



Tips for Firms and Member Organizations Seeking to Promote Inclusion and Diversity

This list of specific tips is intended to be a brief follow up to the videos CBA has made available online. For a more comprehensive general discussion of diversity and inclusion, and for more information on promoting inclusion in law firms, please see CBA's Equity and Diversity Guide: http://www.cba.org/CBA/Equity/pdf/Equity_and_Diversity_Guide_Eng.pdf

- 1. Recognize Issues: Understand Existing Strengths and Problems:** A necessary first step in promoting inclusion and diversity is the recognition of differences and related inequalities. Firm leaders should take a close and critical look at their organizations' existing demographics, institutional culture, and office practices. Sometimes outside consultants can help insiders obtain a clearer picture of present conditions and barriers they may present. In efforts to increase diversity, go beyond the numbers and be sensitive to the inclination towards "cultural cloning" – where the only members of diverse communities that are hired or succeed are those that closely approximate the characteristics of existing members of the firm in all other respects. True inclusion values the differences in experiences and expertise that members from diverse communities often bring to the table.
- 2. Plan Action Guided by Strategy:** Inclusion and diversity can be promoted in a deliberate and efficient way by means of a strategic action plan. To be useful, such a plan should set out firm-wide standards, aspirational goals, benchmarks or indicators about the achievement of diversity goals, and clear expectations for lawyers and staff. Each department within the firm should be encouraged to take ownership of their own role in this plan. Progress towards the planned objectives should be evaluated on a regular basis.
- 3. Provide Initial Training:** Particular and explicit training sessions (such as workshops, seminars and/ or forums) about equity, diversity and inclusion should be integrated into orientation programs at early stages to educate articling students, staff, new associates and other team members.
- 4. Invest in Staff:** Staff tasked with providing orientation to new employees should be adequately trained in diversity and equality issues. Firms should appoint a designated equality/diversity/inclusion officer to keep track of issues and updates to the diversity and inclusion plan. In larger organizations, the ideal would be to establish a full-time position dedicated to diversity. In smaller organizations, new hires should be encouraged and funded to receive diversity training.
- 5. Institutionalize opportunities for mentoring:** Ask potential mentees about the characteristics they would like in a mentor, and vice versa. For associates from diverse communities, some successful mentoring relationships are based upon commonalities of gender, sexual orientation, race, culture or other characteristics of participants, others are not. It is important to allow participants to make these decisions for themselves rather than making assumptions that such commonalities are required. Consider employing different types of mentoring, and allowing mentees to have both a personal and a professional mentor.

6. **Measure Ongoing Challenges and Successes:** Institutional culture, demographics and practices should be continuously evaluated to determine your organization's strengths as well as its weaknesses. Numerical and anecdotal data should confidentially be collected about demographics and the inclusiveness of the firm's culture. The data should be analyzed, firm leaders should scrutinize areas for possible improvement, and set reasonable targets.
7. **Enable Ongoing Professional Development:** Lawyers and support staff should be continuously updated on equality, diversity and inclusion issues. A range of opportunities for lawyers to develop professionally with respect to their capacities for, and analysis of, inclusion. Professional development opportunities should be created within the firm and should be sought out from third party providers and are made available, for example, in CBA's Equity and Diversity Guide.
8. **Institute and Frequently Review Inclusion Policies** Ensure all firm policies and guidelines make explicit commitments to addressing and countering discrimination. This will likely include:
 - supervision
 - appraisal/compensation
 - discipline
 - grievances
 - terms and conditions of service
 - training and development
 - harassment
 - family
 - absences

Have consistent, transparent and objective criteria for evaluation and progression that focuses on specifics of behaviour rather than purely subjective impressions or generalities (which can allow biases to creep in). Ensure that all firm committees include diverse representation in a critical mass (rather than simply "tokens"), extending beyond committees relating to diversity.

Simple Sample Tips for Enhancing Inclusion When Addressing Lawyers from Specific Communities – Arising from the CBA’s YouTube Video Series

***It’s Complicated - A note on intersectionality** – When thinking about someone’s personal characteristics and appropriate ways to include them fully in a legal workplace, it is also important to remember that “pigeon-holing” people as though they fit in one discrete category of identity is neither accurate nor helpful. People occupy “intersections” in social identity, meaning that they hold several statuses and exist in multiple states of relative privilege or powerlessness at once. For example, a woman may also be aboriginal and also be from an underprivileged financial background. A white man may also be gay or bisexual. Avoid stereotyping. Ask questions; provide a space for people to tell their personal stories and to explain to firm leaders and diversity officers what is respectful or disrespectful in their opinion. Also remember that it may be too heavy a burden to ask associates or staff from diverse communities to do the work of educating firm leadership. Leaders should also be prepared to do some research of their own about creating an inclusive environment. We thank you for reading the CBA’s diversity tips and hope that they are useful to you.*

Aboriginal Lawyers

First Nations, Métis and Inuit people in Canada emphasize oral culture as a means of conveying knowledge. Telling stories has been a sacred process viewed by many as a people or culture’s collective soul. Listen carefully for the subtext in what an aboriginal individual is saying if he or she tells a story. It is a cultural practice for them to tell stories to convey lessons learned and have discussions. Be careful to allow the speaker to finish. Don’t interrupt. Make and maintain eye contact. The view that Aboriginal people avoid eye contact is more myth than reality in the workplace. Clarify what is being said if you are unsure what is being told to you.

Black Lawyers

Black people appear to be a group unified by a history of oppression against them but those labelled as “black” are not necessarily otherwise similar to one another. People who appear similar in skin colour do not necessarily share cultural traditions or backgrounds. When working with Black lawyers, avoid making assumptions about where they are “from”, and don’t assume racialized people are “from” somewhere other than Canada or that their family histories involve slavery in the Americas. Don’t expect a Black lawyer to speak “for” all Black people as though they have a monolithic, homogeneous community. Allow Black lawyers space to share their life stories if they choose to do so; don’t press them for personal information if they do not. Cultivate a relationship and get to know them as individuals before asking them questions about their experiences as a member of their cultural group. Beware of compliments that imply or might be heard as conveying something negative about the individual’s group, for example, “You’re surprisingly well spoken.” Acknowledge the reality of racism in mainstream Canadian society and ensure that lines of communication are open so that Black lawyers in your organization can express concerns to diversity professionals and HR staff without concern about reprisal.

LGBT Lawyers

Don't presume to know an individual's sexual orientation; don't assume lawyers in your firm are straight. Use inclusive language in conversation and in documents. For example, Lesbian, Gay, Bisexual and Transgender are acceptable terms to use to refer to members of the LGBT community. Other names that are commonly used should be avoided. Sexual orientation is an appropriate term, but sexual preference is not as it implies that one's sexual orientation is a choice. Generally, "spouse" is a better term than "husband" or "wife" to refer to one's partner, but this is changing somewhat with the advent the legal availability of same sex marriage in Canada. Some LGBT individuals now choose to use a gendered term to refer to their same-sex spouse (husband/wife). Allow the LGBT individual the choice of terms by using the term "spouse".

Woman Lawyers

Ensure that there are sexual harassment policies in place in your firm and that staff are informed about the policies and the reporting process. Don't assume that women think in a unified, different way from men. There are many differences between women, differences which are often more significant to women's lives than gendered dimension of the identity they share. Evaluate your firm's culture to ensure that there are occasions for women to network with clients and colleagues in a setting or context that is not gendered "male" (hosting client appreciation events at spas, theatres or restaurants, in addition to or in replacement of firm golf tournaments or tickets to sporting events, for example.) Don't assume all women want to or will become mothers. Provide opportunities for mentoring for women who are also mothers. Have firm-wide maternity leave policies and emphasize that staff will not be penalized for using them (and follow through on this commitment when associates are evaluated and compensation assessed). Facilitate work-from-home arrangements and listen to women about what will work best for them. Don't make assumptions about what women like, want or *are* like. Provide opportunities for meaningful work and continuing advancement within a law firm for women who may have taken time off from practice in relation to child-bearing or who have unpaid caregiving responsibilities in relation to older relatives.

Male Lawyers

Emphasize that white, heterosexual, non-disabled men can be important allies for diversity efforts; they are part of the solution. Both men and women can be limited by traditional gender roles, albeit in different ways. Ensure that men, as well as women, are accommodated with respect to their family-related obligations. Foster a climate where men feel comfortable taking time for parental leave and to tend to sick children. Provide resources about relief child care for emergencies. Don't assume men have no responsibility for dealing with family situations. Provide training opportunities for everyone to unlearn habits and business practices that are exclusionary. Understand that inclusion of diversity is a process and that it may take time for individuals to learn.

Links – Some Useful Diversity and Inclusion Resources:

- Alberta Human Rights Diversity and Education Fund – Annotated Bibliography of Diversity Resources
<http://culture.alberta.ca/humanrights/bibliography/bibliography.pdf>
- Association of Law Firm Diversity Professionals (USA)
<http://alfdp.com/>
- ASA Collection of Sample Diversity Tools and Resources
<http://www.asacenter.org/PublicationsResources/modelslist.cfm?ItemNumber=31813>

- British Respect Diversity Toolkit
<http://www.respectdiversitytoolkit.com/>
- Canadian Style Guide (Government of Canada)
http://www.termiumplus.gc.ca/tcdnstyl-chap?lang=eng&lettr=chap_catlog&info0=14#zz14
- Le guide du rédacteur
<http://www.termiumplus.gc.ca/redac-chap?lang=fra&lettr=chapsect9&info0=9&i=1&srchtxt>
- Cornell University Workplace Diversity Resources
<http://www.ilr.cornell.edu/library/research/subjectguides/workplacediversity.html>
- Diversity World – Workforce Diversity Resources
<http://www.diversityshop.com/store/diversity.html>
- Public Service Commission – Employment Equity and Diversity Resources
<http://www.psc-cfp.gc.ca/plcy-pltq/eead-eeed/index-eng.htm>
- State Bar of Texas – Diversity Resources
http://www.texasbar.com/AM/Template.cfm?Section=Diversity_Resources
- University of Calgary – Diversity Toolkit
<http://people.ucalgary.ca/~dtoolkit/home.htm>
- Workforce Diversity Network – Diversity Resources
http://www.workforcediversitynetwork.com/res_articles.aspx