



The Law Society of
Upper Canada

Barreau
du Haut-Canada

**EQUITY AND ABORIGINAL ISSUES COMMITTEE/
COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES**

February 11, 2000

Report to Convocation

Purpose of Report: Decision and Information

Prepared by the Equity Initiatives Department

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TERMS OF REFERENCE/COMMITTEE PROCESS

The Equity and Aboriginal Issues Committee met on Wednesday, February 9, 2000, 4 - 7 p.m. in Convocation Room. In attendance were:

Heather Ross and Helene Puccini (co-chairs)

Robert P. Armstrong (Treasurer)

Stephen Bindman

Leonard Braithwaite

Todd Ducharme

Barbara Laskin

Susan Opler (non-bencher)

Janet Stewart (non-bencher)

Donald White

Guests: Judith Potter, Mary Teresa Devlin (Discrimination/Harassment Counsel)

Staff: Charles Smith, Anjie Husain, Rachel Osborne, Geneva Yee

This report contains the Committee's recommendations for Convocation on approval of the Terms of Reference for the Equity Advisory Group.

It also contains information reports on:

- ▶ the new members of the Equity Advisory Group;
- ▶ the LSUC Equity and Diversity Action Plans; and
- ▶ the LSUC Discrimination/Harassment Counsel;

FOR CONVOCAATION DECISION-MAKING

1) EQUITY ADVISORY GROUP TERMS OF REFERENCE AND MEMBERSHIP

In establishing the Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (EAIC), Convocation also approved setting up the Treasurer's Equity Advisory Group (TEAG), Roti io' ta'-kier and AJEFO as advisory bodies to the newly established Committee. Convocation also requested that the EAIC review the terms of reference for TEAG and Roti io' ta'-kier and recommend revised Terms to Convocation for approval.

In response to Convocation's direction, the revised Terms of Reference for the Equity Advisory Group (formerly the Treasurer's Equity Advisory Group) are provided for approval. These terms were reviewed by the Group at its January 25 meeting and are similar to those adopted by Convocation in January 1999. The significant differences are in regard to the Group's name (the term "Treasurer" has been removed), the Group's reporting relationship (to the Committee and not to the Treasurer), the number of benchers on the Group (reduced from six to one) and the number of non-benchers appointed to the Group (increased from eleven to fifteen).

The Committee is recommending to Convocation that it approve the Equity Advisory Group's Terms of Reference.

EAIC also recommends to Convocation that the non-bencher co-chair of EAG, or his/her designate, be appointed to the Committee as an observer, and as a non-voting member.

Terms of Reference
Equity Advisory Group

1. Mandate

To assist the Equity and Aboriginal Issues Committee, in the development of policy options for the promotion of equity and diversity in the legal profession by:

- identifying and advising the Committee on issues affecting equity seeking communities, both within the legal profession and relevant to those seeking access to the profession;
- providing input to the Committee on the planning and development of policies and practices related to equity, both within the Law Society and the profession;
- commenting to the Committee on Law Society reports and studies relating to equity issues within the profession; and

Organization and Structure

2. Membership

2.1 The Advisory Group has no fewer than 15 members and no more than 17 members, with no fewer than 2 benchers whom will be members of the Equity and Aboriginal Issues Committee.

2.2 Members have direct experience or commitment to access and equity for equity seeking communities, including but not limited to communities of ethno-racial people, people of colour, immigrants and refugees, people with disabilities, gays, lesbians, bisexuals, transgenders, and women.¹ Such experience is in areas of employment equity, access to the legal system, human rights; anti-racism, anti-oppression training; managing access and equity plans, or social justice issues

2.3 The membership reflects gender parity and balance among the various equity seeking communities.

3. Appointment of Co-chairs

The Advisory Group shall be chaired by one of its own non-bencher members.

4. Meetings

4.1 The Advisory Group meets once a month, [except in the months of July and August], with schedules and agendas being established by the co-chairs in consultation with staff and the members of the Advisory Group.

4.2 Special meetings may be convened by a co-chair.

4.3 Members must attend meetings regularly either in person or by electronic means such as teleconference.

4.4 Failure to attend more than three consecutive meetings without explanation constitutes resignation from the Advisory Group.

5. Quorum

5.1 Four members of the Advisory Group constitute a quorum for the purposes of the transaction of business.

6. Term of Membership

6.1 The term of membership is two years, for a maximum of two consecutive terms.

6.2 To maintain continuity, not more than half the membership is changed in any year.

3. Staff

7.1 Research and administrative support is provided by the Law Society's Equity Advisor.

FOR CONVOCATION INFORMATION:

SELECTION OF NEW EAG MEMBERS:

This report provides information on how new members for EAG have been selected. EAG established a working group to review 38 applications from those wishing to join EAG. These EAG members asked a member of the Feminist Legal Analysis Committee/CBA-O to work with the group as an observer. The working group made recommendations to EAG at its January 25 meeting. These recommendations were approved by the EAIC at its meeting on February 9, 2000.



The Law Society of
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Barreau
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Equity Initiatives

MEMORANDUM

To: Equity and Aboriginal Issues Committee /Comité sur l'équité et les affaires autochtones

Date: January 28, 2000

Re: TEAG Membership Recommendations & Selection Process

Introduction:

1. In December 1999, the TEAG Selection Committee, comprising TEAG members Susan Switch, Avvy Go, and Camille Lee, and CBA-O Feminist Legal Analysis Committee member Joy Casey, reviewed the applicants and formulated a shortlist of candidates for TEAG membership. That shortlist was approved by TEAG during their January 25th meeting and is being forwarded to the Equity and Aboriginal Issues Committee /Comité sur l'équité et les affaires autochtones for final approval.

Background:

2. During the summer of 1999, announcements in the Ontario Reports invited members of the profession interested in working on equity and diversity issues with the Treasurer's Equity Advisory Group (TEAG) to forward their curriculum vitae and letter of interest to Charles Smith, Equity Advisor. A total of 38 applications for TEAG membership were received and the TEAG Selection Committee, guided by specific criteria, reviewed and ranked each applicant. The selection criteria, adopted by TEAG in February 1999, is attached.

3. The TEAG Selection Committee met several times over the months of October and November to discuss the applications, and in early December formulated a shortlist of ten candidates to forward to TEAG and the Equity and Aboriginal Issues Committee /Comité sur l'équité et les affaires autochtones for approval.

4. The TEAG Selection Committee considered the representation of various groups on TEAG, and identified that in the current composition of TEAG African Canadians, Hispanics, Aboriginal peoples, and people with disabilities were not represented. This lack of representation was considered by the TEAG Selection Committee during their review of applicants.

5. Current TEAG members include: Judith Keene; Douglas Elliott; Margaret Buist; Neena Gupta; and Avvy Go. Current organizational representatives on TEAG include: the Black Law Students Association of Canada (BLSAC); Women's Law Association (WLA); and the CBA-O Joint Action Committee on Equity and Diversity (JACED).

6. The shortlist of individuals chosen by the TEAG Selection Committee include:

- ▶ Denis Boivin;
- ▶ Senka Dukovich;
- ▶ Thea Herman;
- ▶ Ian MacKenzie;
- ▶ Carissima Mathen;
- ▶ Lori Montague;
- ▶ Andrew Pinto;
- ▶ Daniel Russell;
- ▶ Yusra Siddiquee; and Gary Yee.

These individuals will join with the following returning members: Avvy Go; Douglas Elliott, Margaret Buist; Judith Keene; and Neena Gupta.

7. The TEAG Selection Committee also recommended that the African Canadian Legal Clinic (ACLC) and Aboriginal Legal Services be invited to send a representative to be observers on EAG.

LSUC EQUITY AND DIVERSITY ACTION PLANS

This report identifies actions being taken to implement the **Bicentennial Report on Equity Issues in the Legal Profession**. In the context of the LSUC Executive Limitations, this report is under the authority of the Chief Executive Officer and complies with recommendations in the **Bicentennial Report** requiring the CEO to undertake a system-wide effort on policy implementation, identify the human financial resources required and to develop a five year business plan.

The analysis document provides background information on the process undertaken to prepare the five-year business plan, analyzes the results to date and makes recommendations for implementation. The "LSUC Equity and Diversity Action Plans, 2000 - 2005" summarizes corporate and departmental equity action plans.

In providing these materials to Convocation as information, the Committee is advising Convocation that it will:

- ▶ *meet with LSUC departments in the spring, 2000 to discuss the equity and diversity actions plans in more detail, and to work with members of the Equity Advisory Group, Roti io' ta'-kier and AJEFO in this process;*
- ▶ *report back to Convocation on the results of the departmental meetings.*



The Law Society of
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Equity Initiatives

MEMORANDUM

January 17, 2000

To: Equity and Aboriginal Issues Committee/Comité sur l'équité et le affaires autochtones

Re: Analysis of "LSUC Equity and Diversity Action Plans, 2000 - 2005"

Introduction:

1. To facilitate the development of a system-wide implementation strategy for the **Bicentennial Report on Equity Issues in the Legal Profession**, each LSUC department has prepared a summary of the equity and diversity issues they have and challenges they face. Based on this, corporate and departmental equity and diversity action plans have been drafted with identification of the appropriate budgetary implications.
2. Corporate and departmental issues were consolidated into a report entitled "Law Society of Upper Canada: Development of Equity and Diversity Plans - A Discussion Document" and submitted as information to Convocation in June, 1999. The "Discussion Document" provided a process for the development of equity and diversity plans. This process included convening consultations with LSUC staff and with members of Aboriginal, French-speaking and equity-seeking lawyers as well as representatives of organizations and groups concerned about equity in the legal profession. Consultations with LSUC staff have also taken place.
3. Shortly after the consultation process, the "LSUC Equity and Diversity Action Plans, 2000 - 2005" were drafted to provide a five-year business plan for the LSUC in its implementation of the **Bicentennial Report**. This report provides an analysis of the issues raised during the various consultations as well as a critical review of the LSUC equity and diversity action plans. It also makes recommendations on corporate and departmental issues which need to be considered during the implementation of equity and diversity action plans.

Background:

"LSUC Development of Equity and Diversity Action Plans - Discussion Document"

4. The "Discussion Document" provides a brief introduction encapsulating the purpose of the **Bicentennial Report on Equity Issues in the Legal Profession**, the mandate established by

Convocation to implement this report and the purview of LSUC's Executive Limitations on matters delegated to the Chief Executive Officer. The "Discussion Document" then informs on its purpose, and provides a matrix analysis of the issues and challenges each department has identified.

5. The matrix analysis touches on both internal and external issues in such specific areas as: employment; training, education and staff development; performance management; workplace accommodation; communications; purchasing; working with external stakeholders; and educating the profession. The matrix analysis simply identifies common issues based on departmental submissions; it does not present a full analysis based on the total scope of all departments' services and functions; nor does it provide a critical analysis to assess the quality of each department's submission, identifying gaps in issues and areas requiring more substantive attention.

"LSUC Equity and Diversity Action Plans, 2000 - 2005"

6. The "LSUC Equity and Diversity Action Plans, 2000 - 2005" provides information on the specific actions that will be implemented both corporately and by each LSUC department. The action plans are outlined in a framework identifying specific goals, responsibilities, tasks, actions required, budgetary impact, anticipated outcomes and evaluation criteria. Corporate initiatives are first highlighted to demonstrate activities that will involve and have an impact on all LSUC departments and will be developed by the Equity Initiatives Department and an internal steering committee with representatives from all departments. Departmental action plans are then provided detailing actions that will be taken by each department.

7. In terms of time frames and organizational coordination, the action plans will be implemented to:

- ▶ improve awareness both internally and externally. This will ensure familiarity with the implementation of LSUC equity and diversity action plans within each department, the profession and the public. **Time frames:** 2000 - activities aimed at improving awareness and corporate action plans will be developed. Some departmental action plans will also be implemented, primarily those previously budgeted and planned;
- ▶ address strategic corporate issues. This will ensure those equity and diversity matters affecting all departments are addressed. Such an approach will foster development of a corporate culture supportive of equity and diversity initiatives. **Time frames:** 2000;
- ▶ undertake departmental actions. This will ensure consistent action is taken by all departments in implementing their equity and diversity plans. **Time frames:** 2001 - awareness activities and corporate action plans will continue, and implementation of departmental action plans will begin in full;
- ▶ develop assessment criteria and initiate assessment. This will ensure appropriate criteria is developed to assess the implementation strategy and to involve appropriate internal and external stakeholders in doing so. **Timeframes:2003/2004:** full implementation and initiation of assessment;
- ▶ develop second phase of implementation. This will ensure ongoing implementation and appropriate adjustments to the implementation strategy. **Time frames: 2004/5:** phase two of implementation is initiated.

Analysis:

8. Much commendable work has gone into preparing the “Discussion Document” and the “LSUC Equity and Diversity Action Plans, 2000 - 2005” in a short period of time. This appears to reflect both the interest and commitment of LSUC staff to implement the **Bicentennial Report’s** recommendations and staff understanding of the content and issues addressed within the **Report**. However, the insightful contributions received to date can be best described as initial stages of policy implementation and will need to be enhanced over time as individual staff, each department and the LSUC as a whole become more familiar with the implementation of equity. This analysis is based on the results of the internal/external consultations, interviews with key staff involved in equity implementation and on a review of each department’s programs and services. The LSUC **Vision Statement on Equity and Diversity** is also used to guide the analysis.

9. In this context, the following issues have been identified as needing attention:

- 1) **Full equity analysis.** Recommendation #3 of the **Bicentennial Report** requires conducting an equity analysis of each department’s programs and services. Preliminary work has been initiated in this area, contributing to the development of equity and diversity action plans. However, further effort is required of each department with the support of the Equity Advisor. This work will enable departments to examine each of its services and to determine their accessibility to Aboriginal, Francophone and equity-seeking groups.
- 2) **Addressing Aboriginal, Francophone and Equity-Seeking groups.** Many departmental plans use terminology which may appear vague, eg., diversity groups. This fails to acknowledge both the intent of the **Bicentennial Report** as well as the “LSUC Vision Statement on Equity and Diversity”. These two documents are direct in their use of language describing the circumstances impacting on Aboriginal, Francophone and equity-seeking groups as well as naming them in terms of primary beneficiaries of the policy initiative. The reasons for this are also clearly articulated, i.e., under-representation, challenges of discrimination and disadvantage, and the need for inclusion in order to promote true equality. These sentiments, including the particular language employed, need to be integrated into corporate and department action plans. The LSUC must keep in sight at all times the purpose of this endeavour in order to assess its success, i.e., to ensure barriers of discrimination are eliminated and equality promoted for Aboriginal peoples, Francophones and equity-seeking groups as defined in the “Vision Statement”.
- 3) **Commonalities/cross-functional approach.** Several departments have indicated a need to implement initiatives which are common to other departments. Some of these fall in the areas of communications, outreach, recruitment, staff development and education. These issues provide ideal opportunities for cross-functional efforts which can both build each department as well as the LSUC’s organizational culture.
- 4) **Recruitment and hiring.** The diversity of staff was a key matter raised by most departments. Ensuring staff are representative of the Ontario population, have the competence to perform high quality work, are able to bring diverse values and practices into the workplace and have access to diverse communities are essential to promoting equity and diversity in the workplace. There are, however, several challenges to doing so. These relate to: compiling demographic data on both the LSUC workforce and Ontario population; initiating a process to define opportunities for promoting diversity in the workplace;

establishing hiring goals and objectives and developing an organizational culture which can effectively utilize and retain these skills.

- 5) **Communications.** Several issues have been raised regarding consistent approaches to communicating equity initiatives as well as ongoing policies, programs and services to a diverse community. Both French language and multilingual issues have been raised by departments as essential to address in order to ensure information is available and services provided. In addition, disseminating information to Aboriginal, Francophone and equity-seeking groups was also identified as a key item in both the internal and external consultations. This addresses the need for policy consistency and coordination of approaches to ensure information reaches desired venues and communities.
- 6) **Workplace policy development/implementation.** There are numerous workplace policies which are either in the developmental stage or have recently been adopted, eg., “Employee First Hiring Policy”, “Workplace Harassment”, “Accommodation to Programs and Services”, “Contract Compliance” and so on. These policies will require effort to ensure consistency and to involve staff from all levels of the organization to effect smooth, integrated implementation. Care is needed in this process to both develop an organizational culture that supports equity implementation and enables the maximum participation of all staff in this process, thereby, engendering ownership over the process and its results.
- 7) **Data gathering.** This is a major area of work for the LSUC, requiring support from the Information Services Department and active involvement from many other service areas, eg., Regulatory, Investigations, Discipline, Customer Service, Human Resources, Education and Finance. What is needed is demographic profiles for various purposes: (i) to gain a sense of the composition of the profession; (ii) to facilitate implementation of a contract compliance program; (iii) to facilitate employment processes enabling the LSUC to attract and retain a diverse workforce; (iv) to facilitate participation in Convocation decision-making; and (iv) to facilitate strategic outreach and communications initiatives. Much cooperative work will be needed to examine and develop cooperative, efficient and effective ways to gather information useful for these purposes. In addition, staff development and training will be needed to improve understanding of why such data is collected, the legal and conceptual framework for data collection for purposes of equity and diversity and, equally, the use of computers and other technologies to facilitate data collection and analysis.
- 8) **Outreach.** Ensuring information on LSUC services and programs and how they can be accessed is seen as a major need. It has been generally considered that this is an item which the LSUC has not focussed on in the past few years. As a result, there is considerable uncertainty as to whether or not communities which appear not to have been using the LSUC services are aware of the mandate of these programs and services and how they can be accessed. Given the sensitive services which the LSUC provides and the need to ensure they can be accessed by members of diverse communities, this is a critical matter which must be approached positively. Once again, coordination of program development in this area appears to make sense, being both cost-effective, reducing duplication, promoting efficiencies and developing organizational culture by approaching as a cross-functional developmental opportunity for LSUC departments and staff.

- 9) **Opportunities for joint funding.** A few departments raised possibilities for seeking funding from external agencies for various model initiatives, eg., approaches to equity in classroom curriculum, developing standards for law offices, providing support to community-based organizations seeking pro bono legal counsel to undertake equity initiatives and supporting Aboriginal, Francophone and equity-seeking legal groups in their efforts to promote equity and diversity in the legal profession. Following up on such possibilities presents numerous advantages both in terms of costs and in developing partnerships within the legal profession and the broader community.
- 10) **Access to decision-making by non-benchers.** This matter was addressed in a recommendation in the **Bicentennial Report** (page 30, #7 “Governance”) which supports increasing the involvement of Aboriginal, Francophone and equity-seeking groups in Convocation’s decision-making process. This is seen as a critical issue in that it will generate opportunities for lawyers from these groups to engage in the work of Convocation and, as such, to ensure their voices and opinions are considered in LSUC policy development and decision-making. The purpose of this is to increase participation by a growing segment of the legal profession and to ensure that the LSUC’s policies, programs and services are responsive to their needs.
- 11) **Involving staff at all levels of each department.** The planning process for equity and diversity implementation has primarily involved senior management and management staff. This has been essential in terms of integrating equity and diversity into day-to-day administration. It is also crucial to securing organizational support for ongoing implementation. However, it is now critical that staff involved in direct service delivery become strategically involved in the implementation process. This is because these staff have direct contact with members of the profession and the public. The information they have and experiences they encounter in providing LSUC services are important to include in ongoing equity planning and implementation. For example, members of the profession may seek information essential to their practice regarding human rights and equality law. Members of the profession and the public may be irate in their dealings with staff and their behaviour may border on harassment. This type of information is essential to integrate into staff development activities as well as organizational policy development. Already, internal consultations have addressed such issues as client harassment of staff as well as access to translators/interpreters for correspondence, face-to-face and telephone transactions.
- 12) **Use of the Planning Tool.** To facilitate the development of equity and diversity action plans, a planning tool has been provided (See Appendix “E”). While this tool has helped in shaping the current action plans, more work is needed to refine anticipated outcomes and to evaluate success. This work is critical to ensuring equity and diversity initiatives are responsive to the needs of Aboriginal, Francophone and equity-seeking groups. It will also be essential to assessing the progress in this first phase of policy implementation and developing future initiatives.
- 13) **Principles to guide policy implementation.** To date, the planning process has evolved on the basis of issue identification and plan development in the context of implementing the **Bicentennial Report**. This has created possibilities to enhance coordination of corporate and departmental activities and ongoing implementation through the framework of policy principles applicable to core organizational activities. This requires identification of core organizational functions and the policy framework required to guide equity implementation

in each of these functions. All organizations have the following core functions: (i) employment; (ii) contracting of goods and services; (iii) service delivery; (iv) communications; and (v) public profile/leadership. In terms of equity implementation, issues related to representation, choice, participation in decision-making and employment as well as service delivery are important and should form the basis of policy principles to guide ongoing implementation.

10. A strategy for the full implementation of the **Bicentennial Report** is outlined in this report and the “LSUC Equity and Diversity Action Plans”. This strategy requires adherence to policy principles identified above in 9 (l) which are referenced in the “LSUC Equity and Diversity Vision Statement”. In this context, the following actions will take place:

- a) policy principles will be developed for the areas outlined above. These principles will detail what is intended for each issue and, where appropriate, provide guidelines and procedures for implementing;
- b) the issues contained in this report will be integrated into the corporate and departmental implementation of equity and diversity action plans; and
- c) the use of computer and technological resources will be assessed and brought forward for consideration and approval.

11. A report on the progress to address these matters will be brought forward in the first quarter of 2000.



The Law Society of
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LAW SOCIETY OF UPPER CANADA

EQUITY AND DIVERSITY

ACTION PLAN SUMMARY

2000 - 2005

Introduction:

The *Law Society Of Upper Canada Equity and Diversity Action Plan Summary* provides an overview of the initiatives being undertaken by all Law Society departments to integrate equity and diversity into day-to-day operations. This is being done in compliance with Recommendations #6 and #15 of the *Bicentennial Report on Equity Issues in the Legal Profession* which respectively state:

“In order to facilitate and further the advancement of equity and diversity goals, the Law Society must dedicate appropriate human and financial resources specifically to these goals.”; and

“The Law Society should continue to set and monitor equity standards for its own staff that will make it a model for the profession as an employer.”

The *Bicentennial Report* also called for a systems-wide effort to integrate equity and diversity throughout the Law Society, led by the Chief Executive Officer and facilitated by the Equity Advisor. These requirements have now been included in the LSUC “Policy Governance Manual” as part of the Executive Limitations entitled “Bencher-Staff Relations: Delegation to the Chief Executive Officer.”

The *Action Plan Summary* responds to these directives of Convocation, providing a 5 year business plan including both corporate and departmental actions. The identified planning process provides opportunities for the development of a corporate culture supportive of equity and diversity initiatives and the subsequent implementation of such plans by each department. The implementation process is guided by the notion of line department ownership, responsibility and accountability, thereby, ensuring equity and diversity initiatives are treated as a core value and not as an add-on or the responsibility of a central, corporate resource. As such, corporate plans have been developed based on issues common to all departments (e.g., employment, communications, purchasing); departmental plans are specific to the mandates and functions of particular departments. Further, the planning process has been integrated with the annual budget process to ensure equity and diversity initiatives are appropriately budgeted for implementation.

The complete corporate and departmental plans are provided in a common format which includes identification of goals, responsibility, actions (including timeframes), resources required, budget, anticipated outcomes and evaluation criteria. The *Action Plan Summary* provides goals, responsibility, and actions (including timeframes).

CORPORATE PLANS

Goal: *To ensure all levels of the workplace are reflective of the Ontario population, including Aboriginal peoples, Francophones and equity-seeking groups.*

Responsibility: Equity Advisor with Human Resources and line departments.

- Actions:**
- (1) To educate staff regarding equity and diversity in employment and how these strategies impact on Aboriginal, Francophone and equity-seeking groups. **(Spring - Winter, 2000);**
 - (2) To review demographic data to establish population comparators for the development of LSUC employment strategies. **(Spring, 2000);**
 - (3) To conduct a census of LSUC employees to determine the composition based on personal characteristics. **(Spring, 2001);**
 - (4) To implement employment strategies to achieve the goal. **(2001 - 2004).**

Goal: *To provide staff with knowledge and skills to implement initiatives improving access to the LSUC by Aboriginal, Francophone and equity-seeking groups.*

Responsibility: Equity Advisor, Human Resources, Internal Equity Steering Committee.

- Actions:**
- (1) To develop and implement corporate educational programs for all LSUC staff. **(2000 - 2004).**
 - (2) To provide education and training to departments with immediate needs. **(2000 - 2001).**
 - (3) To integrate issues respecting Aboriginal, Francophone and equity-seeking groups into ongoing educational and training programs. **(2001 - 2005).**

Goal: *To ensure that the Law Society accommodates staff, members and service consumers, particularly people with disabilities, French and non-English speaking persons, people with diverse religious customs and with family responsibilities.*

Responsibility: Equity Advisor, Director of Human Resources, Manager of Facilities, Director of Communications and Public Affairs, Chief Information Officer.

- Actions:**
- (1) To develop and communicate comprehensive policy and programs on accommodation for employees, members and consumers of services. **(2000).**
 - (2) To provide accommodation as required **(Ongoing).**

Goal: *To ensure communications of the Law Society and its departments are accessible to English, French and non-English speaking communities and that barriers to effective communications are identified and eliminated, particularly addressing issues of racial and cultural appropriateness, literacy, deafness and visual impairments.*

Responsibility: Equity Advisor, Director of Communications and Public Affairs.

- Actions:**
- (1) To develop policy and program guidelines aimed at ensuring day-to-day communications are accessible to diverse communities, particularly Aboriginal, Francophone and equity-seeking groups (2000 - 2001).
 - (2) To coordinate and provide information on Law Society programs, services and decision-making in diverse languages and alternate formats (2000).

Goal: *To ensure that the Law Society's purchasing of goods and services are accessible to all potential suppliers, including those owned and operated by Aboriginal peoples, Francophones and equity-seeking groups.*

Responsibility: Equity Advisor, Senior Management Team, Manager of Finance.

- Actions:**
- (1) To review current policies and practices within LSUC (2000).
 - (2) To coordinate purchasing policies, procedures, requirements and activities (2000).
 - (3) To communicate new requirements to current/potential suppliers (2001).

Goal: *To develop partnerships between the Law Society and representatives of diverse communities, particularly Aboriginal peoples, Francophones and equity-seeking groups, to ensure their participation in Law Society services and decision-making.*

Responsibility: Equity Advisor

- Actions:**
- (1) To maintain and develop current partnerships with the Treasurer's Equity Advisory Group, Roti Io Ta kier and AJEFO (Ongoing).
 - ▶ To identify corporate and departmental initiatives requiring/requesting partnerships and to assist departments in making links with Aboriginal, Francophone and equity-seeking groups (2000).
 - ▶ To maintain and develop liaison and working relations with Aboriginal, Francophone and equity-seeking groups concerned with the legal profession (Ongoing).

Goal: To develop opportunities for members of the profession to gain knowledge, experience and skills related to working effectively with diverse communities, particularly Aboriginal, Francophone and equity-seeking groups.

Responsibility: Equity Advisor

Actions: (1) To develop and market model policies and programs as well as education and training programs (**Ongoing**).

(2) To implement education and training programs (**2000 - 2001**).

DEPARTMENT OF EDUCATION

Note: Throughout this document the term “under represented groups” will be used as a means of referring to members of equity seeking groups, Aboriginals, Francophones, disabled, etc.

Goal : *Increase the opportunity for members of under represented groups to obtain quality articling positions.*

Action 1: Study the reasons for the difficulties that members of equity seeking groups face in securing quality articling positions through the work of the Articling Task Force. **(February 2000).**

Responsibility: Articling Task Force and Director of Education

Action 2: Continue to develop better supports for all students for preparing and conducting their search for articling positions. **(Ongoing).**

Responsibility: Department of Education - Head of Articling and Placement

Action 3: Develop strategies to ensure adequate articling placements for members of under represented groups. (E.g. model equity plans for firms to consider, incentive/recognition plans for firms; communication plans re risks of non-compliance, model contract compliance policies for firms to consider.) **(December 2000).**

Responsibility: Department of Education - Head of Articling and Placement

Action 4: Develop a communication/education plan to make the profession aware of the needs of the students and the responsibility of the profession towards educating the students. (The content of the plan would be informed by the work of the Articling Task Force.) **(April 2000).**

Responsibility: Department of Education - Head of Articling and Placement

Action 5: Develop a model diversity statement that firms/principals would be encouraged to include in their postings for articling students and for permanent hires. **(December, 2000).**

Responsibility: Head of Articling and Placement; Equity Advisor

Action 6: Develop partnerships with the law schools in order to promote opportunities for assisting under represented groups. **(2000-2001).**

Responsibility: Department of Education - Director

Goal: *Develop reference and seminar materials for use within the BAC which include the voices and faces of members of under represented groups.*

Action 1: Establish this as a priority in the development of materials for the new model of the BAC. **(New curriculum by January 2001).**

Responsibility: Department of Education - Director

Action 2: Establish this as a priority in the development of materials for CLE programs, and communicate this to all CLE authors. **(Ongoing).**

Responsibility: Department of Education - Head of CLE

Goal: *Improve the coverage of equity issues in CLE products and activities.*

Action: Plan and develop special CLE programs and materials on targeted issues, and offer them at less than cost recovery. Most CLE programs run on a full cost recovery basis; if this was the sole criteria for choosing programs then in general equity issues would not be well addressed as these programs draw smaller audiences. **(Ongoing).**

Responsibility: Department of Education - Head of CLE

Goal: *Achieve a more equitable mix of instructors within the BAC and for CLE programs.*

Action 1: Contact the various legal groups representing lawyers from under represented groups and encourage applications for involvement in the BAC and CLE programs. **(June 2000).**

Responsibility: Department of Education - Director; and Equity Advisor

Action 2: Approach the CBA-O concerning jointly developing and expanding a diverse pool of potential CLE instructors. **(September 2000).**

Responsibility: Department of Education - Head of CLE; Equity Advisor

Action 3: Advertise through the Ontario Reports and the Ontario Lawyers Gazette for instructors from under represented groups. **(April 2000).**

Responsibility: Department of Education - Director

Goal: *Develop quality training programs for Education staff (internal) and the BAC instructors (external) with respect to sensitivity and diversity issues.*

Action 1: Include sensitivity training in all BAC instructor training sessions. **(Ongoing).**

Responsibility: Department of Education - Director

Action 2: Train Department of Education employees on equity issues. Dependent on Equity Initiatives Department.

Responsibility: Equity Advisor and Director of Education

Goal: *Develop and implement the elements of the new model of the BAC which will alleviate many of the concerns and systemic biases that are being experienced by members of under represented groups.*

Action: This development is being planned, staffed, budgeted, implemented, and monitored through the BAC Reform implementation process, and is therefore not duplicated here. The new model of the Bar Admission Course is scheduled for implementation in May 2001. The key elements which relate to equity are those that contribute to increased flexibility with respect to the time, location, and manner in which the learning can be accessed.

Goal: *Develop better techniques for soliciting the views and involvement of students within the BAC regarding equity issues.*

Action 1: Link with associations of under represented groups, and encourage and assist them in developing and maintaining chapters for BAC students. **(August 2000).**

Responsibility: Equity Advisor; Director of Education

POLICY SECRETARIAT

Goal: *To ensure that the members of the Policy Secretariat are fully informed of equity and diversity initiatives being pursued by other departments in the Law Society and by all committees and task forces of Convocation.*

Responsibility: All staff who support the work of committees and task forces.

Action: Establish systematic exchange of information between staff of the Policy Secretariat and the Equity Initiatives as well as between staff of the Policy Secretariat and other staff members who support committees and task forces. This will be done through regular monthly meetings. **(Ongoing).**

Goal: *To ensure that, prior to the presentation of a policy report to Convocation, equity and diversity issues have been considered by the Policy Secretariat, and brought to the attention of the benchers responsible for the policy report.*

Responsibility: All staff of the Policy Secretariat
All staff who act as support to Convocation's committees and task forces.
Staff of the Equity Initiatives department.

Action: Develop a checklist of a standard set of questions relevant to the Law Society's equity and diversity mandate to be addressed by staff preparing policy reports. This will be done in by addressing recommendations set out in the *Bicentennial Report*, the executive limitations and the Law Society's model policies. The questions will then be communicated to all staff with responsibility for preparing policy reports for Convocation. **(2000).**

ADVISORY & COMPLIANCE SERVICES

Goal: *Recruit staff to fill new or vacated positions that reflect the diversity of the legal profession and public.*

Responsibility: Manager and ACS team leaders

- Actions:**
- (1) Review job descriptions and remove unnecessary barriers to open competition (e.g. experience requirements for entry level positions) and diversify weighting of selection criteria. **(2001 and ongoing).**
 - (2) Link customer service requirements to anticipated customer base. **(2002).**
 - (3) Review recruitment approach (e.g. interview questions, simulated presentation, etc.), recruitment sources and diversify recruitment approach to reflect service requirements of position and diversify candidate sourcing. **(2001 and ongoing).**

Goal: *Improve the accessibility of the public to ACS programs, especially Complaints resolution.*

Responsibility: Manager, Resolution and Compliance (R&C) Team Leader

- Actions:**
- (1) Review existing public material describing mandate and complete “plain language” overhaul of existing materials. **(Winter-Spring 2000).**
 - (2) Identify communication gaps re:mandate and develop new materials where required. Spring-Summer, 2000. Also, translate any new or revised materials into French and other languages. **(Summer-Fall, 2000)**
 - (3) Review distribution network for information re: mandate and build community network. **(2000).**

Goal: *Improve the accessibility and impact of ACS programs on the profession.*

Responsibility: Manager, ACS team leaders

- Actions:**
- (1) Develop and begin the execution of a plan to provide advisory services which reflect the diversity of the Bar. The plan to encompass various definitions of “diversity” (e.g. private practice/non-private practice, old/young, regional disparity, etc.). The plan to consider both product content and delivery (e.g. via technology). **(2000 and ongoing).**
 - (2) Establish a member advisory group consisting of lawyers from diverse

backgrounds to assist the Society with the development and refinement of ACS services. (The advisory group will assist with: reviewing “member profile” information obtained from Member Information Form filings; reviewing forms, checklists used to provide services to or to process information from members; reviewing bylaws for unnecessary barriers to accommodating needs of diverse profession, e.g. filing requirements for non-practicing, semi-retired members; developing a comprehensive list of lawyer organizations; reviewing existing public material describing the various components of ACS mandate; identifying communication gaps re:mandate; and reviewing existing strategy for communicating mandate. **(2000 and ongoing).**

- (3) Develop new forms (and where necessary, seek amendment of bylaws) to reflect the diverse needs and expectations of profession but which are consistent with regulatory obligations. **(2001 - 2002).**
- (4) Increase the availability of advisory information through the Internet (including links with various sites) and Lawyers Workbench. **(2000 and ongoing).**

INVESTIGATIONS

Goal: *The provision of investigations services recognizing the diversity of complainants, members of the profession, student members and LSUC staff.*

Responsibility: The Manager and the team leaders.

- Actions:**
- (1) Convene staff meetings to ensure awareness to program goals. Managerial monitoring to ensure that investigations conducted do, in fact, give recognition to the equity plan. Awareness seminars. Leadership that sets a positive example in the hiring processes and the investigative processes. **(Ongoing).**
 - (2) Take steps in the day-to-day investigations efforts to serve the profession and the public in a way that implements this program. **(Ongoing).**
 - (3) Give recognition to the goals of this program in our daily investigations work. Ensure complainants that have physical limitations are accommodated, those that speak languages other than English are accommodated, and in any other instances where the complainant must be accommodated, efforts are made to do so. With regard to the profession, similar current practices are in place. **(Ongoing).**
 - (4) Ensure the hiring processes are mindful of equity concerns. **(Ongoing).**

**General
Comments:**

The nature of work in this department requires that a fair and impartial assessment is made of all matters that are forwarded to this department because of the potential serious nature of the conduct inherent in the information/complaint. It is a practice of the department to make efforts to conduct a complete investigation of the matter. To do so requires that the members' and complainants' schedule and needs take precedence in order that the investigation can be properly completed. To do so requires that impediments be addressed and in doing so, it means that efforts focus on meeting with people and communicating with them. Doing so involves being cognizant of peoples needs and addressing them.

**LAWYERS FUND FOR CLIENT
COMPENSATION**

Goal: *To answer telephone inquiries about the Fund in languages other than English.*

Responsibility: Manager, Lawyers Fund for Client Compensation.

Task: To offer telephone services in languages other than English will have to be accomplished using either internal or external resources.

- Actions:**
- (1) Develop a corporate policy to ensure the same level of service is available throughout the Law Society, not just to callers to the Fund **(2000)**
 - (2) Poll staff immediately to develop an inventory of available languages and staff's willingness to participate. Responsibility for developing the inventory to be shared initiative of Human Resources and Equity **(2000)**.
 - (3) Contract AT&T's Language Line and make available for use to any department or section of the Law Society which accepts incoming calls from the public **(2000)**.

Goal : *To make the Fund brochure, and potentially further materials, available in languages other than English.*

Responsibility: Manager, Lawyers Fund for Client Compensation with Equity Advisor.

- Actions:**
- (1) Develop corporate policy and criteria on the types of materials to be translated and the languages they will be translated into and to ensure that the same level of service is available throughout the Law Society **(2000)**.
 - (2) In consultation with Equity Department, identify best sources for distribution to reach intended audience (clients from equity seeking groups who have suffered a financial losses due to their lawyers' dishonesty) **(2000)**.

DISCIPLINE DEPARTMENT

Goal: *To retain a professional and non professional staff which reflects the community.*

Responsibility: Senior Counsel - Discipline

Action: Hire members of Aboriginal, French and equity seeking groups by sending postings to such groups, interviewing qualified members of such groups, hiring pool of talent from such groups to improve availability for specific jobs and, if required, make accommodation to allow the individual to fill the job **(2001 and Ongoing)**.

Goal: *To remove systemic barriers to the prosecution of lawyer misconduct.*

Responsibility: Senior Counsel - Discipline and all members of the Discipline Department

Actions:

- (1) Make the discipline process open and understandable to complainants and witnesses by open and timely communication and use of interpreters where necessary .
- (2) Train discipline counsel not to make credibility or other judgments based upon irrelevant factors. First, identify/prioritize issues requiring training **(June, 2000)**. Begin training **(January, 2001)**.
- (3) Train discipline counsel in issues surrounding sexual harassment prosecutions. First, identify/prioritize issues requiring training **(January, 2000)**. Implement training **(July, 2000)**.
- (2) Give discipline counsel the resources to present hearings in a way that allows benchers not to make credibility or other judgments based upon irrelevant factors **(Ongoing)**.

Goal: *To treat all members who are the subject of discipline hearings fairly and equitably.*

Responsibility: Senior Counsel - Discipline and all members of the Discipline Department

Actions:

- (1) Provide sensitivity training for all staff to ensure irrelevant factors are not given consideration in dealings with members who are the subject of discipline hearings. **(2000 - 2001)**.
- (2) Take a consistent and principled approach to penalty and other legal issues by clearly identifying to discipline counsel that such an approach is required. Regular counsel meetings to discuss and agree upon consistent approaches to legal issues in the discipline hearing process. **(Ongoing)**.

INFORMATION SERVICES

Goal: *To provide technological support recognizing the equity and diversity of Law Society staff and student members and to participate in corporate equity initiatives.*

Responsibility: Shared among all departmental staff.

Actions:

- (1) To make people aware of technical systems or devices that will further the goals of the Law Society's equity and diversity goals.
- (2) To work with individual departments as the need arises. For example, Information Systems was deeply involved in the development of the Student Success Centre for the Bar Admission program.

GREAT LIBRARY

Goal: *To create and foster an institutional library environment where diversity and diverse patrons are valued, welcomed and respected.*

Responsibility: The Director of Libraries together with the heads of library departments.

- Actions:**
- (1) Develop recruitment efforts at library schools to encourage minority students to consider careers and apply for positions in law libraries. **(2001);**
 - (2) Mentor Bar Admission Course students. Meet with Director of Bar Admissions and Team Leader, Student Success Centre to identify ways in which this can be accomplished. **(2000 and Ongoing)**
 - (3) Provide sensitivity training for all the Great Library staff to assist them in identifying barriers in serving patrons with special needs and how to remove them. **(2001 and Ongoing)**
 - (4) Develop accommodation policy. **(2000).**
 - (5) Assess and fill in gaps in the collection to ensure that it meets the requirements for materials in the areas of human rights, equity, diversity, hate crimes, etc. **(2000 and Ongoing)**

FINANCE OPERATIONS

Goal: *To develop, if warranted, a contract compliance program requiring firms and organizations doing business with the Society to have in place practices that meet diversity and equity requirements.*

Responsibility: Staff, Finance & Audit Committee, Equity and Aboriginal Issues Committee, Convocation

- Actions:**
- (1) Undertake research and prepare reports for presentation to committee and obtain appropriate direction. **(2000)**
 - (2) Liaise with affected LSUC staff, LAIC and Benchers to obtain input on ideas. **(2000)**
 - (3) Make recommendation to Finance & Audit Committee and Equity and Aboriginal Issues Committee on advisability of contract compliance program. **(2000)**
 - (4) Draft final resolution and operationalize plan, if warranted. **(2000)**

FACILITIES DEPARTMENT

Goal: *To assess the feasibility of ensuring equal access for people with disabilities, to all floors of the LSUC Ottawa facility.*

Responsibility: Chief Financial Officer, Facility Manager, Facility Supervisor

- Actions:**
- (1) Hire and work with external consultant to prepare report assessing needs and determine feasibility and systems available. **(Spring-Summer, 2000).**
 - (2) Senior Management Team review consultant report and determine feasibility of response. **(Fall, 2000).**
 - (3) If required, report to Convocation through Finance and Audit Committee on appropriate response. **(Fall, 2000).**

Goal: *To upgrade all elevators in the Toronto site to make it easier for people with disabilities to use them i.e. braille buttons, voice announcements.*

Responsibility: Chief Financial Officer, Facility Manager, Team Leader Building Services, Team Leader Mechanical Services, external consultants.

- Actions:**
- (1) Work with a consultant to assess existing facility, review code requirements and determine the extent of the upgrades. **(Spring-Summer, 2000).**
 - (2) Senior Management Team review consultant report and prepare response to recommendations. **(Fall, 2000).**
 - (3) If required, approach Convocation through Finance and Audit Committee with recommendations. **(Fall, 2000).**

**CLIENT SERVICES
DEPARTMENT**

Goal: *To provide service in language of client's choice.*

Responsibility: Director of Customer Service, Call Centre Manager, Membership Services Manager, Service & Quality Specialist (2001 - 2005)

- Actions:**
- (1) Obtain demographic information on potential customers.
 - (2) Complete Needs Analysis for service requirements (LRS, Complaints, Education, General Enquiries).
 - (3) Review LRS database, which provides some indication of which languages our customers may wish to be served in; analyse the information.
 - (4) Research the cost of multi-lingual phone services such as AT & T Language Line Services and the ramifications of implementing the use of the service in the CSC .
 - (5) Co-ordinate with Public Affairs in the development of a Client Service brochure and its translation into French and other languages.
 - (6) Co-ordinate with Public Affairs in the identification of forms that should be multi-lingual and in the production of these forms in various other languages, i.e. mail-out forms as well as forms that customers pick up at the CSC.
 - (7) Co-ordinate with Public Affairs and outside agencies such as the CNIB in the production of various promotional materials in braille; may involve purchasing and operating technical equipment available from the CNIB.

Goal: *To provide access to services for the hearing impaired*

Responsibility: Call Centre Manager, Membership Services Manager, Service & Quality Specialist (2001)

- Actions:**
- (1) Determine feasibility of installing technical devices in the CSC and training CSC staff in their use from point of view of: a) technical feasibility; b) staffing availability.
 - (2) Purchase TTY and/or amplifier telephone and/or implement Telephone Dialling for the Deaf (TDD).

- (3) Make CSC staff aware of Bell Relay Service (free service) 1-800-855-0511 (you need the telephone number of the hearing impaired customer you wish to serve, to give to the 1-800 number).
- (4) Increase overall awareness of the nature of the disability so that CSR's are sensitive to the special needs of hearing impaired persons (self training with the use of free videos, pamphlets, etc.).
- (5) Have one CSR trained in sign language.

Goal: To equitably recruit and promote staff

Responsibility: Director of Customer Service, Call Centre Manager, Membership Services Manager **(2000-Ongoing)**

- Actions:**
- (1) Director of Customer Service to be trained in Equity and Diversity issues that affect staffing such as: diverse communities.
 - (2) Call Centre Manager and Membership Services Manager to be trained in Equity and Diversity issues with a staffing and performance review focus.
 - (3) Initial recruitment of staff to be done, in partnership with the Human Resources department.
 - (4) Performance Reviews to be done in a manner respecting Equity and Diversity principles.
 - (5) Recommendations for advancement to be based on Equity and Diversity principles.
 - (6) Ongoing assessment of the staffing of the CSC to verify that it reflects the diversity of the legal profession and the general public.

Goal: To provide equity and diversity training for staff

Responsibility: Director of Customer Service, Service & Quality Specialist, Call Centre Manager, Membership Services Manager **(2000-Ongoing)**

- Actions:**
- (1) Co-ordinate with the Equity department regarding the Equity and Diversity seminars; a specific requirement would include

the need to work around the scheduling of staffing in the CSC

- (2) Co-ordinate with the Equity and Human Resources departments in the design of the specific training seminars required by CSC staff.
- (3) Communicate need for such training to CSC staff and describe attendant benefits.
- (4) Schedule the training and survey the CSC staff after the training.

Goal: To ensure access to facilities for persons with disabilities

Responsibility: Director of Customer Service, Call Centre Manager, Membership Services Manager (2002)

- Actions:**
- (1) Contact the Facilities department to see if there is wheelchair access to the service counter and interview rooms.
 - (2) If there is not sufficient access, Director of Customer Service to take the issue to Senior Management Team to determine policy and obtain resources to accomplish this objective.
 - (3) Director of Customer Service to determine if the counter of the CSC should be redesigned for wheelchair customers.

**EQUITY INITIATIVES
DEPARTMENT**

Goal: *To promote equity and diversity within the legal profession by improving awareness of the issues, needs and concerns of equity-seeking groups.*

Responsibility: Equity Advisor

- Actions:**
- (1) Prepare reports for monthly meetings of Standing Committee addressing Aboriginal, Francophone and Equity issues and follow-up items requiring submission to Convocation; and convene consultations on Aboriginal, Francophone and equity issues/initiatives being considered by Convocation. **(Ongoing).**
 - (4) Coordinate public education events celebrating days of significance to Aboriginal, French-speaking and equity-seeking communities, i.e., Martinsday, Black History Month, International Women's Day, International Day for the Elimination of Racial Discrimination, Refugee Rights Day, National Access Awareness Week, Lesbian/Gay Pride Week, Aboriginal Heritage Day, Holocaust Education Week, Women's History Month, Human Rights Awareness Day.
 - (5) Initiate a demographic review of the legal profession. The analysis will in year 1 gather/analyze Stats Can data; in year 2, there will be public education of the profession regarding the results from the Stats Can data review; in year 3, a self-identification process will be initiated with all members of the profession. **(2000 - 2002).**

Goal: *To enable each department to develop coordinated, integrated equity and diversity activities and plans.*

Responsibility: Equity Advisor

- Actions:**
- (1) Consult with SMT and MT on stages of equity and diversity plan development and provide ongoing advice and support to SMT and MT members as required. **(Ongoing);**
 - (2) Review and analyze plan proposals, implementation and undertake equity audit. **(2000 - 2001);**
 - (3) Coordinate ongoing activities of equity and diversity internal steering committee. **(Monthly).**

HUMAN RESOURCES

GOAL: Have equitable and bias free employment systems.

Task: Conduct an employment systems review. Audit current policies, practices and procedures relating to recruitment & selection, compensation and benefits, training and development and performance management. (2000/2001)

Responsibility: Equity Initiatives, HR and Audit Team

- Actions:**
- (1) HR staff and Audit Team are selected and trained to conduct an employment systems review.
 - (2) Benchmark our policies against industry leaders in attaining equity and diversity in the workforce.
 - (3) Identify the policies that are not in compliance. Revise policies.
 - (4) Communicate and roll out revised policies in conjunction with Equity Initiatives, Public Affairs, Audit Team, SMT, MT and departments.

GOAL: Ensure hiring practices are equitable, consistent and promote accessibility in order to attract and retain qualified candidates

Task: Develop and improve, as required, current recruitment and selection policy, practices and tools. (2000/2001/2002)

Responsibility: HR team & Equity Initiatives

- Actions:**
- (1) Review selection tools/materials/hiring policy to ensure selection and recruitment are based on bona fide work requirements, are bias free and comply with the organization's recruitment and selection hiring policies and practices.
 - (2) Educate and train users on the organization's hiring policies, practices, tools and how to apply said to ensure hiring decisions are bias free and in compliance.
 - (3) Actively recruit externally using a variety of diversity sensitive media (web sites, community bulletin boards and local/interest specific print media).
 - (4) Provide specialized training for interviewers on cultural diversity and sensitivity.
 - (5) Work with representative groups to identify if jobs and/or the language used to advertise for the jobs are appealing to all equity seeking groups and, if not,

address issues.

GOAL: LSUC managers and employees recognize, embrace and encompass equity and diversity into all work practices.
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Task 1: Raise awareness of equity and diversity and how they affect staff interactions in recruitment, performance management, and discipline.(2000)

Responsibility: HR, Equity Initiatives, LSUC employees

Action: Provide education and skill development training for managers and employees about equity and diversity in the workforce.

Task 2: Address accommodation issues around religious and cultural need. (2000).

Responsibility: HR & Equity Initiatives

Action: Benchmark our practices against best practices and create a policy.

Task 3: Communicate LSUC’s commitment to equity and diversity to new employees.(2000 and ongoing)

Responsibility: HR and Equity Initiatives

Action: Use orientation process to inform and reinforce LSUC’s commitment to equity by communicating policies and procedures at sessions. Review current employee handbook to ensure that the language is accessible and neutral.

Task 4: Increase awareness around equity/diversity and performance management.(2001 - 2002)

Responsibility: HR and Equity Initiatives

Action: Provide training and coaching for managers and supervisors so that they are informed and understand their responsibilities.

GOAL: LSUC employee communications are varied, accessible and sensitive to all groups of employees.

Task: Be knowledgeable about how different people receive and process information. (2001)

Responsibility: HR, Public Affairs, Equity Initiatives, LSUC employees.

Action: Educate staff about different learning styles, personality types. Incorporate that understanding and learning into HR systems (i.e. performance management,

employee relations, recruiting) and communication tools.

GOAL: **A compensation system that is neutral and bias free.**

Task: Have a neutral job evaluation plan and job descriptions that reflect jobs and their requirements. **(2002)**

Responsibility: Human Resources

Action: Conduct an external review of job descriptions to ensure that these are based on bona fide requirements and the evaluation plan is neutral.

GOAL: **The organization is committed to a workplace free of harassment and discrimination.**

Task: Roll-Out a workplace harassment policy that reflects the values and commitment of the organization. **(2000)**

Responsibility: HR/Equity Initiatives/SMT

Action: Validate workplace harassment program, refine as needed. Recruit and select advisors based on specific selection criteria that will enable them to be effective and impartial. Fully communicate by educating and training advisors, management and employees on the application of the policy, procedures, what constitutes workplace harassment, etc and the respective roles and responsibilities (advisors, managers, employees, HR, Equity). Include information about the policy in orientation program. Roll out the policy and procedures.

GOAL: **Promote the Law Society as a potential employer of interest for all representative groups.**

Task: Actively work with equity seeking groups and the community at large to promote awareness of the Law Society. **(2001/2002/2003)**

Responsibility: HR/Equity Initiatives

Action: Work with interested groups seeking to increase representation at the Law Society by maintaining ongoing relationships through participation at public events sponsored by LSUC, raising awareness of the kinds of positions and career paths available. Make use of the Internet to communicate the message.

STATUS OF SUPPORTING THE DISCRIMINATION/HARASSMENT COUNSEL:

Prepared by the Equity Initiatives Department, this report identifies the steps undertaken to date to implement the program adopted by Convocation in June, 1999. While the program is now being established, there is a rather significant issue in terms of the confidentiality within which the Discrimination/Harassment Counsel can operate. Proposed changes to the Rules of Professional Conduct recommended by TEAG in the spring will enable the Discrimination/Harassment Counsel to keep all information received out of LSUC disciplinary processes. However, the same privilege is not provided for external proceedings. This is noted in the memo attached to the report.

To pursue this matter further, the Committee co-chairs will raise this matter with the chair of the Professional Regulation Committee, and the LSUC Secretary, encouraging them to develop strategies to extend confidentiality to the Discrimination/Harassment Counsel equivalent to that provided for other representatives or agents of the LSUC who become involved in proceedings wherein there is a real or perceived violation of the Rules of Professional Conduct.

Equity Initiatives

December 8, 1999

To: Equity and Aboriginal Issues Committee/Comité sur 'l'équité et les affaires autochtones

Re: Status of Supporting the Law Society of Upper Canada Discrimination/Harassment Counsel and Policy Issues for Further Deliberation

Introduction:

1. On June 24, 1999, Convocation adopted a report from the Treasurer's Equity Advisory Group (TEAG) recommending the establishment of the Discrimination/Harassment Counsel. This report recommended a 1999 budget (\$60,000) and 2000 budget estimate (\$225,000) for the program.
2. Shortly after Convocation's approval, Mary Teresa Devlin was awarded the position of Discrimination/Harassment Counsel. This was the result of a significant recruitment effort in which 86 applications were received, 10 applicants short-listed for interviews and 4 applicants included in final interviews conducted by Benchers Nancy Backhouse and Helene Puccini as well as Kimberly Morris of the Advocates' Society and LSUC staff Charles Smith, Equity Advisor, and Felicia Smith, Advisory and Compliance Services.
3. Upon accepting the position, the Discrimination/Harassment Counsel met with the Equity Advisor to initiate the development of the program and to define the relationship between the LSUC and the Counsel. The following report reflects discussions on the terms of the contract between the LSUC and Ms Devlin, matters concerning budgets and disbursements, the Discrimination/Harassment Counsel's activities, and issues regarding confidentiality, arm's length relationship and supports that can be provided by LSUC.
4. In addition to the above, research has been conducted to examine issues regarding confidentiality in the Discrimination/Harassment Counsel's provision of services. The research conducted to date is attached as Appendix "A" and is now being reviewed to determine the confidentiality provisions that will be provided to the Discrimination/Harassment Counsel by the LSUC.

Length of Contract

5. The contract will begin on September 1, 1999 and run through to December 31, 2000. The budget allocated for the Discrimination/Harassment Counsel is \$60,000.00 for 1999. The budget for 2000 as approved by Convocation is \$135,000.00. Budget disbursements for the year 2000 will be based on this. In terms of the 1999 allocation, it is being disbursed as follows:

- ▶ \$20,000 for promotion/publicity. This includes development of promotional materials, taking out advertisements and other items deemed essential by you to promote the Discrimination/Harassment Counsel office and function;
- ▶ \$10,000 for office setup. This includes purchasing a 1-800 phone line, a separate fax machine, computer capacities including website and e-mail development;
- ▶ \$10,000 travel and accommodation. This is to enable you and representatives of the Law Society (i.e., Chair of the Treasurer's Equity Advisory Group and a representative of the Equity Initiatives Department) to travel across Ontario to meet members of the profession and the public to inform of the Discrimination/Harassment Counsel program and function;
- ▶ \$20,000 for direct services. This is to provide for costs associated with providing services to complainants. Given that the program is only beginning to be setup, these funds may be used in a flexible manner, i.e., if demand for service is not high, these funds may be transferred toward the other requirements listed above.

6. The Discrimination/Harassment Counsel's hourly rate is \$175.00 and her assistant's is \$50. The Law Society will be invoiced on a monthly basis itemizing expenses for the Discrimination/Harassment Counsel and her assistant. In terms of office administration, the Discrimination/Harassment Counsel has undertaken to:

- ▶ draft a business card and letterhead;
- ▶ secure a 1-888 phone line;
- ▶ secure computer and other technological supports, eg., software;
- ▶ set up a fax line;
- ▶ draft an information/promotional brochure;
- ▶ explore the costs of media advertisements;
- ▶ explore the requirements for setting up a website and establishing e-mail access.

Promotional materials, letterhead and other such materials are attached as Appendix "B".

Discrimination/Harassment Counsel Activities:

7. The Discrimination/Harassment Counsel will undertake the following activities:

- ▶ developing an intake system to address complaints of discrimination and harassment among members of the public and the legal profession;
- ▶ developing a system to gather and analyze data on these complaints through forms and

- ▶ computer supports;
- ▶ providing direct services to complainants including first contact, issue clarification, exploration of options, support to complainant actions to resolve issues. This may include informal resolution of complaints through mediation, if both parties are willing;
- ▶ promoting the program and its services through speaking engagements, advertising, direct mail;
- ▶ selecting an alternate(s) to assist program delivery when service demands are high or you cannot be available, eg., vacation, illness, other business related to your private practice or other Discrimination/Harassment Counsel functions.

8. To ensure accountability to the LSUC, the Discrimination/Harassment Counsel will submit reports to the Law Society three times during the course of this contract: (a) December 31, 1999; (b) June 30, 2000; and (c) December 31, 2000. These reports will be directed to the Equity Advisor and will contain statistical data on the services provided including: demographic data on clients served; grounds of complaints; geographic distribution of complainants; actions undertaken by complainants; outcomes of complainant actions; supports provided by the Discrimination/Harassment Counsel; general and specific issues emerging from service provision; anecdotal accounts; and recommendations to the Law Society.

Other Issues:

9. Currently, the Discrimination/Harassment Counsel and the Equity Advisor are engaged in discussions on other key issues, including:

- ▶ the degree of confidentiality that the office will have;
- ▶ the definition of the “arm’s length” relationship between the Discrimination/Harassment Counsel and the Law Society;
- ▶ the ongoing supports that the Law Society can provide;
- ▶ the development of a procedures manual identifying how the Discrimination/Harassment Counsel services will be provided.

10. Regarding (a) and (b), preliminary discussions have begun with the Secretary of the Law Society to discuss in full. In terms of (c), the Law Society will endeavour to provide support required by the Discrimination/Harassment Counsel to ensure the program is successful and, at all times, respecting the need for the Discrimination/Harassment Counsel to act at arm’s length from the Law Society.

Equity Initiatives

MEMORANDUM

Re: Discrimination and Harassment Counsel/Confidentiality

BACKGROUND:

1. Mary Teresa Devlin has been named the Law Society of Upper Canada's first Discrimination Harassment Counsel. However, before Ms Devlin assumes this new initiative, issues of confidentiality need to be addressed before its implementation. Mr. Tinsley's August 6, 1999 memoranda outlined preliminary issues to be addressed before the Discrimination and Harassment Counsel office is established. The following research was conducted to address these concerns and to explore how issues of "confidentiality" are handled by other jurisdictions, and to develop options available to the LSUC.

Relevant rules of the Alberta and British Columbia Law Societies illustrate the importance of how the 'Ombudsperson' [Discrimination Harassment Counsel] in those respective jurisdictions handle matters of confidentiality.

THE GOAL:

2. The initial function of the Law Society of Upper Canada's Discrimination Harassment Counsel is to address issues of discrimination and harassment within the legal profession. To fulfil this goal, the LSUC's Counsel should provide a service with the *utmost confidentiality*. In this context, the office should be protected by some type of immunity vis a vis the LSUC investigatory process as well as some form of external privilege. The general objective of the office was originally enunciated in the Bicentennial Report and subsequently the Report of the Alternative Dispute Resolution Systems Design Team. This report identified at Tab 7 Appendix G:

[T]he main objectives of the office of the Ombudsperson are: to provide support and assistance to members of the public and members of the legal profession who are experiencing harassment and/or discrimination as a result of their involvement with either a lawyer or such harassment or discrimination experienced in the workplace and to do so,

- (i) **free of charge**; and
- (ii) on a *confidential basis*,

3. Following on this, the reports of the Equity Advisor (submitted to Convocation in winter and

spring, 1999), the *Bicentennial Report on Equity Issues in the Legal Profession*, and the Report of the ADR Systems Design Team also recognize the importance of confidentiality in the implementation of this initiative. Convocation recognized the need for assistance in the *Bicentennial Report*, at paragraph 102 which states:

The Law Society should also, in conjunction with other organizations, help to develop, train, and monitor a “Safe Counsel” program for the victims of harassment and discrimination. Such a program would provide the complainant with access to a volunteer roster of counsel who are independent of the Law Society and who have been provided with the training necessary *to assist* complainants in assessing their options.

4. Fundamentally, to facilitate the Discrimination Harassment Counsel’s role as envisioned in the Bicentennial Report the Discrimination Harassment Counsel must be able to treat all communications as confidential to assist complainants in assessing their options. The Task Force on the Review of the Rules of Professional Conduct has also made preliminary steps toward this goal by tabling new commentary to protect this initiative. Rule 13 Commentary 1A now revised Rule 6.01 (3) establishes the Discrimination Harassment Counsel’s relationship vis a vis the Society. Rule 6.01 (3) states:

Rule 6 Duty to Report Misconduct Commentary:

...The Society also recognizes that communications with the [Ombudsperson] appointed to assist in resolving complaints of discrimination or harassment against lawyers must generally remain confidential. Therefore, the Ombudsperson will not be called by the Society or by any investigative committee to testify at any conduct, capacity or competence hearing without the consent of the person from whom the information was received. Notwithstanding the above, a lawyer serving as Ombudsperson has an ethical obligation to report to the Society upon learning that a lawyer is engaging in or may in the future engage in serious misconduct or criminal activity related to the lawyer’s practice. [Emphasis mine]

5. Although the rule does begin to clarify issues of confidentiality vis a vis LSUC proceedings, it does not provide enough detail in this regard. Nor does it cover the situation of the Discrimination Harassment Counsel being called outside of the Society.

RESEARCH OF OTHER JURISDICTIONS:

6. It is a pivotal role of the Discrimination Harassment Counsel to assist in matters of discrimination and harassment on a confidential basis. In this context, research was conducted in two other jurisdictions on how the established Ombudsperson programs handle matters of confidentiality. Essentially confidentiality is the cornerstone of the programs effective and timely response to discrimination and harassment. The issue of confidentiality has for the most part been handled with clearly stated rules. The relevant rule sections are reproduced below for easy of reference.

IN ALBERTA:

7. The importance of confidentiality for the Alberta Ombudsperson is detailed in the rules of professional conduct. The following excerpt from the Alberta Professional rules identifies in part 2.1 this importance in section 81.1(1)(2)(3):

Disclosure of Society records

Confidentiality is a fundamental component of the Ombudsperson's mandate. To ensure confidentiality of all communications, the Benchers adopted the following addition to the Rules of the Law Society at their April Convocation:

Part 2.1 Ombudsman 81.1 (1)(2)(3)

(1) *The Secretary may appoint an Ombudsman to facilitate the informal resolution of harassment and discrimination disputes, involving members, articling students and persons working for legal employers.*

(2) The Ombudsman ***shall act independently of the Society*** but within ***the scope of the mandate prescribed by the Benchers.***

(3) ***Communications made for the purpose of resolving disputes according to the Ombudsman's mandate are confidential.***

IN BRITISH COLUMBIA:

8. The British Columbia Law Society addresses the issue of confidentiality from a similar perspective. Specifically, the Ombudsperson for BC has at its disposal a rule within the code of professional conduct addressing issues of confidentiality and requiring that they must be interpreted in a manner which facilitates resolution:

Ombudsperson

4-33 (1) ***This Rule is to be interpreted in a way that will facilitate the Ombudsperson assisting in the resolution of disputes through communication without prejudice to the rights of any person.***

(2) ***Communication between the Ombudsperson acting in that capacity and any person receiving or seeking assistance from the Ombudsperson is confidential and must remain confidential in order to foster an effective relationship between the Ombudsperson and that individual.***

(3) ***The Ombudsperson must hold in strict confidence all information acquired in that capacity from participants.***

(4) In a proceeding under this Part or Part 2

(a) no one is permitted to give evidence about any discussion or other communication with the Ombudsperson in that capacity, and

(b) no record can be admitted in evidence or disclosed under Rule 4-25

or

4-26 if it was produced

(i) by or under the direction of the Ombudsperson in that capacity, or

(ii) by another person while receiving or seeking assistance from the Ombudsperson, unless the record would otherwise be admissible or subject to disclosure under Rule 4-25 or 4-26.

9. The italicized portion highlighted above illustrates the importance for confidentiality when handling matters of discrimination and harassment. Protection is clearly defined and the level of protection regarding information the Ombudsman's possession are also addressed.

LAW SOCIETY ACT, RSO 1990 c.L-8 SECTIONS 49.12 & 49.18(1)(2):

10. Neither sections' 49.12 nor 49.18 of the *Law Society Act* directly address the Discrimination Harassment Counsel's need for confidentiality. However, the Discrimination Harassment Counsel may be interpreted as an agent or representative of the Law Society of Upper Canada since it is discharging a LSUC function. Despite this, it is unclear as to how confidentiality will be triggered as Mr. Tinsley's memorandum explained. Albeit informally the Discrimination Harassment Counsel does by a rule act as an investigator of complaints of discrimination and harassment. This is essential to its function of providing advice to complainants. As such, given this role and in the absence of any definitive statements, section 49.12 may be viewed as being broad enough to encompass the Discrimination Harassment Counsel's role and may be interpreted as extending the immunity.

OPTIONS:

11. There appears to be two options available to the LSUC. First is a legislative amendment to *The Law Society Act*, to close the void and provide protection of confidentiality for this initiative. Secondly, another solution is to have Convocation issue a policy statement on confidentiality or to develop a regulation that directly addresses the issue of confidentiality regarding the Discrimination Harassment Counsel's role. This may be achieved through the rule's committee.

CONCLUSION:

12. Confidentiality is the cornerstone of Discrimination Harassment Counsel services. This memo discussed the importance of developing a policy to ensure confidentiality when dealing with issues of discrimination and harassment. The LSUC's *Law Society Act*, sections 49.12 and 49.18 provide immunity for individuals contracted to do work for the Society as well as the Complaints Resolution Commissioner from disclosing information regarding an investigation or a proceeding under the Act. Unfortunately, there is a legislative void where the Discrimination Harassment Counsel is concerned.

13. The options available to LSUC are that it must adopt a policy statement which ensures the level of confidentiality that the Discrimination Harassment Counsel will enjoy vis a vis the complaints process together with the resolution of complaints at arms length from the Society. The review of the Law Societies of British Columbia and Alberta illustrate that the issue of confidentiality is handled directly with a specific rule. This position should be covered by the LSUC to protect the Discrimination Harassment Counsel and to ensure that the level of confidentiality will foster individuals to be open and frank about matters of discrimination and harassment within the legal profession.