

Racialized Communities Strategy

Action Plan Update 2024



Table of Contents

<i>Letter from the President & CEO</i>	2
<i>Overview</i>	4
<i>What we heard</i>	4
<i>Action Plan</i>	4
<i>Reduce barriers to access:</i>	5
<i>Ensure quality legal services:</i>	8
<i>Engage in systemic change</i>	12

Letter from the President & CEO

On March 21, 1960, police in Sharpeville, South Africa, opened fire and killed 69 people at a peaceful demonstration against apartheid “pass laws.” This horrifying event inspired the need for change.

Six years later, in 1966, the United Nations began observing March 21 as the International Day for the Elimination of Racial Discrimination.

Given the importance of this day, it is timely for Legal Aid Ontario (LAO) to provide an update on our [Racialized Communities Strategy \(RCS\)](#) and, specifically, our [RCS Action Plan](#).

In 2016, LAO’s Board committed to developing the RCS for several reasons including the increasing racialization of poverty, higher rates of racialized children taken from their families and placed into care, anti-Black racism in the criminal justice system, and the overrepresentation of racialized people in custody.

In 2017 and 2018, LAO met with communities and stakeholders to receive feedback on how we can contribute to making meaningful change in the justice sector. This led to LAO adopting the RCS and committing to the RCS Action Plan in March 2020.

Since 2020, LAO has reflected its commitment to achieving the objectives of the RCS Action Plan across all LAO divisions. All divisions are responsible for implementing the recommendations and objectives contained in the RCS and LAO’s other core client strategies.

In the four years since LAO released the RCS Action Plan, the global context has changed. The COVID-19 pandemic and its impact on racialized communities underscores that much work needs to be done. This progress report looks at the work LAO has carried out thus far to remove barriers to accessing services, and to support access to justice for racialized clients.



David Field
President & CEO

A handwritten signature in black ink that reads "David Field".

Overview

To better understand and meet the needs of Ontario's diverse populations, LAO [consulted](#) with members of racialized communities (e.g. people who self-identify as Asian, Black, Middle Eastern, Latin American, Roma, or multi-racial), community legal clinics, lawyers, and community-based organizations. The consultations took place across the province between October 2017 and April 2018.

What we heard



Clients who do not speak English or French have a hard time finding out about LAO's interpretation services.



There is an opportunity to improve promotion about all the ways LAO can help with legal problems.



LAO's financial tests should consider things like housing costs of migrant workers or the higher cost of living in urban centres.



There is an opportunity for LAO to make it easier to find a lawyer especially for child protection matters or matters outside of the Greater Toronto Area.



LAO should work towards more racial diversity in LAO's staff, roster lawyers, clinic staff, boards of directors and senior leadership.



Anti-oppression and anti-racism training will help LAO improve the quality of services for racialized clients.



LAO can help clients understand and enforce their rights when it comes to services, including how to file complaints and how to change lawyers.

Action Plan

Following the RCS consultation with communities, and service providers, LAO launched the [Racialized Communities Action Plan](#) in 2020, a 10-year plan that commits LAO to 17 specific objectives in its work with racialized communities.

The 17 objectives and LAO's progress towards achieving them are outlined below.

To ensure that racialized clients do not face barriers to receiving LAO's services, LAO committed to:

01

Developing a tool to help LAO make sure our decisions do not unfairly affect racialized people

02

Making sure racialized people are proportionately represented among LAO's clients

03

Finding out why so many clients are not using their child protection certificates, and, if possible, fixing the problem

04

Translating information about LAO into more languages and making this information available to everyone

05

Making it easier for clients to access interpreters

06

Helping clients easily find out if lawyers can provide services in different languages

To achieve these goals, LAO has introduced the following changes:

1. Developing a tool to help LAO make sure our decisions do not unfairly affect racialized people

LAO regularly conducts an equity analysis which uses an Indigenous and racial equity impact assessment to support decision-making and planning. Among other things, assessments consider whether decisions or plans will have an adverse impact on people who are Indigenous, racialized, have disabilities, or face other barriers.

An equity impact assessment of the Board-approved rules and policies was conducted prior to the proclamation of the *Legal Aid Services Act, 2020* (LASA 2020).

2. Making sure racialized people are proportionately represented among LAO's clients

Collecting information about the race of our clients is important. It helps LAO to identify and address potential barriers to accessing services that some communities may face. It also helps LAO to improve how we deliver services and to create the types of programs that racialized groups need.

When someone applies for a legal aid certificate and when individuals receive criminal duty counsel services, LAO asks individuals about their race, in the form of the race-based question (RBQ). LAO staff collect this information 85 per cent of the time.



LAO has delivered multiple training sessions to LAO staff and community legal clinics on the importance of collecting data on race as well as how to collect data on race.

In the last four years, LAO has expanded our collection of race-based data to include demographic information collected by LAO-funded community legal clinics.

3. Finding out why so many clients are not using their child protection certificates, and, if possible, fixing the problem

LAO continues to work to bolster clients' ability to find lawyers by enhancing the "Find a Lawyer" tool that clients can use to find roster lawyers, and by enhancing our [Second Chair Program](#), which is aimed at attracting and mentoring new lawyers.

LAO is also working to analyze and understand the availability of child protection lawyers on a province wide basis. This analysis will inform LAO's response to the issue.

4. Translating information about LAO into more languages and making this information available to everyone

Since 2020, LAO has created a department dedicated to improving multilingual access to our services and communications. This department also centrally manages our contract for interpretation and translation services.

5. Making it easier for clients to access interpreters

Clients have access to free interpretation in over 300 languages when they call LAO. Interpretation is also available for our in-person services, and at legal clinics. LAO works closely with our staff and with the interpretation services provider to make sure that access to interpreters is as seamless, efficient, and effective as possible.

LAO's website now includes a message in multiple languages about the availability of free interpretation for legal aid services.

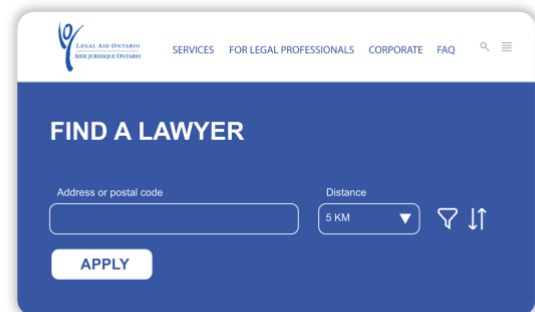
LAO is working to streamline how interpretation services are offered and accessed.

Interpretation services are covered on LAO certificates. LAO has also increased the rate that it pays for interpretation services.

6. Helping clients more easily find out if lawyers can provide services in different languages

In early 2024, LAO began collecting information about roster lawyers' capacity to provide legal aid services in multiple languages. LAO is working to make this information more easily available to clients in the "Find A Lawyer" tool.

In July 2024, LAO will amend the compensation paid to roster lawyers to provide additional hours where the client requires the use of an interpreter.



The screenshot shows the 'FIND A LAWYER' section of the LAO website. At the top, there is a navigation bar with the LAO logo and links for SERVICES, FOR LEGAL PROFESSIONALS, CORPORATE, and FAQ. Below the navigation bar, the title 'FIND A LAWYER' is displayed in white text on a blue background. Underneath, there is a search form with two input fields: 'Address or postal code' and 'Distance'. The 'Distance' field is set to '5 KM' and has a dropdown arrow. To the right of the 'Distance' field are two icons: a funnel and a double arrow. Below the search fields is a white button with the text 'APPLY'.

To enhance LAO's services to racialized communities, LAO committed to:

Supporting clinics and other service providers to better respond to the needs of low-income racialized people in Ontario

Working to make sure that LAO regularly receives positive feedback from clients about things like how easy it is to find a lawyer and the quality of services

Regularly providing all legal aid lawyers with training on racial justice

07

Working to make sure that the percentage of racialized people working in all levels of LAO is at least equal to the percentage of racialized people among low-income Ontarians

08

09

Translating information about what clients should expect of LAO lawyers (into multiple languages)

10

11

Revising LAO's processes so things like job interviews, performance reviews, and lawyer application forms contain questions about racial justice

12

To achieve these goals, LAO has introduced the following changes:

7. Working to make sure the percentage of racialized people working in all levels of LAO is at least equal to the percentage of racialized people among low-income Ontarians

In 2020, LAO administered a diversity and demographic survey—with plans to conduct another review in the next couple of years—to learn more about the demographic composition of LAO's staff. This survey was completed by 66 per cent of staff and establishes a baseline against which LAO can measure our progress.

To be more representative of the communities that we serve, efforts are made to ensure that members of LAO's Board and of LAO-funded community legal clinic Boards are reflective of the diversity found in our client base.

In addition, LAO's career postings now include a paragraph which outlines LAO's values and commitment to building a diverse workplace. Postings explicitly outline LAO's interest in recruiting individuals from historically underrepresented groups including Black and racialized people. Applicants to LAO are also asked to complete a demographic survey, before they can submit a resume.

8. Supporting clinics and other service providers to better respond to the needs of low-income racialized people in Ontario

LAO supports community legal clinics in both training on and the collection of race-based and other demographic information. This is bolstered by LAO training on racism and race-based.

LAO's Test Case Program has provided clinic clients with support to intervene in cases that address a serious issue that fundamentally impacts racialized clients and would be unlikely to come before the courts but for the involvement of the Test Case Program.

In 2020/21 and 2021/22, LAO provided the Black Legal Action Centre (BLAC), a specialty legal clinic with a mandate of serving Black Ontarians, with special funding to respond to increased pressures following the murder of George Floyd.

Similarly, in 2021/22, LAO provided the Chinese & Southeast Asian Legal Clinic (CSALC) with special funding to address increased demand for services stemming from a substantial increase in anti-Asian racism throughout the pandemic.

BLAC and CSALC used these funds to develop and deliver public legal education and information resources and presentations to:

- inform members of Ontario's Black, Chinese, and Southeast Asian communities about their rights, and
- educate organizations such as schools, school boards, and professional associations about anti-Black and anti-Asian racism

9. Translating information about what clients should expect of LAO lawyers (into multiple languages)

LAO has translated some important publications into multiple languages. This includes:



Legal Aid Ontario can help



Finding the right legal aid lawyer



What to do before your criminal court first appearance?



Custody and access issues for those at risk of deportation



Free legal help for people applying for refugee status



Free legal help for immigration and refugee problems

LAO has created a department which will oversee the translation of other informational materials.

10. Working to make sure that LAO regularly receives positive feedback from clients about things like how easy it is to find a lawyer and the quality of services

LAO has begun collecting and analyzing feedback on the ability of clients to find a lawyer who can effectively raise race-related arguments, provide services in the client's language of choice, provide trauma-informed services, and ensure a safe environment for members of the 2SLGBTQI+ community.

LAO has recently amended the client survey to allow respondents to provide their demographic information. LAO is working to increase the response rate from individuals belonging to historically marginalized communities, including members of Black and racialized communities.

11. Revising LAO's processes so things like job interviews, performance reviews, and lawyer application forms contain questions about racial justice

LAO established an Equity, Diversity and Inclusion (EDIB) strategy and Equity, Diversity, Inclusion and Belonging (EDIB) team, in part, to support the implementation of the goals of the RCS at LAO.

LAO has been working to diversify hiring practices, including expanding where jobs are posted, and engaging with diverse candidate pools.

LAO's Human Resources department is working with other relevant departments to review job postings and job descriptions to identify barriers and gaps for Indigenous, Black and racialized people. LAO is also working to reflect the value of lived experience; the ability to speak additional languages; and as a demonstrated commitment to social justice, diversity, and equity as assets in the hiring process.

12. Regularly providing all legal aid lawyers with training on racial justice

LAO regularly provides training on racial justice. Topics covered include:

- micro-aggressions
- unconscious bias
- anti-Black racism and policing
- confronting anti-Black racism
- anti-Asian racism
- racial profiling
- racialized trans experience and the justice system
- racial disparities in the criminal justice system

To combat systemic racism in the justice system, LAO committed to:

Regularly providing lawyers with training and information about how to challenge racism in the justice system

Supporting projects and litigation about issues that impact racialized communities

13

Working to make sure that LAO rewards lawyers who achieve positive results for clients and does not reward lawyers who do not

14

15

Checking to see if lawyers are making arguments about race (e.g. racial profiling and Charter-based arguments), where appropriate

16

17

Working to make sure that there are no differences between the legal outcomes for LAO's racialized clients and LAO's white clients

To achieve these goals, LAO has introduced the following changes:

13. Working to make sure that LAO rewards lawyers who achieve positive results for clients and does not reward lawyers who do not

In 2023, LAO started to collect information on bail and criminal case outcomes from roster lawyers so that LAO can better determine how to respond to both positive and negative findings.

14. Regularly providing lawyers with training and information about how to challenge racism in the justice system

LAO provided additional funding to the Black Legal Action Centre (BLAC) to provide training sessions to clinic lawyers about how to identify and challenge anti-Black racism in poverty law.

LAO has developed training, resources and management support to help criminal duty counsel prepare and make race-based submissions at the bail stage.

Impact of Race and Culture Assessments (IRCAs) provide sentencing judges with information about the effect of systemic racism in the offender's community and the impact on the offender's life. In several cases, justice was better served by focusing on the offender's rehabilitation through court-ordered conditional sentences or reduction in the length of incarceration.

LAO provided test case funding to support the use of IRCAs for Black individuals during the sentencing phase of a criminal matter.

LAO also provided test case support to BLAC, Chinese and Southeast Asian Legal Clinic (CSALC), and the South Asian Community Legal Clinic Ontario (SALCO) to intervene in *R v. Morris* before the Ontario Court of Appeal. *R v. Morris* is the leading case supporting the use of IRCAs during the sentencing phase.

Since 2021, LAO has administered funding provided by the Governments of Canada and Ontario to provide IRCAs to Black and racialized criminally accused.

15. Checking to see if lawyers are making arguments about race (e.g. racial profiling and Charter-based arguments), where appropriate

Since LAO began offering funding for IRCAs, LAO has collected data on the number of reports funded. The use of IRCAs has increased by 45 per cent since 2021-22.

In several cases, the evidence provided in the IRCA informed the court's decision that justice was better served by focusing on the offender's rehabilitation through court-ordered conditional sentences or reduction in the length of incarceration. In these cases, the sentences received were at the lower end of the sentencing range and were more in line with sentences traditionally received by non-racialized persons.

16. Supporting projects and litigation about issues that impact racialized communities

In 2017, LAO recognized the need to provide the Black community with services to address anti-Black racism in schools and provided grants of \$100,000 each for two community organizations, including TAIBU Community Health Centre, a community Local Health Integration Network serving the Black community in Malvern, to provide services to Black students facing suspensions or expulsion hearings. LAO continues to fund TAIBU Community Health Centre.

In 2020/21 and 2021/22, LAO provided BLAC with special funding to support increased pressures following the events of George Floyd's murder.

In 2021/22, LAO provided the CSALC with special funding to support increased pressures because of a substantial increase in anti-Asian racism throughout the pandemic.

17. Working to make sure there are no differences between the legal outcomes for LAO's racialized clients and LAO white clients

The Government of Canada's Anti-Racism Action Program is intended to help address barriers to employment, justice and social participation among Indigenous Peoples, racialized communities and religious minorities.

LAO received funding through this program, which LAO used to, among other things, improve LAO's collection of race-based data, and engage academics to draft a report about the impact of Indigeneity and race in bail proceedings conducted by criminal duty counsel.

LAO updated its lawyers' portal, Legal Aid Online, to allow for the collection of case outcomes. LAO has also made the completion of outcome information mandatory for roster members.

20 Dundas St. West, Suite 730
Toronto, ON M5G 2H1
1-800-668-8258
media@lao.on.ca
www.legalaid.on.ca

