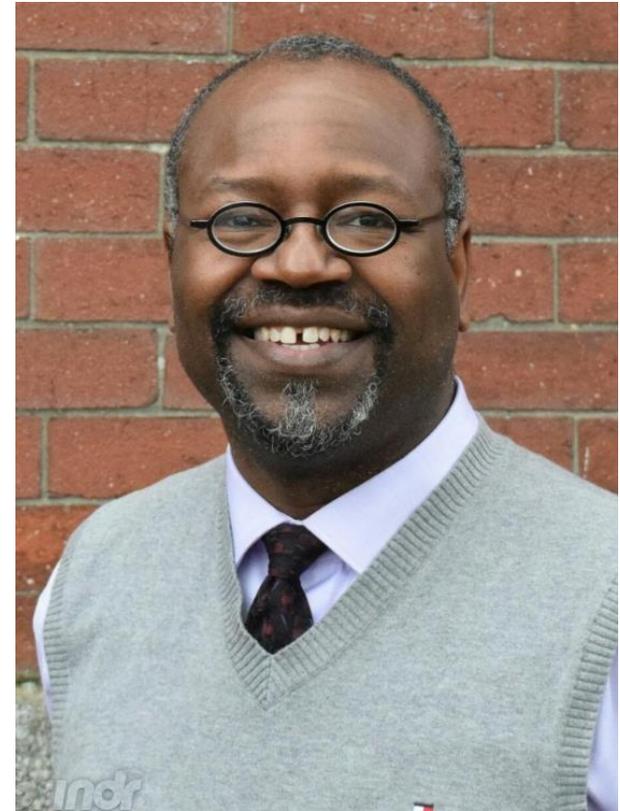


Inclusion in the Legal Workplace

McInnes Cooper, February 20, 2018
Robert S. Wright, MSW, RSW
Social Worker in Private Practice

Who is Robert Wright?

- RSW Private Practitioner - direct practice and forensics
- Ex. Dir. Peoples' Clinic
- Former Ex. Dir. Child & Youth Strategy of NS
- Former Ex. Dir. FCSCC
- Former Member NSBS Racial Equity Committee
- Served 2 terms on NSJAAC
- Pioneer of IRCA, (ex. RvX)



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Circle of Safety

- Race and diversity are extremely sensitive issues
- We are all at different stages and levels of our understanding
- To have productive conversations about race and diversity we need to have a “circle of safety”

Draw a “circle of safety”

- Agree to make this a “culturally safe” space:
 - Allow each other space to ask sincere questions
 - Share from your experience
 - Ask about, don’t avoid sensitive topics
 - Avoid inflammatory words or phrases (n-word, etc)
- What else can we do to ensure safety?

Your Questions as we Begin

- What must you take from this session in order for it to be of value to you?

Diverse Legal Teams – Why?

- Under-represented peoples are gaining increasing space in society
- Demographics – the employee pool and the market are changing
- Improves our ability to manage complex problems
- Change in NSBS regulatory framework

Diverse Legal Teams – Why?

1. Council adopts the six regulatory objectives for the Society as follows:
 - i. Protect those who use legal services
 - ii. Promote the rule of law and the public interest in the justice system
 - iii. Promote access to legal services and the justice system
 - iv. Establish required standards for professional responsibility and competence in the delivery of legal services
 - v. **Promote diversity, inclusion, substantive equality and freedom from discrimination in the delivery of legal services and the justice system**
 - vi. Regulate in a manner that is proactive, principled and proportionate

The Problem with Diversity

- Sue and Sue in their classic text, “Counselling the Culturally Different”, proposed several principles, including:
 - The more similar we are the easier we’ll get along together.
 - The more dissimilar we are the harder it will be for us to get along.
- Inclusion requires work!

Keeping Sane and as an African Canadian Working in White Institutions: Tips for Surviving and Thriving in Hostile Environments

Robert S. Wright

Presentation and Conversation

With IBM Students at the Schulich School of Law

October, 2011, reprised and expanded October 2015

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What is a Hostile Environment

A hostile work environment exists when:

- Discriminatory behaviour against a protected class exists in the environment
- The behaviour constitutes a persistent pattern
- The behaviour must be severe enough to disrupt the work of the targeted employee(s)
- It is expected that the behaviour will continue if uninterrupted.

Hostile Environment: Another Consideration

A hostile environment may also be created structurally when a position exists within an institution that has an antagonistic role within the organization. Consider:

- A quality control officer working in a mine
- An SEC officer working within a security firm
- An officer in an institution responsible for investigating claims of harassment or discrimination



How do you Stay Sane in a Hostile Environment?

I have developed a 6 point plan for my personal sanity preservation (you can be the judge of my success):

- Identity
- Competence/Excellence
- Analysis
- Independence
- Process
- Action

Inclusion vs. Diversity

- “Diversity is being invited to the party.
Inclusion is being asked to dance.”
– Verna Meyers

Inclusive Legal Teams – How?

- Through acceptance of the certainty that the workplace will be “structurally hostile” to diverse employees
- Through targeted recruitment, engagement, support, retention, and promotion of diverse employees
- Through developing a Culturally Competent workplace

Engagement

- Ask the questions:
 - What are the elements of our workplace culture that are foreign or hostile to you?
 - What is missing from this workplace environment that would promote greater engagement for you?
 - Example: Civil Service vs. Private sector

Support

- I recommend that HR or a practice lead speak candidly with diverse employees about the kinds of supports they may need to be successful. These supports may include:
 - Access to a mentor within the legal workplace
 - Access to same-race mentors within or outside of the legal workplace
 - Proactive access to counselling or coaching through EAP or other resources

Culturally Competent Organization

- Creating an environment that accepts individual expressions of difference
- Providing opportunities for discussing structural challenges
- Allowing career exploration and opportunities beyond the organization
- Engaging in regular conversations of Cultural Competence

Cultural Competence: Definition

- Cultural competence refers to an ability to interact effectively with people of different cultures. Cultural competence comprises five essential capacities:
 - A. We must understand our own cultural positions and how they differ from and are similar to others (critical cultural self-analysis)
 - B. We must understand the social and cultural reality in which we live and work and in which our clients live and work
 - C. We must cultivate appropriate attitudes towards cultural difference
 - D. We must be able to generate and interpret a wide variety of verbal and non-verbal responses **to communicate about and across culture**
 - E. We must understand structural oppression and demonstrate awareness and commitment to social justice

Communicating Across Cultures

- In sociology: the context of a person's world view is necessary for the proper understanding and interpretation of behaviour and rhetoric (Voyvodic, pp. 16, 17)

Elmar Holenstein

- Before meaningless, unnatural, non-human or immature behaviour and corresponding values are attributed to people of another culture, it is better to begin by doubting the adequacy of one's own judgment and knowledge

Elmar Holenstein Paraphrased

Before you conclude that I
am crazy you should consider
the possibility that you are
stupid!

A Healthy, Diverse, and Inclusive Workplace

- Safe and positive environment
- Space for diversity of work contributions and lives
- Opportunities for advancement for all
- Fair, just, equitable . . .
 - Management of work environment
 - Distribution of resources and responsibilities
 - Formation and implementation of policy
 - Experiences are shared and evaluated

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