
From the law offices of
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July 23, 2019

Hon. Doug Downey, Attorney General
Ministry of the Attorney General
11th Floor, 720 Bay Street
Toronto, ON M7A 2S9

Dear Mr. Downey:

RE: Restoring funding to legal aid

Congratulations on your appointment as Ontario's Attorney General.

We're writing about the most pressing issue before you: the cuts to legal aid imposed by your predecessor, Ms. Mulroney.

Reversing the cuts should be your top priority as Ontario's chief law officer, responsible for the administration of justice in our province.

Who we are, and why we're writing to you

We're a group of six private-bar lawyers who practice workers' compensation law.

None of us are employed by, or receive money from, Legal Aid Ontario. But we have close ties to the Community Legal Clinic system, and we understand the impact that the cuts to legal aid will have on ordinary people in Ontario.

We want to make you aware of that impact too.

More specifically, we want to make you aware of the devastating impact that the cuts will have on three Clinics that have been

publicly identified by Legal Aid Ontario as “worker-focussed” and targeted for especially deep cuts accordingly.

The clinics are the Injured Workers Community Legal Clinic (IWC), the Industrial Accident Victims Group of Ontario (IAVGO) and the Workers’ Health and Safety Legal Clinic (WHSLC).

The cuts and their immediate effects on client service

The cuts to the three clinics are substantial. IWC and IAVGO have had their operating budgets cut by 22%, and WHSLC by 30%.

While other clinics were given two years to absorb their budget cuts, the three worker-focussed clinics’ cuts were imposed in full retroactively to April 1, so the impact on their ongoing operations for the remainder of 2019 is especially severe.

To cope with the cuts, IAVGO’s staff voluntarily took a 20 percent cut in their pay and the time they spend working. IWC is laying off four of its ten staff. WHSLC, which suffered the largest cut, will obviously have to reduce staff too.

Because of their reduced capacity, all three clinics are no longer taking on new clients.

So, as result of the cuts, the clinics find themselves turning away disabled people who desperately need legal help but cannot afford a lawyer. Some of these people will go to the Office of the Worker Adviser, which has long waiting lists for service, further drawing out their hardship. Others will give up on the WSIB and end up living in poverty on OW or ODSP benefits – thereby transferring responsibility for their disabilities from employers to Ontario’s taxpayers.

That shouldn’t be acceptable to a government “for the people.”

New restrictions on the use of funds and how they stack the deck against ordinary people

When it cut their budgets, Legal Aid Ontario imposed a new restriction on how the three clinics may use their remaining funding: they have to spend all their money on individual clients’

cases, and are not to spend a penny of their funding on broader advocacy.

That means that the clinics can no longer do important law reform work that benefits thousands of ordinary people, like advocating for policy changes at the WSIB, participating in public consultations, or making submissions to select committees and the government about changes to legislation.

That's going to leave a huge gap, with no one to represent the interests of ordinary people and counterbalance the lobbying done by the well-funded business lobby.

Lawyers in private practice, like us, do our best to contribute to this kind of work on a volunteer basis, but there's a limit to what we can do. Only paid Community Legal Clinic staff can put in the work necessary to ensure the voices of ordinary people are heard – and now they cannot do it.

Again, that shouldn't be acceptable to a government “for the people.”

What we're asking you to do

We ask you to immediately reverse the cuts to legal aid and remove the new restriction on the clinics' use of funds.

Doing so should be a matter of honour for you:

- As Attorney General, whose role includes safeguarding the administration of justice in our province
- As a member of the Progressive Conservative party, who promised to govern “for the people,” and
- As a recipient of the Sam Delmar Award, which we understand is given to lawyers who share the qualities possessed by Sam: dedication of effort, humility and courage.

We trust you will respond to our letter quickly, setting out your plan to restore the funding to legal aid and strengthen the Clinics' ability to help ordinary people.

Yours sincerely,

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