive a decision. Workers accessing ESLAP are often unable to make rent due to wages that employers have withheld and are therefore willing to settle for less than they would otherwise be entitled to in an effort to stave off homelessness and hunger.

CASE PROFILE

Tammy had worked as a care aid for a successful international chain of retirement homes. She worked on the shop floor in one of their facilities located in Victoria for over 10 years. She was compensated between \$10.50 and \$11.50 per hour, barely enough to cover rent and food for her and her 12 year old daughter. Tammy loved her job, the people she worked with, and the residents she served. Even though the pay was low she felt like part of a family.

Last year the company brought in new management and things took a turn for the worse. Tammy was forced to sign an agreement stating she was a casual worker even though she worked 40 hours per week on a consistent basis. A few months after signing the agreement, the new management decided to terminate Tammy without giving her a reason for the dismissal and refused to give her any severance.

The employer claimed that as she was a casual employee she was not entitled to anything. They even refused to give her a record of employment. Not able to get employment insurance quickly and being barred from welfare she was in tears fearing that her and her daughter would become homeless.

Tammy speaks English as a second language. She was confused and angry about the actions of her employer and through the support of a local migrant/cultural association she was referred to ESLAP. We sent a demand letter to the employer immediately demanding that Tammy be paid over \$4,000 in severance pay. The employer lawyered up and refused to pay. ESLAP advocates worked diligently in preparing to take the case to an adjudication hearing at the Employment Standards Branch. Sensing that their case was weak the employer agreed to pay Tammy all of her outstanding wages and even gave her a reference letter as settlement before the matter had to proceed to a formal hearing. Tammy now has a new job making \$15 an hour. She is using part of her severance winnings to start a college fund for her daughter.

TAPS' Community Volunteer Income Tax Project

TONY PULLMAN, PETER YEUNG, FRAN ROTHMAN, JASMINE W.,
JIM ROGERS, BARB DOUGLAS, PAUL DWYER, ALISON BAILEY,
PIERS STAINFORTH

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 ability to pay, to access Canada's tax system.

Each week throughout the year (except August), TAPS' team of volunteers provide 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 or do not provide service beyond April 30 or do not prepare previous years returns.

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.



ILLUSTRATION BY JOAN STIEBEL

**1,194 individuals served and made eligible
for over \$1.7 million in refunds and credits.**



TAPROOT Newsletter

Taproot is published six times a year. We e-mail the newsletter to more than 400 people, and post to almost 100 people and organizations. We print about 500 copies of each issue, and with the help of volunteers from the Garth Homer Society, we deliver copies to over 35 organizations around Victoria, including the Disability Resource Centre, John Howard Society, and the Victoria Native Friendship Centre. In the past year we have increase our mailing list to include organizations around the 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 disability tax credit, the new minimum wage, what your rights are if your landlord sells the building you live in, and how to navigate through the process of

applying for income assistance, among other topics. TAPS makes a vital contribution to public legal education for the citizens of Victoria through Taproot.

The Beating Heart of TAPS —TAPS Volunteers!

TAPS relies on the hard work and dedication of its more than 50 volunteers, who do everything from helping people prepare their tax returns to disability advocacy to front desk reception to 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; some come to gain skills and experience – in legal advocacy or office reception, for example. Many simply want to be involved in an organization that helps people.

We have a dedicated team of front desk volunteers. Silent witness volunteers are available to accompany TAPS' clients to appointments at the Ministry of Social Development and Social

Innovation. We have a data entry volunteer and a small team of office volunteers who help us with such things as mail outs and photocopying jobs. Volunteers on the newsletter team produce artwork, proofread, and prepare the mail out. Volunteers are the 'beating heart' of TAPS and we could not our work without them.



Public Legal Education Presentations

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 organizations to whom TAPS Legal Advocates have presented over the past year.

- UVic Social Work
- UVic Law Co-op
- VIHA Stabilization Unit (monthly)
- William Head Institution Employment Expo
- Research, Education, Empowerment and Support (REES) Network
- Coast Capital
- Island Health Authority, Stabilization Unit
- “Project Connect” at Our Place
- Island Health Authority, 713 Outreach
- Committee to End Homelessness Victoria
- University of Victoria Law Centre
- PEERS
- Ready to Rent
- AIDS Vancouver Island
- Victoria Disability Resource Centre
- BCGEU Young Workers Conference
- Single Parents Resource Centre
- Beacon Springboard to Success Program
- Victoria Immigrant and Refugee Centre Society
- Intercultural Association of Greater Victoria
- Philippines Bayanihan Community Centre
- VIHA Social Workers at Royal Jubilee and Victoria General Hospitals

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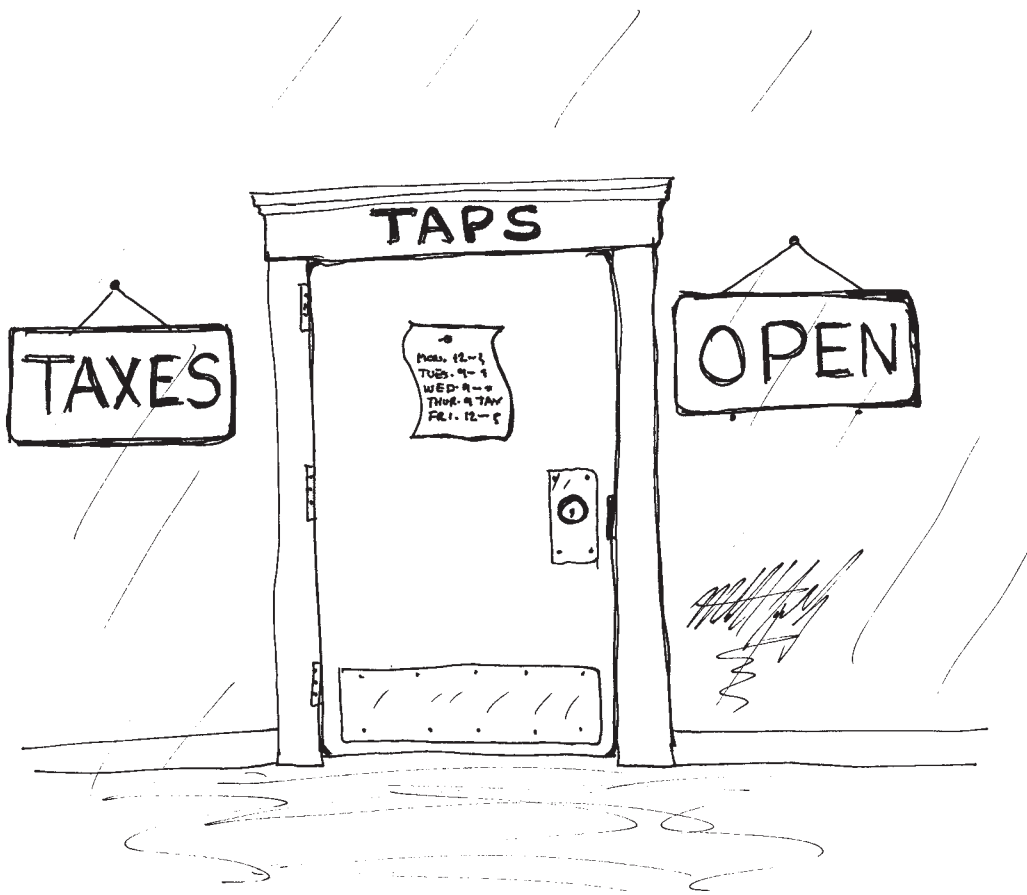
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Sarah Cunningham

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On hold again: accessibility continues to frustrate access to justice for people living in poverty. ILLUSTRATION BY JOAN STIEBEL



TOGETHER AGAINST POVERTY SOCIETY
GRATEFULLY ACKNOWLEDGES OUR FINANCIAL PARTNERS:



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