



BRIGHT FUTURE:

PILC STAKEHOLDER ENGAGEMENT REPORT



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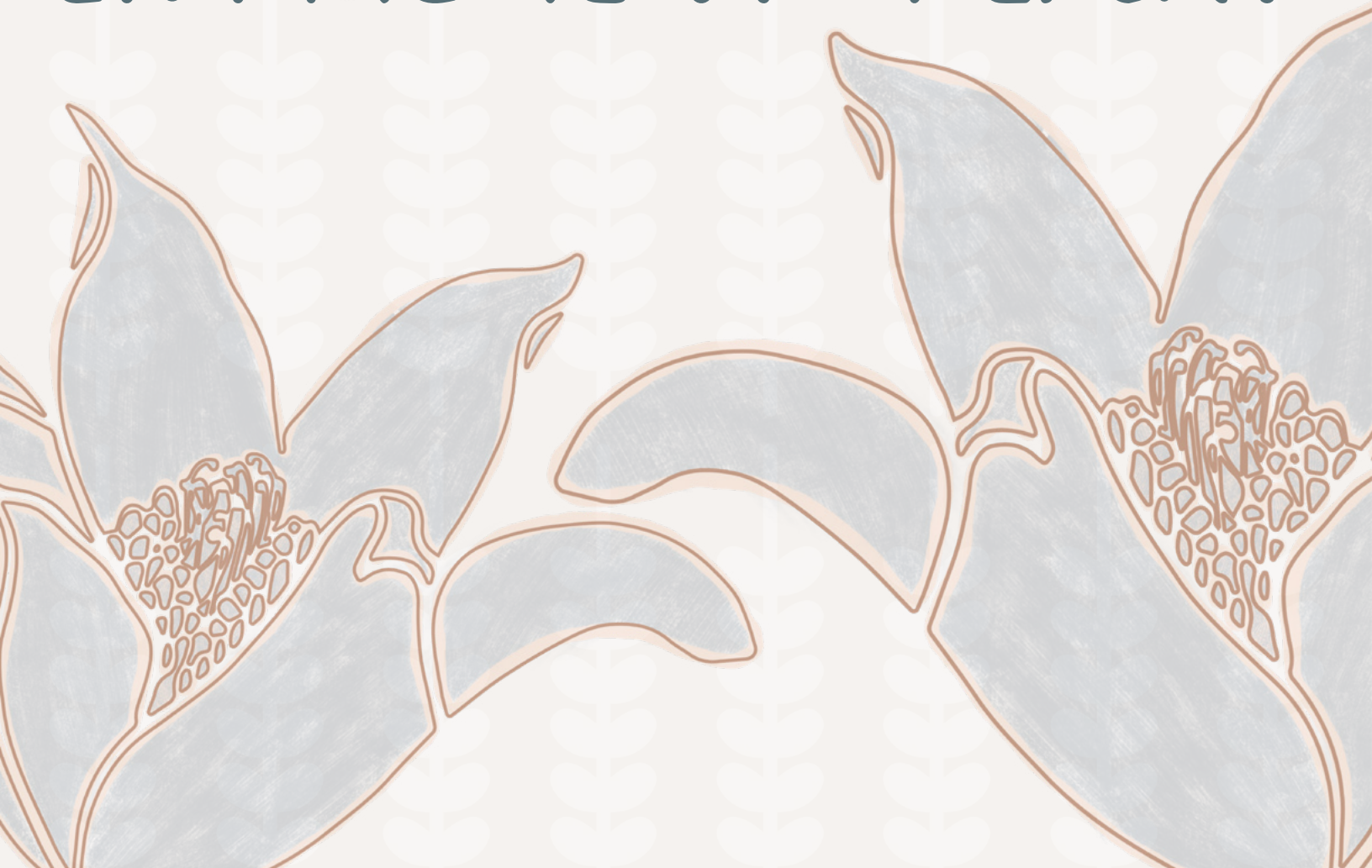
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ABOUT THE AUTHORS

Paula Ethans is a lawyer and independent contractor based in Winnipeg, Manitoba. Joëlle Pastora Sala is a staff lawyer with the Public Interest Law Centre (PILC) in Winnipeg, Manitoba. The PILC team were consulted and agree with the recommendations in this report. The opinions and any errors, are those of the authors and do not necessarily reflect the views of the funders of this report.

ACKNOWLEDGEMENTS

We would first like to thank all the stakeholders who participated in this engagement – all of whom were generous with their time and provided valuable insights. We benefitted greatly from the perspectives of academics, non-profit organizations, grassroots groups, and nations who came together in our webinars and/or spoke in depth in our one-on-one meetings. Their participation allowed our report and strategic planning to reflect and amplify the voices of those most affected by access to justice barriers in Manitoba.

We would also like to thank those who presented at our webinars: Chief Justice Richard Scott, Peter Kingsley, Darcia Senft, and Jennifer Unger. Thank you as well to the PILC staff and the student volunteers who assisted in the facilitation of the webinars and/or contributed to this report, including: Byron Williams, Allison Fenske, Katrine Dilay, Chris Klassen, Max Griffin-Rill, Amanda Beaumont, Tyler Swan, Hannah Taylor, Silas Koulack, Kaylee Furber, Sean Lett, and Tyson Priebe.

We are deeply indebted to Dr. Patricia Fitzpatrick, Mr. Patrick Falconer, Dr. Aaron Mills, and Professor Aimée Craft. Their expertise and guidance on our engagement and report helped us to listen better and learn more.

Lastly, as a proud member of Legal Aid Manitoba, PILC would like to thank the Manitoba Law Foundation for its ongoing support.

EXECUTIVE SUMMARY

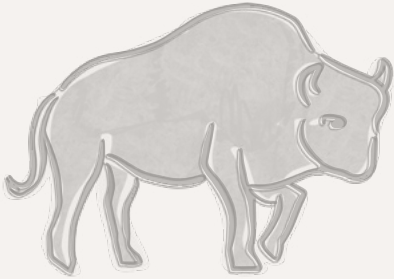
As part of our regular outreach, as well as a strategic planning exercise to sharpen and maximize our ability to fight for systemic transformation, PILC conducted extensive stakeholder engagement during Spring 2021. We hosted webinars and one-on-one meetings for non-profit organizations, grassroots groups, academics, and First Nations to share with us their communities' greatest legal needs, largest access to justice barriers, and ideas on how PILC could help.

PILC learned a lot during this engagement period. Stakeholders told us that an essential priority is to ensure that the basic needs of individuals are met. We heard that when people are unable to meet their basic needs, all other legal issues or challenges are difficult, if not impossible, to tackle. PILC was reminded that the legal system is opaque, daunting, and sometimes unreliable. Stakeholders told us that government benefits and services are inaccessible and difficult to navigate. We heard barriers relating to language, money, time, and physical infrastructure regularly stop people from seeking justice.

PILC was fortunate enough to hear countless recommendations from our stakeholders on how public interest services can better support their communities. We learned that too many people in Manitoba do not know about PILC and its activities, so we need to do a better job communicating with the public. We heard that individuals and organizations would like assistance with public legal education and demystifying the legal system. PILC discovered that non-profit organizations and grassroots groups need support with conducting proactive, non case-specific research.

PILC also heard about numerous thematic issues which would benefit from multi-pronged legal strategies for systemic change, such as: inadequate government benefits, narrow eligibility requirements; a lack of adequate, accessible, and affordable housing; unequal and inadequate services for persons with disabilities; the need for strong policy and legal mechanisms to protect Canada's biodiversity; the necessity of enhancing and protecting consumer choice and expression, including telecommunications; the importance of respect for Indigenous laws in all areas; the need to decriminalize drugs and provide safe consumption sites; and much more.





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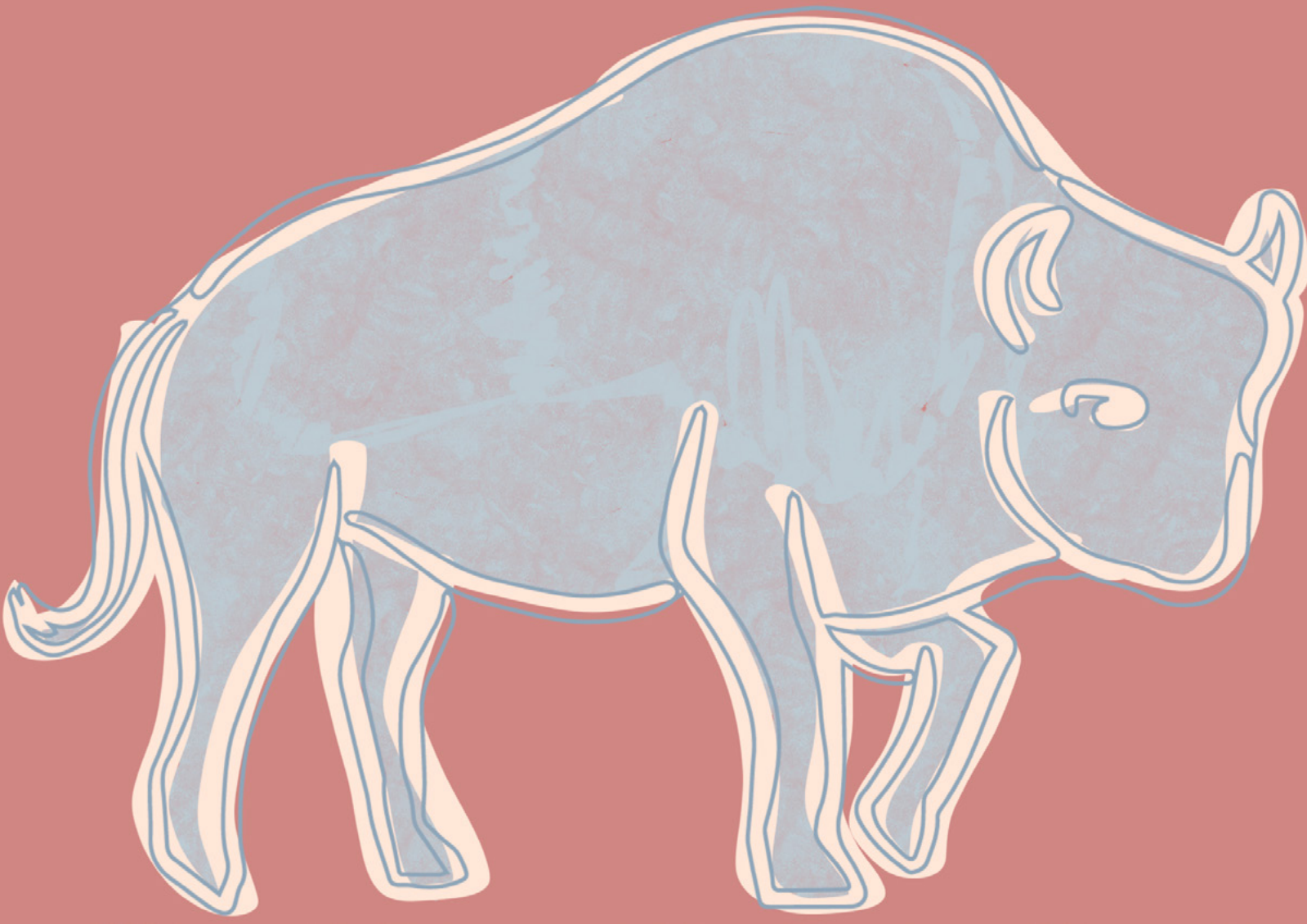
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ABOUT PILC

WHAT WE'RE ALL ABOUT

"The one organization that does a super job to make sure the Court understands we are dealing with real issues of real people is PILC."

– Former Chief Justice Richard Scott

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Introduction

“challenging barriers,
changing the law”

The Public Interest Law Centre (PILC) is an evidence-based, non-partisan legal centre with four decades of advancing access to justice, substantive equality, reconciliation, and sustainability on behalf of its clients and community partners.

In 1982, with the goal of furthering the public interest and serving the most marginalized communities, PILC was founded as part of Legal Aid Manitoba (LAM).¹ The provincial government of Manitoba amended the *Legal Aid Services Society of Manitoba Act* (later the *Legal Aid Manitoba Act*) to allow any group whose income is at a level that legal fees would create a financial hardship upon the group and would seriously hamper their activities to be entitled to representation in a matter “relating to an issue of public interest including...any consumer or environmental issue.”² PILC was created to address issues that provide a maximum benefit to lower income people and to take on cases that affect the public at large.³

¹Doug Smith, “IN THE PUBLIC INTEREST: The first 25 years of The Public Interest Law Centre,” (March 2007), at 12–13.

²Section 3.1(1) and section 10.1(2), *Legal Aid Services Society of Manitoba Act*, CCSM 1982, c L105.

³Section 5.5.1, *Legal Aid Manitoba Area Director’s Manual*: “The Public Interest Law Centre (PILC) is mandated to represent eligible groups and individuals in cases which will have a broad impact on the interpretation or application of the law and/or will affect groups of people. As PILC cases often fall outside of the usual coverage areas of LAM, applications will only be approved by the ED in the following circumstances: a) there are sufficient resources within PILC and funding available to pursue the matter throughout the proceedings; b) a legal merit opinion is provided by the Director of PILC or his/her designate to the ED indicating the following: i) the matter must impact a systemic issue in the law and the facts of the case make it a suitable test case on that issue, and/or: ii) the issue must impact a discernable segment of the population of Manitoba; and c) there must be a reasonable likelihood of success.

PILC works in partnership with individuals, community organizations, academics, and Indigenous people and nations to enhance the lives and law for all Manitobans and Canadians. It seeks to support those who experience systemic barriers to inclusion and justice, such as: people with low incomes, Indigenous people, persons with disabilities, members of the LGBTQIA2S+ community, newcomers, people in custody, and senior citizens. It also challenges government and market actions that adversely affect consumers and/or the environment.

PILC seeks to provide advocacy support for these individuals, groups, and nations. We amplify their voices and challenge discriminatory policies, practices, and laws on their behalf.

MISSION

To achieve law reform and systemic change in Manitoba and Canada that advances access to justice, substantive equality, reconciliation, greater access to essential services, and sustainability by offering high quality, non-partisan, evidence-based, accessible legal and public policy services for those who are far too often silenced in legal and public policy debates.

PILC employs four full time staff lawyers, including the Director, to work exclusively on systemic issues. These lawyers work directly with affected individuals, communities, and nations to challenge institutional barriers to substantive equality. The staff often employs multiple tools for change, simultaneously engaging in litigation, public awareness campaigns, engagements with individuals and experts, media appearances, and/or legal research.

PILC also has an Advocacy Unit that employs four advocates. Under the supervision of PILC's lawyers, the advocates provide two types of assistance. First, the PILC Advocacy Unit provides information and guidance. This is done in an informal manner, sharing tips on self-representation and providing guidance on legal rights. Second, the unit provides representation and formal advocacy for those who qualify for Legal Aid. PILC advocates represent individuals at various administrative tribunals, such as the Social Services Appeal Board, the Refugee Protection Division, and the Residential Tenancies Branch and Commission. PILC advocates have an extremely high rate of success, and regularly prevent evictions; win financial compensation for tenants; succeed in having Employment and Income Assistance benefits granted or reinstated; and allow individuals to enroll and receive services in Community Living Disability Services (CLDS).

VISION

An equitable and just Manitoba and Canada in which all individuals, communities, and nations have access to justice; can share their unique gifts; have access to accessible, transparent, and accountable institutions; and live in healthy environments.

Tools for Change

PILC employs a variety of tools to achieve change. Our tools for change include:



PUBLIC
ENGAGEMENT

LEGAL
ADVOCACY

SYSTEM
NAVIGATION

RESEARCH

MEDIA & PUBLIC
AWARENESS
CAMPAIGNS

GOVERNMENT
REVIEWS &
COMPLAINTS

CORRESPONDENCE
WITH GOVERNMENT
OFFICIALS

EXPERT ADVICE
& OPINIONS

Partnerships



Decision Criteria for Cases

Legal Aid Manitoba selects PILC cases based on community need and our ability to use legal tools to affect societal change. Practically, we consider social significance, legal merit, and the availability of resources.

Guided by the Legal Aid Manitoba case selection criteria for PILC including a determination of financial eligibility, applications for public interest law cases will only be approved if:

- There are sufficient resources within PILC
- Funding is available to pursue the matter throughout the proceedings
- There is legal merit, in that:
 - The matter will impact a systemic issue in the law which will allow it to be a test case; and/or
 - The matter will impact a segment of the population of Manitoba; and
 - There is a reasonable likelihood of success.⁴

⁴ Section 5.5.1, Legal Aid Manitoba Area Director's Manual, (1 April 2009), online: <http://www.legalaid.mb.ca/pdf/ADM_EXTERNAL_May27_2014.pdf>.

PILC Intake Process

The PILC Advisory Council mandate is to provide advice to the Executive Director of LAM on matters relating to the public interest and the ongoing public interest portfolio. It is also mandated to study and make recommendations to the LAM Management Council on public interest issues. PILC staff also consult with the PILC Advisory Council in certain cases when it is unclear whether the case fits within the PILC decision criteria.

The steps for picking a PILC case when PILC is contacted directly:

Step 1	Intake by PILC student
Step 2	Preliminary screening by PILC student, supervisor, lawyer
Step 3	Opinion and recommendation by PILC staff
Step 4	Internal PILC staff case selection meeting
Step 5	Meeting between PILC staff & ED of LAM to present recommendations
Step 6	ED of LAM decision
Step 7	Right to appeal

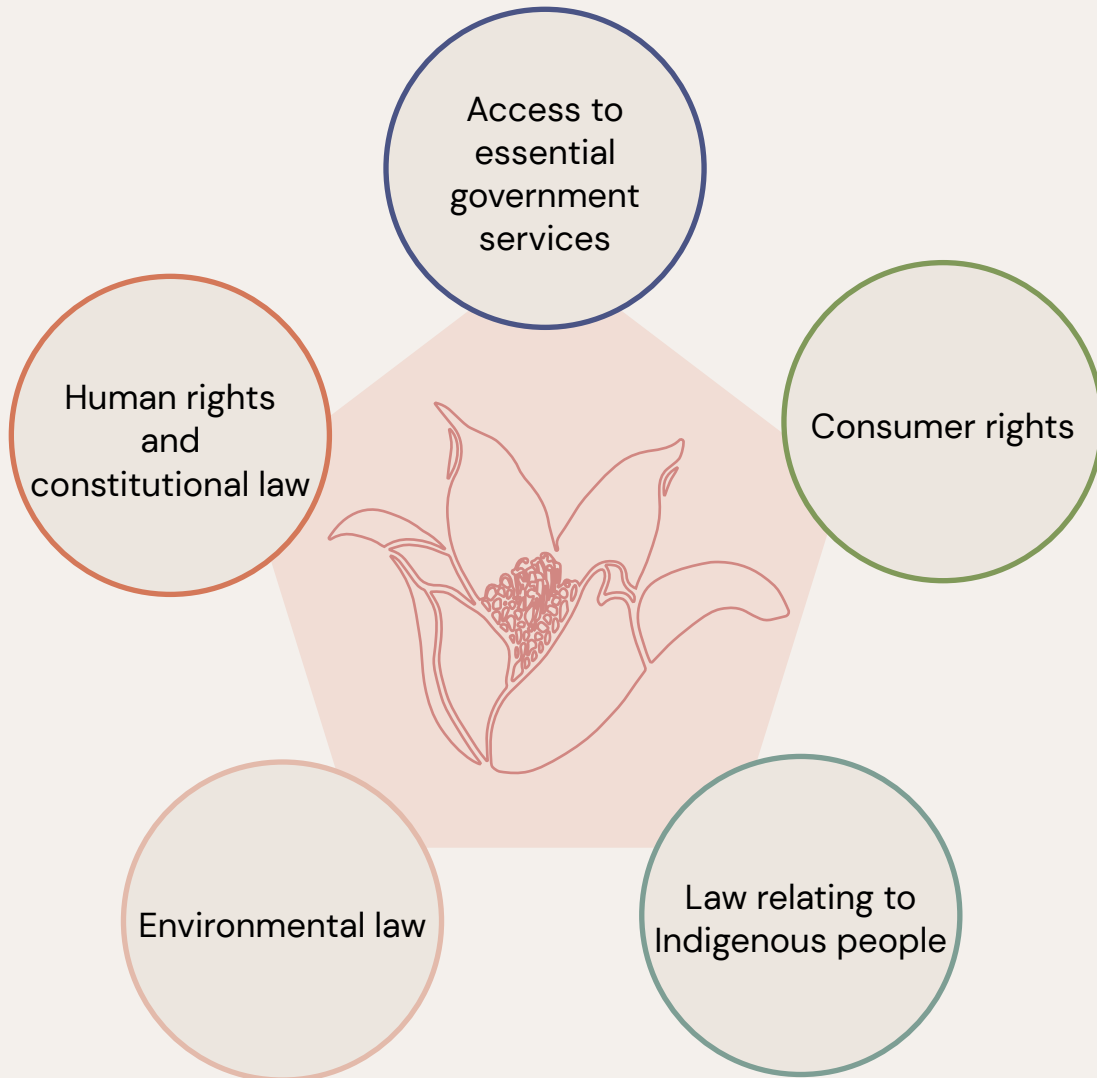
The steps for picking a PILC case when the LAM intake department is contacted:

Step 1	Intake by LAM intake department
Step 2	Review of issue by the Area Director of LAM
Step 3	Review of issue by Executive Director of LAM
Step 4	Issue referral to PILC
Step 5	Review, opinion and recommendation by PILC lawyer
Step 6	Internal PILC staff case selection meeting
Step 7	Meeting between PILC staff and ED of LAM to present recommendation
Step 8	ED of LAM decision
Step 9	Right to appeal

Areas of Practice

PILC practices in a wide variety of areas, always guided by our mission to serve vulnerable and marginalized communities in Manitoba who are too often silenced in legal and public policy decision making processes.

PILC's main areas of practice include, but are not limited to:



While PILC has five defined areas of practice, the cases that we launch often involve more than one area of practice or exist at the intersection of multiple areas of practice, and PILC understands this. People's lived experiences are intersectional, and so is PILC's approach to public interest law.

ACCESS TO ESSENTIAL SERVICES

Stadler

In May 2020, PILC and pro bono counsel from Pink Larkin LLP represented the Social Planning Council of Winnipeg and argued that persons with disabilities in receipt of Employment and Income Assistance (EIA) are disproportionately negatively affected by the requirement under the Assistance Regulations of the Manitoba Assistance Act to apply for Canada Pension Plan (CPP) benefits at the age of 60 years old. Persons with disabilities are at greater risk of living in poverty and, as a result, are dramatically over-represented among those in receipt of income assistance. Mr Stadler was represented by Ms Karen Burwash.

The Manitoba Court of Appeal agreed with the PILC submissions and held that the Regulation perpetuates and exacerbates the burdens of an already disadvantaged group and violates the right to equality under the Charter. The Court ordered that persons with disabilities in receipt of income assistance ought not be required to apply for their CPP benefits before they turn 65 years old.

Amelia Hampton and Tyson Sylvester

In May 2016, PILC filed human rights complaints on behalf of Tyson and Amelia regarding the gap of services and supports for adults with disabilities in Manitoba, especially those with complex disability-related needs, once they graduate from high school. In Summer 2021, a Memorandum of Understanding was signed between the parties, which will see 30 adults participate in a pilot project aimed at providing more holistic care for people with both a medical diagnosis and complex disability related needs. In addition to the pilot project, a researcher will be contracted to prepare a report and recommendations relating to the gap and barriers of services provided to Manitobans with disabilities. The recommendations will be informed by community engagement, and the Government of Manitoba and the Winnipeg Regional Health Authority have committed to best efforts in implementing recommendations flowing from the pilot project.

MPI Gender Markers

In May 2019, PILC filed a human rights complaint on behalf of five non-binary individuals against the Province of Manitoba and Manitoba Public Insurance (MPI). The original complaint relates to the collection of sex and gender information. In October 2020, the complaint against MPI was resolved and individuals can now choose a non-binary 'X' marker or leave the gender marker blank, for their MPI issued driver's license and identification cards. PILC continues to work on behalf of these individuals, engaging in a human rights complaint against the Province regarding all other government-issued identification, forms, and records collecting sex and gender information.

HUMAN RIGHTS & CONSTITUTIONAL LAW

Ending Institutionalization

In 2007/2008, on behalf of Community Living Manitoba, PILC launched a human rights complaint against the continued institutionalization of persons with intellectual disabilities by the Province of Manitoba at the Manitoba Development Centre (MDC). A resolution was reached in 2011 that 49 MDC residents would be transferred to the community but the institution remained open. In January 2021, after years of advocacy by the community, the province announced the closure of the MDC.

In November 2020, PILC and pro bono counsel from Thompson Dorfman Sweatman LLP represented the Council of Canadians with Disabilities (CCD), Inclusion Canada (IC), and People First Canada (PFC) as intervenors in a case at the Nova Scotia Court of Appeal about de-institutionalization. The appeal related to the legal obligation of the Province to support persons with disabilities to live in communities, rather than being confined to institutions. Our clients were particularly concerned about the finding that institutionalization in-and-of-itself is not discrimination. On October 6th 2021, the Court of Appeal ruled that there is ample evidence that the way the Nova Scotia government provides support to persons with disabilities puts them at a unique disadvantage. This includes prolonged unjustified institutionalization, years-long waits to receive services that they are entitled to or having to relocate to receive those services.

International medical doctors

In 1999, PILC represented the Association of Foreign Medical School Graduates in Manitoba. Graduates of European, Asian, African and South American medical schools who were living in Manitoba were unable to practice their profession due to licensing restrictions. PILC's work helped to eliminate the discriminatory regulation, and a fast track was created for physicians who had been practicing medicine within the previous two years. In May 2006, Manitoba became one of the first two Canadian provinces to allow international medical graduates to compete equally with Canadian graduates for post-graduate medical education (residency) positions.

A victory for parents in Manitoba

In 2020, with pro bono counsel from Taylor McCaffrey LLP, PILC filed legal proceedings on behalf of seven couples about the definition of "parent" under the Family Maintenance Act. The Act has not been updated since 1987 and does not recognize non-biological parents who conceive through assisted reproduction as a parent. On behalf of our clients, we argued that the sections of the Act violated the equality rights of the parents and other 2SLGBTQ+ families. Currently, if a child is conceived through assisted reproduction and born in Manitoba to a 2SLGBTQ+ couple, only one parent is recognized legally. As a result of this constitutional challenge, Manitoba introduced amendments to the Family Maintenance Act on November 25, 2021 intended to remedy this discrimination.

CONSUMER RIGHTS

Hydro and MPI rates

PILC regularly represents consumers at the Public Utilities Board on matters affecting the rates of Manitoba Hydro and Manitoba Public Insurance. Depending on the hearing, these clients can include Manitoba Harvest, the Aboriginal Council of Winnipeg and the Consumers Association of Canada – Manitoba Chapter.

On behalf of its clients, PILC has successfully helped to slow Manitoba Hydro rate hikes over a number of years, saving consumers significant sums on their monthly energy bills. For example, in 2018, the PUB reduced a proposed 7.9% Manitoba Hydro rate increase to 3.6%, saving Manitoba ratepayers more than \$60 million annually.

In terms of MPI rates, between 2001 and 2022, the PUB ordered a rebate of more than \$1 billion to Manitoba drivers because of PILC's work with its clients.

Payday lending

PILC represented a coalition of community groups, including Winnipeg Harvest, the Consumers' Association of Canada – Manitoba Branch, and Community Financial Counseling Services at three proceedings before the Public Utilities Board (PUB) regarding payday loans. At these hearings, PILC argued that the high rates charged by payday lenders left vulnerable consumers at risk of being trapped in a debt cycle. In its report, PUB recommended rates for Manitobans that were more than 20% lower than any other Canadian jurisdiction in which rates are regulated. Manitoba continues to have among the lowest payday lending rates in the country.

Telecommunications

PILC represented the Manitoba Coalition (The Aboriginal Council of Winnipeg, Consumer Association Canada – Manitoba Chapter, and Manitoba Harvest) in the Canadian Radio-television and Telecommunications Commission's (CRTC) review of the mobile wireless telecommunications market. Informed by extensive consumer engagement and on behalf of the Coalition, PILC highlighted the presence and impacts of systemic barriers in the marketplace for marginalized consumers. Relying on our submissions, the CRTC recognized the disadvantages imposed by high prices on consumers with limited income.

ENVIRONMENTAL LAW

Conawapa hydro-electric

Between 2012 and 2015, PILC participated on behalf of its consumer clients in a series of regulatory proceedings before the Manitoba Clean Environment Commission and Manitoba Public Utilities Board (PUB), which led the Manitoba government to halt development of the \$10.5-billion Conawapa hydro-electric generating station.

The Great Binding Law

Over the course of two years, PILC met and worked directly with a group of Anishinaabe, Nehetho (Cree), and Dakota Elders as well as staff from the Assembly of Manitoba Chiefs (AMC) to support the preparation of the Great Binding Law. The Great Binding Law was prepared and written at Turtle Lodge, a sacred lodge of the Anishinaabe in Sagkeeng First Nation. The Great Binding Law is a statement about First Nations laws and some of the teachings relating to the protection of Mother Earth. It was shared at the National Energy Board within the context of the hearing for Enbridge Line 3. A copy of the Great Binding Law can be found [here](#).

Carbon Pricing

Guided by Elders and on behalf of the Assembly of Manitoba Chiefs (AMC), PILC appeared at the Supreme Court of Canada in the constitutional reference relating to carbon pricing in September 2020. The AMC intervention focused on the role of First Nations laws in considering the constitutionality of Canada's carbon pricing legislation. Prior to the hearing, PILC staff participated in a ceremony led by Elders to provide guidance to the legal team and spiritualize the factum that was filed at the Supreme Court of Canada. The decision by the Supreme Court contains no reference to the existence of First Nations laws but can be found [here](#).

LAW RELATING TO INDIGENOUS PEOPLE

Children Special Allowance claw backs

In November 2020, on behalf of the Assembly of Manitoba Chiefs (AMC), PILC filed a challenge to the Budget Implementation and Tax Statutes Amendment Act, which justifies the practice of clawing back funding for First Nations children in care by the Government of Manitoba and immunizes the province from legal action in this regard. The Children Special Allowances (CSA) is a monthly payment by the federal government to the province of Manitoba or private child welfare agencies for maintaining children in care. It can be used by agencies to support the care of First Nations through education, training, and recreational activities. PILC argued on behalf of AMC that the Amendment Act is unconstitutional and a breach of the honour of the Crown as well as Manitoba's fiduciary duty towards First Nations children. The legal proceedings, commenced against the Province of Manitoba, are ongoing.

Gap of services for First Nation adults and children with disabilities in Manitoba

PILC has filed five human rights complaints on behalf of three individuals and one coalition of families to ensure that all First

Nations children and adults living with disabilities have the supports and services they require to meaningfully participate in aspects of their daily life, including through: equal access to clinical services; one-on-one supports; assistive and communication technologies; culturally appropriate supports; and education. In a complaint filed in 2021, it is argued that the denial of services and supports by Canada and Manitoba for First Nations perpetuates the historically negative experience of First Nations people in Canada. It is also argued that a principle akin to Jordan's Principle should be created for First Nations adults and failing to do so is discriminatory.

Revitalization of First Nation child welfare template laws

In collaboration with the First Nations Family Advocates Office of the Assembly of Manitoba (FNFAO-AMC) and guided Elders, PILC is supporting the revitalization of Anishinaabe, Nehetho (Cree), Oji-Cree, Dene, and Dakota template laws in relating to the protection of children and families. In November 2020, PILC and the FNFAO-AMC received approval and funding from the Manitoba Law Foundation for a project entitled "Bringing Our Children Home through Advocacy and Research." The funding will be used to hire two full-time lawyers by the FNFAO-AMC and it will also support funding for research by PILC. Both initiatives are important steps for reconciliation and access to justice for First Nations families.



METHODOLOGY

THE WHO, HOW & WHY

“The presentation was very educational and well planned. I very much appreciated the collaborative/ sharing approach with a facilitator to help guide discussions. Thank you to all for this great experience.”

– Brittney Nygaard, Resource Assistance for Youth (RaY)

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Why did PILC engage with stakeholders?

PILC undertook an intensive stakeholder engagement period to hear about community legal needs and to think creatively about where, how, and to whom we offer services. Consistent with our mandate within LAM, and following the PILC Advisory Committee terms of reference, this outreach was part of our regular stakeholder engagement, as well as a broader exploratory exercise to imagine our future services. In conceiving our future, we sought input from those who matter most: community stakeholders.

Our goal for the stakeholder engagement was to connect with a wide variety of individuals, organizations, and nations to:

- i) Share information about the types of systemic law reform and administrative advocacy services offered by PILC;
- ii) Hear about our stakeholders' legal and policy related needs;
- iii) Learn about our stakeholders' biggest access to justice barriers; and
- iv) Identify what, if any, possible supports might PILC offer.

To ensure our engagement was meaningful, PILC followed best practices to maximize participation by building trust and confidence.⁵

We recognized that community members are experts in their experiences and sought to listen and learn from what they shared.⁶

⁵ Winfield, M. (2016). Decision-making, governance and sustainability: Beyond the age of "responsible resource development". *Journal of Environmental Law and Practice*, 29, 129-150; Davies, B. B., Blackstock, K., & Rauschmayer, F. (2005). 'Recruitment', 'composition', and 'mandate' issues in deliberative processes: Should we focus on arguments rather than individuals? *Environment and Planning C: Government and Policy*, 23, 599-615; Fung, A. (2006). Varieties of participation in complex governance. *Public Administration Review*, 66(Supplement 1), 66-75; Winfield, M. (2016). Decision-making, governance and sustainability: Beyond the age of "responsible resource development". *Journal of Environmental Law and Practice*, 29, 129-150; Pateman, C. (1970). *Participation and democratic theory*. Oxford: Alden and Mowbray; and Diduck, A. P., Reed, M., & George, C. (2015). Participatory approaches to resource and environmental management. In B. Mitchell (Ed.), *Resource and environmental management in Canada* (5th ed., pp. 142-170). Toronto, ON, Canada: Oxford University Press.

⁶ Mitchell, B. (2002). *Resource and environmental management* (2nd ed.). Essex, England: Longman, Pearson Education Limited, at 83; Warren, M. E. (2009). Governance-driven democratization. *Critical policy studies*, 3(1), 3-13, at 3.

Who was involved in the engagement?

When preparing for this intensive stakeholder engagement period, PILC carefully considered with whom to engage. We sought to create a list of individuals, organizations, and nations that reflected the great diversity within Manitoba. PILC followed best practices when selecting invitees, examining both the 'exclusivity' and 'interest' of participants.⁷

PILC was led by Fung's guiding questions to determine who participates:

- Are they appropriately representative of the relevant population or the general public?
- Are important interests or perspectives excluded?
- Do they possess the information and competence to make good judgements and decisions?
- Are participants responsive and accountable to those who do not participate?⁸

⁷ Fung, A. (2006). Varieties of participation in complex governance. *Public Administration Review*, 66 (Supplement 1), 66-75 at 67; Newton, A., & Elliott, M. (2016) A typology of stakeholders and guidelines for engagement in transdisciplinary, participatory processes. *Frontiers in Marine Science*.

⁸ Ibid.

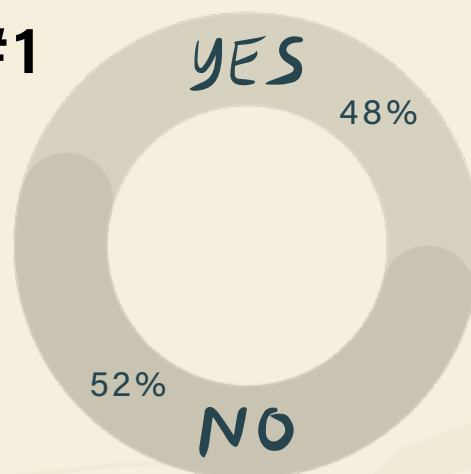
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In selecting which stakeholders to invite to our engagement webinars and one-on-one meetings, PILC staff engaged in a three-part process:



POP-UP QUESTION #1

Did you know that PILC has been an office of Legal Aid Manitoba since 1982?



**Results of pop-up question presented during PILC's webinars*

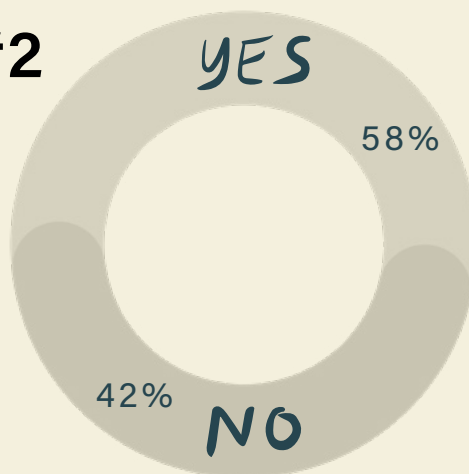
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PILC conscientiously included a wide variety of stakeholders in our engagement. We wanted the greatest diversity on several parameters: size and capacity; geography; advocacy methods used; communities served; and type of organization. We sought to include not just non-profit organizations, but also community leaders, academics, grassroots groups, and nations. Our goal was to include an economically, socially, and culturally diverse group of perspectives, regions, and resources. This would allow PILC to make better decisions and have greater success at implementing recommendations.⁹

Throughout our engagement, PILC consulted with over 100 non-profits organizations, academics, grassroots, groups, nations, and community leaders from across Manitoba.

POP-UP QUESTION #2

Have you or your organization ever accessed PILC resources?



*Results of pop-up question presented during PILC's webinars

⁹ Davies, B. B., Blackstock, K., & Rauschmayer, F. (2005). 'Recruitment', 'composition', and 'mandate' issues in deliberative processes: Should we focus on arguments rather than individuals? *Environment and Planning C: Government and Policy*, 23, 599-615; Diduck, A. P., Reed, M., & George, C. (2015). Participatory approaches to resource and environmental management. In B. Mitchell (Ed.), *Resource and environmental management in Canada* (5th ed., pp. 142-170). Toronto, ON, Canada: Oxford University Press; Fung, A. (2006). Varieties of participation in complex governance. *Public Administration Review*, 66 (Supplement 1), 66-75.

How did the engagement work?

1 PILC hosted a participatory webinar (hosted on two different dates to ensure greater reach and accessibility) for community stakeholders. More than 150 individuals, organizations, and nations were invited to the webinar, and over 85 stakeholders attended the two available sessions.

The webinar was comprised of three main sections:

- A** Providing information about PILC and LAM through short presentations
- B** Splitting participants up into breakout rooms to discuss three questions:
 - ① What are your community's greatest legal and policy related needs?
 - ② What are your community's biggest access to justice barriers?
 - ③ How can PILC better serve you and your community?
- C** Coming back to one large group to report on each breakout room discussion

2 During the webinars, PILC also collected information through pop-up questions. We had four representatives from PILC and LAM present on the areas of work and services provided by the organizations. During these presentations, we had multiple choice questions pop up on the screen for all participants to answer.

3

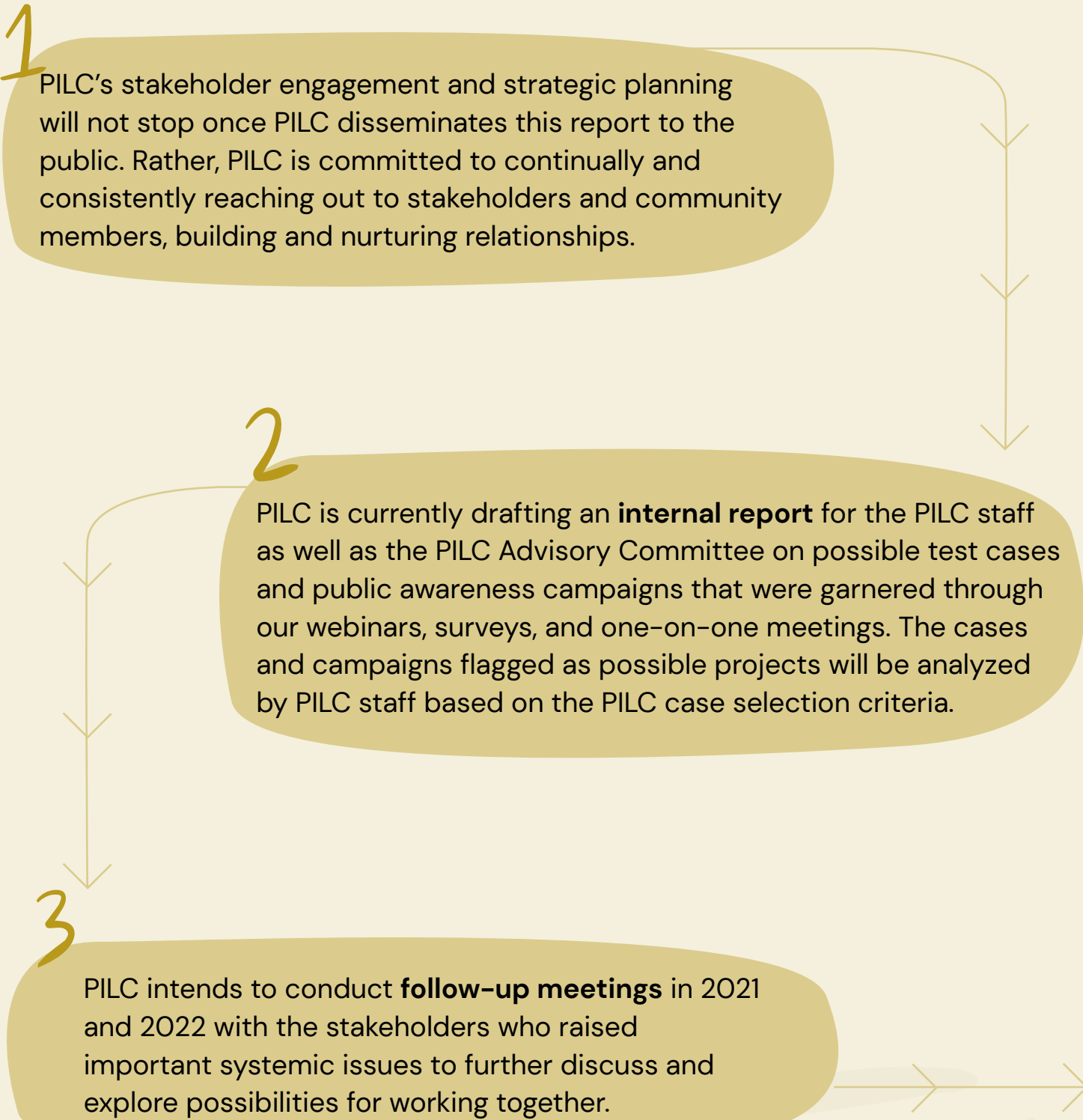
PILC collected additional information through a survey that was sent to all participants after the webinar. This survey asked the stakeholders similar questions to those in the webinar, but provided participants with time for reflection and more space to share their thoughts. One of the questions was whether the attendee was interested in having a one-on-one meeting with PILC staff. We offered these meetings to provide an opportunity for those interested in further consultation to engage in a dialogue with PILC.

4

PILC conducted one-on-one meetings for all who indicated interest on their survey as well as others we had not had the opportunity to meet with us in the webinar sessions. During a two-week period, PILC conducted over fifteen semi-structured meetings, lasting 60–90 minutes each. These stakeholder meetings allowed for individuals and groups to share their community needs and issues in greater detail, and for PILC to further explore how we can improve and expand our services for different communities.

Information from the webinar breakout rooms, pop-up questions, surveys, and meetings were all recorded and/or transcribed. The collected data was analyzed by using a combination of computer-based coding and discussion amongst PILC staff.

What are the next steps?



5

Lastly, PILC plans to collaborate on and host a **networking event** in 2022 for individuals, grassroots groups, organizations, and nations involved in public interest work. We hope this will provide an opportunity for stakeholders to connect, learn about the important work happening in various communities, and foster opportunities for collaboration.



4

PILC will also be undertaking an **engagement with the legal community** in Manitoba, which will further inform our future activities. We will explore partnerships and opportunities with law firms regarding systemic public interest issues. Further, we will be expanding our pro bono program, reaching out to firms and informing them about current cases and ways to get involved.



A DEFINITION

Chimwemwe Undi

Call it a mic. Better, a megaphone.

Better, a silence to speak into.

Call it a new hand

beside hands already reaching.

Call it “love in public”,

add anger, sharpened

to a point,

made into something

like a difference.

Call it a door that croaks

at long-last open,

or help to find the key

or hold aloft the ram.

Call it “a word after a word


after a word”, and all the wind

between them.



A DEFINITION

Chimwemwe Undi



Call it calling it what it is,
and was, and where it gathered,
how feet found purchase,
what bodies stole.
Call it normal plane mirror
in funhouse colony,
that invitation: look again.
Call it a day, a long day,
filled with air, space for breathing.
Call it returning from the margins,
from violence of naming,
of insisting on all the wrong names.
Call it a verb: doing, and undoing,
and remaking,
and unraveling blue fabric
some insist is the sky.

Chimwemwe Undi worked at PILC as summer student while at Robson Hall Faculty of Law. She is now an associate at Thompson Dorfman Sweatman LLP on Treaty 1 in Winnipeg, Manitoba. Her poetry has been featured by The Walrus, CBC, BBC World and the Edinburgh International Book Festival.



WHAT WE ASKED, WHAT WE HEARD

DIGGING INTO COMMUNITY NEEDS

"There is power in coming together and PILC is the catalyst for that. There are so many battles to fight and leaving the sessions today I felt confident that there are many people who are working on the same goals of advancing rights, promoting accessibility, and it was energizing."

– Janet Forbes, Inclusion Winnipeg

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What we asked

During our stakeholder engagement webinars and meetings, we asked:

1. What are your community's greatest legal and policy related needs?
2. What access to justice barriers does your community face?
3. How can PILC better serve you and your community?

- Have you noticed an issue that affects you/the individuals you serve, that impacts a broader group of people?
- Is there a long-standing issue your community faces?
- Are there any specific types of legal assistance that your community requires?
- Does your community often have interactions with the police?

**What are the legal
and policy
related needs?**

- Are members of your community consistently unaware of their rights?
- Are individuals/groups concerned they will be harmed by accessing the legal system?
- Does your community have sufficient funds to hire legal representation?
- Can people in your community physically access courts and tribunals?

What are some examples of access to justice barriers?

- Are there systemic issues you or your organization want challenged in court?
- Does your community need workshops on specific topics?
- Is there research into an issue from which your community would benefit?
- Do members of your community need help navigating the legal system?

What are some ways PILC can possibly help?

What is access to justice (A2J)?

Not everyone in Manitoba is able to access the legal system. There are a variety of reasons why someone may have difficulty entering and navigating the legal system – poverty, technological barriers, a lack of information, language barriers, etc.

An individual has access to justice when they have the requisite knowledge, resources, and services to seek an effective resolution to a legal problem.¹⁰

Some key principles in understanding whether someone has access to justice include:

- **Availability:** whether the necessary legal information or services exist;
- **Accessibility:** whether a person can access the necessary legal information, services, and/or system;
- **Acceptability:** whether the system is set up and legal information and services are delivered in a way that is needs-based and culturally appropriate; and
- **Adequacy:** whether the legal information and services are delivered and a person experiences the system in a way that is meaningful and sufficient.¹¹

¹⁰ Allison Fenske and Bev Froese, "Justice Starts Here" (November 2017) *Canadian Centre for Policy Alternatives*, at 2, online: <https://www.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba%20Office/2017/11/Justice_Starts_Here_PILC.pdf>.

¹¹ Ibid.

What we heard

An overview of what we heard

Provide additional research support to organizations, grassroots groups, individuals, and nations on systemic issues

Increase PILC's capacity to take on more files and increase access to justice

Promote reconciliation and the respect of Indigenous legal traditions

Create and share widely plain language legal information

Provide legal education workshops on systemic public interest issues for community members

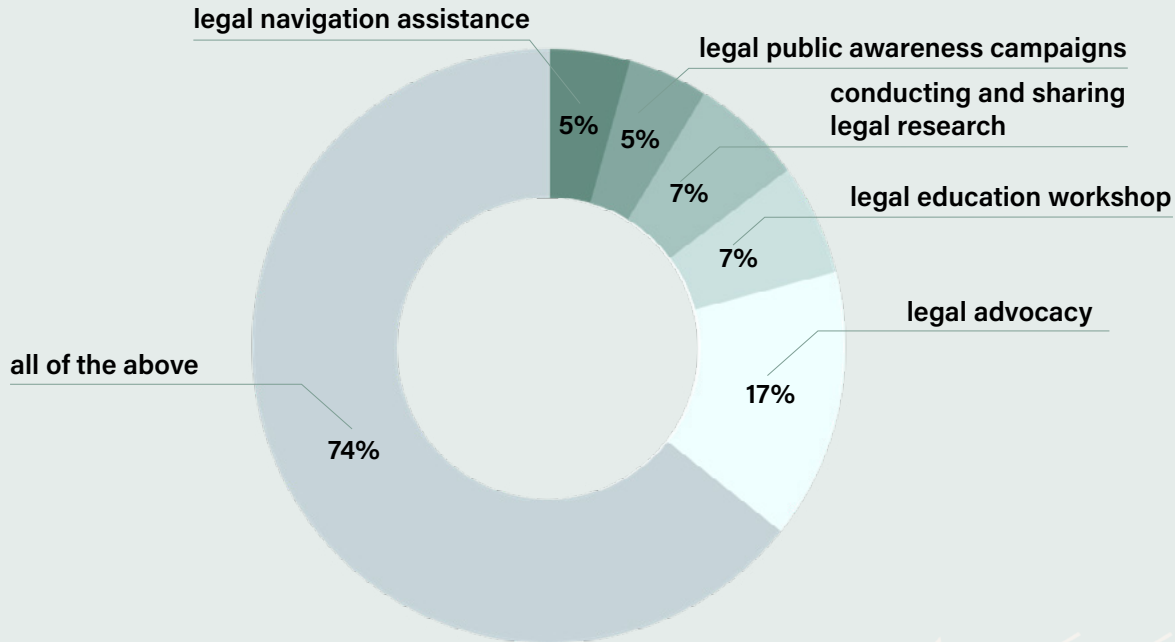
Act as a bridge and connect like-minded organizations

Use a wide variety of tools to promote access to justice and social inclusion

POP-UP QUESTION #3

How can PILC better support/serve you and your community?

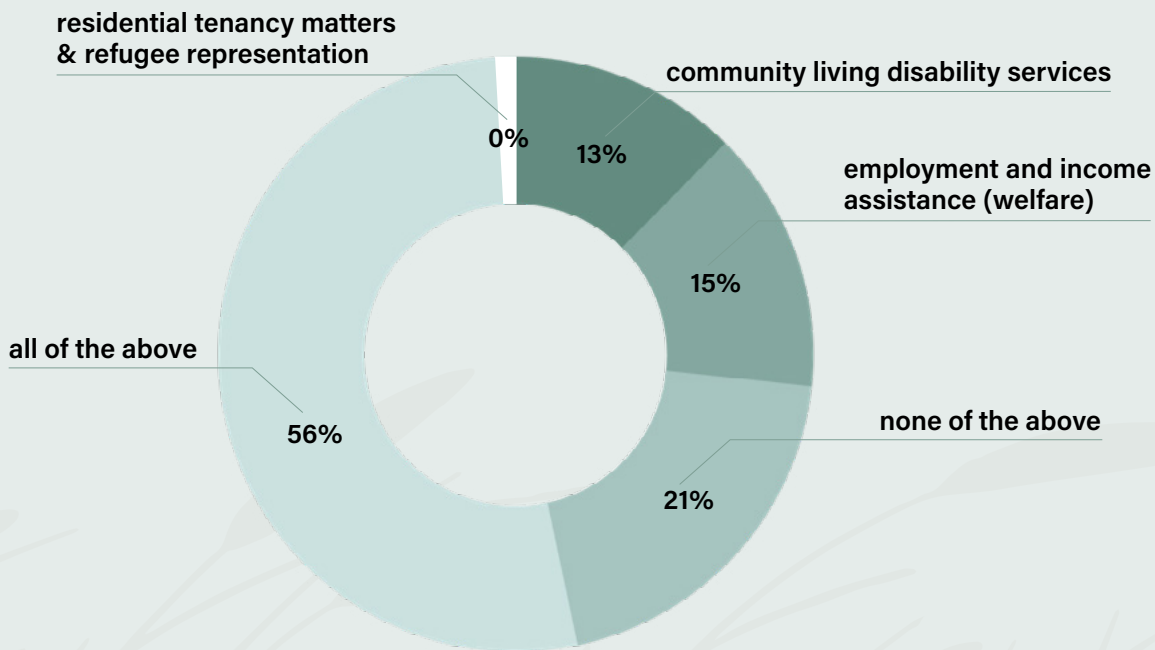
**Results of pop-up question presented during PILC's webinars*



POP-UP QUESTION #4

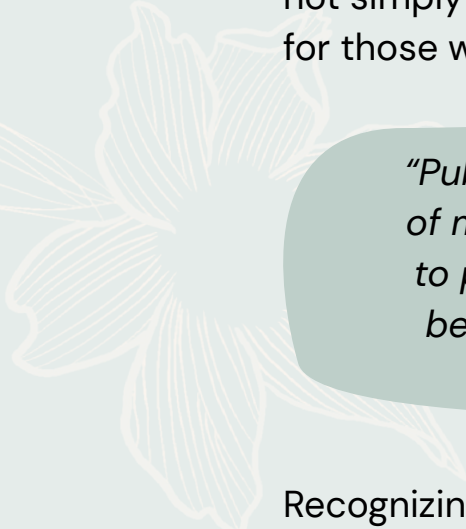
Do you or your clients require assistance with...

**Results of pop-up question presented during PILC's webinars*



An ongoing dialogue about the “public interest” is needed

PILC heard from several stakeholders that the “public interest” – both in the past and present – has often been used to push forward projects and policies that benefit the majority but harm certain marginalized communities. As such, PILC learned it is important to ensure the public interest is not simply about majority rule, but about justice, including for those who have been historically disadvantaged.



“Public interest is not always in the best interest of my people. We have rooms full of documents to prove that. Where cases were decided upon because of the general interest of the public.”

– Elder Florence Paynter

Recognizing that our conception of the public interest is necessarily guided by our statutory mandate as well as our mission, PILC heard that we need to have an inclusive, ongoing dialogue with a wide variety of communities to help shape our understanding of the public interest. As a fluid and evolving concept, regular stakeholder engagement on the public interest will help to ensure that PILC hears and serves the most disadvantaged individuals, groups, and nations in Manitoba.

“What is public interest? There is an interesting debate on whether social change tracks law or vice versa. [An important thing to consider is] how the law needs to change to reflect social values and how social values need to change to reflect what is in the public interest. PILC is at the center of that debate.”

– Aimée Craft, University of Ottawa

The basic needs of individuals are not being met

From housing to food insecurity, to unemployment, to clean water, to heating and electricity – PILC repeatedly heard that the basic needs of people are not being met, and that access to justice advocacy tools are required to assist in obtaining those needs.

Individuals and groups who are unable to meet their basic needs are unlikely to seek a legal remedy to an issue because they are focused on survival: where they will sleep that night, how they will put food on the table, and how they will pay their rent. PILC heard that it is challenging for anyone to set aside time, energy, and resources to launch a legal case, and that is especially true for people who are struggling to meet their basic needs, including those living in poverty.

“The income support program...really does maintain people in perpetual state of poverty and there is a need for real meaningful support for employment. To lift people up is certainly a major [priority].”

– Leanne Fenez, Barrier Free Manitoba

Stakeholders identified basic needs, like housing, as ripe for public interest intervention. PILC heard it has a role to play in pushing municipal and provincial governments to implement an accessible, affordable and sustainable housing for all strategy.

“One key area is the right to housing. We have people living in encampments right now because our governments haven’t recognized this right. People are living in rooming houses that are deplorable; no access to washrooms, running water. We need to take action on the right to housing.”

– Lucille Bruce, End Homelessness Winnipeg

The legal landscape is changing

“COVID-19 has just really ripped the band aid off of anything we thought was working and we have noticed gaps.”
– Janet Forbes, Inclusion Winnipeg

PILC heard that new issues have emerged, and old problems have been exacerbated, during the COVID-19 pandemic. Some services that were previously available in-person have shifted to online, increasing accessibility for some people with physical disabilities while decreasing accessibility for people living in poverty without meaningful access to the internet or technology.

“Where will the consumer voice be after Bill 35? How will we continue, possibility without the Public Utilities Board? How will we provide a credible voice on behalf of consumers?”
– Gloria Desorcy, Consumers Association of Canada, Manitoba Branch

PILC also heard about new challenges emerging from legislative bills, which were seen as diminishing the rights of Manitobans and Canadians to assert their rights in judicial, administrative and democratic processes.

The legal system is inaccessible

Stakeholders told PILC that the legal system is inaccessible. Individuals and groups are unable or unwilling to seek justice in the legal system due to a myriad of reasons from geographical constraints to language barriers.

“The disability community struggles with accessibility in every sense of the word – physical barriers, communication barriers, accessing services.”
– Rachel Smith, Family Advocacy Network

Specific access issues that were consistently raised include: physical barriers; a distrust of systems; logistics of child care; absence of sign language supports; language barriers; inability to get legal representation; inability to obtain clear, plain language information and policies from different institutions; and hesitation to self-represent.

“When you work with lower income individuals, they don’t have the flexibility to come and get help, they don’t have a job where they can ask for time off.”
– Paula Hamilton, Legal Help Centre

PILC also heard there are compounding access to justice barriers for the newcomer community, including: a lack of information, no awareness of where to go for help, a lack of resources, language barriers, and a lack of sufficient finances.

"...with immigrants, newcomers, and refugees...there is a lack of knowledge of how the legal system works. So just knowing every single thing, they need someone to support them through it. Our barriers are huge.."

– Luladei Abdi, IRCOM

Geography was noted as a severe barrier for people in rural areas or in First Nations. Individuals who live in smaller communities are not offered the same services and programs as individuals in Winnipeg.

Lastly, stakeholders told PILC that their communities either did not meet the financial cut off for Legal Aid, or they needed assistance with legal issues that fall outside of Legal Aid Manitoba's coverage.

Individuals lack access to legal information

Lack of information – about whether something is a legal issue, individual rights, possible remedies – was a frequently cited issue.

“One of the biggest barriers we face is lack of knowledge. Lack of understanding of systems is at all time low, issues with system literacy.”

Laura Tyler, Manitoba Energy Justice Coalition

Due to a lack of information, individuals, groups, and nations do not know how to navigate the legal system: who to turn to, where to go, and what to ask for. People also struggle to understand the law as it is written, finding the substantive content opaque and unclear.

“Individuals and their family members are pushed to the limit and may not be the same again because what they had to go through to get access what they needed. People get so worn down by the system...they give up on the system.”

– Margo Powell, Abilities Manitoba

Further, PILC heard about challenges in accessing legal information and a lack of transparency of institutions. Some organizations said they have to go through FIPPA to try to obtain any information relevant to their community’s issues and needs. Some stakeholders said that a lack of access to institutional information (such as police reports or Manitoba Hydro financial data) had adverse effects, while others said there simply is not enough research being done in their area of work.

"The average consumer does not have access to resources that companies do, and they don't have the access to information. It is really important to have assistance in terms of being able to be represented fully."

– Peggy Barker, Consumer Association
Canada – Manitoba Branch

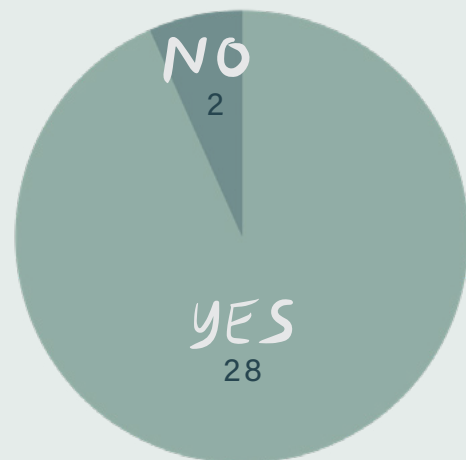
PILC also heard about other issues affecting the access to legal information for individuals such as power dynamics within families and abuse within relationships, including with the newcomer community.

"Lots of women who have been in abusive relationships come see me and have a lack access to information. They just don't know what to do."

– Humaira Jaleel

EXIT SURVEY QUESTION

Would legal advocacy, including non-lawyer assistance such as "legal navigators" be of assistance to your community?



The legal system is inequitable

Throughout the engagement, PILC heard how systemic racism is a severe access to justice barrier for Black Indigenous People of Colour (BIPOC) communities in Manitoba. This discrimination can lead to a distrust of institutions and hesitation to access them.

"[There is a] distrust in all systems...a lot of people have been dragged through the mud trying to navigate the system. Even if you want to help they are hesitant and are difficult because everyone let them down.

[They have a] hard time trusting services."

– Jenn Martens, Manitoba Harm Reduction Network

Stakeholders discussed the different ways racism manifests itself in Manitoba: a lack of access to government services; police profiling; and an over representation in the criminal system. Anti-Indigenous racism was frequently cited as a specific access to justice barrier. PILC heard that individuals and organizations require assistance with combating systemic racism in employment, the healthcare system, policing, education, and community housing.

"[A] concern is systematic racism, over representation of Indigenous peoples incarcerated in this province"

– Brittney Nygaard, Resource Assistance for Youth

Additionally, PILC heard that newcomers do not know when/how to seek justice within the legal system and often feel scared to speak up about issues at work. As a result, an entire sector of the population does not access the legal system and feel that institutions in Manitoba and Canada do not serve them.

“Immigrant workers in the health field...are scared that if they speak up about a problem in the workplace, they might lose their job. [There are] inequalities between people who feel safe to speak up and people who don’t.”

– Carol Grant, Manitoba Federation of Labour – Human Rights Committee

Government benefits and services are inaccessible

PILC heard that individuals struggle with accessing, maintaining, and updating government benefits and services. Individuals encounter barriers, delays, and inconsistencies when applying for government benefits/services or trying to maintain those benefits/services.

“We need help to help people to get the benefits they are entitled to. [It’s a] matter of accessibility, adequacy and equity.”

– Neil Cohen, Community Unemployed Help Centre

Several organizations told PILC that the Employment Income Assistance (EIA) program is in dire need of systemic reform. At the moment, it is very difficult to access the benefit, the eligibility is very narrow, benefits are too low, there are substantial hurdles to maintaining the benefit, and organizations are seeing EIA cutbacks.

“One of the biggest barriers is meeting eligibility criteria (including EIA), or once you’ve met them is getting leave for funding that allow people to have control over their life in terms of who they live with, how they want to live.”

– Janet Forbes, Inclusion Winnipeg

Additionally, PILC heard from numerous stakeholders that accessing government identification is difficult. Getting a Manitoba Health Card is particularly challenging for newcomers as well as formerly incarcerated people looking to re-establish coverage. Legal name changes were reported to be a protracted and arduous process. Similarly, getting birth certificates through the Vital Statistics department was noted as incredibly slow and difficult.

“A basic barrier is having proper identification. Access to identification. If you don’t have identification you can’t file income tax, can’t open bank account. This is a considerable concern.”
– John Silver, Community Financial Counselling Services

There is a need for public education

Throughout the engagement, PILC heard there is a need for greater public legal education in Manitoba. Many stakeholders spoke about the importance of workshops and presentations for both organizations as well as community members.

PILC heard that advocacy tips, cultural competency, and evidence collection would be useful topics for presentation and workshops. We also heard that workshops and seminars on thematic issues like environmental law or disability rights would be helpful, including for non-profit organizations and grassroots groups.

Additionally, stakeholders told us there is a systemic gap in public education by, for, and about trans people. They suggested that PILC collaborate on workshops regarding trans rights at school, at work, and more broadly.

"We need the education system to be turned around. There is explicit discrimination towards queer and trans people and their families."

– Charlie Eau, Trans Manitoba

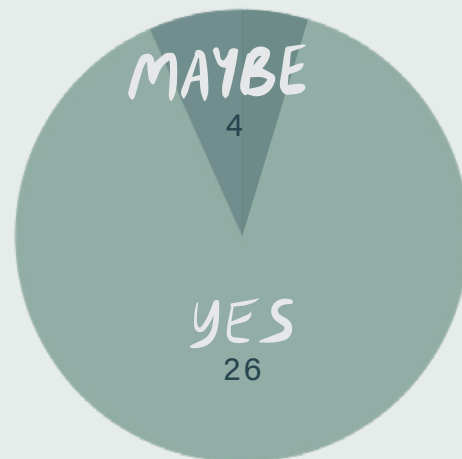
Participants shared ideas for presentations and workshops to community members, including: know your rights, how to self-represent, and programs for Indigenous youth. There was also an emphasis on the importance of PILC and its partner organizations going into the community to give these presentations. Stakeholders suggested that PILC provide this legal education in accessible locations – emergency shelters, food banks, women’s shelters – to reach marginalized individuals.

"PILC should visit food banks [to] give presentations about the services that they provide."

– Vivienne Ho, CUPE Manitoba

EXIT SURVEY QUESTION

Would legal education and assistance with public awareness campaigns be of assistance to your community?



PILC should do more outreach and engagement

It was made very clear during our engagement that PILC is not visible enough in the community. Many stakeholders told us they had never heard of PILC before. Interestingly, even some of our long-standing clients said they did not know about many of PILC's current or past projects and expressed a desire to learn more.

Stakeholders said that PILC needs to conduct more regular engagement with stakeholders to better understand and stay up to date on community needs and priorities. PILC also heard that in conjunction with its engagement, it needs to increase its reporting, keeping people apprised of new PILC activities. Some stakeholders noted the importance of PILC 'being at the table' to hear about community concerns and evaluate whether PILC is able to help, including at internal organization meetings.

"Introducing PILC to immigrant communities...If we can share that there is someone you can go to and it would not cost them anything or give them challenges, it will give a lot of hope to new people. They are new and don't know how things work yet. It would help them in the long run."

– Alif Rezwan, Mino Bimaadiziwin Partnership

Many individuals and organizations commented on PILC's lack of web presence, suggesting this could be improved. Specifically, it was recommended that PILC have a standalone website – most people did not know PILC had a website housed within the LAM website. They also recommended to create a social media presence (Twitter, Instagram, Facebook). Stakeholders identified that having an online presence could be an important method of communication and sharing information for PILC.

“PILC needs to have a better web presence. The PILC website is through the Legal Aid website, PILC tweets through Legal Aid.”
– Dr. Patricia Fitzpatrick, University of Manitoba

PILC needs to increase its capacity to meet demand

“Critically, [we need] more PILC to turn to so that limited resources aren’t denying access to important systemic change brought about by PILC’s work.”
– Jennifer Frain, New Direction

A large swath of stakeholders said PILC needs to increase its capacity to meet demand for public interest litigation and advocacy work. This was a widely held sentiment across different sectors, from disability advocates, to environmental groups, to Indigenous organizations. Strong calls were made for PILC to be able to take on more cases and projects to meet the large and ever-growing demand for public interest work.

“I think that [PILC] should really double the number of lawyers that they have on staff...there’s a lot of unmet needs in the community...and I think the service is something that should keep growing.”
– Diane Poulin, Communications Consultant

Stakeholders said they have brought issues to PILC in the past, but we frequently did not have the capacity to take on the case. Stakeholders also noted that PILC needs to increase its capacity so to have the flexibility to respond to urgent needs as they arise.

“PILC needs more funding. The services offered are good ones, but if possible it just needs to be expanded.”

– Gloria Desorcy, Consumers Association of Canada, Manitoba Branch

Additionally, PILC heard from several individuals and organizations that there is a great demand for legal representation at administrative tribunals, and it would be very useful for PILC to hire more advocates. Specifically, we heard individuals need help: launching refugee claims; accessing a variety of government benefits such as EIA; and being represented at the Residential Tenancy Board.

“There aren’t enough advocates out there. PILC needs more advocates.”

– John Silver, Community Financial Counselling Services

Promoting reconciliation and the equality of Indigenous legal traditions is vital

PILC heard that finding meaningful ways to promote reconciliation and the respect of Indigenous legal traditions is very important to stakeholders. Several suggestions were put forth for how to do this, including: having mentorship programs for Indigenous youth; supporting capacity-building efforts by Indigenous institutions and nations; ensuring there are Indigenous perspective in the legal system; supporting efforts to increase the number of Indigenous lawyers; and ensuring Gladue report are done in a more meaningful way.

“Train young people to be good advocates in both Indigenous and western legal traditions.”

– Elder Florence Paynter

PILC also heard that Indigenous people, especially those who live in First Nations and remote areas, have great difficulty accessing essential needs, benefits, supports and services. Clean water and food security were given as examples of systemic issues facing Indigenous individuals and nations and the need for a legislative discussion to address those issues in the long-term.

“There has been a lot of work on Jordan’s Principles which has been beneficial to communities, but what happens after kids turn eighteen years old is they age out of supports and that is a big gap, big public policy issue that needs addressing...”

Amanda Meawasige, First Nations Health
Social Secretariat of Manitoba

We heard clearly that PILC should support advocacy efforts to create policy and systemic change relating to the over-representation of Indigenous people in all state systems, such as child welfare, criminal law, family law, and hospitals.

“The biggest thing that we lack in the justice system from an Indigenous perspective is that full circle. We are missing that after court, after conviction reconciliation aspect.”

Kym Edinborough-Capuska, Peacepipe
Family Wellness Centre

It was also shared that PILC should increase its reliance on Canadian constitutional and common law tools, such as Section 35, the honour of the Crown, as well as treaty and aboriginal rights to advocate for reconciliation with Indigenous people.

Organizations need support regarding research

PILC repeatedly heard that non-profit organizations and grassroots groups need research support. Stakeholders said they need help with legal research: for cases they are launching, for public education campaigns they are leading, to accompany academic research, and to support media releases/campaigns. Stakeholders also suggested that PILC could collaborate on organizing a research ‘pool’ or ‘library’ of academic papers and caselaw on topics like housing or water for potential/upcoming cases. We were told that it would also be helpful if PILC could share some of the expert reports more broadly so that they could be of assistance to the community.

Participants told PILC it would be useful to conduct proactive research and disseminate it widely, so groups could base their advocacy on PILC’s non-partisan, evidence-based research. This would help organizations with limited capacity.

Further, grassroots groups said that being able to rely on research conducted by PILC would bolster their advocacy's legitimacy, as PILC has an upstanding reputation in Manitoba.

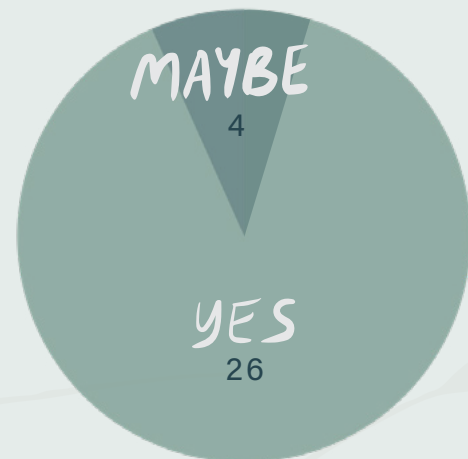
"Coming from a grassroots background, we always need research support in collaborative capacities."
– Emily Gerbrandt, Winnipeg Police Cause Harm

Additionally, PILC heard that stakeholders are interested in PILC producing plain language explainers of the law. This could include primers on long, complex legislative bills, or legal briefs on emerging legal issues. Many stakeholders discussed their difficulty in understanding the law as it is currently written, and how PILC's expertise would be invaluable in making the law more accessible.

"Bill 64, and how it may or not relate to students with disabilities. Bill is 300–400 pages long, and unintelligible for most people. Need a non-partisan view on what it means, cannot go to different political parties for definitions, based on their biases."
– Rachel Smith, Family Advocacy Network

EXIT SURVEY QUESTION

Would proactive research on matters relating to your community be helpful?



PILC can facilitate networking for organizations

PILC heard from stakeholders that it is in a unique position – having relationships with many different community leaders, grassroots groups, and organizations – to act as a bridge and connect organizations doing similar work.

“I’ve come to realize other organizations/groups that have similar interests, so it’s an opportunity to collaborate with others. It’s an opportunity to find out who else is out there and what we could do together.”

– Russell Burton, Southern Chiefs’ Organization

Stakeholders told us that it would be beneficial if PILC hosted more events to allow organizations to connect. These events would allow academics, non-profit organizations, grassroots groups, and nations to learn about and stay abreast of what other organizations are up to and discover if there are any possible avenues for collaboration or support. PILC also heard that regularly scheduled networking events would be very useful for organizations and academics to build their own relationships with one another.

There is a gap in capacity for public interest litigation

From several stakeholders, PILC heard that there is a great demand for public interest litigation in Manitoba, but a limited capacity to take on these cases. It was made clear that there are many more public interest legal cases that could be launched if there was greater capacity.

Environmental and disability rights organizations clearly communicated the need for more public interest litigation. The environment community said there is a large gap in their litigation, with demand far outweighing capacity. Stakeholders said they need help challenging tribunal decisions and require environmental law expertise. The disability rights organizations stressed that there are many systemic issues facing their community – from the Vulnerable Persons Act, to disability benefits, to independent living – and there is presently not enough public interest litigation being conducted.

“PILC is the legal go-to organization for social justice and environmental justice work. We need something in Manitoba – an organization that dedicates resources to environmental law. If PILC could do that and find those resources, that’d be great... I see PILC as a leader of any environmental legal work done in Manitoba.”

– Glen Koroluk, Manitoba Eco-Network

PILC also heard other stakeholders discuss their need for support and guidance when building cases. Individuals and groups suggested that when PILC is not actively involved in a case, it can lend strategic support or additional resources to organizations.

A TEACHING ON TEBWETAJIIMOWIN

Shared by Osawa Aki Ikwe (Elder Florence Paynter)¹²

Oshoshko Bineshikwe nidishinikas.

Gawiikowendakong nidonjii.

Makwa nidinawemakan.

[My spirit name is Blue Thunder Bird Woman.

I am from Sandy Bay First Nation. My clan is the Bear.]

In English, my name is Florence Paynter. I am from Sandy Bay First Nation and I am a member of Norway House Cree Nation. I introduce myself in Anishinaabemowin using my spirit name in the way that it was given to me. I do this because the use of my language expresses my people's sovereignty. It shares the Nation and land to which I belong. My language is an important part of my knowledge and my Nation's laws and teachings.

I have spent my life learning and sharing the teachings and laws of my Nation which were passed on to me by my family and members of my community. The teachings I share are part of my truth. I believe everybody has a truth and story to tell.

The Anishinaabemowin word "Tebwetajiimowin" is pronounced "te-bway-da-gee-mo-win." It speaks to the truth and represents the importance of truth telling.

Tebwetajiimowin is an Anishinaabe legal concept. First Nations law isn't about interpreting European law. European legal concepts are not our concepts. People try translating what English concepts might be, but in doing so we are missing the mark. Our starting point must be our First Nations languages and our own First Nations laws.

TEBWETAJIMOWIN REPRESENTS TRUTH AND TRUTH TELLING

When lawyers are working with clients, sometimes clients share stories that may not be within your realm of experience, not even close.

We have a shared history with the people who came to settle in our lands. The settlers came with different ways of doing and different thought. Initially, it is important to remember that survival was an important part of the relationship we had as people, as human beings.

But at some point, it's also important to remember that we have a shared history of how people from other lands came here and the disrespect and enforcement began. Our people were put in little plots of lands. We used to go all over for our sustenance. When we were put in little plots of land, we lost a lot of freedom. That's the reality of our people.

There were foreign laws that prevented us from going into other areas. There have been so many confinements, regulations, things that undermine our ability to sustain ourselves as a free people. We were so limited in where we could hunt, trap, and fish.

We have the knowledge of when plants grow, how to pick and store them – that's a lot of science and knowledge that was and is held. Only now are scientists starting to recognize the traditional knowledge that our people carry. The concept of ownership, including ownership of land, does not exist in our language. The concept of owning something is foreign to us. The Creator owns us as people, owns the human race. We do not own the land, she owns us.

¹² Elder Florence Paynter is an Anishinaabe ikwe originally from Sandy Bay First Nations. She is a wife, mother, grandmother and great-grandmother. Elder Paynter is a retired educator who is listed on the Speakers Bureau of the Treaty Commission of Manitoba. She has received the Aboriginal Circle of Teachers' Award for the work she does in the field of education. She holds a Master's degree from the University of Manitoba, and has been bestowed upon her 4th degree from the Midewin lodge. She sits in an advisory capacity as a recognized Elders to the National Council of Elders at the world renown Turtle Lodge in Sakgeeng. Elder Paynter also sits on both the Elders' Council for the Assembly of Manitoba Chiefs and the Treaties Commission of Manitoba.

Ultimately, we were supposed to have died a long time ago because of the laws and regulations that were imposed on us. If you look at mortality rates, at one time, Indigenous people were not living very long. If you look at the period of time that was happening, it was when people were highly regulated by other people. At that time, our means of survival was totally undermined. **But we continue to survive as people and we are exploding as a population.**

That is the history of Canada. That is the truth.

*TEBWETAJIIMOWIN IS ABOUT THE IMPORTANCE
TELLING THE TRUTH ABOUT SOMEONE'S STORY.
IT IS ALSO ABOUT LISTENING TO THAT TRUTH.*

As lawyers, you sometimes must take statements and sometimes those statements don't reflect what is being shared because it is so far removed from your realm of experience. There is a detachment.

I believe sometimes our people are forced to sign statements that don't reflect their truth. Then those "truths" are shared by lawyers and reflected in courts and laws from other mindsets and held as truths.

As lawyers, you have a responsibility to ask about whether the statements you share truly reflect your clients' truths. You need to listen to what that person is saying, try to understand them, write it out, read it back to them and ask – "Did I capture your situation, did I reflect what you said in your statement?"

Our people who find themselves in trouble with the law also have a story to tell.

When our people have legal troubles, it is because there have been so many confinements and so many regulations imposed upon us. There have been so many things to undermine our ability to sustain ourselves as free people. I am thinking of people who have died in jails during the COVID-19 pandemic. When I saw the list of those who died in Stony Mountain jail, I could recognize the last names because they were all from our communities. When we know our history as people, we know that jails were constructed in the days when our spiritual leadership was confined and behaviours were outlawed.

These are peoples' stories.

The 'public interest' is not always in the best interest of my people. We have rooms full of documentation that have proven that where cases were decided in the 'public interest', majority rules.

It goes back to what is at stake here – what is the public interest. Once you know what the public interest is, then you may ask, what is the best for all concerned, including those at the margins. Majority rules might be the way you go if you're not careful.

So again, we look at the balance of justice. That is the most important part. We look at the balance of justice and we look at the truth. **Sometimes in the public interest, the truth gets crunched – is that justice?**

THE CHALLENGE IS THINKING ABOUT ALTERNATIVE WAYS.

There is an opportunity to change the minds of people through education and not losing sight that there is truth there. **Sometimes the truth is not a pleasant truth and sometimes we have to dig deep.**

People were put in our path for a reason. I always believe that. We are not here by accident. We should be talking about this. It's you that needs to carry that message. We are the generation that will bust open those doorways. Like a cavalry coming in but we do it with gentleness, we do it with kindness.

The teaching of Tebwetajimowin reminds us to implement the art of listening and continual learning. No paper, no pencil, just you. When we go for our teachings, we sit with our hands facing up to receive the teaching and we listen.

There is so much truth in our stories. Many of my teachers have gone into the spirit world, but their stories are what ground me back into my own spirit.

Meegwetch.



SECTION 4

RECOMMENDATIONS

HOW PILC CAN KEEP FIGHTING FOR WHAT'S RIGHT

"PILC does a great job, but I would say continuing to focus on systemic issues that impact the most people and most marginalized people is a key thing to focus on."

– Allen Mankewich, SEED

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Recommendations¹³

1 Conduct regular strategic planning exercises

- I Organize biennial community consultations with individuals, community groups, academics and the legal community to explore community needs and priorities, discuss the evolving visions of the “public interest,” and shape PILC priorities.
- II Establish relationships with community grassroots leaders representing a wide variety of interests and expertise, including through biennial meeting bring together those leaders to assist in identifying community needs and priorities, discuss the evolving visions of the “public interest,” and shape PILC strategic priorities.
- III Based on community consultation, have the PILC staff recommend to the PILC Advisory Council a biennial theme, which will inform the systemic activities in public education and research.
- IV Reflect on the wins and challenges of PILC every six years, including through a variety of methods such as reports, events featuring videos, plays, and/or art.

¹³ The Authors of this Report acknowledge that some of the recommendations may be interpreted to go beyond the scope of services currently offered under the authority of the *Legal Aid Manitoba Act*.

2 Increase communication with the public

- I Create a standalone website for PILC.
- II Create a social media presence for PILC, including but not limited to: Facebook, Instagram, and Twitter.
- III Post legal information, relevant cases, and awareness campaigns on the biennial themes on the website and social media.
- IV On a regular basis, report to the public on PILC activities.
 - Have a newsletter or blog to report on PILC activities.
 - Use community events to hear about community needs and to report on PILC activities.
 - Utilize a variety of methods to communicate with the public, including production of short videos, infographics, media appearances, and articles.

3 Provide more public education on systemic barriers and legal issues

- I Explore partnerships with community organizations, academics and individuals for public events such as think-tanks, webinars and roundtable discussions focusing on the biennial theme.
- II Explore partnerships and collaborations to support and/or conduct workshops, presentations, and events to community members, focusing on the biennial theme.
Examples:
 - Know your rights
 - How to navigate the legal system
 - Specific issues: refugee claims, tenancy board, etc.
- III Explore partnerships and collaborations to conduct workshops and presentations for community organizations, focusing on the biennial theme. Examples:
 - Advocacy tips
 - Specific legal topics (ex - Environmental Law, how to work with experts)
 - PILC Advocacy Unit providing presentations on its work
- IV Provide presentations about PILC and its Advocacy Unit on a regular basis.
 - Explain what PILC does, who it serves, and what services it offers for organizations and/or individuals.
 - Go into communities (soup kitchens, newcomer centres, shelters, rural Manitoba communities, First Nations, etc.) to provide presentations.

4 Connect individuals, public interest organizations, and nations

- I Identify academics, Knowledge Keepers, community organizations, Indigenous institutions, and nations with which to collaborate on files and projects based on pressing issues and/or the biennial theme.
- II Host regular networking events for academics, Knowledge Keepers, grassroots groups, non-profit organizations, and nations based on pressing issues and/or the biennial theme.

5 Explore innovative community partnerships and funding opportunities to enhance public interest services

- I Collaborate with other public interest organizations and academic institutions to explore funding opportunities, ways to resource share, and work together to:
 - A Hire more public interest lawyers:
 - ▶ To allow for more cases to be taken on to meet demand for public interest services.
 - ▶ To create capacity for more direct community outreach, including stakeholder engagement and presentations in communities.
 - ▶ To incorporate more tools into the public interest law tool box, including public awareness campaigns, art, and technology.
 - ▶ To coordinate more effectively with pro bono partners.
 - B Hire a Communications and Outreach Manager:
 - ▶ To develop and execute a public interest communications strategy, which will include but is not limited to: creating and maintaining a standalone website for PILC; writing and publishing blog posts; creating and maintaining social media platforms.
 - ▶ To act as the primary media contact for public interest service.
 - ▶ To organize and collaborate on community events.
 - ▶ To facilitate and collaborate on public education workshops/presentations.

- ▶ To build meaningful relationships with non-profit organizations.
 - ▶ To assist in drafting, editing, and publishing public interest reports.
- Ⓒ Hire more community advocates:
- ▶ To expand the services to include a wider scope of existing services and other government benefits, such as Manitoba Health.
 - ▶ To hire navigators who would work directly with individuals and community organizations to assist individuals navigate the legal system and access a variety of supports.
- II Revitalize the pro bono program
- Ⓐ Directly communicate with leadership at Manitoba law firms to share information about the pro bono program, ongoing public interest cases, and remind them of the different ways to get involved.
- Ⓑ Host and collaborate on events with lawyers in early years of their practice.
- ▶ Example – Webinars about ways to contribute pro bono legal work to public interest files, the importance of doing pro bono work, how to identify a public interest issue, how to do a public interest case
- Ⓒ Amend the pro bono registration form to include opportunities for lawyers with different skills and areas of practice to participate in files and projects with PILC.

6 Conduct and publish more research

- I Collaborate with other public interest organizations and academic institutions to explore funding opportunities, ways to resource share, and work together to:
 - A Hire a Director of Interdisciplinary Public Interest Research:
 - To be responsible for having standing relationships with academics from a variety of disciplines.
 - To identify expert witnesses for public interest litigation.
 - To conduct proactive interdisciplinary research in collaboration with academics and experts.
 - To publicly share research and reports.
 - B Ideally, under the Director of Interdisciplinary Public Interest Research:
 - Provide legal research for public awareness campaigns of other organizations.
 - Conduct proactive research based on pressing issues, including on the biennial theme.
 - Help create a research bank/library on topics that organizations and individuals can access, including a databank of successful cases and academic articles affecting public interest issues.
 - Conduct research for non-profit organizations and grassroots groups, including but not limited to: legal briefs, backgrounders, and plain language explainers of legislative and parliamentary bills.
 - Establish standing relationships with academics

Explore the possibility of having an academic-in-residence for two-year terms with specific expertise on the biennial theme.
 - Develop content for public education workshops and presentations, sometimes in collaboration with other organizations.
 - Host case theory discussions between legal academics and public interest lawyers for discrete cases.

7 Provide public interest education and promote diversity within the legal profession

- I Explore collaboration opportunities with organizations to support and/or conduct workshops and presentations in schools with an over representation of BIPOC and lower-income students.
 - Example – The biennial theme, know your rights, and entering the legal profession
- II Engage in regular dialogue with student associations at Robson Hall to collaborate with them on projects based on biennial theme and explore ways to promote professional opportunities for BIPOC students
- III Provide students opportunities to work on public interest projects, in collaboration with an interdisciplinary team of academics.
- IV Explore ways to create legal and non-legal public interest job opportunities for BIPOC, including through collaborations with other organizations.
- V Collaborate with Robson Hall to explore the creation of a public interest legal clinic to increase the public interest service, and provide experiential legal education to law students.

Promote reconciliation and the respect for Indigenous legal traditions

- I Support and collaborate with Indigenous organizations, institutions, and nations on reconciliation efforts.
- II Continue to explore ways to promote the respect of Indigenous legal traditions as independent but equal to common law and civil law through:
 - Seeking advice from Elders and Knowledge Keepers when appropriate and while respecting relevant protocols.
 - Promoting and supporting legal cases/projects and non-legal initiatives relating to the revitalization of Indigenous laws.
 - Collaborating to create opportunities for youth to learn about Indigenous legal traditions from Elders and Knowledge Keepers.
- III Work with Elders, Knowledge Keepers, and Traditional Land Users on a wide variety of issues, including for specific cases.
- IV Explore collaborations and help facilitate opportunities for intergenerational transfer of knowledge between Indigenous youth and Elders, including through partnerships with existing organizations.
 - Meet and engage with Indigenous youth on a variety of topics to ask how they would like to be involved.

9 Include art in PILC's advocacy toolbox

- I Embed art as a tenet of PILC's work, and consider how art can be used as a tool for change in all PILC projects.
- II Work to ensure that PILC produces creative communications when informing the public about PILC activities, sharing new cases, disseminating research, and reporting back to the public.
 - Example – Produce art (videos, portraits, plays, quilts) on specific public interest issues; on case summaries; as a reporting mechanism.
- III Collaborate with artists and collectives to provide professional development presentations/workshops for public interest lawyers and advocates.
 - Example – Invite a photojournalist to talk about how to building relationships and trust when working with communities
 - Example – Host a workshop with writers on crafting a narrative for litigation
 - Example – Collaborate on a round table discussion with artists and advocates to discuss ethics/professional responsibility with respect to building public awareness campaigns with marginalized groups
- IV In collaboration with local artists, collectives, and galleries, create programming and public interest education opportunities at the intersections of art, advocacy, and law.
 - Example – Host or collaborate on panels with artists and advocates to discuss specific public interest issues
 - Example – Provide and collaborate on opportunities for Indigenous knowledge transfer through art, like beading or pottery
- V Host and collaborate on events centred around art on a regular basis.
 - Example – Host & collaborate on regular 'Human Rights Movie Nights'
 - Example – Host and collaborate on events of art and public interest law with local arts organizations/groups

PILC CONTACTS

General

Tel: 204-985-8540

Email: centre@pilc.mb.ca

For tenancy matters:

tenant@legalaid.mb.ca

For EIA matters:

eiahelp@legalaid.mb.ca

Byron Williams *Director*

Tel: 204.985.8533

Fax: 204.985.8544

Email: bywil@pilc.mb.ca

Allison Fenske *Staff Lawyer*

Tel: 204.985.8545

Fax: 204.985.8544

Email: alfen@pilc.mb.ca

Joëlle Pastora Sala *Staff Lawyer*

Tel: 204.985.9735

Fax: 204.985.8544

Email: jopas@pilc.mb.ca

Katrine Dilay *Staff Lawyer*

Tel: 204.985.5220

Fax: 204.985.8544

Email: kadil@pilc.mb.ca

Jennifer Unger *Advocate*

Tel: 204.985.8536

Fax: 204.985.8544

Email: jeung@legalaid.mb.ca

Daniel Gilson *Advocate*

Tel: 204.985.5241

Fax: 204.985.9751

Email: dagil@legalaid.mb.ca

Stacy Regunay *Advocate*

Tel: 204.985.5226

Fax: 204-985-8544

Email: streg@legalaid.mb.ca

Mia Van Helden *Advocate*

Tel: 204.985.9759

Fax: 204.985.8544

Email: mivan@legalaid.mb.ca



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