

Racial Equity Survey Report

NSBS Survey Results on racial discrimination
and harassment in the legal profession

October 15, 2024



**NOVA SCOTIA
BARRISTERS' SOCIETY**

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Mi'kmaq Land Acknowledgement: The Nova Scotia Barristers' Society is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This territory is covered by the "Treaties of Peace and Friendship" which Mi'kmaq and Wolastoqiyik (Maliseet) People first signed with the British Crown in 1725. The treaties did not deal with surrender of lands and resources but in fact recognized Mi'kmaq and Wolastoqiyik (Maliseet) title and established the rules for what was to be an ongoing relationship between nations.

African Nova Scotian Acknowledgement: We recognize that African Nova Scotians are a distinct people who form part of over 52 historical land-based communities, whose histories, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years

■ Foreword

It's encouraging to see these survey results published and shared the way the Nova Scotia Barristers' Society's Racial Equity Committee intended—boldly, authentically, independently, and with the gravitas, analysis, and action they deserve.

The timing of the Racial Equity Survey Report is intentional. On October 29, 2024, we will be publishing *Regaining Trust: The Ruck Report; Systemic Discrimination in Nova Scotia's Legal Community*. The Racial Equity Survey provided key data and insights that informed many of the observations and recommendations in *Regaining Trust*.

This is not a report to determine whether systemic discrimination exists in Nova Scotia's legal community. That is our starting point. There is undoubtedly systemic discrimination affecting many equity deserving groups within Nova Scotia's legal community.

– An excerpt from *Regaining Trust: The Ruck Report; Systemic Discrimination in Nova Scotia's Legal Community*

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While I interviewed more than 200 individuals to collect qualitative information and experiences for *Regaining Trust*, those interviews were deeply personal, often painful, and entirely confidential.

For that reason, the information gleaned through the Racial Equity Survey became even more significant as the attributable context behind *Regaining Trust*.

The report that follows points to “What Else Needs to Be Done” in several key areas. These points are deeply connected to the findings of the Racial Equity Survey and will be replicated and detailed in *Regaining Trust*.

Douglas Ruck, KC

■ Message From the Racial Equity Committee

The Racial Equity Committee has prepared the attached report to present details and data on information collected from the membership related to racial discrimination and harassment issues that face our profession.

Please note that this report contains descriptions of harassment on the basis of race which readers may find traumatic. We thank our membership for being candid in their responses and will continue to keep individual data confidential.

If anyone is distressed by the content of this report, please be aware that the Nova Scotia Lawyers Assistance Program (NSLAP) provides assistance to members experiencing trauma. In addition to lawyers, non-lawyer staff members and their families are eligible for LAP.

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NSLAP's services are available at www.nslap.ca or by phone at 1-866-299-1299. You may also contact the Nova Scotia Barristers' Society's [Equity & Access Office](#) if you have any other feedback or wish to learn about additional supports available.

About the Racial Equity Committee

The Society's Racial Equity Committee supports Council in the governance of the Society by monitoring and providing advice about programs that address issues of racism and discrimination in the legal profession and in relation to access to justice, including programs to increase access to the legal profession. Its creation results from the recommendations of the [The Marshall Inquiry: Royal Commission on the Donald Marshall, Jr., Prosecution \(The Marshall Report\)](#).

Having found that racism played a part in Donald Marshall, Jr.'s wrongful conviction and imprisonment, we believed it was important to ensure that our justice system will not—and cannot—be influenced by the colour of a person's skin. While we recognize that many of the causes of discrimination are rooted in institutions and social structures outside the criminal justice system, we believe there are specific steps that can—and should—be taken to reduce discrimination in the justice system itself.

About the Society

As the regulator of Nova Scotia's legal profession, the Nova Scotia Barristers' Society (NSBS) exists to uphold and protect the public interest in the practice of law. We fulfill our public interest mandate by ensuring that lawyers deliver competent and ethical legal services in accordance with the standards set for legal professionals.

As part of this, the *Legal Profession Act* states that the Society shall:

4(2)(d) seek to improve the administration of justice in the Province by

(i) regularly consulting with organizations and communities in the Province having an interest in the Society's purpose, including, but not limited to, organizations and communities reflecting the economic, ethnic, racial, sexual and linguistic diversity of the Province.

Additionally, the Society's Regulatory Objectives state that the Society must strive to *"promote diversity, inclusion, substantive equality and freedom from discrimination in the delivery of legal services and the justice system."*

The Society's Equity & Access Office exists to promote diversity, inclusion, substantive equality, and freedom from discrimination in the delivery of legal services and the justice system.

■ Introduction and Context

This report comes at an important time of change for the legal profession and for the Nova Scotia Barristers' Society. The Society recently released a new strategic plan that has the potential to create positive change for racialized members, the public, Society operations, the administration of justice, and the rebuilding of trust. The work comes after a series of events that have transformed the Society, governments, communities, and the world at large. These include:

- The Society's [statement against anti-Black racism, acknowledgement of systemic discrimination](#) and pending review by Mr. Doug Ruck KC, which was prompted by the George Floyd incident of May 25, 2020 and other concerns raised by racialized members of the Society.
- The beginning of the “new normal” following the rollback of public health measures used to slow the spread of COVID-19, which had heightened existing inequalities.
- The release of the Federation of Law Societies' of Canada's [report on the state of wellness of the legal profession](#), which indicates that:
 - 66.6% of ethnicized lawyers experience psychological distress, compared to 55.5% of non-ethnicized lawyers.
 - 37.7% of ethnicized lawyers experience moderate-to-severe symptoms of depression, compared to 26.2% of non-ethnicized lawyers.
 - 63.3% of ethnicized lawyers experienced symptoms of burnout, compared to 54.4% of non-ethnicized lawyers.
- Strengthening of social justice movements, increased polarization, and growing opposition to efforts to advance equity, diversity, inclusion, and accessibility.
- The introduction of Nova Scotia's [Dismantling Racism and Hate Act](#) and the subsequent [Equity and Anti-Racism Strategy](#), which seeks “to ensure a whole-government approach in addressing systemic hate, inequity and racism, and it details actions to ensure this work reaches all areas of the province.”
- [The Truth and Reconciliation Commission Calls to Action](#)—in particular number 27 which relates to the Federation of Law Societies of Canada's responsibility to ensure cultural competency training.

The Society's role is to consider how the impacts from these societal forces "trickle down" to impact the work lives of its racialized members, and how this in turn impacts legal services provided to Nova Scotians. When racialized lawyers are negatively impacted by these forces, they are more likely to leave the profession, leaving racialized Nova Scotians less able to access legal services from members of their community.

We hope the information in this report helps to further shed light on the experiences of racialized members and provide recommendations on how best to address the themes raised in this Report. The hope is that this report can serve as a benchmark for measuring the impact of Society anti-racism programs and initiatives going forward.

■ About This Survey

This survey was created by the Society's Racial Equity Committee in collaboration with the Society's Equity & Access Office.

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All responses were anonymous, and the response data has been presented in aggregate and de-identified to ensure that respondents were able to provide candid responses. Respondents were also informed that their written responses may be used in this report. This survey was open to participants from October 21, 2022, to November 4, 2022.

This survey was approved by the Mi'kmaq Ethics Watch.

This survey was sent via email to any practising, non-practising or retired member or articling clerk that identified as racialized, Mi'kmaq, Black, African Nova Scotian, Indigenous or another racial identity. It was also shared with all members who had not previously shared any self-identification information to ensure that everyone had the opportunity to respond.

The survey received 47 responses from a total of 200 sent.

About the Data

The population of lawyers from racialized communities in Nova Scotia is small: according to the Society's most recent [statistical snapshot](#), 194 practising members, or 9.1% of all practising members, identify as being African Nova Scotian, of African Descent, Mi'kmaq, Indigenous, or otherwise racialized. Because of this, we center our analysis on the survey's qualitative data.

The report does not make assumptions about reasons for non-response to the questionnaire.

The numbers provided in this report are not inferential statistics. They are not designed to make specific estimates or projections about the quantitative extent of race-based discrimination and harassment in Nova Scotia legal workplaces as a whole; rather, the purpose is to demonstrate what it looks like when it does occur. We assume both the profession and the Society see any amount of discrimination as too much, and so the extent is secondary to whether it occurs at all.

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The Legacy of Marshall

Our equity work can be directly traced to the findings of The Marshall Report which led to the establishment of both the Equity Office (now the Equity & Access Office) and the Race Relations Committee (now the Racial Equity Committee). The Marshall Report is also the best example of the power of a single story to drive widespread systemic change in Nova Scotia's justice system.

Marshall has also had a deep impact on how the Society conducts consultations. The Society's 2015 [#TalkJustice report](#) is a hallmark of the Society's story-centric approach: #TalkJustice instructs us to ask ourselves "how did this situation happen" or "how can we prevent this from happening again," rather than only "how often does it happen." It also encourages us to look out for positive experiences and to ask ourselves "how can we make this happen more often," rather than dismissing them as mere outliers. The approach places less emphasis on designing interventions that change stories, rather than on merely trying to move statistical needles.

Our Responsibility

It is not always easy to share stories, especially when they involve recounting traumatic events, or potentially identifying details that could put someone's career at risk. We also recognize that in seeking out these stories, we add to the already-heavy burden many racialized lawyers have to support, educate, and otherwise manage their colleagues and supervisors at their workplaces. As we gather these stories, we are mindful of the obligation we have to the storytellers to honour their contribution by ensuring their voices are reflected in the interventions we design.

■ Not Being Able to Speak

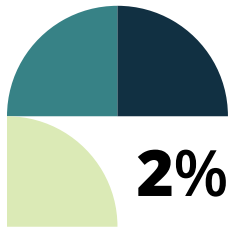
Of the respondents who described experiencing discrimination and harassment in the workplace, many pointed to a lack of safe spaces to candidly discuss those experiences with peers, mentors, or counselors outside of a formal reporting or discipline context. This left respondents without a space to plan what to do next, get advice, or seek support and validation.

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"[I was told] 'Do not speak about race!' when I raised issues of disproportionate treatment and inadequate support in favour of white male colleagues."

– Survey Participant

What's Being Done



Of respondents who reported harassment or discrimination were happy with the outcome

- Many formal and informal associations, run collectively by racialized members, have already begun this important work. These include the Society's equity committees and similar organizations within government and large firms, **Canadian Association of Black Lawyers**, **Federation of Asian Canadian Lawyers**, **Eastern Door** and the **Canadian Muslim Lawyers Association**. These organizations not only support their members, they can also serve as an important conduit to the Society for information about the experiences of racialized members of the Bar. The Society should continue to support and promote membership in these organizations as both sources of support for racialized lawyers.

What Else Needs to Be Done

- The establishment and maintenance of more safe spaces: The Society, legal workplaces, and the membership at large should consider how to create, support, and promote the use of safe spaces.

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■ Barriers to Advancement

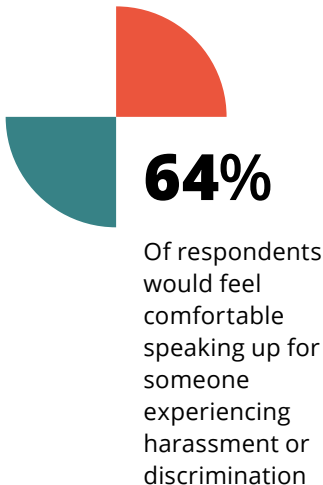
Responses to the survey show that even when a workplace is responsive to individual occurrences of harassment, racialized lawyers still face considerable barriers when ascending to leadership positions. While racialized lawyers make up an increasing percentage of experienced lawyers in Nova Scotia, they remain underrepresented in management and leadership positions in legal workplaces.

"My workplace has never promoted a Black, Indigenous or Person of Colour into a leadership position in its entire history."

– Survey Participant

What's Being Done

- We have facilitated the creation and strengthening of the **Federation of Law Societies of Canada's (FLSC's) Model Code of Professional Conduct** which has been adopted in its entirety by the Society, and the creation of equity based standards to ensure competency in the membership. In addition, we have developed the Management System for Ethical Legal Practice (MSELP) program for law firms under our Legal Service Support program.
- **Section 6.3 of the Society's Code of Professional Conduct**, which states that "a lawyer must not directly or indirectly discriminate against a colleague, employee, client or any other person."
- The Society's **Law Office Management Equity and Diversity Standard**, which states that "a lawyer and law firm must treat all persons in a manner consistent with best practices in human rights law and the Code of Professional Conduct, and have a proportionate and principled written policy with regards to such practices."
- The REC anticipates the completion of the upcoming cross-jurisdictional articling experience survey and the subsequent sharing of results.



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What Else Needs to Be Done

- The Society should collect and provide statistics and resources demonstrating barriers to retention and advancement of racialized lawyers, including hireback.
- The Society should require equity plans for legal organizations to specifically address retention and advancement of racialized lawyers.
- Post-secondary institutions often offer tenure stream professorship cohorts such as this example from the **University of British Columbia**. Law firms should consider offering similar hiring tracks for partners.

Relevant FLSC Wellness Study Recommendations

Recommendation 7.1: Develop a national diversity policy/strategy for the legal community

Recommendation 7.2: Identify ambassadors who are "committed, inspiring professionals who represent the socio-demographic diversity in the practice of law."

■ Experiences of Racialized Members With the Barristers' Society

“The general experience with [the Society] has been so negative and stressful that I felt that I had no chance of advancement without leaving the province.”

– Survey Participant

Several respondents described negative experiences with the Society, whether as volunteers, as the subject of investigation, or through interactions with staff. This impacts not only the individual respondents, but also the Society's ability to fulfill its ambitious equity, diversity, inclusion and access to justice goals.

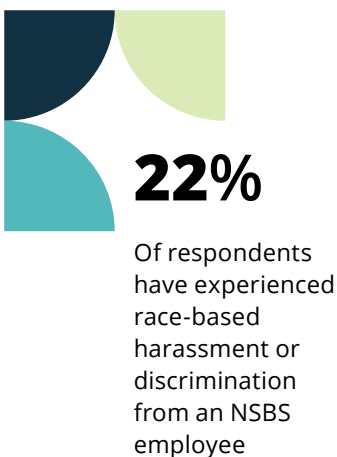
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What's Being Done

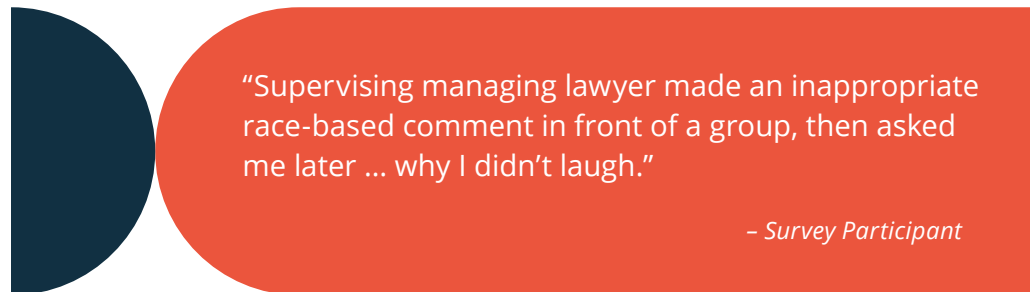
- The Society's acknowledgment of systemic discrimination represents an important first step.
- The pending review by Mr. Doug Ruck KC will provide the Society with the information it requires to address many of the issues described by respondents.
- The Society is developing a code of conduct for volunteers.

What Else Needs to Be Done

- The Society should review the Society's past application of regulations and policies against racialized lawyers, particularly Black and Indigenous lawyers, including treatment and investigation of complaints.
- The Society should ensure that any investigations taking place are conducted with an EDIA lens, which can include having a member of a relevant equity-seeking community as part of the investigation committee/process.



■ Discriminatory Treatment by Members of the Profession



Several respondents described negative experiences at their legal workplace, which included discrimination and harassment from colleagues, microaggressions, and more systemic issues with workplace culture that make sustaining their practice difficult or impossible.

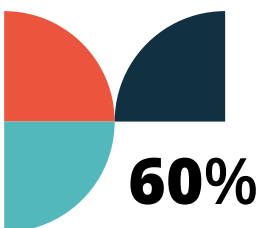
What's Being Done

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- Continue to conduct periodic surveys of members regarding race-based harassment and discrimination, to measure the progress of recommendations made in this report and the upcoming Ruck Report.
- Continuing member education and resources on matters of equity and inclusion.

What Else Needs to Be Done

- Develop, implement and follow trauma-informed complaint process, including informal and restorative justice options, for race-based harassment and discrimination.
- Provide trauma-informed professional development resources, education and training regarding race-based harassment and discrimination, including understanding, identifying, preventing, and reporting race-based harassment and the effects of being a bystander.
- Consider whether mandatory reporting should be required for matters of discrimination and harassment.
- Provide this report and *Regaining Trust* to all lawyers and courts, with an offer to provide professional development support in areas such as cultural identity, pronunciation of names, and cultural, religious, and spiritual days and/or observances.



Agree or strongly agree that raising an issue of race-based mistreatment at work will harm their career

■ Reporting, Action, and Accountability

Respondents noted that in many cases, their workplace had appropriate policies and procedures in place but they were not enforced properly when necessary.

"All too often ... it is the victim that is expected to do something, and if the victim does nothing they are viewed as acquiescing..."

– Survey Participant

What's Being Done

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- The Legal Information Society of Nova Scotia's **Employer Best Practice Toolkit** provides instruction and checklists for creating and enforcing anti-sexual harassment policies in the workplace and can be adapted for use in combating race-based discrimination and harassment.
- The Canadian Human Rights Commission's **guide to preventing and addressing workplace harassment and violence** helps employers understand barriers to reporting, the elements of an effective enforcement process, and an action plan for policy implementation.



Of respondents say their workplaces have meaningful anti-discrimination policies

What Else Needs to Be Done

- Establish safe methods for individuals to report discriminatory behaviour.
- Establish well-defined processes for investigating allegations of discriminatory behaviour.

Relevant FLSC Wellness Study Recommendations

Recommendation 7.3: Implement diversity management policies and proactive practices that promote inclusion in legal workplaces

■ A Deeper Dive into Survey Data

Forty-seven individuals provided thoughtful, detailed responses to several questions relating to race-based discrimination and harassment. Among the respondents who chose to identify as an equity seeking group, 19% identified as Mi'kmaq, with 13% identifying as other Indigenous, 19% as African Nova Scotian, 17% as Black, 6% as Arab/West Asian, 17% as South Asian, and 9% as Chinese.

Nearly 94% identified as Canadian citizens, with 2% identifying as permanent residents, 4% as immigrants and 2% as refugees. Additionally, 59% identified as female with 41% identifying as male.

Among respondents, 60% practiced in the Halifax Regional Municipality (HRM) with 21% practising outside HRM, 11% practising outside Nova Scotia, and 8% preferring not to answer.

Among those who provided their years in practice since call, 32% had 0-7 years, 19% had 8-16 years, 21% had 17-26 years and 26% had 27+ years. Among respondents who provided that answer: 4% under 30; 36% aged 30-40; 17% aged 41-50; 23% aged 51-60; 9% aged 61-70 and 4% aged 70+.

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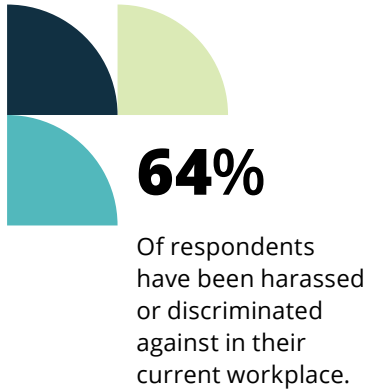
Among respondents, 36% worked in private practice, while 23% worked in government (including legal aid), with 13% in-house counsel, 8% non-practising, 8% retired, and 11% preferring not to answer.

Among those in private practice, 33% reported being a partner, principal, owner or sole practitioner. A further 19% were associates, 6% were independent lawyers and 42% preferred not to answer.

Among respondents, 33% reported having a workplace with more than 50 lawyers and 33% worked with 2-50 lawyers. A further 17% were sole practitioners, with 17% preferring not to answer.

With respect to roles, 44% of those who answered this question reported being lawyers or articled clerks who did not belong to the leadership team, while 33% reported being lawyers who also belonged to the leadership team.

The answers provided by this group of respondents were significant, with quantitative data pointing towards important insights. It should be noted also that many individuals chose neutral or no answers to certain questions relating to EDIA matters. Not only does this mean that not all percentages total 100%, but also that not all respondents are comfortable identifying EDIA issues even in an anonymous survey.



Nevertheless, some bold data points emerged. For example, a full 64% of respondents reported having experienced race-based harassment or discrimination in their current workplace, broken down as follows: a lot – 2.56%; a moderate amount – 12.82%; some – 23.08%; a little – 25.64%; none at all – 33.33%; and prefer not to answer – 2.56%.

Similarly, 63% of respondents reported having experienced race-based harassment or discrimination in a previous workplace, one-quarter of whom described it as “a lot”. The breakdown follows: a lot – 15.79%; a moderate amount – 10.53%; some – 15.79%; a little – 21.05%; none at all – 26.32%; and, prefer not to answer – 10.53%.



**Key
Finding**

In the following Survey Results, Key Findings point out some especially important insights.

■ Survey Results

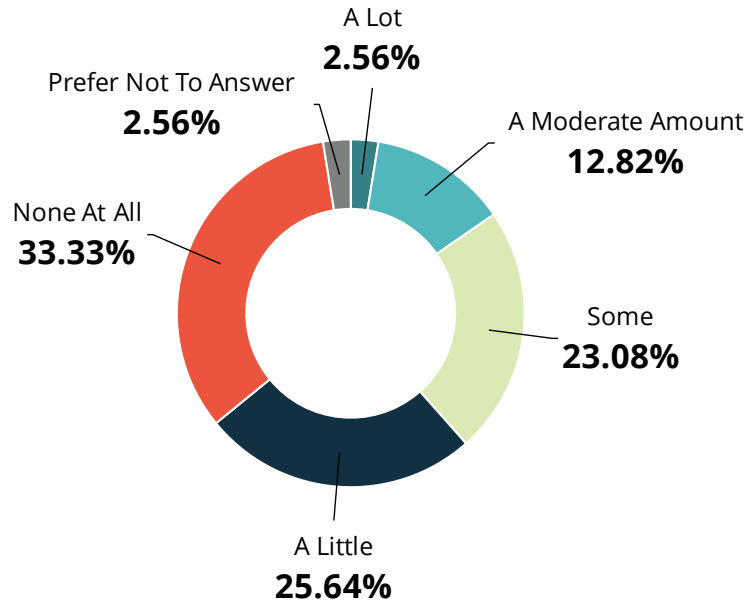
Some areas of the survey asked respondents to agree or disagree with certain statements. Results from two such sections are summarized below.



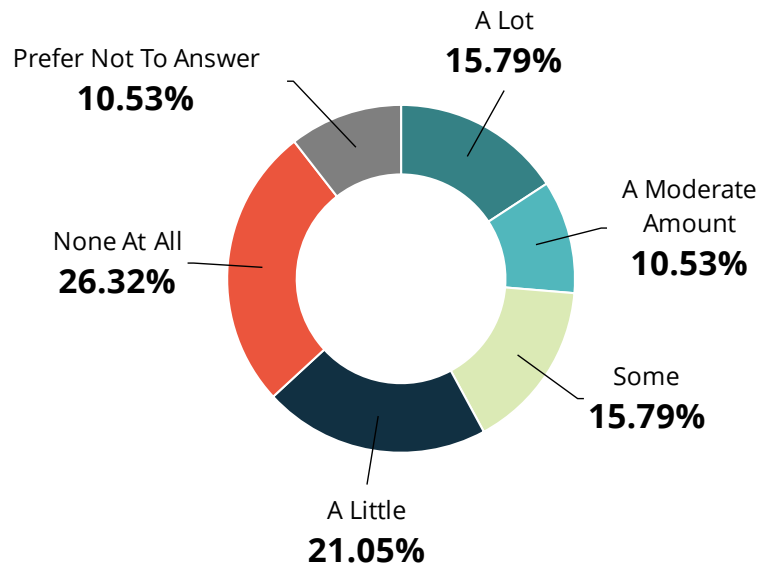
Please identify how strongly you agree or disagree with the following statements:

Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Prefer Not To Answer
My organization is committed to and supportive of diversity.	5.00%	17.50%	7.50%	30.00%	37.50%	2.50%
Senior leaders at my organization lead by example to promote a respectful and inclusive workplace.	15.00%	10.00%	10.00%	27.50%	35.00%	2.50%
I see my race reflected in the leadership of my workplace (or former workplace if retired).	35.00%	12.50%	12.50%	12.50%	22.50%	5.00%
I believe that I have equal opportunities for advancement in my workplace (or former workplace if retired) on the basis of race.	15.00%	20.00%	22.50%	12.50%	25.00%	5.00%
At my workplace, all lawyers have equal opportunity to advance regardless of factors such as age, family status, gender/gender identity, race/ethnicity, sexual orientation, religion, etc.	15.38%	30.77%	15.38%	7.69%	28.21%	2.56%
At my workplace, I am treated fairly and with respect.	12.50%	12.50%	7.50%	32.50%	30.00%	5.00%
Jokes and off handed comments about diverse groups are not tolerated at my workplace.	5.00%	12.50%	7.50%	37.50%	32.50%	5.00%
To be successful, I do not need to make adjustments to fit in within my workplace's culture.	15.00%	32.50%	15.00%	17.50%	17.50%	2.50%
I can be myself at work.	7.50%	20.00%	25.00%	27.50%	17.50%	2.50%

Have you experienced race-based harassment or discrimination in your current workplace?

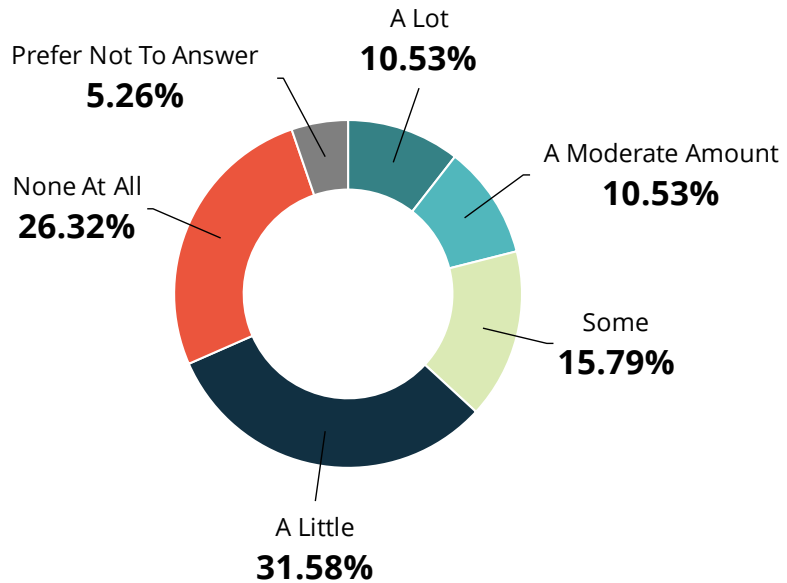


Have you experienced race-based harassment or discrimination in a previous workplace within the legal profession?

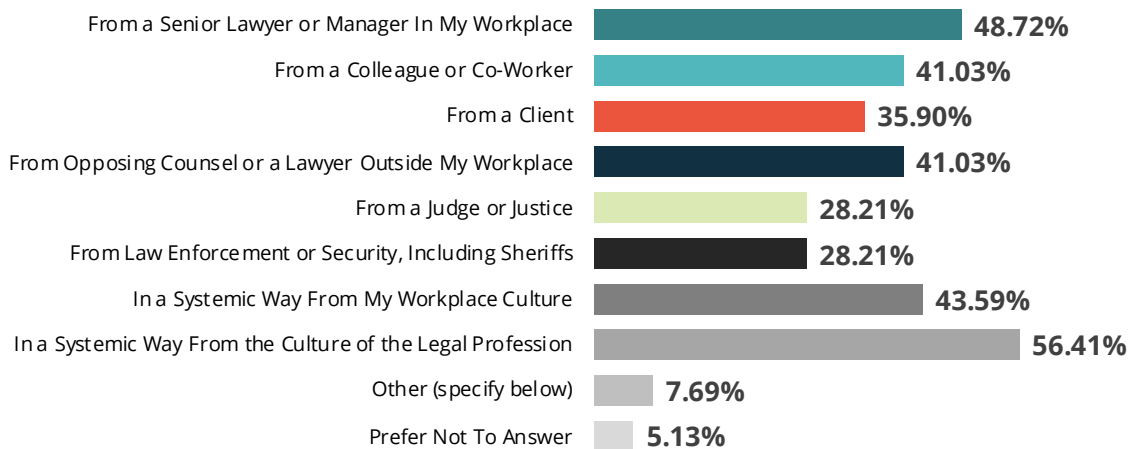




Have you experienced race-based harassment or discrimination in your current workplace?

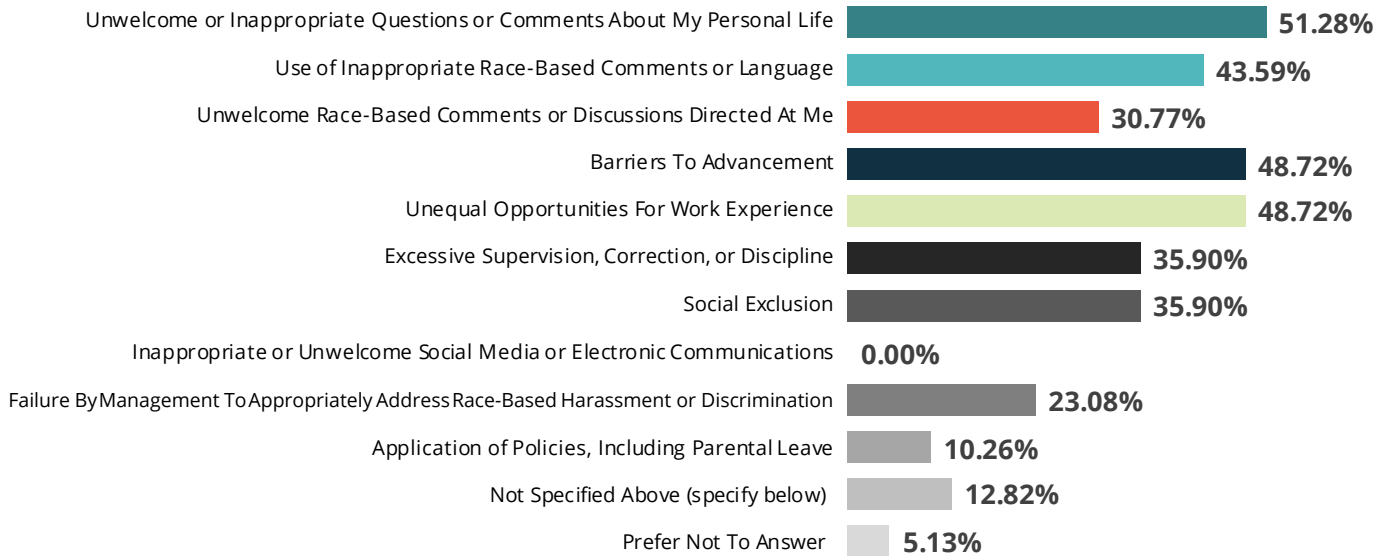


In what context have you experienced race-based harassment or discrimination, within the legal profession (either in your current workplace or former workplace)? (check all that apply)



Other: **1.** None. **2.** Never experienced any race based harassment or intimidation during my entire practice of law. **3.** From the NSBS staff and volunteers.

The harassment or discrimination that I experienced was in the form of: (check all that apply)



Not Specified Above: **1.** No. **2.** Favouritism directed to opposing counsel. **3.** Should have an off ramp for these questions – “not applicable”. **4.** Tokenism; not providing support and protection when given the opportunity to advance; not recognizing how my background needs to be taken into consideration when assigning files. **5.** Unfair and biased approach to application of regulations and policies against Black lawyers in general and specific cases. Historic systemic barriers to peaceful practice in Nova Scotia which lead to exiting the province to alleviate the pressure.



Please share one or more examples of race-based harassment or discrimination that you have experienced in your professional career.

"Comments such as 1. 'You have an awkward personal situation,' 2. 'I don't know how you have been trained in the past.' 3. 'You are insecure about not making partner.' 4. 'You may have been someone in another world but this is not that world.'"

"My workplace has never promoted a Black, Indigenous or Person of Colour into a leadership position in its entire history. When this was raised, current leaders in the organization retaliated by obstructing equity work, making disparaging remarks about BIPOC employees, and abusing positions of power to harass and intimidate BIPOC employees."

"I was not hired back after I completed my articles on the basis of my race and gender. Furthermore, during one of my reference checks for employment, one of the senior partners at that firm told my employer that despite my excellent work ethics and product, that [my race and gender would be an impediment]. As a result of this, for the longest time, I was ashamed of my cultural background and identity and tried to fit in as a 'white' lawyer."

"I was selected by my superior to pilot a project. My colleagues openly commented on 'favoritism' assumed I was unqualified and actively socially ostracized me and made inappropriate comments to me and about me, confirming I was unwelcomed in the workplace. I was the lawyer with the most training and experience for the project... I heard and was subject to racial comments. If I raised issues of race I was verbally attacked, subjected to anger and yelling, and warned to never bring it up again."

"I have been discriminated against by a fellow lawyer who badgered me about the potential innocence of my Indigenous client. That same lawyer acted very unprofessionally and without an ounce of respect when speaking to me in front of his client. Another lawyer tried to ignore precedents in sentencing and tried to provide my client with an unreasonable sentence throughout negotiations. To get a reasonable sentence, I let the judge decide since they would not budge towards a lower sentence."

"I was excluded from opportunities and suggested to pursue areas of law that were considered more suitable based on my race."

"In a strategy meeting a colleague made an inappropriate comment about 'those people' and another comment to have me communicate because I was 'one of them.'"

"Not promoted to position I was qualified for. The person appointed had less experience and knowledge for the position than I had. The person was a white man."

"Social groups tend to form around racial lines organically. For example, lawyers from my call year regularly meet outside of work, but I am rarely invited. I also heard that a person in my firm made comments about non-White names in the workplace. I am not sure who that is, but I overheard this. I was asked by one senior lawyer what my grades were like with a tone of suspicion, implying I may have been a diversity hire."

"I am made to feel like an unwelcome troublemaker. I realize that in order to succeed, I will need to learn how to speak 'White.'"

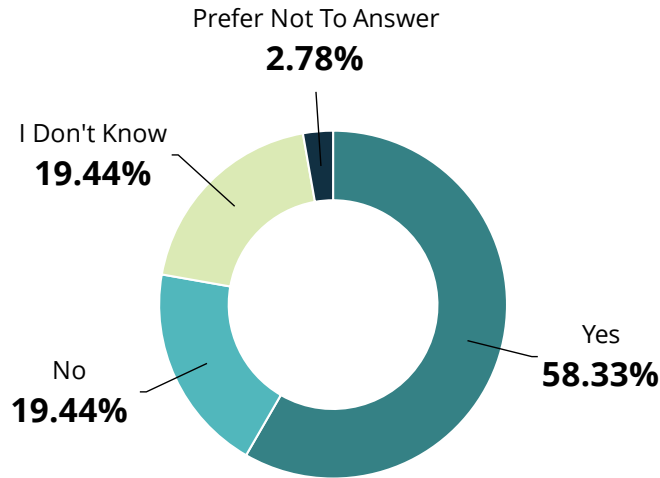
"[Experienced] exclusion by my colleagues when promoted to management; dismissal of concerns raised around type of files assigned to me; comments made about biracial people"

"Judges pronouncing my name 4 different ways and making no effort whatsoever to speak to me with the respect they show senior counsel."

"It's hard to know where to start. I think the latest iteration is having a white male promoted without meeting the 'merit' standards, while I continue to have to jump through hoops. It is also an unwillingness of people in power to address systemic racism."

"Constantly scrutinized in comparison to white colleagues. Constant unwarranted supervision. No hope of advancing to the bench or other higher offices in NS because of the constant misrepresentation of whites only committees that make the decision. Constant fear of 'not enough' syndrome caused by being a 'BLACK' lawyer in NS. Has stunted career growth in NS and caused the need to relocate to another province."

My workplace (or former workplace) has a policy for addressing race-based harassment or discrimination.



Please identify how strongly you agree or disagree with the following statements as applying to your workplace (or former workplace):

Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Prefer Not To Answer
My workplace has developed fair and unbiased criteria in the recruitment and selection of clerks, lawyers, and staff.	2.86%	28.57%	22.86%	25.71%	17.14%	2.86%
My workplace has diverse representation on the panels with decision making power during recruitment and selection.	14.29%	25.71%	20.00%	17.14%	14.29%	8.57%
My workplace has developed fair and unbiased criteria in the advancement and retention of clerks, lawyers, and staff.	17.14%	25.71%	25.71%	11.43%	14.29%	5.71%
My workplace has management policies appropriate for lawyers or the organization, including anti-harassment, anti-discrimination, parental leave, accommodations for persons with disabilities and cultural competence.	8.57%	14.29%	22.86%	31.43%	17.14%	5.71%
My workplace has a meaningful process to enforce such policies.	14.29%	22.86%	28.57%	14.29%	14.29%	5.71%

Please share any comments you have about the policies to address harassment or discrimination in your workplace.

"Advancement and connection in the society are based on popularity and political networking. We are not invited or welcomed into those spaces unless we mask our individuality and cultural distinction."

"I have been subjected to racialized violence, systemic racial violence, belittled, demeaned and spoken down to. And racism has been denied in every workplace. White fragility is a barrier to progress."

"The policies and criteria for advancement do not reflect barriers that exist due to race."

"I think all of this is on paper. No one really understands or wants to understand its real impact. The policies are nothing but white comfort."

"HR works for the employer, not the employee."

"The policies in place 'talk the talk' and set out fair rules but personnel do not abide by them or apply them fairly. My experiences evidence that long serving cultural workplace practices undermine the intended written policies and fail to fully understand or comprehend the underlying generational harms of affected groups. Policies can only work when they are fully appreciated in a workplace culture. Otherwise policies come across as empty words and unfulfilled promises."

"They exist as policies to look good. However, when it comes to the actual work, it's just talk, talk and more talk."

Please identify how strongly you agree or disagree with the following statements:

Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Prefer Not To Answer
My workplace does a good job at addressing individual or systemic instances of race-based harassment and discrimination when they arise.	14.29%	20.00%	25.71%	20.00%	11.43%	8.57%
I know who I would talk to about an experience of race-based discrimination or harassment in my workplace.	8.57%	11.43%	14.29%	42.86%	17.14%	5.71%
I would feel comfortable making a complaint or seeking a formal resolution of an experience of race-based harassment or discrimination in my workplace.	17.14%	28.57%	11.43%	14.29%	20.00%	8.57%
I believe that if I raise an issue of systemic or individual race-based harassment or discrimination in my workplace, it will have a negative effect on my career.	2.86%	5.71%	25.71%	14.29%	45.71%	5.71%
I trust that, if I raise an issue related to diversity or inclusion, my manager/supervisor will take action.	5.71%	17.14%	28.57%	25.71%	14.29%	8.57%



Please share any comments you have about how race-based harassment or discrimination is addressed in your workplace.

“Discrimination and harassment must be understood to be EVERYONE’S responsibility—that is to say, when someone witnesses such an event, they must take action and not leave it to the victim. All too often in the workplace, it is the victim that is expected to do something. If the victim does nothing, they are viewed as acquiescing to the hurtful event, resulting in (the victim) believing they are unsupported and not appreciated. This often leads to unreported violations of policies and questioning of the victim. Thus, the cycle continues.”

“There are tensions in my current workplace divided on racial lines. I am the first and only person of colour to hold my position in my workplace. Raising issues of race will result in denial and aggression towards me. I have watched it happen to other employees.”

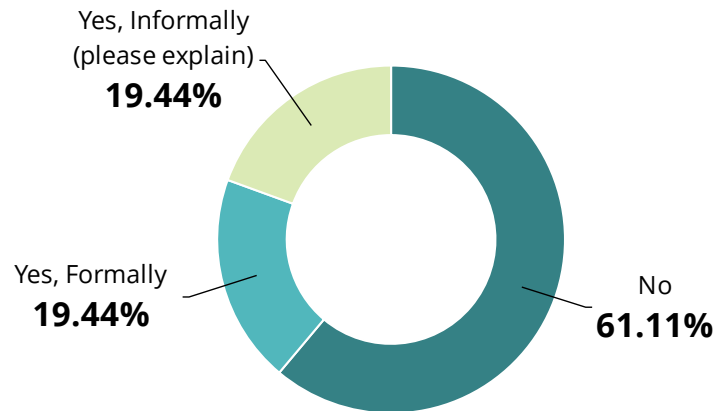
“I filed a harassment complaint in the past with my immediate director, and it was ‘swept under the rug’ and dismissed. It was not acknowledged as a complaint with merit.”

“When BIPOC lawyers raised issues of systemic discrimination in the promotion practices of my workplace, we experienced retaliation from the managing lawyers in the form of spreading false information about us to other lawyers ... obstruction of our equity work, threatening/intimidating remarks, and heightened scrutiny of our work.”

"I would have had no trust that my workplace would handle such a complaint appropriately. While they may have gone through the process, it would invariably negatively impact my ability to advance."

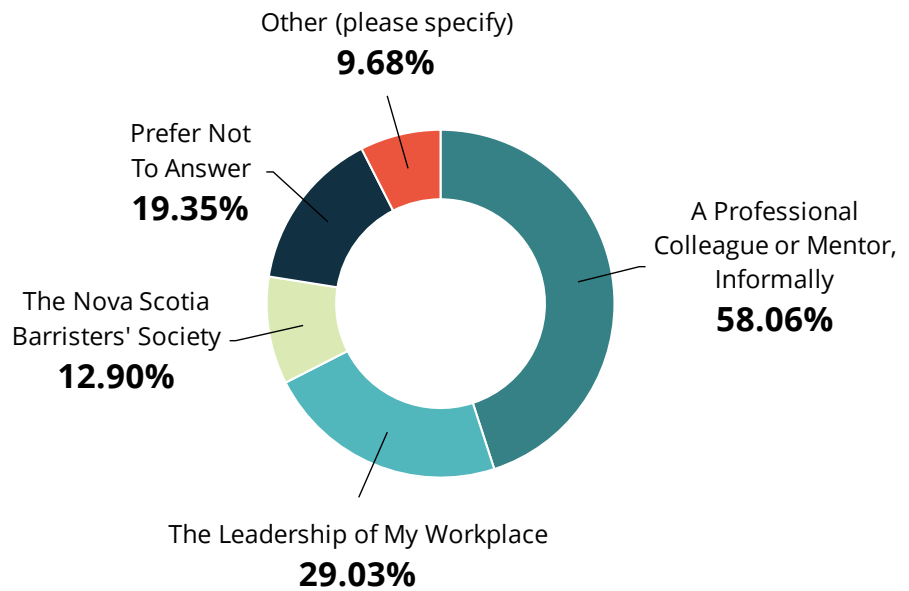
"Management seems unaware of when it happens or what to do when it occurs."

I have reported an experience of race-based harassment or discrimination in the legal profession, in the past.



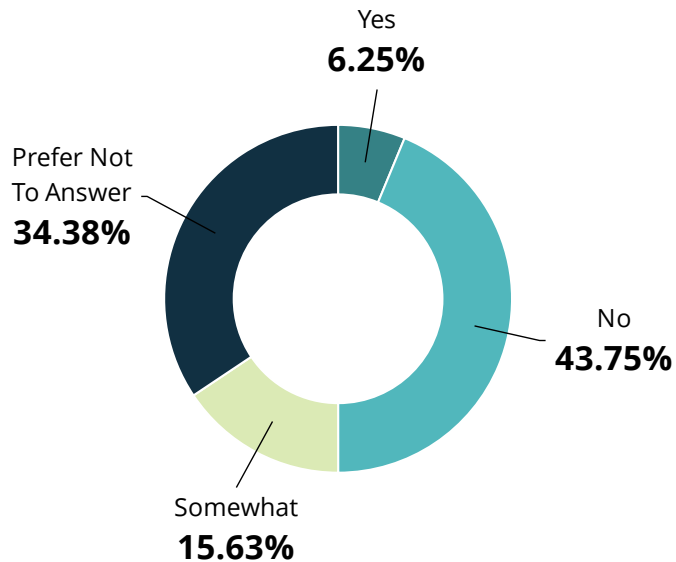
Yes, Informally: **1.** Raised an issue of racist reference with management. Was asked what they thought should be done. They had no policy on how to address it despite witnessing it. **2.** To my mentor and a senior member **3.** Told people I was frequently called "Boy". **4.** Went to see the President of the day. **5.** Many examples I have brought forward to leadership. Including racism by senior people.

In the past, I made a report of my experience of race-based harassment or discrimination to: (check all that apply)



Other: 1. Not applicable. 2. Not applicable. Never experienced.

When I reported an experience of race-based harassment or discrimination in the past, I was satisfied with the resolution of my complaint.



Please provide any information you would like to share about your past experiences reporting an experience of race-based harassment or discrimination.

"A well established colleague was warned not to do it again and I lost work and files for reporting (an incident)."

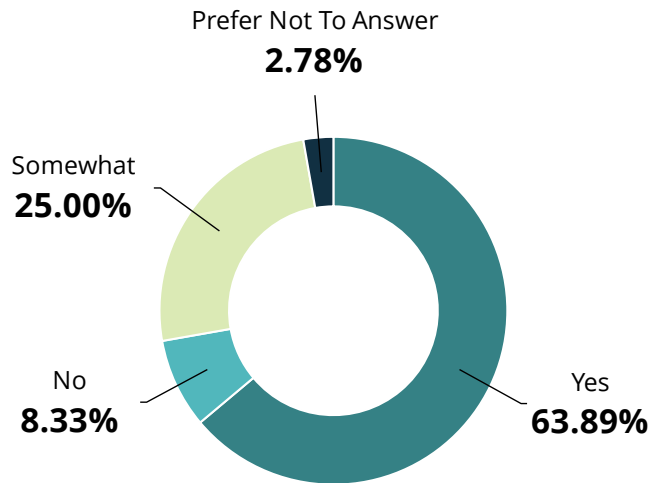
"When I reported racial harassment by my articling supervisor, the lawyer sitting in the top leadership role of my workplace said it would be better for me to just finish out the articling term, rather than switch principles because people in the office would likely judge me. I felt I had no choice but to continue working with this person."

"My employer gave me a paid day off after an incident with a Judge so that I could take care of my mental health."

"I never made an official complaint because at that time, this was not perceived as an option. I needed to go on with my career."

"It is all management speak. At the end of the day, if you are an outsider, you always remain one. You can be excellent at what you do, have all the right attributes but something will be said or done to make you realize you are not on the same footing."

If I saw someone else experiencing racial harassment or discrimination in the legal profession, I would feel comfortable saying or doing something about it.



Please share an example of how you think you can best support someone else who is experiencing race-based harassment or discrimination.

"Tell the truth about what you have witnessed, regardless of the punishment you will receive. I have suffered the consequences of disclosing the existence of racial issues."

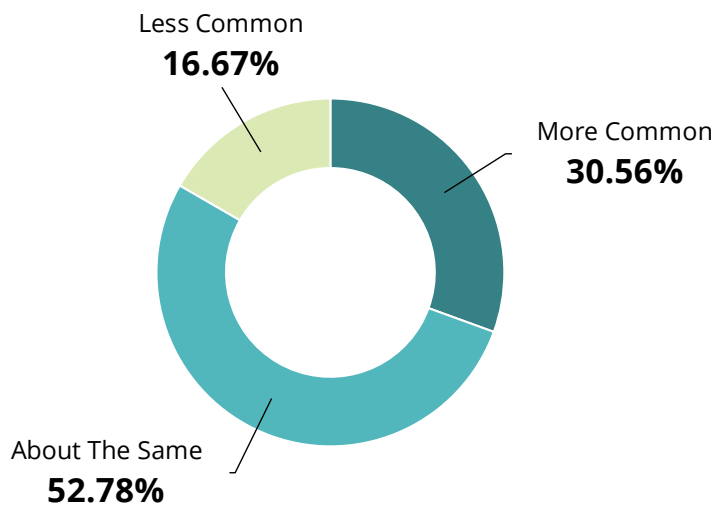
"Provide space for what they need. Ask what they need."

"That is difficult to answer because of the possible repercussions to the complainant as a member of a small bar society. I would probably direct a person to get mental health support first and foremost."

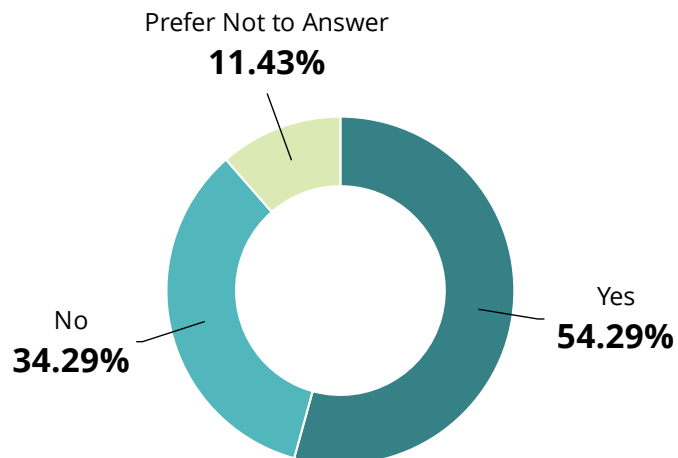
"Speaking with them and taking appropriate steps. It is much easier for me to advocate for others than to advocate for myself."

"The person engaging in the harassment or discrimination must be spoken to directly and the behavior identified. They should be directed to materials or to a supervisor to obtain coaching and correction of the behavior. Depending on severity, formal reporting may be appropriate. The person who is experiencing the harassment or discrimination should be offered support and options to address their experience."

I believe that, compared to other professional workplaces, race-based harassment or discrimination in the legal profession is:



I currently, or have previously, volunteer with the Society (i.e. member of Council or Committees).



If applicable, please explain why you have never volunteered with the Society.

"I have not had particularly positive experiences dealing with the Society in the past. I was a foreign-trained lawyer and some of the experiences I had faced while going through the requalification process with the Society left me unimpressed and demotivated to be involved."

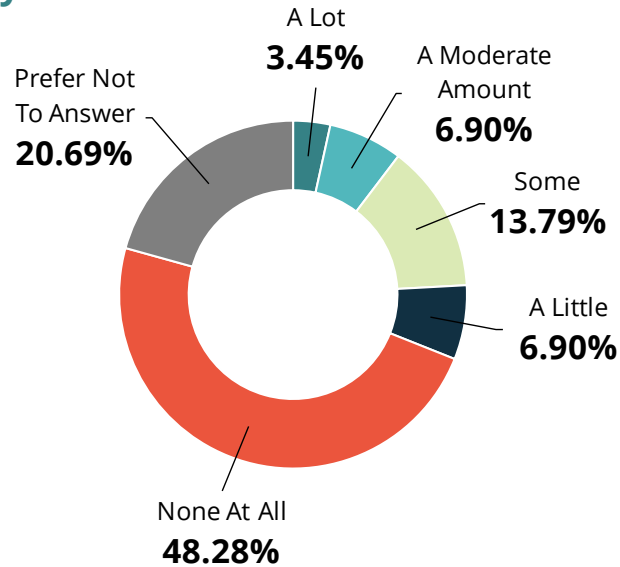
"The Society is a place where the culture is very much a Caucasian culture. ... My Indigenous ways of doing and thinking will be seen as 'odd' or not acceptable."

"I don't feel wanted despite my many years of practice and experiences. Mi'kmaq lawyers are not valued."

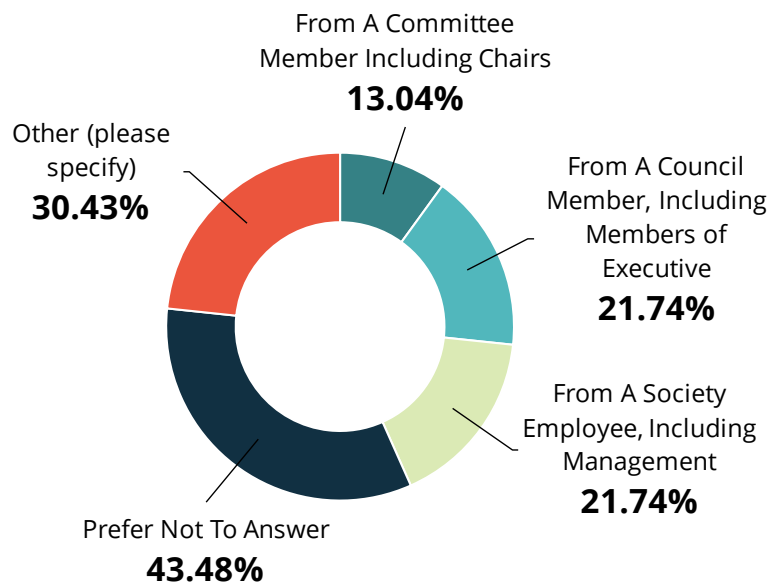
"I am always directed to the Racial and Equity Committee. Never substantive committees."

"I felt that it was another 'talk, but no action' place."

Have you experienced race-based harassment or discrimination as a current or past volunteer with the Society?



In what context have you experienced race-based harassment or discrimination, as a volunteer with the Society? (check all that apply)



Other: **1.** Not applicable. **2.** I have not experienced any race-based harassment or discrimination while volunteering. **3.** On Society forms that never included “Mi’kmaq” as a choice. Or recognition that Indigenous/Aboriginal law is an area of practice. **4.** Vicariously. I have witnessed and supported members of the Race Equity Committee and staff who had experiences.



The harassment or discrimination that I experienced was in the form of: (check all that apply)



Other: **1.** Not applicable. **2.** None experienced. **3.** Of a systemic nature. **4.** I haven't experienced such. But I have experienced the culture of the Law Society.

Please share one or more examples of race-based harassment or discrimination that you have experienced as a volunteer with the Society.

"Advancement and connection in the society are based on popularity and political networking. We are not invited or welcomed into those spaces unless we mask our individuality and cultural distinction."

"Although explained, there was an intentional failure to 'see what the problem is' in addressing cultural differences"

"A person currently occupying a leadership position in NSBS has repeatedly engaged in direct discrimination toward BIPOC volunteers including misapplication of policies to exclude or impede the work of multiple BIPOC volunteers."

Please share any comments that you have about the Society's current or potential future role in addressing issues of race-based harassment and discrimination in the legal profession.

"Past and Present NSBS leadership—those on staff and Executive of Council—lack both the capacity and will to properly address race-based harassment and discrimination in the legal profession. Instead, they have and continue to be the guardians of racism and discrimination throughout our profession, maintaining the status quo either intentionally or through willful blindness."

"There needs to be more accountability and some sort of penalty (financial and in some other form) imposed on those who misuse their position of power to further their agenda of discrimination and hatred."

"I have personally experienced discriminatory behaviour from Society during my requalification process in Canada and here in Nova Scotia. The standards and discretions available to NSBS in admitting foreign lawyers to the profession are always administered to the detriment of the foreign lawyers."

"While the Society has made some strides in addressing racism, I don't believe they have any interest in making any changes that actually dismantle the long-standing systemic barriers affecting BIPOC lawyers, if it would have any effect on those that hold power. Involvement with the Society is still seen as a resume builder and a stepping stone to things like the judiciary, and as such I don't think the Society and Bar Council have any true interest in challenging the status quo. I have yet to see the Society truly step out with bravery and deal with the rot that continues to fester beneath the surface of our revered profession. Without the efforts of a dedicated few, the gains made would have been rolled back long ago."

“Dedicate an executive seat to the Mi’kmaq bar on the Society’s governing body; hire someone from the Mi’kmaq community to be a part of the executive management of the Society. Waive fees for Mi’kmaq lawyers. The Society should advocate that one Kings Counsel designation must go to a Mi’kmaq lawyer (if they meet the 10 year threshold).”

“Please keep addressing these issues. Only when all of us take ownership, truly recognize the universality of the issues and commit to workplace integrity in word and deed can workplace culture truly change.”

“As a regulator of our profession, the Society has an important role to play in implementing mandatory education / cultural competence training so people can recognize their own inherent biases that often lead to such conduct. There should also be a transparent and CONFIDENTIAL mechanism in place to encourage members who experience such harassment / discrimination to have the courage to report these incidents, followed by serious consequences for the same, regardless of which firm an accused member of the bar works for.”

“The general experience with NSBS has been so negative and stressful that I felt that I had no chance of advancement without leaving the province. I always had a target on my back, and would have a physical reaction to any letter that came to my office with the NSBS logo. The system requires a complete overhaul, and frankly I do not think that the NSBS is capable of repairing the damage done to the Black lawyer community and to the NS community as a whole.”

Do you want to share any other personal characteristics with us that may help to understand your responses?

For example, feel free to tell us about your family status, sexual orientation, disability, or any other background. This personal information will be kept anonymous to Society staff who will collect and analyze the data (specifically the Equity & Access Manager and Advisor, and Communications Advisor) and the Racial Equity Committee co-chairs.

"The society and legal profession are closed to my value and worth. The legal profession lessens our accomplishments and enlarges and looks for our imperfections disproportionate to its white and male members."

"I served on a hiring committee that readily dismissed applications from diversity groups based primarily on cultural disadvantages. This is a huge problem for affected groups and must also be addressed."

"My view is that there is not a discrimination problem in the Society and a ridiculous amount of board time and energy is spent on a non-issue. The legal business is a tough business and discrimination/harassment claims tend to be a mask for bigger performance problems."

"I practice in Indigenous communities across the country. There doesn't seem to be any assistance available unless you are physically located in Halifax nor can you participate unless you are in Halifax."