

SHARP Workplaces Legal Advice and Legal Coaching Small Group Exercise

Instructions:

Part 1 Roleplay: In small groups you will review the case study assigned and practice interviewing skills.

One participant will play the role of the client, another participant will interview the client as the lawyer with the remaining participants observing to provide feedback. After 5 minutes, rotate roles so that the observer takes the role of lawyer and continues the interview from where it was left off, the lawyer assumes the role of the client and the client assumes the role of the lawyer. After another 5 minutes end the roleplay.

Part 2 Legal Analysis: In your groups you will identify the different options that the client may have and discuss which option(s) you would advise the client to consider, identifying the advantages and challenges of each for the client.

Case Study 1 - Sheila

Sheila is a health and safety officer for a large company and her manager is Pete. She has worked for Pete for 14 years. Pete's company is working on several large construction projects throughout the lower mainland.

There is a lot of joking and banter between workers within the office and at the sites, including sexual comments. Sheila jokes around and has a reputation that she can "give as good as she gets." Ray, a driver for Steely Dan Construction, often makes jokes with all employees as he makes deliveries of construction materials. He calls all the women, including Sheila "sweet heart" and has joked that she should "be careful not to get dirty" and he "likes it when she tells him where to go."

One day as his truck was being unloaded; Ray snuck up behind Sheila and tried to tickle her. Sheila jumped turned and found him and a couple other workers who were watching laughing. She said "It's not funny" and then started to cry. Ray and the others were surprised and said they were only joking she should "lighten up."

Sheila walked off the site and the next day called Barbara the HR Manager to report what had happened. Barbara told her the only way she can do anything about it is if Sheila files a formal complaint. Barbara sends her the form but she doesn't know how to proceed or if she should.

She has been off work for two weeks. Sheila has been feeling angry, crying on and off, has trouble sleeping and jumpy when there are noises.

Sheila is a single mom and is concerned about her finances as things are tight.

Four years ago, Sheila was sexually assaulted by another worker at a different work site. She didn't tell anyone at the time. She has had trouble sleeping and feeling angry and jumpy since then.

Case Study 2 – Min Joon (union member employee at large company) – Detailed Client Facts

Min Joon, a 29-year-old welder, working in a full-time unionized job at Vancouver International Airport. She started this job eight months ago, and almost all of her colleagues are men. Since she started working there, she has noticed a culture of sexism among some of them, with a lot of jokes about women and frequent explicit sexual talk about women, as well as sharing porn gifs over Whatsapp group chats while on break. At first, she just tried to ignore it, but eventually she started speaking up – she would tell her colleagues they were being sexist and that she didn't want to hear it or respond to chats by sending feminist critiques. She has also been turned down for vacation days and preferred shifts, and this never used to be a problem even though she's new.

A couple of Min Joon's colleagues have now started calling her a "little girl," suggesting that she's not capable of doing her work because it might "break her bleeding heart" and subjecting her to homophobic slurs and chat messages on a regular basis.

Min Joon talked to her manager union and made a complaint through her union in December 2019. Union filed a grievance shortly afterwards. The harassing behavior continued, and she became increasingly alienated and stressed at work. Min Joon doesn't want to go against her union, but she filed a human rights complaint on her own in January 2020 as she was frustrated by the lack of action and the slow pace.

Min Joon has received a letter from the Human Rights Tribunal saying her complaint is on hold until the grievance is heard, but she's not sure how long she can take the hostile environment.