

LITIGATION, POLITICAL ORGANIZING AND RESISTANCE

COMPASSIONATE CARE BENEFITS – CASE STUDY

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November 1st, 2017

Byron Williams

The Government – A Good Investment

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- ▶ *The Leader-Post (Regina), Compassionate care costly*, Jan 7, 2004, Page: A3.
- ▶ McCarten, James. *Compassionate-care program could cost \$1.5 billion, but MP says it'll be worth it*, *Brockville Recorder and Times*, Jan 7, 2004, Page: A5.
- ▶ *Grande Prairie Daily Herald, Compassionate care worth it; benefits program could cost \$1.5B*, Jan 16, 2004 Page: 27.

The Government – Responding to Community Needs

- ▶ Jacobs, Mindelle. *Aging hits 'sandwich' bunch; compassionate care EI acknowledges reality*, The Calgary Sun, Jan 6, 2004, Page: 15.
- ▶ Cornacchia Cheryl. *Paid leave to lighten caregiving burden: Ottawa offers six weeks off work*, Montreal Gazette, Jan 7, 2004, Page: A1.
- ▶ Bruton, Bob. *New care benefit welcomed: Local officials say it will make a difference*, The Barrie Examiner, Jan 7, 2004, Page: A3.
- ▶ National Post, *Thumbs up for compassionate care*, Jan 10, 2004, Page: A17.
- ▶ Battler, Jennifer. *Government recognizes the importance of saying goodbye*, The Record (Kitchener, Cambridge and Waterloo), Jan 19, 2004, Page: A9.

The Counter Narrative – Families left in the Cold

- ▶ Stewart, Jim. *Caregivers could use a little compassion: new, makeshift EI program is restrictive – and leaves too many people out*, Montreal Gazette, Jan 12, 2004, Page: D2.
- ▶ Greenaway, Norma. *Mom campaigns for EI benefits for caregivers*, CanWest News (Don Mills, ON), Apr 18, 2004, Page: 1.
- ▶ Shuttleworth, Joanne. *Sister isn't family: Ottawa*, The Record (Kitchener, Cambridge and Waterloo), Jul 28, 2004, Page: B1.
- ▶ Canadian Press, N.S. *woman caring for ailing mother-in-law doesn't qualify for EI benefits* (Toronto), Jul 28, 2004.

Howard and Neil Cohen – Are Siblings Family?

Are Siblings Family – First Steps

- ▶ Freedom of Information Requests – Ken Rubin
- ▶ Legislative History Review
- ▶ Research on family status as potential protected characteristic under s. 15 *Charter*
- ▶ Social Science literature review and expert on Siblings and Evolving Concepts of Family
- ▶ Economic Analysis of Compassionate Care Program – Can Govt Afford a Revised Definition?

The Constitutional Challenge – First Media Roll-out

- ▶ Globe and Mail – front page stories
Oct 2004 – Constitutional Challenge
- ▶ Canadian Press, *Man denied compassionate leave to care for brother*, Oct 8, 2004.
- ▶ Sanders, Carol. *Bereaved sibling fights EI refusal*, Winnipeg Free Press, Oct 8, 2004, Page: A5.
- ▶ Daily Miner & News, *Compassionate care case in court*, Oct 8, 2004, Page: A8. Stratford
- ▶ The Daily News (Truro), *Compassionate care regulations need to be redefined*, Oct 9, 2004, Page: A6.
- ▶ Daily Herald (Prince Albert), *An underutilized federal program is under fire once again for its strict definition of the term family*, Oct 14, 2004, Page: 4.

Liason with Community, Community Organizations and Political Organizations

- ▶ Unemployed Help Centres
- ▶ Trade Unions
- ▶ Members of Parliament
 - ▶ PM
 - ▶ Minister
 - ▶ Critics
 - ▶ All Manitoba MPs
- ▶ Selected Provincial Government Officials

The Second Burst – More Families Speak Out

- ▶ Jantzi, Leanna. Siblings caring for dying woman denied assistance: The sister of a dying Langley woman wants to know why she'd have to be somebody else to get compassionate care benefits, *Advancenews (Langley)*, Feb 8, 2005, Page: 5.
- ▶ *Advancenews (Langley), MP seeks clarification on siblings' benefits: Langley MP Mark Warawa is supporting the cause of a woman whose siblings want Compassionate Care Benefits.* Feb 22, 2005, Page: 10.
- ▶ Hunter, Stuart. Dying woman's family begs PM for help, *The Province*, Feb 27, 2005, Page: A19.
- ▶ *Canadian Press, Dying woman's family wants compassionate care benefits rules changed (Toronto)*, Feb 26, 2005.

FOI Strikes Gold

- ▶ Commentary of Public Servants
- ▶ Program Cost versus Program Estimates

New Coverage of Constitutional Challenge

- ▶ Lett, Dan. Millions unspent in family care fund, *Winnipeg Free Press*, Mar 18, 2005, Page: A1.
- ▶ Wasylycia-Leis renews call for improved compassionate leave, March 18, 2005 (MP)
- ▶ *Grande Prairie Daily Herald*, Feds have room to move on compassionate-care benefits, Mar 18, 2005, Page: 9.
- ▶ *Brockville Recorder and Times*, *Compassionate care funds not accessed very easily*, Mar 18, 2005, Page: A5.
- ▶ *Daily Miner & News*, *Few qualify for compassionate care*, Mar 18, 2005, Page: A5.
- ▶ *Canadian Press*, *Few Canadians are getting compassionate care benefits*, *The Whitehorse Daily Star*, Mar 18, 2005, Page: 28.

The Media Keeps Coming

- ▶ Canada AM - CTV Television, *Federal compassionate-care benefit faces judicial challenge* (Toronto), Mar 28, 2005.
- ▶ Lett, Dan. Ottawa reviewing benefit to help care for dying, *Winnipeg Free Press*, Mar 28, 2005, Page: B4.
- ▶ Rubin, Ken. Government's not so Compassionate Care program: Feds should go back to drawing board, plan needs redesign, greater public accountability, *The Hill Times*, Apr 4-10, 2005;781:14.

Other Families – Other Provinces

- ▶ Shuttleworth, Joanne. *Woman in 'nerve-racking' fight; Guelph resident left work to care for ill sister but was denied federal benefits*, The Guelph Mercury, Apr 12, 2005, Page: A2.
- ▶ Shuttleworth, Joanne. *Woman loses benefits battle but she's not ready to give up*, The Guelph Mercury, Jun 7, 2005, Page: A3.

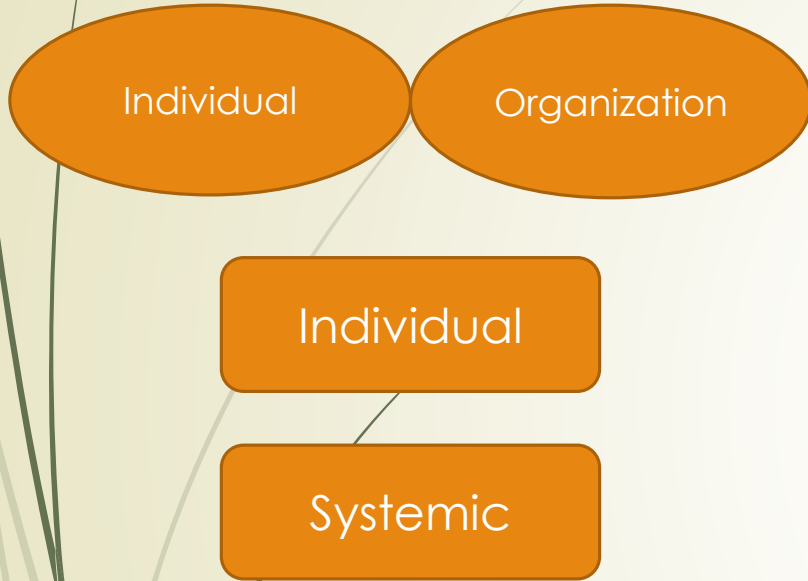
Cross Examination on Expert Reports – A Good Day

A Visit to Ottawa in October 2005

LAW AS A TOOL FOR CHANGE

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Client Objectives



Tools for Change

- Advocate in Courts
- Community Advocacy
- Community Engagement
- Media
- Legal Research
- Academic Research
- Government Official
- Governmental Review (Department, Ombudsman)
- Peaceful Protest
- Individual Action

Potential Results

- Individual Remedy
- Systemic Remedy
- Change in Public Values

COMMUNITY ADVOCACY CHECKLIST

Message

Evidence

Ask

Tools

**Alternative
Analysis**

Allies

Client

**Barriers/
Challenges**

**Cost benefit/
Analysis**