

Ontario

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Josée Bouchard
Director, Equity Initiatives
The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6

Dear Ms. Bouchard:

I am writing on behalf of the Human Rights Legal Support Centre (HRLSC) to make brief submissions on the Law Society's Consultation Paper, *Developing Strategies for Change: Addressing Challenges Faced by Racialized Licensees*. The HRLSC has experience in building and maintaining a workforce of lawyers and paralegals with high representation from racialized communities.

Introducing the Human Rights Legal Support Centre

The HRLSC is an arm's length agency of the Ministry of the Attorney General, established in 2008 under the *Human Rights Code (Code)* to provide legal assistance to individuals whose rights under the Code have been infringed. Our services range from providing summary legal advice through a telephone helpline to representing claimants at mediations and hearings before the Human Rights Tribunal of Ontario (HRTO) and on judicial review applications arising out of HRTO proceedings. We provide service across Ontario; most staff are located in Toronto but we have six lawyers who are based in regional centres across the province. There are no fees for our service.

The HRLSC employs approximately 25 lawyers and five licensed paralegals. In addition, we offer an intensive legal education program through Osgoode Hall Law School which places 12 students each academic year in a full time placement at the HRLSC for one term. We employ two or three law students every summer. The HRLSC has also provided placements for internationally-trained lawyers, including new immigrants, through the University of Toronto's Internationally Trained Lawyers Program.

Our Diversity Strategy

Building and maintaining a diverse staff was a goal embraced by the HRLSC from its first staff recruitment in 2008. In order to assess our success in building and maintaining a diverse staff, we conducted employment equity surveys in 2009, 2013 and 2014. The results of our surveys are posted on our website: www.hrlsc.on.ca. The most recent survey of our lawyers found that 50% identified as racialized and 14% identified as Aboriginal. Amongst our paralegal and other legal staff, 62% identified as racialized.



We have been able to attract applicants from diverse communities by referencing our equity goals in our job postings. We send postings for lawyer positions to organizations like the Canadian Association of Black Lawyers, the Federation of Asian Canadian Lawyers, the Indigenous Bar Association, and the South Asian Bar Association. We include diversity-focussed questions in our interview process. We include cultural competence as a factor in our performance reviews.

The diversity of our staff brings a wealth of benefits that directly result in better service to the public. We have greater linguistic capacity, cultural competence, and diversity of experience that allows us to provide the responsive and empathetic legal services expected by our clients. We provide ongoing anti-oppression training for staff and have an active diversity and inclusion committee of staff. We strive for a workplace that welcomes dialogue and learning.

Diversity is also at the forefront when we recruit through the Osgoode Anti-Discrimination Intensive Program and the University of Toronto Internationally Trained Lawyers Program. We are creating opportunities for learning, mentorship, and employment for racialized lawyers-in-training.

The Law Practice Program

There is a related issue within LSUC jurisdiction that we would like to raise: the administration of the Law Practice Program (LPP). While we support the creation of new opportunities for students who cannot find traditional articling placements, we have two concerns with this pilot program.

First, we understand that a significant portion of the LPP placements are unpaid or minimally paid, and that LSUC imposes no requirements on firm or organization employers to compensate students. If, as has been suggested by submissions to LSUC, racialized students are over-represented among students unable to obtain full articles, the invitation to employ LPP students without remuneration will have a disproportionate, negative impact on a group that is already disadvantaged in entering the profession. We understand that LSUC introduced a Repayable Allowance Program, which offers assistance to those who demonstrate need and have exhausted all other sources of funds. We suggest that LSUC instead require that firms and organizations fairly pay all of their licensing candidates.

Second, we urge LSUC to remove the increased fee levied on all new lawyers to cover the cost of the LPP. The cost of the LPP program should be borne instead by the profession as a whole. The increase has added to the financial burden on new licensees, with a particular impact on students in the LPP program who are in short-term and often unpaid positions. Again, if racialized students are over-represented in this group, the new fee adds another financial penalty.

The shortage of articling positions has resulted in the need to establish the LPP. Most new entrants to the profession already carry very considerable student debt. Levying this fee



exclusively on new entrants seems unfair. If spread over the profession as a whole, the burden would be minimal.

Finally, we think that LSUC could play a useful role in obtaining data from the law schools and from the LPP program that would allow an assessment of whether or not racialized students, and students identified with other Code-identified grounds (e.g. disability, immigrant status, gender identity; Indigenous status, etc.) are in fact over-represented in the LPP stream.

Thank you for this opportunity to address the issues identified in the consultation paper.

Yours truly,

A handwritten signature in black ink, appearing to read "K Laird". The signature is fluid and cursive, with the first letter "K" being particularly large and stylized.

Katherine Laird
Executive Director

