



Community Legal
Assistance Society

Annual Report

2022-2023

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.

CLAS is pleased to share our 2022-2023 Annual Report. We recognize that during this year our work has never been more relevant and important for the people who we help through free legal services. The challenges that our clients face include accelerated housing insecurity, inflationary pressures, a health system that has faced unprecedented levels of demand over the past three years, and a rise in incidents of discrimination, all which impact most severely on marginalized people living in poverty.

In “From hate to hope: Report of the Inquiry into hate in the COVID-19 pandemic”, issued in March 2023, the Office of the Human Rights Commissioner of British Columbia reported amongst other findings that incidents of hate, online hate and gender-based violence increased dramatically during the pandemic. The report also found that community responses to hate can be effective, with the caveat that community organizations must be adequately funded and with centralized coordination.

We have been fortunate to have obtained increased funding in the 2022-2023 fiscal year for our work from the Law Foundation of BC for our Community Law Program and Community Advocate Support Line; from Legal Aid BC for our Mental Health Law Program; and from the Ministry of the Attorney General for our Human Rights Clinic and the Indigenous Legal Support by the Clinic. We also thank the Department of Justice Canada for supporting our SHARP Workplaces project, and the City of Vancouver for providing our office premises.

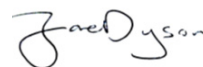
CLAS has continued throughout this year to try to learn from our clients, improve our outreach, work with our community partners and to provide legal information, advice, education, and representation in a trauma-informed way.

The CLAS board and staff have been focused on aligning their work to the five priorities identified in our 2022-2026 CLAS Strategic Plan, including commitments to embrace and act on equity, diversity and inclusion, and to engage in increased proactive law reform and systemic change work. This report outlines some of that work, including significant cases at the Human Rights Tribunal and the Supreme Court of Canada.

A notable achievement we would like to recognize during the year is the election of our long-serving senior human rights lawyer and previous Executive Director, Aleem Bharmal, as President of the Canadian Bar Association BC for the 2022-2023 year.

Thank you to our volunteer board of directors for their valuable time, guidance and support. We recognize the work of CLAS directors Judy Willows, Saleem Spindari and Ali Yusuf who are retiring from the board this year. Our deep gratitude and appreciation particularly go to Judy Willows, one of our long-standing directors who has worked tirelessly to support CLAS for an astonishing 33 years, and for her dedication as a mental health and poverty law advocate. Committed directors such as Judy have contributed enormously to making CLAS what it is today.

Finally, we would like to express our sincere gratitude and that of the Board to the CLAS staff for their tireless work, and for all that they provide every day to people in our province. Our thanks to each and every one of you!



Jane Dyson
President



Jacqui Mendes
Executive Director

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

Gloria Cardinal
Gyda Chud
Gudrun Langolf
Sharon Mohamed
Jean Moore
Saleem Spindari
Judy Willows

LAWYERS

Emilio Abiusi
Lora Anjos
Robin Elliot, KC
Bridget Gilbride
Ali Yusuf

Our Staff

(April 1, 2022 to March 31, 2023)

MANAGEMENT & ADMINISTRATION

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

LEGAL ADVOCATES

Lisa Ferguson
Destiny Gu
Brett Haughian
David Mossop, KC
Helen Parker
Tomas Reyes
Sohrab Rezaei
Aleena Sharma

LAWYERS/STUDENTS

Dante Abbey
Aleem Bharmal, KC
Jonathan Blair
Manjeet Chana
Debra Febril
Laura Johnston
Sepideh Khazei
Jennifer Khor
Kevin Love
Coral Lyster
Midhath Mahir
Samrah Mian, Articling Student
Alison Moore

Jennifer Nason
Yanni Nicolidakis-Mustafa, Student
Holly Popenia
Maud Rozee
Danielle Sabelli
Cayleigh Shiff
Celia Taylor, Articling Student
Alanna Tom
Laura Track
Alison Ward
Isaac Won
Emily Zarychta

SUPPORT STAFF

Atoosa Aghbayat
Jennifer Allan
Desirée Deza
Angela Emam
Carla Espejo
Leah Goodridge
Inara Guerra
Anyia Kazanjian
Elizabeth Korompai
Angela Leung
Jasmine Maxwell
Nejla Pekmezovic
Naomi Phillips
Raihana Gill
Rita Rosselli
Justine Stanley
Margaret Szadkowska
Erika Szulc
Neeti Tewari
Darian Wingfield

COMMUNITY LAW PROGRAM

The Community Law Program (“CLP”) at CLAS is a multidisciplinary centre of legal expertise that uses, advances, and reforms the law to protect the critical needs of those facing poverty. We envision a society where everyone can secure their critical needs with dignity and autonomy. CLP uses the law when it protects the critical needs of those facing poverty and works to change the law when it does not.

The critical needs that CLP seeks to protect include:

- Housing security;
- Income for basic necessities;
- Access to essential health care; and
- Freedom from poverty-related discrimination.

We recognize that securing these critical needs is just a starting point, not an end point for meaningful participation in society. But we cannot begin to build a just and equitable society when people’s critical needs continue to go unmet.

Systemic Law Reform

CLP’s ongoing work in systemic law reform responds to the needs identified by people facing poverty. We use our legal skills and knowledge to promote the systemic change sought by individuals, organizations, and communities working to eradicate poverty.

Direct Legal Advice and Assistance

Some clients may require legal advice or service that go beyond the mandate, resources, or capacity of community legal advocates and clinic lawyers. CLP can step in to provide direct legal services when someone’s critical needs are threatened and there is no other service capable of providing the necessary assistance.

Strengthening the Anti-Poverty Legal Network

CLP provides support and education year-round for community-based lawyers and legal advocates who work tirelessly with limited resources to meet an ever-increasing demand for legal services.

Our CLP staff, comprised of 5 lawyers, 1.6 fulltime equivalent legal administrative assistants, and 1 intake coordinator, carried out the work this fiscal year.



18

systemic public
interest cases this
fiscal year



739

people received legal
advice

COMMUNITY LAW PROGRAM **HIGHLIGHTS**

Access to Critical Health Care Services

CLP continues to represent the Council of Canadians with Disabilities (“CCD”) in a *Charter* Challenge to the “deemed consent” laws in BC’s *Mental Health Act*. People with involuntary status under the *Mental Health Act* have no right to make decisions about their psychiatric treatment. Nor do they have a right to involve a trusted friend, family member, or other representative in psychiatric treatment decisions. All involuntary patients are ‘deemed’ to consent to all forms of psychiatric treatment – without any meaningful assessment of their ability to make treatment decisions – and can be forcibly administered psychotropic medications and electroconvulsive therapy. Now that the Supreme Court of Canada has rejected the BC government’s five-year legal campaign to stop CCD’s court challenge, we continue to move the case forward to trial.

Housing Security

Finding new housing can be a real challenge for anyone. Finding new housing on 48 hours’ notice is nearly impossible. Yet the Residential Tenancy Branch (“RTB”) routinely orders tenants to move out on only 48 hours’ notice, even when there is no urgency to the situation. This practice is unnecessarily putting people at risk of homelessness. In response to CLAS’s advocacy, the RTB has now created a policy confirming that arbitrators have discretion to give tenants more time to move.

Yet many people living in supportive housing are denied access to the Residential Tenancy Branch because their landlords falsely claim they are exempt from BC’s *Residential Tenancy Act*. Tenants trying to access appropriate, affordable housing find themselves in a precarious situation with few rights. Fortunately, the Residential Tenancy Branch has listened to the concerns raised by CLP and other stakeholders and updated its practice guideline to confirm that tenants in supportive housing are indeed covered by the *Residential Tenancy Act*.

Income Security

CLAS aims to ensure that workers who cannot work for reasons beyond their control can access benefits. This year the government announced that it will review and modernize the employment insurance system to ensure that it is providing the security that workers need. The government also announced a new EI appeal system to ensure that worker representatives are present on every panel.

CLAS has also advocated strenuously to modernize BC’s workers compensation system. This year the government made changes to ensure that employers give injured workers their job back after their recovery. The government also finally agreed to require that WorkSafeBC has to pay interest on benefits that are delayed because the worker had to fight in the Workers Compensation Board appeal system.

Of course, none of these changes will help workers who cannot even get their claim accepted in the first place. CLP continues to represent a worker in a *Charter* challenge to the discriminatory provisions that make it more difficult to get claims for work related psychological injury accepted.

**CLAS assists
thousands of people
each year with
housing, income
security, workers’
rights, mental
health, and human
rights**

Freedom from Poverty-Related Discrimination

CLP continues to represent approximately 80 temporary foreign workers from Guatemala in a human rights complaint alleging that their employer discriminated against them by subjecting them to poor work and living conditions while employed as agricultural workers on a blueberry farm. Some female workers also allege that they were exposed to sexual harassment and other forms of discrimination on the basis of sex. The complaint alleges that the employer took advantage of these migrant workers' precarious immigration and economic status, which makes them vulnerable to workplace exploitation.

CLP also represents an Indigenous woman, RR, who CLAS's Human Rights Clinic successfully represented in a human rights complaint concerning discrimination she experienced in the apprehension of her children by child protection services. The Human Rights Tribunal found that the discrimination our client experienced "...is the effect of a wider web of laws, policies, and practices which interact to create a system stacked against Indigenous families, especially single mothers living in poverty, with disabilities, and with children with disabilities."

The child protection agency has now challenged the Human Rights Tribunal's decision in court. CLP will represent this client to uphold the Human Rights Tribunal decision she fought so hard to obtain.

David Mossop, KC Public Interest Articling Fellowship

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's 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.

TESTIMONIALS, PAST ARTICLING STUDENTS



Articling at CLAS is a unique and sought-after opportunity for those interested in social justice. The different rotations teach you a diverse set of skills to advocate for your clients. The non-profit setting is collegial and collaborative, and your colleagues are brilliant.



Being an articulated student at CLAS is a remarkable opportunity to gain sophisticated lawyering skills. Among other things, you get the chance to pursue on-your-feet litigation in the Mental Health rotation, mediation and negotiation in the Human Rights rotation, and legal drafting and analysis in the Community Law rotation. It is the ideal place for someone passionate about pursuing critical issues of poverty, systemic oppression, and access to justice.



Articling position at CLAS offers an unrivalled array of experiences representing a marginalized clientele. Whether you're interested in litigation, dispute resolution, or legal research, articling with CLAS provides the opportunity to develop vital legal skills doing meaningful work in a supportive environment.



*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 provides community-based advocates with legal advice and support 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 this way, CASL helps advocates across BC with their casework on behalf of clients.

CASL staff also participate 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. In addition, they prepare training materials, and sit on the Board of Directors of PovNet, an online community of advocates and front-line workers that addresses poverty and promotes access to justice for vulnerable residents of British Columbia.

CASL is funded by the Law Foundation of BC and has been staffed by one lawyer since its inception in 2006. In the summer of 2022, CASL received funding from the Law Foundation to hire an additional half-time lawyer and half-time legal administrative assistant to join CASL’s team as a 3-year pilot project. New staff joined CASL in December 2022.

In addition to one-on-one case support, the CASL lawyers engage in outreach and training to improve community advocates’ legal knowledge and ability. In the 2022/2023 year, CASL staff prepared and presented 8 advocacy training workshops on a variety of legal topics: these workshops reached well over 300 advocates. 3 of these workshops were taught online and remain available to advocates as archived recordings. In addition to training advocates directly, CASL also improves the legal expertise of community advocates through active participation in on-line discussion forums, such as PovNet.

With new CASL staff added in December 2022, CASL is exploring what additional training and other supports it may be able to offer poverty law advocates in BC. In March 2023, CASL surveyed poverty law advocates funded by the Law Foundation about their training and support needs and will be considering additional service offerings once the results of that survey have been analyzed.



327

is the number of
legal issues the
CASL provided BC
advocates with
one-on-one support

CASL provided BC
advocates with
8 training workshops
reaching over **300**
advocates

*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, an 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

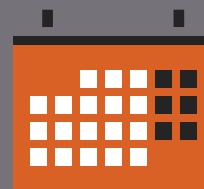
The Clinic offers human rights workshops and training, both in-person and online. Topics include “Know Your Rights” workshops for the public and community groups, as well as in-depth training for employers, managers, landlords, educational institutions, and other duty-bearers to assist them in complying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

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



2290

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



655

people received workshops and trainings from our education staff



204

“brief service” summary advice files closed

100 %

success rate in cases decided after a full hearing

BC HUMAN RIGHTS CLINIC HIGHLIGHTS

Increasing Access to Justice in Human Rights

CLAS's BC Human Rights Clinic has been providing free legal assistance to people with provincial human rights complaints for over 20 years. A longstanding gap in the Clinic's services has been in the drafting of human rights complaints. Many people struggle with this essential first step in the process. This year, we acted to fill that gap.

The Clinic's mandate is to provide legal representation only after a person has filed a complaint with the BC Human Rights Tribunal and the Tribunal has accepted the complaint for filing. We are quite limited in the support we can offer clients to prepare and draft their complaints. For people with disabilities, low literacy, lack of access to computers, non-native English speakers, and others who face barriers to written communication, filling out an 18-page complaint form is incredibly daunting and can prevent people who have experienced discrimination from seeking accountability for the violation of their rights. Poorly drafted complaints also slow down the entire human rights system, and necessitate time and resources spent to amend complaints to properly capture the allegations.

In 2022, we recruited over a dozen law students from all three BC law schools who wanted to help address the complaint drafting gap. We trained these students in the basics of human rights, interviewing techniques, and complaint drafting, and now have an incredible roster of volunteer law students to whom we can refer clients who need help drafting their complaints. We also partnered with Pro Bono Students Canada ("PBSC") and, through this partnership, have the benefit of two additional volunteer law students who administer the logistics of the program.

After a Clinic lawyer or advocate has spoken with the client and determined that they have a human rights complaint and could benefit from assistance with drafting it, the file is referred to our PBSC student coordinators. The coordinators review the referrals, find volunteer law students for each case, communicate with clients and the volunteers, maintain records, and generally keep the project running smoothly.

Last year, dozens of complainants benefited from the services provided by our volunteer law students. In addition, the students reported meaningful and rewarding experiences assisting people to navigate a difficult process, and increasing access to justice for human rights complainants.

Justice for an Indigenous Mother

After 21 days of hearing spanning well over a year, in November 2022, the BC Human Rights Tribunal handed down its decision in favour of our client, RR, in a groundbreaking decision that will reverberate across Canada for years to come.

RR is an Afro-Indigenous woman and a single mother. She is an inter-generational survivor of residential schools with disabilities stemming from trauma. She is also a leader in her community, and a passionate advocate for justice.

In 2016, the Vancouver Aboriginal Child and Family Services Society ("VACFSS") apprehended RR's four children. For nearly 3 years, VACFSS retained custody over the children and strictly regulated RR's access to them. For 7 months, she was cut off from them almost entirely.

The Tribunal found that VACFSS's decisions to retain custody and restrict RR's access to her children were informed by stereotypes about her as an Indigenous mother with past mental health issues. The Tribunal also found that VACFSS did not have reasonable grounds to continue keeping the children in its custody and that none of the discriminatory conduct was reasonably necessary to protect RR's children. The Tribunal awarded RR \$150,000 in compensation for the significant and devastating impacts the discrimination had on her.

Although this was an individual complaint brought by one brave and strong Indigenous mother, it sheds light on a system that is stacked against Indigenous families and communities.

CLAS is proud that our BC Human Rights Clinic represented RR in her human rights complaint, and that our Community Law Program will continue to assist her in her fight for justice, as VACFSS has sought judicial review of the Tribunal's decision.

Ensuring “no wrong door” to accessing human rights: Who's Who in BC's Human Rights Landscape?

There are several important players in BC's human rights landscape. The BC Human Rights Tribunal is the body that hears and decides human rights complaints. Since 2019, BC's Office of the Human Rights Commissioner has been engaged in education, research, advocacy, inquiry and monitoring related to human rights. And of course, there is CLAS's BC Human Rights Clinic, which provides information, education, and free legal assistance to people with provincial human rights complaints.

While there is overlap, each organization has a distinct function, purpose, and mandate. But with each organization having “human rights” in its name, we have noticed that the public is often confused about who does what, and where to go to get the help they need. Some people call the Commission when what they need is advice and guidance on their human rights complaint, which the Commission does not provide. Some people end up at the Clinic's doors looking for information about the status of their complaint, which we will not have if they are not a Clinic client.

To address this confusion, our three human rights organizations are working to increase clarity for the public about our roles and ensure that regardless of which organization a person contacts, they are provided with an easy and seamless referral to the right place. Last year, the organizations commissioned a needs assessment to assist with this work. This year, armed with the recommendations made in that report, we are developing a website that people will be guided to when they search for “human rights,” and which will help people determine which of our organization's services they need.

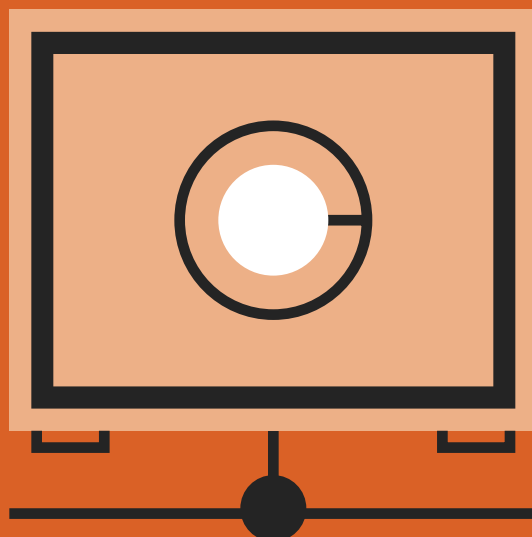
People need information and advice to pursue accountability for human rights violations. The first step is to ensure people know where to go to get that advice, and to seek that accountability, and we are committed to that important goal.

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



Follow us on X@bchrc

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, provides free legal representation to British Columbians who are detained under the BC *Mental Health Act* (“MHA”) and have a right to a hearing before the Mental Health Review Board (“MHRB”). MHLP also provides representation to those who are detained under the Mental Disorder provisions of the *Criminal Code of Canada* (“*Criminal Code*”), who appear before the BC Review Board (“BCRB”).

Involuntary Detention Provisions of the *Mental Health Act*

MHRB hearings provide an important independent review of whether a person meets the criteria for being made an involuntary patient. MHRB hearings are a critical opportunity for an involuntary patient to be heard and possibly regain their autonomy regarding medical decisions that affect their body and personal integrity. MHLP works with people who are detained to help them understand why they have been detained and how to present their case. For MHRB hearings outside the Lower Mainland, MHLP maintains a roster of lawyers with whom we contract. We are grateful for their assistance as they ensure we can provide representation throughout the province and in remote areas.

Demand for representation at MHRB hearings remains high. MHLP provided legal advice and representation for 1718 MHRB hearings in this year.

1718
people were
provided with
legal advice and
representation at
MHRB hearings

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 or unfit to stand trial are detained under the care of Forensic Psychiatric Services for treatment, rehabilitation, and reintegration. The BCRB holds an annual review of whether an accused person still poses a risk to the public, and if so, how to balance their liberties against the paramount need for public safety. BCRB reviews are important because they follow the accused person’s progress toward rehabilitation 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 provided legal advice and representation for 212 BCRB hearings in this year.

212
people were
provided with
legal advice and
representation at
BCRB hearings

In June and November of 2022, MHLP lawyers took part in delivering educational webinars, in partnership with various stakeholders including the First Nations Justice Council, BC Review Board, Crown, and Forensic Psychiatric Services, aimed at a range of audiences including people living with mental health diagnoses, their family members, Gladue report writers, and lawyers. These webinars provided education around understanding the BC Review Board, and the forensic treatment and reintegration process.

We are happy to report that MHLP recently received a generous one-off, 3-year grant from Legal Aid BC to assist our program in expanding our team. This grant will support MHLP roster lawyer services, and has also allowed us to expand our team’s capacity with two new lawyers and an early resolution advocate in the 2023-2024 fiscal year. At the time of writing, we have onboarded two new lawyers, bringing MHLP’s team to a total of 6 lawyers and 3 advocates to serve our clients.



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.

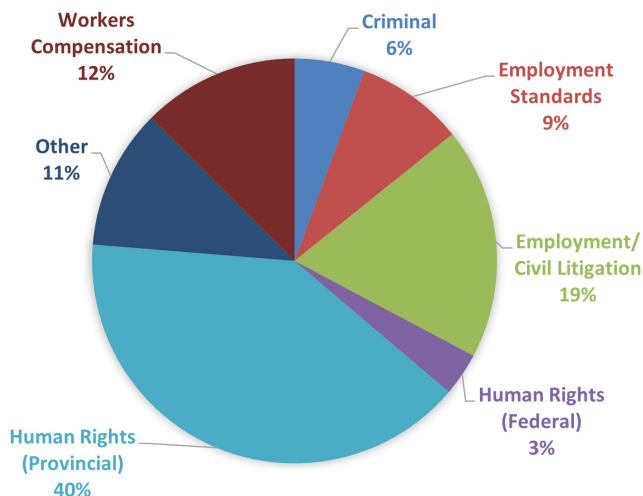
Legal advice is provided by 2 lawyers and contract lawyers. SHARP Workplaces is guided by an Advisory Committee of 6 community members and is funded by the Department of Justice Canada. Legal training and resources, legal practice for workplace sexual harassment cases, and trauma-informed practices were 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.

ADVICE ON LEGAL OPTIONS (% OF CASES)



The clinic provides educational videos in English, Chinese-Mandarin, Chinese-Cantonese, French, Punjabi, Spanish, Tagalog, and worked with an Indigenous-led collaboration to create a video for outreach to Indigenous communities. Video links can be found at <https://clasbc.net/sharpworkplaces>

Public Legal Education and Training

CLAS partners with Ending Violence Association of BC (“EVA BC”) to provide free education and training to non-profits, small businesses and the public, supporting workplaces around 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 public education materials and delivery of training.

An online hub provides access to educational resources for people throughout British Columbia: <https://sharpworkplaces.org/>



946

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

SHARP WORKPLACES

distributed

5956 wallet cards

169 posters

4411 brochures

SHARP WORKPLACES

PROGRAM HIGHLIGHTS

Preventing the Misuse of Non-Disclosure Agreements (NDAs) in Sexual Harassment Cases

The #MeToo Movement exposed sexual harassment and sexual misconduct by serial harassers who repeatedly harmed individuals. These perpetrators hid their wrongful conduct through the use of non-disclosure agreements (“NDA”). NDAs prevent the complainant from speaking about what happened and are often very restrictive, barring the complainant from speaking to family, friends, and even counsellors about their own experiences and prevents them from processing their trauma. Complainants are often pressured into signing an NDA and may not understand they can try to negotiate something different. NDAs protect the reputation of the employer and the harasser while silencing the complainant.

SHARP Workplaces, in partnership with the Can't Buy My Silence campaign, advocates for legislative change in BC to restrict the use of NDAs in sexual harassment and sexual misconduct cases in the province. As a part of the campaign, Jennifer Khor, SHARP Workplaces Supervising Lawyer, participated in a panel discussion after a special screening of the film “She Said” during the Vancouver International Film Festival.

In March 2023, Bill M215 the *Non-Disclosure Agreements Act* was introduced in the BC Legislature, calling on the government to limit the use of NDAs in discrimination and harassment complaints in the province.

More information on the problem of NDAs, the campaign, and ways to support the campaign can be found at: <https://clasbc.net/FightMisuseofNDAs>

84% of lawyers agreed or strongly agreed that their clients better understood their legal rights

61% of clients were able to take some action to address the sexual harassment or seek remedy

Supporting the Vulnerable Client to Pursue his Rights

The client had been suffering from significant mental health concerns due to the verbal, physical, and sexual abuse he experienced from his employer. The client felt helpless after not being able to stand up for himself. He endured the situation as he was unable to work full time and needed to support himself. Through his SHARP Workplaces lawyer, a demand letter was sent on behalf of the client and a significant settlement was reached. The lawyer and their assistant supported the client during the process as there were times the client felt like giving up. The client felt validated, and the process provided a resolution that would help him be more secure in his life. It also lessened the impact of the past wrongs that he had experienced. “...*I no longer feel ashamed of what happened to me, because I stood up for my rights, and with [my] lawyer and assistant we won my freedom from shame...*”



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

SHARP WORKPLACES PROGRAM HIGHLIGHTS

Empowering the Client and negotiating NDAs

The client was subject to sexual comments and jokes by a number of co-workers, directed towards her, and generally in the workplace. After making a complaint, she was bullied and harassed. She went through an unsatisfactory internal investigation by her employer, and continued delays in the mediation process. On the advice of the SHARP Workplaces lawyer, the client filed a human rights complaint and went represented herself at the mediation in the human rights process. While the matter was not resolved at the mediation, with coaching from her lawyer, the client was able to successfully negotiate a settlement. The client stood firm and negotiated the language in the release, limiting the scope of the non-disclosure clause to allow her to speak about her experience.

Supporting the Client with more than just legal advice

The client had severe anxiety that made it difficult for her to go anywhere with crowds and prevented her from going to work. The client's employer suggested that the client was overreacting based on the harassment she experienced. The client kept wondering what was wrong with her and why her reaction was so severe. Through her conversation with the SHARP Workplaces intake staff, the client realized that her reaction and symptoms were common after workplace sexual harassment and felt validated.

“

Thank you so much for the timely offering of resources. I have been meaning to let you know I am so grateful for this program and your help. Honestly, these have been game changers and lifelines for me during this passage of my life. You're doing great work for a great cause, and lifting me up too, so thank you!



I wouldn't have proceeded further without the assistance of SHARP Workplaces and the women who assisted! Forever grateful for the support I received during this truly traumatic event! The information empowered me too!



I am and will always be grateful to [support centre], SHARP Workplaces, and the lawyer I was connected to. From the initial intake call with SHARP Workplaces having to go through everything on that call, I am genuinely grateful for the person on the other end of that call. They made me feel heard and understood, they were patient and kind. You have all made such a difference in an otherwise horrible situation. Thank you!

”



Stand Informed Legal Advice Service

We are pleased to announce that CLAS entered an agreement with the BC Ministry of Public Safety and Solicitor General to provide free brief legal advice to people who have experienced sexual assault in British Columbia with funding from the Department of Justice Canada. The service will be provided by a roster of contract lawyers, supported by the SHARP Workplaces team. Development of the service, recruitment and training of the roster lawyers began in April 2023, with the service launching in July 2023.

COMMUNITY LEGAL ASSISTANCE SOCIETY
COMBINED STATEMENT OF FINANCIAL POSITION
MARCH 31, 2023

	\$			
	Operating Fund	Reserve Fund	2023	2022
	ASSETS			
CURRENT ASSETS				
Cash	454,696	44,597	499,293	224,144
Accounts and funding receivable	82,707	-	82,707	116,287
Prepaid expenses	29,032	-	29,032	22,856
Funds due from operating fund	<u>-</u>	<u>212,571</u>	<u>212,571</u>	<u>151,930</u>
	<u>566,435</u>	<u>257,168</u>	<u>823,603</u>	<u>515,217</u>
	LIABILITIES AND NET ASSETS			
CURRENT LIABILITIES				
Accounts, payable and accrued	176,354	-	176,354	148,372
Un-expensed funds (Note 4)	200,108	-	200,108	15,000
CLAS unallocated donations	-	44,597	44,597	44,597
Government remittances payable	3,492	-	3,492	3,182
Funds due to reserve fund	<u>212,571</u>	<u>-</u>	<u>212,571</u>	<u>151,930</u>
	592,525	44,597	637,122	363,081
NET ASSETS	<u>(26,090)</u>	<u>212,571</u>	<u>186,481</u>	<u>152,136</u>
	<u>566,435</u>	<u>257,168</u>	<u>823,603</u>	<u>515,217</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, 2023

\$

	<u>2023</u>	<u>2022</u>
REVENUE		
Grants		
Department of Justice Canada	504,750	497,900
Law Foundation – HR Education Project	-	32,173
Law Foundation – CASL	230,000	143,000
Law Foundation – core services	900,000	817,000
Law Foundation – articling fellowship	70,000	50,000
Legal Services Society	1,075,500	1,096,290
JAG – HRC (government transfer)	<u>1,400,328</u>	<u>1,370,050</u>
	4,180,578	4,006,413
Ad hoc travel costs recovered	426,500	432,831
Community Group Funding – Legal Supervision	17,928	19,178
Donation and Cost awards	34,608	17,653
Education costs recovered	5,911	7,225
ELC Contract	23,985	-
EVABC Contract	73,125	73,125
Health Justice Project	112,383	112,190
Interest income and miscellaneous	76,059	2,693
Pleo Contract	3,280	10,290
Povnet Contract	6,480	6,487
UBC/UVIC Work Placement Program	<u>11,250</u>	<u>11,400</u>
	4,972,087	4,699,485

Kustner & Associates, Chartered Professional Accountants

COMMUNITY LEGAL ASSISTANCE SOCIETY
COMBINED STATEMENT OF OPERATIONS, continued
YEAR ENDED MARCH 31, 2023

\$

	<u>2023</u>	<u>2022</u>
EXPENDITURES		
Ad hoc travel costs recoverable	406,190	412,220
Audit and accounting	28,750	27,530
Bank charges	1,615	1,352
Board expenses	8,410	10,695
Client disbursements	43,123	32,874
Communication and fundraising	688	3,488
Education and training	4,178	13,996
ELC Contract	17,029	-
Equipment purchase	107,744	33,670
Equipment rental and maintenance	122,762	76,352
EVABC Contract	43,915	28,717
Evaluation	2,000	3,208
GST paid (net)	36,987	35,649
Health Justice Project	111,303	111,110
HR Education Project	-	32,173
Insurance	12,485	9,515
Legal, professional, consultant fees	26,774	75,748
Library	8,277	7,254
Office	127,018	106,579
Professional development	17,858	9,205
Pleo Contract	1,116	3,831
Professional dues and insurance	69,570	56,906
Rent	141,745	136,961
Salaries, employee benefits and contractors	3,569,202	3,443,325
Telephone	16,146	19,097
Travel	12,651	130
	<u>4,937,536</u>	<u>4,691,585</u>
EXCESS OF REVENUE OVER EXPENDITURES	<u>34,551</u>	<u>7,900</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

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

Our work in the 2022/2023 fiscal year
was made possible through generous contributions
from the following funders:



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 xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliłwətaʔt /Selilwitulh (Tsleil-Waututh) Nations.