

# The CBA Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

**The goal:**

increasing diversity in the legal profession

**The dream:**

one day a Guide like this will not be necessary



**Leadership**

**Recruitment**

**Professional Development, Retention, and Advancement**

**Education and Training**

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

THE CBA EQUITY AND DIVERSITY GUIDE AND RESOURCE MANUAL FOR  
SUCCESSFUL LAW FIRMS AND LEGAL ORGANIZATIONS

ISBN 978-1-897086-47-6  
August 2007

© Canadian Bar Association  
865 Carling Avenue, Suite 500  
Ottawa, ON K1S 5S8  
Tel.: (613) 237-2925/(800) 267-8860  
Fax: (613) 237-0185  
E-mail: [info@cba.org](mailto:info@cba.org)  
Home page : [www.cba.org](http://www.cba.org)

ALL RIGHTS RESERVED

No portion of this book may be reproduced in any form or by any means without the written permission of the publisher.

Printed in Canada  
Disponible en français

# Table of Contents

<b>Introduction</b> .....	5
<b>Two important terms</b> .....	7
<b>Four themes</b> .....	7
<b>Leadership</b> .....	9
Analyze your workplace .....	9
Identify problems .....	9
Examine workplace norms and assumptions .....	11
Establish and communicate commitment within the organization .....	11
Develop policies and procedures .....	13
Assess results .....	15
<b>Recruitment</b> .....	17
Work with law schools .....	17
Provide employment opportunities .....	19
Conduct bias-free interviews .....	21
<b>Professional Development, Retention, and Advancement</b> .....	23
Offer career development opportunities .....	23
Consider diversity when developing a business plan .....	25
Provide alternate work arrangements and accommodate family responsibilities .....	25
Accommodate people with disabilities .....	27
Accommodate people of diverse faiths and cultures .....	29
Provide mentors .....	29
Support lawyers from diverse communities .....	31
Open the door to others .....	31
<b>Education and Training</b> .....	33
Continue to learn .....	33
<b>Conclusion</b> .....	35
End Notes .....	39
Bibliography .....	41
Canadian Bar Association Equity and Diversity Policies .....	45
Thank You .....	49

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

"As minorities gain more buying power and their lifestyles become more affluent, multicultural markets are growing in economic muscle. This in turn attracts more corporations, as they compete for market share in minority communities."

## **DiversityBusiness.com**

"Diversity in our population means that the needs of Canadians in the workforce and marketplace are also increasingly diverse. A law firm that embraces this reality by understanding, anticipating and responding to these needs will be well positioned in its field.<sup>1</sup> ... [I]mplementing a diversity and equity policy will help a law firm to represent and serve Canada's diverse population while in turn benefiting the firm itself ...maximiz[ing] the performance of every person at the firm by ensuring that opportunities to succeed are available regardless of personal characteristics."<sup>2</sup>

## **Law Society of Alberta**

"Organizations within the legal profession should go beyond compliance and be at the forefront of embracing equity and diversity ... to promote best practice in the profession and encourage the profession to be sensitive to the specific needs of the different communities to which it provides legal services."

## **Law Society of England and Wales**

The Canadian Bar Association has affirmed its commitment to "taking action to eliminate discrimination and advance the cause of equity." Consistent with its mandate for equality, the CBA is committed to promoting equality in the legal profession by:

- (a) assisting in the elimination of discrimination within the legal profession;
- (b) assisting in the elimination of discrimination in the practice of law and in the provision of legal services;
- (c) providing programs and services to ensure equality in the legal profession and the justice system; and
- (d) assisting in the elimination of discrimination in the law and the administration of justice.

## **Strategic Plan 2007 – 2012 Canadian Bar Association**

# Introduction

Today, it is widely accepted that diversity means business. A rapidly changing domestic market and the opportunities from globalization signal the need for businesses to recognize that their future must include increased diversity of their employees and consumer base. Reports by the Conference Board of Canada, the Royal Bank, Catalyst Canada, and other organizations confirm the benefits of this approach, and show that successful businesses, including law firms and other legal organizations, are those that are developing and implementing equity and diversity initiatives.

This **Equity and Diversity Guide** will assist and enhance efforts to promote equity and diversity in law firms and other organizations within the legal profession (law schools, government departments, regulatory bodies and voluntary associations). The fundamental premise is that equity and diversity are core business requirements, and must be evident in all aspects of the workplace. This **Guide** can be used to:

- Take leadership on and communicate about equity and diversity strategies as part of core business practices
- Develop implementation plans to enhance representation in all workplace activities, for example, recruitment, access to lucrative work, mentorship, and accommodations, and
- Measure growth over time and benchmark accomplishments.

## Taking Action

A well-planned and systemic approach to implementing equity and diversity initiatives will deliver positive results. The **Guide** offers a variety of strategies, and avoids a “one-size fits all” approach. The left-hand pages are a resource manual with useful background information and references drawn from a variety of sources. The right-hand pages outline concrete steps to consider in equity and diversity efforts.

The **Guide** invites lawyers to take on a leadership role and commit to equity and diversity over the long-term. It reflects the value of action.

The Canadian Bar Association is here to do what it can to support equity and diversity work. We hope this **Guide** is useful. We would be pleased to answer any questions you may have.

Please contact:

1-800-267-8860 or (613) 237-2925 or [info@cba.org](mailto:info@cba.org)

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

The report, *The Changing Face of the Ontario Legal Profession 1971-2001*,<sup>3</sup> commissioned by the Law Society of Upper Canada, analyzed the demographic composition of the legal profession.

Ontario, 2001	Census data	Legal profession	Variance
White population	79.4%	90.2%	(10.8%)
Women	51	35.1%	(15.9%)
Racialized communities	19%	9.2%	(9.8%)
Aboriginal	1.6%	Less than 1%	(less than 1%)

An American Bar Association study reported that the legal profession in the United States is more than 92% white and less than 8% racialized, compared to the larger U.S. population which is 70% white and 30% racialized. The ABA notes that “[a]s these statistics demonstrate, the legal profession has a long way to go before it reflects the ethnic and racial diversity of the general population.”<sup>4</sup>

The Chicago Bar Association has encouraged local corporations to commit to a written Diversity Statement of Principle in which the corporation expresses to law firms its strong commitment to the goal of diversity in the workplace. The statement of principle affirms that:

“Our companies conduct business throughout the United States and around the world, and we value highly the perspectives and varied experiences which are found only in a diverse workplace. Our companies recognize that diversity makes for a broader, richer environment which produces more creative thinking and solutions. Thus, we believe that promoting diversity is essential to the success of our respective businesses. It is also the right thing to do ... We expect the law firms which represent our companies to work actively to promote diversity within their workplace. In making our respective decisions concerning selection of outside counsel, we will give significant weight to a firm’s commitment and progress in this area.”<sup>5</sup>

The business case: U.S. corporate giants Wal-Mart, Visa International, Del Monte, and Pitney Bowes expect outside counsel to demonstrate substantial numbers of women and minority lawyers in the upper levels of their firms. Wal-Mart has told its top 100 law firms that they must demonstrate that at least one person of colour and one woman must be among the top five relationship attorneys that supply them with legal services.<sup>6</sup>

## Two important terms

### **Under-represented groups**

Historically, individuals from particular social groups have been excluded from the practice of law. Aboriginal peoples; people with disabilities; individuals from racialized groups; people of diverse faiths and creeds; gays, lesbians, transgendered people, and others with diverse sexual orientation; women; and francophones outside Quebec have all faced barriers to being included as full members of the legal profession. This Guide uses the term “under-represented groups” to refer to these individuals.

### **Lawyers from diverse communities**

The Guide also uses the term “lawyers from diverse communities”. This term captures the sum of all differences to consider when planning and implementing equity and diversity initiatives, for example: age, gender, race, physical ability, religious affiliation, faith, and creed.

## Four themes

*This Guide is divided into four themes, which reflect a well-planned and systemic approach to implementing equity and diversity initiatives and are critical to their success.*

### **Leadership**

demonstrating commitment to equity and diversity through consistent leadership and governance

### **Recruitment**

hiring talented lawyers who represent the diversity of the community

### **Professional Development, Advancement, and Retention**

training lawyers from diverse and under-represented communities in every aspect of the work and in workplace decision-making, giving them opportunities for advancement, and not losing your investment in them

### **Education and Training**

providing ongoing education and training to all lawyers and staff to improve their knowledge and awareness of equity and diversity issues

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## **Allstate sees competitive advantage in diversity**

Like many large corporations, Allstate began implementing diversity initiatives in the 1960s. Recently, Allstate formed a Diversity Council, made up of 14 senior-level decision-makers, to integrate diversity into the company's business strategy. The Council is sponsored by Allstate's Chairman and CEO. Allstate recognizes that leveraging diversity will enable it to attract and retain the best and brightest talent, and to outperform the competition by capitalizing on demographic changes in the marketplace. The company is responding to these projections for the United States:

- the purchasing power of people of colour will grow to 25 per cent by 2007
- women will be 48 per cent of the workforce by 2015
- 40% of the workforce will be of Latino, African, and Asian descent by 2025.

Allstate has put into place a leadership structure so that it can meet and benefit from these changes in the workplace and in society at large.

## **The importance of gender-neutral language**

Language, to a very large extent, constructs our social realities and shapes the way that we view and understand our social experiences. It is incumbent upon everyone in the legal profession to communicate with each other, clients, and members of the public in a manner that supports equity and diversity.

While it may seem obvious that sexist or other derogatory language and stereotypes may offend the listener or reader, what is less appreciated is the way in which such language supports barriers that women face in the profession. As the Law Society of British Columbia states in its model policy on gender neutral language:

“[w]here language reflects a bias against women, it reinforces barriers to women's full and equal participation in society.”<sup>7</sup>

The CBA and some provincial law societies have issued guidelines to the profession to assist lawyers in their efforts to use gender-neutral communications.<sup>8</sup>

The Law Society of Saskatchewan's *Gender Neutral Communication Guidelines* suggests that gender-neutral terminology will prevent communications from being misunderstood or from offending, and will also help in breaking down barriers to women's equal participation in the profession, and society at large.<sup>9</sup>

With respect to people from other under-represented groups, they may also be the subject of inappropriate or dismissive language. Because it can be difficult to know the right words to use, the best course of action is to speak to the person or people from the under-represented group and ask if there are any suggestions for improvements to make. The use of inclusive, respectful language is critical to equity practices.

## Analyze your workplace

- Reflect on how best to explore equity and diversity issues at your workplace and how to make this an inclusive process.
- Assess the number of individuals from diverse communities who are employed and their status, for example, articling student, associate, partner, researcher, manager, or director.
- Assess the way job performance is evaluated and the relationship between evaluations and pay increases and promotion.
- Review the ways in which career development opportunities – for example, variety of projects, opportunities to work with senior people, travel, training – are provided to lawyers from diverse communities.
- Review the participation of lawyers from diverse communities in outside legal and professional associations.
- Review how equity and diversity practices are integrated into business and strategic plans, particularly with respect to recruitment, hiring, retention, and advancement, for law school and articling students, as well as associates, managers, and partners.
- Review how equity and diversity plans are communicated and make sure that they have specific goals, objectives, timeframes, deliverables, and positive outcomes.
- Review existing internal and external policies to ensure that they support equity and diversity principles.
- Inspect the physical premises of your workplace to confirm that it is accessible to people with mobility disabilities.

## Identify problems

Here are some indicators of equity problems in a workplace:

- large turnover of individuals from certain under-represented groups
- under-representation of individuals from diverse groups as senior lawyers, managers, or partners
- differential remuneration and access to competitive files for lawyers from diverse groups
- lack of participation of lawyers from diverse groups in client development, key committees, and external organizations
- lack of members of diverse groups in entry-level positions, for example, students, articling students, new associates, staff
- lack of mentoring opportunities for lawyers from diverse groups
- complaints about harassment and discrimination from law students, lawyers, or staff from diverse communities.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## Harassment policies

The Law Society of Alberta's *Model Harassment Policy* reminds the profession that most forms of workplace harassment are an offence under law and a violation of the rules of professional conduct. Its *Policy* recommends that firms adopt a strong and clear statement of principles committing the firm to "severely disciplining" individuals found to have engaged in conduct constituting workplace harassment, regardless of the person's seniority in the firm. The model policy also suggests that firms state their commitment to supporting their employees who have been subject to harassment by individuals outside of the firm, such as clients, opposing counsel, court personnel, and judges.<sup>10</sup>

The Law Society of Manitoba's *Model Policy on Respectful Workplace* suggests that, in addition to covering the prohibited grounds set out in human rights legislation, firm policies extend to cover disrespectful behaviour, commonly known as personal harassment, that demeans and embarrasses a person but is not necessarily covered by the legislation. In addition to setting out the legal and professional responsibility to prohibit discrimination, the *Policy* encourages firms to educate and train its partners, associates, and support staff as a preventative measure.<sup>11</sup>

The Law Society of Upper Canada has developed a resource guide for firms on workplace harassment which, in addition to setting out a model policy and complaint procedure, offers a discussion on a firm's legal and professional responsibility to prevent and respond to harassment, and the benefits of having written harassment policies and procedures. The guide also addresses how to respond to harassment by individuals who are not staff or members of the firm, and offers advice to smaller firms on developing the policy.<sup>12</sup>

The Law Society of British Columbia's model policy on workplace equity encourages firms to apply equity principles to all aspects of their workplace practices, including work-related functions that take place outside of the office setting. The policy suggests firms hold professional functions only in facilities that accord equal privileges to men and women, that client entertainment opportunities include events that appeal to both men and women, and that the events are suitable occasions for women lawyers to entertain male and female clients.<sup>13</sup>

Several law societies have established Equity Ombudsperson(s) or Discrimination and Harassment Counsels to provide members of the profession with confidential advice, information, and assistance when dealing with issues of discrimination and harassment. Other services to the profession include education and training on equity-related issues.

## Examine workplace norms and assumptions

Workplace norms and cultural practices can have a profoundly negative impact on lawyers from diverse communities. Ask these questions to assess what assumptions may be operating in your workplace.

- Which days of cultural or religious significance are celebrated? How are they celebrated?
- Who attends educational sessions on diversity and the under-representation of people from diverse communities?
- Are lawyers from diverse communities thriving along with others? What support do they receive? What access do they have to different work opportunities? To different clients?
- Which lawyers are moving ahead? Who has the most prestigious files? Who sits on senior committees? Who is on the hiring committee? Who sits on committees deciding on remuneration? Advancement?
- How are issues of diversity and under-representation discussed at committee meetings, educational sessions, and retreats?
- What opportunities do lawyers from diverse communities have to interact with each other? With other members of the organization? With senior managers? With clients?
- Are there underlying assumptions in hiring and evaluating that have a negative impact on lawyers from diverse communities?

## Establish and communicate commitment within the organization

The workplaces that are the most successful at respecting diversity have senior managers who continue to demonstrate their commitment to equity through their leadership. Strategies for success:

- Have senior managers endorse all communications about equity and diversity initiatives.
- Communicate in ways that are inclusive of and sensitive to the life experiences of lawyers from under-represented and diverse communities.
- Use a variety of methods, such as websites and e-mail, to inform people within the workplace and externally about equity and diversity commitments, expectations, and results.
- Establish an equity and diversity committee with:
  - ◆ representation from under-represented and diverse communities from all parts of the organization
  - ◆ a highly-respected and committed champion as its leader, and
  - ◆ a direct link to the management committee and lead manager.
- Provide equity and diversity education and training to key leaders as well as members of the equity and diversity committee, and support their attendance at equity and diversity conferences.
- Include equity and diversity topics at key committee meetings and retreats.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## **Employment System Review**

**To attract and retain the best and brightest, many organizations start by reviewing and restructuring their employment systems. The general steps are: set a goal, define the scope of the work, and ensure decision-making structures are in place.**

### **Set a goal:**

Here's an example of a goal statement:

Our goal is to employ bias-free human resource systems, practices, and procedures to attract, recruit, promote, and retain a workforce that is representative of our community's diversity. We seek to employ more women, Aboriginal and racialized peoples, as well as peoples with disabilities and people with different faiths and cultures. We will conduct a methodical review of our human resource systems to identify potential systemic barriers, and to implement solutions to problems.

### **Define the scope of the work:**

1. Complete a demographic profile of the current workforce and compare it to provincial/territorial/ community demographics, with a focus on race, gender, and Aboriginal peoples.
2. Review the organization's:
  - recruitment outreach methods
  - selection processes and tools
  - performance management systems
  - career mobility opportunities
  - employee relation practices
  - exit processes
  - talent management systems
  - learning and development systems.
3. Be aware of the need for:
  - clear governance
  - accountability
  - processes and structures to manage equity projects
  - mitigation strategies in case of delays when setting up new accountability structures.

### **Ensure decision-making structures are in place**

Reviewing and restructuring employment systems will involve capacity issues. The work may require outside resources, in particular expertise on anti-racism and gender equity strategies. As well, privacy issues and other concerns (such as profiling) may arise when developing a demographic profile of the workplace. There is a need for appropriate resource allocations, and sustained leadership and commitment at the senior levels.

## Develop policies and procedures

Policies are a step towards ensuring that an organization is in compliance with human rights laws and with professional codes of conduct. Policies identify positive actions to take to promote equity and diversity, and provide a process to follow if there is a harassment or discrimination claim.

Best practice equity policies:

- Have a clear statement of commitment and definitions consistent with human rights laws to address situations of discrimination and harassment, and to promote equity and diversity.
- Set up a group of advisors from among the most respected members of the organization, and with representatives from diverse communities, to answer questions, clarify the policy, and review options.
- Encourage the reporting of incidents, and keep complainants safe from reprisals.
- Set clear expectations of clients and have clear mechanisms for lawyers and staff to report on policy violations by clients.
- Identify clear procedures to resolve complaints, including alternative dispute resolution, mediation, and investigations.
- Ensure confidentiality where appropriate in handling complaints, particularly concerning the identities of complainant(s), respondent(s), and witnesses.
- Provide disciplinary actions for respondents in substantiated complaints, and for those bringing forward malicious accusations in the form of a complaint.
- Have a tracking mechanism to identify repeat offenders and, once identified, provide appropriate consequences to respond to them.
- Prepare annual reports, in cooperation with the equity and diversity committee, for senior management on complaints received and how they were resolved.
- Establish proactive policies and procedures to ensure support for equity and diversity initiatives.
- Provide ongoing education and training for all on equity and diversity policies and procedures so that they are clearly communicated and understood.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## **Diversity in Dallas**

In 2006, the Dallas Diversity Task Force surveyed the 20 largest Dallas, Texas, law firms as a collaborative project of the Dallas Asian American Bar Association, the Dallas Hispanic Bar Association, and the J. L. Turner Legal Association. The report, *Law Firm Diversity Report, Dallas – 2006*, shows how well the firms are doing at attracting and retaining lawyers from diverse backgrounds. It also provides a comparative analysis of the firms and a qualitative analysis of strategies to recruit, retain, and promote lawyers from under-represented and diverse communities. The report is available at [www.diversitytaskforce.com](http://www.diversitytaskforce.com).

## Assess results

Once a workplace makes a commitment to implement an equity and diversity initiative, senior managers and leaders need to be accountable for ensuring that the initiative runs well and achieves its intended results. This can be done by:

- Monitoring progress on equity and diversity goals, and communicating results to everyone in the workplace.
- Ensuring firm leaders, practice group leaders, and section managers have equity and diversity goals, and are held accountable for their implementation.
- Making sure that all performance measurements evaluate people fairly in relation to their position.
- Recognizing accomplishments of lawyers from diverse groups and promoting them throughout the workplace.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## Advertising with a difference

Being sensitive about the how and what of communications may assist in attracting employees and clients from diverse backgrounds. For example:

- The Nova Scotia Barristers' Society suggests that, as part of their recruitment efforts, a firm should consider advertising not only in mainstream media, but also in ethno-cultural/community/alternative newspapers.<sup>14</sup>
- The Law Society of Upper Canada has advertised job postings in community and alternative newspapers, and has used non-mainstream media to promote its public education events.

## Bias-free interviewing

The Nova Scotia Barristers' Society's *Articling Interview Guide for Equity in Employment* insists that a fair recruitment and selection system must ensure that all selection methods are a valid and job-related assessment of the individual's skills and qualifications, and that all selection methods be applied in the same way for all candidates. The guide provides firms with information and skills on bias-free interviewing, assessing individuals against job-related competencies, and also offers a format for designing job-related interview questions. The Society stresses a consistent and job-related assessment to counter the biases that may impact on assessment, and notes that:

"[o]ne of the major obstacles to the hiring and advancement of people from historically marginalized groups, is the so-called organizational "fit" that is envisioned by most law firms. The end result is that individuals who do not fit the profile that the interviewer is comfortable with or accustomed to are not successful at the interview stage of the process."<sup>15</sup>

The Law Society of Manitoba's *Best Practices for Employment Interviews* cautions that "when considering whether a candidate has the right 'fit' for the firm, remember that fitting in does not necessarily mean being the same as everyone else."<sup>16</sup> Reminding its members of their obligations under law and under the Society's *Code of Professional Conduct*, the Law Society of Manitoba recommends that "employers should only ask questions logically related to the job...", "that the same questions be asked of all candidates", and "that the interview team be as diverse and inclusive as possible."<sup>17</sup>

The Law Society of Alberta suggests that adopting a written firm policy will alert individuals taking part in recruitment and interviews to the legal proscriptions against discrimination in job interviews. Such written guidelines will:

"ensure that interviews are conducted with the purpose and effect of facilitating the selection of candidates with appropriate qualifications, aptitudes and interests, and do not exclude or disfavour candidates on the basis of gender, race or other irrelevant personal characteristics."<sup>18</sup>

**The goal:** the people working in a law firm or legal organization should reflect the diversity of law schools and the community at large.

## Work with law schools

Law schools are the entry point for lawyers into the legal profession. Law firms and organizations that employ lawyers can work with law schools to achieve the goal of a profession that is representative of the Canadian population by:

- Working with law school career placement officers to promote opportunities for law students from diverse communities.
- Encouraging law schools to gather data on the personal characteristics of students and sharing this data to assist employers in recruiting individuals from diverse and under-represented communities.
- Ensuring law school deans, career placement officers, and professors are aware of your organization's equity and diversity goals.
- Working with law schools to sponsor educational programs aimed at attracting individuals from diverse communities, particularly under-represented communities, to attend law school.
- Working with law schools to provide scholarships for law students from diverse communities, particularly those from under-represented communities.
- Taking every opportunity to speak directly with law students from diverse communities about the organization's commitment to equity and diversity.
- Setting equity and diversity recruitment goals when hiring students from law schools.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## **Law firms working with law schools – lessons from America**

There are several examples of law firms working with law schools to promote greater diversity in the legal profession and to reach out to individuals from under-represented communities. Some examples:

Haynes & Boone LLP has established the Haynes & Boone Minority Scholars Program which is available to first year students at SMU Dedman School of Law and the University of Texas School of Law. For these efforts, the firm was given the prestigious Thomas L. Sager Award in 2002 from the Minority Corporate Counsel Association for its commitment to improving the hiring, retention and promotion of “minorities” and women.<sup>19</sup>

In cooperation with law schools across the U.S., the ABA has established the Legal Opportunity Scholarship Fund to support students who would otherwise not be able to afford a legal education.<sup>20</sup>

The Bar Association of San Francisco has established a Bay Area Minority Summer Clerkship Program and Bay Area Minority Law Student Scholarship Program.<sup>21</sup>

The Sponsors for Educational Opportunity, in New York City, have established an internship program in the field of corporate law, giving interns opportunities to work with established lawyers on assignments that range from major corporate transactions to *pro bono* projects.<sup>22</sup>

American Corporate Counsel's *Pipeline to Diversity in the Legal Profession* initiative helps law firms to improve their recruitment and retention of minority candidates through mentorship, outreach, and educational programs. One project has law school students teach in high schools for academic credit.<sup>23</sup>

LeBeof, Lamb, Greene & MacRae LLP<sup>24</sup> participate annually in the Black Law Students Association annual student recruiting conferences as well as Legal Outreach, a program to encourage inner-city high school students to consider law as a career.

Faegre & Benson LLP<sup>25</sup> works with the Minnesota Minority Recruitment Conference and Southeastern Minority Job Fair which hosts job fairs aimed at attracting lawyers of colour.

Parker Poe Adams & Bernstein LLP recruits first year “minority” associates each summer through the North Carolina Bar Association Minority Recruitment Program or through direct contact with potential students.

Several law firms and law schools attend job and university fairs established specifically for “minority” students;<sup>26</sup> and several law schools engage their alumni in outreach initiatives.<sup>27</sup>

## Provide employment opportunities

Attracting the best and the brightest from under-represented groups makes good business sense in today's diverse Canada and global business environment. Here are some ways to be sure you don't lose out to the competition:

- Establish strategies that will encourage lawyers from diverse and under-represented communities to consider your law firm or organization.
- Highlight your commitment to equity and diversity in recruitment and promotional materials.
- Examine any informal networks used to hire lawyers. If informal networks are the source of new hires, make sure you have or develop networks within diverse communities and that informal recruitment is done there as well.
- Use a bias-free hiring process. (The next section explains how.)
- Involve lawyers from diverse communities in the recruitment process.
- Inform potential recruits of your commitment to equity and diversity.
- Establish connections between legal associations formed by lawyers from diverse communities, for example, LEAF, Canadian Association of Black Lawyers, Reach Canada, Indigenous Bar Association, South Asian Lawyers Network.
- Participate in mentorship programs for law students from diverse communities, particularly for students from under-represented communities. If there is no local mentorship program, consider establishing one in your community.
- Conduct an employment systems review to identify how to remove all barriers to recruitment, retention, promotion, and professional development.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## Canadian programs

The Law Society of Upper Canada established an Equity and Diversity Mentorship Program in 1999, geared to high school, university, and law school students. The goal is to encourage Aboriginal students and students from various equity-seeking communities to consider law as a career, and the program introduces high school students to law through the Society's public education events on equity-related topics. The mentorship program also provides support to law school and bar admission course students by connecting students with lawyers who are willing to offer educational and professional support.<sup>28</sup>

The Nova Scotia Barristers' Society works closely with Dalhousie Law School's Indigenous Black and Mi'kmaq (IB&M) Program, and has established a mentorship program for students in the IB&M program. The "Legal Legacies & Bridges: African Canadian and Aboriginal Law Student Mentorship Program" (LLB) provides African Canadian and Aboriginal students with opportunities for practical law firm experience and participation in a law firm culture, and the opportunity to discuss their work and education with a practicing lawyer. Another goal of the LLB program is to provide firms with a pool of competitive graduates who have practical experience in the legal environment.<sup>29</sup> The Nova Scotia Barristers' Society also supports the creation and ongoing development of both Black and Aboriginal Law Student Associations by providing financial assistance for annual conferences and other initiatives undertaken by the student associations.

In 2000, the Law Society of Upper Canada established a program to support Indigenous law students and law graduates enrolled in the bar admission course. The Elders Program provides culturally appropriate supports to Indigenous students in the bar admissions course, and offers opportunities for professional networking with members of the local Indigenous bar. The program brings together students, Indigenous Elders, traditional teachers, and Indigenous lawyers, and has been successful in raising the awareness of Indigenous peoples' law, traditions, and customs within the law society itself, as well as within the broader profession.

Law firms can demonstrate their commitment to increasing the diversity of the profession by supporting law school student associations. Even modest financial support of law student associations, such as the Black Law Students Association of Canada, or of initiatives undertaken by the student members of the Indigenous Bar Association, is an effective way to both demonstrate commitment to an inclusive profession and raise the firm profile with diverse and under-represented communities.

## Conduct bias-free interviews

A successful interview is usually the path by which lawyers make their way into a law firm or organization. The interview process needs to be fair, based on *bona fide* occupational requirements, and set up to measure the needed competencies of all candidates. This can be done by:

- Having an agreed upon job description, selection criteria, and interview questions related to the job description.
- Basing eligibility on *bona fide* occupational requirements and not on personal characteristics.
- Being clear to all candidates about expectations of new employees.
- Clarifying the decision-making process for candidate selection.
- Using an interview format that probes cognitive and behavioural competencies to assess a broader range of candidates' capacities.
- Offering the interview committee training on how to conduct bias-free interviews.
- Providing reasonable accommodation for those who may require it, for example, people with disabilities.
- Involving lawyers from diverse communities in the interview process.
- Providing enough time for all candidates to bring forward their strengths.
- Ensuring interview panel members arrive at decisions independently, by having each member review candidate interviews separately, before discussing their scoring results.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## **Inclusive decision-making**

The CBA has changed its political and administrative structure to increase the participation of lawyers from diverse communities. These changes are reflected in the CBA by-laws, committee structures, the allocation of organizational resources, and are part of the CBA's efforts to both increase the diversity of the profession and 'advance the cause of equity'.<sup>30</sup> The CBA has also adopted resolutions approving tracking the participation of women and minority groups in the CBA.<sup>31</sup>

In the specific context of gender equity, the Law Society of British Columbia recognizes that:

"[i]n order that day-to-day decision-making in a law firm takes full account of women's aspirations and contributions, it is of primary importance that women be involved in making those decisions. ...This ... will help ensure that false notions about women's capabilities and preferences come into play as little as possible when decisions are made."<sup>32</sup>

For the past 15 years, the Nova Scotia Barristers' Society has ensured that at least one member from the Black or Aboriginal community serves as a lay member of the Society's Bar Council. The Society has benefited from the advice and guidance offered by these lay members, and has given profile and visibility to equity and diversity issues.<sup>33</sup>

## **Alternate work arrangements**

The Department of Justice Canada strives to demonstrate values of inclusivity, fairness, and excellence. It has workplace policies such as employment equity, flexible work hours, job sharing and teleworking which allow employees to "make choices about their working conditions and reach a proper balance between their professional and personal lives."<sup>34</sup>

The Law Society of Alberta has issued guidelines to assist firms in developing alternative work arrangements. The Society suggests to firms that flexibility in work arrangements helps lawyers balance their professional responsibilities with outside commitments and interests. While most lawyers request flexible work arrangements because of child care commitments, the guidelines remind firms that such arrangements will also benefit lawyers who wish to pursue other interests, for example, education, politics, teaching, or other law-related professional activities.<sup>35</sup>

The Law Society of Upper Canada guide on flexible work arrangements notes that while any specific alternative work policy is not legally mandatory, such a policy will nonetheless ensure equal opportunities in the firm and help the firm to meet its legal duty to accommodate.<sup>36</sup>

The Law Society of Manitoba's guidelines and model policy on alternative work schedules suggests that the policies will benefit firms in the context of changing demographics and attitudes toward "traditional practice". The Society notes that a flexible work policy will assist firms in adapting to the

# Professional Development, Retention and Advancement

## Offer career development opportunities

One of the key indicators of equity and diversity is the presence of lawyers from diverse communities in the core business of a law firm or legal organization, as partners or senior managers. Here are ways to make sure the path to the top is not blocked for lawyers from under represented groups and diverse communities.

- Analyze career development systems to ensure against bias and discriminatory outcomes. How is lucrative work assigned? Who has access to career development activities? Who chooses who moves ahead? On what is the decision based?
- Give lawyers from diverse communities the opportunity to work in a variety of areas, without making assumptions about their skill set.
- Enable lawyers from diverse communities to have access to a range of files.
- Include lawyers from diverse communities in marketing and client development activities.
- Provide education and training to lawyers from diverse communities to assist them to move ahead.
- Have senior partners and managers mentor lawyers from diverse communities, particularly those from under-represented communities.
- Develop standard performance reviews, a method, schedule, and format for them. Train the people who conduct the performance reviews on ways to eliminate bias from their task. Monitor results.
- Develop clear criteria that include equity and diversity considerations to use to evaluate candidates for partnership or senior management positions. For example, assess candidates on their demonstrated commitment to:
  - ◆ mentoring lawyers from diverse and under-represented communities
  - ◆ selecting articling students and associates from diverse and under-represented communities to work on significant files
  - ◆ taking on *pro bono* activities within diverse and under-represented communities
  - ◆ sitting on boards of directors for organizations from diverse and under-represented communities.
- Communicate the expectations and time frame for becoming a partner or senior manager.
- Encourage and enable lawyers from diverse communities to participate in external equity and diversity initiatives organized by legal associations formed for lawyers from diverse and under-represented communities.
- Provide educationals and seminars on equity and diversity issues in the legal profession and in business development.
- Develop a lawyer retention tracking survey to assess success in attracting, promoting, and retaining lawyers from diverse communities, particularly under-represented communities.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

needs of lawyers whom they wish to recruit, and effectively address the dilemma lawyers face with competing personal and professional demands.<sup>37</sup>

The Law Society of British Columbia's model policy on alternate work arrangements notes the benefits a firm will enjoy with such a policy in place:

"permitting a degree of flexibility in work arrangements not only results in satisfying the growing need to balance work and family responsibilities, but can also increase productivity and enhance a law firm's ability to recruit and retain first-rate lawyers." <sup>38</sup>

The Law Society of Saskatchewan recommends flexible work policies as an efficient and productive means by which firms can accommodate individual lawyer's commitments, and offer a progressive way to resolve problems many lawyers face with traditional full-time practice.<sup>39</sup>

The New South Wales Bar Association has piloted a very practical initiative which provides in-home childcare support to all barristers with family responsibilities. The program, established in 2004, enables a barrister to call the engaged service provider to obtain back up childcare in emergencies, or when regular childcare arrangements break down. One of the goals of the program is to encourage more women to consider law as a career, by providing a practical choice to manage clashing Court and childcare commitments.<sup>40</sup>

The CBA developed a model Alternative Work Arrangement Policy in conjunction with its work on 1993 *Touchstones for Change: Equality, Diversity and Accountability* report.<sup>41</sup>

## **Duty to accommodate: family responsibilities**

In 1995, the CBA received a report entitled *The Legal Duty to Accommodate* from a working group chaired by Dr. Sheilah Martin. The report provided an analysis of the application of duty to accommodate legal principles to family responsibilities. It suggested refinements to the recommendations in the *Touchstones for Change* Report, which had found that one of the most significant barriers to women's advancement in the legal profession is the inadequate accommodation of lawyers with family responsibilities by their employers.

"The somewhat distinctive way courts interpret human rights protections illustrates that equality is now a fundamental constitutional value in Canadian society. In the workplace, the pursuit of equality may require different treatment, variable standards and a rethinking and restructuring of how things are done so that certain groups or individuals are not negatively effected [sic] by apparently neutral policies and practices. Equality is best seen as a process and an orientation through which workplace policies should be scrutinized."<sup>42</sup>

The report's recommendations are now CBA policy.<sup>43</sup>

# Professional Development, Retention and Advancement

- Hold exit interviews with lawyers from diverse communities who have decided to leave to find out why they are leaving. Ask about equity and diversity issues. Listen to the answers.

## Consider diversity when developing a business plan

Bringing in new business is an important part of business growth. Here are ways to make sure that you take advantage of the new business potential that lawyers from diverse communities offer.

- Ensure lawyers from diverse communities are involved in client development activities, including events to retain current clients.
- Identify barriers that limit the participation of lawyers from diverse communities, particularly those from under-represented communities, in client development activities. For example, family responsibilities, physical accessibility issues, diverse days of religious significance.
- Link professional development to client development and ensure lawyers from diverse communities receive the education and training needed to be successful.
- Take steps to build client confidence in lawyers from diverse communities, particularly those from under-represented communities.
- Provide concrete support to lawyers from diverse communities who may experience disrespectful and discriminatory treatment from clients.
- Make equity and diversity a factor in seeking out new clients and communicate this policy to the networks you are using to attract lawyers.
- Support client development activities that target non-traditional sources of clients from within diverse communities.

## Provide alternate work arrangements and accommodate family responsibilities

Flexible work arrangements are valuable to all lawyers – men and women – who wish to have more time to care for children or elderly family members. Lawyers may also be interested in flexible work arrangements to accommodate their personal life choices and interests. Workplace structures affect all lawyers but may have a greater negative impact on lawyers from diverse communities. You can address this issue by:

- Analyzing the impact of current practices to accommodate family responsibilities on the career planning and trajectory of lawyers from diverse communities.
- Addressing systemic barriers that come into play when lawyers choose to take care of their families or seek a flexible work arrangement.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## Leave policies

As the Law Society of Manitoba states in its *Model Policy on Maternity and Parental Leave*, a firm's parental leave policy is a visible means of demonstrating its commitment to enabling employees to balance career, child, and family responsibilities. The policy is beneficial to both the firm and the employees.

"[L]awyers who believe their firm has done the best possible job of helping them balance work and family are more likely to be loyal and productive. Law students who learn that a firm has developed a sound parental leave policy will note that the firm has made family issues a priority and will be encouraged to accept that firm's offer."<sup>44</sup>

The Law Society of Alberta's guidelines on maternity and paternity leave policies notes that:

"employers who foster an environment where lawyers who choose to have a family can be both devoted professionals and good parents, are rewarded by increased job satisfaction, morale, productivity and loyalty in their staff .. [and it] ...also enhances an employers' public image and that of the entire legal profession."<sup>45</sup>

The Law Society of Alberta has issued guidelines on implementing bereavement leave, compassionate leave, and family responsibility leaves. Citing research that suggests that work-life balance is the number one concern for both male and female lawyers, the Society recommends that firms develop these leave policies to provide for short-term leaves, as doing so "will prevent law firms from losing valuable personnel in whom they have invested time and money in training."<sup>46</sup>

"The issue is acute for many female lawyers who are trying to balance work responsibilities with child-rearing responsibilities. Many female lawyers leave private firms for other legal opportunities where the hours and child-care benefits may be more flexible. Women make up 40% of the lawyers in non-private practice versus 26% of the lawyers in private practice. Another indicator of the impact of work-life struggles on female lawyers is their rate of attrition from the profession. A disproportionate number of women are leaving the legal profession."<sup>47</sup>

The Law Society of Upper Canada is the only law society in Canada to issue a model policy on accommodation. The Society notes the benefits of having a policy in place include improved morale and loyalty, reduced absenteeism, and enhanced public image. The policy also provides a "proactive way of providing the means for members, staff and clients who require accommodation, thereby enlisting the resources of a diverse workforce and providing services to a diverse community."<sup>48</sup>

# Professional Development, Retention and Advancement

- Clarifying expectations when a lawyer has a flexible work arrangement.
- Reviewing and setting targets for billable hours that realistically reflect an alternate work arrangement.
- Reviewing maternity and parental leave provisions to ensure that they are consistent with legal requirements and are effective in retaining valuable talent.
- Establishing alternative work and leave policies that set out eligibility, coverage, duration, required approvals, pre- and post-leave transitions, impact on the timing of performance reviews, and impact on compensation, benefits, clients/files assigned, and opportunities for advancement.
- Exploring alternative ways to get work done (for example, use of teams to manage files and job-sharing).
- Considering providing emergency back-up child and elder care.

## Accommodate people with disabilities

Successful workplaces accommodate people with disabilities, recognizing their abilities to contribute to a profitable work environment. Accommodations might be, for example, an ergonomic keyboard for someone with carpal tunnel syndrome or voice recognition software for a person with a vision impairment. The accommodation process is a two-step, interactive one. The person with the disability asks for the needed accommodation. Then the employer responds by identifying and discussing reasonable ways, that are not an undue hardship, to provide the accommodation. Steps to take to confirm that your workplace is accommodating to people with disabilities include:

- Reviewing policies, procedures, and practices to ensure that they promote accessibility for persons with disabilities.
- Ensuring that accommodations are available during the interview process.
- Providing education and training programs concerning the legal duty to accommodate and what it means in your workplace, including communicating that an accommodation is not giving an extra advantage to a person with a disability.
- Clarifying that everyone is responsible for creating a barrier-free, respectful workplace, and that everyone, with or without an accommodated disability, is an equal member of the team.
- Conducting a physical accessibility audit to identify any ways in which your workplace does not adequately accommodate people who have a mobility disability.
- Talking with lawyers from diverse communities to understand their accommodation requirements and how they can be provided.
- Making known your interest in hiring lawyers from diverse communities and the commitment to providing them with the necessary accommodations.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## Awards and community recognition

Law firms and legal organizations can show support for equity and diversity by acknowledging the individuals and associations who have made positive contributions to the profession in this respect. Firms can recognize the contributions their associates have made at a community or professional level. They can encourage and support lawyers who serve on equity and diversity committees, or who offer *pro bono* work to diverse communities and those under-represented in the legal profession.

National organizations have awards that recognize individuals who have made outstanding contributions in their work to promote equity and diversity in the profession, and in society at large. For example:

- The Indigenous Bar Association awards its *Indigenous Peoples' Counsel Award* each year to an Indigenous lawyer for his or her outstanding achievements in the practice of law.<sup>49</sup>
- The Standing Committee on Equity of the CBA offers its *Touchstone Award* in recognition of an individual who has excelled in promoting equity and diversity in the legal profession, the judiciary, or the legal community in Canada. It is awarded at the CBA Canadian Legal Conference in August.<sup>50</sup>
- The Sexual Orientation and Gender Identity Conference of the CBA also awards two annual awards to "recognize excellence within the Canadian legal profession in advancing the cause of equity for lesbian, gay, bisexual, transgendered and two-spirited (LGBT) people".<sup>51</sup> It is awarded at the CBA Canadian Legal Conference in August.
- The Women Lawyers Forum of the CBA awards the *Cecilia I. Johnstone Award* to recognize women who have achieved professional excellence in their field and influenced other women to pursue legal careers, supported other women in career advancement or opened doors for women lawyers in a variety of job settings that were historically closed to them.<sup>52</sup>
- The ABA recognizes lawyers who have demonstrated a commitment to racial and ethnic diversity in the legal profession through its *Spirit of Excellence Award*.

# Professional Development, Retention and Advancement

- Promoting your approach to accommodation in all promotional materials.
- Showing leadership by supporting an environment where jokes, insults, and negative comments about people with a disability are not accepted.

## Accommodate people of diverse faiths and cultures

Show respect for people of diverse faiths and cultures by:

- Reviewing policies, procedures, and practices to ensure that they promote equality for those who observe diverse faiths and creeds.
- Examining current practices regarding faith holy days, making sure to honour similarly the holy days of lawyers from diverse communities.
- Educating people within the workplace about the different religious and cultural events observed by different communities.
- Showing leadership by supporting an environment where jokes, insults, and negative comments about people with different faiths, creeds, and cultures are not accepted.

## Provide mentors

Mentoring provides opportunities for new lawyers to learn about institutional culture and to gain skills from a more senior lawyer or experienced manager. Informal mentoring arrangements may exclude lawyers from under represented groups. A formalized mentoring program is an important way to support and retain lawyers, particularly lawyers from diverse communities.

- Establish a mentoring program that offers supportive, nurturing professional relationships to lawyers from diverse communities.
- Set selection criteria for mentors and those to be mentored to include equity and diversity considerations.
- Give lawyers from diverse communities and under-represented groups a choice of mentors, including mentors who reflect their own background.
- Encourage people from diverse backgrounds, including people with a disability, to become mentors.
- Provide training to mentors and those to be mentored so that they have clear expectations of the relationship and of their responsibilities to each other, especially regarding equity and diversity considerations.
- Encourage, support, and thank senior lawyers and managers who mentor lawyers from diverse communities and under-represented groups.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## **Networking: Best Practices of the American Bar Association**

For the past decade, the ABA has sponsored the annual *Conference of Minority Partners in Majority Corporate Law Firms*, demonstrating its support of the conference's goal to foster and promote programs that make minority partners successful.

The ABA has established the *Multicultural Women Attorneys Network* whose goals include identifying issues of concern to racialized women lawyers and exploring ways to address those concerns.

The ABA has also established the *Commission on Mental and Physical Disability Law* whose mandate is to promote the full participation of persons with mental, physical, and sensory disabilities in the legal profession.

## **Networking: Opportunities through the CBA**

The CBA has a number of Sections, Conferences and Committees that offer lawyers opportunities to network with colleagues. These include the:

- **Women Lawyers Forum**, which aims to promote the stature and influence of women in the profession, as well as developing assistance programs, networking opportunities and mentoring programs (established: 2005)
- **Sexual Orientation Gender Identity Conference**, which addresses the needs and concerns of lesbian, gay, bisexual, transgendered and two-spirited members within the Association (established: 1997)
- **Standing Committee on Equity**, which promotes awareness of equity issues in the legal profession, provides the means to eliminate discrimination, develops resources to assist the legal profession in achieving equity, monitors the status of equity issues in the legal profession, and oversees the implementation of the various equity-seeking resolutions adopted by CBA Council (established: 1993)
- **CBA Conferences**, which focus on common areas of interest, such as working as a corporate counsel or in the public sector, or being a young lawyer
- **CBA Sections**, which focus on substantive law areas, such as immigration and refugee matters or labour law and often offer comment on draft legislation and policy directions

# Professional Development, Retention and Advancement

## Support lawyers from diverse communities

Lawyers from diverse communities, particularly under-represented communities, need to know how to cope with conflicts among workplace policies, workplace practices, hidden workplace assumptions, and their own community's culture and traditions.

- Have senior lawyers and managers talk to new lawyers from diverse communities about the history of the workplace and, during this orientation, provide opportunities for discussions about future directions.
- Encourage conversations about workplace realities as part of the mentoring relationship.
- Provide opportunities for lawyers from diverse communities to discuss their cultural background and values, and how these may be assets in the workplace.
- Promote formal networking opportunities for lawyers from similar backgrounds, for example, women, Aboriginal, or racialized lawyers meeting together.
- Invite equity and diversity committee members to meet with lawyers from diverse communities, particularly under-represented communities, to discuss workplace culture and how they can contribute to its growth and development.
- Encourage lawyers and staff from diverse backgrounds to share their everyday realities with other lawyers and managers – with no repercussions for candour.

## Open the door to others

In large law firms and legal organizations, a number of powerful committees make decisions about core business functions, for example, management, hiring, associate development, and partnership committees. Ensure equity and diversity are part of decision-making by:

- Recruiting law students from diverse communities.
- Appointing lawyers from diverse communities to the firm's executive committee, management committee, and other key committees.
- Having lawyers from diverse communities serve as chairs of office and practice groups, and participate on client service teams.
- Inviting practice group and committee leaders to attend sessions on equity and diversity, and networking sessions held by legal associations of lawyers from diverse communities.
- Providing committees and practice groups with specific education and training sessions aimed at enabling them to integrate equity and diversity into their functioning.
- Requiring workplace committees and practice groups to develop, implement, and be accountable for achieving greater equity and diversity.
- Including equity and diversity issues in all continuing legal education programs.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## Equity and diversity through education and training

Supporting equity and diversity requires a planned approach to education and training that is:

- based on an organization-wide needs assessment, developed through focus groups and surveys
- designed to engage lawyers at different stages of their careers and in different practice areas
- reliant on resources within the firm and external to it
- integrated into all education and training opportunities provided by the firm, and
- provided on an ongoing basis.

Equity and diversity educators should have a solid understanding of:

1. the grounds of discrimination prohibited by Human Rights Codes, particularly related to how they:
  - a. operate within institutions through policies, practices, procedures and organizational culture;
  - b. effect relations among managers, employees, volunteers and service recipients;
  - c. impact on communities/institution relations in areas such as employment, leadership, communications and service receipt/delivery.
2. the ways in which discrimination prohibited by Human Rights Codes impacts on communities commonly and differentially, taking into account the relevant socio-economic, cultural and historical factors.
3. the diversity amongst Aboriginal peoples, women, gays, lesbians, persons with disabilities and within racialized groups that may be based on religion, first language, gender, period of immigration, socio-economic, cultural and historical factors. Such diversity may also have a geographic basis.
4. the commonalities and differences between indigenous, First Nations' peoples and racialized groups.
5. racism, sexism, homophobia, ableism based on a critical intersectional analysis and approach.

Equity and diversity educators and trainers should also:

1. use an adult education approach that builds on what lawyers already know and values case studies and other simulated exercises.
2. link education and training of lawyers participating to the firm's implementation of equity and diversity.
3. have experience in equity and diversity education and training that works from the understanding that various forms of discrimination exist in society and influence institutions
4. have experience in supporting the development of management actions to positively address the results of education and training initiatives
5. build the internal capacity of the firm to continue on in the work.
6. have excellent working relationships with lawyers from diverse and under-represented communities.

The CBA training video, "It's About Respect", is included with this Guide. Three 10-minute videos cover three diversity topics: bias-free interviewing, accommodations of a lawyer with a disability, and hiring a lawyer from a racialized community. There is an accompanying facilitator's guide and materials. Reach Canada, an organization dedicated to equality and justice for people with disabilities, has Department of Justice Canada's financial support for its "Equality in Practice" project. The project aims to improve accommodation, access, and participation by persons with disabilities in the Canadian justice system. (<http://reach.ca/equality>).

## Continue to learn

A commitment to equity and diversity means that all lawyers and staff have opportunities to learn about, understand, and embrace equity and diversity strategies and implementation plans. It also means providing everyone with skills training on how to identify, report, and address a lack of respect for members of diverse communities and under-represented groups, violations of workplace policies, and breaches of human rights laws. This can be done by:

- Conducting a needs assessment to identify the content of an appropriate education and training program on equity and diversity issues.
- Developing and implementing an education and training strategy that is inclusive of equity and diversity principles and involves lawyers from diverse communities.
- Selecting educators and trainers from diverse communities, particularly under-represented communities, who have knowledge of equity and diversity issues within the legal profession and using adult education principles in their training.
- Convening focused education and training sessions for leaders and managers to assist them in guiding equity and diversity initiatives.
- Ensuring all education and training about equity and diversity is endorsed by key decision-makers and decision-making committees.
- Providing annual and ongoing education and training that is inclusive of and sensitive to the life experiences of lawyers from diverse communities.
- Offering educational opportunities and training that is designed for people with disabilities.
- Considering alternative ways to provide education and training, for example, self-directed learning through the use of technology, newsletters, webcasts, etc.
- Sponsoring or co-sponsoring with others networking sessions for lawyers from diverse communities, particularly under-represented communities.
- Providing mandatory education to all lawyers and staff and annual refresher training to address issues emerging within the workplace or in human rights case law.
- Ensuring all other education and training includes equity and diversity issues.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

## Assessment and evaluation

Assessing the results of equity and diversity initiatives provides essential information needed to plan new projects or to improve on existing ones. Here are 10 self-assessment questions to ask.

**1. Does my workplace consider equity and diversity policies, programs, and procedures important?**

**2. Does my workplace have a Mission, Mandate, Vision, or Policy Statement on equity and diversity?**

A strong mission, mandate, vision or policy statement:

- addresses equity and diversity directly
- includes an implementation strategy
- identifies who is responsible for implementation
- identifies who is responsible for monitoring success
- identifies who is responsible for evaluating progress.

**3. Does my workplace have an implementation strategy for making equity and diversity a reality here?**

**4. Does my workplace have a definition for equity and diversity accountability/leadership/governance?**

**5. Does my workplace network with lawyers from diverse and under-represented groups?**

**6. Are individuals from diverse and under-represented groups in leadership positions within my workplace?**

**7. Are my workplace's plans for making equity and diversity a reality communicated to and understood by everyone?**

**8. Does my workplace make itself accountable for implementing its equity and diversity plans?**

**9. Does my workplace evaluate its progress towards becoming discrimination-free?**

**10. Do I believe my workplace is doing all it can to become discrimination-free?**

When considering how best to implement an equity and diversity strategy, there is added value in using an approach that increases the learning opportunities within your organization. This means setting clear success indicators and timelines, committing to transparency, and putting accountability mechanisms in place. Here are some questions to review as you move ahead.

1. Does my workplace have an equity and diversity statement that addresses the categories in this Guide?
2. Does this statement define words and terms in the same way that this Guide does?
3. Have we set qualitative and quantitative goals?
4. Is there an implementation strategy?
5. Who is responsible for implementation?
6. Who is responsible for monitoring?
7. Who is responsible for evaluation?
8. How do we capture and assess results?
9. Are our equity and diversity plans available to:
  - people within our organization and our clients?
  - law school officials and law students?
  - organizations and networks within the legal profession?
  - the law society? Bar associations? Chambre des notaires?
  - associations of lawyers, such as the Indigenous Bar Association, Canadian Association of Black Lawyers, Reach Canada, LEAF, NAWL, etc.?
10. How is our organization accountable for implementation?

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

The Law Society of Alberta adopted an internal compliance policy which requires law firms and lawyers it engages to confirm in writing that they respect the equity and diversity principles set out by the law society. They must demonstrate a "fair and representative workplace that is reflective of the greater community and where people's differences are respected and valued."<sup>53</sup> The Law Society of Alberta has also issued guidelines to assist firms in developing and implementing a diversity and equity policy.

The Nova Scotia government, in cooperation with the Nova Scotia Barristers' Society, has instituted a policy on employment equity for crown law agents. Similar to the Law Society of Alberta, the province of Nova Scotia's policy is to use law firms that are in compliance with employment equity, as well as to look for opportunities to work directly with Indigenous, Black and Mi'kmaq lawyers. Underpinning the *Policy on Employment Equity for Crown Law Agents* is the belief that "[e]mployment equity is achieved by employment policies and practices that prevent and correct disadvantages in employment for these groups through special measures, reasonable accommodation of differences, and programs to remove barriers to equitable employment opportunities."<sup>54</sup>

The CBA has set an example for the legal profession by recommending that all Justice Departments adopt a contract compliance program to ensure that only law firms which have demonstrated a commitment to equity be granted government contracts.<sup>55</sup>

# Conclusion

Becoming a discrimination-free workplace is good business and good for business. Although change will not happen overnight, it can and will happen through a concerted effort to listen to others, honestly face shortcomings, and act to make improvements.

This Guide and Resource Manual offer many references for places to turn for more information or to learn about the experiences of others. They provide many suggestions for ways to move forward.

It is up to all of us to create discrimination-free workplaces for all members of the legal profession.

The Canadian Bar Association is here to do what it can to support equity work. We would be pleased to answer any questions you may have.

Please contact:  
1-800-267-8860 or (613) 237-2925 or [info@cba.org](mailto:info@cba.org)

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

- <sup>1</sup> Law Society of Alberta, 2005:5.
- <sup>2</sup> Law Society of Alberta, 2005:2.
- <sup>3</sup> See Ornstein, 2004:ii.
- <sup>4</sup> The American Bar Association, 2002:16.
- <sup>5</sup> See the Diversity Statement of Principle at [www.chicagobar.org](http://www.chicagobar.org).
- <sup>6</sup> Hobbs, 2005.
- <sup>7</sup> Law Society of British Columbia, 1992:1.
- <sup>8</sup> CBA, 2003:16.
- <sup>9</sup> Law Society of Saskatchewan, 1996.
- <sup>10</sup> See the Law Society of Alberta's *Model Harassment Policy* at [www.lawsocietyalberta.com/resources/modelEquityPolicies/equityPolicies2/Harassmentpolicy.cfm](http://www.lawsocietyalberta.com/resources/modelEquityPolicies/equityPolicies2/Harassmentpolicy.cfm).
- <sup>11</sup> [www.lawsociety.mb.ca/equity\\_initiatives\\_respectful.htm](http://www.lawsociety.mb.ca/equity_initiatives_respectful.htm).
- <sup>12</sup> See the Law Society of Upper Canada's 2003 *Preventing And Responding To Workplace Harassment And Discrimination: A Guide To Developing A Policy For Law Firms*.
- <sup>13</sup> Law Society of British Columbia, 1992:4.
- <sup>14</sup> Nova Scotia Barristers' Society [www.nsbs.ns.ca/diversity/interviewguide](http://www.nsbs.ns.ca/diversity/interviewguide), page 6.
- <sup>15</sup> See the Nova Scotia Barristers' Society's *Hiring Practices for Equity in Employment: Interviewing Guide*, at [www.nsbs.ns.ca/diversity/interviewguide](http://www.nsbs.ns.ca/diversity/interviewguide).
- <sup>16</sup> Law Society of Manitoba, 2003:2.
- <sup>17</sup> Law Society of Manitoba, 2003:1 & 3.
- <sup>18</sup> Law Society of Alberta, 2003a:3.
- <sup>19</sup> See [www.hayboo.com/career/career.asp](http://www.hayboo.com/career/career.asp) *Career Centre*.
- <sup>20</sup> See [www.abanet.org/fje/lsmf.html](http://www.abanet.org/fje/lsmf.html) *ABA Legal Opportunity Scholarship Fund*. Some of the law schools that have committed to participate include: University of Chicago Law School, Drake University Law School, Duke University School of Law, Fordham University School of Law, Hofstra University School of Law, Marquette University Law School, University of New Mexico School of Law, Northwestern University School of Law, Oklahoma City University School of Law, Rutgers University School of Law - Camden, Seton Hall University School of Law, Yale Law School and Yeshiva University - Benjamin Cardozo School of Law.
- <sup>21</sup> See [www.sfbar.org/diversity/resources.aspx](http://www.sfbar.org/diversity/resources.aspx) *Diversity Programs and Model Policies*.
- <sup>22</sup> See [www.seo-usa.org/career/default.asp?page\\_id=96](http://www.seo-usa.org/career/default.asp?page_id=96).
- <sup>23</sup> See *Priming the Pipeline to Diversity in the Legal Profession: ACCA Diversity Pipeline Kit*. [www.acca.com/diversity/pipeline](http://www.acca.com/diversity/pipeline), 2001. The Review Board for this program includes law firm representatives at the associate and managing partner levels as well as student and law school representatives.
- <sup>24</sup> See [www.llgm.com/firm/diversity/](http://www.llgm.com/firm/diversity/).
- <sup>25</sup> See [www.faegre.com/diversity/diversity\\_recruit.asp](http://www.faegre.com/diversity/diversity_recruit.asp).
- <sup>26</sup> For example, such activities are conducted by Archer & Grenier LLP, University of Georgia Law School, Faegre & Benson LLP, the University of Wisconsin Law School, the University of Texas Law School, Perkins Coie LLP and others. In particular, Parker Poe Adams and Bernstein LLP recruit directly from the historically African American North Carolina Central University Law School.

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

- <sup>27</sup> For example: University of Georgia, the University of Texas, the University of Wisconsin, Florida A&M University and Florida International University.
- <sup>28</sup> Information on the Law Society of Upper Canada's mentorship program can be found at [www.lsuc.on.ca/jsp/equity/equity-and-diversity-mentorship-program.jsp?language=en](http://www.lsuc.on.ca/jsp/equity/equity-and-diversity-mentorship-program.jsp?language=en).
- <sup>29</sup> Information on the Nova Scotia Barristers' Society LLB program can be found at [www.nsbs.ns.ca/press/workplace\\_equity\\_report.pdf](http://www.nsbs.ns.ca/press/workplace_equity_report.pdf).
- <sup>30</sup> CBA, 2003:10.
- <sup>31</sup> CBA, 2003:12.
- <sup>32</sup> Law Society of British Columbia, 1992:1.
- <sup>33</sup> Nova Scotia Barristers' Society, 2000:7.
- <sup>34</sup> See the Department of Justice website at [www.justice.gc.ca/en/dept/lep-pea/about.html](http://www.justice.gc.ca/en/dept/lep-pea/about.html).
- <sup>35</sup> [www.lawsocietyalberta.com/resources/modelEquityPolicies/equityPolicies2/alternativeschedules.cfm](http://www.lawsocietyalberta.com/resources/modelEquityPolicies/equityPolicies2/alternativeschedules.cfm).
- <sup>36</sup> Law Society of Upper Canada, 2003:10.
- <sup>37</sup> Law Society of Manitoba, 1999:1.
- <sup>38</sup> Law Society of British Columbia, 1992:1.
- <sup>39</sup> See the Law Society of Saskatchewan's *Alternate Work Arrangements: Guidelines for Law Firms* at [www.lawsociety.sk.ca/Equity/AlternativeWork.pdf](http://www.lawsociety.sk.ca/Equity/AlternativeWork.pdf).
- <sup>40</sup> See [www.nswbar.asn.au/Professional/Publications/Otherpubs/eeo.htm](http://www.nswbar.asn.au/Professional/Publications/Otherpubs/eeo.htm).
- <sup>41</sup> CBA's Task Force on Gender Equality in the Legal Profession, *Touchstones for Change: Equality, Diversity and Accountability. Model Policies: Appendix 2* (Ottawa: CBA 1993)
- <sup>42</sup> Working Group on the Legal Duty to Accommodate (Chair. Dr. S. Martin), *The Legal Duty to Accommodate* (Ottawa: CBA 1995).
- <sup>43</sup> See Resolution 95-08-A, which requires the CBA to examine its policies, procedures, by-laws and employment practices to ensure that they meet the duty to accommodate.
- <sup>44</sup> Law Society of Manitoba, 2000:2.
- <sup>45</sup> Law Society of Alberta, 2003b:4.
- <sup>46</sup> Law Society of Alberta, 2003c:2.
- <sup>47</sup> Law Society of Alberta, 2003c:2.
- <sup>48</sup> Law Society of Upper Canada, 2003:3.
- <sup>49</sup> For information on the Indigenous Bar Association Indigenous Peoples' Counsel Award, see [www.indigenousbar.ca/awards/index.html](http://www.indigenousbar.ca/awards/index.html).
- <sup>50</sup> For information on the CBA Touchstone Award, see [www.cba.org/CBA/Awards/touchstone\\_award/](http://www.cba.org/CBA/Awards/touchstone_award/).
- <sup>51</sup> For information on the SOGIC awards, see [www.cba.org/CBA/Awards/main/](http://www.cba.org/CBA/Awards/main/).
- <sup>52</sup> For information on the CBA Women Lawyers Forum award, see [www.cba.org/CBA/awards](http://www.cba.org/CBA/awards).
- <sup>53</sup> Law Society of Alberta, 2005:5.
- <sup>54</sup> [www.nsbs.ns.ca/publications/eepolicy.pdf](http://www.nsbs.ns.ca/publications/eepolicy.pdf).
- <sup>55</sup> CBA, 1999:43; CBA 2003:35.
- <sup>56</sup> See CBA, 1999:43; CBA, 2003:35.
- <sup>57</sup> CBA, 2003:17.

## Alternate Work Arrangements

- CBA (1993) *Model Alternate Work Arrangement Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA
- Law Society of Alberta (2004c) *Alternative Work Schedules: Guidelines For Law Firms*. Calgary: Law Society of Alberta
- Law Society of British Columbia (1992e) *Model Policy — Alternate Work Arrangements*. Vancouver: Law Society of British Columbia
- Law Society of Manitoba (1999) *Guidelines And Model Policy On Alternative Work Schedules*. Winnipeg: Law Society of Manitoba

## Disability Policies

- CBA (1995) *The Legal Duty to Accommodate; A Report to Council on Recommendations 5.18 and 5.19 of the Gender Equality Task Force*. Ottawa: The CBA
- Law Society of British Columbia (2001) *Lawyers with Disabilities: Identifying the Barriers*. Vancouver: Law Society of British Columbia
- The Law Society of England and Wales (2004). *The Disability Discrimination Act 1995 An Essential Guide For Solicitors (Third Edition)*. London: Law Society of England and Wales
- Law Society of Upper Canada (2005) *Guide To Developing A Law Firm Policy Regarding Accommodation Requirements*. Toronto: Law Society of Upper Canada

## Diversity Issues

- American Bar Association (2002) *Diversity Initiatives at the American Bar Association*. Chicago: American Bar Association
- CBA (2001) *Diversity Workshop*. Ottawa: The CBA
- CBA (2007) *It's About Respect*; Video Series about Discrimination. Ottawa: The CBA
- CBA (1993) *Model Workplace Equity Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA
- CBA (2003) *Ten Years into the Future: Where Are We After Touchstones?* Ottawa: The CBA
- CBA (1993) *Touchstones for Change: Equity, Diversity and Accountability*. Task Force on Gender Equity in the Legal Profession. Ottawa: The CBA
- CBA (2005) *Crystal Clear: New Perspectives for the Canadian Bar Association*. Ottawa: The CBA
- CBA (2006) *Crystal Clear: Strategic Directions for the CBA*. Ottawa: The CBA
- Clarkson, Adrienne - Her Excellency the Right Honourable (2003) "Her Excellency the Right Honourable Adrienne Clarkson Speech on the Occasion of an Honorary Doctorate of Laws Degree from the Law Society of Upper Canada," *Touchstones*, July 2003:10
- Columbus Bar Association (2001) *Final Report and Action Plan of the Columbus Managing Partners' Diversity Initiative – 2000-01*. Columbus: Columbus Bar Association

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

Hobbs, Meredith. “Wal-Mart Demands Diversity in Law Firms”, *Fulton County Daily Report*. July 6, 2005

Kay, Fiona; C. Masuch and P. Curry (2004a) *Diversity and Change: The Contemporary Legal Profession in Ontario*. Toronto: Law Society of Upper Canada

The Law Society of England and Wales (2004a) *Delivering Equity and Diversity: A Handbook For Solicitors*. London: Law Society of England and Wales

The Law Society of England and Wales (2004c) *Diversity Access Scheme: Diversity In Action – A Guide for Solicitors*. London: Law Society of England and Wales

The Law Society of England and Wales (2005) *The Law Society Equity And Diversity Policy And Strategy*. London: Law Society of England and Wales

Law Society of Upper Canada (2003) *Promoting Dialogue, Creating Change: Equity and Diversity in the Legal Profession*. Toronto: Law Society of Upper Canada

North Shore Multicultural Organizational Change Project (2005) *Guidebook for Diversity and Organizational Change*. North Vancouver: North Shore Multicultural Society

Nova Scotia Barrister’s Society Employment Equity Guidelines Committee (2000) *Fostering Employment Equity and Diversity in The Nova Scotia Legal Profession*. Halifax: Nova Scotia Barristers’ Society

Nova Scotia Barristers’ Society (2000) *Workplace Equity and Private Law Firms: Nova Scotia Barristers’ Society Response to Fostering Employment Equity and Diversity in the Nova Scotia Legal Profession*. Halifax: Nova Scotia Barrister’s Society

## Harassment

CBA (1993) *Model Sexual Harassment Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA

Law Society of Alberta (1998) *Model Harassment Policy*. Calgary: Law Society of Alberta

Law Society of British Columbia (1992c) *Model Policy — Workplace Harassment* Vancouver: Law Society of British Columbia

## Interviewing

Law Society of Alberta - Equality, Equity and Diversity Committee (2003a) *Guidelines For Equity in Employment Interview*. Calgary: Law Society of Alberta

## Leave Policies

CBA (1993) *Model Parental Leave Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA

Law Society of Alberta - Equality, Equity and Diversity Committee (2003b) *Guidelines For Drafting And Implementing Maternity And Parental Leave Policies*. Calgary: Law Society of Alberta

Law Society of Alberta - Equality, Equity and Diversity Committee (2003c) *Guidelines for Drafting and Implementing Bereavement Leave, Compassionate Leave, and Family Responsibility Leave Policies*. Calgary: Law Society of Alberta

Law Society of British Columbia (1992d) *Model Policy —Maternity and Parental Leave*. Vancouver: Law Society of British Columbia

Law Society of Manitoba (2003) *Model Policy On Maternity and Parental Leave*. Winnipeg: Law Society of Manitoba

Law Society of Saskatchewan (1995) *The Law Society of Saskatchewan Parental Leave Policy*. Regina: Law Society of Saskatchewan

## **Policies on Equity in Legal Workplaces**

CBA (2006) *Code of Professional Conduct*. Ottawa: The CBA

Law Society of Alberta (2005) *Guidelines for Drafting and Implementing a Diversity and Equity Policy in Legal Workplaces and Sample Diversity and Equity Policy*. Calgary: Law Society of Alberta

Law Society of Alberta (2004b) *Policy on Work Place Diversity and Equity Principles for Work by Outside Lawyers and Law Firms*. Calgary: Law Society of Alberta

## **Policies regarding Aboriginal Peoples**

New South Wales Bar Association (2004) “Indigenous Barristers’ Strategy Working Party”, *The New South Wales Bar Association Annual Report*. Sydney: The New South Wales Bar Association

## **Racial Equity**

American Bar Association (2000) *American Bar Association Resource Guide: Programs To Advance Racial And Ethnic Diversity In The Legal Profession*. Chicago: American Bar Association

CBA (1999) *Racial Equality in the Canadian Legal Profession*. Ottawa: The CBA

Department of Justice Canada (2002) *Diversity And Gender Equity Initiative in the Department of Justice: Needs Analysis Final Report*. Ottawa: Department of Justice Canada

Ontario Human Rights Commission (2005) *Policy and Guidelines on Racism and Racial Discrimination*. Toronto: Ontario Human Rights Commission

## **Recruitment**

Law Society of British Columbia (1992b) *University of Victoria — Equity Policy on the Recruitment Process*. Vancouver: Law Society of British Columbia

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

# CBA Equity and Diversity Policies

## Statistics

Ornstein, Michael (2004) *The Changing Face of the Ontario Legal Profession 1971-2001*. Toronto: Law Society of Upper Canada

## Student policies

The Law Society of England and Wales (2004b) *Diversity Access Scheme: Diversity In Action – A Guide for Students*. London: Law Society of England and Wales

## Women's equality

Kay, Fiona; C. Masuch and P. Curry (2004b) *Turning Points and Transitions: Women's Careers in the Legal Profession – A Longitudinal Survey of Ontario Lawyers 1990-2002*. Toronto: Law Society of Upper Canada

Canadian Bar Association (1993) *Touchstone for Change: Equality, Diversity and Accountability*. Ottawa: Canadian Bar Association

Law Society of Alberta (2004a) *Guidelines for Gender Inclusive Communication*. Calgary: Law Society of Alberta

Law Society of British Columbia (1992a) *Model Policy — Workplace Equity*. Vancouver: Law Society of British Columbia

Law Society of British Columbia (1992f) *Model Policy — Gender – Neutral Language Policy*. Vancouver: Law Society of British Columbia

Law Society of Saskatchewan (1996) *Gender Neutral Communication Guidelines*. Regina: Law Society of Saskatchewan

## Workplace Policies

Law Society of Manitoba (2002) *Model Policy on Respectful Workplace*. Winnipeg: Law Society of Manitoba

Law Society of Upper Canada (2003) *Guide to Developing a Policy Regarding Workplace Equity in Law Firms*. Toronto: Law Society of Upper Canada

Law Society of Upper Canada (2005) *Guide to Developing a Policy Regarding Flexible Work Arrangements*. Toronto: Law Society of Upper Canada

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

The mission of the CBA is to:

- improve the law
- improve the administration of justice
- improve and promote access to justice
- promote equality in the legal profession and in the justice system
- improve and promote the knowledge, skills, ethical standards, and well-being of members of the legal profession
- represent the legal profession nationally and internationally, and
- promote the interests of the members of the CBA.

Given its stature as Canada's national legal association, it is significant that the CBA's 37,000 members have supported their Association's positive actions to advance equity and diversity in the profession, as well as within the Association itself. These positive actions are articulated in the CBA's Futures Reports and its Strategic Plan, 2007-2012, and are demonstrated through model policies, advocacy work, annual equity reports, conferences, awards, and years of committed efforts to increase the diversity of the legal profession and the CBA.

## Examples of the CBA's commitment to equity and diversity practices

- In 1992, the CBA elected its first woman President. Three other women have held this office since then.
- In 1993, the CBA commissioned retired Supreme Court of Canada Justice Bertha Wilson to write a report on the challenges facing women in law. *Touchstones for Change: Equality, Diversity and Accountability* documents the situation for women in law, and provides model policies on parental leave, alternative work arrangements, sexual harassment, and workplace equity.
- In 1994, the CBA amended its by-laws to say that the organization's purpose includes to "promote equity in the legal profession and the system of justice" and adopted most of the Touchstone recommendations as CBA policy.
- In 1995-96, the CBA developed educational materials to promote equality in the legal profession. These materials are a resource for people conducting educational programs on equality and workplace issues for lawyers. Trainers can adapt the manual to make it more regionally specific.
- *Racial Equality in the Legal Profession*, a 1999 report of the Working Group on Racial Equality in the Legal Profession, proposed a number of recommendations to remove barriers facing lawyers and law students from racialized communities. Most of these recommendations were adopted as CBA policy.
- In 2006, the CBA produced a video series entitled *It's About Respect* which offers an

# CBA Equity and Diversity Policies

educational resource on three key diversity topics – bias-free interviewing, accommodations of a lawyer with a disability, and hiring a lawyer from a racialized community. Each topic is the subject of a 10-minute video, and is accompanied by a facilitator’s guide and PowerPoint presentation. Law firms, law schools, and other legal organizations can organize one-hour workshops using these materials. The “It’s About Respect” package is included with this Guide. Copies are available from the CBA.

- With respect to its own work, the CBA has contract compliance measures in place that reflect the recommendations in its Racial Equality Report and Touchstones Report.<sup>56</sup> The CBA has also adopted resolutions supporting statistics gathering on the involvement of women and minorities in the Association, recognizing the need for statistical profiles in order to assess equity and diversity initiatives.<sup>57</sup>
- The CBA supports national conferences of other organizations, such as the National Association of Women and the Law, LEAF (the Women’s Legal Education and Action Fund), the Indigenous Bar Association, and the Canadian Association of Black Lawyers.
- The CBA has developed a number of model policies on alternate work arrangements and parental leave to provide guidance on policy content and to offer a useful starting point from which firms could adapt their own barrier-removal policies and practices.
  - ♦ CBA (1993) *Model Alternate Work Arrangement Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA
  - ♦ CBA (1993) *Model Parental Leave Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA
  - ♦ CBA (1993) *Model Sexual Harassment Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA
  - ♦ CBA (1993) *Model Workplace Equity Policy*, Appendix 2 to the Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession. Ottawa: The CBA
  - ♦ CBA (1995) *The Legal Duty to Accommodate*; A Report to Council on Recommendations 5.18 and 5.19 of the Gender Equality Task Force. Ottawa: The CBA
  - ♦ CBA (2001) *Diversity Workshop*. Ottawa: The CBA
  - ♦ CBA (2006) *Code of Professional Conduct*. Ottawa: The CBA
  - ♦ CBA (2007) *It’s About Respect*; Video Series about Discrimination. Ottawa: The CBA

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

# The Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations

# Thank you

## Funder:

Heritage Canada's Multiculturalism Program  
for funding for this project

## CBA Standing Committee on Equity:

Janet K. Oh, *Chair*  
R. Elizabeth Bilson, *Q.C.*  
Trinda L. Ernst, *Q.C.*  
Arleen Huggins  
Linda D. Locke, *Q.C.*  
David Matas

## Advisory Committee:

Judy Anderson, *Law Society of Saskatchewan*  
Sandi Bell, *EMPOWORD Inc.*  
Kuan Foo, *Law Society of British Columbia*  
Sherida Sherry Hassanali, *Nova Scotia  
Barristers' Society*  
Mary E. Jackson, *Blake, Cassels & Graydon  
LLP*  
Viki Samuels, *Nova Scotia Human Rights  
Commission*  
Stephanie N. Willson, *McMillan Binch  
Mendelsohn LLP*

## Canadian Bar Association Staff:

Joan Bercovitch, *Senior Director, Legal &  
Governmental Affairs*  
Jennifer Lalonde, *Staff Liaison*  
Marie-Claude Noël, *Project Officer*  
Denise Poulin, *Translation Assistant*  
Marie Rodrigue, *Translation Officer*  
Vicki Schmolka, *Plain Language Consultant*  
Charles C. Smith, *CBA Equity Advisor*  
Ken Watson, *Graphic Designer*

## People consulted:

Over 150 people, in nine cities, from various-sized law firms, community groups, associations, law societies, governments, and academic institutions were consulted in person or via e-mail.

Thank you, as well, to a number of others, too many to name, who also contributed to this Guide.

## The goal:

increasing diversity in the legal profession

## The dream:

one day a Guide like this will not be necessary