



DISCIPLINE CASE *DIGEST*

Case 10-01

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| Member: | Harry John Wiens |
| Jurisdiction: | Winkler, Manitoba |
| Called to the Bar: | June 26, 1973 |
| Particulars of Charges: | Professional Misconduct (4 counts) <ul style="list-style-type: none">▪ Breach of Chapters 1, 19 and 20 of the Code of Professional Conduct (sexual harassment in a professional context) – x4 |
| Plea: | Guilty |
| Date of Hearing: | February 12, 2010 |
| Panel: | <ul style="list-style-type: none">▪ Garth H. Smorang, Q.C. (Chair)▪ Robert T. Gabor, Q.C.▪ Linda Brazier-Lamoureux |
| Counsel: | <ul style="list-style-type: none">▪ Katherine L. Bueti for The Law Society of Manitoba▪ Member Unrepresented |
| Disposition: | <ul style="list-style-type: none">▪ Reprimand▪ Practising Certificate be subject to the following conditions:<ul style="list-style-type: none">(i) That at his own expense he attend, participate and complete an initial psychiatric assessment as directed by the Law Society's <i>Professional Boundaries Program</i> to determine if counselling through that program and/or other therapy is required to address the conduct referred to in this matter.(ii) That at his own expense he attend and successfully complete any counselling and therapeutic treatment as directed following the assessment.▪ Costs of \$10,000.00 |

Sexual Harassment of Staff

Facts

In June 2008, four former and/or current female support staff made allegations of sexual harassment against Mr. Wiens.

All of the complainants alleged that during the course of their employment, Mr. Wiens made excessive and inappropriate comments or compliments on their physical appearance, unwelcome overtures and unwanted physical contact. His conduct towards each of the complainants occurred over a long period of time, was unwelcome and made them very uneasy.

Plea

Mr. Wiens entered a plea of guilty to the charges.

Decision and Comments

The Panel found that the alleged acts had been proven to its satisfaction and found Mr. Wiens guilty of professional misconduct.

Penalty

The Panel found that Mr. Wiens was remorseful and accepted the joint submission of counsel for the Law Society of Manitoba and Mr. Wiens and ordered that he be reprimanded for his conduct. The Panel also ordered that Mr. Wiens' practising certificate be subject to the following conditions:

- (i) That he attend, participate and complete at his own expense an initial psychiatric assessment as directed by the Law Society's *Professional Boundaries Program* to determine if counselling through that program and/or other therapy is required to address the conduct referred to in this matter.
- (ii) That he attend and successfully complete at his own expense any counselling and therapeutic treatment as directed following the assessment.

The Panel also ordered that Mr. Wiens pay to the Law Society the amount of \$10,000.00 as a contribution towards the costs associated with the investigation, prosecution and hearing of this matter.