

HIV & AIDS Legal Clinic Ontario (HALCO) COVID-19 Update (April 13, 2020)

Our Services

Please continue to [contact us](#) and refer people living with HIV to us. Although staff are working from outside the office, we continue to:

- respond to new inquiries (intakes)
- provide services to ongoing clients
- engage in public legal education activities
- participate in law reform activities

We ask that people not visit our office but contact us via phone (416-340-7790 / 1-888-705-8889). Our hours for new inquiries (intakes) are Monday, Wednesday and Friday (9am-5pm), and our general hours are Monday-Friday (9am-5pm).

As the situation surrounding COVID-19 is rapidly changing, we will alter our approach as required. We will continue to take an evidence-based approach and fight against stigma/discrimination while working to address the concerns of equity-seeking groups, including people living with HIV, Indigenous persons, racialized individuals, and those with low incomes.

Income Support

While [federal](#) and [Ontario](#) economic plans are of assistance, we remain concerned that many people will not benefit from the programs. The pandemic clearly highlights an urgent need for further reform. Please see this [document](#) released by the [Income Security Advocacy Centre \(ISAC\)](#) that includes some suggestions for improved programs.

Federal

See [here](#) for the plan, which includes:

- Canada Emergency Response Benefit (CERB): \$500 per week for up to 16 weeks for certain people who have stopped working
- Indigenous Community Support Fund: includes various items such as measures to support Elders and other community members and to address food insecurity
- Canada Child Benefit: extra \$300 per child for 2019-20
- Goods and Services Tax credit: one-time special payment starting April 9 for low- and modest-income people and families
- Tax filing deferral: new due date is June 1, 2020
- Registered Retirement Income Funds withdrawals: required minimum withdrawal reduced by 25 per cent for 2020
- Student loan repayment and interest suspension: repayments and interest suspended until September 30, 2020

Ontario

See [here](#) for the plan, which includes:

- [Emergency assistance](#) for those not receiving benefits from Ontario Works (OW) or Ontario Disability Support Program (ODSP)
- [Support](#) for Indigenous communities
- Increases to the [Guaranteed Annual Income System \(GAINS\)](#) (for low-income seniors) maximum payment for six months
- Support for families through a one-time \$200 payment per child up to 12 years of age, and \$250 for those with special needs
- Six months of [Ontario Student Assistance Program \(OSAP\)](#) loan and interest accrual relief
- Electricity cost relief

There are also [changes](#) to Ontario Works (OW) and Ontario Disability Support Program (ODSP), which include the following:

- Increasing funding for discretionary [OW](#) and [ODSP](#) benefits, including a possible one-time benefit of up to \$100 for individuals and up to \$200 for families
- Modifying certain OW/ODSP program requirements, including no longer suspending clients who do not report income and suspending Eligibility Verification Process reviews
- Allowing for extension of Special Diet Allowance, Mandatory Special Necessities benefits and medical transportation/supplies without endorsement from a health professional

For answers to questions about OW and ODSP benefits, see [here](#).

If you are living with HIV and have questions about income-related issues (e.g., new benefits, ODSP, employment income), please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Housing

As of March 19, 2020, the Ontario Superior Court of Justice has ordered Sheriff's offices to not enforce any eviction orders unless the landlord convinces the court to make an exception.

For answers to questions about housing law, see [here](#).

If you are living with HIV and your landlord threatens to evict you (or you have other housing-related questions), please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Healthcare

Medical coverage for Uninsured People

Ontario is providing medically necessary services to [everyone in the province](#), whether they have government health insurance or not.

If you are living with HIV and are denied medical services, please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Three-month OHIP waiting period removed temporarily

The three-month waiting period for coverage under OHIP (Ontario Health Insurance Plan) has been [removed](#) temporarily.

In addition, people do not need to renew expired or expiring OHIP cards at this time.

Mental Health and Addictions Support

The Ontario government is increasing supports related to mental health and addiction issues. For more information, including about online and phone supports, see [here](#).

Immigration and Refugees

Over the coming days, we will be sharing a resource devoted to immigration and refugee law. In the meantime, note that it is still possible to initiate refugee claims inside of Canada. In addition, the Immigration and Refugee Board has suspended all in-person hearings except those related to people in detention, and almost all deportations are suspended.

For information about how COVID-19 is affecting immigration, refugees, citizenship and passport services, please see [here](#).

For answers to questions about immigration and refugee law, see [here](#).

If you are living with HIV and have questions about immigration or refugee law, please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Emergency Laws

Federal Quarantine Act

On March 25, 2020, the federal government [announced](#) an Emergency Order under the [Quarantine Act](#) that requires any person entering Canada by air, sea or land to self-isolate for 14 days whether or not they have symptoms of COVID-19. Penalties for not following the Emergency Order include fines and jail time.

Ontario Emergency Management and Civil Protection Act

On March 17, 2020 (now in place until at least April 23, 2020), Ontario [declared](#) a state of emergency under the [Emergency Management and Civil Protection Act](#) which allows for the suspension of certain rights. Under this legislation, government can do such things as control movement and close down public or private places. To date, various measures have been announced, including the [prohibition of gatherings of more than five people](#) (with certain exceptions) as well as the [closure of non-essential businesses](#) and [closure of outdoor recreational amenities](#) (e.g., outdoor playgrounds and sports facilities). Penalties for not following the legislation include fines and jail time. For more information about the *Emergency Management and Civil Protection Act*, see this [resource](#) put together by the [Black Legal Action Centre \(BLAC\)](#).

Ontario Health Protection and Promotion Act

[Public Health Units](#) are increasingly issuing [Class Orders](#) under the [Health Protection and Promotion Act](#) that require certain people to, among other things, isolate themselves for 14 days and follow any instructions provided by the Public Health Unit. The [Class Orders](#) we have seen thus far apply to those who:

- a) are identified as a person diagnosed with COVID-19;
- b) have the signs and symptoms of COVID-19, have been tested for COVID-19 and are awaiting the results of their test;
- c) otherwise have reasonable grounds to believe they have symptoms of COVID-19; or
- d) are a close contact of a person identified in (a), (b) or (c).

There are fines for not following the terms of a Class Order. In addition, the Public Health Unit may ask a court to require a person to follow a Class Order. Penalties for not following a court order include fines and jail time.

There are also other municipal, provincial and federal laws that may be used to respond to public health issues. For example, criminal law has been used and many municipalities have by-laws in place that require measures such as physical distancing. Penalties for not following such by-laws may include fines and jail time.

We will soon be sharing more about the various laws noted above.

While we support the need for sound public health guidance, it is essential that all measures are firmly grounded in science and comply with human rights standards. Moreover, immediate action must be taken (e.g., scaling up income supports and housing, responding to those in state custody and those in abusive relationships) to ensure that everyone is able to comply with measures such as physical distancing. It is unacceptable that due to factors such as poverty or lack of housing some people and communities will face barriers and obstacles meeting such requirements, thereby placing them at a greater risk of being exposed to COVID-19 and of being fined and jailed.

Links

Legal

- [HALCO](#)
- [Canadian HIV & AIDS Legal Network](#)
- [Community Legal Education Ontario - Steps to Justice](#)
- [Legal Aid Ontario](#)

Health

- [CATIE: Canada's Source for HIV and hepatitis C information](#)
- [Government of Canada](#)
- [Ontario Ministry of Health](#)
- [World Health Organization](#)

Government Economic Plans

- [Canada](#)
- [Ontario](#)

Moving forward

We continue to provide legal advice and representation and to engage in public legal education and law reform activities. Please continue to [contact us](#) and refer people living with HIV to us.

HALCO will continue to work with people living with HIV and others to ensure the health and safety of all and to bring about social, economic, and racial justice.