



Community Legal
Assistance Society

Annual Report

2020-2021

Advancing Dignity,
Equality and Justice
since 1971

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MESSAGE FROM THE PRESIDENT



Dear Friends and Supporters,

I have been honoured to serve as President of the Community Legal Assistance Society (CLAS) since November 2020. CLAS is located on the unceded territory of the Coast Salish peoples, including the territories of the xʷməθkwəy̓ əm, Skwxwú7mesh, and Səlilwətaʔ/Selilwitulh Nations.

This has been a notable year for many reasons. The pandemic has required our staff to work under extremely difficult circumstances: without doubt they have done an exemplary job. It is also the 50th year anniversary of the 1971 founding of CLAS, and I am pleased to present this milestone 50th Annual CLAS Report.

I am privileged to be writing this message as the CLAS President at this special time in our history as we celebrate this anniversary of five decades of fighting for justice. CLAS was incorporated as a non-profit legal services society in Vancouver, evolving from a law student group that offered support to inner city residents dealing with social issues. The “Vancouver Community Legal Assistance Society” was the first community law office in B.C., founded by then up-and-coming lawyer and social activist Mike Harcourt, who later became Mayor of Vancouver and BC Premier. Mr. Harcourt was the first Executive Director of CLAS, followed by the late Ian Waddell, who went on to serve as a B.C. MLA and federal MP.

CLAS provides legal assistance to marginalized people throughout BC in the areas of housing, income security, workers’ rights, mental health, and human rights.

Our services include full legal representation for service and systemic cases and Charter litigation; summary advice; assistance to self-represented litigants; law reform initiatives; support and training for community groups and lay advocates in the province, and referrals to other agencies.

Our organization engages with a broad network of community groups for strong partnerships on critical legal and social justice issues.

I would like to acknowledge the generous support of our major funders who are crucial to our ability to provide services and support to marginalized and vulnerable people in our communities:

The Law Foundation of BC funds our Community Law Program, Community Advocate Support Line, and the David Mossop, Q.C., Public Interest Articling Fellowship. Legal Aid BC funds our Mental Health Law Program and the Ministry of the Attorney General funds our BC Human Rights Clinic.

The Department of Justice Canada funds our SHARP Workplaces project.

The City of Vancouver continues to provide CLAS and our sub-tenant PovNet our office premises in Vancouver through their bonus amenities program. Our heartfelt appreciation and thanks go out to the many individuals who support CLAS through their generous donations.

Thank you to our dedicated Board of Directors for their commitment to CLAS and for generously volunteering their time and energy. We would particularly like to express our sincere gratitude and appreciation to Edward Macaulay who served as CLAS President for thirteen years; thank you for your leadership through both challenging and rewarding times, and steering CLAS through many changes and transitions.

On behalf of the board, I would like to sincerely thank all CLAS staff for your hard work and dedication over the last 12 months in what has been an exceptionally difficult year.

Throughout all the uncertainty and challenges of the COVID-19 pandemic the outstanding expertise and professionalism of our staff has ensured that CLAS has continued to provide our much-needed services to our clients and community colleagues without interruption. This has required an extraordinary effort, and the Board sincerely thanks you for everything you have done for people who contact CLAS seeking help.

Sincerely,

A handwritten signature in black ink that reads "Jane Dyson". The signature is written in a cursive, flowing style.

Jane Dyson, President

MESSAGE FROM THE **EXECUTIVE DIRECTOR**



Throughout all the changes that British Columbia has seen over the 50 years since the founding of CLAS, our fundamental premise has remained the same – fighting for justice for people and helping them battle discrimination and inequity.

We are extremely proud of our 50-year history and how we have grown to what we are today, and we look to a future when all people are able to live in inclusive communities where everyone belongs, and their rights are respected.

Our staff have shown tremendous resilience, creativity and resolve in continuing to serve our clients, encourage one another, and our communities and I really want to thank and acknowledge them.

This has been a particularly difficult time for everyone, but the unwavering dedication of everyone at CLAS continues to demonstrate the commitment of the social justice sector. This pandemic continues to remind us of the importance of working together and the need to care for each other.

We wish to extend our sincere appreciation to the CLAS President and the CLAS Board of Directors for their valued contributions and for supporting us in making a positive difference in many people's lives.

As a non-profit law firm marking our 50th year of working on issues of social justice, equality, and inclusion, we know that the need to support those who are most vulnerable in our society has never been greater.

Sincerely,

A handwritten signature in black ink that reads "Jacqui Mendes". The signature is written in a cursive, flowing style.

Jacqui Mendes, Executive Director

CLAS assists 1000s of people each year with housing, income security, workers' rights, mental health, and human rights

VISION, MISSION, VALUES

Our Vision

Dignity, Equality and Justice for All

Our Mission

CLAS respects the dignity of all in our community and works towards positive social change by providing legal assistance and advancing the law to address the critical needs of those who are disadvantaged or face discrimination.

Our Values

Compassion: We believe in fostering an environment that is respectful and understanding of our clients and co-workers.

Leadership: We strive to be leaders in housing, income security, workers' rights, mental health, and human rights.

Accessibility: We believe everyone should have access to, and benefit from, the justice system.

Service: We serve the community by working with other groups to promote and advance dignity, equality and justice for all.

Our Funders

Our work would not be possible without the generous support of our core funders:

The **Law Foundation of BC** funds our Community Law Program, Community Advocate Support Line, and David Mossop, Q.C., Public Interest Articling Fellowship.

Legal Aid BC funds our Mental Health Law Program.

The **Ministry of the Attorney General** funds our Human Rights Clinic.

The **Department of Justice Canada** funds our SHARP Workplaces Program.

The **City of Vancouver** provides us with a significant subsidy for our office space under its Amenities Bonus Program.

We also receive continued support, financial and otherwise, from a large number of individuals and groups. We thank each and every one of them for their generous assistance!



Our Board of Directors

The CLAS Board of Directors sets our policy and strategic directions. Our volunteer Board is made up of a unique mix of lawyers, community representatives and one law student. Our Board has six scheduled meetings per year and a retreat every three years.

OFFICERS

Jane Dyson, President
 Maia Tsurumi, Vice-President
 William Black, Secretary/Treasurer

COMMUNITY REPRESENTATIVES

Gyda Chud
 Sharon Mohamed
 Adrienne Montani
 Jean Moore
 Howard Tran
 Karla Verschoor
 Judy Willows

LAWYERS

Lora Anjos
 Rebecca Coad
 Simran Persic
 Bridget Gilbride
 Robin Elliot, Q.C.
 Edward Macaulay
 Caroline Senini
 Gary Wilson

Our Staff

(April 1, 2020 to March 31, 2021)

MANAGEMENT & ADMINISTRATION

Jacqui Mendes, Executive Director
 Rita Hatina, Director of Finance and Administration
 Rick Liu, Finance Officer
 Rose Chin, Managing Director
 Corinne Marino, Office Coordinator
 Svetlana Khakhleva, Office Assistant

LAWYERS

Dante Abbey
 Aleem Bharmal, Q.C.
 Jonathan Blair
 Rose Chin
 Laura Johnston
 Jennifer Khor
 Kevin Love
 Madeline Lusk
 Coral Lyster
 Sarah Marsden
 Diane Nielsen
 Holly Popenia
 Danielle Sabelli
 Alanna Tom
 Laura Track
 Isaac Won
 Emily Zarychta, Articling Student
 Alison Ward

LEGAL ADVOCATES

Judith Grimsrud
 Lisa Ferguson
 Tessa Fryer
 Brett Haughian
 Midhath Mahir
 Conor McKenna
 David Mossop, Q.C.
 Jennifer Nason
 Amelia Roth
 Tomas Reyes

SUPPORT STAFF

Atoosa Aghbayat
 Jennifer Allan
 Chelsea Baird
 Beverly Brown
 Emily Chant
 Katherine Delany
 Desiree Deza
 Amanda Dinnes
 Angela Emam
 Will Gladman
 Angela Hickey
 Peter Jeong
 Anya Kazanjian
 Angela Leung
 Jasmine Maxwell
 Tia McCarthy
 Sarah Peterson
 Naomi Phillips
 Paria Saremi
 Raihana Rahman
 Malgorzata Szadkowska
 Erika Szulc
 Neeti Tewari
 Andrea Tolentino
 Darian Wingfield

OUR WORK

CLAS was incorporated as a non-profit legal aid society in 1971. We were the first community law office in BC and our structure reflects almost 50 years of partnership between the private bar and community groups to provide legal aid to disadvantaged people.

Since our inception, we have become a nationally recognized non-profit law firm, specializing in housing, income security, workers' rights, mental health and human rights law.

CLAS has assisted thousands of people through our service case work and has conducted hundreds of test and systemic cases at all levels of court, including the Supreme Court of Canada. We have been counsel on hundreds of reported decisions in the areas of law in which we practice.

Our clientele comes from all over the province. Demographically, our clientele comprises a wide range of British Columbians, and we are committed to assisting all marginalized and vulnerable people, within our mandated areas of law, regardless of their race, religion, disability, age, gender and sexual orientation.

The activities of CLAS are carried out through information and referrals, summary advice, direct representation for service cases, test case litigation, systemic advocacy, law reform, legal supervision services to advocacy organizations, public legal education and training, and legal support to community groups.

CLAS is also a resource to advocates, service providers and lawyers throughout the province. CLAS employs over 40 staff and has an annual operating budget of over \$4 million.

THE WORK OF CLAS IS CARRIED OUT BY FIVE PROGRAMS:



**SHARP
WORKPLACES**

DONATE TO CLAS BY VISITING [CLASBC.NET/DONATE](https://clasbc.net/donate)

CLAS CELEBRATES **50 YEARS**



Fighting for Justice
Community Legal Assistance Society

On March 29th, 2020 CLAS launched a celebration of our 50th year of fighting for social justice. We were incorporated on that date in 1971 as a non-profit legal services society in Vancouver, evolving from a law student group that offered support to inner city residents dealing with social issues.

The then “Vancouver Community Legal Assistance Society” was the first community law office in B.C., founded by the up-and-coming lawyer and social activist Mike Harcourt, who later became Mayor of Vancouver and Premier of B.C. Mr. Harcourt was the first Executive Director of CLAS, followed by the late Ian Waddell, who went on to serve as a B.C. MLA and federal MP.

Today, CLAS is a nationally recognized non-profit law firm, assisting thousands of disadvantaged people each year with legal help and advice on housing security, income security, workers’ rights, mental health rights, and human rights. CLAS operates 5 programs, employs over 40 staff, and has an annual operating budget of over \$4 million.

CLAS has conducted hundreds of test and systemic cases at all levels of court, including the Supreme Court of Canada. It has provided counsel on hundreds of reported decisions in the areas of law in which they practice and is also a resource to advocates, community groups, and lawyers throughout the province.



2001, Jim Pozer (Former CLAS Executive Director), David Mossop, Q.C., Mike Harcourt (Founder and Former CLAS Executive Director), Gary Wilson (Board Director and Former CLAS President)



CLAS Lawyer and Former Executive Director, Aleem Bharmal, Q.C.

CLAS has achieved justice for clients and others in many precedent-setting legal cases, including:

Chastain v. B.C. Hydro and Power Authority, [1973] 2 W.W.R 461 (“Chastain”)

In 1972, this was the first consumer class action launched in Canada. It successfully resulted in hundreds of thousands of dollars being returned to thousands of consumers, the vast majority of whom had a low income.

British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights), [1999] 3 SCR 868 (“Grismer”)

This case involved discrimination against a person with a particular visual disability and his right to be individually assessed when applying for a driver’s license. This landmark Supreme Court of Canada human rights decision established the legal test for a “bona fide and reasonable justification” by a service provider.

Moore v. British Columbia (Education), [2012] 3 SCR 360 (“Moore”)

In this case, CLAS successfully represented a father in his fight to have his son, who suffered from severe dyslexia, receive an equal education. This leading Supreme Court of Canada case affirms every child’s right to meaningful access to education and reestablished the clear test to prove prima facie discrimination.

“

In the last five decades, CLAS has helped countless British Columbians advocate effectively for themselves and others. The history of CLAS is exceptional. From the first consumer class action suit in Canada, to so many precedents in Charter and human rights law that set a foundation of dignity and respect for all in our law, British Columbia would be a different and less fair place without the lawyers and advocates at CLAS. Congratulations to everyone involved with CLAS over the organization’s 50 years for all of your remarkable achievements in the name of justice.

- The Hon. David Eby, Attorney General.

”

“

When I worked at VCLAS with my assistant David Mossop and a very small staff, looking back, it was the best part of my legal life. I remember how innocently, almost, we went into doing a new thing called a class action. We weren’t afraid of tackling the big guys, and I think CLAS has kept up the tradition.

- Ian Waddell

(Mr. Waddell very kindly provided this quote a few weeks before he passed away in 2020).

”

“

Probably hundreds of thousands of low-income tenants, people facing burdensome debt, people living with mental illness and other disabilities, those living with addiction, and other individuals battling bureaucracies or facing discrimination have benefited from our unique service.

- Mike Harcourt.

”



Fighting for Justice
Community Legal Assistance Society



5 of our CLAS Board Directors: Edward Macaulay (Former Board President), Judy Willows, Jean Moore, Gyda Chud, Howard Tran



CLP lawyers Isaac Won, Jonathan Blair



HRC Director Laura Track, Alison Ward, CASL lawyer, Provincial Advocate Training Conference

To learn more about the many important legal precedents, achievements and milestones achieved by CLAS over the last 50 years, visit <https://clasbc.net/clas-50-years-fighting-for-justice/>

Visit clasbc.net or follow CLAS on [Twitter](#), [Facebook](#) or [LinkedIn](#).

COMMUNITY LAW PROGRAM

The Community Law Program (“CLP”) has offered services at CLAS since 1971 and is funded by the Law Foundation of BC. CLP focuses on five areas of law: Housing Security, Human Rights, Income Security, Mental Health, and Workers’ Rights.

Our CLP staff, comprised of 5 lawyers, 1.6 legal administrative assistants and 1 intake coordinator, carried out the following work:

Direct legal services to low-income individuals, legal advocates, and community groups

CLP services include full representation for clients in superior court or in complex proceedings before administrative tribunals. Services also include helping self-represented litigants prepare for their court appearances, giving summary advice to clients and advocates, and providing information and/or referrals to other agencies.

Systemic Work

CLP lawyers address systemic injustice and inequality using a range of strategic legal approaches that change or advance the law to promote a more just and equal society.

Public Legal Education and Advocate Training

We deliver workshops and presentations to community groups, advocates, law students, and the private bar.

Legal Supervision for Advocates

CLP lawyers supervise advocates at four advocacy organizations funded by the Law Foundation of BC.

On-Line Self-Help Publications

We create and offer free resources at clasbc.net, judicialreview.bc and Clicklaw.



16

systemic public interest cases were moved forward by CLP



3942

people received information, advice or legal representation from CLP

COMMUNITY LAW PROGRAM **HIGHLIGHTS**

FINANCIAL SECURITY FOR UNEMPLOYED WORKERS

The COVID-19 pandemic left an unprecedented number of workers unemployed. Deep flaws in Canada's EI program were exposed as the system simply could not respond to this mass unemployment.

CLP worked with partners across the country to secure short term financial help for people in need. The eligibility requirements for EI were temporarily reduced to help more people qualify.

The government also introduced several new benefits to help people who still did not qualify for EI benefits.

Throughout the pandemic, CLP has provided education, information, and legal advice to help workers access these critical income supports. However, the problems with the EI system run much deeper than the impacts of COVID-19 pandemic.

Permanent change is needed to ensure the EI program will meet the needs of unemployed workers in the modern economy, now and in the future.

CLP made submissions to a parliamentary committee regarding the need to make the EI system more accessible and responsive, particularly for low income and precarious workers.

The government has now committed to a full review of the EI system and CLP will continue to push for changes to benefit the communities we serve.

FAIRNESS FOR PEOPLE IN MENTAL HEALTH DETENTION

CLP works along side CLAS's Mental Health Law Program to protect the rights of people who are detained for reasons related to their mental health.

CLP helps clients challenge Mental Health Review Board ("MHRB") decisions when the MHRB makes a legal mistake or acts unfairly.

We continue to represent the Council of Canadians with Disabilities in a *Charter* challenge to ensure that people's fundamental health care consent rights are respected while detained under the *Mental Health Act*.

CLP has also started a lawsuit on behalf of a client who was wrongly detained in hospital without any legal authority.

CLP continues to push for the creation of a prompt and independent legal rights advice service for people in mental health detention.

INJURED WORKERS DESERVE BETTER

The Workers Compensation Board (WCB) is often the only option for workers who get hurt on the job. CLP is working to improve the WCB system so that injured workers get the health care and financial security they need when a work injury upends their life.

This year, the government responded by taking some first steps towards improving the WCB system. These improvements include better benefits for permanently disabled workers, an easier process for workers to assert their *Charter* and human rights, a broader power for the WCB to fix faulty decisions, and faster access to health care when there are delays assessing a claim.

Despite these positive changes, there is more work to be done. CLP made submissions to the independent review of the workers compensation system conducted by Janet Patterson. Many of CLP's submissions were adopted in the final report. CLP continues to work with its labour and community partners to push the government and the WCB to implement all the recommendations in the Patterson Report.

CLAS is also pursuing a *Charter* challenge to the discriminatory barriers to claims for mental injuries.

**Follow CLAS on
social media**



@clasbc



@clasbc



SECURITY AND FAIRNESS FOR TENANTS IN SUPPORTIVE HOUSING

Tenants in supportive housing deserve to have their rights respected just like other tenants. However, some landlords who run supportive housing believe they do not have to follow the rules.

CLP continues to take cases to court when landlords wrongly claim the *Residential Tenancy Act* does not apply to them. In particular, CLP helps tenants fight illegal guest restrictions and unreasonable privacy intrusions.

CLP also helps tenants complain to the Compliance and Enforcement Unit of the Residential Tenancy Branch to expose landlords who refuse to follow the rules.

PREVENTING HOMELESSNESS

The government needs to clarify that residential tenancy arbitrators have the power to delay an eviction to ensure tenants are not left homeless, particularly when doing so would create little prejudice to the landlord.

DAVID MOSSOP, Q.C. PUBLIC INTEREST ARTICLING FELLOWSHIP

In addition to funding the Community Law Program, the Law Foundation of BC provides funding to CLAS for the David Mossop, Q.C. Public Interest Articling Fellowship. The funding enables CLAS to hire an articling student each year.

CLAS is able to provide the student with an extensive and well-rounded articling experience through a rotational training program in all of CLAS' programs. The student is assigned files they handle under the supervision of a lawyer, and also assists lawyers with their files through research, client support, and document preparation.

We are committed to ensuring that this experience equips the student with valuable skills, expertise and experience in various specialized areas of public interest law.



David Mossop, Q.C.

Help us continue to provide legal services to British Columbians
To donate, visit clasbc.net/donate or call 604-685-3425.

COMMUNITY **ADVOCATE** **SUPPORT** LINE

The Community Advocate Support Line (“CASL”) is a legal support service for poverty law advocates across BC. CASL was founded in 2006, has been housed at CLAS since 2010, and is funded by the Law Foundation of BC.

CASL is staffed by one lawyer, who provides community-based advocates legal advice and support on a broad range of poverty law legal topics, including housing, income security (EI, CERB, CPP, OAS, welfare, etc.), debt, consumer law, workers’ rights, etc. Simply put, the CASL lawyer helps advocates across BC with their casework on behalf of clients. The CASL lawyer also participates in consultations and committees with various Ministries and tribunals that advocates work with, to address some of the operational, policy and systemic difficulties encountered by all advocates in their casework.

The CASL lawyer also works to improve community advocates’ legal knowledge and ability by participating in advocate training and outreach. In the 2020/21 fiscal year of remote work, the CASL lawyer prepared and presented 7 webinars on a variety of legal topics: these webinars reached a live audience of some 600 advocates and are available to advocates as archived recordings.

CASL also improves the legal expertise of community advocates through active participation in on-line discussion forums, such as PovNet.

In addition, the CASL lawyer prepares training materials, sits on the Board of Directors of PovNet, and prepares and/or edits publications on various legal topics.



455

number of legal
issues the CASL
lawyer helped BC
advocates with this
fiscal year

**The CASL lawyer helps advocates with their
casework on behalf of clients across BC**

BC HUMAN RIGHTS CLINIC

The BC Human Rights Clinic provides free legal services to people who have made complaints to the BC Human Rights Tribunal. Clinic staff also deliver education and training sessions on human rights.

The Clinic staff consists of lawyers, legal advocates, legal administrative assistants, a case manager, and an inquiry officer. The Clinic is funded by the Ministry of the Attorney General.

Legal Services

The Clinic provides free legal information, advice, advocacy, and representation to complainants in human rights proceedings. We work with clients to achieve a just, timely, and effective resolution of their complaint. Often, we achieve these outcomes through mediations and direct negotiations with opposing parties. When that is not possible, we represent clients at hearings before the BC Human Rights Tribunal.

The Clinic operates a popular Short Service Clinic every Monday, providing people across British Columbia with information and summary legal advice on human rights.

Public Legal Information

The Clinic operates an Inquiry Line that provides basic information and referrals to hundreds of callers each month. We also provide accessible human rights information in a variety of formats on our website, blog, and social media.

Public Legal Education

The Clinic offers human rights workshops and training, both in-person and online. Topics include “know your rights” workshops for the public and community groups, as well as in-depth training for employers, managers, landlords, educational institutions, and other duty-bearers to assist them to comply with their human rights obligations.

To learn more about our education work or to book a workshop, visit bchrc.net/education

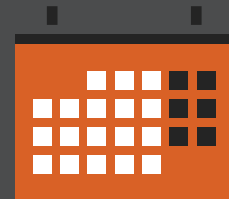
YouTube Channel: <https://www.youtube.com/channel/UCopLhTiK7kNgmaRANvtoRUA>

Follow us on Twitter @bchrc 



3685

people received information about the human rights process through our telephone inquiry line



1329

people received workshops and trainings from our education staff



727

people received legal information, advocacy, advice and representation from Clinic lawyers and advocates

BC HUMAN RIGHTS CLINIC HIGHLIGHTS

INDIGENOUS HUMAN RIGHTS EDUCATION PROJECT



The Clinic partnered with the BC Association of Aboriginal Friendship Centres on an Indigenous Human Rights Education Project. Funded by the Law Foundation of BC, the project was designed to increase awareness of and access to human rights protections for Indigenous Peoples in BC.

The project involved in-person and online human rights workshops for Friendship Centre staff and other service providers working with Indigenous communities. We also developed a three-part series of informational videos, in collaboration with Drawing Change, and a short film featuring Indigenous participants in the human rights complaints system, filmed and produced by a local Indigenous filmmaker. These videos are now available on the Clinic website and YouTube page. We also produced an information booklet and series of posters on human rights for Indigenous Peoples.

The posters and booklets feature artwork by Wade Baker, Mintle-e-da-us, a local Indigenous artist. They were designed at the Wachiay Friendship Centre studio, which also printed the posters in their screen-printing facility. They have been distributed to Friendship Centres and other service agencies across the province.

While the pandemic prevented the level of in-person gathering and collaboration we had originally planned for, the project was a great success in increasing awareness and understanding of human rights protections in Indigenous communities.

RESPONDING TO COVID-19

COVID-19 presented many challenges to people's human rights and right to be free from discrimination. The past year saw a disturbing rise in anti-Asian racism and hate, as well as many complex issues requiring a careful balancing of public health concerns with individual rights and freedoms.

The Clinic responded to the urgent need for clear and timely information and guidance on human rights and COVID-19 with a dedicated page on our website. We published several timely blog posts and two Frequently Asked Questions documents for customers and service providers around mask requirements, and worked with the Office of the BC Human Rights Commissioner on the information produced by their office. We also spoke at two well-attended events, one hosted by the Federation of Asian Canadian Lawyers and one by the People's Law School, on some of the many human rights issues raised by the pandemic.

In response to the influx of human rights complaints related to mask requirements, we developed a streamlined process for responding to the demand for legal services for these complaints. The Clinic assisted a number of clients to resolve their mask complaints quickly and fairly, helping to reduce the significant burden on the Tribunal, which received several hundred of these types of complaints throughout the year.

The Clinic also represented a complainant in the first COVID-19-related human rights decision issued by the BC Human Rights Tribunal. In it, the Tribunal agreed with our argument that COVID-19 constitutes disability for the purposes of the Human Rights Code and requires accommodation by respondents.

FIGHTING FOR JUSTICE FOR AN INDIGENOUS MOTHER

The Clinic represented an Indigenous mother, known as RR, in lengthy proceedings before the Human Rights Tribunal. The complaint alleges that the agency delegated by the Ministry of Children and Family Development to provide child protection services to Indigenous families discriminated against RR when it refused to return her children to her care.

RR argues that the agency relied on stereotypical and prejudicial assumptions about her ability to care for her children rooted in her Indigeneity and past mental health issues stemming from her experiences as an intergenerational residential school survivor.

The hearing commenced in early 2020 and extended over the course of more than a year due to delays caused by the pandemic, late disclosure of documents and a mid-hearing change in legal counsel by the respondent.

The case raises important issues of ongoing systemic discrimination against Indigenous families, and highlights the legacy of oppression of Indigenous Peoples based on their race and ancestry. If successful, the case will set an important precedent for the obligations of government and delegated agencies to deal with Indigenous children and families in a non-discriminatory manner.

We expect the Tribunal's decision later this year. An earlier decision denying the respondent's dismissal application is reported at: *R.R. v. Vancouver Aboriginal Child and Family Services Society (No. 2)*, 2019 BCHRT 85.

ACCESSIBLE HOUSING FOR PEOPLE WITH DISABILITIES

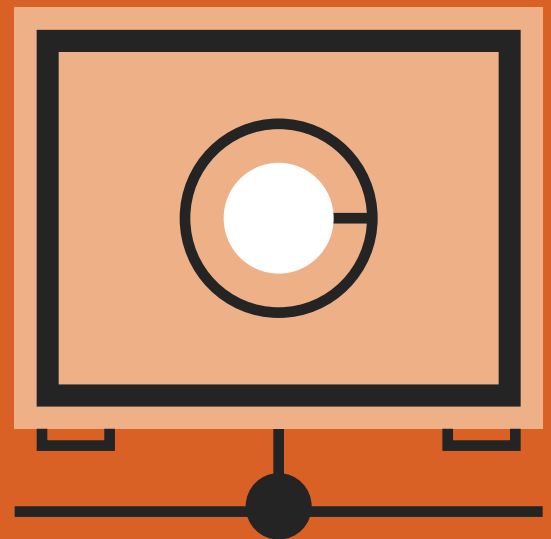
The Clinic represented an elderly and disabled woman in a human rights complaint against her strata. We were successful in proving that the strata discriminated against the complainant, who relies on a wheelchair for mobility, when it failed to take adequate steps to make her home accessible to her.

The complainant was effectively confined to her unit and unable to leave her building unless she could find friends to help her navigate the building's stairs. She became isolated and depressed. Rather than invest in the accommodations she required to access her home in the same way as other residents, the strata instead spent its contingency budget on cosmetic upgrades and repairs. The strata could not show that providing the necessary accommodations to the complainant would be an undue hardship.

The Tribunal found that the strata had failed to fulfill its duty to accommodate the complainant's disability-related needs. The Tribunal ordered to strata to make all reasonable efforts to provide the complainant with the accommodations she needs to access her home with dignity. It also ordered the strata to compensate her for the impact the discrimination had on her. The award ordered was \$35,000, the highest amount ever awarded in a BC human rights complaint against a strata.

The Tribunal's decision is reported at: *Jacobsen v. Strata Plan SP1773 (No. 2)*, 2020 BCHRT 170.

HUMAN RIGHTS MATTERS BLOG



The Clinic Blog covers legal information, news, and important human rights cases

Read the blog at bchrc.net/rights_matters

MENTAL HEALTH LAW PROGRAM

The Mental Health Law Program (“MHLP”), funded by Legal Aid BC, is staffed by two lawyers, five legal advocates and five legal administrative assistants, to provide representation for vulnerable people with mental health issues in two different areas of the law.

Involuntary Detention Provisions of the *Mental Health Act*

MHLP representation was provided for 1663 requests by clients for Mental Health Review Board hearings (“MHRB”) in British Columbia who were involuntarily detained under the BC Mental Health Act. This was a significant increase of 14% in requests for representation from the previous fiscal year. MHLP also contracted with private external lawyers to provide representation across the province and also to assist with the high volume of requests.

Mental Disorder Provisions of the *Criminal Code of Canada*

MHLP representation was provided for 276 clients for British Columbia Review Board hearings (“BCRB”) in the Lower Mainland under the Mental Disorder provisions of the Criminal Code of Canada. BCRB hearings are scheduled at least annually for people who have been placed under their jurisdiction. The numbers of hearings were lower this fiscal year than the previous year due to many hearings that were postponed last year from April to July 2020 due to the COVID-19 pandemic.

276

cases had representation from MHLP for hearings under the *Mental Disorder Provisions* of the *Criminal Code*

1663

cases had representation from MHLP for hearings under the *Mental Health Act*

MENTAL HEALTH LAW PROGRAM HIGHLIGHTS

REPRESENTING CLIENTS DURING THE PANDEMIC

Unsurprisingly, the COVID-19 pandemic has had a significant impact on the MHLP's practice in respect of both the Mental Health Review Board and the BC Review Board. We were able to continue representing clients despite the sudden and dramatic changes that the pandemic imposed on almost every element of our work.

We would like to recognize that all our staff have demonstrated remarkable flexibility, creativity, and commitment in finding solutions to the problems of working in this new and unfamiliar reality.

VIDEOCONFERENCE HEARINGS AND ELECTRONIC COMMUNICATIONS

The most significant change to hearing procedure in the pandemic was the sudden inability to hold in-person hearings. The tribunals were also placed in a difficult position as the resources to maintain normal operations in this crisis were not available. MHRB hearings were initially by teleconference for nine months. We advocated for an upgrade to videoconference hearings as soon as possible. Together with BCRB we achieved a quick transition to videoconference hearings for the majority of BCRB clients willing to do so.

While video is still the predominant hearing format, it remains MHLP's position that teleconference and videoconference hearings are not sufficient for the appropriate adjudication of a detained person's liberties, and it is only due to the present crisis that we have acceded to this format. We continue to advocate for a return to in-person hearings as soon as this is feasible.

Pandemic restrictions also prevented us from visiting our clients face to face. The loss of face-to-face contact has been difficult for both advocate and client. It is important for clients to meet with their advocate to help them feel comfortable and heard, or for the client to have the advocate present with them at hearings. Many clients have asked whether their advocate would be present with them at the hearing.

Some clients have postponed or cancelled the hearing because COVID-19 protocols prevented an in-person hearing with their advocate physically present. We know that our clients find hearings stressful, frequently emotional, and always deeply personal. The value of an advocate's physical presence during the hearing is significant, especially if the client has to share the room with the doctor making the case for their detention.

MHLP represented a young woman who was born deaf. The advocate was unable to visit the client in hospital due to pandemic restrictions. To prepare for the hearing, the advocate booked a remote video meeting with an American Sign Language ("ASL") interpreter, who also joined the meeting remotely. The interpreter informed the advocate that there are some challenges with virtual interpretation, as ASL is a three-dimensional language, whereas the videoconference provides only a two-dimensional image of the interpreter. While the advocate was able to have some discussion with the client, it could be challenging if the client lost focus on the screen and looked away. Had the advocate or interpreter been in the room, they would have been able to re-engage the client's attention more easily. The advocate was forced to complete the interview using written faxes, with instructions to the medical staff not to read the privileged communications. Fortunately, the client was discharged prior to hearing and was happy with the result. However, the advocate doubts that this client would have been able to have a fair hearing if it had proceeded by videoconference.

In another case an advocate was allowed to meet with a Deaf client on the ward. This client was able to speak responses to written questions, so they could have a properly privileged interview and preparation. MHLP was also able to assist the client at hearing by showing him the written questions on direct and when asked questions by the board.

Another advocate represented a client with a brain injury that limited his ability to clearly enunciate. The detaining facility was unable to provide a tablet for the client, so the client had to appear at his hearing by telephone.

With multiple parties connecting to the hearing, line interference, and people occasionally speaking over each other, it was very difficult for this client to be heard. He also found it difficult to understand others on the line through interference and other technical problems. The client felt that he had not had a fair hearing as a result. MHLP was able to advocate and obtain a re-hearing, this time with a tablet. Although some of the problems still remained, the client was pleased to have a second try.

Hearings are still routinely interrupted by technical difficulties, which are compounded with additional participants, such as witnesses. Videoconference hearings may be beneficial, where for instance, there are mobility or transportation issues, but our position remains that in-person hearings should be the default forum for adjudication. The fairness and value of in-person hearings must be recognized.

ELECTRONIC DISCLOSURE

While the BCRB has done electronic disclosure for many years, disclosure from hospital facilities in the MHRB system has usually been on paper. The time needed to gather physical copies of disclosure takes away from the time needed to prepare for a hearing.

We hope a legacy of the pandemic will be the continuation of electronic disclosure of documents and medical records, especially by facilities with MHRB hearings. A fair hearing requires a person to know and understand the case being made against them; document disclosure is critical to client and advocate to understand the facility's case for detention and to prepare a case in response.

Pandemic restrictions have prompted facilities to work with us to find alternative solutions, including sending medical records and case notes by fax, email, or secure file transfer. We will continue to work with facilities and the Health Authorities to develop electronic disclosure protocols.

OTHER PANDEMIC CHALLENGES

Naturally, the pandemic also prompted a shift to working remotely. Fortunately, the MHRB and BCRB were already conducting business by email and aside from some initial adjournments, scheduling has continued with minimal interruption. As a result, there was not any significant disruption to our ability to offer service to our clients.

It is also worth noting that several hospital facilities were not equipped to facilitate private and confidential interviews between client and advocate at the outset of the pandemic.

We have worked with facilities to discover alternatives and solutions to ensure solicitor-client privilege. We are relieved that it is increasingly common for facilities to have tablets for videoconferencing, and private video communication with counsel has become easier.

SHARP WORKPLACES

SEXUAL HARASSMENT **ADVICE, RESPONSE**
AND **PREVENTION** FOR WORKPLACES

Sexual Harassment Advice, Response and Prevention for Workplaces (“SHARP Workplaces”) provides legal advice to complainants of workplace sexual harassment and public legal education and information (PLEI) to increase understanding and prevent sexual harassment at work. SHARP Workplaces launched in March 2020 and is funded by the Department of Justice Canada.

SHARP Workplaces staff is comprised of two lawyers, an intake coordinator and a legal administrative assistant. SHARP Workplaces legal advice service is also supported by a roster of private lawyers who have received training on substantive law relating to sexual harassment in the workplace and trauma-informed practices. Contract lawyers also assist with the PLEI work.

An Advisory Committee comprised of community representatives from across British Columbia provides advice on activities and assists in connecting SHARP Workplaces with communities.

Legal Advice Clinic

SHARP Workplaces provides up to five hours of free confidential legal advice from a lawyer to anyone who has experienced, or is experiencing, sexual harassment in their workplace in BC. Lawyers may advise clients on how to address sexual harassment in the workplace, what legal options are available, assist in reviewing or drafting documents, assist in negotiating settlements, provide guidance in navigating legal processes, and referrals to supports such as counselling and employment services.

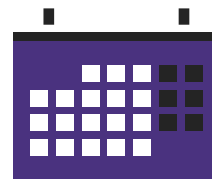
With the COVID-19 pandemic, it was a challenging first year for the program. The clinic focused on outreach and promotion of services producing videos of examples of workplace sexual harassment, connecting with service providers and conducting outreach sessions. The videos may be viewed on the CLAS website: <https://clasbc.net/sharpworkplaces>.

With the advice and support of a lawyer, clients are able to navigate through a legal process and feel empowered

Public Legal Education and Training

CLAS has partnered with Ending Violence Association of BC (“EVABC”) to provide free education and training on preventing and addressing workplace sexual harassment to non-profits, Indigenous organizations, and small businesses. The goal is to support workplaces to ensure respectful workplace environments to prevent sexual harassment and develop trauma-informed policies and procedures to handle complaints in a sensitive, respectful manner to all involved. CLAS assisted with developing various public education materials.

An online hub has been established to make the educational resources available to people throughout British Columbia: <https://sharpworkplaces.org/>



232

people attended educational outreach training sessions on workplace sexual harassment and clinic services



115

people received legal information, legal advice and support referrals from SHARP Workplaces

SHARP WORKPLACES PROGRAM HIGHLIGHTS

EMPOWERING THE CLIENT

The client worked at a small family-run business. Over time, the client began doing more business travel with the president of the company, who was also the owner. The owner started complementing the client on her appearance. When travelling, business meetings took place over dinner during which the owner would become intoxicated and make sexual advances. The client tried to ignore this behaviour however the sexual harassment increased. The owner would put his hands on her back and buttocks, stroking her neck, arm and breasts, as well as making sexual gestures. He would stroke her leg while sitting beside her during business meetings. This behaviour continued even after the client objected to being touched. The owner made attempts to isolate the client by prohibiting the client from talking to other employees. The owner sent sexual jokes and messages to the client on WhatsApp including suggestive comments about spending a week alone in a hotel room on a long business trip and asking about her sexual preferences. The client finally brought this up to her supervisor. The owner felt he hadn't done anything wrong.

The client was told that she may want to consider resigning. The client suffered from sleeplessness, anxiety, feelings of loss of control. She continued to experience panic attacks and was hesitant to be alone with male in her new workplace.

With the advice of the SHARP Workplaces lawyer, the client filed a human rights complaint with the BC Human Rights Tribunal. An early settlement mediation was scheduled, and the lawyer explained the process to the client and what to expect, recommended cases to review for considering the appropriate remedy, and tips on negotiation. The client was able to negotiate a settlement at the mediation meeting which included wage loss and injury to dignity amounts.

CLIENTS ADVOCATE FOR WORKPLACE POLICY CHANGES

The client was a volunteer with a festival. A male volunteer touched her where her front pants pocket was. The client asked the male volunteer about this touching in case it was an accident; the male volunteer said he was not looking for a relationship but open to one. The client made it clear she was not interested and did not want to be touched again.

In another incident the male volunteer came up behind the client suddenly and made a sexual comment. The client advised him to stop and reported this to the supervisor. The client filed a complaint under the festival's anti-harassment policy. When the client followed up to find out how her complaint was being handled, she was advised that as the harasser was a seasonal volunteer, and as the festival was over they would not be looking into it. The client requested a meeting with the Board. The Board arranged for the meeting to take place at a public location where the client was concerned about her privacy. When the meeting was delayed by the client as she tried to arrange to have a support worker attend with her, the Board gave her a one-week deadline and then advised that they had done all they could do.

The client filed a human rights complaint with the assistance of a SHARP Workplaces lawyer. She represented herself during the early settlement meeting and in post-mediation settlement discussions with the employer's legal counsel. The client made the decision on her own to withdraw her complaint after the employer refused to provide monetary compensation. However, the employer still agreed to revise their internal policies as a result of the client's advocacy. The employer's lawyer told the client that they were impressed with how she conducted herself during the mediation.



Your help was invaluable, thank you so much for your time and your help. I am incredibly grateful!



COMMUNITY LEGAL ASSISTANCE SOCIETY
COMBINED STATEMENT OF FINANCIAL POSITION
MARCH 31, 2021

\$

	Operating Fund	Reserve Fund	2021	2020
ASSETS				
CURRENT ASSETS				
Cash	179,832	44,597	224,429	169,572
Accounts and funding receivable	120,431	-	120,431	107,572
Prepaid expenses	28,143	-	28,143	34,883
Funds due from operating fund	-	144,236	144,236	70,245
	328,406	188,833	517,239	382,272
LIABILITIES AND NET ASSETS				
CURRENT LIABILITIES				
Accounts, payable and accrued	137,301	-	137,301	119,863
Unexpensed funds (Note 2)	37,186	-	37,186	64,295
CLAS unallocated donations	-	44,597	44,597	44,597
Government remittances payable	9,605	-	9,605	1,546
Funds due to reserve fund	144,236	-	144,236	70,245
	328,328	44,597	372,925	300,546
NET ASSETS	78	144,236	144,314	81,726
	328,406	188,833	517,239	382,272

ON BEHALF OF THE BOARD

_____ *Jane Dyson* **Director**
 _____ **Director**

Kustner & Associates, Chartered Professional Accountants

**COMMUNITY LEGAL ASSISTANCE SOCIETY
COMBINED STATEMENT OF OPERATIONS
YEAR ENDED MARCH 31, 2021**

\$

	<u>2021</u>	<u>2020</u>
REVENUE		
Grants		
Law Foundation – Health Justice Project	-	83,000
Provincial Health Authority	-	33,830
Department of Justice Canada	485,350	280,000
Law Foundation – HR Education Project	28,917	38,000
Law Foundation – CASL	143,000	143,000
Law Foundation – core services	821,994	817,000
Law Foundation – articling fellowship	60,000	60,000
Legal Services Society	1,021,887	1,020,500
JAG – HRC (government transfer)	<u>1,348,000</u>	<u>1,348,000</u>
	3,909,148	3,823,330
Ad hoc travel costs recovered	406,065	259,813
Community Group Funding – Legal Supervision	21,845	20,325
Cost awards	70,878	18,049
Education costs recovered	5,500	6,469
EVABC Contract	73,125	13,694
Health Justice Project	108,364	-
Interest income and miscellaneous	6,066	4,656
Memberships	-	19
Povnet Contract	6,520	5,400
UBC/UVIC Work Placement Program	11,250	8,337
Succession Training	-	30,080
	<u>4,618,761</u>	<u>4,190,172</u>

Kustner & Associates, Chartered Professional Accountants

COMMUNITY LEGAL ASSISTANCE SOCIETY
COMBINED STATEMENT OF OPERATIONS, continued
YEAR ENDED MARCH 31, 2021

\$

	<u>2021</u>	<u>2020</u>
EXPENDITURES		
Ad hoc travel costs recoverable	387,010	223,742
Audit and accounting	36,323	40,625
Bank charges	1,047	171
Board expenses	469	5,312
Client disbursements	30,608	47,443
Communication and fundraising	-	7,292
Education and training	10,595	18,615
Equipment purchase	55,406	60,330
Equipment rental and maintenance	81,926	72,994
EVABC Contract	33,567	9,645
Evaluation	-	14,286
GST paid (net)	35,273	13,590
Health Justice Project	106,766	83,000
HR Education Project	28,917	38,000
Insurance	4,809	4,259
Library	4,897	8,434
Office	246,225	133,196
Professional development	28,272	14,784
Professional dues and insurance	70,601	53,858
Rent	136,704	124,122
Salaries, employee benefits and contractors	3,236,806	3,055,985
Succession training	-	56,921
Telephone	8,132	14,138
Travel	2,024	74,477
	<u>4,546,377</u>	<u>4,175,219</u>
EXCESS OF REVENUE OVER EXPENDITURES	<u>72,384</u>	<u>14,953</u>

Kustner & Associates, Chartered Professional Accountants



Advancing Dignity,
Equality and Justice
Since 1971

COMMUNITY LEGAL ASSISTANCE SOCIETY

Suite 300-1140 West Pender Street
Vancouver, BC V6E 4G1

BC Human Rights Clinic
Community Advocate Support Line
Community Law Program
Mental Health Law Program
SHARP Workplaces

Phone: 604-685-3425

Toll Free: 1-888-685-6222

Fax: 604-685-7611

Email General Enquiries: contact@clasbc.net

Websites: clasbc.net / judicialreviewbc.ca



@clasbc



@clasbc



BC HUMAN RIGHTS CLINIC

Phone: 604-622-1100

Toll Free: 1-855-685-6222

Fax: 604-685-7611

Website: bchrc.net

Email General Enquiries

infobchrc@clasbc.net

Email Requests for Representation

Intakebchrc@clasbc.net

The work of the
Community Legal Assistance Society in the
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Department of Justice
Canada

Ministère de la Justice
Canada

Canada



CLAS is located on unceded Coast Salish territory, including the lands belonging to the xʷməθkʷəyəm (Musqueam), Skwxwú7mesh (Squamish) and səílwətaʔt /Selilwitulh (Tsleil-Waututh) Nations.