



WOMEN'S PARALEGAL ASSOCIATION OF ONTARIO

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RESPONSE TO

*Developing Strategies for
Change: Addressing Challenges
Faced by Racialized Licensees,
an LSUC consultation paper*

Executive Summary

Human rights have long since been recognized in law and have evolved for the betterment of many. The genesis for this discussion, however, is that despite the positive evolution in human rights law, the research consistently shows that within the legal profession we are still far from achieving a functional discrimination-free model. While various preventative and regulatory measures are in place to ensure that clients are not discriminated against by a licensee, appropriate measures to protect the licensees from the same malign effects have not been as vigilantly applied.

The WPAO respectfully submits that the profession already has ample resources and literature available and that the time for the gentle regulated-nudge has drawn near. It is the WPAO's position that the LSUC should begin taking steps to implement mandatory reporting and training to advance the process of addressing racial discrimination and avoid bureaucratic inertia on this subject.

The following report expands on the WPAO's position.

Introduction

Founded in 2013, the WPAO is the only recognized equity association for paralegals. Although the WPAO's mandate focuses primarily on women's issues, the WPAO has a vested interest in any discussion that addresses the issue of discrimination since the real and insidious effects of discrimination are still felt by the profession, more particularly the WPAO membership. The consultation paper acknowledges that racialized paralegals are more profoundly affected by discrimination than any other type of licensee. A woman paralegal, who is also a member of a racialized group, is potentially exposed to a higher incident rate of discrimination. Since the WPAO is the umbrella paralegal association for equity issues affecting paralegals, the WPAO welcomes any improvements or enhancements that will help address the challenges faced by racialized licensees, particularly those that are not intrusive for the individual and does not compromise the intent of encouraging a discrimination-free culture.

Discussion of Survey Findings

In response to the call for feedback, the WPAO conducted its own short public survey, over the course of a few days, to assist in providing the Working Group with more insight from the paralegal grassroots level. The LSUC's original questions were posed in the WPAO survey.

Twenty-three participants responded to the WPAO survey where 56.52% were members and 43.48% were non-members. Of all the respondents, 43.48% self-

identified as a member of a racialized group. 8.7% reported having experienced discrimination on the grounds of race, national or ethnic origin from another licensee (including members of the judiciary and instructors) and 13% were uncertain if what they experienced was considered as discrimination. Some licensees (5%) also reported that they experienced discrimination on the grounds of race, national or ethnic origin from a client and 14% were also uncertain if what they experienced was in fact discrimination from a client.

What is also worth noting was the workplace composition results. Respondents were asked how many persons of any race, national or ethnic origin were employed in their legal workplaces. Of the respondents, 8.7% reported that they were the only racialized licensee at their legal workplace. A notable 17.39% reported there were no racialized licensees at their legal workplace. 30.43% reported that there were 2 to 5 racialized persons and 4.63% reported that there were between 6 and 10 persons employed at their legal workplace. Unfortunately no respondents reported having more than 10 racialized licensees in their workplaces and 39.13% responded that the question was not applicable to them since they were unemployed or not working in a legal environment.

Most respondents (60.87%) were not familiar with the LSUC's consultation paper on the issue of racialization and discrimination within the legal field. Only 17.39% respondents indicated that they were very familiar with the LSUC's consultation paper on this issue and 21.74% reported that they were somewhat familiar. A significant 60.87% were not very familiar with the consultation report at all.

We acknowledge that the survey sample might be small compared to other research groups but it still represents a substantial finding. This survey highlights the difficulty of collecting data on a voluntary basis within the legal field. We suggest that this inference speaks to the very need for mandatory collection. The survey results show that 43% of the respondents believed that licensees should be required to take an annual CPD and 34.78% indicated that the LSUC should use data collected via the annual reports, presumably because the annual report is already mandatory. For those who did take the survey, they provided strong statements that a voluntary option is not the panacea for addressing long-standing discriminatory practices. The *laissez-faire* state of the profession is alarming despite the fact that anti-discrimination practices are a cornerstone of professional ethics.

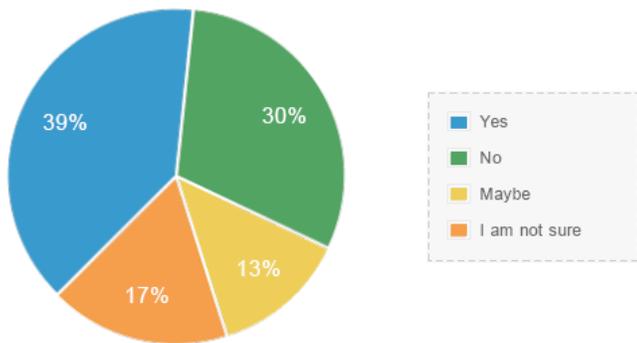
Overall, the data indicated that the respondents welcomed many, if not all, of the recommendations presented in the consultation paper. For ease of reference, we have included the statistical graphs for questions eight to twelve of the WPAO survey at the end of this submission. We have not included the question canvassing feedback on how the LSUC could work with in-house legal departments. We have excluded the response for this one question for two reasons. First, many respondents were uncertain about how to answer the question. Second, since the question included personal statements from the participants, the respondents would be at risk of being identified if we disclosed the responses.

Conclusion

It is the WPAO's position that in order to effect change and advance on the issue of addressing discrimination, the Law Society should implement a mandatory requirement of one hour CPD on the topic of racialization and discrimination within the legal profession. In addition, the LSUC should further update the Rules of Professional Conduct and the Paralegal Rules of Conduct to reflect this change. Although the profession is already expected to uphold the tenets of a discrimination-free model, it is quite clear there still remains a lack of interest, or reservations, to even engage on this issue. The gentle regulatory nudge will help to prevent apathy from settling in, again.

Should the law society implement specific standards and resources for the recruitment, retention and career advancement of racialized licensees?

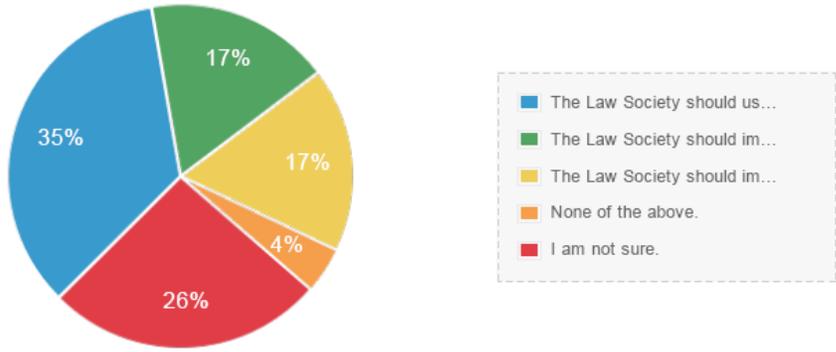
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	Response Percent	Response Count
Yes	39.13%	9
No	30.43%	7
Maybe	13.04%	3
I am not sure	17.39%	4

What is your preferred model for the Law Society to collect demographic data?

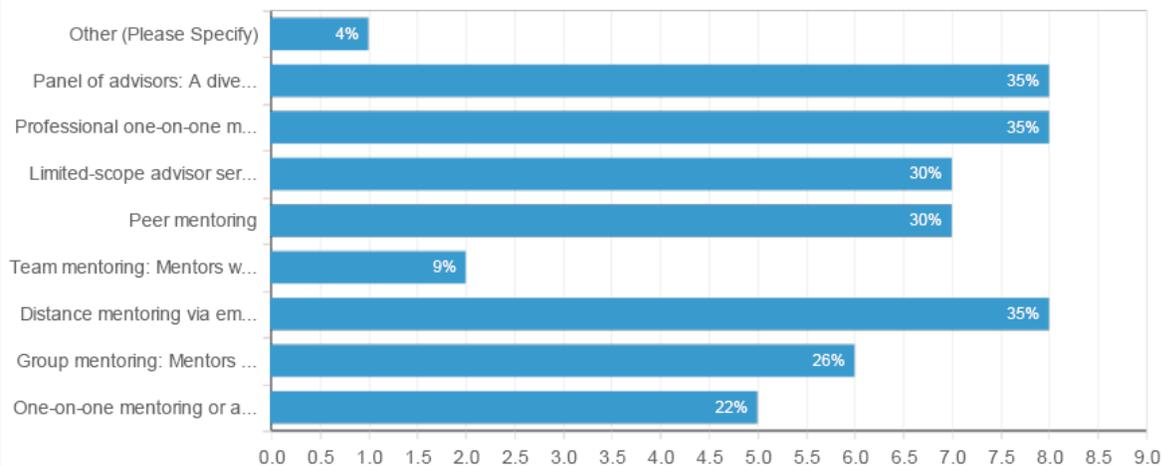
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	Response Percent	Response Count
The Law Society should use data already provided in the Lawyer and Paralegal Annual Reports.	34.78%	8
The Law Society should implement a standardized data-collection template for firms to use on a voluntary basis.	17.39%	4
The Law Society should implement a standardized data-collection template for firms to use on a mandatory basis.	17.39%	4
None of the above.	4.35%	1
I am not sure.	26.09%	6

Select the mentoring or advisory services model(s) that you would prefer to see the Law Society adopt:

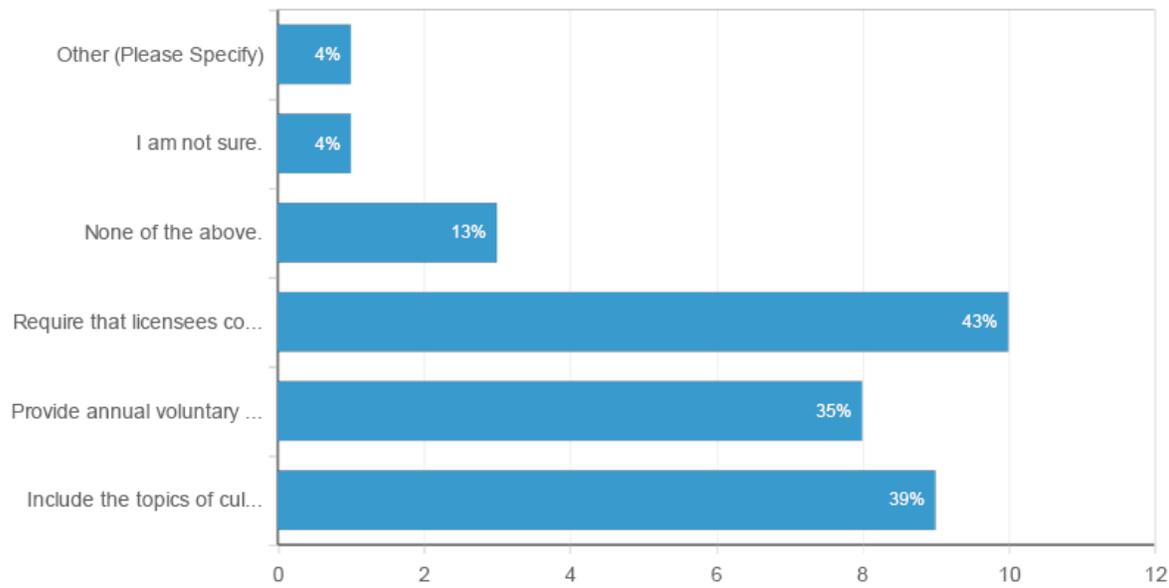
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	Response Percent	Response Count
One-on-one mentoring or advisory services: Mentors would not be compensated.	21.74%	5
Group mentoring: Mentors would not be compensated.	26.09%	6
Distance mentoring via email and other forms of electronic communication. Mentors would not be compensated.	34.78%	8
Team mentoring: Mentors would not be compensated.	8.7%	2
Peer mentoring	30.43%	7
Limited-scope advisor services: An advisor with expertise in a specific area would provide an advisee with guidance on a substantive or procedural legal issue. Advisors would not be compensated.	30.43%	7
Professional one-on-one mentoring: This model would operate similarly to voluntary one-on-one mentoring, however mentees would be able to access a mentor drawn from a pool of compensated mentors.	34.78%	8
Panel of advisors: A diverse group of trained paralegal advisors would be paid to provide specific, targeted support services to those at increased risk of failing to fulfill their professional obligations.	34.78%	8
Other (Please Specify)	4.35%	1
1. professional one-on-one, mentors compensated, mentee could choose their adviser/mentor of preference		

How should the Law Society enhance the profession’s cultural competence through its Continuing Professional Development (CPD) Programs?

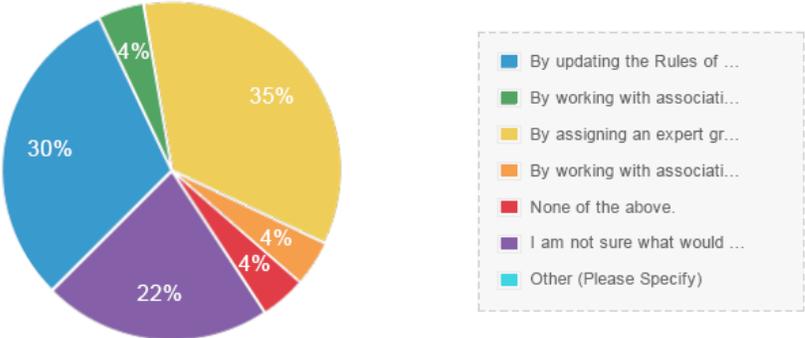
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	Response Percent	Response Cou
Include the topics of cultural competence, diversity and inclusion in the Professional Responsibility and Practice (PRP) Course.	39.13%	9
Provide annual voluntary accredited CPD Programs on cultural competence.	34.78%	8
Require that licensees complete annually, or less frequently, one hour of cultural competence CPD that would count as part of the three required hours of professionalism.	43.48%	10
None of the above.	13.04%	3
I am not sure.	4.35%	1
Other (Please Specify)	4.35%	1
1. Rather than the soft courses taught in the college courses, I would prefer to see a sensitivity training course for paralegals.		

How should the Law Society best ensure that complaints of discrimination are brought to its attention and effectively addressed?

Answered: 23 Skipped: 0



	Response Percent	Response Count
By updating the Rules of Professional Conduct and the Paralegal Rules of Conduct to specifically define and address systemic discrimination and by developing a communication plan for the profession.	30.43%	7
By working with associations of racialized licensees to enhance their ability to bring forward complaints.	4.35%	1
By assigning an expert group of Professional Regulation staff members to handle complaints of racial discrimination.	34.78%	8
By working with associations of racialized licensees to enhance their capacity to offer duty counsel type support to their members who have been the subject of complaints.	4.35%	1
None of the above.	4.35%	1
I am not sure what would be best to handle complaints of discrimination.	21.74%	5
Other (Please Specify)	0.0%	0