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**DISCRIMINATION & HARASSMENT COUNSEL PROGRAM  
SEMI-ANNUAL REPORT:  
JANUARY 1, 2000- June 30, 2000**

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

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## EXECUTIVE SUMMARY

The Discrimination & Harassment Counsel (DHC) Program was established by the Law Society of Upper Canada as a part-time pilot project in June 1999. It was created in response to a report submitted to Convocation by both the Finance and Audit Committee and the Treasurer's Equity Advisory Group based on a proposal developed by the Equity Advisor to implement the recommendations from the *Bicentennial Report on Equity Issues in the Legal Profession*. The recommendations from the Bicentennial Report were based on the *Transitions* and *Barriers and Opportunities* Reports where 70% of the women lawyers who responded to the survey stated that they had been sexually harassed and/or discriminated against by a member of the profession.

The purpose of the DHC Program is to help stop discrimination and harassment by lawyers and within law firms. In this report I will address the following areas and provide a list of the specific actions required, where applicable:

Overview of the Program

Direct Services

Promotion and Publicity

Law Society of British Columbia Summit

Confidentiality

Benefits of the Program

From January 1, 2000 to June 30, 2000 I received approximately 40 calls per month for a total of approximately 246 calls. January and June were the most intense months with 48 and 66

calls respectively. Of these calls, 15% or 30 in total (5 calls per month on average) represent repeat calls on the same matter.

Of the 246 calls, 81% (199 calls) were within the mandate of the DHC Program with the caller either requesting information about the Program or wanting to discuss a complaint of discrimination or harassment. This represents a sharp contrast to my last report where only 38% of the calls were within the mandate.

Significantly more women than men continue to contact the Program. Among the profession the ratio is 2:1, female to male lawyers. Among the public, the ratio is 3:1, women to men.

Interestingly, of the 34 complaints received, 89% (30) were from women; 11% (4) were from men. Half of the complaints were in the area of sexual harassment. The next most significant area for complaints was harassment. These areas combined (excluding the 3 complaints of harassment involving the Law Society itself) account for 26 of the 34 complaints. All of these callers, except one, were women.

The calls that fall outside the Program's mandate can be broken down into 4 main groups: complaints about lawyers in general, complaints about the Law Society's internal complaints process, complaints about access to justice, complaints about Legal Aid. Complaints about lawyers include unreturned phone calls, delays with the file, and the amount of the bill.

Complaints about the Law Society's internal complaints process identified that callers lacked information about the process, delays, and a lack of communication on the status of ongoing complaints.

Complaints about access to justice and legal aid include calls from individuals who felt that they could not find a local lawyer with the requisite expertise for their case and/or calls from individuals who cannot afford a lawyer and either do not qualify for legal aid or legal aid does not provide coverage for their particular type of case.

The percentage of calls outside the mandate has dropped dramatically. In the last reporting period, these calls accounted for 62% of all calls. During the current reporting period (January 1 to June 30, 2000), calls outside the mandate accounted for only 19% of the total calls.

The average time for calls outside the mandate is still 10 minutes per call. This means that approximately 7 hours of intake time was spent on these calls in this reporting period for a total cost of less than \$1,300.00.

**OVERVIEW OF THE PROGRAM**

As Discrimination and Harassment Counsel, I provide confidential advice and assistance to people who have been discriminated against or harassed by a lawyer or within a law firm. In this capacity I offer the following services:

- Intake: receipt of complaints of discrimination and/or harassment by lawyers or within law firms;
- Support to complainants: including referrals to other resources and assisting with the drafting of complaints; this does not include providing legal services;
- Mediation: informal resolution of the complaint in appropriate cases where both parties agree;
- Training and prevention: developing and delivering workshops and seminars to educate lay persons and members of the legal profession on the nature and effect of discrimination and harassment. This work is done in collaboration with the Equity Initiatives Department.

**DIRECT SERVICES****i) Overview**

From January 1, 2000 to June 30, 2000 I received 246 calls. Of these calls, 199 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. The monthly breakdown of calls is as follows:

<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	48	32	12
February	42	32	10
March	27	21	6
April	26	23	3
May	37	34	3
June	66	57	9
<b><u>Totals</u></b>	<b>246</b>	<b>199</b>	<b>47</b>

It should be noted that these figures refer to the number of calls received, not the number of individuals calling. In some instances, particularly where the caller requires 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.

Given the sharp rise in calls overall and the dramatic increase of calls within the mandate (81% this reporting period as compared to 38% for the September 1 - December 31, 1999 reporting period), the intake process has been streamlined to better manage the demand and ensure that the

services are provided as efficiently as possible. As a result, intake is now done on Tuesdays and Fridays. The DHC voice-mail is checked daily with call backs scheduled on the next available intake day, usually within 4 days of the original call. The average time for calls within the mandate is still 45 minutes.

**ii) Statistical Data**

Below is an overview of the complaints received broken down by categories. These figures have been compiled based on the subject matter of new calls. They do not include subsequent calls where a particular complainant has contacted the DHC more than once. As you will see, significantly more women than men continue to contact the Program. This trend is similar for both members of the profession and members of the public.

<b>Total number of calls received:</b>	246
<b>Total number of individual callers:</b>	216 (169 w/in the mandate; 47 o/s the mandate)
<b>Total number of female callers:</b>	146
<b>Total number of male callers:</b>	51
<b>Total number of requests for training:</b>	2



**Total number of calls within the Program's mandate: 199**

**Total number of calls outside the Program's mandate: 47**

**A. CALLS WITHIN THE MANDATE**

**Total number of members from the profession (lawyers, law students): 40**

a.	F	27
b.	M	13

**Total number of individuals from the public: 159**

a.	F	120
b.	M	39

**Total complaints: 34**

**Types of complaints, by gender:**

<b>a.</b>	<b>sexual harassment</b>	
	F	16
	M	1
<b>b.</b>	<b>harassment (by lawyer/within law firm)</b>	
	F	9
	M	0
<b>c.</b>	<b>discrimination - disability</b>	
	F	1
	M	1
	Unknown	1
<b>d.</b>	<b>discrimination - race</b>	
	F	0
	M	1

- e. **discrimination - age**

F	0
M	1
  
- f. **discrimination and harassment by the LSUC**

F	3
M	0

**B. CALLS OUTSIDE THE MANDATE**

- a. **lawyer's conduct**

F	17
M	15
  
- b. **LSUC complaint process**

F	5
M	3
  
- c. **access to justice**

F	3
M	2
  
- d. **legal aid**

F	2
M	0

As with the last report, there are some interesting trends in this reporting period. For example, far more women called both as members of the profession and the public at a ratio of 2:1, female lawyers to male lawyers, and a ratio of 3:1 women to men. Of the 34 complaints, 29 or 88% of the calls were from women.

Calls regarding sexual harassment complaints accounted for approximately 44% of the calls within the mandate. Calls regarding the combined areas of sexual harassment and harassment accounted for 85% of the calls within the mandate. In both of these categories, all of the calls were from women. In fact, the only type of complaint reported by both women and men was discrimination on the basis of disability.

The Program has been utilized by members of the profession in a variety of ways. In this reporting period, 40 lawyers (20% of the callers within the mandate) contacted the Program, some to request information about the Program, workplace policies, and/or discrimination and harassment information. Two of the calls were requests for training proposals within law firms. Proposals have been developed through the cooperative efforts of the DHC and the Equity Initiatives Department. It is anticipated that the requested training will likely be scheduled for September and October.

Only 19% of calls were outside the mandate, compared to 38% of calls outside the mandate during the September 1 to December 31, 1999 reporting period. These complaints include:

- a. complaints about lawyers' conduct in general
- b. complaints about the LSUC's internal complaints process
- c. complaints about access to justice
- d. complaints about legal aid

The average time for calls outside the mandate is still 10 minutes per call for an overall expenditure of **less than** 7 hours of intake time representing a cost of approximately \$1,300.00.

Although the estimated time spent on these calls is negligible in terms of time and costs, the expenditure of these resources is a necessary component of educating the public and the profession about the Program, which is still new. As well, the time spent on these calls also enhances the image of the Law Society and the profession.

**iii) Anecdotal Data**

In order to protect the identity of the complainants and the respondents, I have prepared an overview of the complaints as opposed to providing actual examples.

The calls reporting sexual harassment can be classified into two groups: calls from clients who have been sexually harassed by their lawyer and calls from lawyers, students and legal support staff who are being harassed by a colleague who is a member of the profession.

The cases of sexual harassment involving clients follow a disturbing pattern. The clients are all low income women who applied for Legal Aid in family law matters. The lawyers involved are all men who engage in behaviour ranging from *quid pro quo* harassment (I will continue to represent you if you date me, kiss me, have sex with me, etc.) to behaviour that clearly amounts to sexual assault. For example, one lawyer continually commented on a client's breasts and insisted that he must touch her breasts. Another lawyer ripped a client's blouse off and grabbed her breast during a meeting at his office.

In another case, a woman whose first language was not English met with a man she thought was a lawyer. After the first meeting at his office, this "legal advisor" insisted on meeting the client at her home late at night where he raped her.

Through extensive interventions and investigations it was determined that the perpetrator was a non-lawyer. Needless to say, the woman was extremely distraught by the incident and efforts were made to find her appropriate support in her own language.

The cases involving female lawyers, students, and support staff also involve *quid pro quo* harassment. In addition, these complaints also involved leering, making one woman "feel like a

piece of meat", and complaints about poisoned work environments due to the absence of a discrimination and harassment policy and/or not appropriately responding to reports of sexist and racist comments in the workplace.

The harassment complaints from female lawyers, students, and support staff range from complaints of threats by male lawyers to complaints about unpaid overtime hours. In one case, during an intense period at the law firm, the secretary regularly worked from 7:00 AM to 1:00 AM without remuneration for her overtime.

Clients complained about their own lawyers harassing them by continually shouting and using profane and/or religious language despite the clients telling their lawyers that they found the language in question to be offensive.

Other calls involved complaints from mature law school graduates with excellent grades who were unsuccessful in finding articling and post-articling positions and suspected that age was a factor. In these cases the callers reported that they had been asked inappropriate questions during their interviews including direct questions about their age. One was also told that due to his age, he would not "fit in at the firm".

Some complaints address the perceived unfairness of the Law Society's internal complaints process. These complaints were all made by women lawyers who feel that the Law Society itself has discriminated against them on the basis of race, gender, and/or sexual orientation. In one case a disabled lawyer complained about the Law Society's fee structure which he feels discriminates against him on the basis of his disability because of its failure to accommodate his disability. This particular complaint will likely be addressed by the LSUC's examination of

its legal duty to accommodate under the *Ontario Human Rights Code*.

Calls within the mandate are becoming more labour intensive. For example, in once case the complainant requested support at her hearing before the Complaints Review Commissioner. The case involved a complaint of discrimination based on gender and race which was filed at the Law Society in February 1999. After one year and several transfers to different investigators, the complainant was told that the new investigator had not yet reviewed her file. She responded sharply to the investigator and later the same day received a letter informing her that her complaint was dismissed because, in the investigator's opinion, there was insufficient evidence. The complainant appealed this decision to Complaints Review Commissioner; the outcome on the appeal is still pending.

In another case, a lawyer reported a serious case of harassment in the workplace and wished to meet personally to review the matter which has been ongoing for some time. The case is extremely complicated and involves several privately retained lawyers. The lawyer wished to access the DHC Program for advice and support on an ongoing basis.

#### **iv) Resolution of Complaints**

To date, complaints have been resolved in two ways:

1. the complainant files a complaint with the Law Society and requests ongoing support from the DHC Program;
2. the complainant requests advice on a particular problem and then works to resolve it

without formal intervention.

The majority of the complaints both from this and the previous reporting period are ongoing because the complainant has decided to file a formal complaint, usually with the Law Society. Some complaints have been resolved by discussing the problem and possible approaches and then coaching the caller on how to deal with the problem. There have been several requests for information about the mediation services but to date no requests to schedule a mediation session.

## **PROMOTION AND PUBLICITY**

The promotional activities from January 1, 2000 to June 30, 2000 were focussed on the following areas:

1. internal promotion with staff at the Law Society
2. external promotion with the public
3. external promotion to the profession including students at the Bar Admission Courses

Attached is a list of the activities undertaken from January 1, 2000 to June 30, 2000.

### **1. Internal Promotion at the LSUC**

Four workshops were organized on 3 different dates in March and April and all staff were invited to attend. Myself and staff from the Equity Initiatives Department met with the LSUC staff to provide information about the equity initiatives undertaken by the Law Society and the specifics of the DHC Program.

Over 100 LSUC staff members participated in these workshops and the feedback was overwhelmingly supportive. These workshops have led to increased collaboration between the DHC and the Law Society regarding referrals and joint efforts on files where appropriate.

Notwithstanding the high turnout of staff at the workshops, there continues to be considerable confusion amongst staff at the Law Society about the existence and mandate of the DHC Program and the Program's mandate. Some of this is due, no doubt, to the turnover of staff. The problem is compounded by the fact that the Law Society's internal telephone list does not



currently include the DHC Program or my name under the alphabetical listing section. The new list which is scheduled to be released shortly has rectified these oversights which should ensure that callers wishing to speak to the DHC are referred to Mary Teresa Devlin in Peterborough instead of being referred to Margot Devlin at the Law Society.

## **2. External Promotion: Groups and Organizations**

Letters announcing the DHC Program were distributed to over 300 organizations. As a result of this mail out, direct contacts were made with the Ontario Human Rights Commission, the Pay Equity Tribunal, and groups such as PFLAG (Parents and Friends of Lesbians and Gays) and the Peel Committee Against Woman Abuse. These contacts led to actual meetings with senior staff at the OHRC and staff and the Chair of the Pay Equity Tribunal. I attended these meetings along with staff from the Equity Initiatives Department.

Through these meetings the DHC Program made contact with a number of organizations and individuals. In total, approximately 47 people attended these sessions.

## **3. External: The Profession**

The main goal for May and June was to introduce the DHC Program to students at the Bar Admissions courses. We also hoped to coordinate these presentations with meetings for the public and profession at each destination. Staff from the Equity Initiatives Department met with representatives from the Bar Admissions Course to establish an appropriate method for the program to be presented to the Bar Ads students.

The proposed schedule suggested by the Bar Ads staff is attached. Unfortunately, these meetings were a failure as no students attended except two in Ottawa. The reasons for the lack of attendance are simple and seem to be the direct result of poor scheduling.

It is now known that every Bar Ads site has a fixed schedule which is common to all sites. The students are required to attend classes from 9:00 am to 1:00 pm. Some commute to the training site, often in car pools. Many students work part-time or have other commitments directly after the course. While these obstacles themselves would have posed significant problems for presentations scheduled outside of the core course hours, the problem was further exacerbated by the fact that the DHC presentation was not designated as "mandatory".

As you will see from the attached schedule, the DHC presentations were scheduled for 1:30 pm or 2:00 pm. Due to the timing of the presentations and the fact that they were not incorporated in the mandatory segment of the Bar Ads course, attendance was negligible. As a result, most of the May dates and all of the June dates were cancelled and the opportunity to present the Program to this year's students was lost.

In order to avoid these problems next year, it is recommended that the DHC program be included in the mandatory portion of the Bar Ads curriculum. The most practical option is to include it in the section on Professional Responsibility. If the course format remains the same next year with each site following the same program each day, it is recommended that the DHC prepare specific materials for the respective Professional Responsibility trainers. A brief meeting via conference call could then be arranged for these trainers and the DHC. As well, the DHC promotional materials (brochures and posters) could be distributed to each student as part of their course materials.

The Program was far more successful in its efforts to reach members of the profession. The presentations organized in Ottawa, Toronto, Windsor, and London were well attended. For example, over 30 lawyers and law students including people of colour, people with disabilities and gay and lesbian lawyers attended the session in Ottawa. These sessions have resulted in significant links with the legal profession.

#### **4. Other Promotional Activities**

In January, the Law Times and the Lawyers Weekly printed extensive interviews regarding the DHC Program. A copy of these articles is attached as an Appendix. In February, 2000 the DHC brochures and poster were finalized. Copies of this information can be obtained from Geneva Yee in the Equity Initiatives Department. In March 2000 I was invited to participate at the International Women's Day 2000 Speaker's Series. I prepared a paper entitled, "*Workplace Harassment*" which I understand will be published along with the other papers presented.

This fall, I have been asked to speak about the DHC Program at the LPAC 2000 National Workshop, *The Diversity Congress* in October. The topic assigned is: "*Meeting the Challenges of Diversity Through an Ombudsman Program*". Later that month I will be presenting at the Insight Conference on Employment and Legal Challenges in Today's Flexible Workplace: How to Attract and Retain Workers and Protect Your Organization. My topic for this conference is "*Workplace Relationships: Is Your Organization Liable?*".

I have also been invited by the Ontario Bar Assistance Program to present the DHC Program at the Women's Wellness luncheon in September and I have been invited by the University of Ottawa to present the Program to the students and faculty in September.

## **REQUIRED ACTION**

- **Immediately re-issue the LSUC's internal Telephone Directory to include the Discrimination & Harassment Program under the Equity Initiatives Department and my name under the alphabetical listing with the correct toll free telephone and facsimile numbers**
- **Periodically (ie. every month or every second month) distribute an e-mail to all staff updating them on the DHC Program and providing the contact information**
- **Include information about the DHC Program on the LSUC's ELF news update**
- **Include articles about the Program in each issue of the Gazette**
- **Notify all members of the profession about the DHC Program through a personal letter; ideally this could be coordinated with the upcoming distribution of the new *Rules of Professional Conduct* to reduce costs**
- **Continue to place advertisements in the OR's on a bi-monthly basis**
- **Continue to distribute brochures and posters to lawyers, law firms, County Law Associations, Bar Admissions Centres, Law Schools, Court Houses and Legal Aid Clinics**

**LAW SOCIETY OF BRITISH COLUMBIA SUMMIT**

The Law Societies of both B.C. and Alberta have programs similar to Ontario's DHC Program. The B.C. Program has just been revamped and has hired a new lawyer, Anne Chopra. Alberta has also hired a new lawyer, Jean Byron, to manage the Alberta Program.

Thanks to the efforts of Ms. Byron, a meeting of the 3 provincial Ombudspersons was organized in Vancouver on May 29th. The meeting was hosted by the Law Society of British Columbia and attended by:

Anne Chopra, Discrimination Ombudsperson, Law Society of BC

Kuon Foo, Program Coordinator, Equity and Diversity, Law Society of BC

Jim Matkin, Executive Director, Law Society of BC

Jeff Green, Treasurer, Law Society of BC

Jean Byron, Equity Ombudsperson

Mary Teresa Devlin, Discrimination & Harassment Counsel for the LSUC

The meeting was an informal opportunity for each jurisdiction to present its Program and share its resources. While all three Programs share a common goal of eradicating discrimination and harassment within the legal profession, each Program is unique. For example, Ontario is the only Program that provides these services to the public. Both the B.C. and Alberta Programs are restricted to members of the profession including law students, legal secretaries and other law firm support staff.

The first Program was established in B.C. in 1995. Originally the focus of this Program was on sexual harassment complaints. The mandate has now been extended to deal with all types of discrimination and harassment.

The original B.C. Discrimination Ombudsperson had five functions: intake and counselling; education; mediation; statistical data and reporting; publicity and promotion. Under B.C.'s new system, the functions have been reduced to intake/counselling and reporting.

As of May it was unclear whether B.C. would establish a roster of mediators to assist the Discrimination Ombudsperson and if so, how these mediators would be selected for the roster. It was also unclear at what point a case would be referred to mediation; whether the parties or the Ombudsperson would select a mediator; what would happen if the parties could not agree on a mediator or one party wished to select a mediator who was not on the roster.

In 1997, the Law Society of Alberta established its Program. The Program was launched through a series of lunches hosted by the Law Society for members of the profession. Apparently these meetings were well attended, perhaps in part because they were advertized as an opportunity for the profession to find out about the Program and provide feedback.

Interestingly, Alberta does not usually receive calls from members of the profession. The vast majority of Jean Byron's work consists of resolving complaints from legal support staff. Ms. Byron told us that the Ombudsperson Program was not been controversial in Alberta and attributed this to the manner in which it was presented to the profession.

The experience in Ontario and B.C. is much different as both jurisdictions report calls from members of the profession who have been contacting the respective Programs regularly to request information, proposals for training or to report complaints of discrimination and harassment. There has been some controversy over the Programs in both B.C. and Ontario.

All three jurisdictions (B.C., Alberta, and Ontario) have been contacted by the Law Societies of Manitoba and Saskatchewan who are in the process of establishing their own DHC Programs.

There is a clear need for this type of Program and the fact that other Law Societies are seeking the input and assistance from the existing Programs is a credit to their success.

Since the May 29th meeting, the B.C., Alberta, and Ontario Ombudspersons have informally agreed to establish an e-mail network so that we can continue to share ideas and news. There is also a proposal for another in-person meeting in the Spring of 2001, although the location has not yet been confirmed.

**REQUIRED ACTION:**

- **Continue to network and share information with similar Programs across Canada**

## **CONFIDENTIALITY**

A critical component of the DHC Program is the fact that it is separate and independent from the Law Society. The arm's length relationship is enhanced because the Program operates in Peterborough and is therefore geographically distant from the Law Society. All callers are assured that the Program operates independently from the Law Society and that any information they provide will be kept in strict confidence and not shared with anyone, including the Law Society.

In order to safeguard the information provided to the DHC and ensure that it is not admitted in evidence in either internal Law Society proceedings or external proceedings, efforts are underway to:

1. formally exempt the DHC from the reporting requirements under the *Rules of Professional Conduct*;
2. amend the *Law Society Act* to extend the duty of confidentiality for the DHC.

## **REQUIRED ACTION**

- **Finalize the confidentiality elements of the DHC Program expeditiously to avoid possible problems**



## **BENEFITS OF THE PROGRAM**

The creation of the DHC Program in Ontario is a significant development in keeping with similar initiatives in British Columbia and Alberta. Both the Law Societies of Manitoba and Saskatchewan are in the process of establishing similar programs in their respective provinces.

The advantages of the Program are fourfold:

1. access to services
2. early resolution of complaints
3. on site training at law firms
4. enhanced image of the LSUC

### **1. Access to Services**

The Program provides access to services to three distinct groups: members of the profession, the public, staff at the LSUC. For the first time in the history of the Law Society, members of the profession can confidentially seek independent assistance and advice free of charge. As well, members of the public who may be intimidated about contacting the Law Society can call on a confidential basis to find out about their options and discuss their situation. Last but not least, staff at the LSUC can refer complainants in sexual harassment and discrimination cases to the DHC for information and support.

To date, all of the lawyers who have contacted the DHC to report a complaint of discrimination or harassment state that the Program is their only resource within the profession. Not only are they unwilling to file complaints through the LSUC's traditional complaints process, they are unwilling to even entertain this option. The reasons for their reluctance are obvious: they fear

they will be labelled trouble-makers and that they will be ostracized by their colleagues. They also fear loss of employment and the inability to find alternate employment if their complaint becomes public.

## **2. Early Resolution of Complaints**

Through the DHC Program, complaints can be resolved at an early stage by coaching the complainant on various ways to respond to a situation and empowering the person to resolve it on their own. The Program also offers mediation services.

The mediation component of the Program provides important benefits to all parties to the complaint as the mediations are conducted by the DHC on a confidential basis and can be scheduled relatively quickly. If an agreement is reached through the mediation, a formal complaint to the LSUC may be avoided. There is no cost for the mediation for either the complainant or the respondent lawyer or law firm. Furthermore, the time involved in the mediation for both the complainant and the respondent is significantly less than the time the parties would have to invest in other dispute resolution options including a civil law suit, criminal charges or a complaint to the Law Society.

## **3. Training**

Working in close collaboration with the Equity Initiatives Department, the DHC Program has been able to respond to requests from law firms for training to introduce anti-discrimination and anti-harassment workplace policies or to refresh staff on existing policies. These training opportunities benefit the Program itself as the fees paid by the law firm are reinvested in the Program thereby increasing the ability of the Program to operate without increasing costs.

#### **4. Enhanced Image of the Law Society**

Unfortunately, despite the tremendous progress of the 20th Century, discrimination and harassment continues to negatively affect workplaces across Ontario. In recognition of the serious damage that this type of conduct can cause to individual members, the public and the reputation of the Law Society itself, the LSUC established the DHC Program.

The Program demonstrates the LSUC's serious commitment to Rules 27 and 28 of the *Rules of Professional Conduct* and proves that the Law Society is serious about combatting these problems and addressing the fact that as recently as 1996, almost three-quarters of the women lawyers who participated in the *Barriers & Opportunities* survey (a follow-up study to the 1991 *Transitions* survey) reported that discriminatory and harassing conduct curtailed their careers and in some cases prevented them from practicing law at all.

## CONCLUSION

In my respectful opinion, the DHC Program is meeting the needs of lawyers and the public in the areas of discrimination and harassment. For example, in this reporting period I was able to assist 40 members of the profession and 159 members of the public. I provided information about the Program to over 500 individuals and organizations and received 34 complaints, most of which are ongoing.

Lawyers have been able to avail themselves of the Program to report complaints, seek information, and request in-house training on these issues. Members of the public, particularly women who have been sexually harassed by their lawyers, have appreciated that there is a support system in place to assist them as they explore their options and decide how best to respond to the situation.

Last but not least, the Program continues to enhance the image of the Law Society by demonstrating its commitment to Rules 27 and 28 of the *Rules of Professional Conduct* and by offering confidential services for lawyers and members of the public who have been discriminated against or harassed by a lawyer or within a law firm.

The continued success of the DHC Program both in terms of total calls received (246) and the percentage of calls within the mandate (81%) confirms that there is a real need for this important resource for both lawyers and members of the public.

**BUDGET**

The budget for 2000 is \$132,000.00 allocated as follows:

Office Administration	\$ 10,000.00
Promotion and Publicity	\$ 22,000.00
Travel and Accommodation	\$ 15,000.00
Direct Services	<u>\$ 85,000.00</u>
<b>TOTAL</b>	<b>\$132,000.00</b>

To date, these funds have been spent as follows:

Administration (including Office Set Up)	\$ 7,894.11
Promotion and Publicity	\$24,873.51
Travel and Accommodation	\$ 3,814.51
Direct Services	<u>\$ 8,601.45</u>
<b>TOTAL</b>	<b>45,183.58</b>

**LIST OF ACTIVITIES****January 2000**

Law Times and Lawyers Weekly Interviews

Meetings with LSUC Managers

Finalization of the Posters and Brochures

**March 2000**

International Women's Day 2000 Seminar Series

Presentation to LSUC staff (2 sessions)

Presentation to PFLAG

Attendance at CBAO Conference on Harassment in the Workplace

**April 2000**

Presentations with LSUC staff (2 sessions)

Presentation to the public (2 sessions)

Meeting with the profession in Toronto

Meeting with LSUC Senior Management Team

Ontario Human Rights Commission

**May 2000**

Presentation to Annual Law Clerk's Conference

L'abus du pouvoir (conference in Montreal)

Attendance at Bar Ads courses in London and Ottawa

Meetings with the profession in London, Ottawa, Windsor

Meeting with the Pay Equity Tribunal

**May 2000 (continued)**

BC Ombudsperson Summit

Peel Committee Against Woman Abuse

**June 2000**

Attendance at Equity Initiatives Staff Meeting

Urban Alliance Conference

**UPDATE ON REQUIRED ACTION SEPTEMBER 1-DECEMBER 31, 1999 REPORT**

- **Add call forwarding to the telephone number to facilitate the work of Alternate Counsel:** This requirement became unnecessary due to the intake system of scheduling call backs.
- **Place advertisements in the OR's on a regular basis, either monthly or bi-monthly:** The ads appear in every other issue of the OR's.
- **Include articles on the Program in each edition of the Gazette:** To date this has not occurred. It would be ideal if the Program were highlighted in each issue of the Gazette, particularly since lawyers have complained about the difficulty in being connected to the Program when they call the Law Society for the number.
- **Prepare standard press releases for the visits to Ontario cities and towns:** These were a standard feature of the visits for the last reporting period and were discontinued this reporting period due to staff turnover.
- **Distribute brochures and posters:** This task is ongoing.
- **Advertise the Program free of charge on an ongoing basis through the community television and radio stations:** This task is pending.
- **Network with the DHC Programs in British Columbia, Alberta, and Nova Scotia:** The first major success in this area was the May 29th Summit in BC which has resulted in ongoing contact.
- **Continue to develop media contacts in French and community publications:** This task is on hold due to staff turnover.
- **Translate the Office Manual into French, depending on the cost:** This project is on hold for the time being.
- **Hire other individuals to act as Alternate Discrimination and Harassment Counsel to assist with direct services and replace the DHC on an as needed basis**



**OVERVIEW OF REQUIRED ACTION: CURRENT REPORTING PERIOD****\* These items have been listed in order of importance:**

- Finalize the confidentiality elements of the DHC Program expeditiously to avoid possible problems
- Immediately re-issue the LSUC's internal Telephone Directory to include the Discrimination & Harassment Program under the Equity Initiatives Department and my name under the alphabetical listing with the correct toll free telephone and facsimile numbers
- Include articles about the Program in each issue of the Gazette
- Notify all members of the profession about the DHC Program through a personal letter; ideally this could be coordinated with the upcoming distribution of the new *Rules of Professional Conduct* to reduce costs
- Periodically (ie. every month or every second month) distribute an e-mail to all staff updating them on the DHC Program and providing the contact information
- Include information about the DHC Program on the LSUC's ELF news update
- Continue to place advertizements in the OR's on a bi-monthly basis
- Continue to distribute brochures and posters to lawyers, law firms, County Law Associations, Bar Admissions Centres. Law Schools, Court Houses and Legal Aid Clinics
- Continue to network and share information with similar Programs across Canada