



TAB 7

Equity and Indigenous Affairs Committee

Update on Discrimination and Harassment Counsel Program Review

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Purpose

The Equity and Indigenous Affairs Committee (the “Committee”) is presenting this report to Convocation to provide an update on the outcome of the Discrimination and Harassment Counsel (“DHC”) Program Review.

Context

In February 2017, EIAC approved a review of the DHC Program in accordance with the recommendations of the Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions (the “Challenges Report”). The Challenges Report was approved by Convocation in December 2016.

Recommendation 12(1) of the Challenges Report requires the Law Society to:

“review the function, processes and structure of the Discrimination and Harassment Counsel Program (DHC), including considering effective ways for the DHC to address issues of systemic discrimination.”¹

According to the Challenges Report, “The objective of [the review identified under Recommendation 12(1)] would be to identify how the DHC role can be better used to address discrimination and harassment in the professions, including systemic discrimination. The review would include methods to increase outreach. It would also address the provision of supports for those who experience such conduct and want to find ways of altering such behaviour, improving workplaces, and resolving issues internally.”²

The DHC Program Review was completed in April 2019 by Navigator Ltd.

A. DHC Review Process

In October 2017, The Law Society engaged Navigator Ltd. to undertake a five-stage research process:

¹ Law Society of Ontario, “Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions” (December 2016), online (pdf): *Law Society of Ontario* <<http://lawsocietyontario.azureedge.net/media/iso/media/legacy/pdf/w/working-together-for-change-strategies-to-address-issues-of-systemic-racism-in-the-legal-professions-final-report.pdf>>

² *Ibid* at 44.

- i. Phase 1: In-depth interviews with key informants (stakeholders and partners)
- ii. Phase 2: Consultation session with the Indigenous Advisory Group (IAG)
- iii. Phase 3: In-depth interviews with DHC and Alternates
- iv. Phase 4: Survey of legal professions
- v. Phase 5: Innovation session with 28 attendees, including 3 DHCs, 3 Benchers, representatives of the Equity Initiatives Department and 19 stakeholders and partners.

B. Key Findings of the DHC Program Review

Through the process described above, Navigator identified several key findings and themes in its final report to the Committee. The key themes and findings are summarized below.

An overwhelming majority of licensees and licensing candidates believed that the DHC played an important role in addressing discrimination and harassment in the legal professions and that the program has value for all members of the professions. The review identified safe counsel as a vital function of the DHC's mandate and the arms-length relationship with the Law Society as an important characteristic of the DHC that should be safeguarded. Consequently, the potential to expand the DHC's mandate to include to an investigatory function and to allow for remedial action were met with caution. Concerns were raised that these functions would compromise complainant anonymity and safe counsel and about the potential overlap with the Law Society's existing complaints and disciplinary functions.

The review also highlighted the need to raise awareness of the DHC program and its role in the professions, particularly among licensing candidates and younger licensees. The need to enhance the DHC's educational and advocacy function about issues related to discrimination and harassment was also identified, including further development of the DHC's website to be more comprehensive and provide information and resources for those who have experienced discrimination and harassment. There was also support for increased education and training on discrimination and harassment in law school, paralegal education programs and in legal workplaces.

Finally, there was recognition about the importance of the DHC's role in collecting data and disseminating statistics about discrimination and harassment in the professions, including long-standing systemic issues. In fulfilling this function, the DHC not only raises awareness of discrimination and harassment in the professions but also supports the Law Society in developing policies to address these issues. However, the DHC raised concerns about how enhanced data collection could or could be perceived as compromising confidentiality.



Response to the Review

The Committee concluded that given the concerns regarding confidentiality, the Law Society should focus solely on those elements of the review that address raising awareness and enhancing education. The details are set out below.

A. Enhancing Awareness

The steps described below will be implemented by the Law Society's External Relations and Communications team. The activities will be reviewed on a bi-annual basis to measure its impact and effectiveness on raising awareness of the DHC program.

Activity	Implementation	Proposed Timeline
1. Ads in the Ontario Reports	<ul style="list-style-type: none"> One full page advisement promoting the DHC services will be included in one issue per month. 	<ul style="list-style-type: none"> Ads will appear from May to December 2021.
2. Promotion through the Licensee Update	<ul style="list-style-type: none"> Promotion of the DHC program through the Law Society's monthly Licensee Updates. 	<ul style="list-style-type: none"> Once per quarter starting in May 2021.
3. Promotion through Social Media Channels	<ul style="list-style-type: none"> Two posts per month on the Law Society's social media platforms such as Twitter and LinkedIn accounts. Option to promote the DHC using paid promotion on social media platforms. 	<ul style="list-style-type: none"> Two post per month starting in May 2021.
4. Promotion through Law Society's website and other web-based platforms	<ul style="list-style-type: none"> Treasurer's blog post promoting the DHC's services. Featured web-article in the Gazette. News releases promoting the DHC on relevant milestones or events. 	<ul style="list-style-type: none"> May to December 2021.



<p>5. Targeted Emails to Educational Institutions</p>	<ul style="list-style-type: none"> • Targetted emails to be sent to law school and paralegal program heads at various educational institutions across Ontario. 	<ul style="list-style-type: none"> • To be sent out in early May and in November to be timed with end of semesters.
<p>6. Targeted Emails to Solo and Small Firms</p>	<ul style="list-style-type: none"> • Targetted emails to be sent to small and solo firms. 	<ul style="list-style-type: none"> • To be sent between May to June 2021.
<p>7. Targetted Emails to Indigenous Organizations and Stakeholders</p>	<ul style="list-style-type: none"> • Targetted emails to be sent to Indigenous organization and stakeholders to share with their contacts and clients. 	<ul style="list-style-type: none"> • To be sent between May and June 2021.
<p>8. Promotion of the DHC in the Treasurer's Outreach</p>	<ul style="list-style-type: none"> • Treasurer to promote the DHC's services in presentations to: <ul style="list-style-type: none"> ○ legal organizations and associations; ○ law schools and paralegal education programs; ○ stakeholder meetings (where appropriate); ○ law firms and legal work places; ○ Treasurer's regional stakeholder meetings • Information about the DHC will also be included in the Law Society resource sheet that is circulated at these meetings. 	<ul style="list-style-type: none"> • Currently ongoing but will be enhanced. • Resource sheet will be updated in May 2021.
<p>9. Promotion at EDI events hosted by the Law Society</p>	<ul style="list-style-type: none"> • Announcements of the DHC's services at the beginning or end of events. • Pamphlets and business cards for in-person events. 	<ul style="list-style-type: none"> • May to December 2021. • Promotion at in-person events to be revisited when events are resumed (likely 2022)
<p>10. Promotional Videos</p>	<ul style="list-style-type: none"> • Series (2 to 4) of short video clips (1 min in length) explaining the role of and services of the DHC. 	<ul style="list-style-type: none"> • Fall/Winter 2021 and Spring 2022

	<ul style="list-style-type: none"> Videos can be posted on the DHC's website, posted on social media, and shared at various training and educational events. 	
11. Media Outreach	<ul style="list-style-type: none"> Promotion of DHC services through contact with external media channels, including print articles, interviews, and appearances. 	<ul style="list-style-type: none"> As appropriate.

B. Enhancing the Educational Function

In order to enhance effectiveness of the communications plan to raise awareness of the DHC, the DHC's website will be redesigned to be more user-friendly and interactive. The website has not been refreshed in over 20 years.

Initiative	Implementation	Proposed Timeline
Redesign of the DHC Website	<ul style="list-style-type: none"> Redesign of the DHC website to develop a user-friendly, interactive and comprehensive interface that provides: <ul style="list-style-type: none"> Definitions of key terms Clear description of the DHC's role and mandate (DHC's arm's length operations and safe counsel) Resources for students, licensees and members of the public The redesign will include the development of a DHC specific brand or program identity, which conveys DHC arm-length operations from the Law Society. 	<ul style="list-style-type: none"> Summer and Fall 2021



Next Steps

Staff will implement the plan to enhance awareness and the educational function of the DHC that were approved by the Committee at its May 13, 2021 meeting.