

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

**For the period from July 1, 2008 to December 31, 2008**

**and**

**Summary of Data since January 1, 2003**

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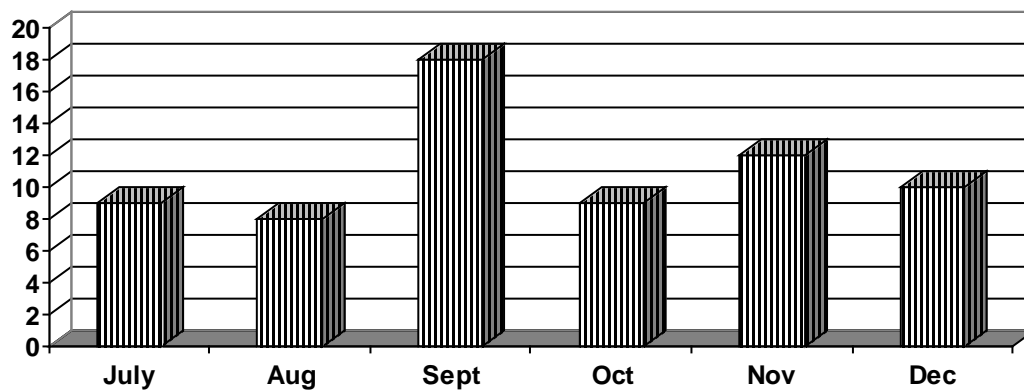
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**A. OVERVIEW OF NEW CONTACTS WITH THE DHC PROGRAM**

1. During this reporting period (July 1 to December 31, 2008), 66 individuals contacted the DHC Program with a new matter.<sup>1</sup>
2. The volume of new contacts was distributed as follows:



3. Of the 66 individuals who contacted the DHC, 47 (71%) used the telephone to make their initial contact, 18 (27%) used email, and 1 used a fax communication.
4. Of the 66 new contacts with the Program, 16 (24%) were made by men and 50 (76%) were made by women.
5. During this reporting period, the DHC provided services to four callers in French. The remaining clients received Program services in English.

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

**B. SUMMARY OF DISCRIMINATION AND HARASSMENT COMPLAINTS**

6. Of the 66 new contacts with the Program, 22 individuals raised specific complaints of discrimination or harassment by a lawyer in Ontario.
7. The mandate of the Discrimination and Harassment Counsel Program includes complaints against paralegals. There were, however, no complaints against paralegals during this reporting period.
8. Of the 22 new discrimination and harassment complaints against lawyers, 12 were made by members of the public and 10 were made by members of the legal profession.

**C. COMPLAINTS FROM WITHIN THE LEGAL PROFESSION**

9. During this reporting period, there were 10 complaints against lawyers from members of the legal profession.
10. Three (3) of the 10 complaints were made by articling students. The remaining 7 complaints were made by lawyers, one of whom was calling about harassment of an articling student in her firm. There were no complaints by paralegals or paralegal candidates during this reporting period.
11. Of the 10 complaints from within the legal profession, 9 were made by women (including the 3 student complaints).
12. Almost all (9 out of 10) of the complaints from within the legal profession arose in the context of the complainant's employment or a job interview. One complaint, made by a woman lawyer on behalf of a group of women lawyers practicing in the

same area, related to the conduct of opposing counsel with whom they all had regular dealings.

13. The following grounds of discrimination were raised in the complaints from within the legal profession: sex, disability, religion, family status, ethnic origin, and record of offences.

14. Five (5) complaints were based (in whole or in part) on sex:

- a male lawyer called on behalf of a female lawyer who was experiencing sexual harassment by a male colleague at her work;
- a female lawyer complained on behalf of a group of women lawyers in her area about the sexist conduct of a male opposing counsel with whom they all had regular dealings; the complaint included (among other things) alleged incidents of sexual harassment of their female clients;
- a female associate complained about how the partners in her firm were failing to address serious incidents of sexual harassment of a female articling student by a male associate in their office;
- a female associate complained about sexual harassment by a male partner in her firm; and
- a female Muslim lawyer complained about discriminatory barriers to equity partnership in her firm, based on sex and religion.

15. Three (3) complaints were based (in whole or in part) on religion:

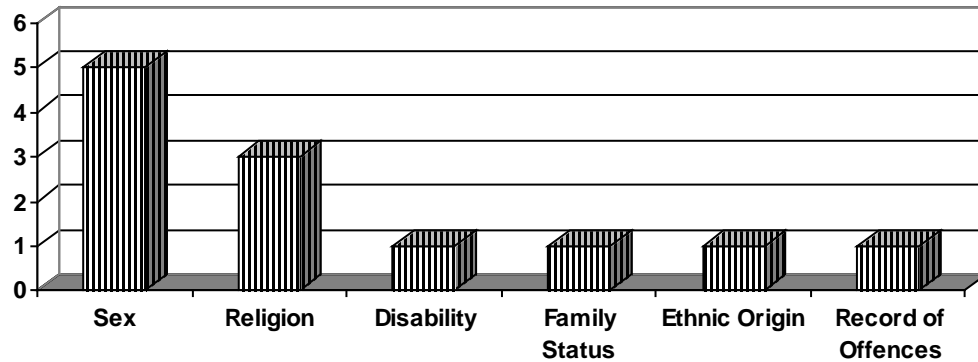
- a Jewish lawyer complained about her employer's refusal to provide leave for religious observance of holy days, as well as anti-semitic comments by a lawyer in her workplace;
- the aforementioned female Muslim lawyer complained about discriminatory barriers to equity partnership in her firm, based on both sex and religion; and
- a Christian Palestinian articling student complained about discrimination and harassment by her principal, based on her religion and ethnic origin.

16. One complaint was based in part on ethnic origin. The aforementioned Christian Palestinian articling student complained about discrimination and harassment by her principal, based on both her religion and her ethnic origin.
17. One complaint was based on family status. A female lawyer reported that she was asked inappropriate questions about her childcare responsibilities during a job interview. She felt that her status as a parent of two young children was a factor in the firm's decision not to offer her a position.
18. One complaint was based on disability. A female articling student complained that her principal and her firm were not adequately accommodating her anxiety disorder. She also felt harassed at work, by associate lawyers, based on her psychiatric disability.
19. One complaint was based on record of offences. A female articling student complained about employment discrimination based on her conviction for a provincial offence.
20. In summary, the number of complaints<sup>2</sup> in which each of the following prohibited grounds of discrimination was raised are:
  - sex 5 (4 involving sexual harassment)
  - religion 3
  - disability 1
  - family status 1
  - ethnic origin 1
  - record of offences 1

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<sup>2</sup> The total exceeds 10 because some complaints involved multiple grounds of discrimination.

Grounds Raised in Complaints by Members of the Profession



**D. PUBLIC COMPLAINTS**

21. During this reporting period, there were 12 complaints against lawyers by members of the public.
22. Eight (8) of the 12 public complaints were made by women and 4 were made by men.
23. Of the 12 public complaints:
  - 5 involved litigants complaining about the conduct of opposing counsel;<sup>3</sup>
  - 4 arose in the context of the complainant's employment; and
  - 3 involved clients complaining about the conduct of their own lawyer.
24. The following grounds of discrimination were raised in one or more of the public complaints: sex, disability, religion, race and age.

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<sup>3</sup> This figure includes a complaint about the conduct of a Crown Attorney in a criminal prosecution. The complainant was the accused person's father.



25. Five (5) of the public complaints were based (in whole or in part) on sex as a ground of discrimination:

- 2 legal assistants (from different firms) complained about demeaning sexist remarks made by their bosses (male lawyers) regarding their appearance;<sup>4</sup>
- an office manager called on behalf of 3 female legal assistants in her firm, who complained that they had been subjected to derogatory sexist comments by a male lawyer in their office, including comments about their weight and appearance;
- a man called on behalf of his son, who was acquitted of criminal assault charges in a domestic situation; the caller complained that the Crown Attorney who prosecuted the case discriminated against men; and
- a Muslim woman involved in family law litigation complained about discriminatory comments made by opposing counsel based on her sex (relating to her manner of dress).<sup>5</sup>

26. Five (5) of the public complaints were based (in whole or in part) on disability:

- a female litigant complained that her own (former) lawyer failed to accommodate her psychiatric disability and engaged in demeaning name-calling;
- another female litigant complained that her lawyer was failing to accommodate her anxiety disorder;
- a woman called on behalf of her blind mother, complaining that her mother's lawyer was refusing to accommodate her mother's vision impairment;
- a male litigant complained about offensive comments made by opposing counsel regarding his disability; and

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<sup>4</sup> One of these women also complained about derogatory ageist remarks made by her boss.

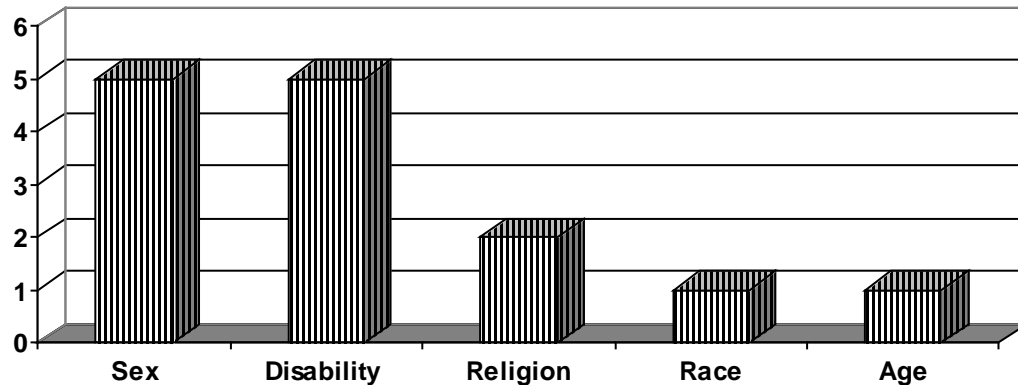
<sup>5</sup> This woman's complaint was based on intersecting grounds of sex and religion.

- a female legal assistant complained that her female boss was refusing to accommodate her disability and was engaging in harassing conduct based on her disability.
27. Two (2) complaints were based on religion:
- a Christian man involved in child custody litigation complained that opposing counsel made derogatory and discriminatory remarks about his religion; and
  - a Muslim woman involved in family law litigation complained that opposing counsel made derogatory remarks about her manner of dress, which she found discriminatory based on both her religion and sex.
28. One (1) complaint was based on race:
- a male litigant complained that opposing counsel made derogatory remarks about him based on his race.
29. One (1) complaint was based on age:
- a female legal assistant complained that her male boss was harassing her based on her age and sex, by making derogatory ageist and sexist remarks about her abilities.
30. In summary, the number of complaints<sup>6</sup> in which each of the following grounds of discrimination was raised are as follows:
- sex 5
  - disability 5
  - religion 2
  - race 1
  - age 1

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<sup>6</sup> The total exceeds 12 because some complaints were based on multiple grounds of discrimination.

Grounds raised in Public Complaints



**E. SERVICES PROVIDED TO COMPLAINANTS**

31. Complainants who contacted the DHC were advised of various avenues of redress open to them, including:
- filing an internal complaint within their workplace;
  - filing an application with the Ontario Human Rights Tribunal;
  - filing a complaint with the Law Society; and
  - contacting a lawyer for advice regarding other possible legal actions.
32. Complainants were also 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;
  - how to file a complaint or make a report (eg. whether it can be done electronically, whether particular forms are required, etc.)
  - the processes involved in each option (eg. investigation, conciliation, hearing, etc.)

- what remedies might be available in different *fora* (eg. compensatory remedies in contrast to disciplinary penalties, reinstatement to employment versus monetary damages, etc.); and
  - the existence of time limits for each avenue of redress.
33. Complainants were told that the options available to them are not mutually exclusive.
34. Complainants were given information about who to contact in the event that they decided to pursue any of their options.
35. In some cases, upon request, strategic tips were 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).
36. Some complainants were directed to relevant resource materials available from the Law Society, the Ontario Human Rights commission, or other organizations.
37. In addition to being advised about the above-noted options, where appropriate, complainants were offered the mediation services of the DHC Program. Where mediation was offered, the nature and purpose of mediation were 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 reaching a mutually satisfactory resolution of the complaint.
38. The DHC mediation services sometimes involve formal mediation sessions, including a meeting of the parties (with or without their respective counsel) and the execution of a mediation agreement prior to the meeting. In other instances, the DHC assists parties in attempting to reach a resolution to their dispute through

informal intervention (eg. by shuttle diplomacy, telephone discussions and/or email exchanges with the parties, etc.).

39. During this reporting period, the DHC's mediation/intervention services were requested and provided on six different matters.

**F. SUMMARY OF GENERAL INQUIRIES**

40. Of the 66 new contacts with the DHC during this reporting period, 14 involved general inquiries relating to issues within the Program's mandate. These inquiries included:

- questions about the scope of the DHC Program's mandate;
- questions about the services offered by the DHC;
- requests from the public for promotional materials about the DHC Program;
- requests for education seminars or training workshops on anti-harassment in legal workplaces; and
- inquiries about the data collected by the DHC.

**G. MATTERS OUTSIDE THE DHC MANDATE**

41. During this reporting period, the DHC received a number of calls and emails relating to matters outside the Program's mandate. These contacts included complaints about workplace harassment or discrimination that did not involve lawyers or paralegals and complaints against lawyers that did not involve any human rights issues (eg. allegations of breach of confidentiality, client billing disputes, etc.) In addition, several individuals called the DHC to seek legal representation and/or a referral to a lawyer for a human rights case.

42. All of these individuals were referred to other agencies, including the LSUC's Lawyer Referral Service. An explanation of the scope of the DHC Program's mandate was provided to each person.
43. Although there is a relatively high volume 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.

#### **H. PROMOTIONAL ACTIVITIES**

44. The LSUC maintains a bilingual website for the DHC Program.
45. Periodic advertisements are placed (in English and French) in the Ontario Reports to promote the Program.
46. 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.
47. Contact information about the Program is provided to multiple community organizations across the province, so that referrals to the Program can be made.

#### **I. EDUCATIONAL ACTIVITIES**

48. Throughout this reporting period, the DHC worked closely with the Director of the Equity Initiatives Department at the LSUC to develop and deliver anti-discrimination and anti-harassment training workshops in law firms across the province.

**PART II**

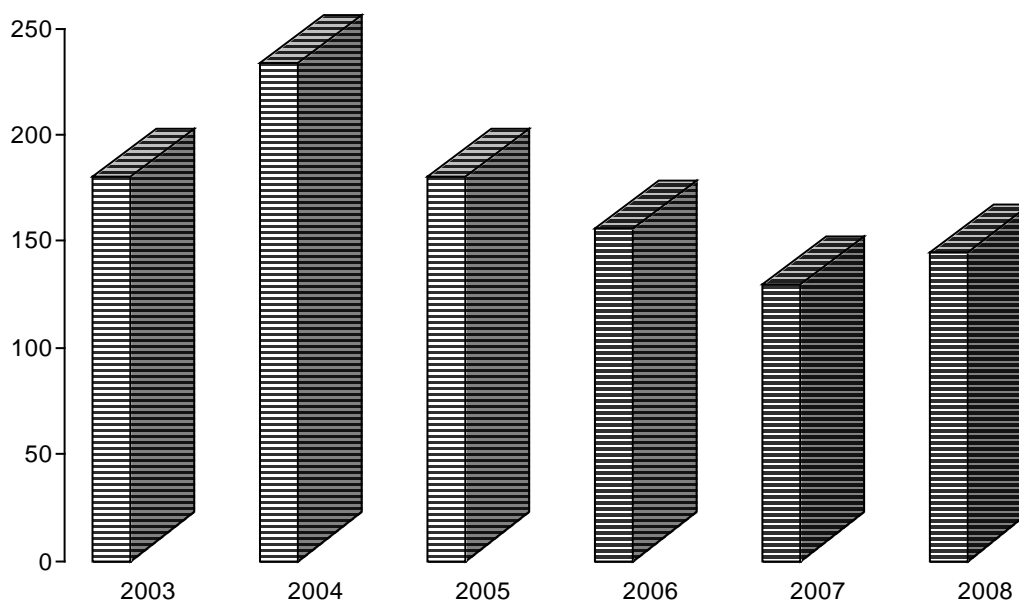
**SUMMARY OF DATA FOR SIX YEAR PERIOD  
JANUARY 1, 2003 TO DECEMBER 31, 2008**

## J. OVERVIEW OF CONTACTS WITH THE DHC PROGRAM

### ***Number of New Contacts***

48. There has been a total of 1,025 contacts with the DHC Program during the six year period since January 1, 2003.
49. There were 180 new contacts in 2003, 234 in 2004, 180 in 2005, 156 in 2006, 130 in 2007, and 145 in 2008.

### Number of New Contacts Annually



50. Thus the Program has received an average of 14.3 new contacts per month over the past 6 years.



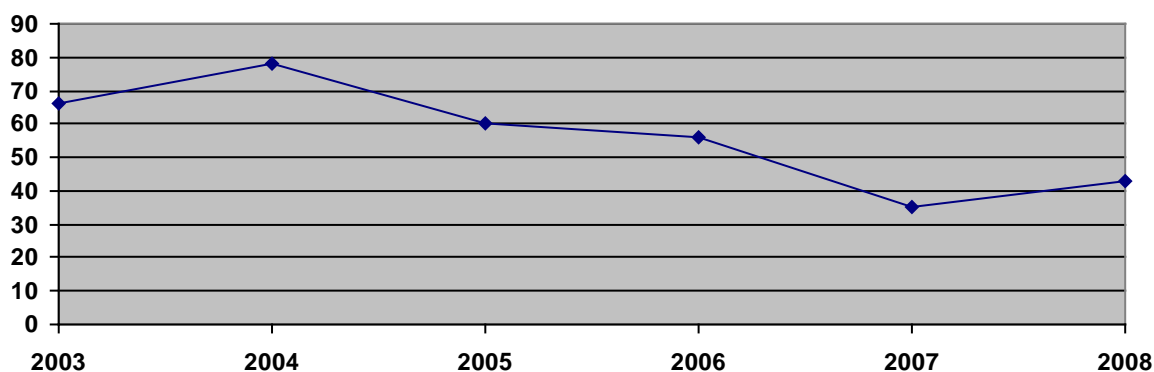
51. The DHC services are offered in French and English. Since January 1, 2003, 39 individuals have communicated with the DHC in French: 10 in 2003, 6 in 2004, 8 in 2006, 5 in 2007, and 4 in 2008.

## K. OVERVIEW OF COMPLAINTS AGAINST LAWYERS

### *Number of Complaints*

52. Of the 1,025 new contacts with the Program over the past six years, there were a total of 338 discrimination and harassment complaints against Ontario lawyers.<sup>7</sup> (The remaining contacts with the Program involved general inquiries, complaints against paralegals, or matters outside the Program mandate.)
53. In terms of complaints against lawyers, there were a total of 66 in 2003, 78 in 2004, 60 in 2005, 56 in 2006, 35 in 2007, and 43 in 2008.

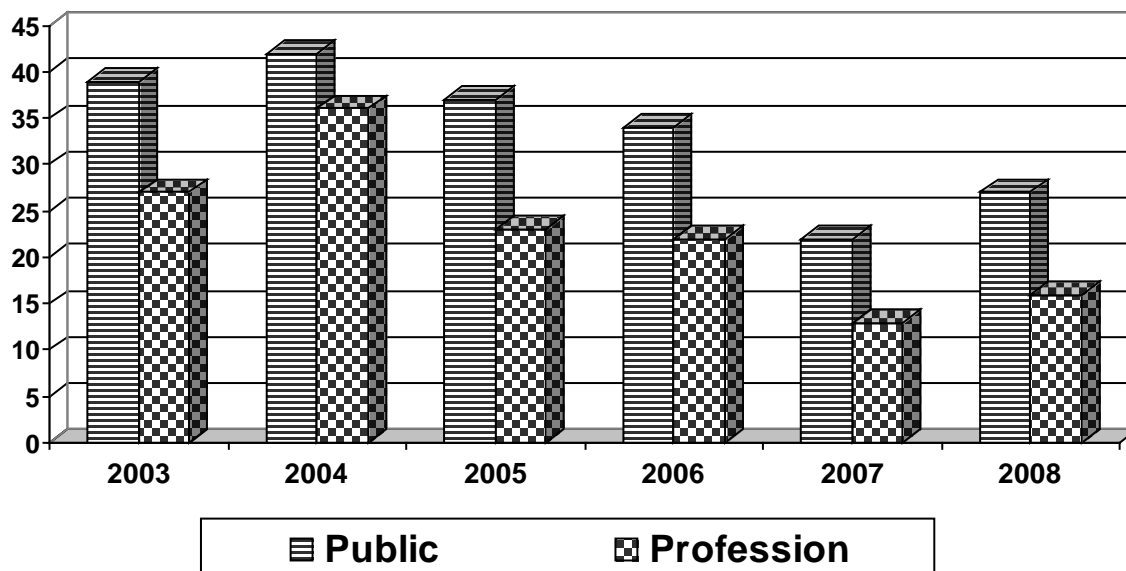
### Volume of Complaints



<sup>7</sup> One of the complaints was against an articling student.

### ***Public / Profession Ratio of Complainants***

54. Out of the 338 discrimination and harassment complaints against lawyers since January 1, 2003, there have been 201 complaints from the public and 137 complaints from lawyers or law students.<sup>8</sup>
55. Thus over the past 6 years, complaints from the public have constituted on average 59% of all discrimination and harassment complaints against lawyers.
56. The ratio of public / profession complaints against lawyers has been as follows over the past 6 years:



### ***Overview of Law Student Complaints***

57. A total of 36 law students<sup>9</sup> have made discrimination and harassment complaints to the DHC Program in the six years since January 1, 2003 (out of a total of 138 complaints from within the profession):

<sup>8</sup> Prior to 2008, any complaints by paralegals would have been considered as complaints by members of the public. Data regarding such complaints were not recorded separately. Since 2008, there have been no complaints by paralegals against lawyers.

- 8 complaints were made by students in 2003, out of a total of 27 complaints from within the legal profession;
  - 6 complaints were made by students in 2004, out of 37 complaints from within the legal profession;
  - 6 complaints were made by students in 2005, out of 23 complaints from within the legal profession;
  - 6 complaints were made by students in 2006, out of 22 complaints from within the legal profession;
  - 5 complaints were made by students in 2007, out of 13 complaints from within the legal profession; and
  - 5 complaints were made by students in 2008, out of 16 complaints from within the legal profession.
58. Student complaints therefore constitute 26% of the discrimination and harassment complaints received from members of the profession over the past 6 years.

### ***Context of Complaints from Members of the Legal Profession***

59. The overwhelming majority (84%) of complaints by lawyers and law students arise 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;

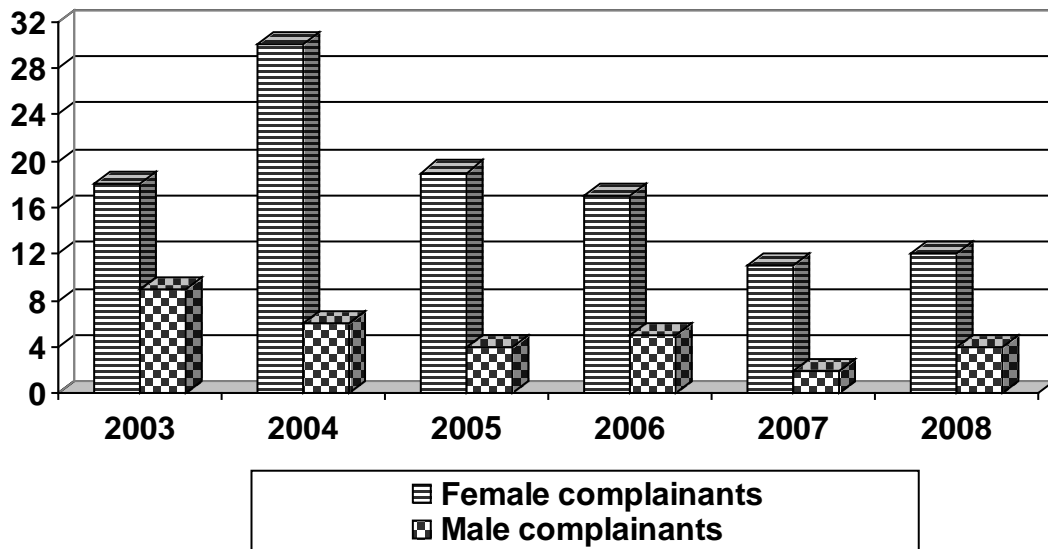
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<sup>9</sup> Either articling students, summer students, or university law students.

- in 2007, all of the 13 (100%) complaints from within the profession were employment related; and
  - in 2008, 14 out of 16 (87%) complaints from within the professional were employment related.
60. There have been some discrimination and harassment complaints from lawyers in non-employment contexts, such as complaints about the conduct of opposing counsel, mediators or investigators.

***Male / Female Ratio of Complainants within the Legal Profession***

61. Of the 137 lawyers and law students who reported discrimination and harassment to the DHC since January 1, 2003, 107 (78%) were women.
62. Complaints from women within the legal profession have consistently been disproportionately higher than complaints from men within the profession:
- in 2003, 18 out of 27 (67%) complaints from within the profession were made by women;
  - in 2004, 30 out of 37 (81%) complaints from within the profession were made by women;
  - in 2005, 19 out of 23 (83%) complaints from within the profession were made by women;
  - in 2006, 17 out of 22 (77%) complaints from within the profession were made by women;
  - in 2007, 11 out of 13 (85%) complaints from within the profession were made by women; and
  - in 2008, 12 out of 16 (75%) complaints from within the professional were made by women.



63. Discrimination and harassment complaints from law students are also predominantly made by women:

- in 2003, 5 of the 8 student complainants were women;
- in 2004, 5 of the 6 student complainants were women;
- in 2005, 4 of the 6 student complainants were women;
- in 2006, all of the 6 student complainants were women;
- in 2007, all of the 5 student complainants were women; and
- in 2008, all of the 5 student complainants were women.

64. There have been a total of 36 students complaints against lawyers, only 6 from men. Thus over the past 6 years, 83% of the discrimination and harassment complaints against lawyers by students have been made by women.

***Context of Complaints from Members of the Public***

65. A significant proportion (49%) of public complaints involve clients complaining about their own lawyer or a lawyer that 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; and
  - in 2008, 14 out of 27 (52%) public complaints involved clients.
66. Many of the public complaints (27%) 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; and
  - in 2008, 5 out of 27 (19%) public complaints were employment related.
67. A number of public complaints (17%) have been made by litigants against opposing counsel:<sup>10</sup>
- in 2003, 6 of the 39 public complaints involved litigants;

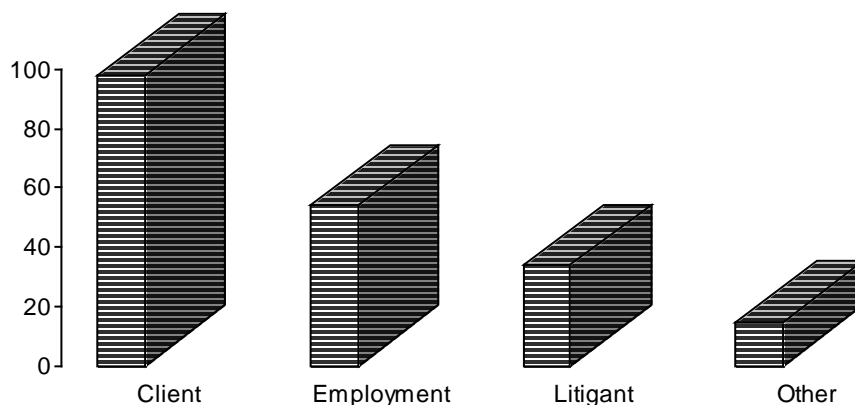
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<sup>10</sup> These include complaints by criminal defendants against Crown Attorneys.

- 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; and
- in 2008, 7 of the 27 public complaints involved litigants.

68. Approximately 7% of public complaints arose in other contexts, such as litigants complaining about discriminatory conduct by 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.

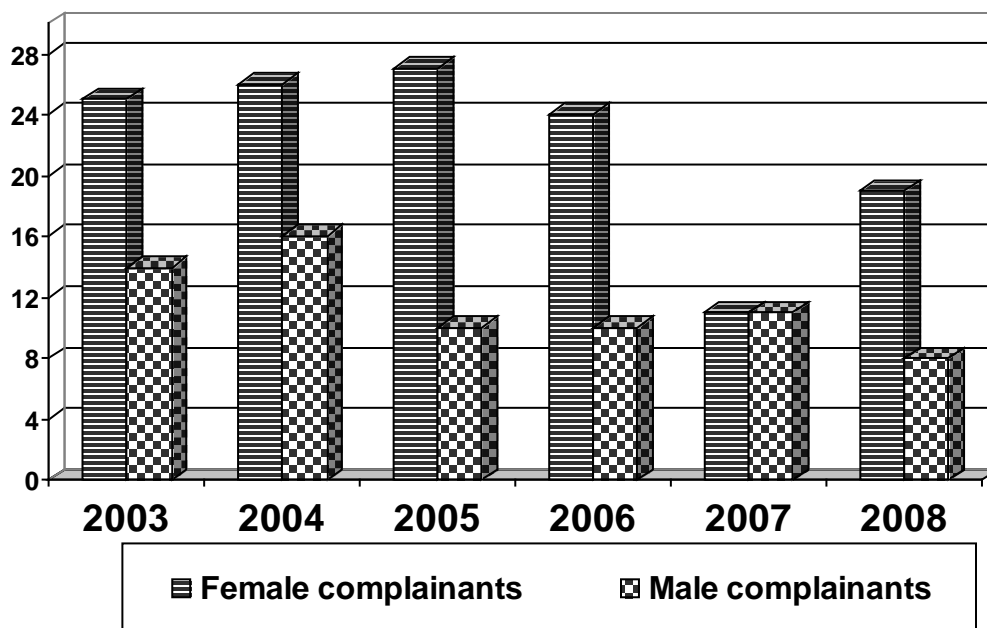
69. In summary, the total number of public complaints against lawyers that has arisen in each of the different contexts is as follows:



### ***Male / Female Ratio of Public Complainants***

70. 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; and
- in 2008, 19 of the 27 (70%) public complaints were from women.



71. Thus of the 201 members of the public who have made discrimination and harassment complaints against lawyers to the DHC over the past 6 years, 132 (66%) were women.

### ***Grounds of Discrimination Raised***

72. There was a total of 338 discrimination and harassment complaints against lawyers between January 1, 2003 and December 31, 2008.



73. Of these,<sup>11</sup>

- sex was raised as a ground of discrimination in 175 complaints (52%);
- disability was raised as a ground of discrimination in 73 complaints (22%);
- race was raised as a ground of discrimination in 54 complaints (16%);
- sexual orientation was raised as a ground of discrimination in 20 complaints (6%);
- religion was raised as a ground of discrimination in 14 complaints (4%);
- age was raised as a ground of discrimination in 13 complaints (4%);
- family status was raised as a ground of discrimination in 11 complaints (3%);
- national/ethnic origin was raised as a ground of discrimination in 11 complaints (3%);
- ancestry was raised as a ground of discrimination in 3 complaints;
- place of origin was raised as a ground of discrimination in 3 complaints;
- record of offences was raised as a ground of discrimination in 2 complaints and
- marital status was raised as a ground of discrimination in 1 complaint.

### ***Breakdown of Sex Discrimination Complaints 2003-2008***

74. Of the 175 complaints that were based (in whole or in part) on sex as a ground of discrimination:

- pregnancy was specifically raised in 24 complaints;

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<sup>11</sup> The sum of the numbers in this paragraph exceeds 338 and the sum of the percentages exceeds 100% because many of the complaints involved multiple grounds of discrimination.

- gender identity was raised in 2 complaints; and
  - sexual harassment was reported in 93 complaints.<sup>12</sup>
75. The overwhelming majority (139) of the 175 sex discrimination complaints were made by women (79%), including one transsexual woman.
76. Of the 139 female complainants who raised concerns about discrimination or harassment based on sex:
- 55 were lawyers
  - 16 were law students; and
  - 68 were members of the public.
77. In almost every instance, the women who contacted the DHC were reporting that they themselves had been the victim of sex discrimination or sexual harassment by a male lawyer, 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 firm and a female office manager called on behalf of 3 female legal assistants in her firm.
78. In contrast, 12 of the 25 men who complained about discrimination or harassment based on sex raised concerns about the inappropriate conduct of other male

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<sup>12</sup> Thus 28% of all complaints received over the past 6 years involved sexual harassment.

lawyers toward women that they knew (or, in one instance, toward a gay man that he knew).<sup>13</sup>

79. Only 11 men complained about sex discrimination or harassment that they themselves had experienced. Five (5) of these complainants self-identified as gay men and one self-identified as a trans-man.
80. Of the 25 male complainants who raised concerns about sex discrimination or harassment:
  - 10 were lawyers;
  - 1 was an articling student; and
  - 14 were members of the public.
81. Of the 25 complaints of sex discrimination or harassment made by men, only 4 involved female respondents.
82. Of the 11 sex discrimination or harassment complaints from men within the legal profession:
  - a lawyer complained about a colleague (another male lawyer) who was sexually harassing a female lawyer in his firm;
  - 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 sexist remarks made by opposing counsel (another male lawyer) during discovery proceedings involving a female client;

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<sup>13</sup> One man complained that a Crown Attorney had discriminated against his son, who was prosecuted for domestic assault.

- 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 in a government office 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 in a government office;
- two gay male lawyers complained about sexual harassment by male partners in their respective firms; and
- a lawyer complained that his client, a female lawyer, suffered employment discrimination when she was terminated just prior to commencing a maternity leave.

83. Of the 14 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;
- 3 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 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 paralegal student complained about sexual harassment by a female lawyer who was his instructor; and
- a man complained that a male Crown Attorney discriminated against his son in the course of a prosecution for domestic assault.

#### **L. COMPLAINTS AGAINST PARALEGALS**

86. The DHC Program's mandate was expanded to include complaints against paralegals in 2008. Prior to 2008, complaints against paralegals would have been considered outside the mandate of the DHC program and data about such complaints were not recorded separately.
87. In 2008, there was only one complaint against a paralegal. The complainant was an Asian female paralegal who felt that her (white female) boss, who was also a paralegal, was discriminating against her on the basis of race.
88. It should also be noted that, prior to 2008, complaints about lawyers by paralegals would have been recorded as "public complaints" in the DHC data. As of January 1, 2008, data regarding such complaints is being recorded separately.

#### **M. EXAMPLES OF COMPLAINTS**

##### ***Public Complaints***

88. The following are detailed examples of discrimination and harassment complaints received from members of the public over the past six years:
  - A woman with a brain injury reported that her male lawyer arranged for them to meet privately on the pretext of preparing for a discovery, then sexually assaulted her.
  - A law clerk with a speech impediment complained that her boss (a male lawyer) would get drunk and then mock her publicly by imitating her stutter.
  - A transsexual woman involved in a family dispute with her ex-wife complained about her ex-wife's lawyer who, among other things,

continued to refer to her in correspondence, pleadings and submissions as “he” and “him” despite repeated requests to cease doing so.

- A self-represented litigant who was blind complained about a letter he received from opposing counsel, which stated: “I wish I could see things from your perspective, but I can’t get my head that far up my ass.”
- A Chinese man complained that his lawyer treated him in a dismissive and demeaning manner (eg. ordering him to “sit down” in front of other parties, interrupting him when he spoke, patronizing him, etc.) that was different from how the man observed the lawyer interacting with other white clients.
- A secretary in a legal clinic complained that she was pressured not to take a year of pregnancy/parental leave and then was demoted on the day that she returned to work from her shortened leave.
- A woman called on behalf of her visually impaired mother, whose lawyer refused to permit her to bring a reader (a friend who would read documents aloud) with her to review documents in the lawyer’s office before signing them.
- A female client complained that her male lawyer always insisted on meeting her outside his office, constantly told her how attractive she was, and put his hands around her waist while alone in an elevator.
- A secretary in a legal clinic complained that a male lawyer tried to “grope” her and pull her toward him when they were working alone.
- A secretary in a law firm complained that one of the male lawyers in her office repeatedly tried to hold her hand, stroked her hair, and frequently commented on her appearance.
- A Filipino woman complained that her lawyer made a racially derogatory remark by referring to her as a “monkey”.
- A receptionist at a law firm complained that she was terminated when she advised her new employer that she would be taking a maternity leave. The employer told her that he would not have hired her if he had known she was pregnant.
- A secretary in a law firm, who has fibromyalgia, complained that her boss (a lawyer) was refusing to accommodate her disability and was violating confidentiality with respect to her medical condition in the workplace.

- A man complained on behalf of a female friend, an impoverished woman with a drug addiction, who was charged with drug-related offences and whose male defence lawyer agreed to act for her *pro bono* if she performed sexual acts on him.
- A secretary in a law firm complained that lawyers in the office began harassing her after she announced that she intended to marry her same-sex partner.
- A woman complained that her lawyer repeatedly commented on her appearance and always insisted on hugging her after their meetings, even though she had advised him that it made her uncomfortable.
- A female law clerk asked her boss (a male lawyer) for an increase in her salary and he responded, "if you want a raise, bend over". This same male lawyer also threatened to fire her if she did not persuade another female law clerk in their office to have sex with him.
- A male police officer reported a male defence counsel's remark that his (male) client's conviction was based on fabricated allegations and that "that's what happens when you have a female officer and female prosecutor on the same case."
- A Pakistani man complained that he was being verbally abused by a white lawyer whose office was on the same floor in his building. The lawyer was often aggressive and rude, regularly used profane language, and made offensive comments like "you fucking Muslims". The lawyer once referred to the man as a "mother fucking Paki" in front of a client.
- A female law clerk complained that a male lawyer in her office commented on her breasts and asked her to join him in a hotel room.
- A female criminal defendant complained that her (male) defence counsel was condescending and patronizing, called her "silly" and "stupid", and frequently cut her off when she was speaking. In contrast, the lawyer spoke to her boyfriend in a respectful manner.
- An administrative assistant in a law firm complained that she was transferred and demoted after the termination of a brief consensual affair with her boss (a male partner).
- A female client with a cognitive impairment complained that her lawyer refused to accommodate her (eg. he spoke quickly despite her requests for him to slow down, he became impatient and shouted at her when she

asked him to repeat things, he refused to communicate his advice in writing).

- A lesbian woman reported that a female lawyer refused to represent her because of her sexual orientation.
- A legal secretary complained that a male lawyer at her workplace regularly made sexual advances toward her. Before leaving the office one night he asked, “how about a quick blow job before you go?” He displayed a violent temper when she rejected his advances. Later he would apologize for his behaviour and say he was “just kidding”.
- A physically disabled legal secretary with modified employment duties and modified hours of work reported that she was called a “princess” by a woman lawyer in her office because of her accommodations.
- A Chinese woman complained that a male lawyer with whom she was acquainted licked his lips suggestively and told her that he could “have” any Chinese woman and has “had” many Chinese women because he is white.
- A woman of middle-Eastern descent complained that a female lawyer she had retained questioned her about her inter-racial relationship, implying disapproval.
- A woman involved in family law litigation complained that her male lawyer asked her to have sex with him and said that he could not continue representing her if she rejected him.
- A male paralegal student complained that his female instructor (who is a lawyer) touched him affectionately and asked him if he was married and whether he was happily married.
- A male process server employed by a law firm complained that a male lawyer in his office called him “pussy” and “faggot” and made lewd jokes ending with the lawyer touching his (the complainant’s) penis through his pants.
- A South Asian man complained that a corporate lawyer called him a “petty ethnic” and criticized him for operating his business “like a Third World idiot” (the respondent was also South Asian but from a different ethnic background).



- A gay male police officer reported that a male Crown Attorney called him “faggot” and “homo” in front of other lawyers at a social gathering in a public place.
- A woman attended a job interview for a legal assistant’s position with a sole practitioner. The interview was conducted in the (male) lawyer’s home. She reported that the lawyer touched her arm suggestively during the interview and asked her for her bra size during a subsequent phone conversation.
- A legal assistant, who was a recent Russian immigrant, reported that she was fired from her job after she refused to have sex with her male boss. She suspected that her boss exploited her status as a newcomer to Canada, believing that she would have few other employment opportunities available to her. The lawyer had frequently asked her out for drinks, had photographed her at firm events, had put his arm around her shoulders, and had ultimately told her that he wanted to have sex with her and to be her “boyfriend”.
- A gay male client, who was accused of committing a criminal act of indecency, reported that his male defence counsel always insisted on meeting in his (the lawyer’s) home, despite the client’s objection and expressed preference to meet in the lawyer’s office. The lawyer’s overly “friendly” demeanour made the client uncomfortable.

### ***Complaints from Within the Profession***

- A Black woman lawyer complained about the conduct of a white male lawyer who snapped at her in anger, called her a “fucking bitch” in front of other parties, told her that she was an example why “women shouldn’t practice law” and called her “an Afro ethnic”.
- A female articling student complained that a male articling student in her office had sexually assaulted her.
- A female Filipino articling student reported that a female partner in her law firm swore at her, verbally abused her, criticized her legal skills and sarcastically suggested that she work as a “nanny” for one of the other partners in the firm.

- A female associate complained about a male partner in her firm who yelled “fuck you bitch” at her during a disagreement in front of articling students employed by the firm.
- A lesbian articling student in a law firm complained that associates in the firm started asking her unwelcome and intrusive personal questions about her sexual practices after she came out to them. When she expressed her discomfort regarding their inquiries, they began to criticize her work and indicated to partners that she should not be hired back.
- A Jewish lawyer complained that she was routinely loaded down with a high volume of work by a partner in her firm just prior to the Jewish holidays, so that she would not be able to take leave for religious observance.
- A senior female associate in a law firm complained that male associates were given better work and had more advancement opportunities within her firm. She also complained about differential partnership structures within her firm that disadvantaged women partners.
- A Black female litigator working in a government office complained about systemic racial discrimination in her workplace, consisting of preferential treatment of white lawyers in her office (who were given better files and more advancement opportunities).
- A female lawyer working in a government office complained that she was given substandard work after her return from pregnancy/parental leave. She felt she was being put on a “mommy track” that would stifle her advancement opportunities within her department.
- A female lawyer complained about a male opposing counsel who, in front of their respective clients, called her “uppity” and said that the “women’s liberation movement” had made life difficult for men like him.
- A female associate in a law firm returned from maternity leave and was told that she would not be receiving a salary increase. Other male associates in the office all received increases.
- A female lawyer complained about harassment by a male lawyer in her office with whom she had had a consensual sexual relationship. After she ended the relationship, he repeatedly insulted and embarrassed her in front of clients and physically shoved her while in the office.

- A Black female lawyer complained about a white female lawyer who called her a “nigger” in the presence of other parties.
- A female associate in a law firm complained that a male partner always hugged her when they parted after work-related social events. On the last occasion before she contacted the DHC, the partner had attempted to kiss her on the lips after a client dinner.
- An articling student in a mid-size law firm reported that a male partner had put his arm around her shoulder at a client dinner and had suggested that they share a hotel room and sleep together while out of town on a business trip.
- A woman with two young children, who had been out of the paid workforce for two years since the completion of her articles, complained that she was repeatedly asked inappropriate questions in job interviews regarding her childcare obligations. She felt that her status as the mother of two young children was negatively influencing her employment opportunities.
- A female associate in a small law firm was given a good performance review and was told that she would be assigned a full-time secretary to assist her with her growing practice. After she announced that she was pregnant, her employer advised her that she would not be assigned a secretary.
- A female associate complained about a male partner who regularly shouted at her, shook his fist in anger, called her “lazy” and “stupid” and said she must have “slept her way to getting hired” at the firm.
- A number of lawyers with various disabilities (eg. hearing impairment, diabetes, depression, anxiety) complained that their employers were failing to accommodate them.
- A number of lawyers with child care obligations, including some with seriously ill children, complained that their employers were refusing to accommodate their family status by making flexible work arrangements for them.
- A Black lawyer working within government complained about systemic barriers to advancement for lawyers of colour in her department. She was given less responsibility than other (white) lawyers, less trial work, more routine and mundane cases, etc. She was also demeaned by being assigned to work at a secretarial station rather than in a lawyer’s office.

- A female associate in a large law firm complained that one of the male partners referred to her as “sweetie” and “darling” and called other women in the office “babe”.
- A Black female articling student complained that, although she received excellent performance appraisals throughout her articling year, she was not hired back to work at her firm. All of the students who were hired back were white males. There were no female associates and no associates of colour in her firm. The only reason provided for the hire-back decision was that she was not a “good fit” with the firm.
- A female associate hired to work in a small law office with two male partners complained that one of the partners called her “blondie” and frequently made “dumb blond” jokes.
- A single mother working as a lawyer in a firm requested reduced work hours to allow her to spend more time with her son, who was hospitalized with a serious illness. The firm refused to accommodate her request and suggested instead that she take an unpaid leave of absence.
- A female associate in a large law firm complained to the partnership about unwelcome sexual advances and unwanted touching by a male partner. The firm cautioned the partner about his inappropriate behaviour, but refused to assign the complainant to a different practice group or separate her from the harasser. The offending partner stopped giving her work, she became ostracized in the office, and eventually took a stress-related sick leave. Soon after she returned to work, she was terminated from her employment for failing to meet the firm’s productivity / billing targets.
- A female associate complained that, after an office social function, one of the male associates in her office “joked” about going back to a hotel with other male lawyers to “gangbang” her. When she confronted him about the inappropriate comment the next day, he attributed it to the fact that he was drunk.
- A female articling student complained that a male partner in her firm got angry with her at an office social function and shouted at her, “I’ll fuck you, you little bitch”, “your career is over” and “you’re dead!”
- A female articling student with a chronic pain condition became very ill during her articling year and took a month off work. She initially returned to work on reduced hours. She complained that lawyers in her office were hostile toward her after her sick leave. She was advised by a partner that her prospects of hire-back at the firm were adversely affected by the time

she took off work. She was also advised to pursue a different career (other than law) because of her chronic illness, which interfered with her ability to work long hours.

- A female associate in a small firm was advised by a male partner that the firm was reluctant to train her because she had recently become engaged (to marry a man) and the firm assumed that she would soon have children and quit the practice of law.
- A senior associate who had met all of her law firm's partnership criteria was told that she would not be made an offer of partnership this year because she was pregnant.
- A gay male lawyer complained that one of the female lawyers in his office asked him intrusive questions about his sexual experiences and then tried to kiss him, saying that she would "turn him straight".
- A lesbian articling student complained that she was outed at work by her female principal, to whom she had confidentially confided her sexual orientation.
- A pregnant lawyer working in a government office reported that, when she expressed interest in a promotion, she was asked how many children she planned to have, and when she requested pay for duties that she had assumed on an acting basis, she was denied the higher rate of pay on the basis that she was going on maternity leave and therefore would not be doing the acting job for long.
- A female associate in a law firm complained that she was pulled off files and was denied advancement opportunities after she reported to the partnership that a male client had been sexually harassing her.
- A disabled government lawyer complained that his male manager (also a lawyer) was refusing to modify his job duties and to purchase adaptive devices to accommodate his medical restrictions.
- A trans-identified articling student in a government office complained about gender-based employee appearance expectations in his workplace that required him to conform to conventional masculine appearance at work.
- Two male lawyers and a female articling student reported that they were asked "how old are you?" in job interviews. (All self-identified as older than their peers.)

- A female lawyer reported that she was asked whether she had any children in a job interview.
- A male lawyer reported that he was asked whether he was married in a job interview.
- A man reported that an immigration lawyer made offensive remarks to him, equating Muslims with terrorists. The man had consulted the lawyer with the intention of retaining his services.
- An female articling student reported that she was asked to accompany a male partner on an overnight trip to attend an out-of-town hearing. During the trip, the male partner insisted on socializing together (eg. eating meals, drinking wine), stood and sat very close to her, gave her leering looks, and used “double entendres” to flirt with her. The student was warned by other women in the firm that this partner had a history of “hitting on” young female lawyers and articling students.
- A woman complained that her male lawyer was pressuring her to have sex with him. She reported that he told her she could not change lawyers because she had retained him on a Legal Aid certificate.
- A woman lawyer complained that her law firm was refusing to accommodate her with flexible hours of work upon her return from a maternity leave. She also complained that she was getting “substandard” files to work on since her return to the office. She attributed this discriminatory treatment to her family status as a new mother.
- A female client reported that her male lawyer asked her whether she was a virgin. He also called her at home, very late at night, and asked “are you alone?”
- A woman complained that her former lawyer sent her pornographic images by email, with sexually explicit messages indicating that he was interested in pursuing a sexual relationship with her.
- A disabled male litigant reported that opposing counsel called him a “psycho” .
- A disabled woman reported that her own male lawyer refused to accommodate her disabilities (multiple chemical sensitivities and environmental allergies), spoke to her condescendingly about her disabilities, and called her “sweetie”.

- A woman lawyer with a psychiatric disability reported that another female lawyer at her former firm, who agreed to provide her with an employment reference, disclosed the fact of her disability to a prospective employer, thereby violating her privacy and jeopardizing her job prospects.
- A Black woman lawyer working in a government office reported that her manager was refusing to intervene to protect her from ongoing workplace harassment by a member of her staff. Although she did not believe that the harassment was racially motivated, she felt that the manager would not have ignored the situation if she were white (“no white lawyer would have to put up with this”).
- A male lawyer complained that opposing counsel in one of his cases (another male lawyer) had made derogatory remarks about his clients’ Dutch ancestry (including, “wooden shoes, wooden heads”).
- A 52 year old male lawyer, recently called to the bar, complained that he was not given a job interview for a position for which he was highly qualified. He had previous work experience related to the position and high grades in law school. He felt that his age was the reason why he was not considered for the job.
- A woman reported that she was sexually assaulted by a male lawyer in a bar (who touched her buttocks and grabbed her breasts). The lawyer gave her his business card after the assault.
- A woman lawyer working in a legal clinic reported that she was harassed and discriminated against at work because she took two maternity leaves in rapid succession.
- A woman lawyer working in a legal clinic reported that her employer was refusing to accommodate her psychiatric disability and was threatening to terminate her employment if she could not complete her duties without accommodation.
- A South Asian junior female associate reported that a senior white male partner in her firm sexually harassed her.
- A male lawyer complained that his employer refused to accommodate his disability, saying “we are not a rehab clinic”, and terminated his employment shortly after he requested the accommodation.

- A woman litigator reported that a male mediator suggested that she might “achieve better outcomes” for her clients if she engaged in a sexual relationship with him.
- A female associate complained that a male partner in her law firm repeatedly suggested to her that she should wear make-up and shoes with stiletto heels to attract male clients.
- A female client complained that her own (male) family law lawyer, who knew she had been a victim of domestic abuse in her marriage, repeatedly told her to “shut up” and said that he “understood why her husband had left her” because she was “difficult”.
- A disabled law student was asked in an articling job interview at a litigation boutique how she thought her hearing impairment would hurt her in the courtroom.
- A female client of mixed race complained that her own female lawyer was repeatedly rude to her and made sexist and racist remarks, including a comment about how she “didn’t look like a normal human being”.
- A female associate who had a consensual sexual relationship with a senior male partner in her law firm complained about employment reprisals (eg. unwarranted poor performance appraisals, ostracization, poor quality of work) after the affair ended. She left the firm claiming that it had become a poisoned work environment.
- A female law clerk reported that her male boss repeatedly made uninvited sexual advances toward her (“I can see you’re interested in me”, “if you sleep with me I’ll take you away on vacation”, “I like your short skirt”, etc.) She rejected his advances and he subsequently gave her unwarranted negative job references when she sought employment elsewhere.
- A male associate complained that his employment was terminated by a law firm because he suffered from depression and anxiety.
- A female associate who is a single mother of two young children reported that she was refused flexible hours and flexible working arrangements to accommodate her child care responsibilities, and complained that she was discriminated against at her firm (in terms of compensation and quality of work) because she requested this accommodation.