

Legal Centre News

Volume 60

Making a Difference in the Community Since 1989

Winter 2024



Image: "Not Forgotten" by Sioux artist Maxine Noel honors and remembers missing and murdered Indigenous women.

This volume of the Peterborough Community Legal Centre newsletter features articles on a few of the many overlapping issues of inequality facing people in our community today, including:

- The discrepancy between Ontario's minimum wage and the living wage, and PCLC's commitment to paying employees a living wage
- A blog post written by a staff lawyer about her best day in court, at the Indigenous People's Court in our region
- An update on the sexual violence projects at PCLC, SHAPE and Your Way Forward
- A blog post with 5 important things to keep in mind if you are experiencing stalking harassment at work

What's a Living Wage and Why Does PCLC Support It? [2](#)

My Best Day in Court [3](#)

Update on SHAPE and Your Way Forward Projects [5](#)

5 Things You Should Know if Someone is Stalking You at Work [6](#)

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Thanks for reading!

What's a Living Wage and Why Does PCLC Support It?

What's a Living Wage and How is it Calculated?

Most people have heard about minimum wage which is the bare minimum an employer can pay an employee for their work. Minimum wage is currently \$16.55 an hour in Ontario. A living wage, on the other hand, is a calculation of the minimum amount an employee can earn and still pay for their basic needs which is dependent on the actual costs in their particular community so it differs depending on where you live. The living wage calculation is done based on the costs of a family of four with two working parents and two dependent children. The costs considered in the calculation include food, clothing, shelter, childcare, transportation, medical expenses, recreation and a modest vacation each year. The calculation does not include any kind of savings plan for retirement, children's education, and emergencies and would not allow someone to save for a down payment. For the Peterborough and surrounding area the living wage is currently at \$20.60 an hour. Presumably as housing costs and food costs continue to rise due to inflation, the amount for a living wage will also [continue to increase](#).



Why Peterborough Community Legal Clinic (PCLC) Became a Certified Living Wage Employer

When employees earn less than a living wage they are left with making impossible decisions like what should I pay this month, my rent or my hydro bill? This kind of financial stress can cause mental and physical health problems that lead to increased absenteeism and impact an employee's ability to focus on their work. It also adversely affects their family and our community as a whole when people are struggling in this way.

PCLC has seen the negative impact of poverty on its working clientele and, as a result, is committed to ensuring that its employees are paid a living wage at all times. PCLC decided to [register as a Certified Living Wage Employer](#) with the Ontario Living Wage Network to show by signing an agreement with them to always pay, at minimum, a living wage to its employees.

The certification process for employers is to first complete a [contact form](#) on Ontario Living Wage Network's website. They will then walk you through the application process and have you sign an agreement stating your commitment to paying a living wage. Once certified you there will be a presentation and public recognition of your commitment to pay a [living wage](#).

My Best Day In Court

The following is a blog post written by Staff Lawyer and lead of Sexual Violence projects at PCLC, Anne-Marie Langan.



Last Friday (January 12th, 2024) was by far the best experience I have ever had in court in my 19 years of practicing law. I was invited by Mary Jane Boyle (N'gaamaa Migizi kwe), the court support worker at the [Nogojwanong Friendship Centre](#), to attend the [Indigenous People's Court](#) in Peterborough. What I discovered there was a whole new way of managing criminal matters which is compassionate, supportive, and effective. I also met a judge, lawyers, social workers, counsellors and knowledge keepers who are tremendously caring and dedicated to supporting the indigenous people who come before the court in developing and succeeding with their healing plans.

When I arrived at court I was greeted warmly by Laura Secord, [the Indigenous Peoples Court – E Naaknind Anishinaabeg Coordinator](#). I told her I was visiting from the [Peterborough Community Legal Center](#) and that I had brought some pamphlets about our services and some other legal issues that people attending court may be struggling with, and she asked if she could take some back to her office for her clients. To me, this showed her genuine concern for her clients and her commitment to providing holistic services to them. From then on Laura spent most of the morning meeting outside the court with people who were coming to court that day and discussing their cases with other professionals involved in their healing plan.

I then entered the courtroom and was a little confused because although the room itself was a traditional courtroom, there was a round table at the front where several people, including Mary Jane Boyle (N'gaamaa Migizi kwe), were sitting and chatting. I didn't realize until court started that one of the people at the table was the presiding judge. There was also a Knowledge Keeper there who started off the court proceedings with a smudging ceremony and a prayer. As well, each time a new person entered the courtroom she offered them a smudge.

My Best Day In Court

The majority of the court proceedings were informal. There was generally an in-camera discussion with each litigant about the progress they were making in the healing plans. Some were doing very well and had almost completed the plan, others were at the very start of the process and had yet to even complete the application for the Indigenous People's Court. Regardless of where they were all the people at the table, including the defence lawyers, crown attorney, counsellors and knowledge keeper showed a great deal of respect for the person and were keenly interested to hear their stories. On several occasions, the presiding judge welcomed and encouraged litigants to expand on references they had made to something in their personal lives such as the birth of a child or a journey to find their heritage which led to some very touching moments of sharing. At the end of each session, the Knowledge keeper would offer a word of wisdom and encouragement. The goal was for each litigant to leave the court with a clear understanding of what the next steps were for them in terms of both their healing plan and the court process and many left with actual appointment dates and times with those who would be assisting them through the process.

[Indigenous People's Court](#) (also known as "Gladue Court") is one of several specialized courts of the Ontario Court of Justice. They are different from regular criminal courts in several respects including:

- the professionals involved in indigenous court, even though they are not all indigenous themselves, have a genuine interest in working collaboratively with indigenous litigants and helping them heal from whatever led to their becoming involved with the criminal justice system.
- each litigant is assigned a court worker who helps them to develop a healing plan and supports them in working through it. Sometimes a Gladue report is requested to give the court a holistic account of the litigant's personal history and any systemic factors affecting their progress and healing journey.
- although Canadian criminal law underlies the process, Indigenous cultural practices and concepts of justice are also included as are the Gladue principles.
- over time agencies in the community have developed formal diversion programs such as harm reduction, sweat lodges, support for anger management, counselling for substance abuse, housing, vocational training and work experiences such as those provided by the [Friendship Centre](#) and the [Elizabeth Fry Society](#).

Now that I have witnessed how effective court can be when people work together to support the litigants and focus on healing rather than punishment, I would like to advocate for all criminal courts and family courts to do the same, particularly when dealing with vulnerable litigants with a history of trauma.

Update on SHAPE and Your Way Forward Projects



Lots of exciting things have been happening through our SHAPE (Sexual Harassment Advice Prevention and Education) and Your Way Forward projects these past few months. Our client referrals are on the rise as a result of outreach efforts made with other community organizations who serve people who have experienced sexual and intimate partner violence. We are helping clients who have experienced sexual and/intimate partner violence with various legal issues related to their employment, housing situations, tax benefits, immigration status, etc..

Some of the service providers we have met with in the past few months include the Kingston Sexual Assault Centre, the Community Counselling and Resource Centre, the START Program at YWCA, Elizabeth Fry and the Nogojiwanong Friendship Centre. I am so impressed by the commitment and compassion of the people I have met in this community and am very grateful for the warm welcome I have received from them.

The highlight of the past few months for me was taking part in the It Happens Here event on December 7, 2023. PCLC had an information table there and participated in the planning through the [Peterborough Domestic Abuse Network \(PDAN\)](#). The presentations were very engaging and focused on better understanding the nature of intimate partner violence and what needs arise out of these situations. PCLC has also partnered with SHIFT, an organization that advocates for improved workplace culture in the service industry, to offer virtual workshops about sexual harassment in the workplace. We are looking forward to collaborating with many more service providers in providing public legal education and advice regarding legal issues related to sexual violence and intimate partner violence.

If you would like more information about the SHAPE or Your Way Forward project and/or would like PCLC to offer one of our public legal education workshops, please contact Anne-Marie Langan at anne-marie.langan@ptbo-nogo.clcj.ca or go to our PCLC sexual violence projects webpage at www.pclcsvprojects.com to read some of recent blog posts.

5 Things You Should Know if Someone is Stalking You at Work

The following is a blog post shared on the website for SHAPE Your Workplace, a project that PCLC collaborates on which provides advice to people experiencing harassment in the workplace.

Many women in Canada have had the horrible experience of feeling unsafe at work because of stalking behaviours by clients, co-workers, supervisors, or an ex-partner. Some examples of behaviours that could be deemed stalking include leaving unwanted gifts, constantly monitoring activity, staring, accessing private information without permission, not respecting personal space, frequent unwanted communications and showing up at the person's home or other locations they frequent uninvited ([CaseIQ, 2023](#)). Cyberstalking is also becoming more common and can include sending unwanted messages to the victim or their associates, using social media to gather information about their personal lives, "cyber-smearing", tracking location through cell phones or other GPS technology or monitoring for reasons that are not work related (AuCoin, 2005). Stalking is a criminal offence in Canada called [criminal harassment](#) and includes cyber stalking.

Here are 5 things you should know about if you are in this situation.

1. You are not alone!

Stalking represents 5% of all reported violent crimes in Canada and at least one in ten women in Canada have experienced it ([GOC, 2021](#)). Most victims are women and know their stalker personally or through their work ([GOC, 2021](#)). The most common forms of stalking include receiving obscene calls, being spied on, and being intimidated and threatened ([GOC, 2021](#)). People who have been stalked report experiencing feelings of shame, anxiety, fear, helplessness, loss of control, decreased self-confidence, a sense of isolation and a loss of trust in people and the world at large ([GOC, 2021](#)).

2. Don't Keep it To Yourself!

Only one-third of victims of stalking report the stalking to the police. When not reported the stalking behaviour can escalate and can lead to the perpetrator becoming violent ([GOC, 2021](#)). It is very important for the victim to let the people in their life know what is happening including their employer, co-workers, friends, and family members so that they can take steps to help keep them safe and their personal information private ([GOC, 2009](#)).

Victims can also get help with safety planning from a variety of organizations, including [victim services](#) who can help you develop a safety plan and can provide funding for various things such as funding for special locks, surveillance equipment, etc..

There are a [variety of options](#) for obtaining an order of protection against the person who is doing the stalking including reporting the person to the police so the person can be charged with criminal harassment. When this occurs the perpetrator will often have terms of release/ probation that restrict them from communicating with their victim and from being in close proximity to their home and place of work. Another option is to obtain a [peace bond](#) which also often contains similar restrictions. Peace bonds can be enforced by police if breached.

3. Document, Document, Document!

To convict a person of a criminal offence such as criminal harassment the court must have sufficient evidence to make a finding beyond a reasonable doubt that the person committed the offence they are accused of. Those experiencing stalking should document the stalking behaviour to the greatest extent possible to maximize their chances of obtaining a restraining order or peace bond. Some of the ways to document include:

- Saving any text messages, social media posts or messages, notes and emails that the stalker sent;
- Recording phone calls with the stalker if that is their preferred method of stalking;
- Asking for copies of any CCTV camera footage that could be used to show the stalker's behaviour;
- Asking anyone who witnesses the behaviour to write a statement describing what they witnessed;
- If the stalking is at work making a formal report to the employer for every incident of stalking and keeping a copy of all reports.

4. Insist on Safety Measures at Work and Home

Every employer has a duty to ensure that their employees are safe at work. Some safety measures that employers can put into place to increase security for all employees include ([CaseIQ, 2023](#)):

- Installing CCTV cameras;
- Informing those who greet the public (for example security guards and receptionists) that there is a stalking situation and providing a description of the stalker;
- Keeping employees' personal information private from other employees and customers;
- Having clear policies and training about workplace harassment that includes information about stalking;
- Ensuring that anyone found engaging in stalking behaviours is no longer permitted access to the workplace and serving them with a no trespass notice if possible.

Family members and friends can also help the person being stalked by:

- Never blaming the person being stalked for the behaviour of the stalker;
- Not sharing personal information with anyone without the express consent of the person being stalked;
- Being an emergency contact and
- Offering a safe place to stay in case the person needs to hide from their stalker.

5. Get help

Stalking can be very traumatizing for its victims and the impact on their mental, physical and financial health can be long lasting. There are several [province wide services](#) that can assist in this situation, including crisis lines like the [Assaulted Woman's Help Line](#) which can be accessed 24 hours a day 1-866-863-0511, the [victim chat line](#) which you can access by texting 211, Fem'aide which provides support to francophone women at 1-877-336-2433, Talk4Healing, a service for indigenous women by calling 1-855-554-HEAL and a service for male survivors which can be reached at 1-866-887-0015.

There are several [community legal clinics](#) across Ontario who are working together to provide legal advice for victims of sexual violence which would include stalking through a project called [SHAPE](#) which provides advice to people experiencing harassment in the workplace and [Your Way Forward](#) project which provides legal advice and support for victims of sexual violence and intimate partner violence. Both projects have been funded by the [Government of Canada's Department of Justice](#).

Wondering how to get involved with the Peterborough Community Legal Centre? *Become a member!*

The Objects of the Legal Centre

The objects of the Legal Centre are:

- To provide legal services or paralegal services or both including activities reasonably designed to encourage access to such services or to further such services and services designed to promote the legal welfare of the low income residents of the County of Peterborough, on a basis other than fee-for-service;
- To provide legal information and education and to encourage access to knowledge of legal rights;
- To provide legal representation to low-income residents of the County of Peterborough;
- To identify areas of law affecting low-income members of our society and to advocate reform.

Membership

The Centre is directed by its members. If you live in the City or County, and are 16 years of age or older, you can become a member. If you are a member, you can:

- Vote at the Annual General Meeting
- Stand for election to the Board of Directors if you are over 18.
- Get the Legal Centre's newsletter twice a year.

There is no fee to become a member. You do not need to be a member to get help from us. Membership is for three years and takes effect 30 days after approval by the Board of Directors. A letter will be sent to you confirming your membership.

How to become a member of the Legal Centre in 4 steps:

1

Call the Legal Centre at 705-749-9355 and leave a voicemail with your Name, Telephone number and address.

2

We will mail you a Membership application with a stamped envelope addressed to the Legal Centre.

3

Complete the Membership application, insert it in the stamped envelope addressed to the Legal Centre.

4

Mail the sealed, stamped envelope addressed to the Legal Centre by dropping it in a Mailbox or bring it to the Post Office. You will not need to buy postage.

Contact us!

www.ptbo-clc.org

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Facebook: [Peterborough Community Legal Centre](https://www.facebook.com/PeterboroughCommunityLegalCentre)

Twitter: [@PeterboroughCLC](https://twitter.com/PeterboroughCLC)

Access a digital copy of this newsletter on our [website](#) or scan the following QR code:



**All references included in this newsletter are linked in the digital copy and listed on the website*