

# DIRECT ACTION CASEWORK MANUAL

The phone at our office rings like crazy. People call us when they are under attack, whether it is by their landlord, the welfare office, or Immigration Canada. As well as the large protests Ontario Coalition Against Poverty (OCAP) is known for, we work vigorously to help individuals and families who are being wronged. We do this by combining normal channels of advocacy with direct action. By doing casework we are able to help 1000s of people get the benefits they are entitled to.

This manual intends to give enough of the basics of this model of organizing so that others are able to understand what it would mean to take it up. It includes some of the ideas behind direct action casework, and an overview of the way we go about our cases. We want our experience to help guide others to defend themselves and their communities from attack, spreading a very successful means of organizing. We hope this will be an inspiration and a tool for organizations far and wide.

## **The principles**

The direct action casework that OCAP does is conducted with an understanding of three principles. These are:

- 1. To combine legal work with disruptive action**
- 2. Not to duplicate the work of legal clinics or other agencies**
- 3. To forward political goals but never compromise the interests of those you are working with in the process**

**1. To combine legal work with disruptive action:** This means having an understanding of what people are entitled to under the law, and at the same time realizing that poor people have power in disruptive action. By taking on the cases of people who are not receiving all the benefits they are entitled to under the law you create a legal backing to your demands. By combining law with disruptive action you bring teeth to those demands.

Landlords, bosses and government bureaucrats break the rules all the time at the cost of the poor. They often do this unchallenged. The official channels of appeal that are available are often lengthy, costly and ineffective. Direct action casework is designed to cut through this to get people what they deserve.

Trade unionists have the power of going on strike. They have a power that comes from withdrawing their labour and suspending their participation in the system. But if poor people simply stop participating in the system it gains them no power at all. If some one stops participating in welfare for example, it benefits the government because they have to cough up less cash. Instead poor people

need to disrupt the regular functioning of the system in order to secure power. Keeping business as usual is very important to the functioning of many institutions; it is often easier for them to make a concession than to function while disruptions are taking place. Our success comes from demanding people receive what they legitimately deserve under the law and backing it up with disruptive action.

**2. Not to duplicate the work of legal clinics or other agencies:** There are numerous legal clinics and agencies that are given money (usually from the government) to fight on people's behalf or provide them with services. At the same time there are numerous gaps where these groups can't or aren't providing people with the help they deserve. By doing direct action casework you are able to fill some of these gaps. One example is with welfare. A legal clinic can make an appeal if some one is unfairly turned down, but they do so completely by the book, and the process takes weeks to months and no money is necessarily available to the family during that time. The appeal process concentrates power in the hands of bureaucracies. It is a biased process that can't be counted on. The process is designed to discourage people from pursuing what they are due.

It is important not to duplicate the work of legal clinics or other agencies. You could easily get bogged down with work that others are capable of, and funded to do. Instead know what services are provided in your region, so you can refer people to them. Many times the people who approach us have exhausted all official legal channels.

**3. To forward political goals but never compromise the interests of those you are working with in the process:** Whenever you take on a case, make it political. You are obviously doing it to aid those who approached you. But you are also protesting an unjust system. Forwarding political goals should be done wherever possible. But it should never compromise the interest of those you are working with. Once you take on a case your first priority is to win.

Empower those you are working with rather than just provide a service for them. It is important that they come to actions and that you explain the process you are using to them. This is so that they can see the power that even a small group of people can have and take that boldness with them into all their dealings with those who regulate their lives.

After several years of consistently confronting welfare offices, we have built to a point where welfare offices know to respond promptly and favorably when OCAP letterhead comes through the fax machine. This means that for most cases we have to do little more than send a letter. In most respects this is a large victory, but in some ways it is limiting. When we win some one a case in this fashion those we are working with don't see the years of empowering victories that lead to it and show that if you stand up and fight you can win.

Case work is extremely effective; but we realize that just doing casework isn't enough. It only benefits a small fraction of those affected by unjust policies. We need to not just fight for those wronged by the system but also fight to change those systems. Campaign work is not as consistently and clearly effective as casework, but with out campaign work we would be little more than a service organization.

### **Types of casework**

OCAP takes on a various sorts of cases. We started by taking on Welfare (Ontario Works) and Disability (Ontario Disabilities Support Program) cases. Welfare offices in Toronto are now so familiar with OCAP, and we have caused them such disruption in the past, that responding favorably to a letter from us is written right into their policy. But if ever our demands are not met we hold disruptive actions at their offices, and escalate with further actions until a check is secured; however these escalations are most often not needed.

Many people staying at Hostels (shelters) experience many horrendous situations and injustices. We have done cases around individuals who get banned from hostels for swearing or those who have had their belongings confiscated by hostel staff. One of the problems with this sort of casework is that once individuals have been barred from hostels and are staying on the streets it becomes quite difficult to track them down for any action that happens.

Tenant cases are often fought through legal action at the Ontario Rental Housing Tribunal, but we are able to compliment that work through disruptive actions at landlord offices. One time when a landlord was threatening to illegally evict a tenant we changed the locks in order to provide a sufficient delay.

Immigration casework can be a long process and requires a good understanding of immigration law. The way we work is by utilizing any remaining legal channels, and use disruptive action of Immigration Canada offices and institutions to speed up these processes, or to demand that bureaucrats stay (delay) deportations until all legal appeals have been heard. These cases can take many months or years. Any one who is interested in taking on immigration casework should understand the serious commitment that is required. You should consider getting in touch with OCAP's immigration committee to find out more.

In the past we have carried out some cases in defense of non-unionized workers. When one man worked for 5 days at a gas station, only to be told at the end of that time that he was not going to be paid, OCAP set up a picket line to discourage cars from attending this gas station, within hours they had agreed to pay him for his work.

In the past we have tried carrying out case work in many other areas with limited or negligible effect. These include harassment from Security guards, Families split up by the Children's Aid Society, and injustices by the Prison system. Effective work in these and other areas may not be impossible but either the institutions are structured in a way that is difficult to disrupt, peoples legal rights are limited, or the legal apparatus to file appeals is so extensive and specific, that direct action casework becomes impractical.

OCAP has by no means taken direct action casework to its limits. Other groups are building on our work and taking it up in other areas. The "Tenant Action Group" in Belleville has successfully used direct action casework to fight against Hydro cut-offs. The Montreal group "No One Is Illegal" has been pushing Immigration case work to new limits - instead of fighting for and with individuals or individual families, they are fighting for and with whole communities at once.

### **How it works in brief**

To do case work you need a phone line, access to a fax machine, and organizers who have a lot of time to put into cases with some availability during the daytime, since that's when the offices you will be dealing with are open. Organizers also need a very basic legal knowledge, and access to lawyers or other people who can give you the more specific legal information you might need.

When people approach us about a case we have them explain the problem they are having. First briefly on the phone then, and whenever possible, arranging a time when you can meet with them and talk. If necessary this can be done over the phone, but if you meet face to face you will be able to get a better sense of the situation.

When someone approaches you about taking on their case you need to determine if it is a case that you are able to take on. Try to make sure of a few things: That you have the energy and resources to take on the case. That there isn't someone else could do a better job of helping them with their problems, for example a legal clinic. And that you are able to win. This last one can be tricky. Judge it based on whether or not the person has been treated illegally, but also on whether or not you can effectively challenge and override an unjust rule or regulation. You should not take on cases which are clearly un-winnable, but if winning seems to be an outside chance, but not impossible, there is no reason to avoid the case.

If you determine that it is a case that you can take on then you need to get the person you are representing to sign a document that states you are representing them, and stating that they give full permission for any of their documents, files or other relevant information to be released to you. This is done so that the offices you are dealing with can't claim that they have no authorization to correspond with you.

The first course of action in a case is usually a letter. The letter should outline the legal grounds for the demands you are making and be addressed to a high-ranking official. Letters can vary widely from polite to confrontational. If it seems an action will be needed a letter will be worded to explain that if the demands you make are not met you will take “public action” to see that justice is done. In matters of urgency, an appropriate deadline for a response should be included.

Most correspondence should be done by fax. This is so you have a paper copy as record of the interactions you have and insures speedy delivery. Hand delivering letters is also a good way to be assured that they are received.

Remember if they don't respond, and, if you can't get what you want from a letter then you need to back your letter up with an action. Plan an action to push the situation to a head. This usually means bringing a delegation to the appropriate office and demanding to speak to the supervisor or other appropriate official rather than a caseworker or others who do not have the power to intervene. If this meeting is not granted then the delegation will disrupt the regular workings of the office, escalate these disruptions until the meeting is granted, but never escalate it more than is needed to secure a meeting. Disruptions are not intended to prevent people from accessing the services they need. However outreaching with those waiting in the office is a helpful means of escalation. The number of people we bring out to an action depends on what numbers are needed to be effective and our ability to mobilize. It can vary from less than half a dozen at some welfare actions to over a hundred people at some immigration actions.

If you are granted a meeting with the appropriate official, 2 organizers and the people they are representing will meet with the official and explain why both legally and for the proper running of their office they need to give in to the demands you outlined in the letter. If you are able to secure the benefits you are seeking you ideally you walk out of the meeting with those benefits in hand. But if that is not possible then receive a written assurance that the matter will be resolved. Settling for vague promises is dangerous.

So there you are making a ruckus at a welfare office; chanting, giving speeches on a megaphone, disrupting the office in hope of securing a check for a family. But then after threatening a few times you see the office bureaucrats call the cops. Now what? Well first of all the cops won't get there right away. When they do arrive how will it unfold? The police could ask you to leave the building and if you refuse you could get charged with trespassing. Although it has never happened at any of OCAP's casework actions and is extremely unlikely there are perhaps grounds that those taking part in the action could get charged with criminal offenses as well. The police, by all accounts despise OCAP, they have also been called in in attempts to stop our disruptions. However there have been times when police presence has benefited us. Police are trained to de-escalate

situations (although we know they're quite good at the opposite as well); since you are in the office to make a reasonable demand, at some actions police have convinced the bureaucrats you are dealing with to at least grant a meeting with the appropriate official, if every one else is willing to passively wait.

If you are not able to secure the benefits you are seeking at the action then you need to plan a follow up action that can escalate the situation even more. Follow up actions are even harder hitting. These often take place at the next office up the chain of command, but some times at the same office. A follow up action should bring out more people than the first one. While planning your first action it is important to ask how you will be able to escalate if a follow up action does become necessary, if you start by holding a huge action you have little room to escalate.

### **Scales of Impact**

Most of OCAP's work takes place in Toronto. But this work is just as applicable in other cities towns or regions. One aspect of direct action casework that can't be underestimated is the impact it has on smaller communities. The work that OCAP has done in Toronto has been important but people organizing along similar lines in smaller communities will find the effects of their work on local power structures to be even greater they maybe able to make larger dents in the system or even force significant changes in procedure. In the 1980's, the London Union of Unemployed Workers challenged abuses by the welfare department the South West Ontario community in ways similar to OCAP today. After some months of active militant casework operations, the rate of denial for assistance fell by over 50%.

Even in a center as large as Hamilton, the impact of casework can be felt more significantly than in Toronto. An unemployment office in Hamilton that had wrongly cut a man off of his benefits putting him a position where he took his own life, OCAP took action at the unemployment office after it refused to make the money available to the family for funeral expenses. This successful action was a major media story that received attention in a way that would have been unlikely in Toronto.

Another successful action we held in Stratford around a women being denied welfare, created such a sensation in the local power structure that the top official in the welfare department and the mayors executive assistant all met with us on the spot to resolve the matter. Throughout Canada and in other countries direct action casework can hugely undermine the capacity of bureaucracies to bully the poor with impunity.

But first getting started doing direct action casework can be quite challenging. You not only have to build a structure that makes you able to conduct this work, but also build up your nerves. In a group just getting started it may seem

ominous to start conducting disruptive actions, yet it is important to not take the easy road and just conduct advocacy but to use direct action to force results. One way to build confidence is to call on others who have done this sort of work before.

### **Conclusion**

We had once envisioned a spontaneous uprising where masses of people confronting their welfare offices forced significant change throughout the system. This has not yet come about. Considering the number of people who are wronged by the system we live under our casework only benefits a relatively small number of people. But we still see the power in this work and hope that it will spread. In many ways it is the cornerstone of the other work we do. To take up direct action casework you must have the same discipline needed in any other sort of community organizing. The most this manual can do is point you in the right direction. Remember: WHATEVER IT TAKES!