# REPORT OF THE ACTIVITIES OF THE DISCRIMINATION AND HARASSMENT COUNSEL FOR THE LAW SOCIETY OF ONTARIO

For the period from 1 January 2024 to 30 June 2024

Prepared by Fay Faraday

with Lai-King Hum, Natasha Persaud and Saba Quadri

Discrimination and Harassment Counsel

30 August 2024

# **Table of Contents**

Page

| A. | INTRODUCTION   |   |      |
|----|--|---|------|
| В. | SERVICES PROVIDED BY THE DHC                                   |   |      |
|    | i.   | Counselling, Data Collection and Coaching for Self-Help | 6    |
|    | ii.  | Information about Avenues of Recourse                   | 7    |
|    | iii.   | Resolution Services                                     | 8    |
|    | iv.  | Referrals   | . 10 |
| C. | OVEF   | RVIEW OF NEW CONTACTS WITH THE DHC PROGRAM              | . 10 |
| D. | SUM  | MARY OF DISCRIMINATION AND HARASSMENT COMPLAINTS        | . 11 |
|    | Complaints about Licensees by Members of the Legal Professions |   |      |
|    | Complaints about Licensees by Members of the Public            |   |      |
| E. | COM  | PLAINTS ABOUT PARALEGALS                                | . 19 |
| F. | PRO  | MOTIONAL AND EDUCATIONAL ACTIVITIES                     | . 19 |
| G. | DHC OUTREACH TO PARALEGAL: REPORT ON THE FIRST 15 MONTHS       |   |      |

# A. INTRODUCTION

- 1. Under their respective *Rules of Professional Conduct* and *Paralegal Rules of Conduct,* lawyers and paralegals licensed in Ontario have legal and ethical obligations as professionals to deliver their services and engage in and conduct their employment practices in a manner that is free of discrimination and harassment.
- 2. Rules 6.3 and 6.3.1 of the *Rules of Professional Conduct* set out these professional obligations for lawyers as follows:

6.3-3 A lawyer shall not sexually harass a colleague, a staff member, a client, or any other person.

6.3.1-1 A lawyer has a special responsibility to respect the requirements of human rights laws in force in Ontario and, specifically, to honour the obligation not to discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (as defined in the Ontario Human Rights Code), marital status, family status, or disability with respect to professional employment of other lawyers, articled students, or any other person or in professional dealings with other licensees or any other person.

6.3.1-2 A lawyer shall ensure that no one is denied services or receives inferior service on the basis of the grounds set out in this rule.

6.3.1-3 A lawyer shall ensure that their employment practices do not offend rule 6.3.1-1, 6.3.1-2 and 6.3-3.

3. The "requirements of human rights laws in force in Ontario" that lawyers have a "special responsibility to respect" are the prohibitions against both discrimination or harassment on prohibited grounds of discrimination listed in the Ontario *Human Rights Code*. The discrimination or harassment must also have occurred within one of the social areas recognized in the *Human Rights Code* (discrimination or harassment in relation to goods, services and facilities; accommodation; employment; contracts; and vocational associations).

- 4. These *Rules of Professional Conduct* are supplemented by 29 paragraphs of commentary that provide guidance on the interpretation and application of these *Rules* and outline how they are anchored in equivalent legal obligations under the provincial *Human Rights Code* and *Occupational Health and Safety Act*.
- 5. Rule 2.03 of the *Paralegal Rules of Conduct* holds paralegals to professional standards of human rights compliance as follows:

(3) A paralegal shall not engage in sexual or other forms of harassment of a colleague, a staff member, a client or any other person on the ground of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

(4) A paralegal shall respect the requirements of human rights laws in force in Ontario and without restricting the generality of the foregoing, a paralegal shall not discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability with respect to the employment of others or in dealings with other licensees or any other person.

(5) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

(6) A paralegal shall ensure that no one is denied services or receives inferior service on the basis of the grounds set out in this rule.

(7) A paralegal shall ensure that his or her employment practices do not offend this rule.

6. The Discrimination and Harassment Counsel (DHC) program was established in 1999 as an independent office funded by, but operating at arm's length from, the Law Society of Ontario. The DHC began operating in the fall of 1999 to provide information to and support individuals who had experienced discrimination or harassment by licensees contrary to their binding rules of professional conduct as a means to help eradicate discrimination in the legal profession.<sup>1</sup>

- 7. In carrying out its functions, the DHC supports the LSO's core regulatory function of holding licensees accountable for compliance with their *Rules of Professional Conduct* and *Paralegal Code of Conduct*. This is necessary to ensure that public trust in the self-governing legal professions is not eroded by abuses of power through discriminatory or harassing behaviour by professionals.
- 8. The DHC can be accessed by email at <u>assistance@dhcounsel.on.ca</u>, or toll-free by phone at 1-877-790-2200.
- 9. The DHC serves two important functions:
  - (a) The DHC provides a range of confidential services to individuals who have concerns or complaints about discrimination or harassment by lawyers or paralegals licensed in Ontario, or by students in the Ontario licensing process; and
  - (b) The DHC provides anonymized statistical data to the Law Society of Ontario so that the regulator can better understand the dynamic and nature of concerns about discrimination and harassment that are being raised in the legal professions and address possibly systemic issues of discrimination and harassment in the legal professions. This statistical data is released publicly to support public accountability of a profession that is selfgoverning.
- 10. The DHC services are provided without charge to members of the public as well as to licensees, legal staff and students.
- 11. In order to fall within the mandate of the DHC Program, allegations of misconduct must be based on one or more of the prohibited grounds of discrimination listed in

<sup>&</sup>lt;sup>1</sup> In its current mandate, the DHC does not provide representation or legal advice to individuals, nor does the DHC investigate or decide complaints.

the Ontario *Human Rights Code*, in one or more of the five social areas to which the *Code* applies. This is the discriminatory conduct prohibited by the Law Society's codes of conduct for licensees. Personal harassment (e.g. intimidation and bullying) that is not based on any of the listed prohibited grounds does not fall within the mandate of the DHC Program.

- 12. The complaints reported to the DHC arise in a variety of contexts, including but not limited to:
  - (a) clients who report that they have been subjected to discrimination or harassment by their own lawyer or paralegal;
  - (b) participants in litigation whether they are clients, witnesses, articling students, paralegals or lawyers – who have experienced discrimination and/or harassment by opposing counsel or opposing paralegals and justice system employees (such as court/tribunal staff, law firm staff, process servers, etc.) who have experienced discrimination and/or harassment by licensees in the course of litigation;
  - (c) law firm employees, summer students, articling students, licensing program students, paralegals and lawyers who are experiencing or have experienced harassment and/or discrimination by licensees in the workplace based on intersecting or distinct grounds of prohibited discrimination;
  - (d) service providers, law firm employees, law students, summer students, articling students, licensing program students, paralegals and lawyers who are experiencing and/or have experienced discrimination and/or harassment by licensees in the context of professional training programs, continuing professional education programs, public or privately hosted legal events; and
  - (e) members of the public, service providers, law firm employees, law students, summer students, articling students, licensing program students, paralegals

and lawyers who are experiencing or have experienced discrimination and/or harassment by licensees in other contexts which implicate the licensees' professional obligations.

- 13. People also contact the DHC with a range of concerns that are related or adjacent to discriminatory and harassing behaviour by licensees. These include complaints about licensees' lack of compliance with other elements of their respective rules of professional conduct; complaints about abusive employment within legal offices; complaints about judicial conduct; complaints about discrimination and harassment involving licensees from other provinces; and discrimination and harassment complaints not involving lawyers or paralegals. People also contact the DHC program seeking information proactively about the nature of services provided by the program. For all of these related or adjacent issues, the DHC provides information and guidance about other resources that the individual can access but does not provide the more extensive coaching, mediation or conciliation services that are outlined in the next section of this report. The number of contacts that are wholly unconnected to the DHC's mandate are very limited.
- 14. The DHC services are delivered by Fay Faraday, Lai-King Hum and Natasha Persaud. The Counsel on duty rotates each week. When any individual Counsel is unable to act due to a conflict of interest, one of the other Counsels handles the matter. To promote accessibility for those who contact the DHC office, the biographies of Ms Faraday, Ms Hum and Ms Persaud are posted on the DHC website. Ms Hum assists individuals who seek service in French.
- 15. Beginning in the spring of 2023, a DHC Educator was added to the DHC program to conduct outreach and education sessions with the paralegal community which has less familiarity with the DHC services. Paralegal Saba Quadri serves in this position.

#### B. SERVICES PROVIDED BY THE DHC

16. The DHC provides individuals who have experienced or witnessed discrimination

or harassment by lawyers and/or paralegals an opportunity to discuss their concerns confidentially with a knowledgeable and empathetic listener who is an expert in discrimination and harassment law and issues, who has skills of mediation and conciliation regarding human rights, who has skills of cultural competence, and who is committed to promoting compliance with professional ethical standards in the legal professions.

- 17. The DHC also supports lawyers and paralegals to comply with their professional rules of conduct by participating in continuing professional education events to advance licensees' training on the substantive legal issues and best practices to ensure compliance with their codes of conduct and human rights laws.
- 18. The DHC does not provide legal advice or legal representation. The DHC does not conduct investigations or fact-finding. Instead, the DHC provides general information and guidance to complainants to assist them in identifying and evaluating their options to resolve their concerns, provides information to licensees to support best practices, and where appropriate, provides focused mediation or conciliation. The nature of services provided is outlined below.

#### i. Counselling, Data Collection and Coaching for Self-Help

- 19. For some complainants, the ability to talk through their issues confidentially with an objective, knowledgeable outsider is all they want.
- 20. Some complainants want to report their experiences to the DHC so that their experiences will be recorded as part of the DHC's semi-annual statistics. For complainants, this is an important means of alerting the legal profession to the reality and frequency of discrimination and harassment by licensees and of providing an evidence-based foundation for change.
- 21. In some cases, strategic tips and/or coaching are provided by the DHC to complainants who want to handle a situation directly by themselves.
- 22. The DHC also provides informal resolutions, which involve education or reminders

to respondent licensees by way of a discussion with the DHC. This coaching of respondent licensees aims to ensure that they understand their professional obligations regarding human rights compliance in their service delivery and workplaces and that they move toward best practices. This informal coaching may be appropriate in situations where the complainant wishes to remain anonymous but authorizes the DHC to contact the respondent, advise them of their alleged behaviour in breach of human rights without making any finding, and educate or remind the respondent of their professional and legal obligations. Even though the DHC cannot make any factual findings, such calls are effective in providing education and guidance to respondent licensees.

#### ii. Information about Avenues of Recourse

- 23. Complainants who contact the DHC are informed about the avenues of recourse available to them, including (where applicable):
  - (a) speaking to their union representative (if they are unionized and the complaint relates to their employment);
  - (b) filing an internal complaint within their workplace (if the complaint relates to their employment);
  - (c) making a complaint to the respondent licensee's employer (e.g. the managing partner of the respondent's law firm or supervisor of a respondent who works in-house or in government);
  - (d) filing an application with the Human Rights Tribunal of Ontario or the Canadian Human Rights Commission;
  - (e) filing a formal complaint of professional misconduct with the Law Society;
  - (f) contacting the police (where criminal conduct is alleged);
  - (g) filing a complaint about an articling principal with the Law Society's Articling Program;

- (h) contacting the Human Rights Legal Support Centre for legal advice on Human Rights Tribunal of Ontario matters; and
- (i) contacting a lawyer regarding possible civil causes of action.
- 24. Complainants are provided with information about each of these options, including:
  - (a) what (if any) costs might be involved in pursuing an option;
  - (b) whether legal representation is required in order to pursue an option;
  - (c) referral to resources on how to obtain legal representation such as the Law Society's Lawyer Referral Service, <u>https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/law-society-referral-service</u>, (actual referrals to specific lawyers, paralegals or law firms are not made by the DHC);
  - (d) how to file a complaint or initiate an application (e.g. whether it can be done electronically, whether there are filing fees, whether particular forms are required, where to locate the requisite forms, etc.);
  - (e) what processes are involved in pursuing any of the available options (e.g. investigation, conciliation, mediation, adjudication, etc.);
  - (f) what general types of remedies might be available in different fora (e.g. compensatory remedies in contrast to disciplinary penalties; reinstatement to employment versus monetary damages; public interest remedies); and
  - (g) what general time limits exist for each avenue of redress (complainants are advised to seek legal advice with respect to specific limitation periods).

Complainants are advised that the options available to them are generally not mutually exclusive (though some exceptions apply).

#### iii. Resolution Services

25. In addition to being advised about the above-noted options, where appropriate,

complainants are offered resolution services (mediation or conciliation).

- 26. Whenever formal mediation is offered, the nature and purpose of mediation is explained, including that it is a confidential and voluntary process, that it does not involve any investigation or fact-finding, and that the DHC acts as a neutral facilitator to attempt to assist the parties in negotiating the terms of a mutually satisfactory settlement of the issues raised in the complaint.
- 27. When a complainant opts for mediation, they are given the choice of contacting the respondent to propose the mediation or having the DHC contact the respondent to canvass their willingness to participate (prior written consent for the DHC to contact the respondent licensee must be provided). If both parties are willing to participate, they are required to sign a mediation agreement (setting out the parameters of the mediation and ground rules) prior to entering into discussions facilitated by the DHC. The agreement clearly stipulates that the mediation process is confidential and subject to a mutual "without prejudice" undertaking by both parties.
- 28. Where informal conciliation services are offered, the complainant is advised that the DHC can contact the respondent confidentially and discuss the complainant's concerns with the goal of achieving a resolution to the complaint through shuttle diplomacy. Where such an intervention occurs, both the complainant and respondent are advised that the DHC is not acting as the complainant's counsel, advocate or representative, but rather as an impartial go-between to facilitate constructive dialogue between the parties and try to resolve their issues. When a complainant requests such an intervention, written consent must be provided before the DHC contacts the respondent. Depending on the nature of the complaint and the parties involved, a conciliation agreement is sometimes executed to set out the ground-rules for the conciliation process.
- 29. Some complainants are not interested in the DHC's resolution services because they are seeking an adjudicative process to create a formal record of the respondent's misconduct or they desire a process that includes a fact-finding

investigation. Sometimes they decline an offer of resolution services based on a belief that the respondent would not participate in good faith. When a complainant elects to attempt mediation or conciliation, respondent licensees are generally receptive to the DHC's offer of resolution services. On occasion, however, respondents decline to participate.

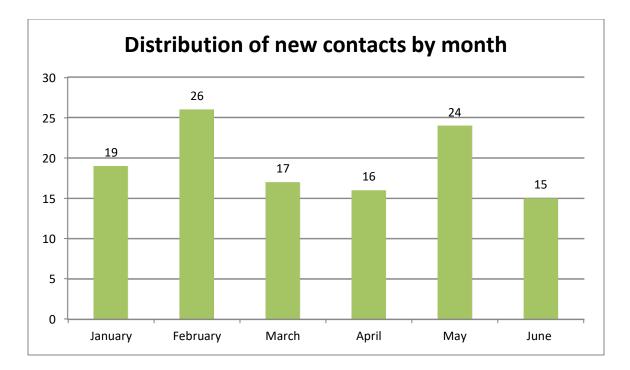
### iv. Referrals

- 30. The DHC refers some complainants to other agencies or organizations where appropriate (such as the Member Assistance Program, a sexual assault crisis centre, a suicide prevention helpline, the Barbra Schlifer Commemorative Clinic, ARCH Disability Law Centre, or the Human Rights Legal Support Centre). The DHC also directs complainants to relevant resource materials available from the Law Society, the Ontario Human Rights Commission, or other organizations.
- 31. The DHC does not operate a lawyer referral service.

# C. OVERVIEW OF NEW CONTACTS WITH THE DHC PROGRAM

- 32. From 1 January 2024 to 30 June 2024, 117 individuals contacted the DHC with a new matter,<sup>2</sup> for an average of 19.5 new contacts per month.
- 33. The distribution of contacts over the six-month period of this report is set out in the chart below.

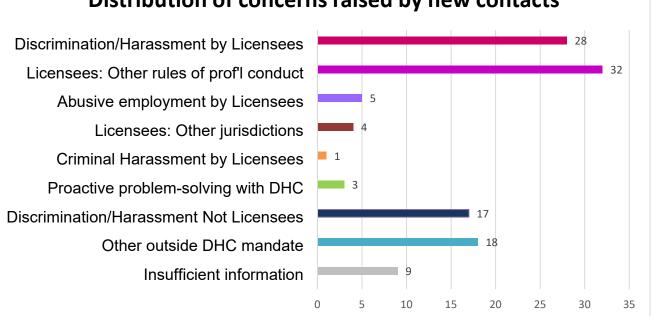
<sup>&</sup>lt;sup>2</sup> Individuals who had previously contacted the Program and who communicated with the DHC during this reporting period with respect to the same ongoing matter are not counted in this number. Individuals who had multiple communications with the DHC about the same matter are only counted once.



34. During this reporting period, one new contact requested services in French.

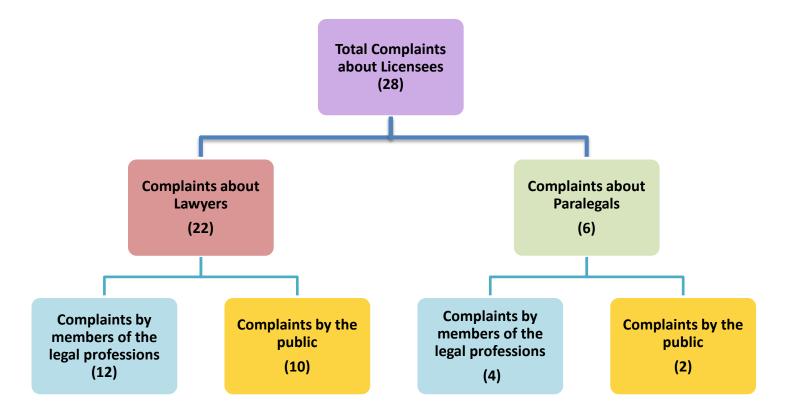
#### D. SUMMARY OF DISCRIMINATION AND HARASSMENT COMPLAINTS

35. Of the 117 new contacts with the Program during this period, 28 raised substantive concerns about discrimination and/or harassment by licensees. A further 32 contacts raised substantive concerns about licensees' conduct in relation to other rules of professional conduct; 5 contacts raised concerns about abusive employment by licensees; 4 raised issues of discrimination and harassment by legal professionals from other jurisdictions; and 1 raised an issue of criminal harassment by a licensee. Three contacts reached out to the DHC proactively seeking information to assist in problem-solving. Seventeen new contacts raised discrimination and harassment complaints in contexts not involving licensees and 9 contacts did not provide sufficient information to assess. The remaining 18 contacts dealt with other issues outside the mandate of the DHC. The distribution of concerns is represented in the graph below:



Distribution of concerns raised by new contacts

- 36. Of the 28 contacts that raised concerns about discrimination and harassment by licensees, 22 related to conduct by lawyers and 6 related to conduct by paralegals.
- 37. Of the 22 complaints about lawyers, 12 were made by individuals within the legal profession and 10 by members of the public. Of the 6 complaints about paralegals, 4 were made by individuals within the legal profession and 2 by members of the public. The breakdown of complaints made about licensees is represented on the chart on the next page.



## Source of Complaints Against Licensees – Chart 1

#### Complaints about Licensees by Members of the Legal Professions

- 38. The data on the source of complaints against licensees from within the legal profession combines the information for lawyers and paralegals to best preserve complainant confidentiality. The combined 16 complaints about licensees made by members of the legal professions were made by individuals from a variety of careers/career stages within the profession and a variety of roles within the justice system as follows:
  - 6 complaints by lawyers;
  - 2 complaints by paralegals;
  - 6 complaints by law and paralegal students, and
  - 2 by legal staff.
- 39. Of the 16 complaints against licensees made by members of the legal professions:

13 (81%) were made by individuals who identified as women, 12 of whom (92%) voluntarily self-identified as racialized women and/or women with disabilities;

2 (12%) were made by individuals who identified as men, 100% of whom identified as being marginalized due to race, disability and/or other prohibited grounds of discrimination; and

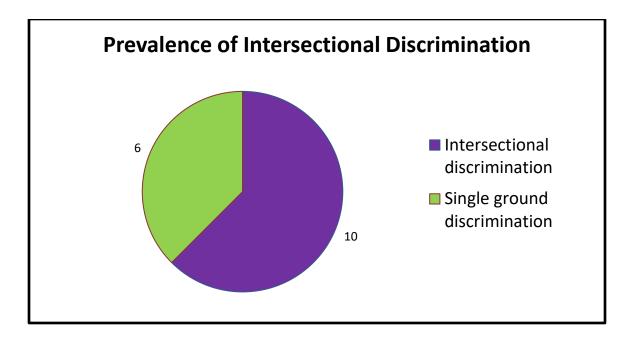


1 (6%) was made by an individual whose gender identity was not disclosed.

- 40. Of the 16 complaints from members of the legal profession, 10 complaints (62.5%) related to the complainants' employment and the remaining 6 complaints (37.5%) related to interactions with licensees in other professional contexts.
- 41. Of the 16 complaints from members of the legal profession:

10 complaints (62.5%) raised allegations of harassment and discrimination on intersecting grounds including combinations of sex, race, disability, place of origin, citizenship, sexual orientation, family status and marital status.

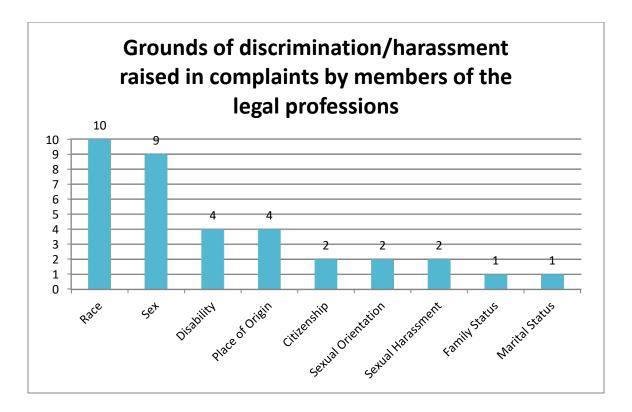
6 complaints (37.5%) raised a single ground of discrimination.



42. In summary, the following prohibited grounds of discrimination were raised with the following frequency in complaints by members of the legal profession about the conduct of lawyers. The total exceeds 16 as most of the complaints raised more than one ground of discrimination

| Race               | 10 |
|--------------------|----|
| Sex                | 9  |
| Disability         | 4  |
| Place of Origin    | 4  |
| Citizenship        | 2  |
| Sexual Orientation | 2  |
| Sexual Harassment  | 2  |
| Family Status      | 1  |
| Marital Status     | 1  |

The distribution of grounds of discrimination and harassment are depicted in the table on the following page.



- 43. The complaints with respect to employment typically involved a power differential (seniority, security of employment) between the complainant and the lawyer complained about. The range of behaviour complained about in the context of employment included:
  - (a) Sex discrimination took the form of discriminatory and abusive language, verbal harassment, sexual harassment, unequal pay, heightened scrutiny/micromanagement relative to male employees, discrimination in work assignments, unequal access to work opportunities, training and promotions, failure to investigate or address complaints about discrimination, and reprisals for raising allegations of sex discrimination;
  - (b) Race discrimination took the form of discriminatory and abusive language, verbal harassment, unequal distribution of work, unequal pay, physical harassment and assault;

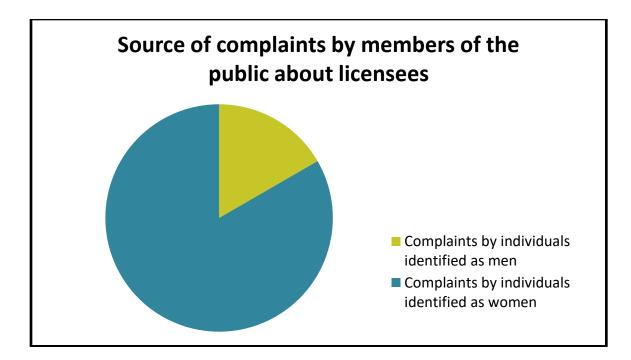
- (c) Discrimination and harassment with respect to disability involved refusals to accommodate disabilities, denial of work opportunities, and reprisals, including termination, for requesting accommodation;
- (d) Discrimination based on place of origin and citizenship particularly affects members of the profession who have more recently immigrated to Canada or who are in the process of seeking permanent residence or citizenship status.
- 44. The range of behaviour identified in complaints about lawyers in other professional settings included verbal harassment based on race, sex and disability, sexual harassment, and refusal to accommodate disabilities.

# Complaints about Licensees by Members of the Public

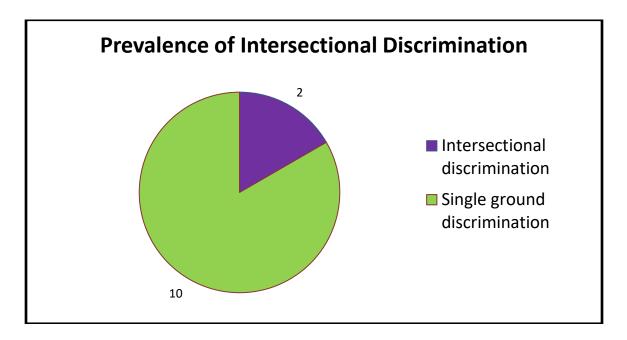
- 45. The data on the source of complaints against licensees from members of the public combines the information for lawyers and paralegals to best preserve complainant confidentiality. During this reporting period, 12 complaints were made about licensees by members of the public.
- 46. Of the complaints made by members of the public:

\* 10 complaints (83%) were made by individuals who identified as women, 8 of whom (80%) voluntarily self-identified as being racialized and/or women with disabilities; and

\* 2 complaints (17%) were made by individuals who identified as men, both of whom voluntarily self-identified as being racialized and/or men with disabilities.



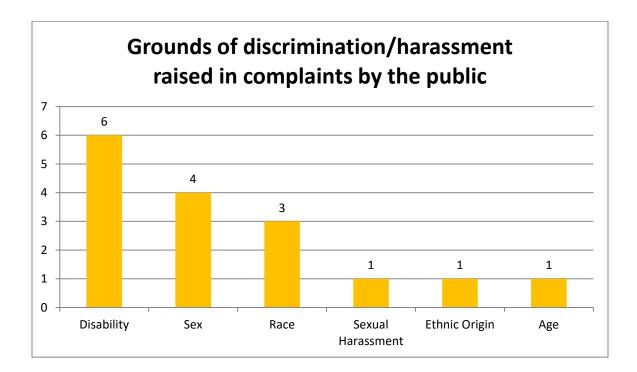
- 47. Of these 12 complaints, 8 complaints were made by individuals who reported discrimination or harassment by their own lawyer; 3 complaints were made about opposing counsel, and 1 was made about lawyers in other contexts.
- 48. Two of the 12 complaints (17%) raised discrimination or harassment on intersectional grounds.



49. Members of the public most frequently cited discrimination based on disability and sex. The grounds of discrimination identified by members of the public are set out below. The total exceeds 12 because 2 complaints raised multiple grounds of discrimination.

| Disability        | 6 |
|-------------------|---|
| Sex               | 4 |
| Race              | 3 |
| Sexual Harassment | 1 |
| Ethnic Origin     | 1 |
| Age               | 1 |

This information is depicted visually in the graph below.



50. The complaints about disability related to the complainant's own lawyer and/or opposing counsel failing to accommodate disabilities, particularly in the context of legal proceedings.

51. The complaints about sex related to verbal harassment and physical sexual harassment. The complaints about race and ethnic origin involved verbal harassment.

#### E. COMPLAINTS ABOUT PARALEGALS

- 52. As noted above, in this period 6 complaints were received about paralegals. While this is the largest number of in-mandate complaints the DHC has received about paralegals, it is still too low a number for which to present disaggregated data without compromising the confidentiality of complainants. As a result, the data on complaints about paralegals has been integrated with the complaints about lawyers. We note, however, that the profile of complaints by sex, context, intersectionality and grounds of discrimination raised about paralegals is consistent with the profile of complaints raised about lawyers. One distinctive element, though, is that complaints about paralegals arise disproportionately in the context of landlord/tenant matters.
- 53. It is too soon to determine whether the increased number of complaints about paralegals in this period is anomalous or whether it reflects increased awareness about the DHC in the paralegal community in the wake of targeted outreach to the paralegal community by the DHC Educator.

# F. PROMOTIONAL AND EDUCATIONAL ACTIVITIES

- 54. The DHC has also been invited to make a number of presentations to professional organizations of licensees about the DHC program. Presentations over the period from January to June 2024 included the following:
  - (a) On 16 April 2024, Lai-King Hum made a presentation about the DHC to an audience of professional regulators at the Professional Regulation and Discipline Conference: Challenges in Sexual Abuse Cases and the Trauma-Informed Approach;

- (b) On 17 April 2024, Lai-King Hum made a 45-minute presentation at the Women in Law Summit. Her presentation on "Innovations in accountability: the role of senior leadership in advancing diversity in law" (45 min), addressed the impact of mental health burnout on women, and resources available (including the DHC).
- (c) On 9 May 2024, Fay Faraday made a presentation to the Annual General Meeting of the Federation of Ontario Law Associations on the role of the DHC and particularly on the existence of sexual harassment and sexual assault within the legal profession. The invitation to make this presentation was prompted by an <u>investigative journalism piece that was published in the *Toronto Star* in February 2024</u> about sexual harassment in the legal professions which included analysis of the DHC Reports from 1999 to the present.
- (d) On 11 June 2024, Fay Faraday made a presentation to the Federation of Law Societies of Canada about the DHC and issues of discrimination and harassment in the legal professions.
- (e) On 21 June 2024, Fay Faraday met with the Nova Scotia Barristers' Society's Hearing Committee during their professional development day to discuss the role of the DHC.

# G. DHC OUTREACH TO PARALEGALS: REPORT ON THE FIRST 15 MONTHS

55. In 2023, at the direction of the LSO's Equity and Indigenous Affairs Committee, the DHC created the new position of Discrimination and Harassment Educator with the mandate to conduct outreach and training to raise the profile of the DHC and its services among paralegal licensees. Paralegal Saba Quadri serves as the DHC Educator. She began work in March 2023. The following section reports on the first 15 months of the DHC Educator's work.

#### (i) Background

- 56. The outreach program was initiated to address the fact that there is a lower degree of awareness about the DHC program and its services among paralegals than lawyers. The training delivered by the DHC Educator is anchored in the *Paralegal Rules of Conduct*. By equipping future licensees with knowledge of their ethical obligations, the program promotes a more inclusive and equitable professional environment both for licensees and for clients. This aligns with the DHC's mission to support those affected by discrimination and harassment by LSO licensees.
- 57. The DHC training addresses paralegals' rights to be free of discrimination and harassment in the workplace, their professional obligations to deliver services and operate businesses in a manner that is free of discrimination and harassment, and the DHC's role in providing support in both those contexts. It also provides substantive training on discrimination, harassment, the duty to accommodate and the scope of licensees' rights and obligations under the *Human Rights Code* and *Paralegal Rules of Conduct*.
- 58. The initial phase of the DHC Educator's work is intentionally directed toward paralegal students who are about to begin their field placement or about to graduate and enter the workforce. This timing is ideal because it equips future licensees with essential education and training on best practices so it is front of mind as they move into the workforce, ensuring they are prepared to meet their professional obligations. Training on discrimination and harassment at the outset of their careers also ensures they have knowledge of practical supports that are available to them when they are most vulnerable to experiencing discrimination and harassment. At the same time, it helps them establish good practice habits as a foundation for their development in the profession.
- 59. To ensure the broadest impact, the DHC Educator training sessions are being delivered at the colleges that provide accredited paralegal training programs. There are 24 accredited college programs across 34 separate campus locations (i.e. some colleges operate multiple campus locations so paralegal programs

offered by a single college may take place in multiple locations around the province).

60. After the DHC Educator has developed working relationships with the colleges that deliver accredited paralegal training and the paralegal student training cycles are established, the DHC Educator will expand into the second phase of work to deliver training to paralegals who are already licensed.

## (ii) **Program Activities**

- 61. From March 2023 to September 2023, two main activities were carried out.
- 62. First, extensive work was done to research, develop, and refine training materials targeted to a paralegal student demographic. This work also involved analyzing statistical data about paralegals from the Law Society's annual Paralegal Snapshot. This data is significant because the profile of the paralegal profession in Ontario is quite distinct from that of Ontario lawyers. The paralegal profession is predominantly female and racialized, and concentrated in younger demographics than Ontario lawyers. This is important in developing training that is responsive to the lived experiences of the trainee cohorts.
- 63. Second, extensive work was done to build relationships with the accredited paralegal training programs across the province. This involved researching the accredited paralegal programs which vary in terms of length, structure and academic cycles (i.e., standard academic calendar or continuous admission with cohorts graduating every four months). Training materials were adapted for sessions of varying lengths based on program structure. But the most intensive work involved making connections with and meeting with individual paralegal program directors and instructors at each of the accredited programs to provide them with an orientation to the role of the DHC and to secure invitations to deliver trainings. By August 2023, the DHC Educator began scheduling training sessions and the first training sessions were delivered in September 2023.

- 64. Because paralegal programs operate 12 months of the year and cohorts of paralegal students begin placements or graduate every few months, the DHC Educator delivers multiple training sessions each month. There is also continuous work scheduling future training sessions and continuing efforts to connect with the couple of colleges that remain non-responsive.
- 65. By February 2024, the DHC Educator began delivering training to second graduating cohorts at some colleges while also expanding training to initial cohorts at other colleges. By June 2024, training is being delivered to third cohorts at some colleges.

#### (iii) Impact and Achievements

- 66. In March 2023, the DHC set an initial goal of delivering training to 40-50% of the college programs. We have far exceeded that goal.
- 67. As of June 2024, the DHC Educator has successfully established relationships with 20 of the 24 accredited colleges (83% of the colleges) and delivered training sessions at least once to each participating college. The DHC Educator has delivered trainings at 31 of the 34 campuses across Ontario. Between September 2023 and June 2024, we delivered 38 training sessions to 885 students.
- 68. This degree of engagement with the graduating cohorts is significant. To put it in perspective, over the last five years an average of 914 new paralegals have been admitted to the profession each year. Using that annual average as a reference point, by training 885 students in nine months the DHC engaged with approximately 97% of students about to become licensees.
- 69. The DHC has received positive feedback from the participating colleges which have shown repeated interest, recognizing the value these trainings bring to their students.
- 70. Program directors, instructors and participants consistently expressed that they found the training informative and engaging. They highlighted the training's value

in addressing crucial ethical issues within the legal field. Faculty members appreciated the clarity and relevance of the content, often noting that students found the information helpful and relevant. Colleges have consistently expressed interest in having the DHC return to deliver future sessions, and some colleges have taken steps to incorporate the DHC's training seminars into their regular curriculum and schedule, indicating a strong endorsement of the training's effectiveness and impact.

71. Of the four colleges that the DHC Educator has not yet engaged, two no longer offer a paralegal program, and two have not responded despite multiple attempts. Of the three campuses at which trainings have not been delivered, one campus no longer offers a paralegal program, another has not responded, and the third is not interested currently.

## (iv) Next Steps

- 72. The DHC will continue to deliver training on an ongoing basis to paralegal students. As good working relationships have been established with the accredited paralegal education programs and the DHC training is being integrated into the regular paralegal curriculum or academic schedule, scheduling and delivery of training sessions is happening more efficiently. This is creating space to explore opportunities to deliver training to practising paralegals in a way that is already being done in the context of continuing professional development programs for lawyers.
- 73. In the spring of 2024, the DHC Educator began outreach to associations of practising paralegals to explore opportunities for this second phase of the DHC Educator's work. Meetings to advance this work are expected to take place early in the fall.