



Community Legal  
Assistance Society

# Annual Report

2021-2022

Advancing Dignity,  
Equality and Justice since  
1971

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# MESSAGE FROM THE PRESIDENT AND EXECUTIVE DIRECTOR

CLAS honours and acknowledges that our office is located on the unceded territory of the Coast Salish peoples, including the territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliłwətaʔ / Selilwitulh (Tsleil-Waututh) Nations.

Over the past year, we have been reminded again of the expertise and exemplary work of our staff. Our remarkable team continued to increase remote delivery of services and find new ways of connecting with clients and each other, while still ensuring that those who need in-person service were supported. You'll hear from our five CLAS programs throughout this report about their achievements and the work they undertake for thousands of clients across British Columbia.

The support of our major funders is critical to our free legal services 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, KC, 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 volunteer Board of Directors for continuing to move us forward while meeting remotely only during the year.

On behalf of the board and staff, I would like to honour the memory of Dr. Jean Moore, who was a committed and dedicated board member of CLAS for nearly 14 years, from 2008 up until the time of her passing on June 6, 2022. Jean Moore was a lifelong campaigner, educator and community volunteer leader. Dr. Moore was awarded the Lifetime Achievement Award by BC's Representative for Children & Youth in 2012. She will be remembered for her integrity, compassion, courage, sense of fun and service to others.

Sincerely,

Jane Dyson,



President

Jacqui Mendes,



Executive Director

**CLAS assists thousands  
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, KC, 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 Bonus Amenities 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.

### OFFICERS

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

### COMMUNITY REPRESENTATIVES

Gyda Chud  
Sharon Mohamed  
Adrienne Montani  
Jean Moore  
Judy Willows

### LAWYERS

Lora Anjos  
Rebecca Coad  
Bridget Gilbride  
Robin Elliot, KC  
Edward Macaulay  
Gudrun Langolf  
Caroline Senini  
Saleem Spindari  
Julia Wang, LSLAP  
Gary Wilson

## Our Staff

(April 1, 2021 to March 31, 2022)

### MANAGEMENT & ADMINISTRATION

Jacqui Mendes, Executive Director  
Rick Liu, Finance Officer  
Svetlana Khakhleva,  
Office Coordinator  
Katherine Delany, Receptionist

### LEGAL ADVOCATES

Desiree Deza  
Debra Febril  
Will Gladman  
Judith Grimsrud  
Destiny Gu  
Lisa Ferguson  
Brett Haughian  
David Mossop, KC  
Tomas Reyes  
Amelia Roth  
Aleena Sharma

### LAWYERS/STUDENTS

Dante Abbey  
Aleem Bharmal, KC  
Jonathan Blair  
Laura Johnston  
Jennifer Khor  
Pegah Kenarsari, Summer Student  
Kevin Love  
Coral Lyster  
Midhath Mahir  
Samrah Mian, Articling Student  
Jennifer Nason

Diane Nielsen  
Holly Popenia  
Danielle Sabelli  
Cayleigh Shiff  
Alanna Tom  
Laura Track  
Alison Ward  
Isaac Won  
Emily Zarychta

### SUPPORT STAFF

Atoosa Aghbayat  
Jennifer Allan  
Chelsea Baird  
Beverly Brown  
Angela Emam  
Leah Goodridge  
Angela Hickey  
Anya Kazanjian  
Angela Leung  
Jasmine Maxwell  
Tia McCarthy  
Nejla Mohammed  
Naomi Phillips  
Raihana Rahman  
Sohrab Rezaei  
Rupinder Sidhu  
Malgorzata Szadkowska  
Erika Szulc  
Neeti Tewari  
Darian Wingfield

# 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](http://clasbc.net), [judicialreview.bc](http://judicialreview.bc) and [Clicklaw](http://Clicklaw).



# 17

systemic public interest cases were moved forward by CLP



# 1894

people received information, advice or legal representation from CLP

# COMMUNITY LAW PROGRAM **HIGHLIGHTS**

## Access to Justice

The Community Law Program (“CLP”) works to ensure that community organizations can bring important cases to court when it is not realistic for individuals to do so. Many people face barriers accessing the court system. Unless grassroots organizations can step in and challenge laws that violate people’s fundamental rights, important cases may never get in front of a judge. This is especially true when the government is fighting to keep the case out of court.

This year CLP, with the generous assistance of lawyers at McCarthy Tétrault, fought all the way to the Supreme Court of Canada to make sure the government did not block a challenge to British Columbia’s outdated and unconstitutional *Mental Health Act*. The government tried to block the case by saying that the Council of Canadians with Disabilities, a respected national disability rights group, should not be allowed to bring the challenge forward. We argued that it is simply not fair or realistic to expect someone in mental health detention to endure years of litigation against a powerful opponent such as government.

The Supreme Court of Canada agreed with us and found that the Council of Canadians with Disabilities should be allowed to bring the case forward ([\*British Columbia \(Attorney General\) v. Council of Canadians with Disabilities\*, 2022 SCC 27](#)). The court also ordered that the government pay for all the legal fees associated with its ineffective campaign to stop the case. This decision is a victory for all organizations who stand up for the rights of people who might otherwise not be able to access the court system.

## Access to the Human Rights System

CLP works with CLAS’s Human Rights Clinic to ensure fair access to BC’s Human Rights Tribunal (the “HRT”). We have recently noticed a worrying trend of more human rights complaints being dismissed before even getting to a hearing. These applications to dismiss complaints are concerning because the case ends without a full and fair hearing into what happened.

This year, CLP represented a client challenging an HRT decision to dismiss her sexual harassment complaint without a hearing. The BC Supreme Court held that the HRT’s decision to dismiss the complaint before it got to hearing was unreasonable ([\*Byelkova v Fraser Health Authority\*, 2021 BCSC 1312](#)). The respondent continued their campaign to have the complaint dismissed by appealing to the BC Court of Appeal, but the court dismissed the appeal and allowed our client’s complaint to move forward ([\*Byelkova v. Fraser Health Authority\*, 2022 BCCA 205](#)). This decision is an important victory for access to the human rights system.

## Fairness For People in Mental Health Detention

Holding someone in hospital and medicating them against their will is a very serious matter. It is critical that people’s legal rights are respected and upheld. CLP continues to work with CLAS’s Mental Health Law Program to ensure that people know their rights and have a meaningful way to uphold them.

In response to advocacy by CLAS and other community groups, the government has finally agreed to fund an independent legal rights advice service for people detained under the *Mental Health Act*. This service will make sure that people know their rights when they are detained and know what they must do to challenge the detention.

CLP takes cases to court to challenge decisions of the Mental Health Review Board (the “MHRB”), the tribunal that reviews detentions under the *Mental Health Act*, where there are grounds of fairness or proper application of the law. This year CLP represented a client in an important court case confirming that the MHRB must assess the person’s condition at the time of the hearing and cannot just keep detaining the person because they were unwell when first admitted to hospital ([\*Tizvar v. British Columbia \(Mental Health Review Board\)\*, 2021 BCSC 1680](#)).

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social media**



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@clasbc





## Fairness at the Residential Tenancy Branch

Being evicted upends peoples' lives. Many tenants find themselves homeless and struggling to find a new home. Yet hearings at the Residential Tenancy Branch (the "RTB") to review evictions are often not held in a fair way. Tenants have a right to be treated respectfully by RTP arbitrators, and have a full and fair opportunity to tell their side of the story.

For many years, CLP has pushed the RTB to record its legal hearings to ensure that there is a record of what was said and whether the hearing was fair. This year, the RTB finally agreed to start recording its hearings, a major victory for tenants fighting to improve fairness at the RTB.

CLP takes cases to court when there are serious mistakes about the law. CLP represented a tenant in an important case confirming that evictions should only happen when it is truly necessary to end the tenancy (*Senft v Society For Christian Care of the Elderly*, 2022 BCSC 744). CLP also represented a client in an appeal confirming that subsidized housing providers cannot randomly change a tenant's rent at will. The RTB must step in and uphold the tenancy agreement signed by the parties (*Ryan v. Mole Hill Community Housing Society*, 2022 BCCA 200).

## Security and Fairness for Tenants in Co-operative Housing

Housing co-ops provide critical affordable housing for thousands of low-income people. This year we saw several co-op members in danger of losing their housing through unfair processes. The situation was recently made worse because many of the pandemic-related protections for tenants did not apply to co-op members.

This year CLP represented a client in an important BC Court of Appeal case that confirmed judges have a broad power to review co-op decisions to force out a member.

Co-ops had previously argued that courts had very little power to intervene when the co-op unreasonably terminated someone's membership (*Russell v. Craigflower Housing Cooperative*, 2021 BCCA 330).

CLP represented a co-op member in an important appeal confirming that co-ops have an obligation to act fairly and give the member a chance to respond to the allegations against them (*Oleman v Laura Jamieson Housing Co-Operative*, 2022 BCSC 483). Given what is at stake for the member, courts must step in when a membership is terminated unfairly.

## David Mossop, KC 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, KC 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 rotational training 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.

*Help us continue to provide legal services to British Columbians*  
*To donate, visit [clasbc.net/donate](https://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 provides legal advice and support to community-based advocates on a broad range of poverty law legal topics, including housing, income security (Employment Insurance, Canada Pension Plan, Old Age Security, welfare, etc.), debt, consumer law and workers’ rights. In the 2021/22 fiscal year, the CASL lawyer helped BC advocates with their casework on behalf of clients encompassing 365 different legal issues.

In addition to one-on-one case support, the CASL lawyer engages in outreach and training to improve community advocates’ legal knowledge and ability. In the 2021/22 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 approximately 350 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.

CASL also participates in consultations and committees with various Ministries and Tribunals to address some of the operational, policy and systemic difficulties encountered by all advocates in their casework. In addition, the CASL lawyer prepares training materials, and sits on the Board of Directors of PovNet.

CASL started in 2006, has been located at CLAS since 2010, and is funded by the Law Foundation of BC.



# 365

is the 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, intake coordinator, a compliant navigator 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 and Wednesday evening, 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 in complying with their human rights obligations.

To learn more about our education work or to book a workshop, visit [bchrc.net/education](https://bchrc.net/education)

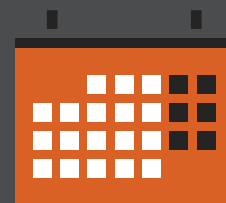
**YouTube Channel:** <https://www.youtube.com/channel/UCopLhTiK7kNgmaRANvtoRUA>

**Follow us on Twitter** @bchrc 



# 2331

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



# 825

people received workshops and trainings from our education staff



# 752

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

# BC HUMAN RIGHTS CLINIC HIGHLIGHTS

## Meet Our Complaint Navigator



CLAS works hard to meet the needs of the people we serve in responsive and creative ways. Last year, we identified a need for more assistance for people navigating the early stages of the human rights complaint process. Most people draft and file their human rights complaint without the benefit of legal assistance. This can result in confusion and delay for

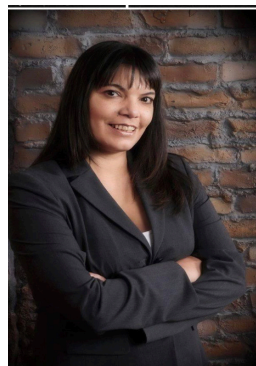
complainants and backlog at the Human Rights Tribunal. When complainants do not understand the law and the information necessary for a successful complaint, their cases can get stuck at the Tribunal's screening stage. This is where our new Complaint Navigator comes in.

Brett Haughian is a long-time legal advocate with CLAS. He served people detained under the Mental Health Act with CLAS's Mental Health Law Program for over two decades, and more recently has been contributing his skills and experience to CLAS's Human Rights Clinic.

As the Complaint Navigator, Brett helps people write clear and well-drafted complaints that effectively communicate their human rights issue. He also helps people navigate other stages of the Tribunal's process, providing advice and guidance to ensure that meritorious discrimination cases are not lost or abandoned due to barriers people face in accessing and understanding the system. In addition, he provides evening appointments at our very popular Short Service Clinic, allowing us to serve people for whom our usual daytime appointments are not feasible due to work, child care, or other constraints.

Not all heroes wear capes, but this one does wear a great t-shirt!

## Indigenous Legal Advocate Making a Difference



Debra Febril knows all too well the discrimination commonly faced by Indigenous people. In October 2020, she experienced racial profiling firsthand while she was shopping with her family, an experience she shared on the Human Rights Clinic blog<sup>1</sup>. Debra also knows firsthand the difference it makes to have an advocate by your side who understands your culture and can

relate to your experience. Debra has been working as a legal advocate in CLAS's Human Rights Clinic for over a year, providing legal advice, representation, and guidance to both Indigenous and non-Indigenous clients. The response from her Indigenous clients has been phenomenal.

Debra provides compassionate, respectful, and trauma-informed legal services to Indigenous people facing challenging situations including child apprehension and workplace discrimination. She brings a thoughtful and nuanced perspective to complex issues of Indigenous identity-based harms. Debra's Indigenous clients have expressed huge relief and gratitude for being able to speak with an Indigenous person who offers a culturally safe and respectful engagement that is sensitive to their lived experience of colonialism, systemic racism, and ongoing exclusion and disadvantage.

Indigenous people face significant barriers to accessing the human rights system and pursuing justice and accountability for the discriminatory treatment they've experienced.<sup>2</sup> Debra's work is having a meaningful impact for Indigenous people who face human rights abuses in BC. Moreover, the entire Clinic, and CLAS as a whole, benefit immensely from her perspective and experience.

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<sup>1</sup> Debra Febril, "A reflection on Truth and Reconciliation by an Indigenous legal advocate" (September 29, 2021), online: <https://bchrc.net/a-reflection-on-truth-and-reconciliation-by-an-indigenous-legal-advocate/>.

<sup>2</sup> Ardith Walpetko We'dalx Walkem, QC, Expanding our Vision: Cultural Equality and Indigenous Peoples' Human Rights (January, 2020), online: <http://www.bchrt.bc.ca/shareddocs/indigenous/expanding-our-vision.pdf>.

## Tackling Sexual Harassment

The Human Rights Clinic has represented many survivors of sexual harassment and assault over the years. This year, Clinic lawyer Aleem Bharmal won a significant victory for a woman who was subjected to repeated and ongoing sexual harassment at work.<sup>3</sup> Our client's employer not only sexually harassed her, he reduced her shifts, made false allegations about her work performance, and ultimately fired her. When she filed a human rights complaint regarding his conduct, he retaliated against her by trespassing at her home and seeking to intimidate her.

The Tribunal ordered one of the highest ever injury to dignity awards – \$45,000 – as compensation for the serious impact the discrimination and retaliation had on our client. In response to our advocacy, the Tribunal also addressed a troubling aspect of the test for sexual discrimination, which requires complainants to prove that the behaviour was “unwelcome.” This requirement places an unfair burden on sexual harassment complainants and opens the door to unfounded gender-based stereotypes. The Tribunal took note of this problem with the test and confirmed that all a complainant must prove is that she was negatively impacted by the behaviour.

The Clinic also represented a sexual harassment complainant in a reconsideration of the Tribunal's initial decision to dismiss her complaint.<sup>4</sup> The dismissal was successfully challenged by CLAS's Community Law Program and sent back to the Tribunal for reconsideration. Clinic lawyer Emily Zarychta argued for the reconsideration. She advocated for a contextual approach to allegations of sexual harassment that rejects pervasive myths, stereotypes, and outdated understandings of workplace power dynamics. The Tribunal agreed with her arguments, and found several older sexual harassment cases relied on by the Respondent were problematic by today's standards, a finding that will assist other complainants in the future.

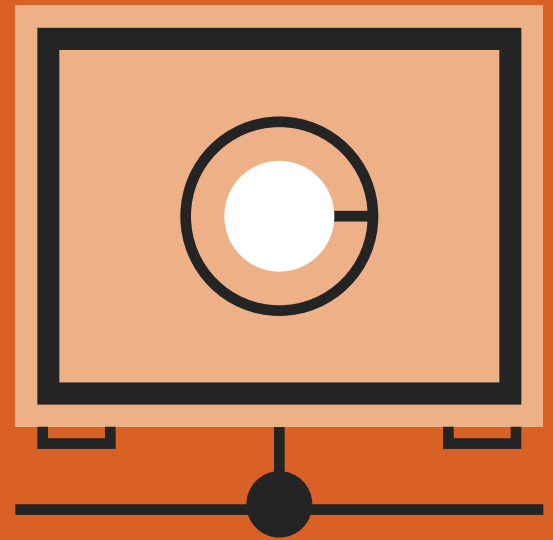
Much of our work on sexual harassment complaints, as well as other cases of discrimination, takes place behind the scenes in mediations and negotiations aimed at resolving these complaints without the need for a lengthy and adversarial hearing. Clinic lawyers and advocates negotiated many settlements this year in cases involving sexual harassment, helping avoid the further trauma that litigation can cause for those impacted by discrimination. But when settlement is not possible or desirable, Clinic lawyers fight these cases at the Tribunal and have had another year of great success on behalf of our clients.

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<sup>3</sup> [Ms. K v. Deep Creek Store and another, 2021 BCHRT 158.](#)

<sup>4</sup> [Byelkova v. Fraser Health Authority and another \(No. 2\), 2021 BCHRT 159.](#)

# HUMAN RIGHTS MATTERS BLOG



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

**Read the blog at**  
**[bchrc.net/rights\\_matters](https://bchrc.net/rights_matters)**

# MENTAL HEALTH LAW PROGRAM

The Mental Health Law Program (“MHLP”), funded by Legal Aid BC, provides free representation for vulnerable people with mental health issues in two different areas of the law: related to the provisions of the *Mental Health Act*, and the *Criminal Code of Canada*.

## Involuntary Detention Provisions of the *Mental Health Act*

People who have been detained under the *Mental Health Act* for reasons related to their mental health have the right to a hearing before the Mental Health Review Board (“MHRB”). This is important because the *Mental Health Act* allows a person to be detained as an involuntary patient and “deems their consent” to psychiatric treatment.

MHRB hearings provide an important independent review of whether a person meets the criteria for being made an involuntary patient. MHRB hearings are one way in which an involuntary patient can regain their autonomy regarding medical decisions that affect their body and personal integrity.

The Mental Health Law Program works with people who are detained to help them understand the criteria for involuntary patient status and why they have been detained. Most importantly, we help our clients present their case for their medical autonomy at a MHRB hearing, an important opportunity for the voice of a detained person to be heard.

MHLP representation in the 2021/2022 fiscal year, was provided to 1687 people for MHRB hearings in British Columbia who were involuntarily detained under the BC *Mental Health Act*. Hearing numbers have steadily increased over the past five years and peaked during the pandemic, and we continue to serve a high volume of requests.

CLAS and MHLP also contracted with private lawyers to provide representation for hearings outside the Lower Mainland, hearings for clients on extended leave, and hearings that MHLP staff were unable to cover due to the high volume of requests. We are grateful for their assistance in helping us to provide this important service province-wide.

## Mental Disorder Provisions of the *Criminal Code of Canada*

People who have been found not criminally responsible for an offence by reason of mental disorder (“NCRMD”) or unfit to stand trial are detained under the care of Forensic Psychiatric Services for treatment, rehabilitation, and reintegration. The BC Review Board (“BCRB”) is responsible for holding at minimum annual reviews of each case, to determine whether an accused person still poses a risk to the public, and if so, what liberties they may have.

This is an important decision as the BCRB must balance their paramount priority of public safety against ensuring that the person can have as much liberty as possible. Annual reviews are important because they allow an accused person’s progress toward rehabilitation to be tracked and allows them to safely recover and reintegrate back into society.

MHLP provides free legal representation to people who have BCRB hearings. We work with our clients to help them understand the BCRB’s mandate, the hearing process, and to help them articulate their case. As with MHRB hearings, a BCRB hearing is an important opportunity for a person’s voice to be heard.

MHLP representation was provided to 243 people for hearings in the Lower Mainland under the Mental Disorder provisions of the *Criminal Code of Canada*. We have noticed a contraction in the number of hearings during the COVID-19 pandemic, which may indicate that there are challenges and delays to reintegrating people in detention efforts during the pandemic, causing delays in hearings.

# MENTAL HEALTH LAW PROGRAM **HIGHLIGHTS**

MHLP has long supported independent rights advice for involuntary patients, and we were heartened to hear the recent announcement by the BC government of plans to create this service. A recent case highlights the importance of independent rights advice, as well as many of the difficulties that our clients face on an ongoing basis.

One of our advocates represented a first-time client, who had been certified as an involuntary patient for seven years by the time we met her. In seven years, she had only had a single MHRB hearing, where she was unrepresented and her involuntary patient status was continued.

When an involuntary patient's certification is renewed, the involuntary patient is supposed to be informed of their rights, including their right to apply for another MHRB hearing. Under the current system, it was her Mental Health Team's responsibility to inform her of her rights. This client had never been informed of her right to additional hearings, despite the fact that she should have received notice of her rights when her certificates were renewed every six months. She had not received a copy of her Notification of Rights Form 13, as required by the *Mental Health Act*.

In addition, her file had never been sent to the MHRB for the mandatory review required for involuntary patients that remain on extended leave and have not requested an MHRB hearing for long periods of time.

In our view, an independent rights advice service would have helped her to know she could apply for another MHRB hearing and obtain legal advice and representation.

This client faced language barriers and had only met with her Mental Health Team with the assistance of a translator on one occasion. Our advocate used a telephone interpretation service to interview the client, building an understanding of her case and concerns.

# 1687

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



Another common issue that also affected this case was that the detaining facility did not provide adequate and timely disclosure of the client's medical records to her advocate. Had this client been representing herself, she might not have known that the facility has a duty to provide disclosure so that she could know the case being made for her detention. This ultimately resulted in a postponement of the hearing.

Once our advocate received disclosure, they learned that our client's diagnosis had been in remission for the past five and a half years. The client had been told that her involuntary patient status would be reviewed by her psychiatrist, but she was frequently reassigned to new psychiatrists and each time told they would only review her case 'once they got to know her better'. By the time of her MHRB hearing, she had only met with her treating psychiatrist on two occasions and they were unfamiliar with her case.

All of these were relevant facts that helped the advocate to successfully argue for decertification at her MHRB hearing. This highlights the importance of timely and complete disclosure needed to allow involuntary patients to prepare an answer to the case for their detention.

The work of our advocate was important in identifying many deficiencies in how the system handled this person's case and in bringing these forward to help her protect her rights. Unfortunately, we see similar deficiencies in other cases. Where appropriate, our advocates will also help to connect our clients with the Community Law Program for assistance with judicial review or other help.

# 243

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

# SHARP WORKPLACES

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

Sexual Harassment Advice, Response and Prevention for Workplaces (“SHARP Workplaces”) provides:

- Free legal advice to anyone who has experienced, or is experiencing, workplace sexual harassment, and
- Public legal education and information (PLEI) to increase understanding and prevent sexual harassment at work.

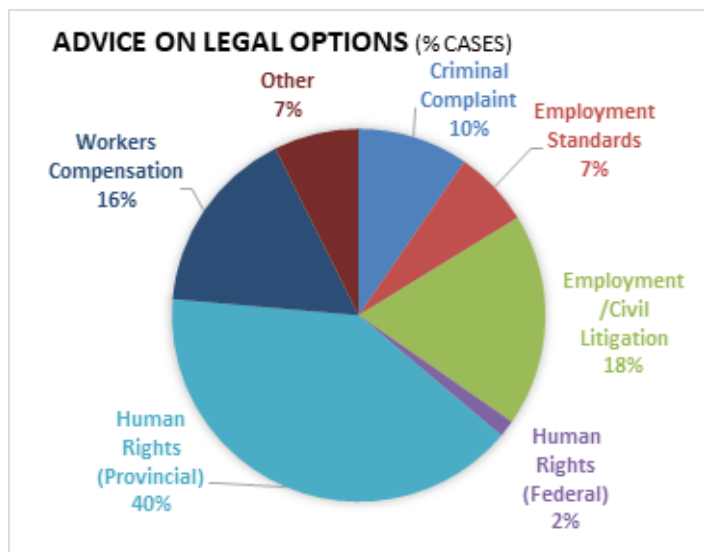
SHARP Workplaces provides legal advice through 2 lawyers, and a roster of private and contract lawyers providing legal advice and assisting with PLEI. SHARP is guided by 6 community members on its Advisory Committee, and is funded by the Department of Justice Canada.

Training and resources on the law and legal practice for workplace sexual harassment cases and trauma-informed practices were provided to all lawyers.

### Legal Advice Clinic

SHARP Workplaces lawyers assisted clients by:

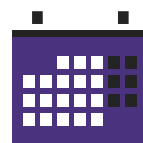
- Explaining what legal options are available,
- Advising on how to address sexual harassment in the workplace,
- Reviewing or drafting documents,
- Assisting in negotiating settlements,
- Providing guidance in navigating legal processes, and
- Providing referrals to supports such as counselling and employment services.



### Public Legal Education and Training

CLAS has partnered with Ending Violence Association of BC (“EVA BC”) 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/>



**97**

people attended educational outreach sessions offered by the Clinic on workplace sexual harassment and Clinic services

**5**

public education sessions were delivered jointly with EVA BC



**117**

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

# SHARP WORKPLACES PROGRAM HIGHLIGHTS

## Supporting the Vulnerable Client to Pursue her Rights

The client was extremely traumatized and suffering from depression and anxiety, with a history of trauma, was under financial stress, unable to work and caring for a dependent, and was initially unable to receive advice without becoming agitated and upset. The lawyer suggested the client take time to process and focus on her health. The client returned after several months during which WorkSafeBC accepted her claim and provided supports, including counselling. The client was able to have better discussions and decided to file a human rights complaint and with the help of the lawyer, the client was able to work on her complaint and filed it herself. After her complaint was accepted by the Tribunal, she was referred to CLAS's Human Rights Clinic for further support.

“  
Lawyer has a very warm, pleasant personality;  
[I] understand what has been said. Lawyer did more  
than I expected. I wish all lawyer[s] would be like her,  
honest, decent, patient, compassionate  
”

## Empowering Client

The client suffered graphic sexual harassment from her former employer. Her Human Rights Tribunal complaint had been accepted. The client brought exceptional analytical skills to the negotiation but lacked the legal knowledge to determine a reasonable settlement and release without the advice of a lawyer. It was important to the client that the respondent put in place policies and procedures that would make the workplace safer in the future. The client pushed back against the respondent's far-reaching confidentiality demands. After negotiation and mediation, the client was able to settle the complaint on terms that recognized her need to be able to speak about her own experience. The employer agreed to compensate for injury to dignity, counselling costs, and committed to putting in place new procedures for sexual harassment complaints.

## Assisting Beyond Workplace Sexual Harassment

The client was sexually exploited by her counsellor over ten years ago, when the client was in her early 20s and the counsellor was in his 30s. The client was living with substance abuse issues, had no funds, and started exchanging sex for counselling. Subsequently, the client worked to become clean and sober. The client contacted SHARP Workplaces for advice as she wanted to prevent the counsellor from exploiting other young women. The client made a complaint to the abusers' employer and subsequently reported that the harasser was fired from his position: “...*Thankfully he can no longer use that job ... to victimize any vulnerable girls.*” The client also made a criminal complaint which is still in process.

**62%** of clients felt very much supported in their legal needs; with

**79%** reporting feeling much/very much supported in an independent evaluation.

**79%** of clients felt very much listened to and understood by the lawyer; with

**88%** overall reporting feeling listened to and understood in an independent evaluation

“  
The world likes to make the legal system look terrifying. But when you have someone who understands the law and is there to help you navigate the processes, it makes a world of difference. Most people who experience harassment and assault do not believe they have a chance in the legal world, let alone know what different options are available.  
”

*I wasn't sure if my complaint qualified as sexual harassment or if I was being “sensitive and immature” about something that happens frequently to a number of women.*

**COMMUNITY LEGAL ASSISTANCE SOCIETY**  
**COMBINED STATEMENT OF FINANCIAL POSITION**  
**MARCH 31, 2022**

	\$			
	Operating Fund	Reserve Fund	2022	2021
<b>ASSETS</b>				
<b>CURRENT ASSETS</b>				
Cash	179,547	44,597	224,144	224,429
Accounts and funding receivable	116,287	-	116,287	120,431
Prepaid expenses	22,856	-	22,856	28,143
Funds due from operating fund	-	151,930	-	-
	<u>318,690</u>	<u>196,527</u>	<u>363,287</u>	<u>373,003</u>
<b>LIABILITIES AND NET ASSETS</b>				
<b>CURRENT LIABILITIES</b>				
Accounts, payable and accrued	148,372	-	148,372	137,301
Unexpensed funds (Note 4)	15,000	-	15,000	37,186
CLAS unallocated donations	-	44,597	44,597	44,597
Government remittances payable	3,182	-	3,182	9,605
Funds due to reserve fund	151,930	-	-	-
	<u>318,484</u>	<u>44,597</u>	<u>211,151</u>	<u>228,689</u>
<b>NET ASSETS</b>	<u>206</u>	<u>151,930</u>	<u>152,136</u>	<u>144,314</u>
	<u>318,690</u>	<u>196,527</u>	<u>363,287</u>	<u>373,003</u>

**ON BEHALF OF THE BOARD**

Jane Dyson Board chair

William Black Treasurer

**Kustner & Associates, Chartered Professional Accountants**

**COMMUNITY LEGAL ASSISTANCE SOCIETY**  
**COMBINED STATEMENT OF OPERATIONS**  
**YEAR ENDED MARCH 31, 2022**

\$

	<u>2022</u>	<u>2021</u>
<b>REVENUE</b>		
Grants		
Department of Justice Canada	497,900	485,350
Law Foundation – HR Education Project	32,173	28,917
Law Foundation – CASL	143,000	143,000
Law Foundation – core services	817,000	821,994
Law Foundation – articling fellowship	50,000	60,000
Legal Services Society	1,096,290	1,021,887
JAG – HRC (government transfer)	<u>1,370,050</u>	<u>1,348,000</u>
	4,006,413	3,909,148
Ad hoc travel costs recovered	432,831	406,065
Community Group Funding – Legal Supervision	19,178	21,845
Donating and Cost awards	17,653	70,878
Education costs recovered	7,225	5,500
EVABC Contract	73,125	73,125
Health Justice Project	112,190	108,364
Interest income and miscellaneous	2,693	6,066
Pleo Contract	10,290	-
Povnet Contract	6,487	6,520
UBC/UVIC Work Placement Program	<u>11,400</u>	<u>11,250</u>
	<u>4,699,485</u>	<u>4,618,761</u>

**Kustner & Associates, Chartered Professional Accountants**

**COMMUNITY LEGAL ASSISTANCE SOCIETY**  
**COMBINED STATEMENT OF OPERATIONS, continued**  
**YEAR ENDED MARCH 31, 2022**

\$

	<u>2022</u>	<u>2021</u>
<b>EXPENDITURES</b>		
Ad hoc travel costs recoverable	412,220	387,010
Audit and accounting	27,530	36,323
Bank charges	1,352	1,047
Board expenses	10,695	469
Client disbursements	32,874	30,608
Communication and fundraising	3,488	-
Education and training	13,996	10,595
Equipment purchase	33,670	55,406
Equipment rental and maintenance	76,352	81,926
EVABC Contract	28,717	33,567
Evaluation	3,208	-
GST paid (net)	35,649	35,273
Health Justice Project	111,110	106,766
HR Education Project	32,173	28,917
Insurance	9,515	4,809
Legal, professional, consultant fees	75,748	89,285
Library	7,254	4,897
Office	106,579	156,940
Professional development	9,205	28,272
Pleo Contract	3,831	-
Professional dues and insurance	56,906	70,601
Rent	136,961	136,704
Salaries, employee benefits and contractors	3,443,325	3,236,806
Telephone	19,097	8,132
Travel	130	2,024
	<u>4,691,585</u>	<u>4,546,377</u>
<b>EXCESS OF REVENUE OVER EXPENDITURES</b>	<u>7,900</u>	<u>72,384</u>

**Kustner & Associates, Chartered Professional Accountants**





## 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](mailto:contact@clasbc.net)

Websites: [clasbc.net](http://clasbc.net) / [judicialreviewbc.ca](http://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](http://bchrc.net)

Email General Enquiries

[infobchrc@clasbc.net](mailto:infobchrc@clasbc.net)

Email Requests for Representation

[Intakebchrc@clasbc.net](mailto:Intakebchrc@clasbc.net)

The work of the  
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Ministry of  
Attorney General



Department of Justice  
Canada

Ministère de la Justice  
Canada

Canada



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