



Tips for Lawyers and Paralegals in Ontario: Accommodating clients requiring a support person

My client requires a support person as a disability-related accommodation to participate in a meeting. Can I refuse to include the support person in the meeting with my client?

What Does the Law Say?

- As legal service providers, lawyers and paralegals must accommodate their clients with disabilities to the point of undue hardship, as required by Ontario's *Human Rights Code*.
- The Law Society of Ontario prohibits any form of discrimination, including against persons with disabilities. This prohibition and the obligation to provide legal services in accordance with the *Human Rights Code* are detailed in the *Rules of Professional Conduct* and the *Paralegal Rules of Conduct*.
- A support person is defined as a person who accompanies the person with a disability in order to help with communication, mobility, personal care, medical needs or with access to goods, services or facilities. A support person may be a paid professional, a volunteer, a family member or friend, a caseworker or a social worker. Having a support person is a type of accommodation.

In Practice

- Your client may bring a support person to a meeting with you to enable them to access legal services.
- Before the meeting begins, speak with your client privately to ask whether they want to include the support person in the meeting. Advise your client on privilege and the duty of confidentiality. The client must consent to the support person being present.
- Explain privilege and confidentiality to the support person. It is prudent to have the support person sign a confidentiality agreement.

- At times, during the meeting, you may want to check in with your client to ensure that they still consent to have their support person included.
- Be mindful of your duty of confidentiality and client privilege, as well as other professional obligations. You may need to take additional steps to ensure that your professional obligations continue to be fulfilled. For instance, you must ensure that the presence of the support person will not pose a conflict of interest in your relationship with your client.
- Communicate directly with your client, even if the message is coming from the support person. The support person may help communicate information or ask questions to help clarify some information, but does not make decisions for the person with a disability. Your client makes their own decisions.

For more information

Review sections 3.3, 3.4 and 6.3.1 of the *Rules of Professional Conduct*:

<https://lso.ca/about-lso/legislation-rules/rules-of-professional-conduct/complete-rules-of-professional-conduct>

Review sections 2.03, 3.03 and 3.04 of the *Paralegal Rules of Conduct*:

<https://lso.ca/about-lso/legislation-rules/paralegal-rules-of-conduct/complete-paralegal-rules-of-conduct>

Review *Integrated Accessibility Standards*, O. Reg. 191/11, under *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11:

<https://www.ontario.ca/laws/regulation/110191>

For a more detailed analysis of your professional obligations when accommodating a client accompanied by a support person, you may visit ARCH's blog post, titled *Accessible Practice: Practice tips for maintaining privilege and confidentiality for a client accompanied by a support person*, at: www.archdisabilitylaw.ca/Resources

ARCH offers a free Case Consult service for Lawyers and Paralegals representing persons with disabilities. Lawyers and Paralegals can book an appointment with an ARCH Lawyer to consult on the disability law aspects of a case and how to meet a client's disability related accommodation needs.