

Legal Coaching for SHARP Clients

SARA FORTE
604-535-7063
sara@fortelaw.ca
<https://fortelaw.ca>



About Me

- ▶ Practicing labour/employment/human rights since 2004
- ▶ Founded Forte Law in 2016
- ▶ Forte Law has 7 lawyers (and growing), offices in BC & AB
- ▶ Workplace sexual harassment has always been a focus
- ▶ Represented complainants, respondents, companies, unions and as an independent investigator

Resources – further reading

- ▶ The Intersection of Human Rights and Employment Law (CLEBC Employment Law Conference, May 2021)
- ▶ The Walls are Closing in on Sexual Harassment in the Legal Profession (The Advocate, March 2021)
- ▶ Assisting your Client – Tips on providing Legal Advice on Workplace Sexual Harassment (SHARP Manual)
- ▶ Advising Bystanders to Sexual Harassment in the Workplace (SHARP Manual)
- ▶ Legal Coaching; Guiding Self-Represented Litigants to Advance their Case (SHARP Manual)

Agenda for today

- ▶ My tips on legal coaching for SHARP clients
- ▶ Q&A
- ▶ Breakouts to practice advising clients in small groups
- ▶ Back to large group, reconvene

Before the First Meeting Information to Gather

- ▶ Who - conflicts
- ▶ What/Where/When – chronology & documents*
- ▶ Why – questions & goals*

*if they can



What Documents should you
request?

Documents to Request (if client has access)

- ▶ Employment contract/hire letter
- ▶ Employer Policies (“Bullying & Harassment” or “Respectful Workplace”)
- ▶ Resignation/Termination letter (if applicable)
- ▶ Relevant emails, texts, etc.
- ▶ Documents from any legal processes underway

Before the First Meeting

- ▶ Read all documents and information *
- ▶ Assess “reasonable notice period” per *Bardal* factors
- ▶ Assess filing deadlines for legal actions
- ▶ Current client status? (on leave, quit, new job, etc.)
- ▶ Consider client questions/goals

*unless there is a large volume of emails/texts

First Meeting with Client

- ▶ Review Agenda for meeting
- ▶ Introduction
- ▶ Anything I can do to make this easier for you
- ▶ Meeting structure
 - ▶ Hear from you
 - ▶ Talk about the law
 - ▶ Review options
 - ▶ Make a plan

Client Goals or Desired Outcomes


- ▶ Consider asking at the start



What are some important facts
you need to assess client's
case?

Legal Assessment

- ▶ Explain the law to the client
- ▶ *Janzen v. Platy* test:
 - ▶ Unwanted conduct
 - ▶ Of a sexual nature
 - ▶ That has negative work-related consequences
- ▶ Walk through the various legal options, tests, outcomes



What are the Options for a client experiencing Workplace Sexual Harassment?

Limited-scope retainer

- ▶ 5 hours of SHARP funding is a consideration
- ▶ Meeting + demand letter can be 5 hours
- ▶ Meeting + draft pleadings can be 5 hours
- ▶ Consider ghost writing demand?

Make a Plan

- ▶ Identify options client will pursue
- ▶ Follow up email:
 - ▶ Confirm scope of legal work
 - ▶ Links to self-help information
 - ▶ Filing deadlines/limitation periods

Maximizing Impact of 5 hrs

- ▶ Goals are key
 - ▶ Quick settlement? – ghost written demand
 - ▶ Litigation needed?
 - ▶ Draft/review pleading
 - ▶ Connect with other advocates/representation
 - ▶ As needed support throughout process

Questions?

Sara Forte | Lawyer

Forte Law Corporation
fortelaw.ca

#306A - 15252 32 Avenue
Surrey, BC V3Z 0R7

T. 604-535-7063
E. sara@fortelaw.ca

