

EDI
FOR LEGAL WORKPLACES:
BIBLIOGRAPHY

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HOUR 1: EDI – CONCEPTS, MEANINGS & WHY IT MATTERS

SCENARIO & TOPICS FOR DISCUSSION	MATERIALS AVAILABLE
<p>Background resources:</p> <p>Concepts, Meanings & Why It Matters</p>	<p>Ontario Human Rights Commission, Racial Discrimination, Race and Racism Fact Sheet</p> <p>MTV Decoded: Why Does Privilege Make People So Angry?</p> <p>The Action Group on Access to Justice, October 2016: Public Perceptions of Access to Justice in Ontario</p> <p>Material on importance of EDI in the legal profession:</p> <p>Adams, Travis (2012) “Cultural Competency: A Necessary Skill for the 21st Century Attorney,” <i>Law Raza</i>: Vol. 4: Iss. 1, Article 2, p. 17</p> <p>Bhasin, Ritu, “Cultural Competence: an essential skill for success in an increasingly diverse world”, <i>LAWPRO Magazine</i> (Vol. 13, no. 2)</p> <p>Cairns Way, Rosemary, “Reconceptualizing Professional Responsibility: Incorporating Equality”, (2002) 25 <i>Dalhousie L.J.</i> 27</p> <p>Chopp, Debra. “Addressing Cultural Bias in the Legal Profession.” <i>NYU Rev. of L. and Soc. Change</i> 41, No. 3 (2017): 367-406, p. 373.</p> <p>Grillo, Ralph et al, <i>Legal Practice and Cultural Diversity</i> (2009) (Ashgate Publishing: London, UK)</p> <p>Lorne Shelson, “Manage Malpractice: by recognizing cultural diversity”, <i>LAWPRO Magazine</i> (Vol. 13, no. 2)</p>
<p>Scenario #1:</p> <p>Systemic Barriers in the Law</p>	<p>American Bar Association, ABA: <i>Interrupting Racial and Gender Bias in the Legal Profession</i>, 2018 You Can’t Change What You Can’t See</p> <p>The Continuing Legal Education Society of B.C., But I Was Wearing a Suit</p> <p>Law Society of Ontario, Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions, Challenges Faced by Racialized Licensees Working Group, Final Report December 2016</p> <p>Law Society of Ontario, Developing Strategies for Change: Addressing Challenges Faced by Racialized Licensees, Challenges Faced by Racialized Licensees Working Group, Consultation Paper October 2014</p> <p>Hadiya Roderique, <i>The Globe and Mail</i> (4 November 2017): Black on Bay Street</p>

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HOUR 2: IMPLICIT BIAS - HOW THE MIND WORKS

SCENARIO & TOPICS FOR DISCUSSION	MATERIALS AVAILABLE
<p>Background resources:</p> <p>Implicit Bias</p>	<p>Banaji, Mahzarin and Anthony Greenwald, <i>Blindspot: Hidden Biases of Good People</i>, (Delacorte Press, New York: 2013) Harvard's Project Implicit</p> <p>Jerry Kang, UCLA, TedX Talk: Immaculate Perception</p> <p>Royal Academy of Science Understanding Unconscious Bias</p> <p>Choudhury, Shakil, <i>Deep Diversity: Overcoming Us vs. Them</i>, www.DeepDiversity.org</p> <p>Gudykunst, William B., <i>Bridging Differences: Effective Intergroup Communications</i>, 3rd ed. (Thousand Oaks, CA: Sage Publications, 1998), 40-42</p> <p>David G. Myers, "The Powers and Perils of Intuition: Understanding the Nature of Our Gut Instincts," <i>Scientific American Mind</i> (June/July 2007), 26.</p> <p><i>Do Smarter People Look More Intelligent? It Depends on Their Gender</i> 02 March 2017: https://bigthink.com/elise-bohan/women-have-a-biological-advantage-on-dating-apps</p> <p><i>Smart at First Sight:</i> https://www.st-andrews.ac.uk/stories/2016/smart-at-first-sight/</p> <p>Studies on effects of implicit bias:</p> <p>Josh Terrell et al. "Gender differences and bias in open source: Pull request of women versus men" (2016). 3:e111 <i>PeerJ Computer Science</i> 1. Online: https://doi.org/10.7717/peerj-cs.111</p> <p>Claudia Goldin & Cecelia Rouse, "Orchestrating Impartiality: The Impact of "Blind" Auditions on Female Musicians" (2000) 90:4 <i>The American Economic Review</i> 715.</p> <p>Walter S. Gilliam et al. "Do Early Educators' Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions?" <i>Yale Child Study Center</i> (2016) Online: Yale Child Study</p> <p>Philip Oreopoulos & Diane Dechief, "Why do some employers prefer to interview Matthew, but not Samir? New evidence from Toronto, Montreal and Vancouver" (2011) Metropolis British Columbia Centre of Excellence for Research on Immigration and Diversity, Working Paper No 11-13.</p>

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HOOR 3: STRATEGIES FOR EDI IN PRACTICE

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GLOSSARY OF TERMS

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Ableism	The systematic oppression of a group of individuals because of what is assumed they are capable of doing physically or mentally.
Access	Giving people of all abilities opportunities to participate fully in the activities of everyday life.
Accommodation	<p>Accommodation reflects the duty of an employer or service provider to ensure that its rules, practices, behaviours, policies and physical structures do not create barriers that exclude individuals based on characteristics protected by human rights.</p> <p>Where barriers still exist, individual accommodation solutions must be explored as necessary. Accommodation is also the process of identifying needs based on human rights grounds and arranging for them to be met so that individuals have equal access to employment opportunities, services, goods and facilities.</p>
Ageism	Ageism is the pervasive oppression of people based on their age.
ALLY	An ALLY acts when people face discrimination and supports the rights of marginalized people. Any member of the Hospital community can be an ally in helping to create a healthy and safe Hospital.
Anti-Racism	A process that acknowledges the existence of systemic racism and, through policies and practices, seeks to actively identify, challenge and reduce systemic racism in all its various forms.
Anti-Semitism	The systematic discrimination against Jewish people, Jews, Judaism, and the cultural, intellectual, and religious heritage of Jewish people.
Bias	Bias is an inclination or preference either for or against an individual or group that interferes with impartial judgment.
Biphobia	Biphobia is the fear or hatred of bisexual people.
Bisexual/Bi	A word describing a person whose sexual orientation is directed toward men and women, through not necessarily at the same time.

Cisgender	A term used to describe people whose gender identity matches their birth-assigned sex.
Classism	Classism is prejudice and/or discrimination, either personally or institutionally, against people because of their real or perceived economic status or background.
Determinants of Health	The range of personal, social, economic, and environmental factors that determine the health status of individuals or populations (WHO, Health Promotion Glossary, 1998).
Discrimination	Under the Human Rights Code, discrimination is unfair treatment due to a “Prohibited Ground”, which includes race, sex, sexual orientation, gender identity and gender expression, same-sex partner status, colour, ancestry, place of origin, ethnic origin, marital status, age, disability, citizenship, family status or religion. Discrimination includes, but is not restricted to the denial, withholding and delay of access to opportunities, services or facilities, so long as these actions and behaviours are based on the prohibited grounds listed above.
Diversity	Diversity suggests a range of human characteristics found in any workplace or community. Diversity, as a concept, does not provide a framework to examine power and oppression.
Equity/Equitable	Equity means fairness. Equity in health is not the same as equality in health status. Inequities occur as a consequence of differences in opportunity, which result, for example, in unequal access to health services, nutritious food or adequate housing. In such cases, inequalities in health status arise as a consequence of inequities in opportunities in life.
Ethnicity	Ethnicity is a group of people thought to have (or believe they have) a common way of thinking, feeling and acting, based on a shared common geographic and social history in an ancestral homeland.
Ethnocentrism	An inclination to view events from the perspective of one’s own culture, with a coinciding inclination to misunderstand or diminish other groups and regard them as inferior.

FtM/MtF	FtM is an abbreviation for a female-to-male trans person. A person who was assigned female at birth but has a male gender identity. FtM may sometimes identify as a transman or man. MtF is an abbreviation for a male-to-female trans person. A person who was assigned male at birth but has a female gender identity. MtF might identify as a transwoman or woman.
Gay	A word to describe a person whose primary sexual orientation is to members of the same gender or who identifies as a member of the gay community. This word can refer to men and women, although many women prefer the term “lesbian.”
Gender	A social construct that is defined in various ways and could include any or all of the following categories: physical anatomy (or sex organs), secondary sex characteristics that develop at and after puberty, behaviour and conduct, sense of self, and clothing.
Gender Expression	How a person communicates or ‘expresses’ their gender identity to others, often through behaviour, physical appearance (clothes, etc.) or by emphasizing, deemphasizing or changing physical characteristics.
Gender Identity	The gender that a person identifies as or how they perceive themselves and may be different than their birth-assigned sex. Gender identity is linked to a person’s sense of self and the sense of being male, female, both or neither. Common gender identities are transsexual, transgender, genderqueer, cisgender, two-spirit and intersex persons, cross-dressers and other people whose gender identity or expression is, or is seen to be, different from their birth-assigned sex.
Harassment	A behaviour that is unwelcome, offensive, or intimidating, and includes actions or comments that demean, offend, embarrass, or isolate.
Have a good job/job status	Those individuals in a standard employment relationship; i.e., permanent, full-time positions that provide benefits and a degree of employment security.
Heterosexism	The belief that heterosexuality is the norm.

Heterosexual	Term used to describe a person whose primary sexual orientation is to members of the opposite gender. Heterosexual people are often referred to as “straight.”
Homophobia	Homophobia is the irrational fear, hatred, prejudice, or negative attitudes toward homosexuality and people who are gay or lesbian. Homophobia can take overt and covert, as well as subtle and extreme, forms. Homophobia includes behaviours such as jokes, name-calling, exclusion, gay bashing, etc.
Inclusion	An inclusive society creates both the feeling and the reality of belonging and helps each of us reach our full potential.
Internalized Dominance	Occurs when members of the dominant group accept their group’s socially superior status as normal and deserved, and when they deny the oppression experienced by target groups.
Internalized Subordination	Occurs when members of an oppressed social group accept the superior status of the dominant group and their own subordinate status as deserved, natural and inevitable.
Intersectional Identities	Acts of discrimination often accompany people in relationship to overlapping or intersecting identifications as much as to any single identification, including gender, disability, age, family status, and sexual orientation. Individuals, based on their unique combination of identities, may be exposed to unique forms of discrimination and may uniquely experience the personal pain and social harm that accompanies acts of discrimination.
Intersex	Refers to people whose bodies, reproductive systems, chromosomes and/or hormones are not easily characterized as male or female. This might include a woman with XY chromosomes or a man with ovaries instead of testes. Intersex characteristics occur in one out of every 1500 births. Many intersex people undergo surgery in infancy, and many grow up feeling they have been robbed of an essential part of themselves. Most intersex people identify as either male or female, but not all intersex people identify with the sex they were assigned at birth, and some choose to identify themselves as intersex.

- Islamophobia** Stereotypes, bias, or acts of hostility towards individual Muslims or followers of Islam in general.
- Lesbian** A lesbian is a person who identifies as a woman who is primarily and/or exclusively attracted to others who identify as women.
- Marginalized** Marginalized people are those who, due to factors usually considered outside their control; do not have the same opportunities as other, more privileged groups in society.

Mental Health Issues	Mental health issues refers to a wide range of mental health conditions that affect your mood, thinking and behaviour. Many people have mental health concerns from time to time. But a mental health concern becomes a mental health issue when ongoing signs and symptoms cause frequent stress and affect your ability to function.
Oppression	The domination of one individual or group by another, more powerful, individual or group, using cultural, economic, physical, psychological, or social threats or force, and frequently using an explicit ideology to justify the oppression.
Physical Disabilities	People with physical disabilities have a physical impairment which has a substantial and long term effect on their ability to carry our day-to-day activities.
Power	Power is the ability to exercise control and includes having access to systems and resources.
Prejudice	Prejudice is a positive or negative attitude toward a person or group, based on stereotypes.
Privilege	Benefits or unearned advantages systematically afforded people from dominant groups simply because of their social group membership. Privilege can be material and psychological.
Queer	Traditionally, a derogatory and offensive term for LBGTTTTIQ people. Many LBGTTTTIQ people have reclaimed this word and use it proudly to describe their identity. Some transsexual and transgender people identify as queers; others do not.
Race	A social category used to classify large groups of people according to common ancestry and reliant on differentiation by distinctive hereditary physical characteristics such as colour of skin and eyes, hair texture, stature, and facial features.

Racialized	The process by which race is defined and given meaning and value by society – it is not a biological description. The process occurs when a person or group of people are described and considered to be different because of their skin colour, ethnicity, religion, or culture and then stereotypes, assumptions and traits are assigned to them. This results in differences in status and power in society. Racial groups change depending on context of time and place.
Racism	A system in which one group of individuals exercises power over another group on the basis of skin colour. A set of actions, erroneous assumptions and implicit or explicit beliefs based on an ideology of inherent superiority of one racial group over another. Racism is manifested within organizational and institutional structures and programs as well as within individual thought or behaviour patterns.
Religion	A professed system and confession of faith, including both beliefs and observances or worship. A belief in a God of gods, or a single supreme being or deity is not a requisite. Religion is broadly accepted by the OHRC to include, for example, non-deistic bodies of faith, such as the spiritual faiths/practices of aboriginal cultures, as well as bona fide newer religions (assessed on a case by case basis). Both religion and creed are defined subjectively. The focus is on the sincerity of the religious belief or practice, rather than on its validity.
Sexism	Any action, attitude, behaviour or language that depicts women as inferior. Sexism is manifested within organizational and institutional structures and programs as well as within individual thought or behaviour patterns.
Sexual Orientation	Describes the types of intimate emotional and physical relationships we have or who we feel drawn to. Being lesbian, gay, bisexual, two-spirited or heterosexual are all sexual orientations. Sexual orientation is not to be confused with gender.
Sex-reassignment Surgery (SRS)	Surgical procedures that change primary sexual characteristics to match an internal sense of gender identity. Female-to-male transsexuals may have penis and chest reconstruction procedures, male-to-female transsexuals may have vaginal construction and breast enhancement. Not all trans people want surgery, nor do they all want the same set of surgeries and some cannot afford it.

Social Identities	Social identities can include one's sexual identity, geographical identity, class identity, racial and ethnic identity, professional identity, national identity, etc. Social identities relate to the ways in which one characterizes oneself, the affinities one has with other people, the ways one has learned to behave in social settings, the things one values in oneself and in the world, and the norms that one recognizes or accepts governing everyday behavior. And it profoundly affects the ways we behave and respond to the world. "Intersectionality" also characterizes social identities: the ways in which one's identity involves a crossing of different grounds of identity and affinity.
Stereotype	Stereotype is a set of beliefs generalized about a whole group of people.
Systemic Discrimination	The institutionalization of discrimination through policies and practices which have become historically entrenched in systems (systemic), resulting in barriers to equality of opportunity for members of minority groups.
Tokenizing	The policy or practice of including select members of minority groups, usually intended to create a false appearance of inclusiveness and deflect accusations of discrimination.
Trans	An abbreviation, which includes but is not limited to, transgender, transsexual, gender non-conforming and gender questioning persons. "Trans" can mean transcending beyond, existing between, or crossing over the gender spectrum. It is an umbrella term used to describe individuals who, to varying degrees, do not conform to what society usually defines as a man or a woman.
Transgender	A term that has many definitions. It is frequently used as an umbrella term that includes but is not limited to all people who differ from their assigned gender or the binary gender system, including transsexuals, cross-dressers, genderqueers, drag kings, drag queens, two-spirit people and others. Some transgender people feel they do not exist within one of the two standard gender categories but rather exist somewhere between, beyond, or outside of those two genders. The term can also be applied to people who live primarily as the gender "opposite" to that which they were assigned at birth.

- Transition** The process of changing sex; including but not limited to hormone replacement therapy, name and gender pronoun change, cross-dressing and/or surgeries. The transition process is not limited to or conditional on any of these things. There is no checklist or average time for completion and some people may live their whole lives in a state of transition.
- Transphobia** The fear or hatred of trans people. This term was created to call attention to the ways that prejudice against trans people are subjected to prejudice, discrimination, harassment and violence. Transphobia exists in gay, lesbian, and bisexual communities, as well as straight communities.
- Transsexual** People who were identified at birth as one sex, but who identify themselves differently. They may seek or undergo one or more medical treatments to align their bodies with their internally felt identity, such as hormone therapy, sex-reassignment surgery or other procedures.
- Two-Spirit** Traditionally in Aboriginal cultures, this person was one who had received a gift from the Creator – the privilege of housing both male and female characteristics within their spirit. Today, it is a generic term used mostly by some First Nations and Métis people to describe, from a cultural perspective, people who are known in non-Aboriginal society as either gay, lesbian, bisexual, intersex, or trans.
- White Supremacy** Although the term is often associated with apartheid or with extreme groups like the Klu Klux Klan, the term can be used more broadly to refer to a system based on the “rightness of Whiteness,” in which political, economic, and social systems result in White people having more privilege and power than racialized people.

How Can I Be an ALLY?

- 1. LEARN**
 - Ask people how they want to be identified or described.
 - Listen to and respect the perspectives and experiences of people who say discrimination or harassment is occurring.
 - Be open to feedback about your own behaviour.

- 2. REFLECT**
 - Question stereotypes and negative assumptions.
 - Be aware of and vigilant about your own prejudices.
 - Think about whether teams, committees and visual images are inclusive.
 - Avoid making assumptions about a person's behaviour and identity based on their appearance.
 - Learn about terms used to respectfully describe various social groups.
 - Think about the daily ways you benefit from being a member of a privileged group.
 - Continually educate yourself: read books and articles, go to lectures, watch movies, etc.
 - When you receive feedback, learn from your mistakes and try again.
 - Keep working at it. Unlearning stereotypes and prejudices is a lifelong process.

- 3. PRACTICE**
 - Speak up when you hear demeaning jokes, negative comments, or stereotypical or discriminatory remarks.
 - Discourage the use of offensive or disrespectful words to describe people.
 - Encourage the use of inclusive or neutral language.
 - Acknowledge the contribution of colleagues/friends/ leaders from marginalized communities.
 - Challenge practices, policies, procedures that may create barriers.
 - Support colleagues/friends who experience discrimination or harassment.
 - Request and/or disclose personal information about a patient only when directly related to their care.
 - Speak out against discrimination regardless of your own fears or resistance from others.

What is an ALLY?

An ally supports the rights of marginalized* people and speaks out when individuals or groups face discrimination. Any member of the Hospital community can be an ally and help ensure a healthy, safe organization.

**Groups of people who, due to factors usually considered outside their control, do not have the same opportunities as other, more fortunate groups in society.*

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What Can an Ally Say?

Here are examples of what you can say when you hear hurtful or offensive comments and jokes. If you are uncomfortable responding directly, you can use the indirect responses identified below.

General Tips for How to Respond

- Describe the problematic behaviour or language
- Remain calm and assume good intentions
- Avoid labeling or name-calling
- Use a non-judgmental tone and facial expression

Direct Response

- **Clarify what you heard:** *“I think I hear you saying that all _____ are _____. Is that what you mean?”; “You seem to be describing an entire group of people in a derogatory way. Is that what you meant to do?” “It sounded to me that you think ...”*
- **Ask for more information:** *“What do you mean?”; “I’m not sure I understand what you are saying. Can you explain?”; “How did you develop that belief?”; “What’s so funny?”*
- **Appeal to common values and/or the principles that guide Mount Sinai Hospital:** *“At MSH, we learn to treat others with respect and sensitivity. I think that statement is disrespectful/insensitive.”; “At MSH, we don’t talk about people that way. Can we discuss something else?”*
- **Refer to your own journey:** *“That was my first reaction too, but then I realized ...” or “I used to think the same thing, then I started to question why I thought/felt that way.”*
- **State your opinion about the comment:** *“I think it’s wrong to stereotype people.”; “It is unfair to generalize about a group of people.”*
- **Appeal to the speaker’s integrity:** *“I’ve always thought of you as a fair-minded person. It surprises me to hear you say something that sounds biased.”*
- **Explain the impact:** *“Your comment is hurtful.”*
- **Point to your ALLY button:** *“I am an ally. I have to speak up.”*

Indirect Response

- **Use non-verbal signals:** Give a questioning glance, change the subject, or leave.
- **Repeat the statement without the discriminatory language:** Someone says *“My day has been so crazy.”* You respond *“Did you mean to say your day has been hectic?”*

Remember that your goal is to educate and create empathy

Adapted from: *Ouch! That Stereotype Hurts*, International Training and Development, LLC (2007) Aguilar, L. (Author), Lesko, J. (Producer-Distributor), SunShower Learning. For additional information see: www.OuchThatStereotypeHurts.com,

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