

GUIDELINE 4: HARASSMENT AND DISCRIMINATION

The Human Rights Code

Rule Reference: Rule 1.03(1)(b)

Rule 2.03

1. A paralegal's obligations regarding harassment and discrimination are outlined in the *Rules*, the *Human Rights Code* and related case law.
2. The *Human Rights Code* gives everyone equal rights and opportunities without discrimination relating to matters such as employment, housing and services. The purpose of the Code is to prevent discrimination or harassment on the grounds of
 - race or colour,
 - citizenship, ancestry, place of origin or ethnic origin,
 - creed,
 - sex (including pregnancy),
 - sexual orientation,
 - age (means an age that is 18 or more),
 - record of offences (in the context of employment only),
 - marital or family status,
 - disability, or
 - the receipt of public assistance (in the context of housing only).
3. More information about obligations under the *Human Rights Code* may be found on the [Ontario Human Rights Commission website](#).

Discrimination

Rule Reference: Rule 2.03(4) & (5)

4. **Discrimination** means treating another person in the context, for example, of employment, services or housing, differently and less than others, because of any of the Code's prohibited grounds.
5. A paralegal should review and become familiar with human rights laws to ensure that the paralegal is meeting his or her legal and ethical obligations to others.

Harassment

Rule Reference: Rule 2.03(3)

6. **Harassment** is a form of discrimination. Harassment means vexatious comments or actions that are unwelcome to the person receiving the comments or actions, or comments or actions that ought reasonably be known to be unwelcome. Generally speaking, harassment is a “course of conduct” or a pattern of behaviour where more than one incident has occurred. Even one incident however, may constitute harassment if the incident is serious in nature.
7. **Sexual harassment** is defined in the *Human Rights Code* as an incident or series of incidents involving unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when one or more of the following circumstances are present:
 - such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to the recipient(s) of the conduct,
 - giving in to such conduct is a condition for the supply of legal services by the paralegal, whether this condition was spoken or unspoken by the paralegal,
 - giving in to such conduct is a condition of employment by the paralegal, whether this condition was spoken or unspoken by the paralegal,
 - giving in to or rejecting such conduct affects the paralegal’s employment decisions regarding his or her employee (which may include assigning file work to the employee, matters of promotion, raise in salary, job security, and employee benefits, among other things),
 - such conduct is intended to or results in interfering with an employee’s work performance, or
 - such conduct creates an uncomfortable, unfriendly or unpleasant work environment.
8. Examples of behaviour considered as harassment include, but are not limited to
 - sexist jokes causing embarrassment or offence,
 - the display of offensive material, such as racial graffiti,
 - the use of sexually degrading words to describe a person,
 - the use of derogatory or degrading remarks directed at one’s sex or one’s sexual orientation,
 - the use of sexually suggestive or obscene comments or gestures,
 - unwelcome comments or inquiries about one’s sex life,
 - repeated racial slurs directed at language or accent of a particular group,
 - unwelcome sexual flirtations, advances or propositions,
 - leering,
 - persistent unwanted contact or attention after the end of a consensual relationship,
 - requests for sexual favours,
 - unwanted touching,
 - verbal abuse or threats, or
 - sexual assault.

Promoting Equity and Diversity

9. The Law Society's Equity Initiatives department has developed a series of best practices and model policies to guide paralegals and lawyers in promoting equity and diversity in all areas of their professional business. All paralegals should consider adopting model policies to assist them in meeting their legal and professional conduct responsibilities. Model policies cover practices relating to employment and the provision of services to clients and include
 - preventing and responding to workplace harassment and discrimination,
 - promoting equity in the workplace,
 - parental and pregnancy leaves and benefits,
 - accommodation in the workplace, flexible work arrangements, and
 - issues relating to creed and religious beliefs, to gender and sexual orientation, and to individuals with disabilities.
10. Equity Initiatives has also developed a professional development program to design and deliver education and training to legal service providers regarding these equity and diversity issues. A paralegal may contact the Law Society to discuss available training sessions, which may be offered as seminars, workshops or informal meetings. Full information regarding these initiatives is available on the Equity section of the [Law Society website](#).

Discrimination and Harassment Counsel

11. The Law Society provides the services of *Discrimination and Harassment Counsel* to anyone who may have experienced discrimination by a paralegal or a lawyer, or within a paralegal or lawyer's professional business. This service is funded by the Society but is completely independent of the Society. The service is free to the Ontario public, including paralegals and lawyers, and is strictly confidential.
12. The Discrimination and Harassment Counsel can provide advice and support and will review options with the individual using the service, which may include
 - filing a complaint with the Law Society,
 - filing a complaint with the Ontario Human Rights Commission, and
 - allowing the Discrimination and Harassment Counsel to mediate a resolution if all parties agree.
13. More information is available on the [Discrimination and Harassment Counsel website](#).