



# INTRODUCTION TO DIVERSITY, EQUITY AND INCLUSION

Laurelle A. Harris



# DEFINITIONS

2021 - Laurelle A. Harris

# Prejudice

Prejudice consists of thoughts and feelings, including stereotypes, attitudes, and generalizations that are based on little or no experience and then are projected onto everyone from that group.

Our prejudices tend to be shared because we swim in the same cultural water and absorb the same messages.  
(DiAngelo, R. 2018)

# ***Racism = Racial Prejudice + Power***

Power: the authority granted through social structures and conventions—possibly supported by force or the threat of force—and access to means of communications and resources, to reinforce racial prejudice, regardless of the falsity of the underlying prejudiced assumption...

**The importance of the concept of power to anti-racism is clear: racism cannot be understood without understanding that power is not only an individual relationship but a cultural one.**

(Alberta Civil Liberties Research Centre)

# Systemic Racism

The structures of power and oppression built over centuries in Canada (and elsewhere) that enforce the racial hierarchies that confer benefits on certain people at the expense of others. Systemic racism provides a scaffolding that can operate to the disadvantage of and cause harm to BIPOC people even without the conscious intent to do so.

The processes of racism that are embedded in laws (local, state, and federal), policies, and practices of society and its institutions that provide advantages to racial groups deemed as superior, while differentially oppressing, disadvantaging, or otherwise neglecting racial groups viewed as inferior (D.R. Williams, J. L. 2019)

# Sexism

Any act, gesture, visual representation, spoken or written words, practice, or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether online or offline (Council of Europe).

**As with racism, sexism when combined with power is also a systemic form of oppression**

# Heterosexism, Homophobia & Transphobia

**Heterosexism is the systemic bias that favours heterosexuals and heterosexuality. It is encoded into and is a characteristic of major social, cultural and economic institutions.**

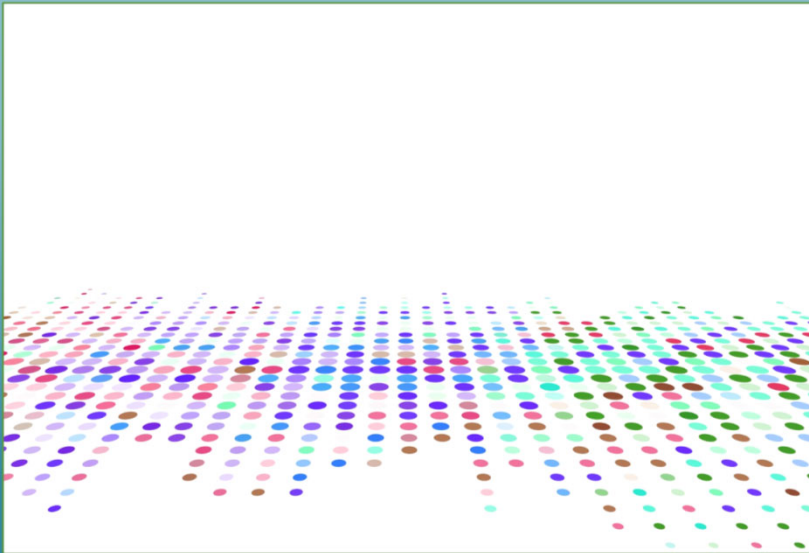
Belief that male and female roles, thoughts and expressions are separate and distinct.

Heterosexism reinforces the belief that gender exists only as a binary (male or female are the only options for the assignment of gender).

Heterosexism is a systemic bias that leads to, intersects with, and fuels homophobia and transphobia (Rainbow Resource Centre).

# What is Diversity?

## Diversity = Representation



- Diversity should include members of all marginalized groups
- Employment has been accessed in a workplace by people of different ethnic, cultural, racialized backgrounds, indigeneity, religions, and persons of varying abilities at all levels of the organization



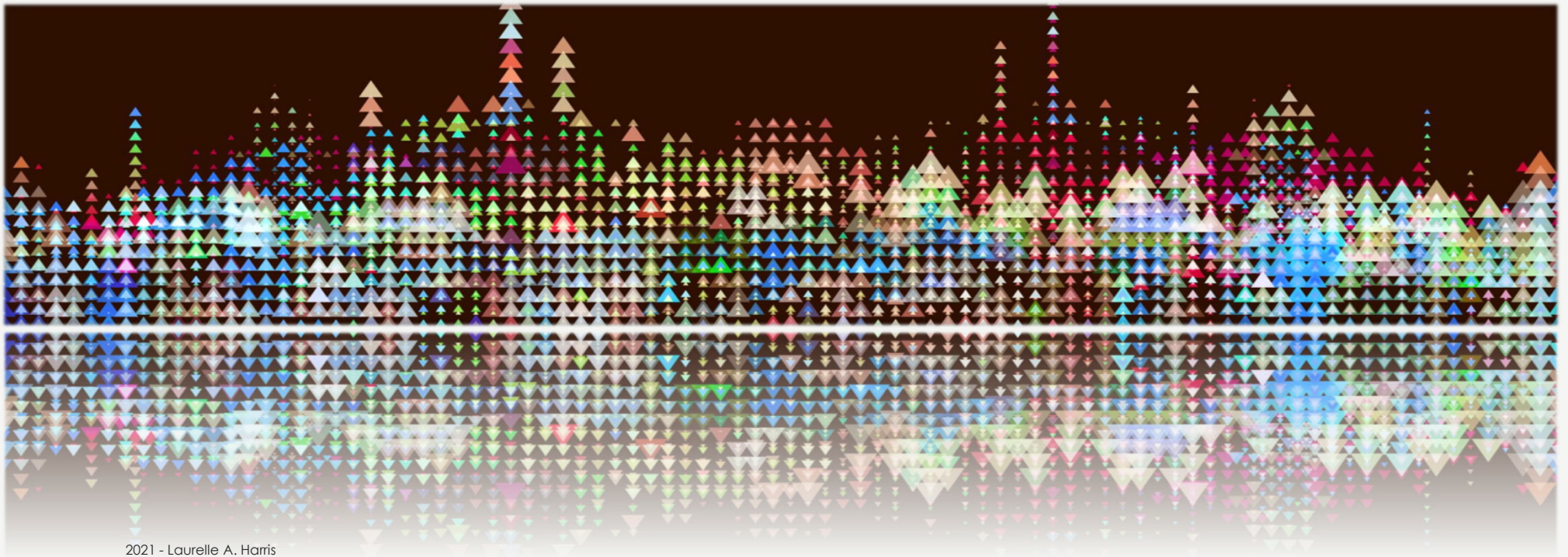


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## Equity

**Equity occurs where the “other” is not merely incorporated into existing workplace structures, cultures and practices, but where the *other* also is imbued with *the power to affect* the structure, culture and practices of the organization.**

# The Case For Equity & Inclusion



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## Approaches to Diversity & Inclusion



# GOING **ALL-IN**

ON DIVERSITY AND INCLUSION

THE LAW FIRM LEADER'S PLAYBOOK

SECOND EDITION



KATHLEEN B. NALTY

# **Diversity and Inclusion in Law**

**Nalty: Higher attrition rates for lawyers in already underrepresented groups has been demonstrated:**

- **Racially, ethnically diverse and Indigenous lawyers**
- **Women**
- **LGBTQ2+ communities**
- **Persons with disabilities**

**Law firms tend to focus on hiring, not retention, development and advancement within the organization.**

# Why does inclusion matter?

***In Going All-In On Diversity and Inclusion: the Law Firm Leader's Handbook*, lawyer and consultant Kathleen Nalty summarizes conclusions from a number of studies that highlight the critical importance of DEI to profitability**

**Greater market share:** companies with leaders having the most inherent social identity differences (race, gender identity, age, sexual orientation, nationality, disability, etc.) and acquired differences (cultural fluency, gender smarts, social media skills, language skills, generational savvy, etc.) show improved ability to capture market share.

# Better Decision Making

- Having the smartest people does not necessarily lead to best performance
- 2010 study from MIT and Carnegie Mellon University found little correlation between collective intelligence and the IQs of its individual members, but inclusion of women who tend to demonstrate greater social sensitivity and foster better group dynamics performed better than groups consisting of people with the highest IQs.
- 2006 Tufts University study found that diverse mock-jury panels outperformed all-white panels by spending more time deliberating, making fewer mistakes with the evidence, discussing more case facts, citing more missing evidence, and correcting more inaccurate statements. The most significant difference was that white jurors on diverse jury panels worked harder cognitively and participated in more robust discussions than their counterparts on all white panels, who fell into groupthink\* and failed to work as hard cognitively or share as much information
- The finding that visible differences significantly affect group performance has been replicated in a wide variety of settings – no matter what the makeup of a homogenous group, it will underperform.

# Better Financial Performance

- Many studies have found correlation between increased profitability and inclusion, including McKinsey & Company's 2012 study which reported that companies in the top quartile of publicly traded companies with the highest levels of gender and racial/ethnic diversity among executives and board members had 53% higher returns on equity than companies in the bottom quartile.
- In a two-year study of over 400 companies, Deloitte found that those with the most advancement in diversity and inclusion outperformed less advanced companies with 2.3 times more cash flow per employee, 1.4 times more revenue, and were 120% better able to meet financial targets.



# Other benefits of DEI

## **Increased Engagement from employees measured by:**

Intent to stay with an organization, higher rates of discretionary effort and increased team collaboration and commitment

## **Innovation**

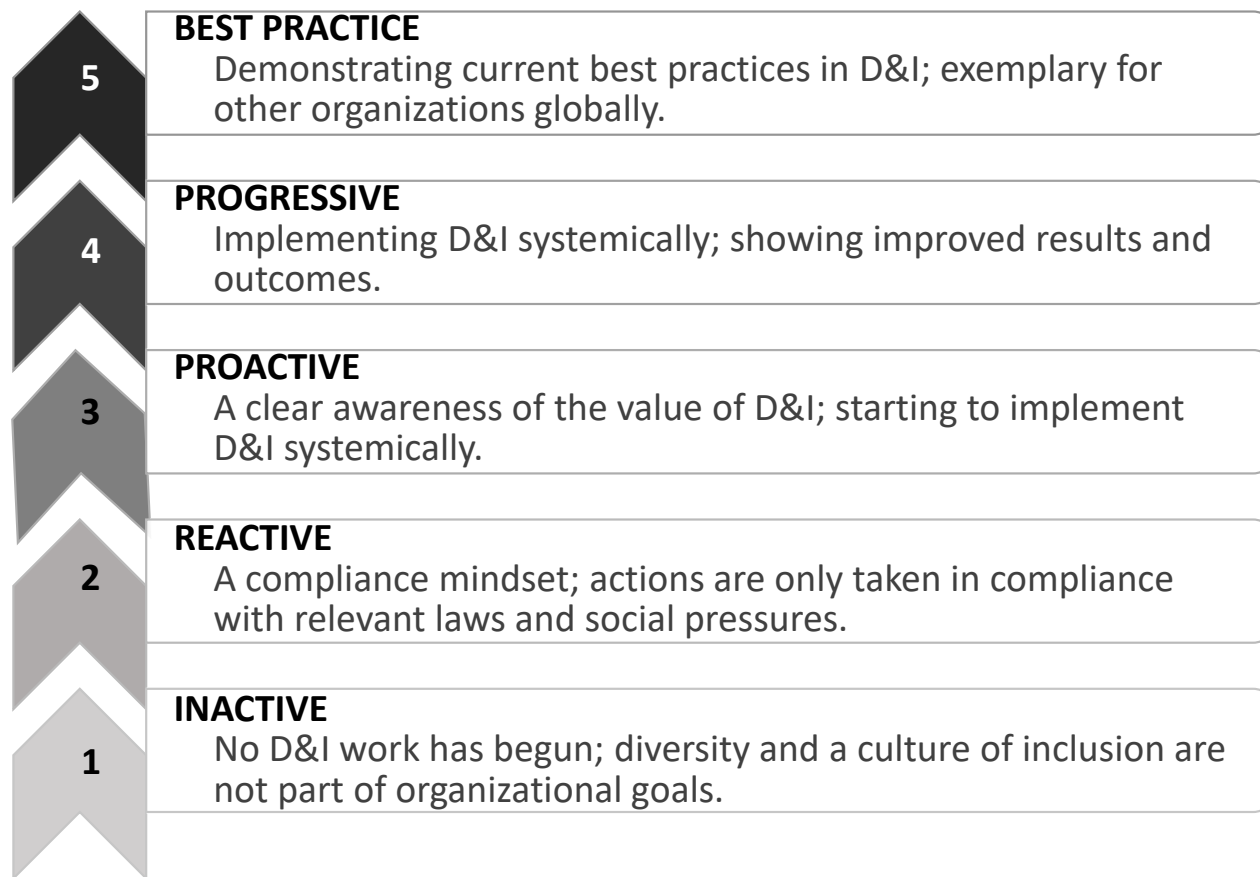
e.g. Another Deloitte study showed that companies with greater gender and racial/ethnic diversity as well as advanced inclusion efforts were 170% better at innovation and 180% better at adapting to change

## **Recruiting Talent and Retention**

Inclusive workplaces promote higher rates of recruitment and retention, and less destructive conflict

# Critical Mass to Achieve Culture Shift

- A University of Pennsylvania study indicates that 25% of a decision-making body needs to be committed to changing a norm to see a shift  
(<https://www.sierraclub.org/sierra/how-change-peoples-minds-25-percent-tipping-point>)
- Achieving critical mass (or one-third) of women in leadership is essential to building “a stronger economy, better institutions and a more representative democracy,” write the authors of Benchmarking Women’s Leadership, published by The White House Project, a New York City-based nonprofit that aims to advance women’s leadership roles in communities and sectors  
([https://www.in.gov/icw/files/benchmark\\_wom\\_leadership.pdf](https://www.in.gov/icw/files/benchmark_wom_leadership.pdf))



## FIVE LEVELS of PROGRESS

# Free Assessments

## **Hidden Barriers to Inclusion Assessment**

[https://kathleennaltyc  
consulting.com/identifying-  
hidden-barriers-  
assessment/](https://kathleennaltycconsulting.com/identifying-hidden-barriers-assessment/)

## **Organizational D&I Assessment**

[https://kathleennaltyc  
consulting.com/organiz  
ational-diversity-  
inclusion-assessment/](https://kathleennaltycconsulting.com/organizational-diversity-inclusion-assessment/)



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# **MBA Mid-Winter Conference**

## **January 21, 2021**

# **The Business Case for Equity: Why Inclusive Workplaces are Successful**



## Manitoba Population Demographics

- **17.5%** of Manitoba's population belonged to a visible minority
- **18%** of Manitoba's population was Aboriginal (First Nations, Metis, Inuit)

Statistics Canada Census, 2016



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## Diversity in Manitoba's Legal Profession

- **.05%** of practicing lawyers in MB identified as visibly ethnic
- **.04%** practicing lawyers in MB identified as Indigenous (First Nations, Metis, Inuit)

Law Society of Manitoba's 2018 Annual Report



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## Gender Demographics

- **39%** of active members identified as female and **61%** of active members identified as male.

Law Society's 2020 Annual Report





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## Self-Reported Data from Law Society Annual Member Reports

	2020	2019	2018
Visibly Ethnic	127	140	109
Indigenous	103	114	82
Francophone	75	64	56
LGBT2SQ+	54	48	34
Person with Disability	43	40	31



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# Manitoba Articling Students Survey





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# Canadian Centre for Diversity and Inclusion





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**“The world changes according to the way people see it, and if you can alter, even by a millimeter, the way people look at reality, then you can change the world.”**

**-James Baldwin**

**Thank you.**

**Alissa Schacter**

**Equity Officer and Policy Counsel**

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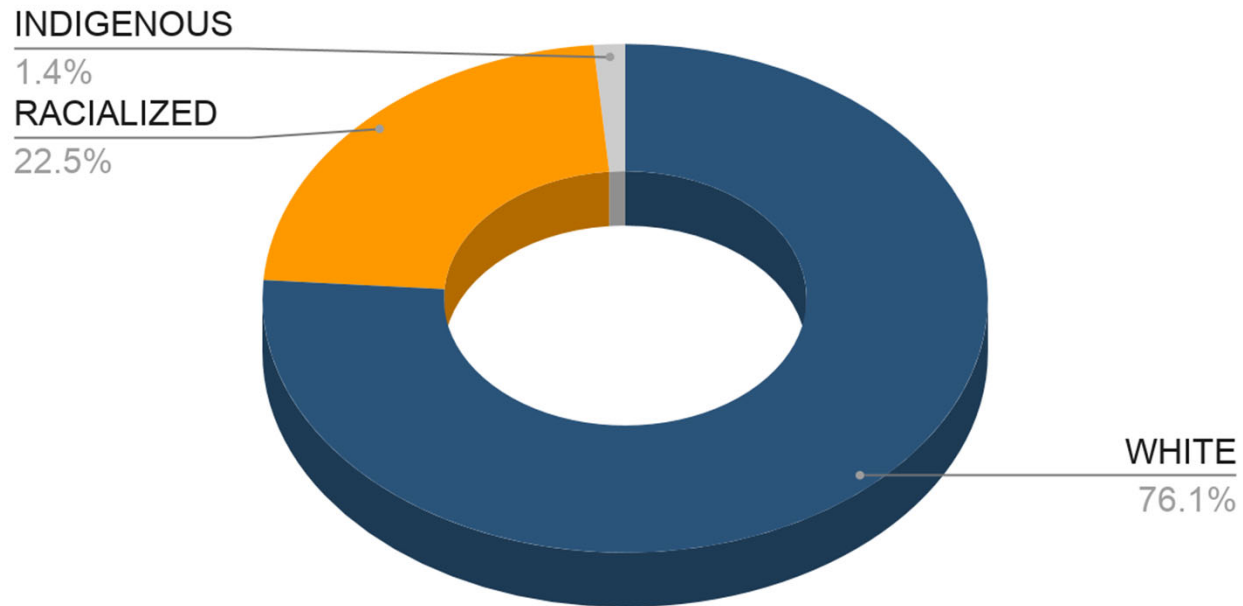
**MBA 2021 Mid-Winter Conference Online Via Zoom  
Webinar**

# **The Business Case for Equity: Why Inclusive Workplaces are Successful**

**Vivene Salmon  
Past President of the Canadian Bar  
Association**

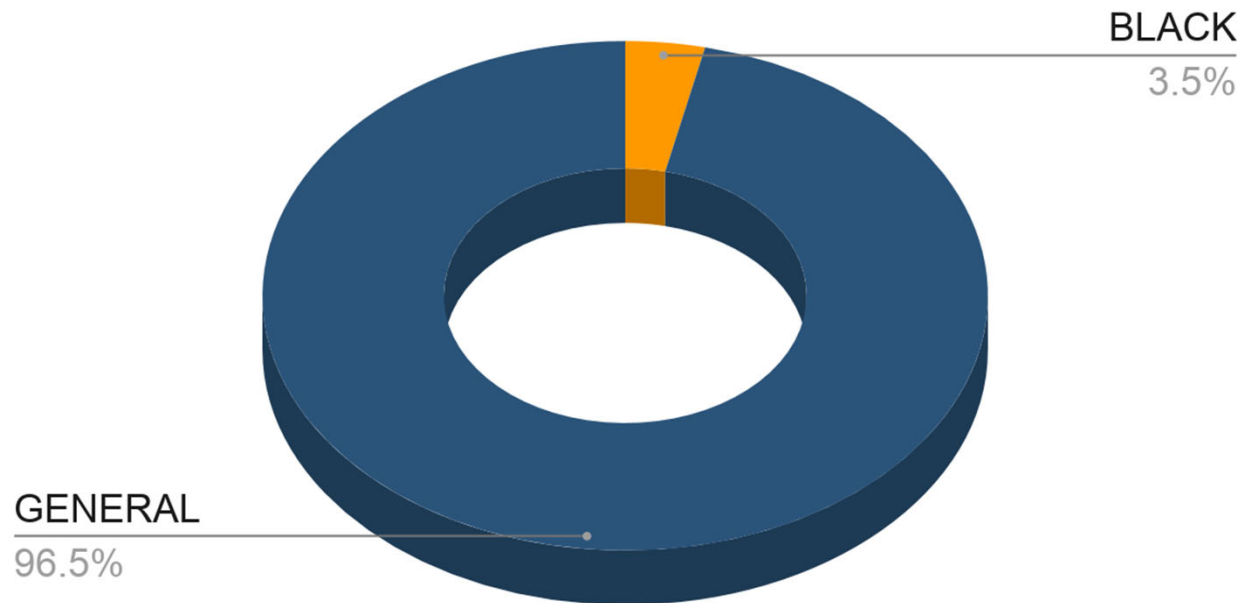
**Thursday day, January 21,  
2021**

## Ontario Statistical Snapshot: Ontario Lawyers (2018)



<https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/snapshot-lawyerseng-pdf.pdf>

## Ontario Statistical Snapshot: Black Lawyers (2018)



<https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/snapshot-lawyerseng-pdf.pdf>





## APPENDICES

### **Federation of Law Societies of Canada (FLSC) Statistical Reports:**

<https://flsc.ca/wp-content/uploads/2020/02/2018FLSCStatsReport.pdf>

### **Law Society of Ontario (LSO) Statistical Reports:**

<https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/snapshot-lawyerseng-pdf.pdf>

### **Globe and Mail:**

<https://www.theglobeandmail.com/business/article-why-are-there-still-so-few-black-lawyers-on-bay-street/>

Table 1: Indigenous and Racialized Lawyers in Ontario in 2018, compared to the 2016 Ontario population

Group	Lawyers					Ontario Population		
						Everyone	Persons in the Labour Force, Ages 25-69	University Graduates in the Labour Force, Ages 25-69
	Number	Percent, ignoring missing	Percent, imputing missing	Percent Women	Percent Women Accounting for Age	Percent		
Indigenous								
First Nations	353	0.91	0.89	57.8	55.3	1.84	1.40	0.54
Inuk	6	0.02	0.02	66.7	73.8	0.03	0.02	0.01
Métis	188	0.48	0.47	55.9	51.7	0.94	0.89	0.49
Other and Multiple Indigenous						0.10	0.07	0.04
Total Indigenous	547	1.40	1.38	57.2	54.3	2.91	2.38	1.08
Racialized								
Arab	358	1.02	0.91	52.8	47.0	1.56	1.12	1.89
Black	1,242	3.54	3.16	59.7	55.6	4.20	4.00	2.91
Chinese	1,386	3.95	3.53	58.7	53.7	5.41	5.44	9.05
Filipino	137	0.39	0.35	55.5	51.4	2.24	2.75	3.43
Japanese	65	0.19	0.17	47.7	49.7	0.14	0.15	0.25
Korean	334	0.95	0.85	58.1	52.0	0.60	0.60	1.04
Latino	224	0.64	0.57	51.3	45.7	1.42	1.59	1.29
South Asian	2,615	7.45	6.65	50.9	45.6	8.50	8.35	13.21
Southeast Asian	137	0.39	0.35	62.8	56.9	0.90	0.89	0.66
West Asian	443	1.26	1.13	58.9	51.7	1.10	1.03	1.61
Other Visible Minority						0.71	0.70	0.45
More than one Racialized Group	319	0.91	0.81	59.6	53.9	0.74	0.54	0.66
Racialized and White	617	1.76	1.57	62.1	56.0	1.76	0.79	1.16
Total Racialized	7,877	22.45	20.05	56.0	50.3	29.28	27.95	37.61
White	26,711	76.14	78.58	46.2	47.2	67.82	69.65	61.32
Not Indigenous, Declined Racialization Question	3,849			38.8	40.1			
Declined Indigenous and Racialization Questions	5,681			28.0	29.5			
Total		100.0	100.0	45.1		100.0	100.0	100.0
Number	44,665					12,998,640	5,810,371	1,962,679

Source: 2018 Lawyer Annual Report; analysis by Michael Ornstein

# Appendix: 1

Table 5a: **Status by Racialization\*** for Ontario Lawyers, 2018

	Sole Practitioner	Law Firm Partner	Law Firm Associate	Law Firm Employee	Legal Clinic	In-house	Government	Education	Other Employment	Retired or Not Working	Total	Number
	Percent											
<b>Indigenous</b>												
First Nations and Inuk	24	8	11	3	5	10	19	2	7	11	100	351
Métis	18	9	20	3	3	10	22	2	5	8	100	181
<b>Indigenous Total</b>	<b>22</b>	<b>8</b>	<b>14</b>	<b>3</b>	<b>5</b>	<b>10</b>	<b>20</b>	<b>2</b>	<b>6</b>	<b>10</b>	<b>100</b>	<b>532</b>
<b>Racialized</b>												
Arab	23	10	23	4	2	10	15	0	6	6	100	345
Black	31	6	15	3	4	11	17	1	5	7	100	1,216
Chinese	19	9	24	2	1	18	13	1	6	8	100	1,339
Filipino	31	9	18	4	0	15	10	1	7	5	100	137
Japanese	9	25	6	0	3	17	20	0	11	9	100	65
Korean	13	9	22	4	1	18	17	0	6	9	100	327
Latino	21	9	25	4	3	17	10	0	5	8	100	218
South Asian	29	9	19	3	2	12	11	1	6	8	100	2,539
Southeast Asian	22	8	23	4	4	7	13	0	8	11	100	134
West Asian	25	7	27	5	1	13	8	1	6	9	100	429
More than one Racialized Group	19	6	24	2	2	10	20	1	8	9	100	306
Racialized and White	12	8	24	4	3	16	19	2	5	8	100	593
<b>Racialized Total</b>	<b>24</b>	<b>8</b>	<b>21</b>	<b>3</b>	<b>2</b>	<b>13</b>	<b>14</b>	<b>1</b>	<b>6</b>	<b>8</b>	<b>100</b>	<b>7,648</b>
<b>White</b>	<b>18</b>	<b>17</b>	<b>19</b>	<b>3</b>	<b>1</b>	<b>12</b>	<b>14</b>	<b>1</b>	<b>6</b>	<b>8</b>	<b>100</b>	<b>26,228</b>
Not Indigenous, Declined Racialization Question	25	16	15	3	1	13	12	1	7	8	100	3,790
Declined Indigenous and Racialization Questions	24	19	14	4	1	11	13	1	5	7	100	5,603
<b>Total</b>	<b>21</b>	<b>16</b>	<b>18</b>	<b>3</b>	<b>1</b>	<b>12</b>	<b>13</b>	<b>1</b>	<b>6</b>	<b>8</b>	<b>100</b>	<b>43,801</b>

Source: 2018 Lawyer Annual Report; analysis by Michael Ornstein

\*excludes new licensees

## Appendix: 2

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# Appendix: 4

MEMBERSHIP (2017 Statistical Report of the Federation of Law Societies of Canada)															
	British Columbia	Alberta	Sask.	Manitoba	Ontario	Barreau du Québec (1)	Chambre des Notaires du Québec	New Brunswick	Nova Scotia	P.E.I.	NFLD & Labrador	Yukon	N.W.T.	Nunavut	2017 Total
<b>Practicing Members - Insured</b>															
Female	3,185	2,455	714	560	8,585	7,643	2,248	308	734	53	192	37	28	N/A	
Male	5,659	4,367	1,180	1,088	15,910	8,143	1,261	558	1,105	94	332	38	42	N/A	
<b>TOTAL</b>	<b>8,844</b>	<b>6,822</b>	<b>1,894</b>	<b>1,648</b>	<b>24,495</b>	<b>15,786</b>	<b>3,509</b>	<b>866</b>	<b>1,839</b>	<b>147</b>	<b>524</b>	<b>75</b>	<b>70</b>	<b>N/A</b>	<b>66,519</b>
<b>Practicing Members - Exempted From Insurance/ Not insured</b>															
Female	1,442	1,419	175	205	8,011	6,259	S/O	186	49	43	112	40	43	N/A	
Male	1,148	1,535	180	170	6,737	4,163	S/O	176	42	26	86	27	51	N/A	
<b>TOTAL</b>	<b>2,590</b>	<b>2,954</b>	<b>355</b>	<b>375</b>	<b>14,748</b>	<b>10,422</b>	<b>0</b>	<b>362</b>	<b>91</b>	<b>69</b>	<b>198</b>	<b>67</b>	<b>94</b>	<b>N/A</b>	<b>32,325</b>
<b>Practicing - Canadian Legal Advisor</b>															
Female	1	D/A	D/A	0	17	16	D/A	D/A	0	0	D/A	0	0	N/A	
Male	1	D/A	D/A	0	34	18	D/A	D/A	0	0	D/A	0	0	N/A	
<b>TOTAL</b>	<b>2</b>	<b>D/A</b>	<b>D/A</b>	<b>0</b>	<b>51</b>	<b>34</b>	<b>0</b>	<b>D/A</b>	<b>0</b>	<b>0</b>	<b>D/A</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>87</b>
<b>Practicing - Non-Resident</b>															
Female	149	160	28	27	1,801	474	D/A	42	38	6	19	56	69	N/A	
Male	316	316	80	42	1,942	434	D/A	61	65	16	31	128	174	N/A	
<b>TOTAL</b>	<b>465</b>	<b>476</b>	<b>108</b>	<b>69</b>	<b>3,743</b>	<b>908</b>	<b>0</b>	<b>103</b>	<b>103</b>	<b>22</b>	<b>50</b>	<b>184</b>	<b>243</b>	<b>N/A</b>	<b>6,474</b>
<b>Non Practicing Members</b>															
Female	1,237	1,920	233	127	5,302	97	260	165	565	45	117	25	48	N/A	
Male	1,538	3,621	274	152	8,630	142	105	268	778	55	161	27	77	N/A	
<b>TOTAL</b>	<b>2,775</b>	<b>5,541</b>	<b>507</b>	<b>279</b>	<b>13,932</b>	<b>239</b>	<b>365</b>	<b>433</b>	<b>1,343</b>	<b>100</b>	<b>278</b>	<b>52</b>	<b>125</b>	<b>N/A</b>	<b>25,969</b>
<b>Others - Suspended or Disbarred, Not Practicing (NOTE: Not included in totals, represented in Non-Practicing Members)</b>															
Female	3	D/A	D/A	N/A	D/A	D/A	D/A	0	N/A	D/A	0	0	N/A	N/A	
Male	9	D/A	D/A	N/A	D/A	D/A	D/A	N/A	0	N/A	D/A	0	0	N/A	
<b>TOTAL</b>	<b>12</b>	<b>D/A</b>	<b>D/A</b>	<b>12</b>	<b>4,648</b>	<b>D/A</b>	<b>D/A</b>	<b>220</b>	<b>412</b>	<b>N/A</b>	<b>D/A</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>Others - RAC (NOTE: Not included in totals, represented in Non-Practicing Members)</b>															
Female	D/A	D/A	D/A	D/A	D/A	D/A	D/A	0	N/A	D/A	0	0	N/A	N/A	
Male	D/A	D/A	D/A	D/A	D/A	D/A	D/A	0	N/A	D/A	0	0	N/A	N/A	
<b>TOTAL</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>0</b>	<b>N/A</b>	<b>D/A</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	
<b>Others - Retired (NOTE: Not included in totals, represented in Non-Practicing Members)</b>															
Female	299	D/A	D/A	D/A	D/A	D/A	D/A	N/A	0	N/A	N/A	0	D/A	N/A	
Male	851	D/A	D/A	D/A	D/A	D/A	D/A	N/A	0	N/A	N/A	0	D/A	N/A	
<b>TOTAL</b>	<b>1150</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>3,811</b>	<b>D/A</b>	<b>D/A</b>	<b>154</b>	<b>213</b>	<b>22</b>	<b>N/A</b>	<b>10</b>	<b>D/A</b>	<b>N/A</b>	
<b>Others - Students/Articled Clerks (NOTE: Not included in totals, represented in Non-Practicing Members)</b>															
Female	D/A	D/A	D/A	D/A	D/A	D/A	D/A	45	D/A	D/A	2	D/A	N/A		
Male	D/A	D/A	D/A	D/A	D/A	D/A	D/A	27	D/A	D/A	2	D/A	N/A		
<b>TOTAL</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>72</b>	<b>D/A</b>	<b>D/A</b>	<b>4</b>	<b>D/A</b>	<b>N/A</b>		
<b>Others - Life Members/ Honorary/ Judiciary/ Disabled (NOTE: Not included in totals, represented in Non-Practicing Members)</b>															
Female	D/A	D/A	D/A	D/A	D/A	D/A	D/A	N/A	0	2	N/A	0	D/A	N/A	
Male	D/A	D/A	D/A	D/A	D/A	D/A	D/A	N/A	0	2	N/A	0	D/A	N/A	
<b>TOTAL</b>	<b>D/A</b>	<b>D/A</b>	<b>D/A</b>	<b>3</b>	<b>1,281</b>	<b>D/A</b>	<b>D/A</b>	<b>50</b>	<b>50</b>	<b>4</b>	<b>N/A</b>	<b>39</b>	<b>D/A</b>	<b>N/A</b>	
<b>Total Active/Practicing Membership</b>															
Female	4,777	4,034	917	792	18,414	13,918	2,248	536	821	102	323	133	140	N/A	
Male	7,124	6,218	1,440	1,300	24,623	12,324	1,261	795	1,212	136	449	193	267	N/A	
<b>TOTAL</b>	<b>11,901</b>	<b>10,252</b>	<b>2,357</b>	<b>2,092</b>	<b>43,037</b>	<b>26,242</b>	<b>3,509</b>	<b>1,331</b>	<b>2,033</b>	<b>238</b>	<b>772</b>	<b>326</b>	<b>407</b>	<b>N/A</b>	<b>104,497</b>
<b>Total Membership</b>															
Female	6,014	5,954	1,150	919	24,259	14,015	2,508	701	1,386	147	440	158	188	N/A	
Male	8,662	9,839	1,714	1,452	33,825	12,466	1,366	1,063	1,990	191	610	220	344	N/A	
<b>TOTAL</b>	<b>14,676</b>	<b>15,793</b>	<b>2,864</b>	<b>2,371</b>	<b>58,084</b>	<b>26,481</b>	<b>3,874</b>	<b>1,764</b>	<b>3,376</b>	<b>338</b>	<b>1,050</b>	<b>378</b>	<b>532</b>	<b>N/A</b>	<b>127,707</b>
(1) Reporting period for the Barreau du Québec was April 1, 2017 to March 31, 2018															
(2) Law Society of Nunavut does not report by gender															

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