

## Business

# Black History Month event explores impact of equity, diversity and inclusion initiatives

By **Amanda Jerome**

(February 25, 2022, 9:53 AM EST) -- The importance of data, the need for systemic change and the effects racialized lawyers have on access to justice were highlighted in a panel discussion debating the growth and impact of equity, diversity and inclusion (EDI) programming.

The Black History Month event, titled "EDI Strategic Toolkit: Evaluating Organizational Inclusion," was organized by the Law Society of Ontario, the Canadian Association of Black Lawyers (CABL) and the Ontario Association of Black Paralegals (OABP).

"The focus of this panel," Patricia DeGuire, the panel facilitator, explained, "is whether EDI makes a positive difference, or positively impacts" our communities.

"Whether by moral assuasion or interest conversion, EDI has grown exponentially in the last two years. We ask, are BIPOC (Black, Indigenous, and people of colour) people benefiting from it?" she queried, while also asking whether EDI is a panacea to racial inequity, or does it perpetrate the status quo?

DeGuire, the chief commissioner of the Ontario Human Rights Commission, noted that the panel would examine these issues and conclude that "changes have been made, but there is lots of room for improvement."

"The focus is not to conjure up scenes of lamentation of our pernicious histories of racism, but on reflection, use those histories as springboards for change. We must reimagine impactful ways to combat discrimination, in particular anti-Black discrimination, anti-Indigenous discrimination, and this requires transformation," she said.

DeGuire stressed that "it is time for equality seekers to be bold, to be intentional," to "assert, create, and seize or share, and we shall do so with our allies, collaborators and partners. But we shall not use the master's tools to transform the master's house."

"This discussion," she added, "is framed through the lens at the intersection of two pandemics: the George Floyd murder" and "COVID-19 and his variant brother, omicron."

"Both have laid bare the inequities that plague our societies. They have created an epoch, an opportune time to pivot, to imagine tactical ways to combat anti-Black and anti-Indigenous racism," she noted.

"Reports and data say that EDI has grown exponentially across all sectors in the last two years, but is it so? And to what do you attribute this growth: moral assuasion or interest conversion?" DeGuire asked the panellists, who gathered virtually on Feb. 10.



Donna Young, Lincoln Alexander School of Law dean

Donna Young, dean of the Lincoln Alexander School of Law, said it's a "pretty fair assumption" that EDI programming has grown, but noted there's also "a growing backlash against EDI programming."

"Whenever there is, what I consider, really a step forward in the quest for racial justice we see some steps backwards also," she said, noting that she believes both moral assuasion and interest conversion have attributed to the growth of EDI.

"I think that it was really hard to ignore the very racist oppression of and brutality against Black men and women in the United States. And we had, after the George Floyd murder and the murder of Breonna [Taylor] that there was a worldwide outpouring of grief and anger, and it's hard to ignore that," she explained, adding that "it wasn't inevitable that there would be this worldwide outpouring of grief and anger because we've seen this over and over again."

Young noted that there's been an increase in "anti-Semitic behaviour, both violent behaviour and harassing behaviour. We've seen an increase in anti-Asian discrimination throughout the pandemic, and we've seen this kind of racism has been manifesting around different racialized communities in different ways."

"So, we know that EDI is meant to address some of these issues," she added, saying that some of this is "dictated by moral assuasion."

"I think that there are people who have genuine concerns about the plight of Black people, and other racialized people, and Indigenous people. I think that there's no reason to question the good faith of these individuals who has stepped up to address the inequities that were so forcefully demonstrated, but to the extent that there's exclusion built into the system, than I think these individual commitments will not dismantle system-wide inequities," she explained, noting that there's also a measure of interest conversion related to this.

Young explained that the term "interest conversion" was coined by Derrick Bell, the first tenured Black law professor at Harvard. She noted that Bell, writing in the 1970s, found that the "rights of Black people only advance when they converge with the interests of white people."

In relation to EDI, Young said that "businesses are realizing the benefits of diversifying their workforce, of taking on different clients."

"The problem with both moral assuasion and interest conversion is that they are unstable," she said, noting that although they lead to greater efforts at EDI, people have to be "vigilant and make sure that, regardless of the motivation behind EDI programming, we have to ... try to continue their effects."



Vidal Chavannes, Durham Regional Police Service

Vidal Chavannes, the director of strategy, research and organizational performance for the Durham Regional Police Service, said "EDI, as an industry, absolutely has grown."

"Has its impact grown, I think, is the question that we really need to evaluate," he added.

Chavannes stressed that we need to "parse out what EDI means because there are three very distinct terms and sometimes, we use them as one term as though they all mean the same thing."

"Diversity, to me, is almost the lowest bar of this conversation especially in a society that we live in," he said, noting that in Canada, and Ontario, "diversity is kind of ubiquitous."

The other two terms are "where organizations face some challenge" to "ensure that even when individuals are in positions that they're actually included" at the decision-making table, he explained.

"I think we really need to train our eyes on this systemic aspect of this conversation. I totally appreciate that things move. The idea that we chose between moral assuasion and interest conversion is almost, to me, it's almost a misnomer. It's like I don't really care which one it is. I want to see what happens as a result of the action," he added.

Chavannes stressed that "the idea that systems change by relentless incrementalism is folly; we know this from the data."

"The time now is to be intentional and deliberate in changing the way we operate within systems," he said, emphasizing that "the nuts and bolts" are that "systemic change" is required and "at this point we find ourselves in this sort of historical loop where a crisis happens, and we jump on board with the EDI conversation."

"At some point in time there needs to be a recognition that we require systemic, deliberate response to the issues that we face if indeed we care about creating equitable and inclusive organizations," he added.

Next, the panel was asked: "has EDI, in particular inclusion, made a positive difference or impact in the Black and Indigenous communities?" and "is inclusion a panacea to dismantle systemic racial inequity or does it perpetuate the status quo?"

"It's important to note that inclusion can't stamp out inequity. Only equity can stamp out inequity," Chavannes answered, stressing that if organizations want to "create equitable and inclusive spaces, then we want to address disproportionality and disparity."

Kim Bernhardt, an arbitrator and mediator on human rights, noted that "there's a dearth of statistical evidence that" EDI "has been an area of growth."

However, she believes "one of the more meaningful benefits for Black people has been the fact that this is now a recognized issue, that there is anti-Black racism."

"Black people are motivated to educate themselves, taking the brave steps especially to engage in

the conversation,” she said, noting that statistical evidence does not “tell the whole picture.”

“You have to have the richness of research, anecdotes, personal experiences ... to measure where we are,” she explained.

Young stressed that “without diversity you don’t get equity or inclusion in certain organizations.”

In terms of the legal profession, Young noted that diversity is important for access to justice.

“We know that racialized lawyers are more likely to serve racialized communities and racialized clients. We know that increasing the diversity of the legal profession leads to better representation of underserved communities,” she said, noting, however, that “in order to have diversity within the legal profession and to foster inclusion and equity, we really do have to pay attention to the data.”

Young, who was a law professor for 30 years in the United States, said it was “really shocking what difference there was” between the U.S. and Canada in “the idea or understanding of what data collection” is.

“One of the things that really surprised me,” she noted, was “there wasn’t any data collection of the applicants that were applying to law schools except for certain characteristics, mainly gender and Aboriginal and Indigenous status.”

“Data collection is really important to keep institutions accountable, but it serves a larger role and that is what we are promising the public: to serve communities,” she stressed.

Young doesn’t believe that EDI is a panacea to dismantling systemic racial inequality.

“EDI is just one method. It’s a tool towards greater access to the justice system, that is the access to lawyers or the courts or legal processes for underserved communities. I do think it’s not dismantling systemic racial inequality, but it is a tool towards that,” she added.

DeGuire’s final question to the panel was: “How can organizations employ EDI, especially inclusion and equity, as a strategic framework or tools to dismantle or combat systemic anti-Black racism or anti-Indigenous racism?”

Shashu Clacke, the managing director and business strategist at CN Consulting, emphasized that “the change that needs to happen, really, is very similar to what organizations typically do for what they call ‘culture transformation.’ ”

“Organizations have been doing this for many years, when you’re trying to transform culture, you need a strategic plan; you need to have the resources. Bring in the people who know how to do strategic planning, marry them with the people who have subject matter expertise in terms of EDI and in terms of how to achieve equity. But those things have to be together, you can’t keep them separate,” she said, stressing that organizations need to bring in their “tools.”

“You need your communication tools, you need your project management tools, all the same tools you ordinarily use for culture transformation. You need those tools, if you’re really serious to drive your EDI, use those same tools,” she advised.

*Photo of Donna Young by Mitch Wojnarowicz.*

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