

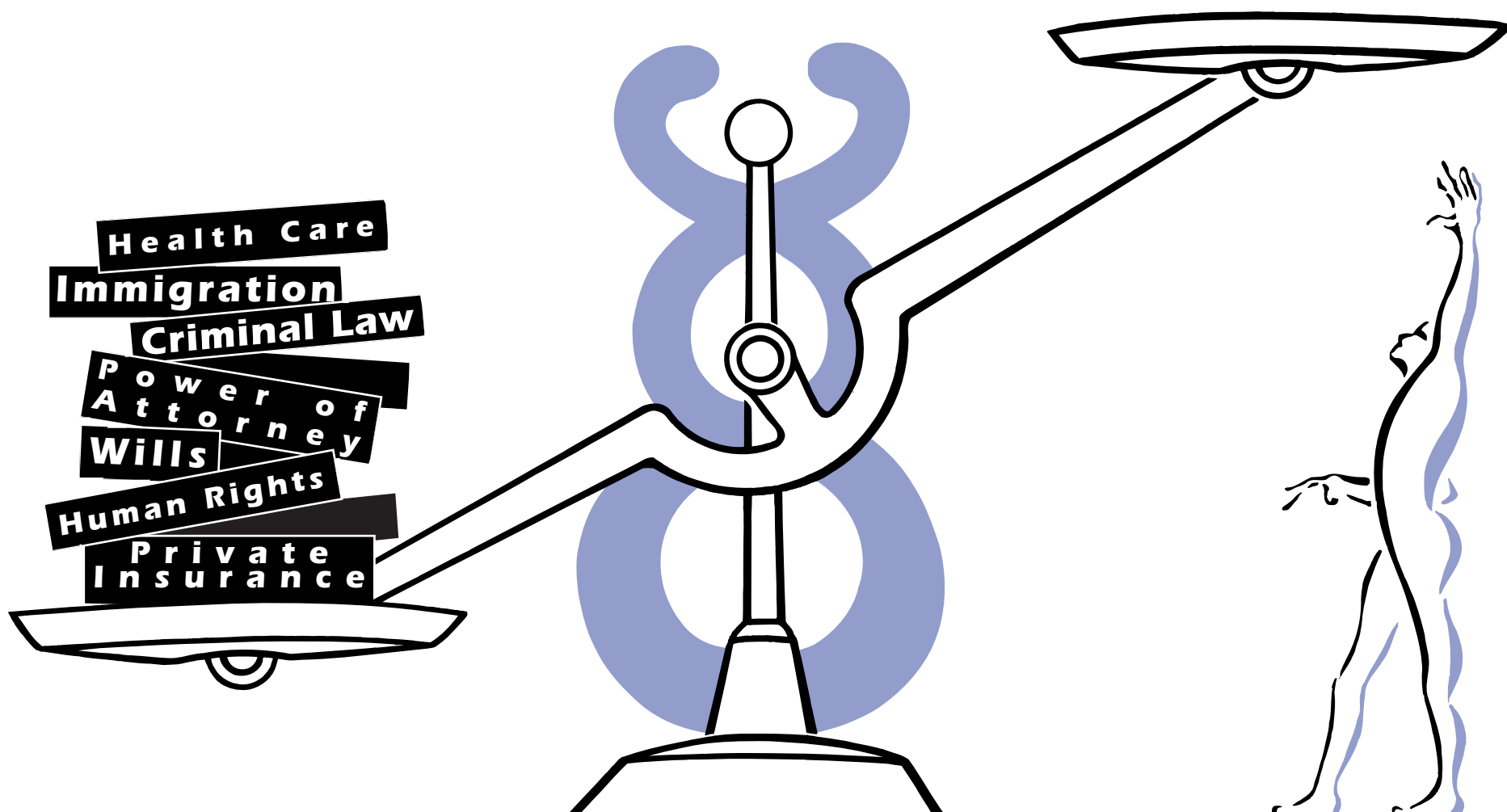
HIV/AIDS



DISCRIMINATION

It's Illegal.

THE HIV/AIDS MENTOR PROJECT IS PART OF THE ADVOCACY RESOURCE CENTRE FOR THE HANDICAPPED (ARCH). THE PROJECT RECEIVES ADVICE AND DIRECTION FROM THE HIV/AIDS COMMUNITY LEGAL ISSUES COMMITTEE. WE FIGHT DISCRIMINATION AGAINST PEOPLE WITH HIV/AIDS - IN COURT AND WHEREVER WE'RE REQUIRED.



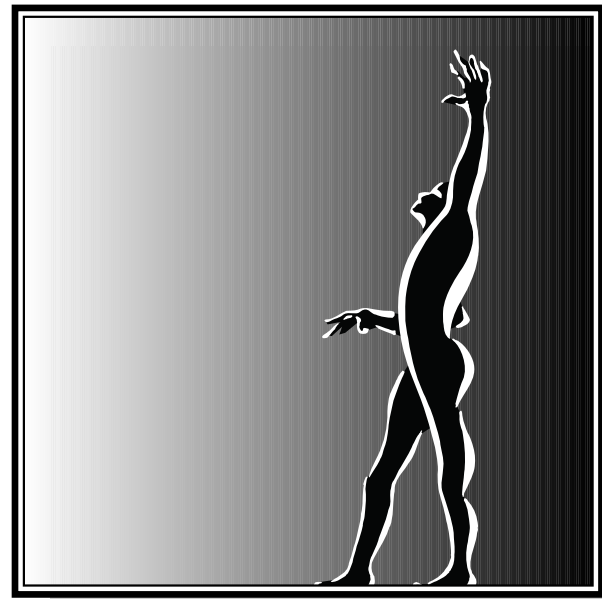
40 Orchard View Boulevard, Suite 255,
Toronto, Ontario,
M4R 1B9

Advocacy Resource Centre for the Handicapped

Tel (416) 482-8255

TDD (416) 482-1254

Fax (416) 482-2981



The HIV/AIDS Mentor Project

An HIV/AIDS Mentor



Lawyer Gerry Heddema

It began in the summer of 1990. A handful of HIV-positive people had been meeting in a downtown Toronto apartment. The discussions focused on three main issues:

- 1 There was no effective legal referral system for people facing HIV/AIDS discrimination - in income maintenance, insurance, employment, housing, immigration, health care and other areas;
- 2 Ontario lacked a voice (a Mentor) to raise the issues of HIV/AIDS in the legal system and;
- 3 People with HIV/AIDS would not be silent. They would work together to help those facing discrimination.

The Ontario Legal Aid Plan provides funding for legal clinics, but setting up a new clinic could take years.

A legal clinic, **The Advocacy Resource Centre for the Handicapped** already existed and it had an impressive track record when it came to dealing with discrimination. It was a natural fit.

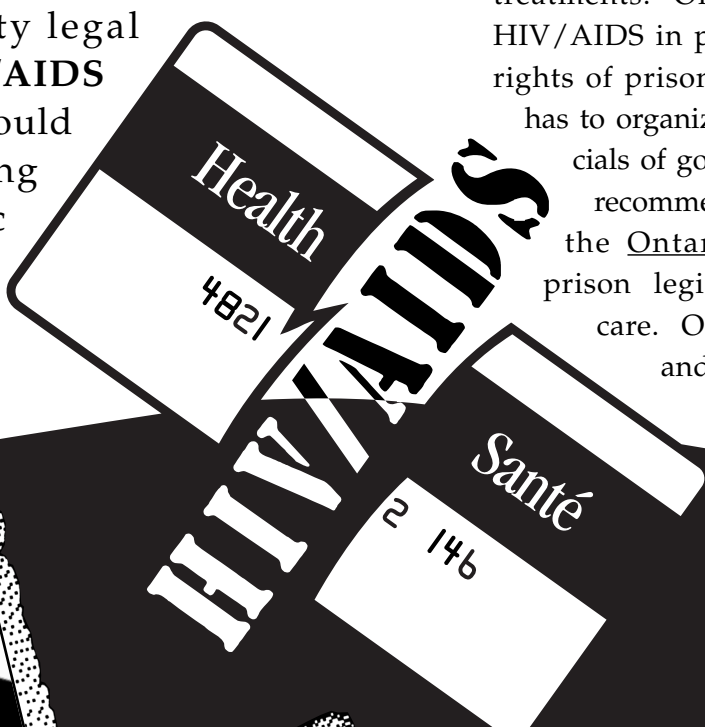
By July, 1991, the HIV/AIDS Mentor Project was approved and funding was in place. Although the project is located at ARCH, an HIV/AIDS Community Legal Issues Committee was established to assure that the project continues to serve people with HIV/AIDS. The advisory committee drafted a constitution and by-laws, requiring that a majority of the members be HIV-positive.

ARCH is dedicated to serving the legal needs of people with disabilities and works

with many consumer-based organizations serving the disabled. ARCH's stakeholders take an activist approach to litigation and law reform initiatives - an approach that met our needs.

From a small group meeting in an apartment living room, the HIV/AIDS Mentor Project has become part of the legal mainstream.

In December, 1992, the Ministry of the Attorney General announced additional funding for community legal clinics. **The HIV/AIDS Mentor Project** would continue, including funds for public information. **This is our first community report.**



Lawyer Gerry Heddema is Canada's first HIV/AIDS Mentor, working full-time dealing with the issues of HIV/AIDS. While he has spent some time in court, handling precedent-setting cases, his days are often filled with variety and change.

He may find himself being interviewed by the Globe and Mail about HIV/AIDS and the law. Or he may be lecturing about HIV/AIDS to a group of law students, many with keen interest in the subject.

Heddema may be in Hamilton speaking with the Board of Health or in Vancouver, making our voice heard at a human rights conference of lesbian and gay leaders from across Canada.

He may be participating in a workshop on catastrophic diseases or experimental drug treatments. Or attending a workshop on HIV/AIDS in prison, raising issues about rights of prisoners. An HIV/AIDS Mentor has to organize meetings with senior officials of government, whose job it is to recommend changes in laws such as the **Ontario Human Rights Code**, prison legislation or long-term health care. Or helping to set up a "wills and powers of attorney clinic" at the 519 Church

Street Community Centre on Saturdays.

The HIV/AIDS Mentor will be deeply involved in precedent-setting legal cases. "But a lot of my time is spent on the telephone talking to people with HIV/AIDS about particular legal issues," Heddema says.

The HIV/AIDS Mentor has worked with volunteers distributing thousands of pamphlets telling people with HIV/AIDS how the Mentor Project can help them. Or how the project can help service providers, advocates for people with HIV/AIDS and anyone affected by the disease.

Heddema meets monthly with the HIV/AIDS Community Legal Issues Committee, a majority of whom are HIV-positive. "It's their project and their input is invaluable," he says.

"The community committee provides me with insight into the real life, everyday issues we must face in this crisis. No one knows more about the problems of experimental drug treatments, for instance, than someone who has come face to face with an unmovable bureaucracy filled with rules or rule-makers. People with HIV/AIDS tell me first-hand where we have to work to make change." ♦

While most of the inquiries about legal services have initially come from within Metro Toronto, the Mentor Project serves all of Ontario. There have been telephone calls about this project, however, from across North America and many legal services are watching it with considerable interest. Despite recent government cutbacks, funding for the HIV/AIDS Mentor Project has continued in Ontario.

After only 18 months, the HIV/AIDS Mentor Project has had some real successes. Members of the HIV/AIDS Community Legal Issues Committee are looking at ways to expand the Project. They have identified the need for more staff to actively pursue community development.

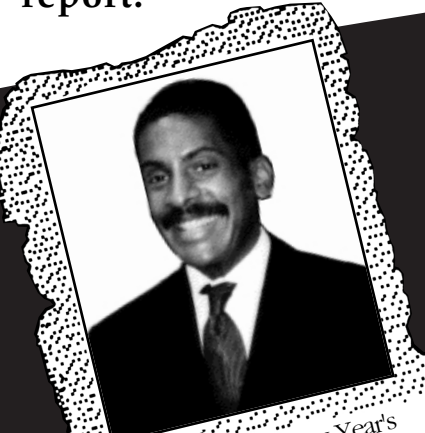
That's why we invite you to a community meeting organized in cooperation with AIDS Action Now! This project originated within our community - and we want it to stay here. So, join us Tuesday, April 20 at 8:00 p.m. at the 519 Church Street Community Centre!

MAN APPEALS HIV/AIDS DISCRIMINATION



A Toronto man, Gary Thornton, was denied health insurance benefits when he became ill with HIV/AIDS.

Toronto: ARCH is seeking individual damages and systemic changes in medical care delivery as a result of three different cases. In each, the claimant's names have been withheld to protect their privacy. In the first case, a patient in the voluntary care of a Toronto hospital psychiatric ward was tested for HIV without his consent. Secondly, a gay man was denied treatment in a medical clinic where he had previously been receiving injections to treat varicose veins. Because he was a "high-risk" for being HIV-positive, staff told him he was a "high-risk" for being HIV-positive. Without even knowing whether or not he carried the virus, staff said risks to them outweighed the benefits of treating the man. And thirdly, an HIV-positive man claims his hospital treatment fell below acceptable standards because of his medical diagnosis. "Each of these cases represents a form of discrimination against people with HIV/AIDS," said ARCH lawyer Gerry Heddema. "This discrimination within the health care system must be stopped."



Montreal: On New Year's Eve, Craig Rowe of New York City was removed from a train en-route to Quebec and interrogated when customs officials discovered he was carrying AIDS-related medication. Officials with Employment and Immigration Canada said that Mr. Rowe's entry could result in "excessive demand on health and social services in Canada." Mr. Rowe was coming to visit friends in Canada for three days. He had a return ticket and was carrying proof of full private health insurance coverage. Regardless, he was denied entry. Rowe has taken action against the federal government and is being represented by the Advocacy Resource Centre for the Handicapped. ARCH is seeking damages in the Federal Court for Rowe as well as a declaration that immigration officials discriminated against Mr. Rowe on the basis of his rights under the Canadian Charter of Rights and Freedoms.

LEGAL ISSUES THAT AFFECT ALL OF US

- The HIV/AIDS Community Legal Issues Committee wants to hear from you as we deal with a wide range of legal issues. Here are a few that we've identified:
1. Insurance law reform. This is the issue which has generated the most demand for action so far. Practical responses are required to deal with problems in:
 - * pre-existing condition exclusion clauses.
 - * switching insurance carriers or employers.
 - * limitations on funding for drug benefits.
 2. Human rights reform. AIDS Action Now! has initiated reforms to fast-track complaints before the Ontario Human Rights Commission. Is the present system meeting our needs? Is follow-up required? Is federal action next?
 3. Health-care reform. In an era of cost-cutting, people living with HIV/AIDS must receive quality health-care. Our voices must be heard.
 4. Government cutbacks threaten a wide range of services at all levels. What is at stake is quality of life for the most vulnerable in society.
 5. Employment discrimination is illegal. People living with HIV/AIDS must be accommodated. Maintaining a job, while able, is crucial to our emotional and economic well-being. Do equity programs consider our needs?
 6. Consent to treatment. Living wills. Substitute decision making.
 7. Quality of Medical Care. How is it defined and enforced? What level of care can people with HIV/AIDS expect?
 8. Advocacy. A new Advocacy Act has been passed in Ontario. It creates the opportunity for a consumer-based advocacy system. We believe response is crucial to pursuing legislative reforms and promoting individual advocacy. What systems best serve those living with HIV/AIDS?
- These are a few of the issues we face. This list is not complete. Are there other issues you wish to raise? Please let us know.

Plan to Attend the meeting April 20th!

NEED HELP?

Facing Discrimination in...

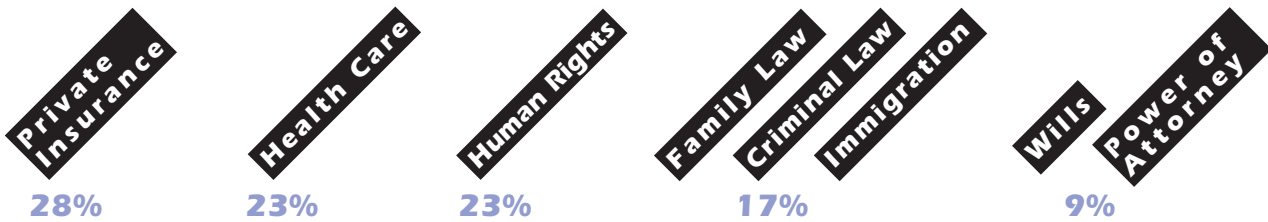
- ✗ Income maintenance
- ✗ Health insurance
- ✗ Pension plans
- ✗ Housing
- ✗ Employment
- ✗ Experimental drug treatments
- ✗ others

We Can Help in ...

- ✓ Advocacy
- ✓ Legal referrals and litigation
- ✓ Medical standards cases
- ✓ Law reform
- ✓ Information and education
- ✓ Volunteer development
- ✓ Human rights cases

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Nearly **300** inquiries between January and November 1992 have been received. Here's a breakdown of the specific issues you've asked us about:



WANT TO HELP?



I'm interested in being part of the solution to HIV/AIDS discrimination. Please count me in!

I understand that my name will not be released to any outside organizations without my express written permission

Name _____
 Street _____ Apt. _____
 City _____ Province _____ Postal Code _____

- I want to become involved in the HIV/AIDS Community Legal Issues Committee.
- Send me information on advocacy • ARCH _____
- Please find enclosed a donation of \$ _____ to the HIV/AIDS Mentor Project at ARCH to help fight HIV/AIDS discrimination.
- Send me more information about financial support, including bequests.

40 Orchard View Boulevard ■ Suite 255 ■ Toronto ■ Ontario ■ M4R 1B9

WANT MORE INFORMATION?

AIDS ACTION NOW! and the **HIV/AIDS COMMUNITY LEGAL ISSUES COMMITTEE** present a **PUBLIC MEETING** to discuss HIV/AIDS - based discrimination. Guest Speaker: **ELAINE ZIEMBA**, Minister Responsible for Human Rights in Ontario
TUESDAY, April 20 at 8:00 p.m. 519 Church Street Community Center, TORONTO

HIV DISCRIMINATION AIDS

IT'S ILLEGAL.



HIV/AIDS IS A RECOGNIZED DISABILITY.
 DISCRIMINATION BASED ON DISABILITY
 IS ILLEGAL IN CANADA AND IN ONTARIO.

DISCRIMINATION

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