

LCO / CDO

LIAISON

TRADING PLACES

Patrick Monahan, the LCO's founding chair and former Osgoode Hall Law School dean, was sworn in as deputy attorney general of Ontario in November. Former Ontario Attorney General Michael Bryant accepted a winter term appointment as an Osgoode visiting professor and made a quick visit to the LCO office to see first-hand the organization he helped to create.

MORE NEW FACES

Sarah Mason-Case brings a background in law reform and policy development to her new role as the LCO's research lawyer. The LCO is also pleased to welcome Judy Mungovan, who succeeds Norine Nathanson as the Ministry of Attorney General Counsel-in-Residence. Norine led the recently completed vulnerable workers project during her 18-month term. 🏠

Message from the Executive Director

The LCO isn't just about reforming the law; it's about helping to create the next generation of lawyers who share our commitment to accessible justice and law reform. This is why we're so pleased to include education as a vital part of the work we do. Our recently completely

frameworks on older adults and persons with disabilities, for example, are proving valuable learning tools in university classrooms of law, social work, gerontology and critical disability studies. Clinical students in U of T's Asper Centre for Constitutional Rights contributed immeasurably to the vulnerable workers report released April 3 to much ado from government, the media and other stakeholders. And we are pleased to partner with Queen's University, where a student intern is helping with our newly launched legal capacity project.

This summer, my colleagues and I will provide what we hope to be career-defining experiences for four more students: Doctoral candidate Megha Jandhyala (Toronto) and JD students Cody Yorke (Queen's), John-Otto Phillips (Osgoode) and Diriana Rodriguez Guerrero (Ottawa) will take on key roles in a number of ongoing projects. Research will be their prime focus, but they may also attend advisory group meetings and consultations, and will have an opportunity to get up close and personal with law reform.

Students play a significant role in our work. In return, we do our best to give them a law reform experience they'll remember for their entire career to come.

Patricia Hughes



See this? Read more at
www.lco-cdo.org

in this issue . . .

- Legal capacity project unveiled
- Minister promises review
- Blazing a new forestry trail



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

Celebrating the past and a promising future

Two events mark the launch of the LCO's second mandate



The **Honourable David C. Onley**, Lieutenant Governor of Ontario delivered “an extraordinarily inspiring” keynote address at the LCO’s *Into the Future, Benefitting from the Past* symposium on January 18, reports LCO Board Chair Bruce Elman.

The LCO’s staff, funders, volunteers, collaborators and stakeholders celebrated five years of achievement and the promise of continued success at back-to-back events in January.

A January 17 reception in the Osgoode Dining Hall featured remarks from the LCO’s funders — Deputy Attorney General (and the LCO’s founding chair) Patrick Monahan; Law Foundation of Ontario Chair Mark Sandler; Thomas Conway, treasurer of The Law Society of Upper Canada; and Lorne Sossin, dean of Osgoode Hall Law School — together with Lisa Philipps, associate vice-president research of York University and University of Windsor law dean Camille Cameron on behalf of Ontario’s faculties of law. The event also included presentations to former LCO Chair Larry Banack and former Ontario Deputy Attorney General Murray Segal, who retired from the LCO Board last year as the longest serving founding member.

“So many people have come together to make the LCO a success,” says Chair Bruce Elman. “I’m appreciative of their continuing support and excited about moving full throttle into our second mandate.”

At the symposium the following day, more than 130 participants from government, community agencies, the legal profession and academia gathered to explore the intersections between the frameworks for the development of laws and policies that are respectful of the needs of older people and persons with disabilities.

The discussion culminated in a keynote address by David Onley, lieutenant governor of Ontario, and the launch of the LCO’s newest project on legal capacity, decision-making and guardianship.

“We wanted to apply the frameworks to an issue affecting both constituent groups,” explains senior lawyer Lauren Bates. “Issues of legal capacity, decision-making and guardianship came up time and time again as important areas in need of law reform.”

Approved by the Board in September 2011, the legal capacity project has been shaped by 70 preliminary consultation interviews and a project advisory group. Bates is overseeing an intensive research phase toward development of a discussion paper and broad public consultation.

“There’s such a thirst for conversation in this area,” she says. “This is sure to be a complex, interesting and challenging project!”

Family law report due this summer

The final report in the LCO’s comprehensive family law project will be released this summer. Widely anticipated by Ontario’s family law sector, the report will focus on the earliest stages of family law disputes when people are trying to find information and making decisions about whether they even want to involve the legal system.

“We look at the entry points to the family law system through the lens of inclusivity and make innovative recommendations about a new way to provide access to the family law system,” explains LCO Executive Director Patricia Hughes. “In this way, our report builds on and moves beyond previous work in family law reform.”



Norine Nathanson presents the LCO's Report at the April 3rd launch.

Others at the head table are (L-R): **Bruce Elman**, Chair of the LCO Board; **Patrick Monahan**, Deputy Attorney General; **Justice James MacPherson**; and **Dr. Patricia Hughes**, LCO Executive Director.

Vulnerable workers report welcomed by government

April report makes 47 recommendations for reform


Ontario Labour Minister Yasir Naqvi says he looks forward to reviewing the recommendations set out in the LCO's report on vulnerable workers and precarious work.

"I share their commitment to building a system that is fair for workers, makes sure they are protected and helps create more good-paying jobs for all Ontarians," he said in a statement published by the *Toronto Star*.

The report, released April 3 after extensive research and consultation, includes 47 recommendations. It calls for a review of the exemptions within the *Employment Standards Act*, education strategies to increase worker and employer knowledge of the laws and a comprehensive provincial strategy to support vulnerable workers.

"Unemployment is so often the sole focus," says Norine Nathanson, who led the project during her 18-month tenure as the LCO's Ministry of the Attorney General Counsel-in-Residence. "Too often we overlook the fact that a significant number of employed people are struggling to make ends meet, working irregular and long hours, multiple jobs, at minimum wage and without benefits."

The LCO hopes to improve working conditions for the estimated 22% of Ontario workers employed in precarious jobs.

Early response to the report has been positive, says Nathanson. "It's being discussed in the news and in social media. We're really pleased to be moving the conversation forward." 

Forestry project asks if Act remains necessary

The project to modernize the 122-year-old *Forestry Workers Lien for Wages Act* has taken an unexpected turn thanks to feedback from more than 30 stakeholders in communities from Bancroft to Thunder Bay.

"We originally set out to develop recommendations to modernize an outdated legislation," explains LCO research lawyer Sue Gratton, "but it became obvious that there was a bigger underlying issue — whether or not this kind of statutory protection continues to make sense in the modern economic and legal environment."

During meetings with representatives from industry, government, unions, Aboriginal organizations and academics, Gratton learned that the situation is more complicated than simply updating the language of an obsolete statute. She is now drafting recommendations that address this reality for approval by the LCO Board of Governors this summer.

The final report is scheduled for release in the fall.

The Law Commission of Ontario is funded by:



And supported by the Faculties of Law at:

Queen's University, University of Ottawa (Common & Civil law Sections), University of Toronto, University of Windsor, Western University

LAW COMMISSION OF ONTARIO
2032 Ignat Kaneff Building
Osgoode Hall Law School, York University
4700 Keele Street
Toronto, ON, Canada M3J 1P3
Tel: 416-650-8406
Toll Free: 1-866-950-8406
TTY: 416-650-8082
lawcommission@lco-cdo.org
www.lco-cdo.org

 @phugheslco