



Tab 3

Report to Convocation

September 25, 2013

Equity and Aboriginal Issues Committee/ Comité sur l'équité et les affaires autochtones

Committee Members
Howard Goldblatt, Chair
Julian Falconer, Vice-Chair
Susan Hare, Vice Chair
Raj Anand
Constance Backhouse
Mary Louise Dickson
Avvy Go
Michelle Haigh
Janet Minor
Judith Potter
Susan Richer
Paul Schabas
Baljit Sikand
Beth Symes

Purposes of Report: Decision and Information

Prepared by the Equity Initiatives Department
(Josée Bouchard – 416-947-3984)

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COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (Equity Committee) met on September 12, 2013. Committee members Howard Goldblatt, Chair, Julian Falconer, Vice-Chair, Susan Hare, Vice-Chair, Raj Anand, Constance Backhouse, Mary Louise Dickson, Avvy Go, Janet Minor, Judith Potter, Susan Richer and Baljit Sikand participated. Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario (AJEFO), and Sandra Yuko Nishikawa, Chair of the Equity Advisory Group/Groupe consultatif en matière d'équité (EAG), also participated. Staff members Josée Bouchard, Ekua Quansah and Marisha Roman also attended.

TAB 3.1

FOR DECISION

DETENTION OF LAWYER NI YULAN

REQUEST TO THE HUMAN RIGHTS MONITORING GROUP

1. **That the Human Rights Monitoring Group,**
 - a. **consider the information about the detention of lawyer Ni Yulan in China;**
 - b. **decide whether to recommend an intervention by the Law Society to Convocation; and**
 - c. **if appropriate, approve the letters of intervention and public statement presented at [TABS 3.1.1](#) and [3.1.2](#).**

MANDATE OF THE HUMAN RIGHTS MONITORING GROUP

2. The mandate of the Human Rights Monitoring Group is,
 - a. to review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
 - b. to determine if the matter is one that requires a response from the Law Society; and,
 - c. to prepare a response for review and approval by Convocation.
3. The mandate further states that where Convocation's meeting schedule makes such a review and approval impractical, the Treasurer may review such responses in Convocation's place and take such steps as he or she deems appropriate. In such instances, the Human Rights Monitoring Group shall report on the matters at the next meeting of Convocation.
4. On September 20, 2007, Convocation approved the following recommendations, which expand the Monitoring Group's mandate:

- a. That the Monitoring Group explore the possibility of developing a network of organizations, and work collaboratively with them, to address human rights violations against judges and lawyers.
- b. That the Monitoring Group be authorized to collaborate with the Law Society of Zimbabwe (the "LSZ") to assist it in strengthening its self-regulation capabilities and the independence of the profession.

SOURCES OF INFORMATION

5. The following sources were used to prepare the background information for this report:
 - a. Amnesty International;¹
 - b. U.S. Department of State;
 - c. China Real Time Report;²
 - d. Lawyers for Lawyers;³
 - e. China – Care 2 News Network;⁴
 - f. Radio Free Asia;⁵
 - g. Front Line Defenders.⁶

¹Amnesty International is an independent and democratically run organization. The movement's mission and policies, and its long-term directions, are all set by Amnesty members. Amnesty representatives from around the world gather every two years to set policy at the International Council Meeting (ICM). The Council also elects an International Executive Committee which ensures that the ICM's decisions are carried out.

Where Amnesty International is formally organized in a particular country, such as in Canada, Amnesty members set policy and key priorities within the framework of the worldwide movement. Amnesty International's work is always being assessed by its members and staff in the light of changing world circumstances. When major changes in policy and approach are needed, Amnesty members make the final decision.

² Online news.

³ In conformity with international law and the *Universal Declaration of Human Rights*, the *Basic Principles on the Role of Lawyers* and the *Declaration on Human Rights Defenders* of the United Nations, L4L has committed itself to enable lawyers to practise law in freedom and independence, always and everywhere, even when that does not suit the local government, bar association or establishment.

⁴ Online news.

⁵ Radio Free Asia (RFA) is a private, non-profit corporation broadcasting news and information in 9 languages to listeners in Asia.

⁶ Front Line Defenders is the International Foundation for the Protection of Human Rights Defenders.

Front Line Defenders was founded in Dublin in 2001 with the specific aim of protecting human rights defenders at risk, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR). Front Line Defenders aims to address the protection needs identified by defenders themselves.

BACKGROUND

6. The following information has been reported about Ni Yulan.
7. Ni Yulan is a lawyer and prominent and outspoken activist against forced evictions in China. She was jailed three times over the last 10 years for her work as an activist lawyer. In April 2012, the Xicheng District People's Court rendered its latest sentence in Ni Yulan's case, ordering a two-year prison term following her conviction on charges of fraud and causing disturbance. Her husband, former school teacher Dong Jiqin, was also convicted of creating a disturbance and was handed a two-year term.
8. Ni Yulan practised law for 18 years, but her licence to practise law has now been revoked. She has defended people who have been forcibly evicted from their homes by housing developers across China since 2001.
9. Reports indicate that Ni Yulan has become frailer during her two-and-a-half year prison sentence at the Xicheng District Detention Centre. She now suffers from respiratory, heart, and digestive problems. Her weight has also dropped to an alarming level and she can no longer walk.
10. Ni Yulan now suffers from a tumor in her thyroid that is as large as an egg and keeps growing. She is concerned the tumor may be malignant. Her request for medical parole was recently refused, even though recent reports indicate the prison may not have adequate medical facilities to treat the growth there. If she does not receive proper medical attention, it may be too late to treat the tumor.
11. Amnesty International and other organizations listed in this report believe Ni Yulan is a prisoner of conscience detained solely for her peaceful and legitimate activities as a lawyer. They call for her immediate release. In July 2012, the U.S. Department of State intervened through a press statement expressing its concerns over the rejection of Ni Yulan's appeal contesting her conviction. The U.S. Department of State called for a

release of Ni Yulan and her husband, and to cease any restrictions on the freedoms of their family members.

FOR THE MONITORING GROUP'S CONSIDERATION

12. The following are issues that the Monitoring Group may wish to consider when making a decision about this case.

Sources

13. There are no concerns about the quality of sources used for this report.

Previous Intervention

14. In the past, the Law Society of Upper Canada has repeatedly condemned the persecution and ill-treatment of lawyers in China, including the treatment of human rights lawyers Gao Zhisheng, Zheng Enchong, Chen Guangcheng, Li Jianqiang, Teng Baio and Li Heping.

Mandate

15. This case falls within the mandate of the Monitoring Group.

RECOMMENDATION

16. The Monitoring Group is asked to consider the proposed letter of intervention and public statement presented at **Appendix A**. Proposed letters to the All China Lawyers Association and the China Human Rights Lawyers Concern Group are also included at **Appendix B**. The All China Lawyers Association carries out professional administration over lawyers. All lawyers in China are members of the Association. The Association is a member of the International Bar Association. The China Human Rights Lawyers Concern Group is a non-profit organization based in the Hong Kong Special Administrative Region (SAR). Its objective is to advocate for the protection of the human rights lawyers and legal rights defenders in China. The Law Society met with the founder of the group, Mr. Ho Chun Yan Albert, in 2007.

TAB 3.1.1

Proposed Letter of Intervention

Xi Jinping
President of the People's Republic of China
[add address]

Dear President Xi,

Re: Ongoing detention of lawyer Ni Yulan

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the case of Ni Yulan. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

According to reports, Ni Yulan is a lawyer and prominent and outspoken activist against forced evictions in China. She was jailed three times over the last 10 years for her work as an activist lawyer. In April 2012, the Xicheng District People's Court rendered its latest sentence in Ni Yulan's case, ordering a two-year prison term following her conviction on charges of fraud and causing disturbance.

Ni Yulan practised law for 18 years, but her licence to practise law was revoked in 2002. She has defended people who have been forcibly evicted from their homes by housing developers across China since 2001.

The Law Society is concerned about the ongoing detention of Ni Yulan. Ni Yulan has become frailer during her two-and-a-half year prison sentence at the Xicheng District Detention Centre. She now suffers from respiratory, heart, and digestive problems. Her weight has dropped to an alarming level and she can no longer walk.

Ni Yulan now suffers from a tumor in her thyroid that is as large as an egg and keeps growing. There is concern that the tumor may be malignant. Her request for medical parole was recently refused, even though recent reports indicate the prison may not have adequate medical facilities to treat the growth there. If Ni Yulan does not receive immediate medical attention, it may be too late to treat her tumor.

In the past, the Law Society of Upper Canada has repeatedly condemned the persecution and ill-treatment of lawyers in China, including the treatment of human rights lawyers Gao Zhisheng, Zheng Enchong, Chen Guangcheng, Li Jianqiang, Teng Baio and Li Heping.

International human rights instruments, including the *Universal Declaration of Human Rights*, state that respect for human rights are essential to advancing the rule of law.

The Law Society urges the government of the People's Republic of China to:

- a. release Ni Yulan immediately, as she is a prisoner of conscience, and reinstate her lawyer licence;
- b. provide her immediately with proper medical care and treatment;
- c. guarantee in all circumstances the physical and psychological integrity of Ni Yulan;
- d. provide Ni Yulan with regular access to her lawyer and family;
- e. conduct a fair, impartial and independent investigation into the allegations of ill-treatment against Ni Yulan in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- f. guarantee that adequate reparation is provided to Ni Yulan as a victim of abuses;
- g. put an end to all acts of harassment against Ni Yulan as well as other human rights defenders in China;
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with human rights standards.

Yours very truly,

Thomas G. Conway
Treasurer

**The Law Society of Upper Canada is the governing body for some 45,800 lawyers and 5,100 paralegals in the Province of Ontario, Canada. The Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

cc:

Ms. Wu Aiying
Minister of Justice of the People's Republic of China
Buzhang Sifabu
10 Chaoyangmen Nandajie
Chaoyangqu, Beijingshi
100020
People's Republic of China

Ms. Wang Yi
Minister of Foreign Affairs of the People's Republic of China
Buzhang Sifabu
2 Chaoyangmen Nandajie
Chaoyangqu, Beijingshi
100701
People's Republic of China

Ambassador Zhang Junsai
Embassy of the People's Republic of China in Canada
515 St. Patrick St.
Ottawa, ON
K1N 5H3
Canada

Proposed Public Statement

The Law Society of Upper Canada Expresses Grave Concerns about the Ongoing Detention of Ni Yulan in China

The Law Society of Upper Canada* is gravely concerned about the ongoing detention of lawyer Ni Yulan in China.

According to reports, Ni Yulan is a lawyer and prominent and outspoken activist against forced evictions in China. She was jailed three times over the last 10 years for her work as an activist lawyer. In April 2012, the Xicheng District People's Court rendered its latest sentence in Ni Yulan's case, ordering a two-year prison term following her conviction on charges of fraud and causing disturbance.

Ni Yulan practised law for 18 years, but her licence to practise law was revoked in 2002. She has defended people who have been forcibly evicted from their homes by housing developers across China since 2001.

The Law Society is concerned about the ongoing detention of Ni Yulan. Ni Yulan has become frailer during her two-and-a-half year prison sentence at the Xicheng District Detention Centre. She now suffers from respiratory, heart, and digestive problems. Her weight has dropped to an alarming level and she can no longer walk.

Ni Yulan now suffers from a tumor in her thyroid that is as large as an egg and keeps growing. There is concern that the tumor may be malignant. Her request for medical parole was recently refused, even though recent reports indicate the prison may not have adequate medical facilities to treat the growth there. If Ni Yulan does not receive immediate medical attention, it may be too late to treat her tumor.

In the past, the Law Society of Upper Canada has repeatedly condemned the persecution and ill-treatment of lawyers in China, including the treatment of human rights lawyers Gao Zhisheng, Zheng Enchong, Chen Guangcheng, Li Jianqiang, Teng Baio and Li Heping.

International human rights instruments, including the *Universal Declaration of Human Rights*, state that respect for human rights are essential to advancing the rule of law.

The Law Society urges the government of the People's Republic of China to:

- a. release Ni Yulan immediately, as she is a prisoner of conscience, and reinstate her lawyer licence;
- b. provide her immediately with proper medical care and treatment;
- c. guarantee in all circumstances the physical and psychological integrity of Ni Yulan;
- d. provide Ni Yulan with regular access to her lawyer and family;
- e. conduct a fair, impartial and independent investigation into the allegations of ill-treatment against Ni Yulan in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- f. guarantee that adequate reparation is provided to Ni Yulan as a victim of abuses;
- g. put an end to all acts of harassment against Ni Yulan as well as other human rights defenders in China;
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with human rights standards.

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TAB 3.1.2

Proposed Letters to Lawyers' Associations

[Date]

Wang Junfeng
President
All China Lawyers Association
5th Floor Qinglan Mansion
No 24 Dongi Shitiao
Dongsheng District
Beijing 100007, People's Republic of China

Dear President,

Re: Ongoing Detention of Lawyer Ni Yulan

I write to inform you that The Law Society of Upper Canada* sent the attached letter to the People's Republic of China authorities to voice our grave concern over the ongoing detention of lawyer Ni Yulan.

In view of the fact that your organization represents the interests of lawyers in China, we would value the opportunity to communicate with you in regard to what problems, if any, lawyers may be experiencing in your country.

If it does not cause any problems for you with the Government of China, we would be very interested in hearing from you concerning the case noted in the attached letter. In particular, if we have any of the facts in the case wrong, it would assist us in our work to know that.

Please forward any further correspondence to the attention of Josée Bouchard, Equity Advisor, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your consideration.

Yours very truly,

Paul Schabas

Chair, Human Rights Monitoring Group

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[Date]

Mr. Ho Chun Yan Albert
China Human Rights Lawyers Concern Group
3/F, 6 Portland Street, Yaumatei
Kowlook, Hong Kong

Dear Mr. Ho,

Re: Ongoing Detention of Lawyer Ni Yulan

I write to inform you that The Law Society of Upper Canada* sent the attached letter to the People's Republic of China authorities to voice our grave concern over the ongoing detention of lawyer Ni Yulan.

We had the pleasure of meeting with you in 2007 at the Law Society to discuss the creation of the China Human Rights Lawyers Concern Group. In view of the fact that your organization's objective is to advocate for the protection of the human rights lawyers and legal rights defenders in China, we would value the opportunity to communicate with you in regard to what problems, if any, lawyers may be experiencing in your country.

If it does not cause any problems for you with the Government of China, we would be very interested in hearing from you concerning the case noted in the attached letter. In particular, if we have any of the facts in the case wrong, it would assist us in our work to know that.

Please forward any further correspondence to the attention of Josée Bouchard, Equity Advisor, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your consideration.

Yours very truly,

Paul Schabas
Chair, Human Rights Monitoring Group

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the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

TAB 3.2

FOR INFORMATION

WORKING GROUP ON CHALLENGES FACED BY RACIALIZED LICENSEES

Introduction

17. This is the first report of the Working Group on Challenges Faced by Racialized Licensees (“the Working Group”) to Convocation.
18. The Working Group first met in October 2012. Since that date, the Working Group has met informally with a number of individuals and organizations to obtain viewpoints on challenges and best practices for racialized licensees and has reviewed the data and literature available on this topic. Additionally, the Working Group has retained a consultant to conduct a formal consultation with the profession on this matter.
19. The Working Group is operating using the following definition of racialized:

Racialized expresses race as the process by which groups are socially constructed, as well as to modes of self-identification related to race, and includes Arab, Black (e.g. African-Canadian, African, Caribbean), Chinese, East-Asian (e.g. Japanese, Korean), Latin American and Hispanic, South Asian (e.g. Indo-Canadian, Indian Subcontinent), South-East Asian (e.g. Vietnamese, Cambodian, Thai, Filipino), and West Asian (e.g. Iranian, Afghan) persons.

Background

20. In its 1997 *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession*, the Law Society recognized its commitment to the advancement of equity and diversity and formally adopted recommendations to achieve equality and diversity in the legal profession.¹ The *Bicentennial Report* was adopted at a time when the profession

¹ *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession* (Toronto: Law Society of Upper Canada, May 1997) [“*Bicentennial Report*”].

was beginning to increase in diversity, with the entrance en masse of women into the profession in the 1980s and the entrance of racialized² lawyers in increasing numbers in the late 1990s.

21. Since 2001, the Ontario legal profession has seen a steady increase of racialized lawyers. In 2001, 9.2 percent of the legal profession was racialized while in 2006, 11.5 percent of the profession was racialized.³ This is compared to 23 percent of the Ontario population who indicated in the 2006 Canada Census that they are racialized. The Law Society's Statistical Snapshots of Lawyers and Paralegals show that by 2010, 17 percent of the lawyer profession and 28 percent of the paralegal profession was racialized.⁴
22. The statistical data, research findings and anecdotal evidence suggest that notwithstanding the increase in representation of racialized lawyers, they still face challenges in the practice of law. Also, very little is known about the challenges faced, if any, by racialized paralegals in the profession.
23. In February 2010, the Equity Committee decided to commence studying the challenges faced by racialized licensees in practice. At their retreat in September 2011, benchers identified the following as a priority: "considering the development of programs to encourage law firms to enhance diversity within firms, based on identified needs, and create reporting mechanisms".
24. As a result, in August 2012, Convocation created the Working Group on Challenges Faced by Racialized Licensees (the Working Group) with the following membership:
 - a. Raj Anand (Chair);

²The Ontario Human Rights Commission notes that using the terminology "racialized person" or "racialized group" is more accurate than "racial minority", "visible minority", "person of colour" or "non-White". Race is the socially constructed differences among people based on characteristics such as accent or manner of speech, name, clothing, diet, beliefs and practices, leisure preferences, places of origin and so forth. Racialization is the "process by which societies construct races as real, different and unequal in ways that matter to economic, political and social life". See *Racial discrimination, race and racism* at <http://www.ohrc.on.ca/en/racial-discrimination-race-and-racism>. This study does not include Aboriginal students, lawyers or paralegals. The Law Society conducted a separate study to identify and address the challenges faced by Aboriginal students, lawyers and paralegals. See consultation report <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147487118>.

³ Michael Ornstein, *Racialization and Gender of Lawyers in Ontario* (Toronto: Law Society of Upper Canada, April 2010) [Ornstein Report].

⁴ 2010 Snapshots of the professions, at <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147488152> (paralegals) and <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147488150>.

- b. Howard Goldblatt (Vice Chair)⁵
- c. Marion Boyd;
- d. Robert Burd;
- e. Julian Falconer;
- f. Susan Hare;
- g. Janet Leiper;
- h. William McDowell;
- i. Malcolm Mercer;
- j. Janet Minor;
- k. Susan Richer; and
- l. Baljit Sikand.

Terms of reference

25. The Working Group is mandated to,
 - a. identify challenges face by racialized licensees in different practice environments, including entry into practice and advancement;
 - b. identify factors and practice challenges faced by racialized licensees that could increase the risk of regulatory complaints and discipline;
 - c. consider best practices for preventive, remedial and/or support strategies;
 - d. if appropriate, design and develop preventative, remedial, enforcement, regulatory and/or support strategies, for consideration by Equity Committee and other Committees as appropriate, to address the challenges described above.

Activities to Date

Creation of Advisory Group

26. In December 2012, the Working Group determined that it would be useful to create an advisory group, comprised of members of the Law Society's Equity Advisory Group

⁵ Bencher Goldblatt was appointed as Vice-Chair in June 2013.

(EAG).⁶ Organizational and individual members of EAG who work with racialized communities were invited to join the Advisory Group.

27. The role of the Advisory Group is to provide advice, as needed, to the Working Group throughout the project. The Working Group met with the Advisory Group in January 2013 to discuss challenges and best practices. In September 2013, the Working Group and the Advisory Group will meet to discuss the project findings to date.

Informal Consultation

28. In addition to the creation of the Advisory Group, the Working Group decided it would be beneficial to meet with stakeholders to identify challenges, gaps in services and best practices. From January 2013 to June 2013, the Working Group met with representatives from a number of stakeholder groups.

Best Practices Literature Review

29. The Working Group has reviewed literature from Canada and other jurisdictions on best practices for creating an inclusive profession. The information gathered touches on the following areas:
- a. Best practices prior to hiring and in law school;
 - b. Best practices for recruitment and hiring;
 - c. Best practices for leadership;
 - d. Best practices for retention and firm Culture;
 - e. Best practices for professional development;
 - f. General best practices.

⁶ The EAG is comprised of both individual and organizational members. EAG is tasked with assisting the Equity and Aboriginal Issues Committee in the development of policy options for the promotion of equity and diversity in the legal profession.

Change of Status Survey

30. In order to better understand and begin benchmarking movements and changes within the legal profession among women, the Law Society commissioned an annual study among lawyers who file a change of status. Research data from 2010-2012 was combined to inform the Law Society about gender-related trends in the profession and to inform the development of initiatives. This data was further analyzed to consider the experiences of respondents who self-identify as racialized.

Formal Consultation

31. In March 2013, the Working Group retained Strategic Communications Inc. and Michael Charles of Change DeZign© to conduct a formal consultation with the profession. The Working Group and the staff of the Equity Initiatives Department have worked closely with the consultants to formulate the research methodology, which includes a series of key informant interviews, focus groups and a survey to be delivered to all licensees.
32. The key informant interviews were conducted in May and June 2013. The key informant interviews were a series of one-on-one interviews with a cross section of external stakeholders who have insight and a professional role to play in the issues under consideration. The consultants conducted approximately twenty interviews. A list of key informants is provided in [TAB 3.2.1](#).
33. The consultants facilitated sixteen focus groups in June, July and August 2013 in Toronto, Ottawa and London. Through these focus groups, the consultants heard directly from racialized lawyers and paralegals about their experiences and their suggestions for best practices. A list of focus groups can be found at [TAB 3.2.2](#).
34. The information gathered from the key informant interviews and the focus groups is being used to develop an online survey, described below, notice of which will be sent to all licensees, racialized and non-racialized, when finalized.

Community Liaison Process – August and September 2013

35. The Working Group has determined that in order gain a full understanding of the experiences of racialized licensees in the legal profession, the consultation process should be broadened. The Working Group has decided to engage in a process that has been termed the “Community Liaison Process”. The purpose of the Community Liaison Process is to create a safe and open space for dialogue about the challenges faced by racialized licensees, where those who are the most marginalized will feel comfortable to share their experiences and recommendations. The Working Group believes that the stories of those who are the most vulnerable are often the most difficult to access. Furthermore, the realities of their experiences, be they actual or perceived, are such that they may feel intimidated from coming forward due to a fear of reprisal or out of a simple sense of preserving their privacy and dignity. These concerns on the part of some licensees might inhibit the kind of open discourse that conventional methods rely upon.
36. The Working Group has recruited community liaisons, trusted individuals who work at the grassroots level in various communities, to convene small focus groups in their communities in order to reach those whose voices may not be heard in the formal consultation process. The community liaison process will work in tandem with the methodology that has been proposed by the consultants and will be used to enrich the project findings.
37. The Community Liaison Process commenced in August 2013 and will be completed by the end of September 2013. The information gathered from this process will be included in the final report.

Expected Timing & Next Steps

Survey

38. The consultants will be conducting an online survey among all licensees. The survey will be comprised of approximately thirty questions, including demographic questions.

Report – Winter & Spring 2014

39. The Working Group expects to release a preliminary consultation report to Convocation in the winter of 2014, for approval and public release shortly thereafter. A public consultation of about six weeks will take place following the preliminary consultation report. The Working Group will then finalize its report and recommendations for submission to Convocation.

TAB 3.2.1

**CHALLENGES FACED BY RACIALIZED LICENSEES WORKING
GROUP**

FORMAL CONSULTATION

KEY INFORMANTS

1. Senior Partner at small firm
2. In house counsel
3. Six associations representing racialized licensees
4. Five paralegals or paralegal associations
5. Program for internationally trained lawyers
6. Senior Partner at large firm
7. Consultant
8. Sole Practitioner
9. Government representative

TAB 3.2.2

CHALLENGES FACED BY RACIALIZED LICENSEES WORKING GROUP

FORMAL CONSULTATION

FOCUS GROUPS

Location	Date	Group	Number of Focus Groups
Toronto	June 19, 2013	Soles and Smalls	2
Toronto	June 20, 2013	Medium and Large Firms	2
Toronto	June 25, 2013	Paralegals	2
Toronto	June 27, 2013	Foreign Trained	2
Ottawa	July 17, 2013	In Practice/Government and Corporate	2
London	July 31, 2013	In Practice	1
Toronto	August 1, 2013	Government and Corporate/Paralegals	2
Toronto	August 14, 2013	Others	1
Toronto	August 15, 2013	Non-racialized	2

TAB 3.3

FOR INFORMATION

**REPORT OF THE ACTIVITIES OF THE
DISCRIMINATION AND HARASSMENT COUNSEL
JANUARY 1 – JUNE 30, 2013 AND TEN YEAR REPORT (January
2003 – December 2012)**

BACKGROUND

41. Subsection 20 (1) (b) of By-Law 11, *Regulation of Conduct, Capacity and Professional Competence* provides that, unless the Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the Equity Committee) directs otherwise, the Discrimination and Harassment Counsel (the DHC) shall make a report to the Committee no later than September 1 in each year, upon the affairs of the Counsel during the period January 1 to June 30 of the immediately preceding year.
42. Subsection 20(2) of By-Law 11 provides “The Committee shall submit each report received from the Counsel to Convocation on the day following the deadline for the receipt of the report by the Committee on which Convocation holds a regular meeting”.
43. The Equity Committee submits the *Report of the Activities of the Discrimination and Harassment Counsel for the Law Society of Upper Canada* for the period of January 1 to June 30, 2013 (**TAB 3.3.1**), , pursuant to Subsection 20(2) of By-Law 11. The DHC Program also presents a ten year report for the period of January 2003 to December 2012 (**TAB 3.3.2**).

TAB 3.3.1

**REPORT OF THE ACTIVITIES OF
THE DISCRIMINATION AND HARASSMENT COUNSEL
FOR THE LAW SOCIETY OF UPPER CANADA**

For the period from January 1, 2013 to June 30, 2013

**Prepared By Cynthia Petersen
Discrimination and Harassment Counsel**

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A. INTRODUCTION

1. The DHC provides a wide range of services to individuals who make discrimination or harassment complaints about lawyers, law students or paralegals.
2. The complaints arise in a wide variety of contexts, such as clients who report that they have been subjected to sexual harassment by their lawyer or paralegal, lawyers who are experiencing workplace difficulties relating to a maternity leave, law firm employees with disabilities who confront discriminatory barriers to employment or challenges in obtaining appropriate workplace accommodation, and paralegals, articling students and lawyers who are experiencing discriminatory (eg. racist, sexist, homophobic) treatment by opposing counsel in their cases.
3. The DHC provides these individuals with confidential coaching, information, referrals to other agencies and resources, informal mentoring, and general (non-legal) advice – some on an ongoing basis. The DHC also provides mediation services, described below.

B. SERVICES PROVIDED TO COMPLAINANTS

4. Complainants who contact the DHC are advised of various avenues of recourse open to them, including (where applicable):
 - speaking to their union representative (if they are unionized);
 - filing an internal complaint within their workplace;
 - making a complaint to the law firm that employs the respondent lawyer;
 - filing an Application with the Human Rights Tribunal of Ontario;

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- filing a complaint of professional misconduct with the Law Society;
 - where appropriate, contacting the police; and
 - contacting a lawyer for advice regarding possible legal claims.
5. Complainants are provided with information about each of these options, including:
- what (if any) costs might be involved in pursuing an option;
 - whether legal representation is required in order to pursue an option;
 - referral to resources on how to obtain legal representation (actual referrals to lawyers or paralegals are not made by the DHC);
 - how to file a complaint, Application or report (eg. whether it can be done electronically, whether particular forms are required, etc.)
 - the processes involved in each option (eg. investigation, conciliation, mediation, hearing, etc.)
 - the general types of remedies might be available in different *fora* (eg. compensatory remedies in contrast to disciplinary penalties, reinstatement to employment versus monetary damages, public interest remedies); and
 - the existence of time limits for each avenue of redress (complainants are advised to seek legal advice with respect to precise limitation periods).
6. Complainants are advised that the options available to them are not mutually exclusive.

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7. In some cases, upon request, strategic tips and/or coaching are provided to complainants about how to handle a situation without resort to a formal complaints process (eg. confronting the offender, documenting incidents, speaking to a mentor).
8. Some complainants are referred to other agencies/organizations (such as the Lawyer's Assistance Plan and the Human Rights Legal Support Centre) or are directed to relevant resource materials available from the Law Society, the Ontario Human Rights Commission, or other organizations.

(a) Mediation / Conciliation

9. In addition to being advised about the above-noted options, where appropriate, complainants are offered the mediation or conciliation/intervention services of the DHC Program.
10. Whenever formal mediation is offered, the nature and purpose of mediation is explained, including that it is a confidential and voluntary process, that it does not involve any investigation or fact finding, and that the DHC acts as a neutral facilitator to attempt to assist the parties in negotiating the terms of a mutually satisfactory resolution of the complaint.
11. When a complainant opts for mediation, s/he is given the choice of contacting the respondent to propose the mediation or having the DHC contact the respondent to canvass his/her willingness to participate. If both parties are willing to participate, they are required to sign a mediation agreement prior to entering into discussions with the DHC.
12. Where informal conciliation/intervention services are offered, the complainant is advised that the DHC could contact the respondent confidentially and discuss the complainant's concerns, in the hope of achieving a resolution to the complaint.

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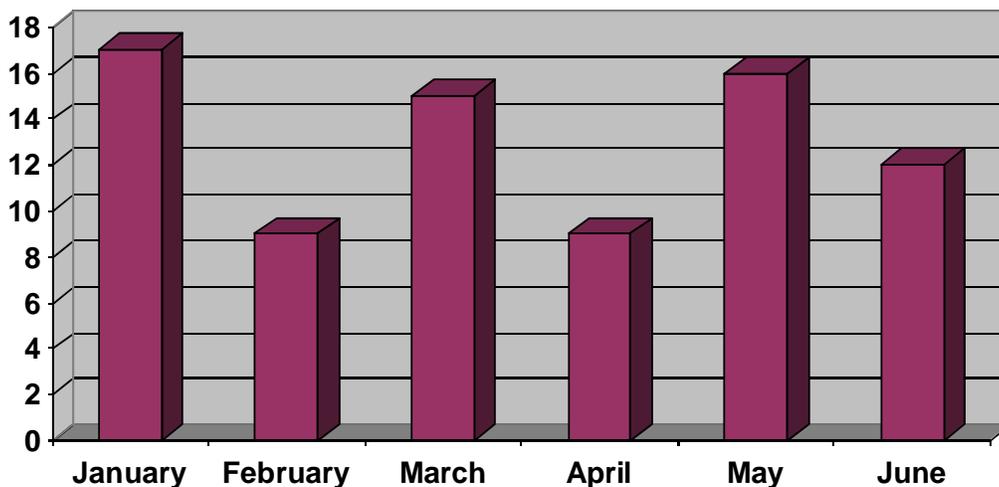
Where such an intervention occurs, both the complainant and respondent are advised that the DHC is not acting as the complainant's counsel or representative, but rather as a go-between to facilitate constructive dialogue between the parties. When a complainant requests such an intervention, written consent must be provided before the DHC contacts the respondent.

13. Some complainants decline the offer of the DHC's mediation and conciliation services, notwithstanding that the services are free, confidential, and in the case of formal mediation, subject to a mutual "without prejudice" undertaking by both parties. The reasons why complainants decline mediation are varied and include: complainants desiring to have a fact-finding investigation, complainants believing that the respondent will not participate in good faith, and complainants wanting to create a formal record of the respondent's misconduct through an adjudicative process.
14. During this reporting period, there was one formal in-person mediation session conducted by the DHC, in the context of a client complaint. The mediation was successful and the parties agreed to the terms of a protocol for future communications, enabling them to maintain their solicitor-client relationship.
15. In one other case, also involving a client complaint, the complainant requested formal mediation but the responding lawyer declined to participate.
16. During this reporting period, there were also a number of informal interventions made at complainants' request. The DHC communicated with the respondent lawyers in several cases. In some, but not all cases, the DHC was thereby able to achieve a resolution to the complaint.

C. OVERVIEW OF NEW CONTACTS WITH THE DHC PROGRAM

17. During this six month reporting period, 78 individuals contacted the DHC Program with a new matter.¹ This represents average of 13 new contacts per month.

18. The volume of new contacts with the Program was distributed as follows:



19. Of the 78 individuals who contacted the DHC, 43 (55%) used the telephone to make their initial contact and 35 (45%) used email.

20. During this reporting period, one individual was provided services in French. The remaining clients of the Program were provided services in English.

D. SUMMARY OF DISCRIMINATION AND HARASSMENT COMPLAINTS

¹ Individuals who had previously contacted the Program and who communicated with the DHC during this reporting period with respect to the same ongoing matter are not counted in this number.

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21. Of the 78 new contacts with the Program, 36 individuals reported specific complaints of discrimination or harassment by a lawyer or paralegal in Ontario. A total of 3 complaints were made against paralegals. The remaining 33 complaints were made against lawyers.
22. Two of the 3 complaints against paralegals were made by other paralegals and one was made by a member of the public. Of the 33 complaints against lawyers, 21 (64%) were made by members of the public and 12 (36%) were made by members of the legal profession (i.e., by lawyers, articling students and paralegals).

(a) Complaints against Lawyers by Members of the Legal Profession

23. In this reporting period, there were 12 complaints against lawyers by members of the legal profession. Five (5) of these complaints were made by lawyers, 5 were made by articling students, and 2 were made by a paralegals. All of the complainants were anglophone.
24. Half of the 12 complaints by members of the legal profession were made by women and half were made by men:
 - The two paralegal complainants were both female.
 - Four (4) of the 5 articling student complainants were male.
 - Of the 5 lawyer complainants, 3 were female and 2 were male.
25. All of the 5 complaints made by lawyers arose in the context of the complainant's employment. Both of the paralegals complaint and all but one of the articling student complaints also arose in the context of the complainants' employment.

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One law student complaint was regarding a law professor and arose in the context of the complainant's education.

26. There were 5 complaints based (in whole or in part) on disability:
- Three male articling students each complained about their respective employer's refusal to accommodate their disability. (One of these students also complained about racial harassment and accent discrimination in his employment – see below).
 - Two female lawyers with disabilities complained about employment-related discrimination. One complained about unfair treatment by her employer, including discriminatory restrictions on her career advancement, and the other complained about barriers to employment based on her disability.
27. There were 4 complaints based (in whole or in part) on race:
- A South Asian male articling student complained about racial harassment, as well as accent discrimination, in the context of his employment. (This complainant also reported that his employer was refusal to accommodate his disability.)
 - A Black female paralegal complained about racial discrimination in the context of her employment.
 - A male First Nations law student complained about discriminatory conduct and comments by a law professor based on his aboriginal ancestry.²

² This complaint is recorded as a complaint based on both race and ancestry.

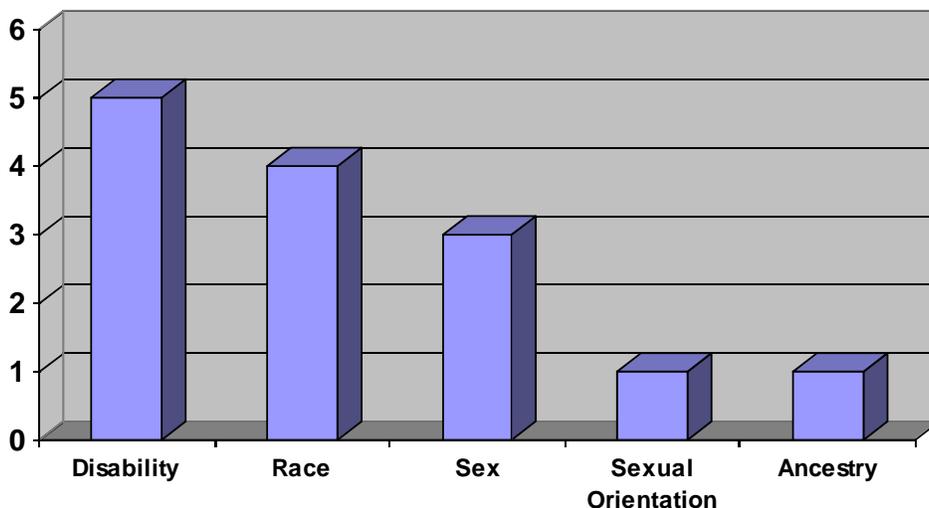
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- A self-described racialized lawyer complained about racial harassment by one of his co-workers, who was a female lawyer.
28. There were 3 complaints based (in whole or in part) on sex:
- Two (2) complaints involved allegations of sexual harassment by a lawyer with whom the complainants worked. Both of these complainants were female; one was an articling student and one was a junior associate. Both respondents were senior male partners in the complainants' respective firms. One of the complaints included allegations of sexual assault.
 - One complaint involved allegations by a female paralegal of discrimination based on pregnancy in the context of her employment.
29. All of the complainants who reported sex-based discrimination or harassment were female and all of the respondent lawyers were male.
30. There was one complaint by a gay male lawyer of workplace harassment by co-workers based on his sexual orientation.

31. In summary, the number of complaints³ by lawyers and articling students in which each of the following prohibited grounds of discrimination was raised are:

- disability 5
- race 4
- sex 3 (2 sexual harassment; 1 pregnancy)
- sexual orientation 1
- ancestry 1

Grounds Raised in Complaints against Lawyers by Members of the Legal Profession



³ The total number exceeds 12 because some complaints involved multiple grounds of discrimination.

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(b) Complaints against Lawyers by Members of the Public

32. During this reporting period, there were 21 complaints against lawyers made by members of the public. All of the complainants were anglophone.
33. Thirteen (13) of the public complaints (62%) were made by women and 8 (38%) were made by men.
34. Of the 21 public complaints:
- thirteen (13) involved clients complaining about their own lawyer, former lawyer, or a lawyer whom they attempted to retain;
 - four (4) involved litigants complaining about the conduct of opposing counsel in their cases;
 - two (2) involved employees complaining about a lawyer in their workplace;
 - one (1) involved a complaint about a lawyer who was sitting as a Tribunal member; and
 - two (2) involved complaints about the social media posts of lawyers.
35. There were 9 public complaints based (in whole or in part) on disability:
- Three (3) clients complained about their respective lawyer's failure to accommodate their disability, including one complaint about a lawyer's refusal to provide materials in an accessible format.
 - Three (3) clients complained about discriminatory treatment by their own lawyer (eg. use of condescending tone, dismissive and/or derogatory language, mocking behaviour) based on their disability.

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- Three litigants with disabilities complained about the discriminatory conduct and/or comments of opposing counsel in their cases.

36. There were 7 public complaints based (in whole or in part) on sex:

- Four (4) of these sex-based complaints involved allegations of sexual harassment by female clients of male lawyers, including one allegation of sexual assault.
- A female litigant complained about sexist remarks made by a lawyer who was sitting as a Tribunal member / adjudicator.
- Two men complained about social media posts by male lawyers. One complaint related to a job advertisement for a “female law clerk” and the other complaint was about sexist and anti-Islamic tweets posted by a lawyer. The twitter account in question was linked to the respondent lawyer’s law firm and was part of how the lawyer marketed his practice. (The objectionable tweets also included anti-Islamic remarks – see below.)

37. There were 4 public complaints based (in whole or in part) on race:

- Two people complained about denial of legal services based on their race. One of these complainants was a First Nations man.⁴ The other was a female complainant who did not disclose her race.
- A First Nations woman complained about an abusive and racially derogatory letter that she received from her former counsel.⁵

⁴ This complaint is recorded as a complaint based on both race and ancestry.

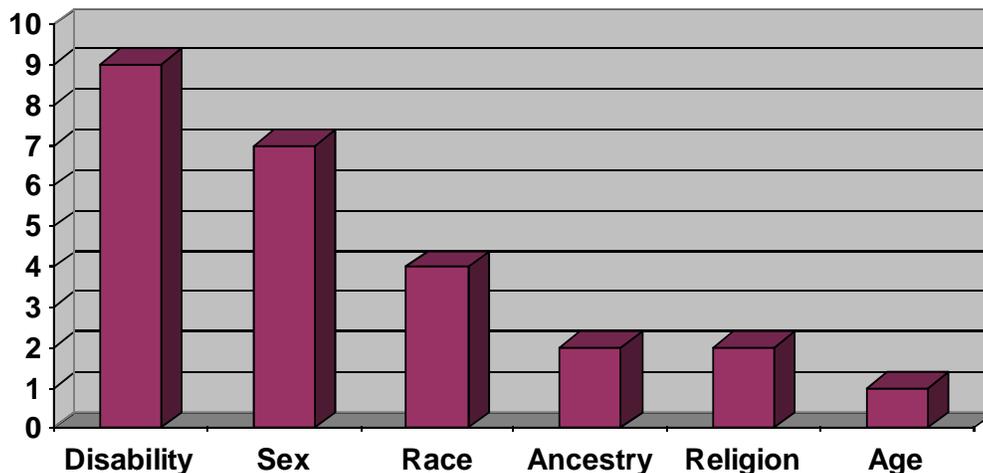
⁵ This complaint is recorded as a complaint based on both race and ancestry.

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- A man involved in litigation complained about racist remarks made by the opposing counsel in his case.
38. There were 2 public complaints based (in whole or in part) on religion. Both of these complaints involved allegations that the responding lawyers had made anti-Islamic comments. One complainant was a Muslim man involved in family law litigation who complained about verbal and written remarks made by the opposing counsel in his case. The other complainant was a man who reported offensive tweets posted by a lawyer. The tweets in question also included sexist remarks (see above) and anti-Christian remarks.
39. There was 1 public complaint based in part on age. A man reported that his elderly mother was being mistreated by her lawyer in a discriminatory fashion because of her disability and because of her advanced age.
40. In summary, the number of public complaints⁶ in which each of the following grounds of discrimination was raised are as follows:
- disability 9
 - sex 7 (4 sexual harassment)
 - race 4
 - ancestry 2
 - religion 2
 - age 1

⁶ The total number exceeds 21 because some complaints involved multiple grounds of discrimination.

Grounds Raised in Public Complaints against Lawyers



(c) Complaints against Paralegals

41. During this reporting period, there were 3 complaints against paralegals. Two of these complaints were made by paralegals and one was made by a member of the public:

- A female paralegal complained about age discrimination by another paralegal in the context of her employment.
- A lesbian paralegal complained about homophobic conduct and comments by a paralegal who was opposing her in litigation.
- A female Muslim paralegal complained about anti-Islamic harassment by another female paralegal with whom she was professionally associated.

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E. SUMMARY OF GENERAL INQUIRIES

42. Of the 78 new contacts with the DHC during this reporting period, 13 involved general inquiries. These contacts included:

- inquiries by employers about how best to handle internal harassment complaints against lawyers;
- inquiries by lawyers about their professional responsibilities relating to equity issues;
- questions about the scope of the DHC Program's mandate, the services offered by the DHC, and confidentiality;
- inquiries about the Law Society's complaint process; and
- questions from law firms about the availability of model policies on equity issues.

F. MATTERS OUTSIDE THE DHC MANDATE

43. During this reporting period, the DHC received 29 calls and emails relating to matters outside the Program's mandate.

44. These contacts included complaints about judges and about lawyers licensed in other provinces. They also included complaints about workplace harassment that did not involve any licensees.

45. There were complaints against licensees that did not fall within the program's mandate. These included allegations of incompetence, breach of civility, and breach of client confidentiality, as well as some billing disputes (i.e., clients

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alleging that their lawyers were overcharging). They also included harassment allegations that were not based on any prohibited grounds of discrimination (eg. allegations of bullying, intimidation, abuse of power, etc.)

46. An explanation of the DHC's mandate, role and duties was provided to each person who called with a matter outside the Program's mandate. Many of these individuals were referred to other agencies.
47. Although there are a number of these "outside mandate" contacts, they typically do not consume much of the DHC's time or resources, since we do not assist these individuals beyond their first contact with the Program.

G. PROMOTIONAL ACTIVITIES

48. The LSUC maintains a bilingual website for the DHC Program.
49. Throughout this reporting period, periodic advertisements were placed (in English and French) in the *Ontario Reports* to promote the DHC Program.
50. French, English, Chinese and braille brochures for the Program continue to be circulated to legal clinics, community centres, libraries, law firms, government legal departments, and faculties of law.
51. The DHC continues to work closely with the Law Society's Equity Advisor (Josée Bouchard) to design and deliver *Discrimination and Harassment Prevention* and *Violence Prevention* workshops to law firms across the province. In addition to delivering important educational content, these workshops also serve as a useful opportunity to promote awareness of the Program's services.

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52. During this reporting period, the DHC made a presentation about the DHC Program at Windsor University Faculty of Law and at the First National LGBTQ Service Providers Summit, held in Toronto in June 2013.

TAB 3.3.2

**10 YEAR SUMMARY REPORT
OF THE ACTIVITIES OF THE
DISCRIMINATION AND HARASSMENT COUNSEL
FOR THE LAW SOCIETY OF UPPER CANADA**

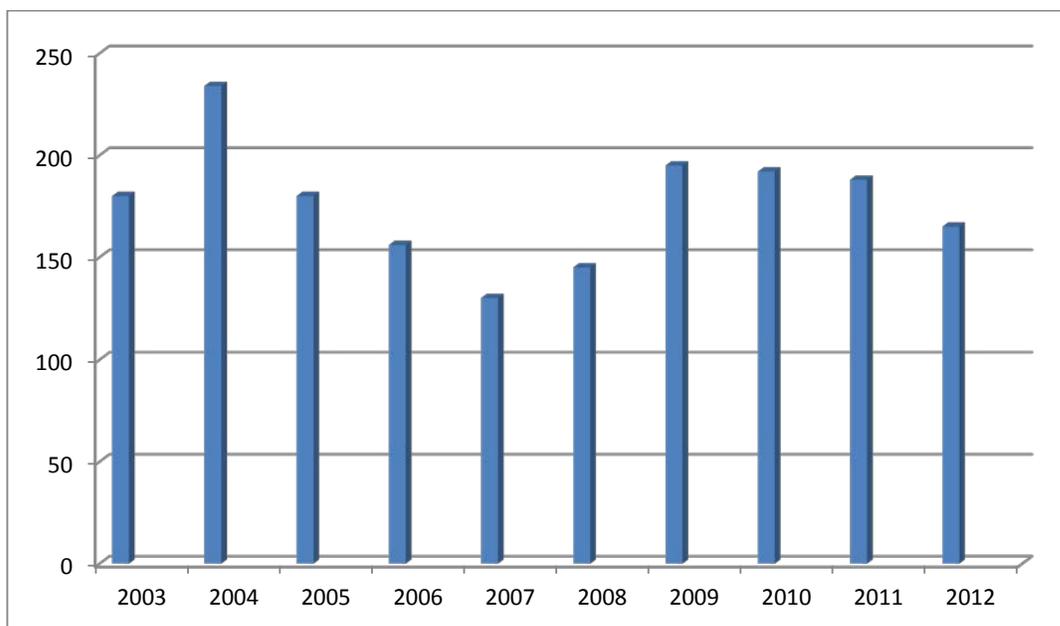
Summary of Data from
January 1, 2003 to December 31, 2012

Prepared By Cynthia Petersen
Discrimination and Harassment Counsel

A. VOLUME OF CONTACTS WITH THE DHC PROGRAM

1. There was a total of 1,765 new contacts¹ with the DHC Program during the ten year period from January 1, 2003 to December 31, 2012.
2. There were 180 new contacts in 2003, 234 in 2004, 180 in 2005, 156 in 2006, 130 in 2007, 145 in 2008, 195 in 2009, 192 in 2010, 188 in 2011 and 165 in 2012.

Number of New Contacts Annually



3. Thus the Program has received an average of 17.6 new contacts per month over the past ten years.

¹ Individuals who contacted the DHC program more than once about the same matter are only counted once in this number.

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B. LANGUAGE OF COMMUNICATION

4. The DHC services are offered in French and English. Since January 1, 2003, 52 individuals have communicated with the DHC in French:
 - 10 people in 2003 received DHC services in French;
 - 6 people in 2004 received DHC services in French;
 - 6 people in 2005 received DHC services in French;
 - 8 people in 2006 received DHC services in French;
 - 5 people in 2007 received DHC services in French;
 - 4 people in 2008 received DHC services in French;
 - 7 people in 2009 received DHC services in French;
 - 2 people in 2010 received DHC services in French;
 - 3 people in 2011 received DHC services in French; and
 - 1 person in 2012 received DHC services in French.

5. Thirteen (13) of these francophone individuals were male and 39 were female. Thirty two (32) were members of the public and 20 were members of the Law Society (including 4 articling students and 16 lawyers).

6. All other individuals who contacted the DHC Program were provided services in English. On a few occasions, individuals were served through the aid of a language interpreter (where the individuals spoke Spanish, Ukrainian, Russian or Cantonese).

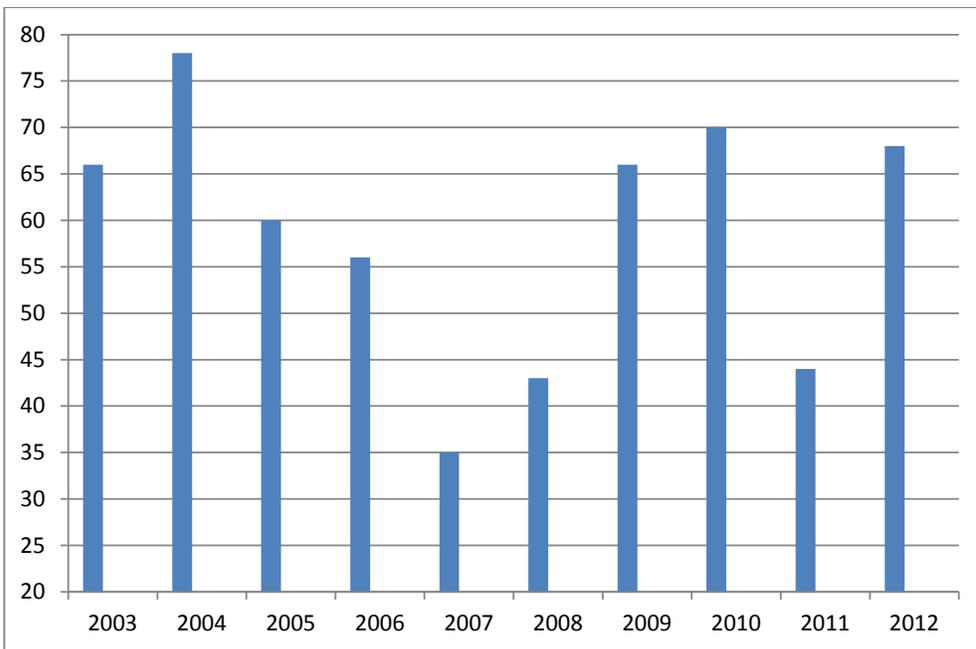
C. NUMBER OF DISCRIMINATION AND HARASSMENT COMPLAINTS REPORTED TO THE DHC

7. Of the 1,765 new contacts with the Program over the past ten years, there were a total of 583 discrimination and/or harassment complaints against Ontario lawyers and 3 discrimination and/or harassment complaints against Ontario articling students.²
8. There were a total of 66 complaints against lawyers and/or articling students in 2003, 78 in 2004, 60 in 2005, 56 in 2006, 35 in 2007, 43 in 2008, 66 in 2009, 70 in 2010, 44 in 2011, and 68 in 2012.
9. In addition, since January 1, 2008, there have been 15 discrimination and/or harassment complaints against paralegals licensed in Ontario.³
10. There was one complaint against a paralegal in 2008, 4 complaints in 2009, 3 in 2010, 4 in 2011 and 3 in 2012.

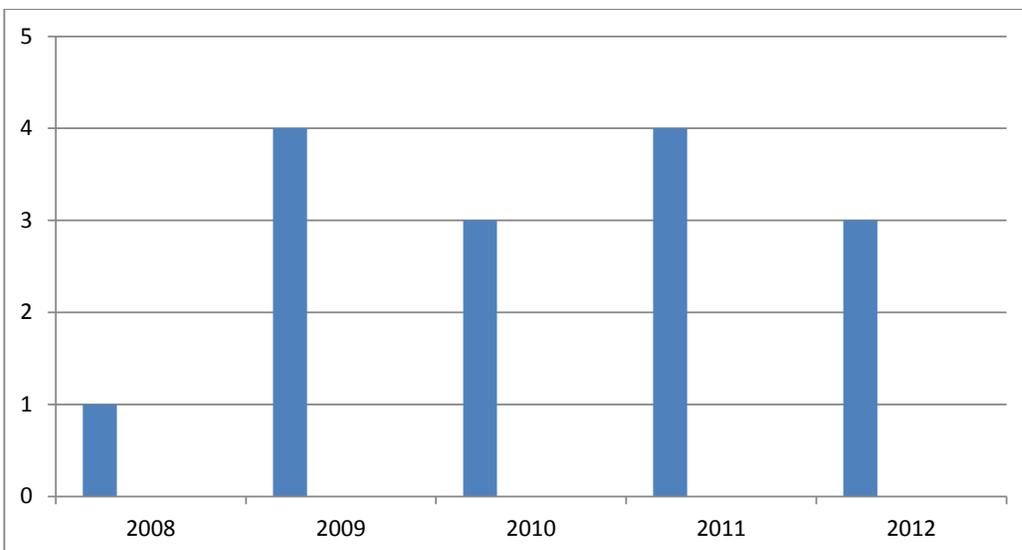
² Only complaints based on the prohibited grounds of discrimination enumerated in the *Human Rights Code* and Law Society's *Rules of Professional Conduct* are included in these figures. Complaints of personal harassment or bullying, which do not invoke any human rights grounds, fall outside the mandate of the DHC Program.

³ Paralegals were not licensed and regulated by the Law Society prior to 2008. Data with respect to complaints against paralegals have therefore only been collected for the past five years.

Number of Complaints against Lawyers and Articling Students Annually



Number of Complaints against Paralegals Annually



D. COMPLAINTS AGAINST LAWYERS AND ARTICLING STUDENTS

(a) Proportion of Complaints from the Public vs. the Legal Profession

11. Over the past ten years, there have been 583 discrimination and harassment complaints against lawyers.
12. Of these, 318 complaints were from the public and 265 complaints were from within the legal profession. The complaints from members of the legal profession were distributed as follows:
 - 203 complaints about lawyers were made by other lawyers;
 - 57 complaints about lawyers were made by law students;⁴ and
 - 5 complaints about lawyers were made by paralegals.⁵
13. Over the past ten years, there have been 3 discrimination and harassment complaints against articling students. All 3 of these complaints were made by other articling students. There have been no complaints about articling students from members of the public.

(b) Number of Complaints by Law Students

14. Of the 268 complaints against lawyers and/or articling students reported to the DHC over the past ten years, a total of 60 complaints (22%) were made by law students. Three of the law student complaints were made about articling students and 57 of the law student complaints were made about lawyers. There were no

⁴ Throughout this report, the expression "law students" refers primarily to articling students, but also encompasses a few summer law students employed by law firms.

⁵ Prior to 2008, any complaints against lawyers by paralegals would have been considered as complaints by members of the public, because paralegals were not regulated by the Law Society at that time. Since 2008, complaints by paralegals have been recorded separately and are classified as complaints by members of the legal profession.

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law student complaints about paralegals. The student complaints were distributed as follows:

- 8 complaints were made by law students in 2003, out of 27 complaints from within the legal profession;
- 6 complaints were made by law students in 2004, out of 36 complaints from within the legal profession;
- 6 complaints were made by law students in 2005, out of 23 complaints from within the legal profession;
- 6 complaints were made by law students in 2006, out of 22 complaints from within the legal profession;
- 5 complaints were made by law students in 2007, out of 13 complaints from within the legal profession;
- 5 complaints were made by law students in 2008, out of 16 complaints from within the legal profession;
- 2 complaints were made by law students in 2009, out of 38 complaints from within the legal profession;
- 10 complaints were made by law students in 2010, out of 40 complaints from within the legal profession;
- 3 complaints were made by law students in 2011, out of 19 complaints from within the legal profession; and
- 9 complaints were made by law students in 2012, out of 34 complaints from within the legal profession.

(c) Number of Complaints by Paralegals

15. Prior to January 1, 2008, complaints by paralegals about lawyers and articling students were not recorded as complaints from within the legal profession; they were recorded as complaints by members of the public and their numbers were not recorded separately.⁶

⁶ See footnote 5 above.

16. There have been a total of 5 complaints against lawyers made by paralegals in the past five years.

(d) Context of Complaints by Members of the Legal Profession

17. The overwhelming majority of complaints against lawyers and articling students by other members of the legal profession⁷ (i.e., 202 out of 268 complaints or 75%) arose in the context of the complainant's employment or in the context of a job interview:

- in 2003, 23 out of 27 (85%) complaints from within the profession were employment related;
- in 2004, 27 out of 36 (75%) complaints from within the profession were employment related;
- in 2005, 21 out of 23 (91%) complaints from within the profession were employment related;
- in 2006, 17 out of 22 (77%) complaints from within the profession were employment related;
- in 2007, all of the 13 (100%) complaints from within the profession were employment related;
- in 2008, 14 out of 16 (87%) complaints from within the professional were employment related;
- in 2009, 27 out of 38 (71%) complaints from within the profession were employment related;
- in 2010, 21 out of 40 (52%) complaints from within the profession were employment related;
- in 2011, 11 out of 19 (58%) complaints from within the profession were employment related; and
- in 2012, 28 out of 34 (82%) complaints from within the profession were employment related.

⁷ These complainants include lawyers, law students and paralegals.

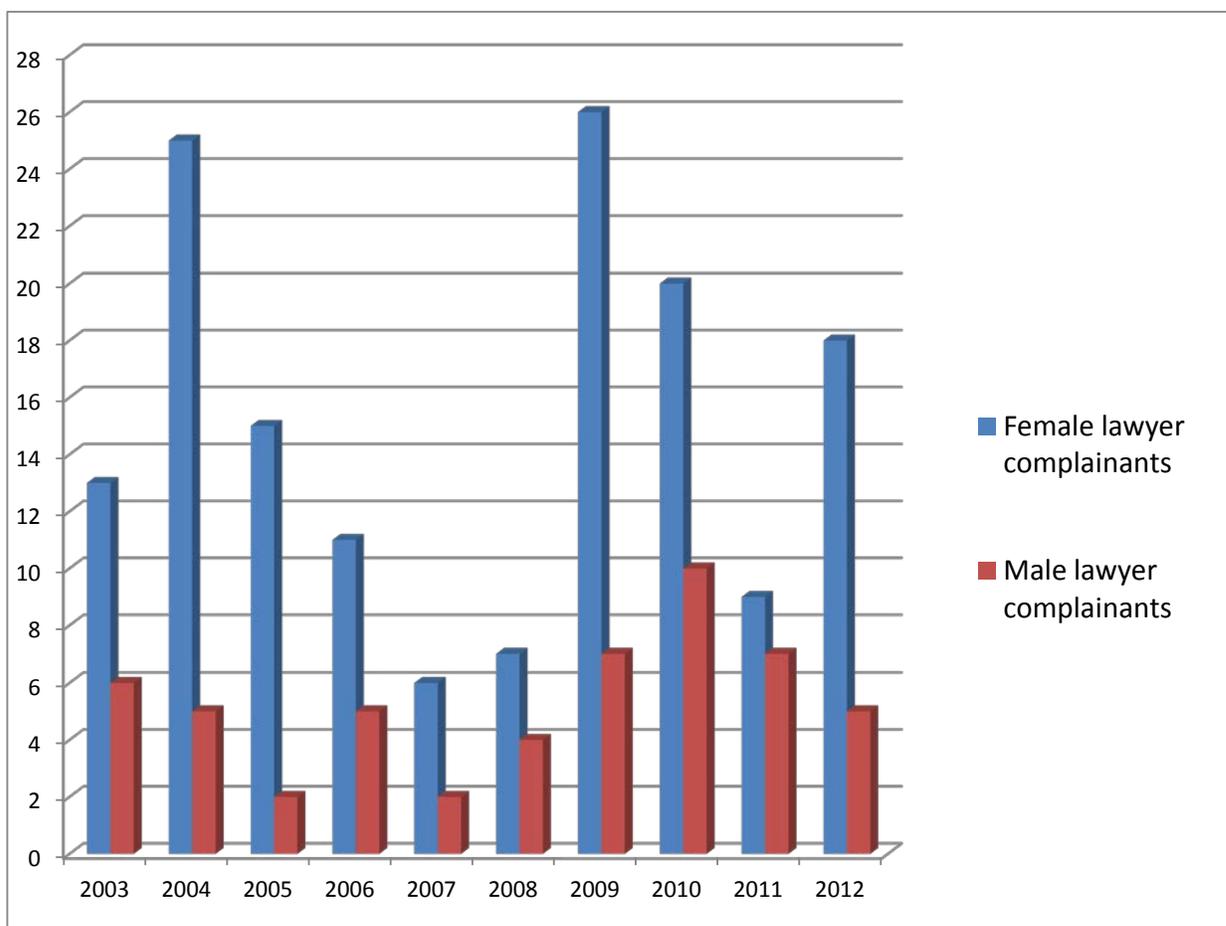
18. The second most common context in which discrimination and harassment complaints (by members of the legal profession) arose was against opposing counsel. There have also been a few complaints about lawyers acting as mediators or investigators, as well as a few complaints between lawyers who are professionally acquainted, who share or rent office space, or who encounter each other in the context of obtaining a service.

(e) Male / Female Ratio of Complainants within the Legal Profession

19. Of the 268 discrimination and harassment against lawyers and articling students by members of the legal profession, two hundred (200 or 75%) were made by women.
20. Complaints from women lawyers have consistently been disproportionately higher than complaints from male lawyers. Over ten years, 150 female and 53 male lawyers have made discrimination and/or harassment complaints against other lawyers.
- in 2003, 13 out of 19 (68%) complaints about lawyers by lawyers were made by women;
 - in 2004, 25 out of 30 (83%) complaints about lawyers by lawyers were made by women;
 - in 2005, 15 out of 17 (89%) complaints about lawyers by lawyers were made by women;
 - in 2006, 11 out of 16 (69%) complaints about lawyers by lawyers were made by women;
 - in 2007, 6 out of 8 (75%) complaints about lawyers by lawyers were made by women;
 - in 2008, 7 out of 11 (64%) complaints about lawyers by lawyers were made by women;
 - in 2009, 26 out of 33 (79%) complaints about lawyers by lawyers were made by women;

- in 2010, 20 out of 30 (67%) complaints about lawyers by lawyers were made by women;
- in 2011, 9 out of 16 (56%) complaints about lawyers by lawyers were made by women; and
- in 2012, 18 out of 23 (78%) complaints about lawyers by lawyers were made by women.

Gender of Complainants in Complaints by Lawyers



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21. Discrimination and harassment complaints by law students are also predominantly made by women. Over the past ten years, there has been a total of 60 student complaints against lawyers and articling students. Only 15 of those complaints were from men:

- in 2003, 5 of the 8 law student complainants were women;
- in 2004, 5 of the 6 law student complainants were women;
- in 2005, 4 of the 6 law student complainants were women;
- in 2006, all of the 6 law student complainants were women;
- in 2007, all of the 5 law student complainants were women;
- in 2008, all of the 5 law student complainants were women;
- in 2009, both of the 2 law student complainants were men;
- in 2010, 7 of the 10 law student complainants were women;
- in 2011, 1 of the 3 law student complainants were women; and
- in 2012, 7 of the 9 law student complainants were women.

22. There has been a total of 5 complaints against lawyers by paralegals and all were made by women.

23. Thus, over the past nine years, women have made 74% (150/203) of the complaints by lawyers, 75% (45/60) of the complaints by law students, and 100% (5/5) of the complaints by paralegals.

(f) Context of Complaints by Members of the Public

24. Over the past ten years, there have been 318 discrimination and harassment complaints against lawyers by members of the public.

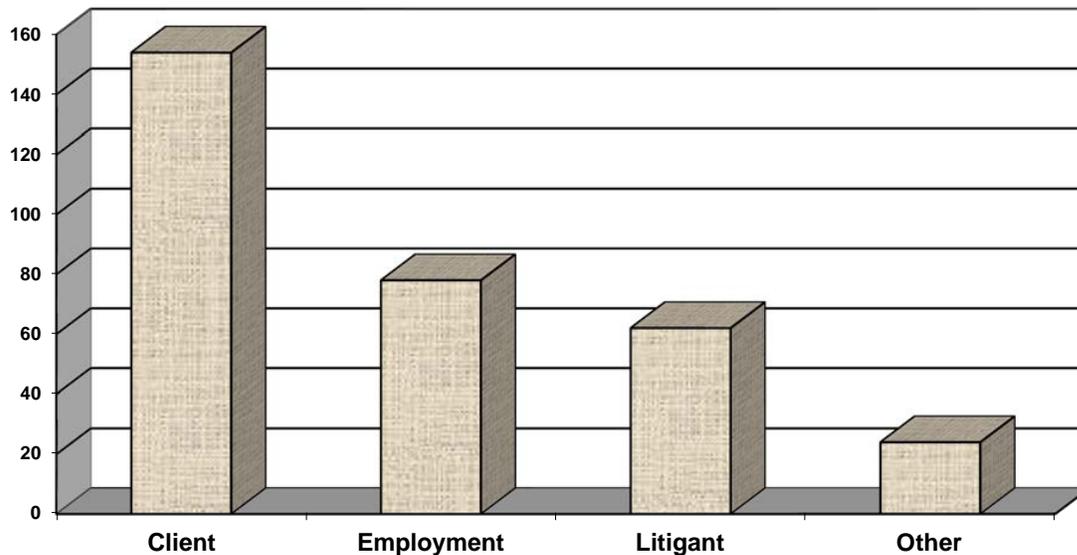
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25. Almost half (48%) of public complaints involved clients complaining about their own lawyer or a lawyer whom they attempted to retain:
- in 2003, 25 out of 39 (64%) public complaints involved clients;
 - in 2004, 21 out of 42 (50%) public complaints involved clients;
 - in 2005, 13 out of 37 (35%) public complaints involved clients;
 - in 2006, 17 out of 34 (50%) public complaints involved clients;
 - in 2007, 8 out of 22 (36%) public complaints involved clients;
 - in 2008, 14 out of 27 (52%) public complaints involved clients;
 - in 2009, 12 out of 28 (43%) public complaints involved clients;
 - in 2010, 15 out of 30 (50%) public complaints involved clients;
 - in 2011, 10 out of 25 (40%) public complaints involved clients; and
 - in 2012, 19 out of 34 (56%) public complaints involved clients.
26. Almost a quarter of the public complaints (24%) arose in the context of the complainant's employment:
- in 2003, 6 out of 39 (15%) public complaints were employment related;
 - in 2004, 14 out of 42 (32%) public complaints were employment related;
 - in 2005, 16 out of 37 (44%) public complaints were employment related;
 - in 2006, 8 out of 34 (23%) public complaints were employment related;
 - in 2007, 5 out of 22 (23%) public complaints were employment related;
 - in 2008, 5 out of 27 (19%) public complaints were employment related;
 - in 2009, 8 out of 28 (29%) public complaints were employment related;
 - in 2010, 8 out of 30 (27%) public complaints were employment related;
 - in 2011, 6 out of 25 (24%) public complaints were employment related; and
 - in 2012, 2 out of 34 (6%) public complaints were employment related.

27. A significant proportion of public complaints (19%) were made by litigants against opposing counsel:⁸
- in 2003, 6 of the 39 public complaints involved litigants;
 - in 2004, 7 of the 42 public complaints involved litigants;
 - in 2005, 2 of the 37 public complaints involved litigants;
 - in 2006, 7 of the 34 public complaints involved litigants;
 - in 2007, 5 of the 22 public complaints involved litigants;
 - in 2008, 7 of the 27 public complaints involved litigants;
 - in 2009, 6 of the 28 public complaints involved litigants;
 - in 2010, 5 out of 30 public complaints involved litigants;
 - in 2011, 7 out of 25 public complaints involved litigants; and
 - in 2012, 10 out of 34 public complaints involved litigants.
28. Twenty four (24) complaints (7% of public complaints) arose in other contexts, such as litigants complaining about discriminatory conduct by a lawyer who was acting as a Tribunal member or mediator, an individual complaining about a government lawyer who was providing a public service, and witnesses and victims in criminal proceedings complaining about Crown Attorneys.

⁸ These include a few complaints by criminal defendants against Crown Attorneys. The overwhelming majority of these complaints have arisen in the context of family law litigation.

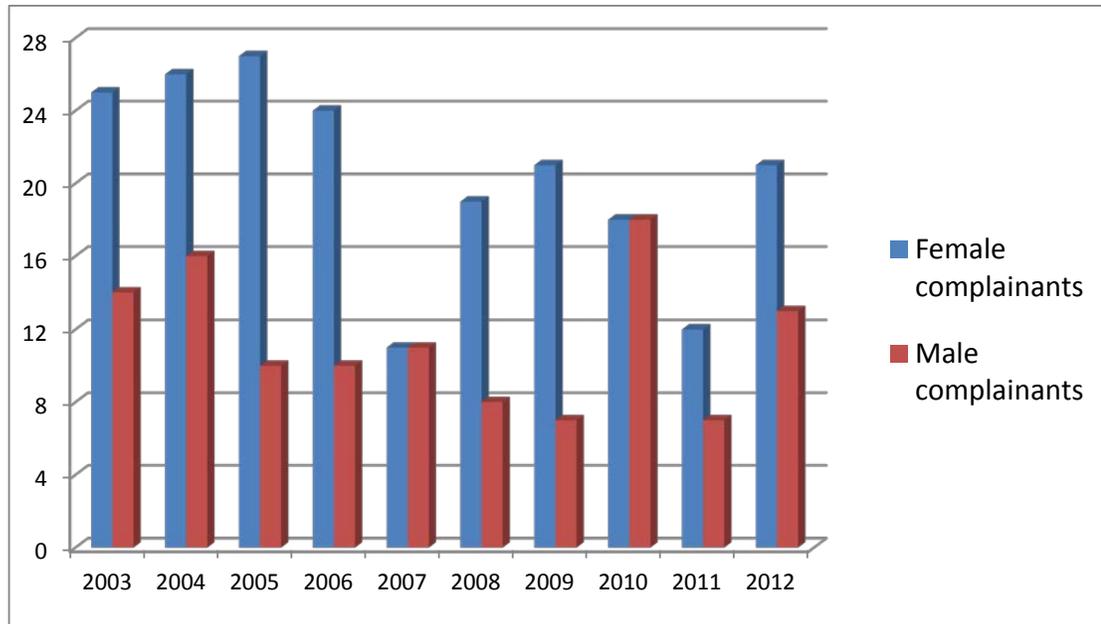
- 13 -

Context of Complaints Against Lawyers by Members of the Public**(g) Male / Female Ratio of Public Complainants**

29. Since January 1, 2003, there has consistently been a higher proportion of public complaints from women than men:

- in 2003, 25 of the 39 (64%) public complaints were from women;
- in 2004, 26 of the 42 (62%) public complaints were from women;
- in 2005, 27 of the 37 (73%) public complaints were from women;
- in 2006, 24 of the 34 (71%) public complaints were from women;
- in 2007, 11 of the 22 (50%) public complaints were from women;
- in 2008, 19 of the 27 (70%) public complaints were from women;
- in 2009, 21 of the 28 (75%) public complaints were from women;
- in 2010, 18 of the 30 (60%) public complaints were from women;
- in 2011, 18 of the 25 (72%) public complaints were from women; and
- in 2012, 21 of the 34 (62%) public complaints were from women.

Gender of Complainants in Complaints by Members of the Public



30. Thus of the 318 members of the public who have made discrimination and harassment complaints against lawyers over the past ten years, 210 (66%) were women.

(h) Grounds of Discrimination Raised in Complaints

31. There was a total of 586 discrimination and harassment complaints against lawyers and articling students between January 1, 2003 and December 31, 2012. Of these,⁹

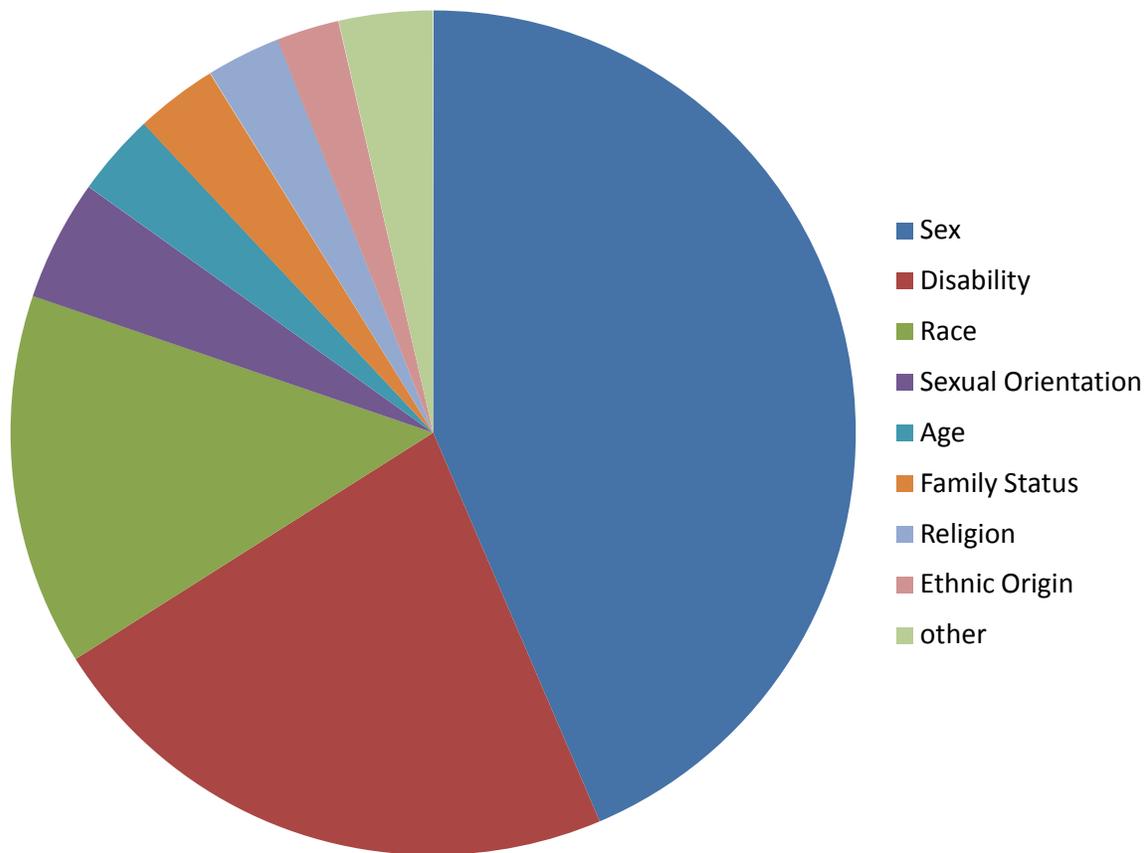
- sex was raised as a ground of discrimination in 291 complaints (50%);
- disability was raised as a ground of discrimination in 150 complaints (26%);

⁹ The sum of the numbers in this paragraph exceeds 586 and the sum of the percentages exceeds 100% because many of the complaints involved multiple intersecting grounds of discrimination.

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- race was raised as a ground of discrimination in 95 complaints (16%);
- sexual orientation was raised as a ground of discrimination in 31 complaints (5%);
- age was raised as a ground of discrimination in 21 complaints (4%);
- family status was raised as a ground of discrimination in 21 complaints (4%);
- religion was raised as a ground of discrimination in 19 complaints (3%);
- ethnic origin was raised as a ground of discrimination in 16 complaints (3%);
- marital status was raised as a ground of discrimination in 8 complaints;
- ancestry was raised as a ground of discrimination in 7 complaints;
- place of origin was raised as a ground of discrimination in 5 complaints;
and
- record of offences was raised as a ground of discrimination in 4 complaints.

Grounds of Discrimination Raised in Complaints against Lawyers and Articling Students



(i) Breakdown of Sex Discrimination Complaints 2003-2012

32. Of the 291 complaints against lawyers and articling students that were based (in whole or in part) on sex as a ground of discrimination:
- pregnancy was specifically raised in 46 complaints;
 - gender identity was raised in 4 complaints; and
 - sexual harassment was reported in 151 complaints.¹⁰
33. The overwhelming majority (253 or 87%) of the 291 sex discrimination complaints were made by women, including four self-identified transsexual women.
34. Of the 253 female complainants who raised concerns about discrimination or harassment based on sex:
- 113 were lawyers
 - 26 were law students;
 - 3 were paralegals; and
 - 111 were members of the public.
35. In almost every instance, the women who contacted the DHC with a sex-based complaint were reporting that they themselves had been the victim of sex discrimination or sexual harassment by a male lawyer or articling student, that they had suffered employment reprisals after making a complaint of sexual harassment against a male colleague, supervisor or client, or that they had suffered discrimination in their employment due to the fact that they were pregnant and/or had taken a maternity leave. The only exceptions were as follows: one woman lawyer called on behalf of a female articling student in her

¹⁰ Thus 26% of all complaints (151 out of 586) against lawyers and articling students received over the past ten years involved sexual harassment. (All of the three complaints against articling students involved sexual harassment.)

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firm and a female office manager called on behalf of three female legal assistants in her firm.

36. In contrast, 17 of the 38 men (45%) who complained about discrimination or harassment based on sex raised concerns about the inappropriate conduct of other male lawyers toward women that they knew and, in one instance, toward a gay man that he knew.
37. Only 20 men complained about sex discrimination or harassment that they themselves had experienced. Five (5) of these complainants self-identified as gay men, one self-identified as bisexual and one self-identified as a trans-man.
38. Of the 38 complaints of sex discrimination or harassment made by men, only 9 involved female respondents. In contrast, the respondent was male in every case of alleged sex discrimination/harassment by a female complainant.
39. Of the 38 male complainants who raised concerns about sex discrimination or harassment:
 - 19 were lawyers;
 - 2 were articling students; and
 - 17 were members of the public.
40. Of the 21 sex discrimination or harassment complaints from men within the legal profession:
 - a lawyer complained about sexist (anti-male) remarks posted by a female colleague on an internet website;
 - three (3) lawyers complained that they were being sexually harassed by female lawyers with whom they were acquainted or with whom they worked (one of them had ended a consensual relationship with the respondent; the other had never been in a relationship with the respondent);

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- two (2) lawyers complained about colleagues (other male lawyers) who were sexually harassing women lawyers in their respective firms;
- a lawyer complained about a male lawyer in another firm who was sexually harassing a female lawyer in that other firm;
- a lawyer complained about a colleague (another male lawyer) who was sexually harassing a secretary in his firm;
- a lawyer complained about a tenant (another male lawyer) who was sexually harassing his female staff;
- a lawyer complaint on behalf of a female client who had been sexually assaulted by her former (male) lawyer;
- a lawyer complained about sexist remarks made by opposing counsel (another male lawyer) during discovery proceedings involving a female client;
- a lawyer complained about sexist remarks made by opposing counsel (another male lawyer) directed toward a female junior associate in his firm;
- a lawyer complained about sexist remarks posted by another male lawyer on an internet website;
- a trans-identified articling student complained about sex discrimination to which he was subjected at his workplace;
- a gay male lawyer complained about sexual harassment by a supervising female lawyer;
- two gay male lawyers and one bisexual male lawyer complained about sexual harassment by male lawyers in their respective firms;
- an articling student complained about sexual harassment by a male lawyer in his firm;
- a lawyer complained that his client, a female lawyer, suffered employment discrimination when she was terminated just prior to commencing a maternity leave; and
- a lawyer complained that he was being subjected to sex discrimination in his employment.

41. Of the 17 public complaints of sex discrimination or harassment made by men:
- a police officer complained about sexist remarks made by a male Crown Attorney regarding a female police officer and female defence counsel;
 - 4 men called on behalf of female friends or relatives who had been sexually harassed or assaulted by their male lawyers;
 - 2 litigants in family law matters complained about anti-male sexist remarks made by their ex-wives' female lawyers;
 - a man complained about a lawyer's job advertisement for a legal assistant, which specified a preference for female applicants;
 - a process server and a law clerk each complained about sexual harassment by male lawyers in their workplaces;
 - a physician reported that one of his gay male patients had been sexually abused by a court-appointed male lawyer as a youth;
 - a psychiatrist reported that one of his female patients had been sexually assaulted by her male lawyer;
 - two gay male clients complained that their respective male lawyers were sexually harassing them;
 - a heterosexual student complained about sexual harassment by a female lawyer who was his instructor;
 - a man complained that a male Crown Attorney discriminated against his son in the course of a prosecution for domestic assault; and
 - a male criminal accused complained about anti-male sexism from a female Crown Attorney.

(j) Overview of Complaints by Francophones

42. Over the past ten years, 15 of the francophone individuals who contacted the DHC Program reported complaints of discrimination or harassment by a lawyer. (There were no complaints about articling students or paralegals by francophone complainants.)

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43. Eight (8) of the francophone complainants were members of the Law Society (i.e., 6 lawyers and 2 articling students). Seven (7) of the francophone complainants were members of the public.
44. Of the 8 complaints by francophone lawyers and articling students, 5 were made by women and 3 were made by men. Both of the student complainants were female.
45. Three (3) francophone lawyers and two (2) francophone articling students complained about discrimination and/or harassment in the context of their employment, two (2) complaints by francophone lawyers arose in the context of another lawyer delivering a service to them, and one francophone lawyer complained about another lawyer who was acting as a mediator.
46. Race was the ground of discrimination most frequently raised in complaints by francophone lawyers and articling students. Race was raised in 3 out of the 8 complaints. Place of origin was raised in 2 complaints (once in conjunction with race). Sex was raised in 2 complaints. Religion was raised in 1 complaint, in conjunction with race. Age was raised in 1 complaint and disability was raised in 1 complaint.¹¹
47. Both of the sex-based complaints by francophone members of the Law Society involved allegations of sexual harassment. A female lawyer reported sexual harassment by a male mediator (who is also a lawyer). A male lawyer reported that another male lawyer in his office was sexually harassing a female colleague.
48. The race-based complaints by francophone members of the Law Society all arose in the context of the complainants' employment. A Black female lawyer complained about racial discrimination by her employer, as well as a refusal by her employer to accommodate her religious observance. Another Black female

¹¹ The total number of complaints listed in this paragraph exceeds 8 because some complaints involved multiple intersecting grounds.

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lawyer reported racial harassment by colleagues at work. A Black female articling student complained about employment discrimination based on her race and place of origin (including discrimination based on her West African accent).

49. A francophone articling student complained that she was not receiving appropriate accommodation for her disability from her employer.
50. Two francophone lawyers complained about discrimination by other lawyers in the delivery of services to them. One complaint was based on age and the other was based on the complainant's place of origin.
51. Of the 7 complaints by francophone members of the public, 5 of the complainants were female and 2 were male. Five (5) of the complaints were made by clients. One (1) complaint arose in the context of the complainant's employment and another complaint (1) was made by a litigant about the opposing counsel in her case.
52. Six (6) out of the 7 complaints by francophone members of the public were based, in whole or in part, on sex:
 - 3 female clients complained about sexual harassment by their respective male lawyers (one also complained about racial harassment);
 - a gay male client complained about sexual harassment by his male lawyer;
 - a female legal assistant complained about discrimination in her employment based on sex (she also complained about discrimination based on her sexual orientation and disability); and
 - a female litigant complained about the sexist behaviour of the opposing male counsel in her case.

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53. Disability was raised as a ground in two francophone complaints from members of the public. A male client with a disability reported that his lawyer was not accommodating his disability-related needs. A female legal assistant with a disability complained about discrimination in her employment based on her disability (as well as her sex and sexual orientation).
54. In summary, there was a total of 15 discrimination and harassment complaints made by francophones against lawyers between January 1, 2003 and December 31, 2012. Of these,¹²
- sex was raised as a ground of discrimination in 8 complaints (6 of these complaints involved allegations of sexual harassment);
 - race was raised as a ground of discrimination in 4 complaints;
 - disability was raised as a ground of discrimination in 3 complaints;
 - place of origin was raised as a ground of discrimination in 2 complaints;
 - sexual orientation was raised as a ground of discrimination in 1 complaint;
 - age was raised as a ground of discrimination in 1 complaint; and
 - religion was raised as a ground of discrimination in 1 complaint.

E. COMPLAINTS AGAINST PARALEGALS

55. The DHC Program's mandate was expanded to include complaints against paralegals in 2008.

¹² The sum of the numbers in this paragraph exceeds 15 because many of the complaints involved multiple intersecting grounds of discrimination.

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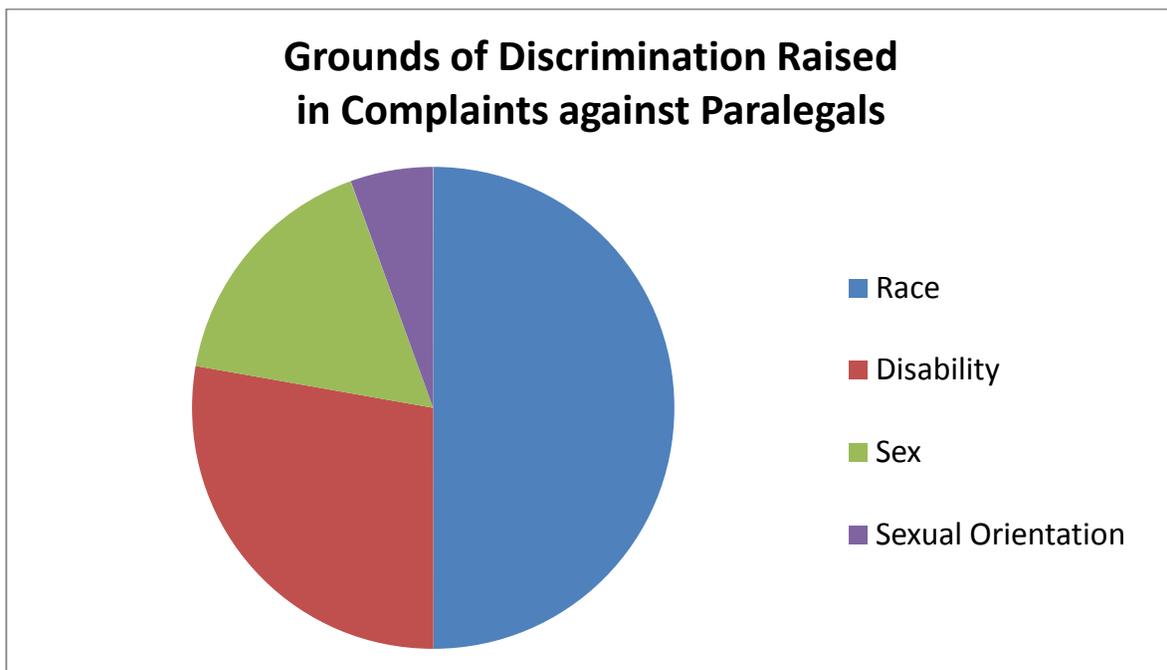
56. Over the past five years (from January 1, 2008 to December 31, 2012), there have been 15 complaints against paralegals. There was one (1) complaint in 2008, 4 in 2009, 3 in 2010, 4 in 2011 and 3 in 2012.
57. Seven (7) of these complaints (47%) were made by members of the legal profession; 2 were made by lawyers and 5 were made by paralegals.
58. Three (3) paralegals complained about discrimination and/or harassment by other paralegals in their workplace, 1 lawyer and 1 paralegal complained about the conduct of paralegals representing the opposing parties in their cases, 1 paralegal complained about harassment by another paralegal with whom she was professionally acquainted, and 1 lawyer complained about the social media posts of a paralegal.
59. Of the 7 complainants who were members of the legal profession, 6 were female and 1 was male. All 5 of the paralegals who complained about other paralegals were female.
60. In the 7 complaints against paralegals by members of the legal profession, the following grounds of discrimination were raised:¹³
- | | |
|--------------------|---|
| Race | 4 |
| Sex | 3 |
| Sexual orientation | 1 |
61. Eight (8) complaints against paralegals (53%) were made by members of the public. Four (4) complainants were college students complaining about their paralegal instructors, 2 were litigants complaining about paralegals representing the opposing parties in their cases, 1 was a client complaining about a paralegal

¹³ The sum of the numbers in this paragraph exceeds 7 because one complaint was based on both race and sex.

they he had retained to represent him and 1 was a man who complained about the social media posts of a paralegal.

- 62. Of the 8 complainants who were members of the public, 5 were male and 3 were female.
- 63. In the 8 complaints against paralegals from members of the public, the following grounds of discrimination were raised:¹⁴

Disability	5
Race	3
Sex	1



¹⁴ The sum of the numbers in this paragraph exceeds 8 because one of the complaints was based on both race and disability.

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64. Four (4) of the 5 disability-related complaints against paralegals arose in the context of the complainants' education; they involved complaints by college students about their paralegal instructors. The fifth disability-related complaint was by a self-represented male litigant who reported that the paralegal representing the party opposing him had made derogatory remarks about his disability.
65. None of the sex-based complaints against paralegals involved allegations of sexual harassment. They were all allegations of sexist discrimination or harassment made by female complainants against male paralegals. Three of the sex-based complaints were against paralegals representing opposing parties in litigation (one by a female litigant, one by a female lawyer and one by a female paralegal). One female paralegal complained about gender discrimination by another paralegal in her workplace.
66. Of the 7 race-based complaints against paralegals, 2 related to racist social media posts by a paralegal (a lawyer and a member of the public both complained about the same paralegal's racist posts). Three female paralegals complained about racism by other paralegals; one reported racial discrimination by another paralegal in the context of her employment, one reported sexism and racism by a male paralegal opposing her in litigation, and one reported racial harassment by another paralegal with whom she was professionally acquainted. There was one client complaint based on race: an Asian man reported racist discrimination by a paralegal that he had retained. One of the college students who complained about discrimination based on disability by a paralegal instructor also complained about racism by the same instructor.
67. The single complaint against a paralegal that was based on sexual orientation involved a lesbian paralegal who reported that a co-worker harassed her, outed her in her workplace and actively tried to undermine her with clients.

TAB 3.4

FOR INFORMATION

HUMAN RIGHTS MONITORING GROUP INTERVENTIONS

MANDATE OF THE HUMAN RIGHTS MONITORING GROUP

44. The mandate of the Human Rights Monitoring Group is,
 - a. to review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
 - b. to determine if the matter is one that requires a response from the Law Society; and,
 - c. to prepare a response for review and approval by Convocation.

45. The mandate further states that where Convocation's meeting schedule makes such a review and approval impractical, the Treasurer may review such responses in Convocation's place and take such steps, as he or she deems appropriate. In such instances the Human Rights Monitoring Group shall report on the matters at the next meeting of Convocation.

46. On September 20, 2007, Convocation approved the following recommendations, which expand the Monitoring Group's mandate:
 - a. That the Monitoring Group explore the possibility of developing a network of organizations, and work collaboratively with them, to address human rights violations against judges and lawyers.
 - b. That the Monitoring Group be authorized to collaborate with the Law Society of Zimbabwe (the "LSZ") to assist it in strengthening its self-regulation capabilities and the independence of the profession.

INTERVENTIONS

47. Over the summer, the Human Rights Monitoring Group and the Treasurer approved the following cases. Information about the cases, the letters of intervention and public statements are available online at <http://www.lsuc.on.ca/with.aspx?id=622>:

- a. Persecution of lawyers in Turkey;
- b. Justice Afiuni, Venezuela;
- c. Lawyer Tsunga, Zimbabwe.

TAB 3.5

**PUBLIC EDUCATION EQUALITY AND RULE OF LAW SERIES
CALENDAR
2013 - 2014**

**JOUR DES FRANCO-ONTARIENS ET DES FRANCO-ONTARIENNES – LES DÉFIS
ET LES SATISFACTIONS DE LA PRÉSIDENTE AU FÉMININ... ET EN FRANÇAIS**

Date: September 25, 2013

Time and location: Lower and Upper Barristers Lounges (5:30 p.m. – 7:30 p.m.)

Conférencière : M^e Pascale Daigneault, présidente de l'Association du Barreau de l'Ontario

**ASSOCIATION DES JURISTES D'EXPRESSION FRANÇAISE DE L'ONTARIO - 34TH
ANNUAL CONFERENCE – DESTINATION DROIT!**

Dates : October 4 and 5, 2013

Location : Hampton Inn, Ottawa, Ontario

**THE DOMESTIC APPLICATION OF INTERNATIONAL LAW : WHAT LAWYERS
NEED TO KNOW**

Rule of Law Event

In partnership with the Canadian Centre for International Justice and the Kirsch Institute

Date: November 21, 2013

Time and location: Donald Lamont Learning Centre (4:00 p.m. – 7:00 p.m.)
Convocation Hall (7:00 p.m. – 8:00 p.m.)

Speakers: Justice Philippe Kirsch, former Judge and first President of the International Criminal Court

Justice Ian Binnie, former Supreme Court of Canada Judge

Raj Anand, partner at WeirFoulds and Law Society of Upper Canada
Bencher

BLACK HISTORY MONTH

Date : TBC

INTERNATIONAL WOMEN'S DAY

Date : March 6, 2014

Time and location: Donald Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)
Convocation Hall (6:00 p.m. – 7:00 p.m.)

LA JOURNÉE DE LA FRANCOPHONIE

Date : March 25, 2014

Upper Barristers' Lounge (6:00 p.m. – 8:00 p.m.)

HOLOCAUST REMEMBRANCE DAY

Date : April 28, 2014

Donald Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)
Convocation Hall (6:00 p.m. – 8:00 p.m.)

ASIAN AND SOUTH ASIAN HERITAGE MONTH

Date : May 22, 2014

Donald Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)
Convocation Hall (6:00 p.m. – 8:00 p.m.)

ACCESS AWARENESS FORUM

Date: June 4, 2014

Donald Lamont Learning Centre (4:00 p.m. – 8:00 p.m.)

NATIONAL ABORIGINAL HISTORY MONTH - June 19, 2014

Donald Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)
Convocation Hall (6:00 p.m. – 8:00 p.m.)

PRIDE WEEK - June 24, 2013

Donald Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)
Convocation Hall (6:00 p.m. – 8:00 p.m.)

TAB 3.6

FOR INFORMATION

**ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT –
INTEGRATED REGULATION**

BACKGROUND

48. In 2011, the Ontario government approved the Integrated Accessibility Standards, Ontario Regulation 191/11 pursuant to the Accessibility for Ontarians with Disabilities Act, 2005. The *Integrated Accessibility Standards Regulation* sets out special requirements in four areas: employment, information and communications, transportation, design of public spaces, and general requirements that apply to all four areas.
49. As a result, most private sector organizations, including law firms, will have to develop accessibility policies and a plan to outline how they will comply with the regulation, consider accessibility when designing or buying self-service kiosks, train staff and volunteers so that everyone who provides goods or services on their behalf understands the *Integrated Accessibility Standards Regulation* and its requirements, and the Ontario *Human Rights Code* (as it relates to people with disabilities).
50. The Ministry of Economic Development, Trade and Employment has developed a series of online resources to assist organizations in complying with legal obligations. In order to assist law firms in accessing the government's resources that are most relevant to them, the Law Society has produced the documents presented at **TABS 3.6.1 and 3.6.2** with a list of compliance dates and links to the government website.
51. The Equity Advisory Group and the Equity Committee have reviewed and approved the documents.

Accessibility for Ontarians with Disabilities Act, 2005

Integrated Accessibility Standards
Ontario Regulation 191/11Legal Obligations of Law Firms of 50 or more employees

This document provides the list of obligations of law firms of 50 or more employees under the *Integrated Accessibility Standards*, Ontario Regulation 191/11 and links to relevant resources developed by the Ministry of Economic Development, Trade and Employment

The document has been prepared to assist law firms of 50 or more employees develop their resources to comply with their obligations under the *Integrated Accessibility Standards*. This document is not intended to replace law firms' responsibility to know its legal obligations.

General

Obligation	Effective
Develop, implement and maintain policies about how the firm achieves accessibility under the Reg., including a statement of the firm's commitment to met accessibility needs in a timely manner; prepare written documents and make them publicly available (Section 3)	Jan.1, 2014
For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/general/policies.aspx	
Establish, implement, maintain and document a multi-year accessibility plan and review at least once every 5 years; post plan on website and provide in accessible format upon request (Section 4)	Jan. 1, 2014
For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/general/plan.aspx	
Have regard to accessibility when designing, procuring or acquiring self-	Jan. 1, 2014

Obligation	Effective
<p>service kiosks (interactive electronic terminals) (Section 6)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/general/kiosks.aspx</p>	
<p>Training on the regulation and Human Rights Code for employees, volunteers, those who develop law firm's policies and those who provide goods, services or facilities on behalf of the firm. . Maintain record of training, including dates and who received the training. (Section 7)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/general/train.aspx</p>	Jan. 1, 2015

Information and Communications

Obligation	Effective
<p>Any process for receiving and responding to feedback must be accessible and the public must be notified about the availability of accessible formats and communication supports (Section 11)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/info_comm/feedback.aspx</p>	Jan. 1, 2015
<p>Upon request, provide communications in accessible format in a timely manner and notify public about availability of accessible communications (Section 12)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/info_comm/info_public.aspx</p>	Jan. 1, 2016
<p>If a firm prepares emergency procedures, plans or public safety information that is available to the public, provide the information in an accessible format upon request (Section 13)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/info_comm/emergency_info.aspx</p>	Jan. 1, 2012

Obligation	Effective
<p>Make internet websites web content and increasing to level AA conform with the World Wide Web Consortium Web Content Accessibility Guidelines 2.0, initially at level A (Section 14)</p> <p>For more information, please see: http://www.mcsc.gov.on.ca/en/mcsc/programs/accessibility/info_sheets/info_comm_website.aspx</p>	<p>Jan. 1, 2014 conform to level A for new internet sites and web content; all internet sites conform with level AA by Jan. 1, 2021 (with some exceptions)</p>

The sections on education or training organizations do not apply to law firms

Education or training organization is defined as an organization falling into one of the following categories:

- Governed by the Education Act or the Private Career Colleges Act, 2005;
- Offers a post-secondary program leading to a degree under the Post-Secondary Education Choice and Excellence Act, 2000;
- Designated public sector organization listed in the Regulation;
- Provides courses or programs that result in the acquisition of a diploma or certificate named by the Minister of Education under the Education Act;
- A private school within the meaning of the Education Act.

Employment

Obligation	Effective
<p>Availability of accommodation in recruitment, including assessment and selection processes, notices to successful applicants, informing employees of support. (Sections 22, 23, 24, 25)</p> <p>For more information, please see: http://www.mcsc.gov.on.ca/en/mcsc/programs/accessibility/info_sheets/employment_hiring.aspx</p>	<p>Jan. 1, 2016</p>

Obligation	Effective
http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/staff_policies.aspx	
<p>Upon request, provide employee with accessible formats and communication supports for information needed in order to perform job, information generally available to employees. Consult with employee to determine suitability. (Section 26)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/employee_info.aspx</p>	Jan. 1, 2016
<p>Provide individualized workplace emergency response information to employees with disabilities, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation. (Section 27)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/employees_safe.aspx</p>	Jan. 1, 2012
<p>Documented individual accommodation plans and written processes (Section 28)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/accommodation.aspx</p>	Jan 1, 2016
<p>Develop and have in place return to work processes (Section 29)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/return_work.aspx</p>	Jan. 1, 2016
<p>Take into account accessibility needs in performance management, career development and advancement and redeployment (Sections 30, 31, 32)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/perform_manage.aspx</p>	Jan. 1, 2016

Design of Public Spaces

Should a firm wish to build a new construction or redevelop an existing space in the firm, the firm should consult the Design of Public Spaces Standard. This standard covers:

- Recreational trails/beach access routes
- Outdoor public eating areas like rest stops or picnic areas
- Outdoor play spaces, like playgrounds in provincial parks and local communities
- Outdoor paths of travel, like sidewalks, ramps, stairs, curb ramps, rest areas and accessible pedestrian signals
- Accessible parking (on and off street)

For more information, please see:

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/trails_beach.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/eating_areas.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/play_spaces.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/exterior_paths.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/parking.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/service_counters.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/maintain_accessible_spaces.aspx

Accessibility for Ontarians with Disabilities Act, 2005

Integrated Accessibility Standards
Ontario Regulation 191/11Legal Obligations of Law Firms of
Fewer than 50 Employees

This document provides the list of obligations of law firms of fewer than 50 employees under the *Integrated Accessibility Standards*, Ontario Regulation 191/11 and links to relevant resources developed by the Ministry of Economic Development, Trade and Employment.

The document has been prepared to assist law firms of fewer than 50 employees develop their resources to comply with their obligations under the *Integrated Accessibility Standards*. This document is not intended to replace law firms' responsibility to know its legal obligations.

General

Obligation	Effective
Develop, implement and maintain policies about how the law firm achieves accessibility under the Reg (Section 3) For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/general/policies.aspx	Jan.1, 2015
Have regard to accessibility when designing, procuring or acquiring self-service kiosks (interactive electronic terminals) (Section 6) For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/general/kiosks.aspx	Jan. 1, 2015
Training on the regulation and Human Rights Code for employees, volunteers, those who develop law firm's policies and those who provide goods, services or facilities on behalf of the firm. (Section 7)	Jan. 1, 2015

Obligation	Effective
For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/general/train.aspx	

Information and Communications

Obligation	Effective
Any process for receiving and responding to feedback must be accessible and the public must be notified about the availability of accessible formats and communication supports (Section 11) For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/info_comm/feedback.aspx	Jan. 1, 2016
Upon request, provide communications in accessible format in a timely manner and notify public about availability of accessible communications (Section 12) For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/info_comm/info_public.aspx	Jan. 1, 2017
If a firm prepares emergency procedures, plans or public safety information that is available to the public, provide the information in an accessible format upon request (Section 13) For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/info_comm/emergency_info.aspx	Jan. 1, 2012

The sections on education or training organizations do not apply to law firms

Education or training organization is defined as an organization falling into one of the following categories:

- Governed by the Education Act or the Private Career Colleges Act, 2005;

- Offers a post-secondary program leading to a degree under the Post-Secondary Education Choice and Excellence Act, 2000;
- Designated public sector organization listed in the Regulation;
- Provides courses or programs that result in the acquisition of a diploma or certificate named by the Minister of Education under the Education Act;
- A private school within the meaning of the Education Act.

Employment

Obligation	Effective
<p>Availability of accommodation in recruitment, including assessment and selection processes, notices to successful applicants, informing employees of support. (Sections 22, 23, 24, 25)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/hiring.aspx http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/staff_policies.aspx</p>	<p>Jan. 1, 2017</p>
<p>Upon request, provide employee with accessible formats and communication supports for information needed in order to perform job, information generally available to employees. Consult with employee to determine suitability. (Section 26)</p> <p>For information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/employee_info.aspx</p>	<p>Jan. 1, 2017</p>
<p>Provide individualized workplace emergency response information to employees with disabilities, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation. (Section 27)</p> <p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/employees_safe.aspx</p>	<p>Jan. 1, 2012</p>
<p>Take into account accessibility needs in performance management, career development and advancement and redeployment (Sections 30, 31, 32)</p>	<p>Jan. 1, 2017</p>

Obligation	Effective
<p>For more information, please see: http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/employment/employees_safe.aspx</p>	

Design of Public Spaces

Should a firm wish to build a new construction or redevelop an existing space in the firm, the firm should consult the Design of Public Spaces Standard. This standard covers:

- Recreational trails/beach access routes
- Outdoor public eating areas like rest stops or picnic areas
- Outdoor play spaces, like playgrounds in provincial parks and local communities
- Outdoor paths of travel, like sidewalks, ramps, stairs, curb ramps, rest areas and accessible pedestrian signals
- Accessible parking (on and off street)

For more information, please see:

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/trails_beach.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/eating_areas.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/play_spaces.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/exterior_paths.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/parking.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/service_counters.aspx

http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/info_sheets/public_spaces/maintain_accessible_spaces.aspx

NOTE: Law firms of fewer than 50 employees are exempted from the requirement to file accessibility reports under section 14 of the Accessibility for Ontarians with Disabilities Act, 2005 with respect to the accessibility standards in this Regulation.