

Creating a Safe Work Environment for Licensing Candidates

Know Your Obligations:

Articling Principals, Paralegal Field Placement Supervisors and Work Placement Supervisors are expected to act as teachers, mentors and role models for licensing process candidates. Integral to these roles is the obligation to create and maintain a work environment that is free from harassment and discrimination.

This includes the duty to not engage in such behaviour yourself, but to also prevent and address such behaviour from other individuals in the workplace setting including other lawyers, paralegals, office staff and/or clients. Discrimination related to the candidate's race, sex, creed, disability, age, ancestry, citizenship, colour, ethnic origin, place of origin, family status, marital status, gender expression, gender identity, and sexual orientation is prohibited, as well as unwanted sexual actions, comments or harassment.

The source of these duties, responsibilities and obligations is found in the Law Society of Ontario's *Rules of Professional Conduct*, the *Ontario Human Rights Code*, and the *Occupational Health and Safety Act (OHSA)*, among others.

A Safe Workplace:

Creating and maintaining a safe workplace that is free from harassment and discrimination is essential to supporting a candidate's success in a placement. Articling, work and field placements are a continuation of the learning process for candidates, as well as a formative step in their entry into the profession. Accordingly, it is expected that licensing candidates will be treated with dignity, respect, and fairness in a workplace setting.

Below are examples of unacceptable behaviours in the workplace:

- Sending suggestive letters, notes, or e-mails
- Displaying inappropriate sexual images or posters in the workplace
- Telling lewd jokes, or sharing sexual anecdotes
- Making sexual comments about appearance, clothing, or body parts
- Inappropriate touching, including pinching, patting, rubbing, or purposefully brushing up against another person
- Asking sexual questions, such as inquiries about someone's sexual history or their sexual orientation
- Making offensive comments about someone's sexual orientation or gender identity
- Making negative comments about a person's personal religious beliefs
- Making remarks about an individual's skin colour or other physical characteristics
- Making offensive gestures
- Making offensive reference to an individual's mental or physical disability
- Making derogatory age-related comments

This list is not exhaustive.

Please find information on the Human Rights and Diversity Policy and a list of important resources on the following page.

Important Resources

Human Rights and Diversity Policy:

In accordance with the recommendations set out in the final report of the Challenges Faced by Racialized Licensees Working Group, if your workplace has at least 10 licensees, you are required by the Law Society of Ontario to develop, implement and maintain a human rights/diversity policy that, at minimum, addresses fair recruitment, retention and advancement. If your workplace has nine or fewer licensees, it is recommended that such a policy be created. In addition, your legal workplace, regardless of size, must prepare and review a policy on workplace violence and harassment at least annually, under the *OHSA*. These obligations are in addition to the general prohibition against discrimination under the *Ontario Human Rights Code*.

Important Resources:

1. Rules of Professional Conduct, Chapter 6:

www.lso.ca/relationship-to-students-employees-and-others

2. Human Rights Code:

www.ontario.ca/laws/statute/90h19

3. Occupational Health and Safety Act:

www.ontario.ca/laws/statute/90o01

4. The Law Society's Human Rights and Diversity Policy:

www.lso.ca/with.aspx?id=2147504037