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**DISCRIMINATION & HARASSMENT COUNSEL PROGRAM  
SEMI-ANNUAL REPORT:  
JANUARY 1, 2002- June 30, 2002**

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**Submitted to  
THE LAW SOCIETY OF UPPER CANADA**

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## **EXECUTIVE SUMMARY**

This report covers the activities of the *Discrimination & Harassment Counsel (DHC) Program* from January 1, 2002 to June 30, 2002.

During this reporting period, I received approximately 40 calls per month for a total of 237 calls. This represents an increase in calls from the last reporting period when I received on average 30 calls per month. February and April were the most intense months with 50 or more calls per month. January was the slowest month with only 24 calls.

Of the 237 calls, the majority (186 or almost 80%) were within the mandate of the Program. This represents a slight decrease from the last reporting period when approximately 90% of the calls were within the mandate.

A quarter of the calls continue to deal with sexual and personal harassment. The vast majority of these calls were generated by women. The next most significant areas were calls regarding discrimination on the basis of disability (11%), religion (6%), race (5%), and sexual orientation (5%). The calls relating to discrimination on the basis of disability were fairly evenly divided between men and women. However, virtually all of the calls regarding racial discrimination were generated by men compared to the calls regarding discrimination on the basis of religion and sexual orientation which were generated almost exclusively by women.

Most of the calls (153 of 237 or 65%) were generated by members of the public. However, there has been a dramatic increase in the number of calls received from lawyers which accounted for 35% of all calls in this reporting period compared with 19% from the last

reporting period. This increase is an encouraging sign that members of the profession are knowledgeable about the Program and willing to access the services offered.

Although to date, socio-economic data has not been collected, the available information shows that the majority of the callers are English speaking, female, and members of the public.

Typically these women are either clients of lawyers or employees in law firms. A questionnaire has been developed to collect more comprehensive data from the callers such as age, education, income, and race. This information will be included in the next reporting period (July 1 - December 31, 2002).

Sixteen files were opened regarding complaints and matters requiring follow up. To date, nine of these files have been closed with the following resolutions:

1. 2 matters were resolved through internal or external processes, such as a grievance or a complaint to the Ontario Human Rights Commission;
2. 1 file was resolved with a complaint to the Law Society which resulted in a Discipline Hearing;
3. 2 files were settled through successful intervention of the DHC;
4. 4 files were resolved by providing the requested information;

There are currently 34 open files, including 7 ongoing files from this reporting period.

## **DIRECT SERVICES**

### *Overview of Calls*

From January 1, 2002 to June 30, 2002 I received 237 calls generated by 159 callers. Of these calls, 186 fall within the mandate of the Program. This figure refers to all calls from people with either a specific complaint requesting direct services, or requests for information about the Program.

Calls from members of the public continue to out-pace calls from members of the profession at a rate of 2:1 (153 calls from the public compared to 84 calls from lawyers). As well, significantly more women than men continue to contact the Program, however the ratio has decreased from 3:1 to 2:1, both among calls from the public and calls from the profession. Callers are predominantly English speaking, however I did receive approximately eight calls from French speaking individuals.

	<b>2002<sup>1</sup></b>	<b>2001<sup>2</sup></b>	<b>1999-2000<sup>3</sup></b>
<b>Total number of calls received:</b>	237	366	582
<b>Total number of calls w/in mandate:</b>	186	325	430
<b>Total number of individual callers:</b>	159	295	469
<b>Total number of female callers:</b>	102	218	263
<b>Total number of male callers:</b>	57	77	91

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<sup>1</sup>This figure refers to calls received in the first 6 months of 2002, ie. January 1 - June 30, 2002.

<sup>2</sup>This figure refers to all calls received in 2001.

<sup>3</sup>This figure refers to calls received in the first 14 months of the Program's operation, ie. November 1999 - December 31, 2000.

**Total number of calls from members from the profession (lawyers, law students):**

		<b>2002 (6 mos)</b>	<b>2001 (12 mos)</b>	<b>1999-2000 (14 mos)</b>
a.	F	51	53	52
b.	M	33	18	27

**Total number of calls from the public:**

a.	F	98	165	267
b.	M	55	59	93

The monthly breakdown of calls for this reporting period is set out in “Appendix I” to this Report. Appendix “II” provides a breakdown based on subject areas of the calls within the mandate.

***Appendix I: Number of Calls Received Each Month***

On average, I received approximately 40 calls per month. February and April were the busiest months with 50 or more calls each month. January was the slowest month with only 24 calls.

***Appendix “II”: Breakdown of Calls Within the Mandate***

Approximately a quarter of the calls were complaints, usually by women, of sexual and personal harassment (46 of 186).

The next most significant area was discrimination based on disability where I received 22 calls in total. Men and women complained in even numbers in this category.

I received 12 calls regarding racial discrimination, 11 calls regarding discrimination on the basis of religion, and 10 calls regarding discrimination on the basis of sexual orientation. Except for one caller, all of the calls involving racial discrimination were generated by men, whereas women

generated virtually all of the calls involving discrimination on the basis of religion and sexual orientation.

Requests for general information about the DHC Program, including requests for specific information such as a copy of the *Rules of Professional Conduct*, or a *Model Policy*, accounted for 53 of the calls within the mandate (28%). Only 6 calls were received regarding requests for presentations and/or training.

### ***Complaints***

#### **ii. Number and Type**

During this reporting period I opened 16 files.<sup>4</sup> Of these, 13 involved complaints within the mandate, 2 involved requests for assistance with problems involving the Law Society, and one involved a matter outside the mandate of the Program.

The breakdown of the 15 matters within the mandate is as follows:

- a. sexual harassment**
  - F 3
  - M 0
  
- b. discrimination - disability**
  - F 3
  - M 0
  
- d. discrimination - gender**
  - F 2
  - M 0

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<sup>4</sup>The decision to open files is a subjective one based on whether there will be ongoing contact with a caller requiring a file to be maintained. As such, this figure is **not** indicative of the number of matters dealt with under the mandate of the Program. Instead, reference should be made to the total number of calls within the mandate (186) during this reporting period.

- e. **discrimination - race**  
 F 0  
 M 2
- f. **discrimination - sexual orientation**  
 F 2  
 M 0
- g. **discrimination - religion**  
 F 1  
 M 0
- h. **problems with the Law Society**  
 F 1  
 M 1

**ii. Services Provided**

Of the 16 files opened during this reporting period, the services provided include the following:

*Information and Advice* including what resources are available, copies of LSUC materials, reviewing a firm's existing policies and procedures and recommending changes: all 16.

*Coaching* including tips on how to handle the problem, who to approach, strategies, and possible responses: 3.

*Support* including ongoing contact through an external resolution process (usually a LSUC complaint) and/or attendance at the hearing: 6.

*Mediation* including negotiations with both parties to achieve a satisfactory result: 2.

The individuals involved in these matters are comprised of members of the profession (6 lawyers



and 3 law students), clients (6) and employees (1).

Only four matters involved men. Two were complaints of racial discrimination. One was a complaint of sexual harassment on behalf of a female third party and one involved a complaint about the Law Society itself. The other matters all involved women.

The complaints made by clients involved allegations of sexual harassment (2), discrimination on the basis of race and disability (1 in each category), problems with the Law Society (1) and one matter outside the mandate of the Program.

### **iii. Open Files - Ongoing**

Of the 16 files opened during this reporting period, 7 are ongoing and involve the following areas:

<b>d.</b>	<b>Discrimination - Disability</b>	<b>2</b>
<b>b.</b>	<b>Discrimination - Gender</b>	<b>1</b>
<b>c.</b>	<b>Discrimination - Sexual Orientation</b>	<b>1</b>
<b>d.</b>	<b>Discrimination - Religion</b>	<b>1</b>
<b>e.</b>	<b>Problems with the LSUC</b>	<b>2</b>

**iv. Closed Files**

During this reporting period, 9 files were closed. These files dealt with the following matters:

<b>Sexual Harassment</b>	3
<b>Discrimination- Disability</b>	1
<b>Discrimination - Gender</b>	1
<b>Discrimination - Race</b>	2
<b>Discrimination - Sexual Orientation</b>	1
<b>Matter O/Side Mandate</b>	1

The complaints involving allegations of racial discrimination are from a student and a client. The student was facing an administrative problem which was resolved through negotiation. The client, who is of Eastern European descent, felt the lawyer discriminated against him because of his accent and ethnic origin. A resolution was negotiated by the DHC, however, the client chose not to accept it and instead will pursue his matter through other avenues.

Of the 9 closed files, the resolutions were as follows:

<b>Internal Process<sup>5</sup>:</b>	1 (Matter settled; confidential terms)
<b>External Process<sup>6</sup>:</b>	1 (The matter is still ongoing and involves a complaint of systemic discrimination with the OHRC)

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<sup>5</sup>Internal processes include a complaint pursuant to the organization's internal policy or a grievance.

<sup>6</sup>External processes include filing a complaint with the Ontario or Canadian Human Rights Commission or filing a civil law suit.

<b>LSUC:</b>	1 (Matter resolved through the LSUC Discipline Process)
<b>Mediation<sup>7</sup>:</b>	2 (Both settled; confidential terms)
<b>Information Provided:</b>	4 (All matters completed)

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<sup>7</sup>Mediation refers to formal and informal complaints to the DHC Program where the resolution was achieved either through negotiation, conciliation, or mediation.

## **PROMOTION AND PUBLICITY**

The promotional activities for this reporting period were sparse. In February, I attended the Brant Law Association Annual General Meeting where I presented the Program to approximately 50 lawyers and Judges.

In May, I attended the third annual inter-provincial meeting of Law Society Ombudspersons. This meeting was hosted by the Alberta Equity Ombudsperson in Edmonton.

In addition, information packages were prepared and distributed to more than 30 Sexual Assault Centres in Ontario. This initiative was prompted, in part, by the efforts of the Equity Initiatives Department to establish a link between the Centres, the Law Society and the DHC Program to ensure that complainants in Harassment and Discrimination Discipline Hearings at the Law Society have a support person available for the hearing.

There are two exciting initiatives that I will elaborate on in my next report. First, I have been invited to present the Program to lawyers and members from North Bay, Timmins, Sault Ste. Marie, Parry Sound and Sudbury at a Symposium on Sexual Abuse in November. Second, I am working with the Communications Department to develop a web page for the Program which should be available by the end of September.

## **INTER-PROVINCIAL LAW SOCIETY OMBUDS MEETING**

In 2000, I attended the first inter-provincial meeting of Law Society Ombudspersons in Vancouver. This meeting was hosted by the BC Law Society and the BC Discrimination Ombudsperson. The Alberta Equity Ombudsperson also attended. Last year, I hosted the second annual meeting in Toronto with the same participants (BC, Alberta, Ontario). These meetings have been extremely helpful in sharing ideas, comparing programs, and discussing our work.

This year, the third annual meeting was held in Edmonton. In addition to the Ombudspersons from BC, Alberta and Ontario, we were joined by the Ombudspersons from Manitoba and Saskatchewan. These latter two Programs are pilot projects with their respective Law Societies.

While all of the Programs operate arm's length from their respective Law Societies, only Manitoba and Ontario offer the services to members of the public. The other Programs are restricted to members of the profession and law firm staff, which means that their Programs do not handle complaints from clients or other members of the public. As well, the mandate of each Program differs slightly depending mostly on the staff composition of the Law Society.

The Ontario Program, which serves 30,000+ lawyers and the general public is by far the busiest with on average 40 calls per month compared to 13, 10, and 8 for BC, Alberta, and Manitoba respectively.

We are in the process of developing a comparative chart outlining the features of each Program. I will include this information in my report once it is available.

**APPENDIX ‘T’  
NUMBER OF CALLS RECEIVED EACH MONTH<sup>8</sup>**

<b><u>Month</u></b>	<b><u>Total Calls</u></b>	<b><u>Calls w/i Mandate</u></b>	<b><u>Calls o/s Mandate</u></b>
January	24	20	4
February	56	42	14
March	30	23	7
April	50	44	6
May	35	23	12
June	42	34	8
<b><u>Totals</u></b>	<b>237</b>	<b>186</b>	<b>51</b>

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<sup>8</sup>These figures refer to the number of calls *received*, not the number of individuals calling. In some instances, particularly where the caller required ongoing assistance, one person generated several calls. Also, these figures do not refer to the number of outgoing calls made by the DHC in relation to matters within the DHC mandate.

**APPENDIX “IP”  
BREAKDOWN OF CALLS WITHIN THE MANDATE**

During this reporting period, 186 calls were within the mandate as follows:

- b. Sexual Harassment**  
F: 32  
M: 10<sup>9</sup>
- c. Personal Harassment**  
F: 3  
M: 0
- c. Discrimination - Disability**  
F: 11  
M: 11
- d. Discrimination - Gender**  
F: 3  
M: 1
- e. Discrimination - Race**  
F: 1  
M: 11
- f. Discrimination - Religion**  
f. 10  
M: 1
- g. Discrimination - Sexual Orientation**  
F: 10  
M: 0
- h. Information**  
F: 41  
M: 12
- vii. Training/Presentations**  
F: 4  
M: 2
- j. Administrative**  
F: 13  
M: 10

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<sup>9</sup>Except for one caller, all of these calls were from men complaining on behalf of a woman who had experienced sexual harassment or from men responding to a complaint of sexual harassment.

**APPENDIX “III”  
OVERVIEW OF TRENDS**

- ! Overall increase in number of calls (40/month compared to 30/month in the last reporting period)
  
- ! Slight decrease in the number of calls within the mandate (80% compared to 90% in the last reporting period)
  
- ! Double the number of lawyers contacting the program (35% of calls within the mandate this reporting period compared with 19% in the last reporting period)
  
- ! Increase in the number of men contacting the Program. Although significantly more women continue to contact the Program, the ratio is now to 2:1 women to men, compared with 3:1 from all previous reporting periods
  
- ! More areas of discrimination and harassment identified, for example, discrimination on the basis of gender, sexual orientation, and religion



**APPENDIX “IV”  
BUDGET FOR 2002**

The budget for 2001 was \$100,000.00. As of June 30, 2002 the funds have been spent as follows:

Fees	\$32,402.50
Disbursements	\$ 4170.84
GST	\$ 2,560.14
<b>TOTAL</b>	<b>\$39,133.48</b>