EIP

Reflections on Black History Month 2022

Alex Morgan writes: Last month was Black History Month and for each full week of October I wrote an article profiling a different Black person who made a significant contribution in a particular technical field (all linked to healthcare). The four persons profiled were: Vivien Thomas, Patricia Bath, Charles Drew, and Percy Lavon Julian.

In each of those articles, I tried to highlight / make a point regarding an issue of relevance today, namely: (i) the 'ethnicity pay gap', (ii) the need for us to work together to address unequal outcomes; (iii) the importance of taking a stand and speaking up against unjustifiable discrimination; and (iv) a recent study report which found that only 90 of 13,000 partners at England and Wales law firms are Black.

The report cited in my final article identified five key actions it says law firms are not currently taking, namely: (i) tying executive compensation to diversity and inclusion outcomes; (ii) training supervisors in managing diverse teams; (iii) providing programmatic support, including learning and development initiatives, targeted to the "nuanced needs and challenges acutely faced by Black talent"; (iv) implementing employer-specific sponsorship programmes to target underrepresented talent; and (v) ensuring delegation of work and career development opportunities equitably, including through use of algorithmic technology.

Of course, there is no 'one size fits all' approach to optimising for inclusion, and any recommended actions must be interpreted appropriately for individual law firms. That said, the report acknowledged that, "Significant heavy lifting is required over a sustained period to attract, retain and progress underrepresented talent", and that, "More muscular actions must be taken to overcome longstanding institutional inertia." While it may be in leaders' interests to maintain things as they are, perpetuating a status quo which disadvantages underrepresented groups is wrong and bad for business.

So, now that Black History Month is over for another year (and the flurry of posts have died down), now what? Are we ready to make any changes? We need people in senior positions (and at all levels) in their organisations to be motivated and we (minorities and allies) need to join the chorus, be active and lend our support – for example, by sharing articles like this one and the report I mentioned above (see here) with colleagues and managers to show that there is appetite for change.

Change may not be quick or inexpensive, but we need to treat the status quo as the time critical, risky for business, industry-threat that it is. Time for Action: Not Words.

Darren Smyth continues: The biggest improvements in diversity and inclusion have generally been achieved in larger organisations, and in smaller organisations change takes proportionally more work. It is easy for well-meaning, liberal-minded people to think that having the correct outlook will automatically lead to good outcomes. It is also easy to forget that equal treatment does not mean treating everyone identically, since the challenges faced by different people in accessing certain workplaces can differ hugely. It should not be forgotten that Diversity, Equity and Inclusion work is a professional skill and it does not deserve to be simply delegated to minorities people within the organisation. It needs professional support.

Providing equitable access and genuinely inclusive treatment of Black people (and other minority groups) cuts across so many of an organisation's policies and processes – recruitment, performance appraisal, internal training, external engagement, promotion and social activities. All of these factors, and others, come together to form the indefinable "ethos" of a place. Ensuring that this ethos is an inclusive one is a journey that will ask searching questions of everyone, but especially the leadership. Are the organisation's stated values really reflected in all of its practices?

Marking observations such as Black History Month is an important part of educating our people on aspects of the past and the present of which many may be unaware. But it should also call us to evaluate again what are we doing to improve our diversity and inclusion practice. What progress have we made since last year? Could we have done better? And if so, what are we going to do about it before Black History Month comes around next year?