



# Equality in the Profession— Where Do We Go from Here?

*Mark Berlin*

**N**ext year marks the 20th anniversary of the establishment of the OBA Equality Committee. It's timely to ask whether there continues to be a need for such a group.

The Equality Committee (recently renamed from "Equal Opportunity Committee") was set up with the mandate to "examine and make recommendations regarding the impact of race, ethnicity, religion or disability on OBA's by-laws, electoral processes, policies, submissions, and activities. Further responsibilities include identifying the incidence of inequality of opportunity in the legal profession in Ontario based on race, ethnicity, religion, sexual orientation, or disability and recommend methods to eliminate said inequalities. Finally, the committee was charged to examine and make recommendations on the ability of the legal institutions in Ontario to serve the needs of historically disadvantaged equity seeking groups, such as those identified by race, ethnicity, religion, disability or sexual orientation."

Ask yourselves: does the OBA membership reflect all lawyers in Ontario? When you attend OBA events and look around the room, are all equality seeking groups represented in numbers that match their numbers within the profession? When you look at OBA Executives and the Board of Directors, does it look like the diversity of the community it represents? When you look at the major law firms, do the partners somehow all look the same? I think the answers to these questions are pretty clear.

This is not to say that there is overt discrimination in the legal profession in Ontario. That is so 1960-70s. On the contrary, there have been recent and real efforts to look at our association and the profession at large and ask difficult questions. So while our colleagues at the CBA produced an equity and diversity guide and resource manual a couple of years ago, have there been vast improvements for lawyers from the equality and diversity community? Hmmm. I think not.



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We need to constantly ask ourselves a number of other questions. What are the systemic and unconscious barriers that prevent a full participatory membership from existing and being reflected in the upper echelons of decision making in the profession? How can we reach out and make colleagues feel valued and welcomed within our organization? What barriers exist for hiring, retention or promotion with the workplace? What accessibility barriers exist within our legal institutions? What particular and unique obstacles exist at law school, bar admissions and articling? Are legislative proposals sensitive and reflective of the needs of a diverse population?

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The OBA Equality Committee vigilantly addresses these and other issues. We have established a disability sub-committee to conduct a survey of existing reports to confirm what has been done by whom and what gaps still exist. We will soon be canvassing all members to learn what our members with disabilities have experienced and whether adequate accommodation was made in particular circumstances. We have made submissions through the OBA to the CBA Committee on fees in regards to disparate impact on our constituency. We will seek greater involvement in the OBA court accessibility sub-committee. We have a diversity program at the OBA, whereby equity seeking legal associations can affiliate with the OBA, which provides administrative support for them. Over half a dozen groups, such as the Canadian Association of Black Lawyers, the Indigenous Bar Association and the Hispanic Lawyers' Association, are taking advantage of this program. These are just a few of the initiatives of the OBA Equality Committee.

So, again, look at the questions above. Until we can honestly answer them to benefit of our members and no longer need to ask such questions, the Equality Committee will continue to contribute meaningfully to the resolution of equality on behalf of all lawyers and law students in Ontario.



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