



**Newsletter
Spring 2020**

President's Message

It has been an exciting year at CLEA due in large part because of new initiatives.

CLEA's Mission Statement

**“Unknown Rights Are Not
Rights at All”**

CLEA is a charitable organization that provides legal information to Manitobans. We believe that legal knowledge is necessary for full and equal participation in our society. CLEA develops programs and resources especially to work with communities where there are understood needs. These services help individuals better understand our legal system and how to resolve their legal issues.

CLEA Staff

Mary Troszko, Executive Director
Jennifer Dunik, Law Phone-In Lawyer
Charlene Thomas, Law Phone-In Lawyer
Brittney Fehr, Workplace Sexual Harassment Hotline Lawyer
Brendon Yarish, Legal Writer

Board of Directors

Lia Gervino, President
Stacey Soldier, Vice-President
Brandin Stoesz - Treasurer
Sarah Thurmeier, Secretary
Darren Grunau
Mary-Ellen Wayne
Melanie Beaudry
Stacia Franz
Gabriel Chung
Eldene Spencer

Thanks to a grant CLEA received from the Manitoba Law Foundation, we welcomed Kathy Mallett, the project coordinator for the Rural Enhancement Project. Her responsibilities included a focus on recruiting volunteers outside of Winnipeg for the Speakers Bureau and Lawyer Referral panel. Through survey and outreach with organizations outside Winnipeg, schools where Law is taught, libraries, RCMP detachments, newcomer organizations, seniors' organizations and domestic violence shelters, Kathy was able to determine the legal information needs of these groups.

CLEA received funding from Canadian Family Justice Fund, through Justice Canada. As a result, Brendon Yarish was hired to revise CLEA's family law publications due to changes to federal legislation. The project started September 2019 and will continue until March 31, 2021.

Beginning in September 2019 until March 31, 2024, CLEA received funding to carry out several projects that include the creation of a Workplace Sexual Harassment Hot Line, new brochures and other materials, a series of webinars and a minimum of twenty workshops around the province including five workshops in Winnipeg.

It has been a pleasure to serve as President of CLEA. The work toward fulfilling CLEA's mandate, is always responsive and never stops, and for that, I would like to express my thanks for all of the assistance and support we receive through the legal community, affiliated agencies, and government departments.

On behalf of the Board, I would like to express our gratitude for the dedicated and knowledgeable staff at CLEA, who alongside our Executive Director, Mary Troszko, work hard to do what is necessary to ensure that Manitobans have equal access to the law and the right to understand their rights under the law.

Lia Gervino, President

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Legal News

Divorce Act Changes on July 1, 2020

A number of changes to the *Divorce Act* are coming into force on July 1, 2020. Definitions under the Act will change. “Custody orders” will be replaced with “parenting orders” and “contact orders”. The Act will also now define what is included in “decision-making responsibility”, specifying matters like health, education, culture, language, religion and spirituality, and significant extra-curricular activities. The Act will define “relocation” and will set out a process for notifying the other parent of a proposed move with children and timelines and procedure for objecting to relocation.

The Act will also further clarify family violence and the impact on children, amend interjurisdictional proceedings, and promote alternative dispute resolution. The Act can be found at laws.justice.gc.ca.

Legal Aid has New Financial Eligibility Guidelines

Legal Aid Manitoba’s Financial Eligibility Guidelines increase on April 1, 2020. The increase applies to both the full legal aid coverage and their agreement to pay program. For example, an individual with no dependents would previously have to make less than \$23,000 to qualify for full coverage. That has been increased to \$26,000. The agreement to pay for the same individual was previously cut off at \$35,000 but will now be increased to \$38,000. The income threshold increases with a larger family size. For further information you can check out their website at legalaid.mb.ca.

Family Law Provincial Changes

Manitoba Justice launched their new Family Law website on January 2, 2020 at: <https://manitoba.ca/familylaw/>

In addition to family law information, the website also includes status updates on the implementation of family law reforms set out in *The Family Law Modernization Act* and their Public Engagement Report. If you have questions about your family law related matter or procedure, you can contact their Client Guides Office at 204-945-2313, Toll-Free at 1-844-808-2313 or GetGuidance@gov.mb.ca

The Maintenance Enforcement Program (MEP) now has the authority to conduct reviews of support orders for adult children to decide if the orders are still eligible for enforcement. You can find the form (Request for Child Support Enforcement Eligibility – Adult Child) and more information on MEP’s website or by calling them at 204-945-7133 or 1-866-479-2717.

A new Family Division Case Flow Model was introduced last year setting up a triage court system for family matters. There have been a number of Practice Directions issued over the past year advising of changes to rules and procedures. These Directions can be found on the Manitoba Courts website at manitobacourts.mb.ca.

The February 13, 2020 Practice Direction addresses emergent situations in family cases where a judge may hear a motion or application before a triage conference. *The Court of Queen’s Bench Rules* set out the following when such a motion may be heard:

- (a) an immediate or imminent risk of harm to a party or a child of a party;
- (b) the removal of a child from Manitoba;
- (c) the loss or destruction of property.

The new Practice Direction expands emergent hearings to include a situation “where one parent has abruptly, unilaterally and without explanation or apparent justification, completely cut or has “virtually eliminated” all access and/or contact between the other parent and a child or children”. This change is only found in the Practice Direction and is not reflected in the *Rules*.

New Federal Legislation - An Act respecting First Nations, Inuit and Métis

This Act, came into force on January 1, 2020. The new legislation sets out placement prioritization of an indigenous child in the context of providing child and family services. The Act also amends the test for apprehension of children, and has new reunification requirements:

<https://laws.justice.gc.ca/eng/acts/F-11.73/index.html>

Manitoba Human Rights

After finding that discrimination based on a criminal record is prohibited under The Human Rights Code the Manitoba Human Rights Adjudication Panel has allowed a complaint about employment termination and service provision to proceed to a fact-specific inquiry. You can find the case of *A.B. v University of Manitoba (Feb. 2020)* at manitobahumanrights.ca.

A Manitoba case is going to the Supreme Court of Canada for clarification. The case deals with where unionized employees can have their disputes heard. In the case of *Northern Regional Health Authority v. Horrocks*, there was both a discrimination complaint and also termination of employment for alleged just cause. At issue is the jurisdiction of a labour arbitrator under a collective agreement versus human rights tribunals. Application for the Leave to Appeal to the Supreme Court of Canada was approved on February 27, 2020.

The Manitoba Government is proposing changes to the Human Rights Code, including limiting damage awards for injury to dignity, feelings or self-respect at \$25,000. An adjudicator previously had discretion for those awards based on what was just and appropriate. Other awards, including for exemplary damages, or for financial loss will continue to have no cap.

Provincial Impaired Driving Penalties

On December 16, 2019, new provincial penalties under *The Highway Traffic Act* came into effect for drinking and driving, impacting vehicle impoundment, license suspension, and introducing fines for drivers registering a warning (Blood Alcohol Content of .05 to .079) on an approved screening device.

web2.gov.mb.ca/laws/index.ph

Community Legal Education Association – Preliminary Year-End Statistics

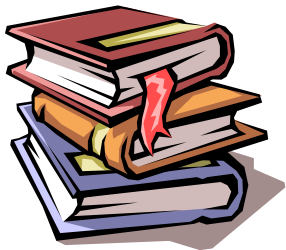
Law Phone-In & Lawyer Referral Program – 8,443 calls, including 897 referrals, 75% Winnipeg calls, Top 5 topics: Family (2,579), Civil Litigation (785), Criminal Law (751), Wills (712), Employment (594)

Presentations – 48, including Speakers Bureau, Community Legal Intermediary Training Courses, Annual Law Conference

Publication Distribution – over 5,000 hardcopy and downloads

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Publications



New:

We are currently updating all of our family law publications.

Our new Website has now gone live!

<https://www.communitylegal.mb.ca>

CLEA has set up a Workplace Sexual Harassment hotline. The hotline is staffed by a staff lawyer who can provide legal information and advice to callers, and refer them to appropriate agencies or other resources.

Funding for the hotline is provided by Justice Canada, as part of their initiative to eliminate gender-based violence and discrimination.

The Workplace Sexual Harassment hotline is available from 9 am – 1 pm Monday through Friday, and can also be reached by email. Phone: **1-877-226-4366**; email: **sexualharassment@communitylegal.mb.ca**

A Special Thank You to the Following:

Core Funders:

- **Department of Justice Canada**
- **The Manitoba Law Foundation**
- **The Law Society of Manitoba**

Project Funder:

Justice Canada – Canadian Family Justice Fund

All of our members, donors, volunteers and supporters

If you would like to support our work, you have several options:

- **Cheque or money order payable to Community Legal Education Association**
- **Donate online through CanadaHelps at www.communitylegal.mb.ca**
- **Current or past government of Manitoba employees can donate through the All Charities Campaign (catalogue #C226)**

CLEA is a registered charity: Charity Registration # 118870732RR0001