Cultural Competence in the Legal Work Environment: Increasing Competence, Managing Diversity

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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"

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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?

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Social Equity

- Safe and positive environment
- Opportunities for under-represented groups
- Fair, just, equitable . . .
  - Management of work environment
  - Distribution of resources and responsibilities
  - Formation and implementation of policy

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Your Questions as we Begin

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

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Diverse Teams – Why?

- Under-represented peoples are gaining increasing space in society
- Demographic of Nova Scotia is changing
- Improves our ability to manage complex problems
- Improves business opportunity

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Visible Minority % Change in Population from 2001 to 2011

Tracking the CIBC Online Banking Home Page

A Cultural Competence Project by
Robert S. Wright
March, 2012 – March, 2014
www.robertswright.ca

How it Started

- Involved with cultural competence since 1988
- Have argued most successful companies appeal to an increasingly diverse population
- Brochures and catalogues illustrate this point
- CIBC online banking website homepage
- Just used the alternating main picture as an illustration
- 22 Images collected over 1 year showing significant diversity

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CIBC

CIBC. For what matters.

Meet your financial goals

- Buy your first home
- Manage your debt
- Plan for your retirement

Get more from your banking

- How to Bank Online
- Get started with Mobile Solutions
- Pay your bills online

Get up to 15,000 Aeroplan® Miles

Learn more »

Avoid late credit card payments

Learn more »

What's new at CIBC

- The first banking app designed specifically for iPad
- Shop online using Visa Debit for a chance to win $2,500!

Online Banking

Register | Take a tour

Card Number:

4506********8072

Delete this card

Sign on with a different card

Password (case-sensitive):

Forgot your password?

Sign On

Important notice

We've changed the agreement that governs CIBC Online Banking. By signing on, you agree to the new version. Please review the Electronic Access Agreement (2012).

Sign on to other sites

Online security guaranteed

CIBC protects you

Enhanced browser security

Find a branch or ABM

Enter address or postal code:

More search options

Helpful resources

Open an account

Rates and fees

Careers

4 Key Questions

- How do you recruit under-represented persons to your teams?
- How do you manage the tensions that come with diversity?
- How do you make your diverse team a high performance team?
- How do you ensure the success of under-represented persons on your teams?

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Cultural Competence: Definition

- Cultural competence refers to an ability to interact effectively with people of different cultures:
  A. Understand our own cultural positions and how they differ from others
  B. Understand the different social and cultural realities we work in
  C. Cultivate appropriate attitudes towards cultural difference
  D. Generate and interpret a variety of verbal and non-verbal responses
  E. Understand structural oppression and commit to social justice

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A) Nichols' Model for Understanding Cultural Difference

Philosophical Perspective on Cultural Difference. Edwin Nichols (cf. work of Jung)

Different world cultures developed out of differing physical environments.

These world views have differing constructs:

- Axiology (values)
- Epistemology (way of knowing)
- Logic (principles of reason)
- Process (practice of reason)

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THE PHILOSOPHICAL ASPECTS OF CULTURAL DIFFERENCE

DEVELOPED BY EDWIN J. NICHOLS, PH.D.

ETHNIC GROUPS ETHNIC WORLDVIEW	AXIOLOGY	EPISTEMOLOGY			LOGIC	PROCESS
		APPLIED	PEDAGOGY	METHODOLOGY		
EUROPEAN EURO-AMERICAN	**Member-Object** The highest value lies in the object or the acquisition of the object	**One knows through** **Counting and Measuring**	**Parts to Whole**	**Linear and Sequential** *-Assembly line-*	**Dichotomous** *Either/Or* *-Newtonian theory-*	All sets are repeatable and reproducible *-Technology-*
AFRICAN AFRICAN AMERICAN LATINO/A ARAB	**Member-Member** The highest value lies in the relationships between persons	**One knows through** **Symbolic Imagery and Rhythm (function)** *-Gladwell Blink-*	**Whole** **Holistic Thinking** *-The BIG picture-*	**Critical Path analysis** *-Cut to the chase-*	**Diunital** *Union of opposites* **Difrasismo** *-Aztec thought-* **The In Between** *Ibn 'Arabi* *-Quantum theory-*	All sets are interrelated through human and spiritual networks *-Black church-*
ASIAN ASIAN AMERICAN POLYNESIAN	**Member-Group** The highest value lies in the cohesiveness of the group	**One knows through** **Transcendental Striving** *-Tree the forest-*	**Whole and parts are seen simultaneously** *-To read a Chinese word-*	**Cyclical and Repetitive** *-Stroke order in writing a Chinese word-*	**Nyaya** *-The objective world is conceived independent of thought and mind-* *-Chaos theory-*	All sets are independently interrelated in the harmony of the universe *-Keiretsu-*
NATIVE AMERICAN	**Member-Great Spirit** The highest value lies in oneness with the Great Spirit	**One knows through Reflection and Spiritual Receptivity** *-Purification rites-*	**Whole is seen in cyclic movement** *-Seasons-* *-Medicine Wheel-*	**Environmentally experiential reflection** *-Rites of Passage-*	**Great Mystery** *-A set of 4 and a set of 3 form the whole-* *-Super string theory-*	All sets are interrelated through the elements, plant, animal, and spiritual networks *-White Buffalo-*

Traditional Ecological Knowledge

- Nichol's Model is consistent with a growing understanding and articulation of Aboriginal Traditional Ecological Knowledge: a practice and belief which concerns itself with the inter relationship of all living things with and within their environment.

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Africentricity

- The assertion of a worldview that places all people of African descent at its centre, asserts a common culture, philosophy, and history, and critiques, and perhaps even rewrites global history from this perspective

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B) Social, Cultural and Historical Context

- North American Diversity is fraught with complicated and tragic history
  - **Enslavement of Africans, Genocide of First Nations, Global strife resulting in trans-global immigration etc.**
- A local knowledge of how our racist history is a living legacy is necessary: Africville, Cornwallis.

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C) Appropriate Attitudes

- Cultural competence requires that practitioners VALUE diversity.
- In a nation that acknowledges multiple founding peoples, that was built up on the foundation of ethnic/immigrant labour, and whose future depends on immigration, any other attitude should reasonably be seen as unacceptable.

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D) 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)

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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

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Elmar Holenstein Paraphrased

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

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Communicating About Culture

- Cultural competence requires the ability to comfortably and competently ask clients about cultural issues that may be a consideration in the context of your work with them.

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E) Social Justice Commitment

- We must
  - understand the nature of privilege
  - demonstrate an awareness of structural discrimination
  - demonstrate an active anti-racism/anti-discrimination programme
- What does this look like at your legal workplace?

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4 Key Questions for Discussion

- How do you recruit under-represented persons to your teams?
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Answers to 4 Key Questions

- Recruitment: Targeted, Meaningful
- Manage tensions: Anticipate, normalize, mechanisms for discussion
- High performance: Value diversity, accept tension, understand complexity
- Ensure success: acknowledge structural role of diverse employees and the innate hostility they experience . . . Micro-aggressions, etc.

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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

Are Legal Settings Hostile Environments?

The Marshall Enquiry established that racism is at work within the criminal justice system in Nova Scotia

Given this systemic racism, it stands to reason that as agents of systemic change, racialized lawyers are in a structural conflict with the very institutions in which they study and work

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

Cultural Competence: How?

- Pre service training/internships/apprenticeships
- Conduct organizational assessment of Cultural Competence
- Develop organizational plan to increase Cultural Competence
- Employ and support culturally competent (not just culturally diverse) practitioners as agents of change
- **Make available systematic coaching/ consulting**
- Provide continuing education in Cultural Competence

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Cultural Competence: How Not

- Do not place the responsibility for cultural competence solely on the shoulders of "diverse" staff – particularly when these persons are among the most junior persons on staff.
- Do not confuse cultural celebrations for cultural competence training.

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