



## **Diversity Action Plan**

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### **Equity Diversity and Inclusion Advisory Committee**

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Prepared for: Benchers  
Prepared by: Equity Diversity and Inclusion Advisory Committee  
Purpose: Decision

## Executive Summary

The Equity Diversity and Inclusion Advisory Committee (EDI Committee) has prepared an Action Plan (comprising the action items listed below) to address racial discrimination in the legal profession. The Action Plan builds upon the Law Society’s existing efforts to support equity, diversity, and inclusion (EDI) in the legal profession, and identifies additional concrete measures to advance the Law Society’s current EDI objectives. The proposed action items are:

1) Action items regarding demographic data:

1. Update the existing demographic self-identification survey<sup>1</sup> to obtain additional details;<sup>2</sup>
2. Actively encourage lawyers to respond to the demographic self-identification survey;
3. Consider whether other methods of obtaining diversity information about lawyers are required; and
4. Continue to monitor and publicize the diversity statistics of the legal profession in BC.

2) Action items regarding fostering diversity within the Law Society:

1. Consider whether additional calls for applications should include diversity statements;
2. Regularly review diversity statements to ensure they are current;
3. Continue to build on and implement a comprehensive strategy to ensure diverse representation within Law Society governance and employment;<sup>3</sup>
4. Review existing policies, procedures, and practices to determine whether additional measures need to be developed; and
5. Highlight diversity in Law Society publications.

3) Action items regarding intercultural competence education:

1. Continue to provide Law Society representatives with educational opportunities geared toward fostering support for diverse individuals;<sup>4</sup>

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<sup>1</sup> That is circulated with the Annual Practice Declaration (APD).

<sup>2</sup> E.g. why people “choose not to answer,” and year of call.

<sup>3</sup> The strategy could include: developing an informal “roster” of diverse lawyers and legal organizations (for internal use) to assist in identifying diverse candidates for appointments; ensuring that the lived experiences of diverse candidates are regarded as positive attributes in the Law Society’s assessment of candidates; conducting voluntary demographic self-identification surveys of Law Society representatives (perhaps annually, for internal use only); and finding additional ways to encourage diverse lawyers to participate in Law Society governance (e.g. inviting diverse lawyers to attend as guests at EDI Committee and Benchers meetings).

<sup>4</sup> E.g.: training regarding intercultural competence, subconscious biases, micro aggressions, various types of racism (explicit, implicit, systemic), anti-racism, and trauma informed practices.

2. Identify additional methods to promote intercultural competence training, within the organization and throughout the legal profession in BC;
  3. Consider the role of the Law Society’s continuing professional development (CPD) program in advancing intercultural competence education; and
  4. Strategically collaborate to advance intercultural competence education for BC lawyers.<sup>5</sup>
- 4) Action items regarding outreach:
1. Develop a comprehensive outreach strategy to highlight the Law Society’s EDI efforts;<sup>6</sup>
  2. Update and enhance the Law Society’s online EDI resources;<sup>7</sup> and
  3. Compile a calendar of annual EDI events in BC, and encourage Law Society representatives to attend.
- 5) Action items regarding law firm regulation:
1. Review the EDI section of the Law Society’s law firm regulation self-assessment tool prior to the implementation of law firm regulation; and
  2. Regularly review the EDI section of the self-assessment tool to ensure that it is up to date, and that the list of resources is relevant and responsive to emerging issues.
- 6) Action items regarding model policies and guidelines:
1. Identify further methods to promote the adoption and implementation of the Law Society’s existing model policies and guides;
  2. Consider whether additional resources would be beneficial; and
  3. If necessary, develop additional resources for:
    - a. Law firms that are interested in recruiting and retaining diverse candidates;<sup>8</sup>

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<sup>5</sup> E.g. the Law Society collaborated with the Continuing Legal Education Society of BC (CLE BC) to produce the video: *But I was Wearing a Suit* (<https://www.cle.bc.ca/butiwaswearingasuit/>) to highlight discrimination against Indigenous lawyers in BC. CLE BC and the Law Society are now developing a similar production regarding the experiences of racialized lawyers.

<sup>6</sup> E.g. communicating the Law Society’s EDI work throughout the profession and the public via social networking, media releases (including commentaries on EDI cases), and Law Society platforms (e.g. website, Benchers’ Bulletin, Annual Report, and E-Brief).

<sup>7</sup> E.g. “Equity and Diversity Centre” <https://www.lawsociety.bc.ca/our-initiatives/equity-and-diversity/> and “Practice Resources” webpage <https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/law-office-administration/> .

<sup>8</sup> E.g. a template “diversity statement” to encourage diverse candidates to apply, and practical considerations to foster support for diverse lawyers (for the “Practice Resources” webpage and law firm regulation resource list).

- b. Diverse lawyers<sup>9</sup> who are interested in resilience-building strategies; and
  - c. Lawyers who are interested in becoming allies for change.
- 7) Action items regarding the EDI Award:
- 1. Ensure the background to the EDI Award is publicized; and
  - 2. Continue to promote and present the EDI Award.
- 8) Action items regarding the Act, Rules, and Code:
- 1. Contribute to the Law Society of BC’s response to the Federation of Law Societies’ consultation regarding the discrimination and harassment provisions of the Model Code;
  - 2. Review the *Legal Profession Act (Act)*, Law Society Rules (Rules), the Code of Professional Conduct for British Columbia (Code) for possible improvements that might help to support diversity in the legal profession; and
  - 3. As appropriate, collaborate with the Act and Rules Committee or the Ethics Committee to propose amendments to the *Act*, Rules, and Code for consideration by the Benchers.<sup>10</sup>
- 9) Action items regarding the efforts of other institutions:
- 1. Research the EDI recommendations, resources, and initiatives from other law societies, legal organizations, law schools, and professions in order to: inform the Law Society’s work, avoid duplication of efforts, and identify opportunities for cooperation; and
  - 2. Strategically collaborate to increase the recruitment, retention, and advancement of diverse lawyers.<sup>11</sup>
- 10) Action items regarding tracking progress:
- 1. Continually review, evaluate, and renew the Action Plan to ensure that it remains relevant and effective in advancing the Law Society’s objectives; and
  - 2. Regularly report progress through the Law Society’s existing mechanisms.<sup>12</sup>

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<sup>9</sup> Diverse lawyers include those who self-identify as Indigenous, racialized, LGBT, or a lawyer with a disability.

<sup>10</sup> E.g.: the Act and Rules Committee oversees the *Act* and Rules, and the Ethics Committee oversees the Code.

<sup>11</sup> E.g. continue to engage in LEADR’s efforts in support of diverse lawyers, keep apprised of events geared toward diverse lawyers and encourage Law Society representatives to attend, and gather and share information about existing mentorship programs for diverse lawyers.

<sup>12</sup> E.g. EDI Committee mid-year and year end reports, the Law Society’s Annual Report, and the “Progress of Initiatives” webpage.

## Background

1. On June 4, 2020, President Craig Ferris, QC, issued a statement against racism that urged lawyers to “continue to take a hard look at our institutions and our actions to ensure we are doing all we can to reduce and eradicate racial injustice,” and acknowledged that, “within the Law Society, our Equity, Diversity and Inclusion Advisory Committee works to identify issues and recommend meaningful change both within the Law Society and the profession at large.”<sup>13</sup> Benchers and EDI Committee members have emphasized the need for tangible action items and measurable outcomes with regard to addressing racism in the legal profession in BC.
2. In developing the Action Plan, the EDI Committee discussed a broad range of possible actions to increase diversity in the legal profession. The Committee was mindful of practical limitations,<sup>14</sup> so a rational method of prioritization was necessary. The Committee looked to the Law Society’s strategic plan and the Committee’s mandate and terms of reference<sup>15</sup> in order to clarify the scope of the Action Plan. The EDI Committee also considered the Law Society’s existing efforts, reports, recommendations, and resources,<sup>16</sup> as well as the related and ongoing work of other institutions. Based on this information, the Committee has identified existing efforts for the Action Plan to build on, as well as outstanding matters for the Action Plan to address. The Action Plan identifies concrete measures that can be appropriately prioritized, effectively implemented, and regularly tracked and reported.<sup>17</sup>

## Analysis of Proposed Action Items

### 1) Demographics

3. In 2012, the Law Society produced a report entitled “Towards a More Representative Legal Profession: Better practices, better workplaces, better results”<sup>18</sup> which compiled census data about the diversity demographics of the legal profession in BC, as well as guidance to help law firms develop and implement strategies to advance diversity in the legal profession.
4. As a follow up to the Diversity Report, in 2013, a demographic self-identification survey was added to APD to gather diversity information directly from lawyers to compare against the baseline census data.<sup>19</sup>

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<sup>13</sup> <https://www.lawsociety.bc.ca/about-us/news-and-publications/news/2020/statement-of-president-craig-ferris,-qc-on-racial/>

<sup>14</sup> Such as financial and logistical concerns.

<sup>15</sup> The Committee’s terms of reference and mandate are attached as Appendix A.

<sup>16</sup> Such as model policies, guides, and online educational modules.

<sup>17</sup> For ease of reference, Appendix B contains a chart of the action items organized by timeframe.

<sup>18</sup> [https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/Diversity\\_2012.pdf](https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/Diversity_2012.pdf) (Diversity Report).

<sup>19</sup> The data collected thus far is attached as Appendix C.

5. The Committee has discussed the possibility of hiring a statistician to apply the same methodology that was used to compile the 2012 Diversity Report. This approach contains a number of shortcomings, including:
- The census is conducted less frequently (i.e. every 5 years) than the Law Society’s demographic self-identification survey (i.e. annually).
  - A census analysis would be based on extrapolated information rather than direct information from all practising lawyers in BC.
  - The Law Society has no control over the questions or categories that are surveyed in the census. The census may not provide the data the Law Society is seeking:
    - The census could provide information about race, age, and profession. Seniority may be inferred from age, but this inference is not perfect (e.g. some lawyers join the profession later in life), and lacks specific information about professional advancement (e.g. the proportion of equity partners in private firms from racialized or visible minority communities).
    - The census only counts same-sex couples and does not count individuals who self-identify as LGBT.<sup>20</sup>
  - The census data may not provide accurate information. For example, there are lawyers who live in other provinces and maintain practising status in BC. The census would count them as lawyers in their province of residence, not as lawyers in BC.
  - The cost of the census analysis that the Law Society commissioned in 2012 was \$20,000.
6. Accordingly, the drafters of the Law Society’s annual demographic self-identification survey (in 2012) perceived that direct information from lawyers in BC would be superior to indirect information gleaned from census data.
7. The Committee also discussed the possibility of expanding the demographic self-identification survey to ask additional questions about practice characteristics.<sup>21</sup> However, some Committee members thought that expanding the survey could lead to additional problems, such as:

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<sup>20</sup> The definition of same-sex co-habitation from the 2011 census led to an overestimation, because it counted roommates in the statistic. The 2016 census was updated to differentiate between same-sex cohabitation for familial versus economic purposes (see: <https://www12.statcan.gc.ca/census-recensement/2016/ref/guides/002/98-500-x2016002-eng.cfm>).

<sup>21</sup> E.g. standing within firm (i.e. partner, associate, associate counsel, sole practitioner, in house, government, etc.), and whether they have ever taken any leaves, and if so, which type (e.g. medical, parental, sabbatical).

- Creating confusion about its connection to member files;
  - Decreasing the response rate (e.g. if the survey is too long, or if the objectives of the survey are unclear, then people may not respond);
  - Compiling and calculating more detailed responses may be difficult; and
  - Changing the survey could decrease the comparability of the data with previous survey results.<sup>22</sup>
8. The Committee agreed, as a first step, the APD self-identification survey should be updated to ask for year of call in BC and other jurisdictions. This will provide additional information about the seniority of lawyers, without taking away from the comparability with previous results.
9. There has also been a suggestion that demographic questions could be added to the law firm regulation self-assessments. However, the possibility of including a demographic self-assessment in the EDI portion of law firm regulation was not pursued for a number of reasons:
- The primary objective of law firm regulation is to protect the public by encouraging law firms to have systems in place to prevent problems from arising, rather than having the regulator punish individual lawyers after problems have occurred. Tallying demographics was not seen as appropriate in the context of law firm regulation.
  - Sole practitioners and smaller firms (which make up the majority of firms in BC) would likely have concerns about the identifiability of individual lawyers, and all firms might have concerns about sharing such sensitive information with the Law Society.
  - There was also a concern about the practicality of gathering demographic information. Law firms will only be required to submit their forms once every three years. Given this timeline, and assuming lawyer turnover (as is often the case, especially at the associate level), it would be difficult to use the responses from law firm regulation self-assessments to assess the demographics of the broader profession.
10. There are other sources of information that contain information about the advancement of racialized lawyers that may be relevant to the BC context. For example, the Law Society of Ontario’s Annual Report “Statistical Snapshot”<sup>23</sup> contains details about the practice characteristics of diverse lawyers that could be extrapolated in relation to the BC context, and the Canadian Centre for Diversity and Inclusion’s *Diversity by the Numbers: Legal Profession Report*<sup>24</sup> includes demographic data regarding the career progression of diverse lawyers from

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<sup>22</sup> Self-identification data has only been collected for 7 years, and there have already been noticeable increases.

<sup>23</sup> [http://annualreport.lsuc.on.ca/2017/common/documents/Snapshot-Lawyers18\\_English.pdf](http://annualreport.lsuc.on.ca/2017/common/documents/Snapshot-Lawyers18_English.pdf)

<sup>24</sup> <https://ccdi.ca/diversity-data-analytics/dbtn-legal/>

law firms operating in BC. The EDI Committee intends to take a closer look at the existing data, and further discuss what information is needed, and whether any changes to the Law Society's current methods of demographic data collection are necessary.

Action items regarding demographic data:

1. Update the existing demographic self-identification survey to obtain additional details;
2. Actively encourage lawyers to respond to the demographic self-identification survey;
3. Consider whether other methods of obtaining diversity information about lawyers are required; and
4. Continue to monitor and report the diversity statistics of the legal profession in BC.

**2) Fostering Diversity within the Organization**

11. The Law Society has developed methods to increase the diverse representation within committees, at the Bencher table, and in hearing panel pools. For example, section 1.1.4 of the Law Society's Appointments Policy states: "The Law Society promotes diversity in its internal and external appointments and should ensure adequate representation based on gender, Aboriginal identity, cultural diversity, disability, sexual orientation and gender identity." The Law Society has developed a diversity statement to encourage diverse candidates to seek nomination in Bencher elections.<sup>25</sup> A statement targeting Indigenous candidates was included in the call for applications for hearing panel pools in 2019.<sup>26</sup>
12. In relation to employees, the Law Society's "Careers" webpage states: "We are an organization that values diversity, equity and a shared sense of purpose."<sup>27</sup> The Law Society applies policies and procedures geared toward fair and equitable recruiting, interviewing, and hiring practices, as well as a Respectful Workplace Policy that adheres to the provincial anti-bullying and harassment requirements.
13. The Committee has previously proposed a diversity audit to assess demographic composition of the organization (e.g. at the Bencher, committee, and staff levels). A number of impediments have been identified, including:
  - There have been difficulties in identifying a suitable assessor to conduct the audit;

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<sup>25</sup> Attached as Appendix D.

<sup>26</sup> <https://www.lawsociety.bc.ca/about-us/news-and-publications/news/2019/law-society-seeks-applicants-for-hearing-panel-pool/>

<sup>27</sup> <https://www.lawsociety.bc.ca/about-us/careers-at-the-law-society/>



- There are concerns about how the diversity data would be collected, where it would be stored, and who would be able to access it;
- The small sample size (e.g. of Benchers, committee members, and staff) means that some individuals could be identifiable in the results;
- People may be unwilling to self-identify, particularly if anonymity cannot be guaranteed;
- The rate of turnover of Benchers, committee members, staff, and contractors would make it difficult to keep the numbers current;
- There are questions about the appropriateness of Benchers instructing the collection of demographic data about staff (i.e. strategic direction vs. operational matters);
- The estimated costs associated with conducting a diversity audit are prohibitive.<sup>28</sup>

14. Although a detailed diversity audit may be problematic, there may be merit in performing a cursory scan of diversity within the organization, for internal use only, to assess the effectiveness of the Law Society's policies, procedures, and practices geared toward promoting diversity.<sup>29</sup>

Action items regarding fostering diversity within the Law Society:

1. Consider whether additional calls for applications should include diversity statements;<sup>30</sup>
2. Regularly review diversity statements to ensure they are current;<sup>31</sup>
3. Continue to build on and implement a comprehensive strategy to ensure diverse representation within Law Society governance and employment;
4. Review existing policies, procedures, and practices to determine whether additional measures need to be developed; and
5. Highlight diversity in Law Society publications.

### **3) Intercultural Competence Education**

15. The Law Society has taken measures to increase the intercultural competence of all Law Society representatives, including Benchers, committee members, hearing panel members, and staff.

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<sup>28</sup> \$30,000 to \$200,000, plus staff time and technical expenses (e.g. database licencing fees).

<sup>29</sup> A cursory scan could entail a voluntary demographic self-identification survey of Law Society representatives to provide some indication of the presence of diversity within the organization.

<sup>30</sup> E.g., the Law Society's Careers webpage includes a statement in support of diversity, but individual career opportunity postings do not.

<sup>31</sup> E.g., the Bencher diversity statement was updated to reflect the gender demographics of the Bencher table.

Intercultural competence training has been incorporated into the Law Society’s regular training cycle (e.g. orientation and refresher sessions), and additional opportunities for intercultural competence training have been identified and encouraged. In relation to fostering the intercultural competence of all lawyers in BC, the CPD accreditation criteria were recently expanded to include “multicultural, diversity and equity issues that arise within the legal context” as eligible “practice management” topics.

16. A catalogue of more than a thousand intercultural competence courses that have been approved by the Law Society for CPD accreditation was compiled for the Truth and Reconciliation Advisory Committee in 2017. In light of the apparent abundance of courses, the focus shifts to identifying ways to encourage lawyers to partake in intercultural competence training.

Action items regarding intercultural competence education:

1. Continue to provide Law Society representatives with educational opportunities geared toward fostering support for diverse individuals;
2. Identify additional methods to promote intercultural competence training, within the organization and throughout the legal profession in BC;
3. Consider the role of the CPD program in advancing intercultural competence training; and
4. Strategically collaborate to advance intercultural competence education for BC lawyers.

**4) Outreach**

17. The Law Society has a number of tools to highlight work on EDI matters, including a website that features an “Equity and Diversity Centre,” and electronic publications such as the Annual Report, Benchers Bulletin, and E-Brief. Electronic publications are emailed to members of the Law Society, and posted on the Law Society’s website.
18. One idea that continues to be raised is for the EDI Committee to host a symposium akin to the Rule of Law and Lawyer Independence Advisory Committee (ROLLIAC) lecture series. The rationale for the ROLLIAC lecture series is grounded in the Law Society’s strategic plan: “as a result of the Law Society’s work, the public will have greater confidence in the rule of law,” and ROLLIAC’s mandate: “to ensure that the legal profession and the public are properly informed about the meaning and importance of the rule of law.” In developing its proposal for the lecture series, ROLLIAC established that there were no other lectures on rule of law in British Columbia. In contrast, there are a number of lectures regarding EDI topics in the province each year.<sup>32</sup> Given the long list of existing EDI lectures in BC, the additional value of an EDI

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<sup>32</sup> E.g.: CBA Forums, Section Meetings, Retreats, Awards Presentations, such as: Women Lawyers Forum; Aboriginal Lawyers Forum; Equality and Diversity Committee; Social Justice Section; and SOGIC; Canadian

symposium hosted by the Law Society is unclear. The feasibility of a lecture or symposium may be further analyzed in the context of developing a broader outreach strategy, but the proposal is not currently specified as a separate action item in the Action Plan.

19. Another idea regarding outreach is for the EDI Committee to sponsor a high school essay contest, like the one sponsored by ROLLIAC. ROLLIAC's "Rule of Law Essay" is an initiative that was developed in response to a concern that the rule of law, and related issues like the independence of the legal system from government and the independence of judges, are not well understood by the public. The high school essay contest is designed to reach out to high school students about subjects that they are not otherwise exposed to. An EDI essay would not address the same considerations. There is a concerted focus on EDI principles in various aspects of the provincial "kindergarten to 12" curriculum. Because the EDI Committee's mandate is to address EDI within the legal profession, an initiative aimed at high school students would miss the mark.

Action items regarding outreach:

1. Develop an outreach strategy to highlight the Law Society's EDI efforts;
2. Update and enhance the Law Society's online resources; and
3. Compile a calendar of annual EDI events in BC, and encourage Law Society representatives to attend.

## **5) Law Firm Regulation**

20. The Law Society has approved the regulation of law firms. Under law firm regulation, law firms will be required to conduct self-assessments. A key element of self-assessment will focus on EDI, and will include model policies and resources.<sup>33</sup>

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Association of Black Lawyers (CABL): Black History Month events; Canadian Centre for Diversity and Inclusion; CLE BC: diversity-related conferences (e.g. Human Rights Law Conference, Indigenous Laws Conference), courses (e.g. "working with multicultural clients," "women thriving in law"), and online resources (e.g. "But I was Wearing a Suit"); Courthouse Libraries BC webinars: Race Issues in the BC Legal System, Protest Law and Civil Disobedience (focused on Black Lives Matter and Indigenous rights protests); Federation of Asian Canadian Lawyers: speakers at annual dinner; Justicia hosts unconscious bias sessions for participating law firms; LEADR has helped to coordinate "diversity on the bench" panels, and is organizing an EDI conference; Law Firm Diversity and Inclusion Network hosts diversity and inclusion seminars; QMUNITY annual breakfast in recognition of the International Day against Homophobia; Simon Fraser University has an annual lecture in recognition of the International Day for the Elimination of Discrimination, as well as a number of EDI related lectures throughout the year; Thomson Rivers University: annual "intercultural intersections" conference; UBC Law annual lectures, such as Marlee Kline Lecture (focuses on the intersection of class, race and gender in the legal arena); as well as monthly lectures through the Centre for Feminist Legal Studies, Social Justice Lectures, Indigenous Lectures, cultural competence certificate; UBC/UVic Law Schools (alternating each year): Mary Southin Lecture (focuses on the equity and British Columbia legal history); UVic monthly lectures: e.g. the Chair in Transgender Studies, Indigenous legal studies, etc.; and West Coast LEAF annual International Women's Day breakfast.

<sup>33</sup> The EDI self-assessment tool is attached as Appendix E.

Action items regarding law firm regulation:

1. Review the EDI section of the law firm regulation self-assessment tool prior to the implementation of law firm regulation; and
2. Regularly review the EDI self-assessment tool to ensure that it is up to date, and that the list of resources remains relevant in relation to emerging issues.

**6) Model Policies and Guides**

21. A number of model policies and guides are available on the Law Society’s website, including:

- Guidelines for recruiting, interviewing, and hiring<sup>34</sup>
- Respectful Workplace Model Policy<sup>35</sup>
- Workplace Accommodation Model Policy<sup>36</sup>
- Workplace Equality Model Policy<sup>37</sup>
- Demographic Data Collection Guide<sup>38</sup>

22. A non-stigmatizing language guide (formerly known as the “Respectful Language Guide”) is currently being updated by Law Society staff. It will provide guidance on the use of non-stigmatizing and non-discriminatory language in all future Law Society publications and communications. The guide will also be shared as a practice resource, prominently displayed on the Law Society’s website.

23. The Law Society applies the model policies and guides to its own governance and employment procedures. The EDI Committee’s Retrospective Report on Gender from 2017<sup>39</sup> shows that the Law Society’s efforts have been effective in relation to gender.<sup>40</sup> Although there is discomfort with tallying the number of diverse representatives in the Law Society’s governance and employment spheres,<sup>41</sup> a cursory scan suggests that there is some diversity within the Law Society as an organization (both at the governance and staff levels).

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<sup>34</sup> <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/policy-hiring.pdf>

<sup>35</sup> <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/Policy-RespectfulWorkplace.pdf>

<sup>36</sup> <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/policy-accommodation.pdf>

<sup>37</sup> <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/Policy-Equality.pdf>

<sup>38</sup> [https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/Justicia\\_demographic-guide.pdf](https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/Justicia_demographic-guide.pdf)

<sup>39</sup> <https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/Gender-analysis-2018.pdf>

<sup>40</sup> In 2017, three out of five members of the Executive Team, six out of eight members of the Leadership Council and 10 out of 13 members of the Management Team are women. In 2020, the gender representation at the Benchers table is: 19 women and 12 men.

<sup>41</sup> In statistical terms, the number of people involved in the Law Society’s governance and employment spheres is so low that there is a high likelihood that diverse individuals could be identifiable in the data sets. There is apprehension about gathering or publishing diversity data that could violate the privacy rights of diverse individuals.

Action items regarding model policies and guides:

1. Identify further methods to promote the adoption and implementation of existing model policies and guides;
2. Consider whether additional resources may be beneficial; and
3. If necessary, develop additional resources for:
  - a. Law firms that are interested in recruiting and retaining diverse candidates;
  - b. Diverse lawyers who are interested in resilience-building strategies; and
  - c. Lawyers who are interested in becoming allies for change.

**7) Equity Diversity and Inclusion Award**

24. At the recommendation of the EDI Committee, the Equity, Diversity, and Inclusion Award was initiated by the Law Society in 2015 to recognize individuals who have made significant contributions to EDI in the legal profession or the law in British Columbia. The award was initially approved by the Benchers in May of 2000, and was meant to signal a recognition of people who were historically excluded from the legal profession in British Columbia due to discriminatory barriers. The May 2000 Bencher resolution specified that the preamble to the award should provide the names of people who sought inclusion in the legal profession, but were denied. The resolution was not implemented for a number of years. In 2014, the outstanding matter was brought to the attention of the Benchers. The EDI Committee drafted an award description to summarize the Law Society's history of exclusion,<sup>42</sup> as well as the criteria and application requirements. Although the award was implemented in 2015, the preamble describing the history of exclusion was omitted from the award description on the Law Society's website.<sup>43</sup> This omission undermines a key objective of the award: to recognize and make symbolic reparations for discriminatory barriers that the Law Society historically imposed.

Action items regarding the EDI Award:

1. Ensure the background to the EDI award is publicized; and
2. Continue to promote and present the EDI award.

**8) Act, Rules, and Code**

25. The EDI Committee is of the view that the *Act*, Rules, and Code and related policies, procedures, and practices should be reviewed for possible improvements that might help to support diversity

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<sup>42</sup> Attached as Appendix F.

<sup>43</sup> <https://www.lawsociety.bc.ca/about-us/awards-and-scholarships/law-society-equity,-diversity-and-inclusion-award/>

in the legal profession. Although the text of these documents may appear neutral, some provisions may constitute systemic barriers that disproportionately affect certain segments of the profession.<sup>44</sup> Even if these documents do not contain any obvious impediments, a review may help to identify possible improvements that would better support diversity in the legal profession. For example:

- The EDI Committee is collaborating with the Ethics Committee to respond to the Federation of Law Societies’ Model Code Committee’s consultation regarding proposed amendments to the discrimination and harassment provisions of the Model Code; and
- The Code’s definition of “competence” could be analyzed to consider whether intercultural competence should be specified as a core competence of legal practice.

Action items regarding the Act, Rules, and Code:

1. Contribute to the Law Society of BC’s response to the Model Code consultation regarding the discrimination and harassment provisions;
2. Review the Act, Rules, and Code for possible improvements that might help to support diversity in the legal profession; and
3. Propose amendments to the Act, Rules, and Code for consideration by the Benchers.

**9) Leveraging the Efforts of Other Organizations**

26. There are a number of other law societies, organizations, institutions, and professions making efforts in support of diversity. The Law Society of BC should be aware of existing efforts in order to: inform the Law Society’s work, avoid duplicating efforts, and identify potential points of collaboration.
27. The Law Society was a founding member of the Legal Equity and Diversity Roundtable (LEADR). LEADR’s purpose is “to foster dialogues and initiatives that relate to the advancement of diversity and inclusion in the legal profession of BC”, and its objectives are “to collaborate, to support each other, to share best practices and issues of common concern, and to identify opportunities to make the legal profession more inclusive and welcoming.”<sup>45</sup> A representative from the Law Society’s EDI Advisory Committee continues to attend LEADR

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<sup>44</sup> For example, the EDI Committee recently learned that Rule 2-57(2)(a) – requiring a lawyer to have engaged full-time practice in Canada for 5 of the 6 years to qualify to act as a principal – has been identified as precluding a disproportionate number of women (who have taken parental leaves) from serving as articling principals.

<sup>45</sup> Member organizations of LEADR include: the Law Society of BC, CBA BC Equality and Diversity Committee, CBA BC Aboriginal Lawyers Forum, CBA BC Women Lawyers Forum, CBA BC Sexual Orientation and Gender Identity Community Section, the Federation of Asian Canadian Lawyers, the Canadian Association of Black Lawyers, and the South Asian Bar Association, and the Ismaili Legal Professionals of BC, among others.

meetings, and keeps the Law Society’s EDI Advisory Committee apprised of LEADR’s efforts, with particular attention to possible synergies and collaborations.

28. Reports, recommendations, and resources from other law societies may contain information or examples that may be applicable in the BC context. For example:

- The Law Society of Ontario put together a report and recommendations entitled “Challenges Faced by Racialized Licensees Working Group Final Report.”<sup>46</sup> The “statement of principles” recommendation was a source of controversy at the Law Society of Ontario, so there may be some hesitation about considering the applicability of Ontario’s recommendations in BC. Even so, other recommendations aimed at supporting racialized lawyers may be feasible in the BC context.<sup>47</sup>
- The Nova Scotia Barrister’s Society has an online “Equity Portal”<sup>48</sup> that compiles a number of resources (including reports, recommendations, toolkits, and online videos) onto one webpage for ease of access. This example may assist the Law Society of BC in better organizing its online “Equity and Diversity Centre.”<sup>49</sup>

29. Other organizations have also developed EDI resources, such as:

- The Canadian Bar Association’s Equality tools;<sup>50</sup>
- The Canadian Centre for Diversity and Inclusion;<sup>51</sup> and
- The American Bar Association’s diversity resources.<sup>52</sup>

30. Law schools are devising and implementing strategies to enhance diversity in the legal profession.<sup>53</sup>

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<sup>46</sup> <https://lawsocietyontario.azureedge.net/media/lsos/media/legacy/pdf/c/convocation/convocation-s/convocation-september-2016-equity-and-aboriginal-issues-committee.pdf> (Racialized Report). See also: <https://www.stratcom.ca/wp-content/uploads/manual/Racialized-Licensees-Full-Report.pdf>.

<sup>47</sup> E.g., recommendation 1 calls for a review of the *Act*, Rules, and Code to promote EDI principles (now being proposed by the EDI Committee), and recommendation 2 calls for the development of model policies to address challenges faced by racialized lawyers (already underway in BC). A chart showing the feasibility of the recommendations in the BC context is attached as Appendix G.

<sup>48</sup> <https://nsbs.org/legal-profession/your-practice/practice-support-resources/equity-access-resources/>

<sup>49</sup> <https://www.lawsociety.bc.ca/our-initiatives/equity-and-diversity/>

<sup>50</sup> <https://www.cba.org/Equality/Publications-Resources/Tools?lang=en-ca>

<sup>51</sup> <https://ccdi.ca/>

<sup>52</sup> <https://www.americanbar.org/groups/diversity/resources/>

<sup>53</sup> E.g.: <https://www.cbc.ca/news/canada/british-columbia/ubc-black-lsat-prep-1.5695081> and <https://thevarsity.ca/2020/02/09/a-springboard-for-black-success-faculty-of-law-launches-new-black-future-lawyers-program/>. Law schools provide networking opportunities geared toward racialized lawyers (e.g. “diversity days,” specialized articling receptions, and facilitating student attendance at EDI-related conferences and events).

31. Other professions are also making efforts to increase the recruitment, retention, and advancement of diverse professionals in other arenas. The EDI Committee will continue to research what other professions are doing to foster diversity, and to consider whether their approaches could be applied to enhance the recruitment, retention, and advancement of racialized lawyers.
32. The idea of a mentorship program continues to be raised as an initiative for the Law Society to undertake. The Law Society currently administers a mentorship program for Indigenous lawyers, and a number of problems have emerged, including:
- Challenges in recruiting participants. The most recent APD self-identification survey results show there are only 340 Indigenous lawyers practising in the province. Not all of these lawyers are enrolled in the Indigenous mentorship program for a variety of reasons (e.g. lack of time or interest, geographic isolation, and prior enrollment in other mentorship programs such as the CBA BC's Student Mentorship Program<sup>54</sup>).
  - With a low number of Indigenous mentors, the Law Society had to expand the mentor pool to include non-Indigenous lawyers. However, Indigenous mentees are often specifically seeking mentors with Indigenous ancestry.
  - Some mentees have been very particular about the characteristics they would like to see in their mentors (e.g. type of Indigenous person, gender, practice area, geographic region, and parental status). With small mentor pool, it is not always possible to find mentors that have all of the traits the mentees are seeking. In the context of a mentorship program for racialized lawyers, it is reasonable to anticipate that mentees would likely seek mentors from specific racialized groups. Such a program would be difficult to administer.
  - Logistical factors regarding the regulator administering the mentorship program.<sup>55</sup>
33. While it is not currently feasible for the Law Society to administer a mentorship program for racialized law students and lawyers, there are a number of established mentorship programs that could provide support. For example:
- CBA BC's Student Mentorship Program<sup>56</sup> enables mentees and mentors to specify whether they are seeking a match based on specific characteristics (e.g. gender, race, ethnicity, disability, and sexual orientation). Although there is an assumption that mentors must be CBA members, and accordingly pay a membership fee, the user

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<sup>54</sup> Mentoring relationships created in the CBA BC's program often continue past law school.

<sup>55</sup> E.g.: What happens if the Law Society receives a complaint against a mentor? Should the mentor be withdrawn from the program immediately, or should the complaint be substantiated before there is any change to enrollment?

<sup>56</sup> <https://www.cbabc.org/Professional-Development/Mentorship/Student-Mentorship-Program> .



agreement form indicates that “Mentors are encouraged but not required to be CBA Members.”<sup>57</sup>

- CBA BC Women Lawyers Forum also administers a mentorship program<sup>58</sup> that enables participants to specify characteristics such as race and ethnicity.
- The Federation of Asian Canadian Lawyers of BC,<sup>59</sup> Canadian Association of Black Lawyers,<sup>60</sup> and South Asian Bar Association<sup>61</sup> also provide mentorship programs for racialized lawyers.

It would likely be more effective for the Law Society to find ways of supporting the existing mentorship programs, rather than creating a new program.

Action items regarding the efforts of other organizations:

1. Research recommendations, resources, and initiatives from other legal organizations and professions;
2. Consider whether any recommendations or initiatives from other jurisdictions or organizations may be applicable in the Law Society of BC’s context; and
3. Strategically collaborate to increase recruitment, retention, and advancement of diverse lawyers.

## **10) Tracking Progress**

34. Tracking progress is important for maintaining motivation, assessing the effectiveness of efforts and making adjustments (where appropriate), and improving accountability. The EDI Committee intends to track progress, and regularly review the Action Plan to ensure that it remains relevant and effective.

Action items regarding tracking progress:

1. Continually review, evaluate, and renew the Action Plan to ensure that it remains relevant and effective in advancing the Law Society’s EDI efforts; and
2. Regularly report progress through the Law Society’s existing mechanisms.

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<sup>57</sup> [https://mentorcity.com/en/organizations/762/user\\_agreement/consent](https://mentorcity.com/en/organizations/762/user_agreement/consent) .

<sup>58</sup> <https://www.cbabc.org/Sections-and-Community/Women-Lawyers-Forum/WLF-Mentoring-Program>

<sup>59</sup> <https://faclbc.ca/mentorship>

<sup>60</sup> <https://cabl.ca/programs/mentorship/>

<sup>61</sup> <https://sababc.com/2017/03/16/student-mentorship-event/>

## **Conclusion**

35. The Law Society of BC, with guidance from the EDI Committee, has made extensive efforts to increase diversity in the legal profession. The Action Plan seeks to build upon previous efforts, and to make further advancements in this regard. The proposed action items may require additional prioritization and identification of tangible steps to achieve them. They are aimed at making meaningful changes to enhance diversity within the Law Society and the profession at large.

## **Recommendation**

36. The EDI Committee recommends that the Benchers approve the Action Plan.

## Appendix A: EDI Advisory Committee Mandate and Terms of Reference

The Law Society's mandate is to uphold and protect the public interest in the administration of justice, by:

- (a) preserving and protecting the rights and freedoms of all persons;
- (b) ensuring the independence, integrity, honour and competence of lawyers;
- (c) establishing standards and programs for the education, professional responsibility and competence of lawyers and of applicants for call and admission;
- (d) regulating the practice of law; and
- (e) supporting and assisting lawyers, articled students and lawyers of other jurisdictions who are permitted to practise law in British Columbia in fulfilling their duties in the practice of law.<sup>62</sup>

The Committee's mandate is to:

monitor and advise the Benchers on developments and issues affecting equity, diversity, and inclusion in the legal profession and the justice system, and to promote equity, diversity, and inclusion in the legal profession.

The Committee's duties and responsibilities are to:

1. fulfill responsibilities related to equity, diversity, and inclusion contemplated by the Strategic Plan, or specific tasks assigned by the Benchers;
2. monitor issues affecting equity, diversity, and inclusion in the legal profession and the justice system in British Columbia;
3. advise the Benchers on priority planning and respective issues affecting equity, diversity, and inclusion in the legal profession and the justice system – including the identification of matters that may require the immediate attention by the Benchers;
4. develop recommendations, policy options, collaborations, and initiatives;
5. analyze implications of Law Society initiatives as they relate to equity, diversity, and inclusion; and
6. attend to such other matters as the Benchers may refer to the Committee.

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<sup>62</sup> Section 3 of the *Legal Profession Act*.

## Appendix B: Action Items Organized by Timeframe

Action	Timeframe	Responsible Entity
1.1: Update the existing demographic self-identification survey to obtain additional details.	Immediate	EDI memo to Exec. Staff to implement if approved.
1.2: Actively encourage lawyers to respond to the demographic self-identification survey	Immediate	EDI and staff
4.3: Compile a calendar of annual EDI events in BC, and encourage Law Society representatives to attend.	Immediate	Staff
7.1: Ensure the background to the EDI award is publicized.	Immediate	Staff (Communications)
8.1: Contribute to the Law Society of BC's response to the Model Code consultation regarding the discrimination and harassment provisions.	Immediate (deadline: Sept. 30, 2020)	EDI, Ethics, and staff
4.1: Develop a comprehensive outreach strategy to highlight the Law Society's EDI efforts.	This year (2020)	EDI and staff
4.2: Update and enhance the Law Society's online EDI resources.	This year (2020)	Staff (Communications)
5.1: Review the EDI section of the law firm regulation self-assessment tool prior to the implementation of law firm regulation. Include a non-stigmatizing language guide.	This year (2020)	EDI and staff
2.1: Consider whether additional calls for applications should include diversity statements.	One year (2021)	Staff to review calls for applications/appointments
2.3 Continue to build on and implement a comprehensive strategy to ensure diverse representation within Law Society governance	One year (2021)	Staff to clarify current strategy, EDI and staff to review and supplement
2.5: Review existing policies and procedures to determine whether additional measures need to be developed.	One year (2021)	Staff to review existing policies and procedures
1.4 Continue to monitor and publicize the diversity statistics of the legal profession in BC.	Annually	Staff (Communications)

5.2: Regularly review the EDI self-assessment tool to ensure that it is up to date, and that the list of resources is relevant and responsive to emerging issues.	Annually	EDI and staff
10.1: Continually review, evaluate, and renew the action plan to ensure that it remains relevant and effective in advancing the Law Society's objectives.	Annually	EDI and staff
7.2: Continue to promote and present the EDI award.	Biannually	Staff (Bencher Relations)
2.2: Regularly review diversity statements to ensure they are current.	Ongoing	Staff to review before each call for applications
2.4: Ensure diverse representation within Law Society governance and employment.	Governance: annual Employment: ongoing	Governance: President Employment: CEO and HR.
2.6: Highlight diversity in Law Society publications.	Ongoing	Staff (Communications)
3.1: Continue to provide Law Society representatives with educational opportunities geared toward fostering support for diverse individuals.	Ongoing	EDI and staff
3.2: Identify additional methods to promote intercultural competence training, within the organization and throughout the legal profession in BC.	Ongoing	Lawyer Development Task Force, EDI, and staff
3.4: Strategically collaborate to advance intercultural competence education for lawyers in BC.	Ongoing	Lawyer Development Task Force, EDI, and staff
10.2: Regularly report progress through the Law Society's existing mechanisms.	Ongoing	EDI and staff
1.3: Consider whether other methods of getting diversity information about lawyers are required.	Long term (3 years)	Staff to review updated self-identification survey feedback.
3.3: Consider the role of the CPD program in advancing intercultural competence education.	Long term (3 years)	Lawyer Development Task Force, advice from EDI
6.1: Identify further methods to promote the adoption and implementation of existing model policies and guides.	Long term (3 years)	EDI and staff

6.2: Consider whether additional resources may be beneficial.	Long term (3 years)	EDI and staff
6.3: If necessary, develop additional resources for: a. Law firms that are interested in recruiting and retaining diverse candidates; b. Diverse lawyers who are interested in resilience-building strategies; and c. Lawyers who are interested in becoming allies for change.	Long term (3 years)	EDI and staff
8.2: Review the <i>Act</i> , Rules, and Code for possible improvements that might help to support diversity in the legal profession.	Long term (3 years)	EDI, Act and Rules, Ethics, and staff
8.3: Where appropriate, propose amendments to the <i>Act</i> , Rules, and Code.	Long term (3 years)	EDI, Act and Rules, Ethics, Exec, and staff
9.1: Research the EDI recommendations, resources, and initiatives from other law societies, legal organizations, law schools, and professions in order to: inform the Law Society's work, avoid duplication of efforts, and identify opportunities for cooperation.	Long term (3 years)	EDI and staff
9.2: Strategically collaborate to increase recruitment, retention, and advancement of diverse lawyers.	Long term (3 years)	EDI and staff

## Appendix C: Demographic Self-Identification Survey Results

Lawyer Demographics	2013		2014		2015		2016		2017		2018		2019	
	Number (#)	Percent (%)	#	%	#	%	#	%	#	%	#	%	#	%
Aboriginal/Indigenous	256	2.26	262	2.32	294	2.49	316	2.63	330	2.69	334	2.65	340	2.71
I choose not to answer	2439	21.55	2434	21.57	2528	21.44	2471	20.6	2675	21.77	2910	23.07	2966	23.61
I do not identify	6887	60.84	6734	59.69	6937	58.84	6999	58.34	6859	55.83	6798	53.89	6517	51.87
LGBT	273	2.41	295	2.61	314	2.66	339	2.83	390	3.17	397	3.15	442	3.52
Person with a Disability	170	1.5	170	1.51	194	1.65	215	1.79	229	1.86	241	1.91	271	2.16
Racialized	1291	11.41	1354	12.0	1503	12.75	1643	13.7	1795	14.61	1934	15.33	2029	16.15
<b>Total Responses</b>	<b>11319</b>		<b>11282</b>		<b>11789</b>		<b>11996</b>		<b>12285</b>		<b>12615</b>		<b>12565</b>	

## **Appendix D: Diversity Statement for Bencher Elections**

### **Bencherers encourage diversity in candidates seeking office**

The Benchers believe that the Law Society's mandate to protect the public interest in the administration of justice is best served by leadership from diverse backgrounds and experience. Diversity that brings the skill and richness of talent reflected in the peoples of British Columbia strengthens our legal community and the community at large. All lawyers who meet the qualifications for Bencher and want to contribute to the governance of the profession are encouraged to stand for election. We particularly encourage Indigenous lawyers, racialized lawyers, LGBTQ2+ lawyers, lawyers with disabilities, young lawyers, and those practising predominantly in solicitors' fields to stand for election as these groups continue to be underrepresented among elected Benchers. Although the Law Society has achieved, and been enriched by, gender parity among its elected Benchers, it continues to encourage women to stand for election as part of its commitment to achieve leadership that is reflective of the face, talents, and strengths of all British Columbians.



## Appendix E: Law Firm Regulation Self-Assessment Tool (EDI section)

### ELEMENT 8 - EQUITY, DIVERSITY AND INCLUSION

**Objective: Observe the laws protecting human rights, and the principles of equity, diversity and inclusion in the workplace and in all of the provision of legal services.**

**Indicator 1:** Are policies and processes in place that foster the creation of a fair and safe working environment for all lawyers and staff?

#### Considerations

- Policies or processes are in place that comply with legal obligations protecting human rights and encourage diversity, inclusion, substantive equality and accommodation in the recruitment, retention and advancement of all lawyers and staff
- Hiring policies and processes are free of bias and discrimination, including interview questions
- Policies are reviewed, updated and are communicated to lawyers and staff
- Lawyers and staff participate in education and training on issues relating to unlawful discrimination, harassment and bullying, including legal obligations under the *Human Rights Code* and the *Workers Compensation Act*
- Maternity and parental leave policies are in place for lawyers and staff
- Flexible work schedules are an option for lawyers and staff who have child-care or other caregiver responsibilities
- Accommodation policies are in place for lawyers and staff with disabilities
- Internal complaints mechanisms are in place to address concerns and allegations of unlawful discrimination and harassment in the workplace

#### RESOURCES:

Law Society of BC, [Promoting a respectful workplace: A guide for developing effective policies](#)

Law Society of BC, [Model Policy: Flexible Work Arrangements](#)

BC Human Rights Tribunal, [Human Rights and Duties in Employment](#)

*BC Code of Professional Conduct* [[section 6.3](#): Harassment and discrimination]

**Indicator 2:** Are policies and processes in place that encourage lawyers to develop and maintain the necessary knowledge and skills to provide legal services in a manner consonant with the principles of equity, diversity, inclusion and non-discrimination?

## Considerations

- All clients, court registry staff and colleagues are treated in a manner consistent with applicable human rights laws and the principles of equity, diversity and inclusion
- Language used in communicating with clients is appropriate to the individual receiving the communication and reflects freedom from unlawful discrimination
- Processes are in place to address language barriers, cultural differences and issues of mental capacity
- Lawyers and staff have adequate knowledge and skills to ensure that clients with disabilities and other equality seeking groups receive competent legal services
- Lawyers and staff participate in skills-based training with respect to the Truth and Reconciliation Commission Call to Action #27:
  - to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal – Crown relations. This will require skills-based training in intercultural competency, dispute resolution, human rights, and anti-racism.
- Legal requirements relating to accessibility have been considered and where accessibility may be an issue, lawyers meet clients in other appropriate settings

## RESOURCES:

Law Society of BC, [Equity Ombudsperson](#)

Law Society of BC, *Benchers' Bulletin* Winter 2016, [Working in a Diverse Society: The Need for Cultural Competency](#)

Law Society of BC, [Practice Advisors - Frequently Asked Questions](#)

Law Society of BC, Practice Checklists Manual, [Human Rights Complaint Procedure](#)

Law Society of BC, [Equity and Diversity Centre](#)

Law Society of BC, [The Business Case for Retaining and Advancing Women Lawyers in Private Practice](#)

BC Human Rights Tribunal, [Human Rights Duties in Employment](#)

BC Human Rights Tribunal, [Human Rights in Services, Facilities, Accommodations](#)

Canadian Human Rights Tribunal, [Accommodation Works!](#)

Truth and Reconciliation Commission of Canada: [Calls to Action](#)

*BC Code* [[section 2.1](#): Canons of legal ethics; [section 3.1](#): Competence; [section 3.2](#): Quality of service (Clients with diminished capacity); [section 6.1](#): Supervision; [section 6.2](#): Students; [section 6.3](#): Harassment and discrimination; [section 7.2](#): Responsibility to lawyers and others]

## Appendix F: Original EDI Award Description

In 2015, the Benchers of the Law Society of British Columbia instituted the Diversity and Inclusion Award. The Award honours a person who has made significant contributions to diversity and inclusion in the legal profession or the law in British Columbia over the previous two years.

The Law Society is committed to fostering a more diverse and inclusive legal profession. It recognizes that public faith and participation in the justice system are best served by a legal profession that reflects and respects the full range of human differences within civil society, including but not limited to race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes, religious or ethical values, national origin and political beliefs.

The Diversity and Inclusion Award is given in acknowledgement of individuals and groups who were historically excluded from the practice of law in British Columbia due to discriminatory barriers. From 1918 until 1949, membership in the Law Society of BC was linked to registration on the provincial voters list. In 1875, Chinese Canadians and Aboriginal peoples were excluded from the voters list. This exclusion was extended to Japanese Canadians in 1895, to South Asian Canadians in 1907, and to Doukhobors, Mennonites and Hutterites in 1931. Although women were excluded from the provincial voters list until 1917, Mabel Penery French became the first woman to be called to the British Columbia bar in 1912 after petitioning the provincial government to pass legislation to admit women to the bar. In 1947, Chinese and South Asian Canadians were added to the provincial voters list. The prohibition was removed for Aboriginal peoples, Japanese Canadians, Mennonites and Hutterites in 1948.

Some specific examples of exclusion from the legal profession in BC include:

- Gordon Cumyow, a British subject of Chinese descent, applied for admission to the Law Society in 1918, and was denied admission in 1919.
- In 1919, Mr. Yamada was dissuaded from studying law in British Columbia based on the Law Society's exclusionary admission criteria;
- In 1922, Andrew Paull, a First Nations man from North Vancouver, was informed that he would not meet the Law Society's admission requirements;
- An individual with a surname indicating Japanese descent petitioned to be permitted to enter into articles of clerkship in order to be called to the bar in 1932; his petition was refused; and
- William Gordon Martin was denied Law Society membership in 1948 for failing to renounce his belief in communism.

Many others were undoubtedly deterred from pursuing legal careers based on the Law Society's exclusionary admission rule.

## Appendix G: Ontario Recommendations in the BC Context

RECOMMENDATION	BC CONTEXT
<p><b>Recommendation 1 – Reinforcing Professional Obligations</b>                      The Law Society will review and amend, where appropriate, the <i>Rules of Professional Conduct</i>, the <i>Paralegal Rules of Conduct</i>, and Commentaries to reinforce the professional obligations of all licensees to recognize, acknowledge and promote principles of equality, diversity and inclusion consistent with the requirements under human rights legislation and the special responsibilities of licensees in the legal and paralegal professions.</p>	Yes
<p><b>Recommendation 2 – Diversity and Inclusion Project</b>                      The Law Society will work with stakeholders, such as interested legal workplaces, legal associations, law schools and paralegal colleges to develop model policies and resources to address the challenges faced by racialized licensees.</p>	Yes. We have some available online already.
<p><b>Recommendation 3 – The Adoption of Equality, Diversity and Inclusion Principles and Practices</b>                      The Law Society will:</p> <ol style="list-style-type: none"> <li>1) require every licensee to adopt and to abide by a statement of principles acknowledging their obligation to promote equality, diversity and inclusion generally, and in their behaviour towards colleagues, employees, clients and the public;</li> <li>2) require a licensee representative of each legal workplace of at least 10 licensees in Ontario to develop, implement and maintain a human rights/diversity policy for their legal workplace addressing at the very least fair recruitment, retention and advancement, which will be available to members of the professions and the public upon request;</li> <li>3) require a licensee representative of each legal workplace of at least 10 licensees in Ontario to complete, every two years, an equality, diversity and inclusion self-assessment for their legal workplace, to be provided to the Law Society; and</li> <li>4) encourage legal workplaces to conduct inclusion surveys by providing them with sample templates.</li> </ol>	<ol style="list-style-type: none"> <li>1) In law firm regulation, used different wording.</li> <li>2) Not mandated, but encouraged.</li> <li>3) Law firm regulation self-assessment; not required to submit.</li> <li>4) LSBC has templates online.</li> </ol>
<p><b>Recommendation 4 – Measuring Progress through Quantitative Analysis</b>                      Each year, the Law Society will measure progress quantitatively by providing legal workplaces of at least 25 licensees in Ontario with the quantitative self-identification data of their licensees compiled from the Lawyers Annual Report and the Paralegal Annual Report in a manner consistent with the best practices established to protect licensees vulnerable to harm that may flow from this disclosure, so they can compare their data with the aggregate demographic data gathered from the profession as a whole through the annual reports.</p>	The LSBC collects self-identification data. No intention to mandate law firms to gather and publish demographic data.
<p><b>Recommendation 5 – Measuring Progress through Qualitative Analysis</b>                      The Law Society will measure progress by:</p> <ol style="list-style-type: none"> <li>1) asking licensees to voluntarily answer inclusion questions, provided by the Law Society, about their legal workplace, every four years; and</li> <li>2) compiling the results of the inclusion questions for each legal workplace of at least 25 licensees in Ontario and providing the legal workplace with a summary of the information gathered</li> </ol>	Difficulties with survey fatigue and survey response rates (e.g. statistical significance of data if low response)
<p><b>Recommendation 6 – Inclusion Index</b>                      Every four years, the Law Society will develop and publish an inclusion index that reflects the following information, including, for each legal workplace of at least 25 licensees: the legal workplace's self-assessment information</p>	Difficulties with survey fatigue and survey response rates (e.g.

<p>(Recommendation 3(3)), demographic data obtained from the Lawyer Annual Report and Paralegal Annual Report (Recommendation 4) and information gathered from the inclusion questions provided by the Law Society (Recommendation 5).</p>	<p>statistical significance of data if low response)</p>
<p><b>Recommendation 7 – Repeat Challenges Faced by Racialized Licensees Project Inclusion Survey</b>  The Law Society will conduct inclusion surveys with questions similar to those asked in Appendix F of the Stratcom Challenges Faced by Racialized Licensees Final Report (March 11, 2014) (available online at <a href="http://www.stratcom.ca/wp-content/uploads/manual/Racialized-Licensees-Full-Report.pdf">http://www.stratcom.ca/wp-content/uploads/manual/Racialized-Licensees-Full-Report.pdf</a>). The first inclusion survey will be conducted within one year of the adoption of these recommendations, and thereafter every four years, subject to any recommendation by the Equity and Aboriginal Issues Committee to Convocation.</p>	<p>Difficulties with survey fatigue and survey response rates (e.g. statistical significance of data if low response)</p>
<p><b>Recommendation 8 – Progressive Compliance Measures</b>  The Law Society will consider and enact, as appropriate, progressive compliance measures for legal workplaces that do not comply with the requirements proposed in Recommendation 3 and/or legal workplaces that are identified as having systemic barriers to diversity and inclusion.</p>	<p>No intention to impose compliance measures in BC.</p>
<p><b>Recommendation 9 – Continuing Professional Development (CPD) Programs on Topics of Equality and Inclusion in the Professions</b>  The Law Society will:  1) launch a three hour accredited program focused on advancing equality and inclusion in the professions;  2) develop resources to assist legal workplaces in designing and delivering their own three hour program focused on advancing equality and inclusion in the professions, to be accredited by the Law Society; and  3) require each licensee to complete three hours of an accredited program focused on equality and inclusion within the first three years following the adoption of these recommendations and one hour per year every year thereafter, which will count towards the licensee’s professionalism hours for that year.</p>	<p>LSBC could work to improve educational opportunities to promote diversity and inclusion.   Reluctance to adjust CPD requirements</p>
<p><b>Recommendation 10 – The Licensing Process</b>  The Law Society will include the topics of cultural competency, equality and inclusion in the professions as competencies to be acquired in the Licensing Process.</p>	<p>Being incorporated into PLTC curriculum.</p>
<p><b>Recommendation 11 – Building Communities of Support</b>  The Law Society, in collaboration with legal associations where appropriate, will provide support to racialized licensees in need of direction and assistance through mentoring and networking initiatives.</p>	<p>Collaborate with CBA, FACL, CABL, LEADR, LFDIN, etc.</p>
<p><b>Recommendation 12 – Addressing Complaints of Systemic Discrimination</b>  The Law Society, in light of the findings of this project and emerging issues in the professions, will:  1) review the function, processes and structure of the Discrimination and Harassment Counsel Program (DHC), including considering effective ways for the DHC to address issues of systemic discrimination;  2) revise the Rules of Professional Conduct so that systemic discrimination and reprisal for complaints of discrimination and harassment are clearly identified as breaches of professional conduct requirements;  3) create effective ways for the Professional Regulation Division to address complaints of systemic discrimination; and  4) create a specialized and trained team to address complaints of discrimination.</p>	<p>1) Brought Equity Ombudsperson in house  2) Model Code consultation   3) Review our processes   4) Economies of scale?</p>

<p><b>Recommendation 13 – Leading by Example</b></p> <p>1) The Law Society will continue to monitor and assess internal policies, practices and programs, to promote diversity, inclusion and equality within the workplace and in the provision of services by:</p> <ul style="list-style-type: none"> <li>a) as required, adopting, implementing and maintaining a human rights/diversity policy addressing at the very least fair recruitment, retention and advancement;</li> <li>b) measuring quantitative progress through a census of the workforce or other method;</li> <li>c) measuring qualitative progress by conducting inclusion surveys;</li> <li>d) conducting regular equality, diversity and inclusion self-assessments;</li> <li>e) based on the results from b), c) and d), identifying gaps and barriers and adopting measures to address the gaps and barriers;</li> <li>f) publishing relevant findings from b), c), d) and e); and</li> <li>g) providing equality and inclusion education programs for staff at the Law Society on a regular basis.</li> </ul> <p>2) The Law Society will:</p> <ul style="list-style-type: none"> <li>a) conduct an internal diversity assessment of the bench composition and publicize the results;</li> <li>b) provide equality and inclusion education programs for Convocation on a regular basis</li> </ul>	<ul style="list-style-type: none"> <li>a) Yes, ongoing</li> <li>b) Demographic data for staff not feasible</li> <li>c) annual staff survey could ask EDI questions</li> <li>d) staff leadership statistics from 25 year review are promising</li> <li>e) can take closer look</li> <li>g) underway and well attended.</li> </ul> <p>2) a) gender ok, diversity less doable. b) intention to include training in orientation.</p>
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