

Canadian Association of Muslim Women in Law

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September 11, 2014

LAW SOCIETY OF UPPER CANADA
OSGOODE HALL
130 QUEEN STREET WEST
TORONTO, ONTARIO
M5H 2N6

VIA EMAIL: LICENSINGPROCESS@LSUC.ON.CA

To Whom It May Concern:

Re: Prohibition of “Religious Attire” During Barrister and Solicitor Licensing Examinations

We are contacting you on behalf of the Canadian Association of Muslim Women in Law (“CAMWL”) and the Canadian Muslim Lawyers Association (“CMLA”), regarding the Law Society of Upper Canada’s (“LSUC”) prohibition on “religious attire” during the barrister and solicitor licensing examinations.

CAMWL’s mandate includes advancing the legal rights and interests of Muslim women in Canada, as well as other marginalized and equity-seeking groups. CAMWL is comprised of Muslim women law students, academics, and lawyers from a diverse range of backgrounds and experiences who are involved in the study and practice of law in Canada. CMLA’s mandate includes advocating on issues of importance to its members, namely Muslim lawyers in Canada, and the broader Canadian Muslim community. As such, CAMWL and CMLA are particularly concerned and uniquely situated to address this issue with the LSUC.

The LSUC’s *Lawyer Licensing Examination Rules and Protocol* (“Rules”) provide:

Prohibited personal items brought to the licensing examination will not be permitted in the Testing Area.

The Law Society of Upper Canada has designated the following items as **prohibited** in the Licensing Examination Testing Area: [...]

- vii. Hats, headgear or coats, scarves and gloves and religious attire of any kind unless provision has been made for any specific religious apparel. **Hoodies are not allowed in the Testing Area** [emphasis in the original].¹

As a result of this provision, candidates who normally wear “religious attire” must now secure advance permission from the LSUC in order to wear this apparel during the exam. This means that candidates who wear “religious apparel” face additional burdens, as compared to their

¹ *Lawyer Licensing Examination Rules and Protocol*, Law Society of Upper Canada, online: <http://www.lsuc.on.ca/LawyerExaminationRulesAndProtocol>.

colleagues. Our members have informed us that even those candidates who comply with the *Rules* and provide advance notice of “religious attire” to the LSUC have nonetheless been questioned about their clothing at the examination.

We also note that “religious apparel” is not defined in the *Rules*. As a result of this overbreadth, candidates cannot always be confident that they are complying with the *Rules* and its prohibitions. This overbreadth risks placing undue stress on candidates who must seek further clarification as to whether or not their daily garb violates the *Rules*.

Given these concerns, we write now to respectfully request clarification on the reasoning behind this prohibition on “religious apparel.” Specifically:

- What is “religious apparel/attire”? How does the LSUC distinguish this from non-religious apparel and from religious symbols?
- What is the purpose of the prohibition on “religious apparel”?
- What is the purpose of the notice requirement?
- What happens after notification is provided by a candidate?
- What consequences could candidates face for failing to provide prior notice?
- How does the LSUC accommodate candidates who wear “religious apparel” (including in the cases of those candidates who have not provided notice)?

We look forward to your response and are happy to make ourselves available for further discussion of this matter.

Sincerely,



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cc: Treasurer, LSUC (treasurer@lsuc.on.ca)
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