

Winnipeg Free Press

CANADA

Ontario lawyers agree to tackle systemic racism in the profession

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Posted: **12/2/2016 3:56 PM**

TORONTO - Larger law firms would be expected to work toward racial diversification and have to report out on their progress under recommendations approved without opposition Friday by the profession's regulatory body in Ontario following hours of emotional debate.

In addition, the Law Society of Upper Canada will look to put measures in place to ensure legal workplaces do more to combat systemic racism and discrimination in their ranks, its governing body decided.

The recommendations — 13 in all — flowed from a working group that looked at the career obstacles black and other visible minority lawyers face. The group, set up in 2012, spent the last few years coming up with its report based on consultations and submissions from around the province.

Raj Anand, co-chairman of the group, who said he's been the subject of racial slurs, called it gratifying the law society approved the report.

"There is a serious problem that needs to be addressed," Anand said.

"We now can move forward to implement these important recommendations, which reinforce the special responsibility of lawyers and paralegals to promote human rights in their own workplaces — and in their relationships with the justice system and the public."

Under measures that are now slated to be put in place, any firm with at least 10 lawyers and paralegals would have to designate someone responsible for implementing a policy that addresses issues such as fair recruitment, retention and advancement.

Companies would also have to do a diversity self-assessment, and send the information to the law society every two years.

The governing body would also keep tabs on the progress law firms with at least 25 lawyers and paralegals are making in promoting diversity by looking at a "demographic data and inclusion index."

One lawyer, Sid Troister, sparked passionate discussion by questioning whether one measure should be mandatory as recommended. He called for a separate vote on each recommendation rather than a vote on the package as a whole. His motion was easily voted down and the report then passed with one amendment.

Although the proportion of visible-minority lawyers has increased in the last 15 years, many of them have long complained of the professional barriers they encounter, and relatively few black lawyers practise in large firms.

The working group, struck in response to the complaints, found a culture in which racialized lawyers and paralegals face significant challenges throughout their legal careers. Problems include assumptions of incompetence from judges and clients, denial of opportunities for professional advancement, and colleagues who shut them out of workplace social gatherings.

"Overt discrimination and bias are a feature of daily life," the group found. "Racialization is a constant and persistent factor."

Another recommendation is to make it explicit that any systemic discrimination or reprisal for complaints of discrimination and harassment would be considered breaches of professional conduct, which would spell out that members are obliged to promote principles of equality, diversity and inclusion.

The law society, which governs more than 50,000 lawyers and 8,000 paralegals in Ontario, would also set up a specialized and trained team to address complaints of discrimination.

Paul Schabas, the treasurer of the law society, called Friday's adoption of the report and its recommendations a big step toward ensuring the legal profession is "diverse, inclusive and free of discrimination and harassment."