

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

SUMMARY OF DATA
DHC SERVICES FOR JANUARY 1 TO JUNE 20, 2017

New Contacts

Total number of new contacts during this reporting period: 79.

Distribution of new contacts monthly:

January – 17
February -- 15
March -- 10
April -- 18
May – 14
June – 5 (up to June 20, 2017)

Note: Alternate Counsel David Bennett covered the DHC office from January 1 to February 3, 2017 and again from March 20 to 24, 2017. The above numbers include the files that he handled.

Language in which Services Provided

Seven (7) of new contacts were francophone.

- Five (5) of them raised issues that were outside the mandate of the DHC program (including one who made a harassment complaint about a Quebec lawyer).
- Two (2) of the francophone complainants were female licensees who reported sexual harassment by male licensees (discussed in more detail below).
- These individuals were all provided services in French (five by Cynthia Petersen and two by David Bennett).
- Everyone else who contacted the DHC during this reporting period was provided services in English.

Outside Mandate:

Total number of new contacts that raised issues outside the mandate of the DHC: 26 (including one who made a harassment complaint about a B.C. lawyer).

General Inquiries

Total number of new contacts that involved general inquiries within the mandate of the program (but no actual complaint about the conduct of a licensee): 23.

Breakdown of New Complaints:

Total number of D/H complaints that fell within the mandate of the DHC program: 30.

- Total number of complaints against lawyers: 23
- Total number of complaints against articling students: 2
- Total number of complaints against paralegals: 5

Complaints about Paralegals' Conduct

There were a total of 5 complaints about paralegals during this reporting period.

Three (3) of these complaints were made by members of the public:

- One complaint was made by a man who reported that his paralegal was failing to accommodate his disability and failing to provide him with accessible services that took his disability into consideration.
- One complaint was made by a female client who reported that her paralegal used disrespectful and disparaging language with respect to persons with disabilities.
- One complaint was made by a female client who complained that her own paralegal provided her with substandard services because of her disability.

Two (2) of the complaints against paralegals were made by other paralegals:

- A female paralegal complained about social media posts on a paralegal forum by two male paralegals who were making inappropriate remarks insinuating that she was incompetent because of a disability.
- Another female paralegal complained about abusive sexist language used by a male opposing paralegal in one of her cases (calling her a "fat bitch" and "stupid broad").

Complaints about Articling Students' Conduct

There were two (2) complaints about the conduct of articling students during this reporting period. Both were complaints by members of the public:

- One complainant (who had previously been involved in a consensual relationship with the respondent articling student) reported that he was stalking her and sexually harassing her, primarily by email and through social media.
- One complainant (who had previously been involved in a consensual romantic relationship with the respondent articling student) reported that he had sexually assaulted her during their relationship, that he routinely made racist comments about his firm's clients, and that he made disparaging remarks about her religion after they separated.

Both of these complainants were provided with information about the Law Society's "good character" review in the licensing process.

Complaints about Lawyers' Conduct

There were a total of 23 discrimination and harassment complaints made about lawyers.

Eight (8) of these complaints were made by members of the public and fifteen (15) were made by members of the legal profession.

Of the complainants within the legal profession, five (5) were made by articling students, one of whom was francophone.

One of the public complainants was also francophone.

Summary of Complaints about Lawyers from Members of the Public:

Of the eight (8) complaints by members of the public, four (4) of the complainants were male and three (3) were female. One of the male complainants made two separate complaints about two different lawyers; each of his contacts with the program is counted separately (for a total of 5 complaints made by men).

Four of the complaints from the public were made by clients (or by persons seeking to retain a lawyer):

- A francophone woman complained about sexual harassment by her male lawyer (who was sending her text messages with unwelcome romantic overtures)

- A man with a disability made two separate complaints about two different lawyers. The first complaint was about his lawyer's failure to accommodate his disability and eventual withdrawal of services. The second complaint was about a lawyer's refusal to provide him with legal services based on his disability-related accommodation needs.
- A male client with a disability complained about his lawyer's ableism and use of patronizing and disparaging language (in respect of his disability).

Three of the complaints from the public were made by litigants about the conduct of opposing counsel (or about the conduct of a Crown counsel):

- A male litigant in a family law dispute complained about disparaging remarks made by opposing counsel regarding his religion.
- A self-represented male litigant with a disability reported that opposing counsel in a Small Claims Court matter had threatened to publicly disclose confidential medical information about the complainant's (invisible) disability, which could harm his business.
- A female accused in a criminal matter complained that the Crown Attorney in her case was discriminating against her based on disability.

One of the complaints from the public was made by a Chinese man who reported racist behaviour and remarks by a licensee who was acting as a mediator in a human rights dispute in which the complainant was involved.

Summary re: Grounds (in complaints from the public)

In the eight (8) complaints about lawyers made by members of the public, the following prohibited grounds of discrimination were raised: disability (5), race (1), religion (1) and sex (1). The complaint based on sex involved allegations of sexual harassment.

Summary of Complaints about Lawyers from Members of the Profession

Of the 15 complaints about lawyers made by members of the legal profession:

- 13 arose in the context of the complainant's employment (including 6 complaints by articling students);
- one was a complaint by a lawyer about opposing counsel; and
- one was a complaint by a lawyer about another licensee who was a service provider.

Of the 15 complainants from within the profession who raised concerns about the conduct of lawyers, 12 were female (80%) and 3 were male.

All of the articling student complainants were women and all of their complaints arose in the context of their employment.

Four (4) of the student complaints involved sexual harassment allegations:

- An Asian woman complained about racial/sexual harassment by her male principal (objectifying and fetishizing her as an Asian woman).
- A francophone woman complained about sexual harassment by her male principal (unwelcome comments about her appearance and sexual innuendo).
- A female articling student complained that her female principal was advising her to wear heels, make-up and short skirts to work.
- A female articling student reported that she suffered employment reprisals from her male principal and from a female partner in her firm after she disclosed that she had been sexually assaulted by a client.

One of the articling students complained that she was discriminated against by her principal during a pregnancy leave.

One of the articling students complained that her principal was refusing to accommodate her disability.

Of the nine (9) complaints made by lawyers about other lawyers, seven (7) arose in the context of the complainant's employment:

- A female lawyer made a complaint about historical sexual harassment by three male partners at her former firm (including unwelcome sexual advances, remarks about her appearance and about other women's bodies, and sexually explicit jokes)
- A male lawyer contacted the DHC to seek advice and guidance on how to support and counsel a female associate in his law firm who had disclosed to him that she was being subjected to sexual harassment by another male lawyer in the firm.
- A female partner in a law firm complained about discriminatory treatment by her partners, and by her managing partner in particular, based on a disability.
- A male lawyer with a disability employed in the public service complained about his supervisor's failure to accommodate his disability.

- A female lawyer with a disability employed in private practice complaint about her employer's failure to accommodate her disability.
- A Black female lawyer employed in-house complained about racist comments made by her supervisor (another female licensee).
- A female associate in a private law firm complained about discrimination based on sex/pregnancy after she returned from a maternity leave.

One of the complainants was an Indigenous female lawyer who complained about discrimination based on race/Ancestry by another licensee who was a service provider.

One of the complainants was a male lawyer who reported that opposing counsel in one of his cases had made disparaging remarks based on his (the complainant's) disability.

Summary re: Grounds (in complaints from within the profession)

In the fifteen (15) complaints about lawyers from members of the profession, the following prohibited grounds of discrimination were raised: disability (5), race (3), Ancestry (1), sex (8).¹ Of the eight complaints based in whole or in part on sex, two (2) involved alleged discrimination based on pregnancy and six (6) involved workplace sexual harassment allegations.

¹ Some complaints involved multiple intersection grounds.