
**DISCRIMINATION & HARASSMENT COUNSEL PROGRAM
SEMI-ANNUAL REPORT:
JULY 1, 2002 - NOVEMBER 30, 2002**

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

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EXECUTIVE SUMMARY

This report covers the activities of the *Discrimination & Harassment Counsel (DHC) Program* from July 1, 2002 to November 30, 2002¹.

During this reporting period, I received approximately 35 calls per month for a total of 174 calls in five months. This represents a slight decrease from the last reporting period when I received on average 40 calls per month. July, October, and November were the most intense months with 47, 40, and 41 calls respectively. September was the slowest month with only 13 calls.

Of the 174 calls, two-thirds were within the mandate of the Program. This represents a decrease from past reporting periods when approximately 75-90% of the calls were within the mandate.

A quarter of the calls continue to deal with sexual and personal harassment. The vast majority of these calls were generated by women. The next most significant areas were calls regarding discrimination on the basis of race (8%), religion (4%), gender (2%), disability and sexual orientation (each 1%). All of the calls regarding discrimination on the basis of race were generated by men. All of the calls regarding discrimination on the basis of religion, gender, disability and sexual orientation were generated by women.

¹ Normally this report would cover the period from July 1, 2002 to December 31, 2002. However, due to my appointment as a Justice in the Ontario Court of Justice, my term as the DHC ended on November 30, 2002.

The vast majority of calls (112 of 133 ² or 84%) were generated by members of the public. Twenty-one calls were received from lawyers and/or law students.

For the first time since the Program started, socio-economic data was collected during this reporting period. Attached as Appendix "C" is a sample Questionnaire.

Every effort was made to collect the information from each caller and the system worked well with callers who contacted the Program via telephone. I recommend that the system now be expanded to include callers who contact the Program via e-mail.

During this reporting period 20 Questionnaires were completed. (See Appendix "D"). The data reveals that the average caller is a Caucasian, English-speaking female member of the public. She has post-secondary education and earns over \$30,000.00 annually. She was referred to the Program through the internet either via the Law Society's web page or the DHC Program's web page.

Eleven files were opened regarding complaints and matters requiring follow up and ten of these matters are ongoing.

To date, 17 files have been closed (including files opened in earlier reporting periods) with the following resolutions:

²None of the 41 calls received in November have been included in this calculation as these calls were transferred to the interim DHC and therefore it is unknown how many represented calls from members of the profession versus calls from members of the public.

- a. 6 matters were resolved through internal or external processes, such as a grievance or a complaint to the Ontario Human Rights Commission;
- b. 3 matters were resolved by the Law Society, two of which were dealt with through the Discipline Process;
- c. 8 matters were resolved through successful intervention of the DHC, including 2 involving mediation services.

As of November 30, 2002 there were 21 ongoing files including 7 files transferred to the interim Discrimination & Harassment Counsel. All of these ongoing files will be transferred to the new DHC.

DIRECT SERVICES

Overview of Calls

From July 1, 2002 to November 30, 2002 I received 174 calls generated by 154 callers. Of these calls, two thirds fall within the mandate of the Program. This figure refers to all calls from people with either a specific complaint requesting direct services, or requests for information about the Program.

Calls from members of the public continue to out-pace calls from members of the profession at a rate of 5:1. While more women than men continue to contact the Program, the number of men contacting the Program has dramatically increased: in this reporting period 66 calls were received from men compared with 88 calls from women. With the exception of two callers who spoke French, all callers in this reporting period were English speaking.

	2002³	2001⁴	1999-2000⁵
Total number of calls received:	411	366	582
Total number of calls w/in mandate:	270	325	430
Total number of individual callers:	299	295	469
Total number of female callers:	190	218	263
Total number of male callers:	123	77	91

³These figures refer to all calls received in 2002.

⁴These figures refer to all calls received in 2001.

⁵These figures refer to calls received in the first 14 months of the Program's operation, ie. November 1999 - December 31, 2000.

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

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

Total number of calls from the public:

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

The monthly breakdown of calls for this reporting period is set out in "Appendix A" to this Report. Appendix "B" provides a breakdown based on subject areas of the calls within the mandate.

Appendix A: Number of Calls Received Each Month

On average, I received approximately 35 calls per month. July, October and November were the busiest months with 47, 40 and 41 calls respectively. September was the slowest month with only 13 calls.

Appendix "B": Breakdown of Calls Within the Mandate

Approximately a quarter of the calls were complaints, usually by women, of sexual and personal harassment (20 of 84).

The next most significant area was discrimination on the basis of race where I received 7 calls, all generated by men.

I received 3 calls regarding discrimination on the basis of religion and 3 calls regarding discrimination on the basis of sexual orientation, 2 calls regarding gender discrimination and 1

call regarding discrimination on the basis of disability. All of these calls were generated by women.

Requests for general information about the DHC Program, including requests for specific information such as a copy of the *Rules of Professional Conduct*, or a *Model Policy*, accounted for 26 of the calls within the mandate (30%).

Complaints

i. Number and Type

During this reporting period I opened 11 files⁶ as follows:

- a. **sexual harassment**
 - F 2
 - M 1
- b. **discrimination - gender**
 - F 3
 - M 1 (Third party complaint on behalf of a woman)
- c. **discrimination - race**
 - F 1
 - M 3
- d. **problems with the LSUC⁷**
 - F 0
 - M 1

⁶The decision to open files is a subjective one based on whether there will be ongoing contact with a caller requiring a file to be maintained. As such, this figure is **not** indicative of the number of matters dealt with under the mandate of the Program. Instead, reference should be made to the total number of calls within the mandate (84) during this reporting period.

⁷This complaint involved a lawyer regarding the Law Society's method of communicating with members of the profession. The matter was resolved internally.

iii. Services Provided

Of the 11 files opened during this reporting period, the services provided include the following:

Information and Advice including what resources are available, copies of LSUC materials, reviewing a firm's existing policies and procedures and recommending changes: all 11.

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

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

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

The individuals involved in these matters are comprised of members of the profession (6), clients (4) and employees (3, including 2 members of the profession).

Six matters involve women; five involve men. The complaints made by clients involved allegations of discrimination on the basis of race (2) and gender (2). The complaints made by employees involved allegations of sexual harassment (2), and discrimination on the basis of race (1).

iv. Open Files - Ongoing

Of the 11 files opened during this reporting period, 10 are ongoing and involve the following areas:

a.	Discrimination - Gender	4
b.	Discrimination - Race	3
c.	Sexual Harassment	3

iv. Closed Files

During this reporting period, 17 files were closed. These files dealt with the following matters:

Sexual Harassment	9
Personal Harassment	2
Discrimination- Disability	1
Discrimination - Gender	1
Discrimination - Race	3
Discrimination - Sexual Orientation	1

Except for one third party complaint filed by a man on behalf of a female student, all of the complaints involving sexual harassment were from women members of the public. Some of the individuals who complained were employed by lawyers.

Lawyers complained of personal harassment (1), discrimination on the basis of disability (1), and discrimination on the basis of sexual orientation (1). Lawyers (2) and a client (1)

complained of discrimination on the basis of race. All three of these complainants were women; one was an Aboriginal client.

Of the 17 closed files, the resolutions were as follows:

Internal Process⁸:	3 (Matters settled; confidential terms)
External Process⁹:	3 (One matter involved a potential law suit; the others were employees of law firms who filed complaints of sexual harassment with the OHRC)
LSUC:	3 (2 matters were resolved through the LSUC Discipline Process, although one matter took approximately YEARS to get to a hearing and then YEARS for the Discipline Panel to release its written reasons)
Mediation¹⁰:	2 (1 matter was settled on confidential terms. The respondent in the second matter was unwilling to participate in the DHC process which is voluntary.)
Information Provided:	6

⁸Internal processes include a complaint pursuant to the organization's internal policy or a grievance.

⁹External processes include filing a complaint with the Ontario or Canadian Human Rights Commission or filing a civil law suit.

¹⁰Mediation refers to formal and informal complaints to the DHC Program where the resolution was achieved either through negotiation, conciliation, or mediation.

PROMOTION AND PUBLICITY

i. Web Page

Thanks to the collaborative efforts of the Communications and IT Departments at the Law Society, I am pleased to announce that the DHC web page is now available at:

www.dhcounsel.on.ca.

The DHC web-site is linked to the Law Society's site (and vice-versa); it also has links to other related sites. The Program's web page will be an important resource and of great assistance in reaching the public.

ii. Other Promotional Activities

Numerous promotional activities were planned for this reporting period as follows:

- Windsor University Faculty of Law - November 6, 2002
- Sexual Abuse Symposium of Northern Ontario, Sudbury - November 8 and 9
- Promoting Dialogue and Creating Change, LSUC - November 21 and 23
- Presentation to Staff at Warkworth Institution - December

However, as a result of being appointed to the Ontario Court of Justice on October 30, 2002, all of the activities noted above were cancelled.

APPENDIX "A"
NUMBER OF CALLS RECEIVED EACH MONTH¹¹

<u>Month</u>	<u>Total Calls</u>	<u>Calls w/i Mandate</u>	<u>Calls o/s Mandate</u>
July	47	32	15
August	33	20	13
September	13	4	9
October	40	28	12
November ¹²	41	N/A	N/A
<u>Totals</u>	174	84	49

¹¹These figures refer to the number of calls *received*, not the number of individuals calling. In some instances, particularly where the caller required ongoing assistance, one person generated several calls. Also, these figures do not refer to the number of outgoing calls made by the DHC in relation to matters within the DHC mandate.

¹²All calls received in November were transferred to the interim DHC. As a result, there is no data available for this report on the breakdown of those calls.

APPENDIX "B"
BREAKDOWN OF CALLS WITHIN THE MANDATE

During this reporting period, 84¹³ calls were within the mandate as follows:

- a. **Sexual Harassment**
 F: 15
 M: 2
- b. **Personal Harassment**
 F: 2
 M: 1
- c. **Discrimination - Disability**
 F: 1
 M: 0
- d. **Discrimination - Gender**
 F: 2
 M: 0
- e. **Discrimination - Race**
 F: 0
 M: 7
- f. **Discrimination - Religion**
 F: 3
 M: 0
- g. **Discrimination - Sexual Orientation**
 F: 3
 M: 0
- h. **Information**
 F: 16
 M: 10
- i. **Administrative**
 F: 18
 M: 6

¹³This figure refers to calls received between July 1st and October 31st only and does not include any of the 41 calls transferred to the interim DHC for November. Likely some of the November calls would also have been within the mandate of the Program.

**DISCRIMINATION AND HARASSMENT COUNSEL
SOCIO ECONOMIC QUESTIONNAIRE**

*The data collected through this form is for anonymous statistical purposes only
so that we can provide the best possible service to callers.*

1. **Gender:**

- Male
- Female

2. **Age:**

- Under 18
- 18-24
- 25-34
- 35-49
- 50-64
- 65+

3. **Race:** How would you identify yourself from the following list of choices:

- Aboriginal (Indian, Metis or Inuit)
- Arab/West Asian (Armenian, Egyptian, Iranian)
- Black (African, Haitian, Jamaican, Somali)
- Chinese
- Filipino
- Japanese
- Korean
- Latin American
- South Asian (East Indian, Pakistani, Punjabi, Sri Lankan)
- Southeast Asian (Cambodian, Indonesian, Laotian, Vietnamese)
- White/Caucasian
- Other _____

4. **Status:** Are you a Lawyer?

- Yes
- No

5. **Employment Situation** (for lawyers only):

- Sole Practitioner - 4 Lawyers
- Small Firm (5-25 lawyers)
- Medium Firm (26-50 lawyers)
- Large Firm (51+ lawyers)
- Government
- In-House Counsel
- Other _____

6. **Language:** Which of the following languages do you understand and speak the best?

- English
- French
- Other _____

7. **Education:** What is the highest level of education that you have completed?

- Less than high school
- High School Diploma
- Some post-secondary
- College/technical degree
- University degree, undergraduate studies
- University degree, graduate studies
- Other _____

8. **Income:** In which of the following group does your yearly gross income fall?

- Less than \$15,000
- \$15,000 - \$29,999
- \$30,000 - \$59,999
- \$60,000 - \$79,999
- \$80,000 - \$99,999
- \$100,000 or more

9. **Contact with Program:** How did you hear about the DHC Program?

- Ontario Reports Ad
- Gazette
- DHC Brochure
- DHC Presentation
- Word of Mouth
- Other (please specify) _____

APPENDIX "D"
OVERVIEW OF SOCIO-ECONOMIC DATA

1. **Gender**
M: 8 F: 12

2. **Age**
25-34: 5
35-49: 7
50-60: 7
65+: 1

3. **Race**
Caucasian: 14
South Asian: 2
Black: 2
Latin American: 1
Aboriginal: 1

4. **Members of the Profession**
Yes: 5 No: 15

5. **Employment Status (Lawyers Only)**
Solo Practice: 2
Small Firm: 1
Government: 1
Other (Student): 1

6. **Language**
English: 18 French: 2

7. **Education**
< Highschool: 2
> Highschool: 2
Some Post-Sec: 3
College/Technical: 2
Undergrad: 8
Graduate: 3

8. **Income**
> 15,000: 2
\$15-29,000: 2
\$30-59,000: 5
\$60-79,000: 3
\$80-99,000: 2
\$100,000+: 6

9. **Referral Sources**
OR Ad: 3
Word of Mouth: 4
Internet: 12
LSUC: 1

APPENDIX "E"
OVERVIEW OF TRENDS

- Although more women than men continue to contact the Program, there has been a dramatic increase in the number of calls from men, particularly among calls from the public (66 from men; 88 from women)

- Members of the profession (including lawyers, law students and articling students) continue to avail themselves of the Program's services

- Complaints of sexual and personal harassment continue to account for a significant portion of calls within the mandate

- More areas of discrimination and harassment identified, ie. discrimination on the basis of gender, sexual orientation, and religion

APPENDIX "F"
BUDGET FOR 2002

The budget for 2002 was \$100,000.00. These funds have been spent as follows:

Fees	\$60,975.00
Disbursements	\$ 9,130.45
GST	\$ 4,901.26
TOTAL	\$75,006.71¹⁴

¹⁴This figure does not include services provided by the interim DHC in December 2002.