

Existing Standard

Equity and Diversity

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.¹

These best practices include management and conduct of the practice of the lawyer or law firm that respects equity and diversity.²

In considering policies selected for these best practices, in the context of the particular lawyer or law firm, the lawyer or law firm shall consider all relevant factors to that lawyer or law firm including:

(a) the development of fair and unbiased criteria in the recruitment, selection, and retention of clerks, lawyers, and staff;

(b) management policies appropriate for the lawyer or law firm including anti-harassment, anti-discrimination, parental leave, accommodations for persons with disabilities, cultural competence, and

(c) a meaningful process to enforce such policies.³

Proposed revisions

Equity, Diversity, Inclusion and Accessibility

- A lawyer and law firm must treat all persons **with dignity and respect and** in a manner consistent with **the spirit and the letter of best practices in** human rights law, **and** the *Code of Professional Conduct*, **and relevant health and safety and accessibility laws.**
- **A law firm must** have proportionate and principled written **policies** with regards to such **practices obligations.**¹

~~These best practices include management and conduct of the practice of the lawyer or law firm that respects equity and diversity.~~²

In considering **When adopting** policies **selected for these best practices, in the context of the particular lawyer or law firm,** the lawyer or law firm shall consider all relevant factors to that lawyer or law firm including:

(a) the development of fair and unbiased criteria in the recruitment, selection, and retention of clerks, lawyers, and staff;

(b) management policies appropriate for the lawyer or law firm including anti-harassment, anti-

discrimination, parental leave, accommodations for persons with disabilities, cultural competence;

(c) a meaningful process to enforce such policies including regular review of existing policies and the creation of new policies as needed, and;²

(d) reference to protection against reprisal(s).³

Commentary

A lawyer should foster a professional environment that is respectful, accessible, and inclusive, and should strive to recognize their own internal biases and take particular care to avoid engaging in practices that would reinforce those biases, when offering services to the public and when organizing their workplace. (s. 6.3 of *Code of Professional Conduct*)

Footnotes

¹[Human Rights Act](#), RSNS 1989, c 214, s. 3. [Employment Equity Act](#), SC 1995, c 44. Nova Scotia Barristers' Society, [Code of Professional Conduct](#), Halifax: Nova Scotia Barristers' Society, 2012, section 6.3 and 3.1; consider element #9 of the [Management System for Ethical Legal Practice](#).

²Nova Scotia Barristers' Society: [Vision and Values](#)

Footnotes

¹[Human Rights Act](#), RSNS 1989, c 214, s. 3.; [Employment Equity Act](#), SC 1995, c 44.; Nova Scotia Barristers' Society, [Code of Professional Conduct](#), Halifax: Nova Scotia Barristers' Society, 2012, section 6.3 and 3.1; consider element #9 of [Self-Assessing your Law Firm \(MSELP\) - Nova Scotia Barristers' Society \(nsbs.org\)](#); [Occupational Health and Safety Act](#), RSNS 1996, c 7, s. 45, 46; [Accessibility Act](#), RSNS 2017, c 2.

³ *Shah v. George Brown College*, [2009 HRTO 920](#) (CanLII) [Ont. Human Rights Tribunal]

Additional Resources

Templates

- [Model Policy: Workplace Equality](#) (July 2007) Law Society of British Columbia
- [Model Equity Policies for Law Firms](#), Law Society of Alberta
- [Guidelines for Drafting and Implementing a Diversity and Equality Policy in Legal Workplaces & Sample Diversity and Equality Policy](#), (February 2005) Law Society of Alberta
- [Guide to Developing a Policy Regarding Workplace Equity in Law Firms](#), (March 2003) Law Society of Upper Canada
- [Equity: Model Policies](#), Law Society of Manitoba
- [Equity Model Policies, Publications & Reports](#), Law Society of Upper Canada

Documents

Abella, Rosalie Silberman (October 1984) [Report of the Commission on Equality in Employment](#)

² *Shah v. George Brown College*, [2009 HRTO 920](#) (CanLII) [Ont. Human Rights Tribunal]

³ [Code of Professional Conduct](#), Halifax: Nova Scotia Barristers' Society, 2012, section 6.3-4.

Additional Resources

Templates

- [Model Policy: Workplace Equality](#) (July 2007) Law Society of British Columbia
- [Cultural Competence & Equity, Diversity and Inclusion - Law Society of Alberta](#)
- [Equity and Diversity - The Law Society of Manitoba](#)
- [Model Policies & Guides - Lawyer | Law Society of Ontario \(lso.ca\)](#)

Documents

Ruck, Douglas, KC (October 29, 2024) [Regaining Trust: Systemic Discrimination in Nova Scotia's Legal Community](#) (The Ruck Report)

Babiuk, Buchert, Chiekwe & Hong (November 2014) "[Cultural Competency and Diversity in the Nova Scotia Legal Profession: Final Summary Report](#)"

Brown, Jennifer (September 20, 2013) "[Survey of lawyers to examine experience of sexual minorities in profession](#)", Legal Feeds

Dumke, Kathryn and Kevin Hong (July 2015) [Equity and Diversity in Legal Practice](#).

Morse, Gail H. (July 2009) "[Is It Time for a LGBT Call to Action?](#)", Embracing Diversity: Tort Trial & Insurance Practice Section of the American Bar Association's Diversity Newsletter

Rouse, Hanna N. (18 November 2010) "[Lawyers Discuss LGBT Barriers](#)", The Harvard Crimson

[Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers](#) (April 2000) Aboriginal Law Graduates Working Group, Law Society of British Columbia.

[BLAC Report on Education: Redressing Inequity – Empowering Black Learners](#) (1994) Black Learners Advisory Committee (BLAC)

[Challenges Facing Racialized Licensees: Final Report](#) (March 11, 2014) Law Society of Upper Canada

[Articling Survey 2024 Results - Nova Scotia Barristers' Society](#)

[Racial Equity Survey Report](#) (October, 2024 - NSBS)
Abella, Rosalie Silberman (October 1984) [Report of the Commission on Equality in Employment](#)

Babiuk, Buchert, Chiekwe & Hong (November 2014) "[Cultural Competency and Diversity in the Nova Scotia Legal Profession: Final Summary Report](#)"

[Nova Scotia Barristers Society – Gender Equity Committee Final Report – May, 2022.](#)

Dumke, Kathryn and Kevin Hong (July 2015) [Equity and Diversity in Legal Practice](#).

[National - Improving inclusion for gender-diverse people \(nationalmagazine.ca\)](#)

[Lawyers Discuss LGBT Barriers | News | The Harvard Crimson \(thecrimson.com\)](#)

['Kindness can accomplish everything:' Lawyers discuss LGBTQ2+ inclusion in the workplace | Law Times \(lawtimesnews.com\)](#)

[Report: Addressing discriminatory barriers facing Aboriginal law students and lawyers, April 2000 \(lawsociety.bc.ca\)](#)

Employment Equity in the Legal Profession in Nova Scotia (2012) Nova Scotia Barristers' Society

Employment Equity within the NSBS Membership (September 2014) R.A. Malatest & Associates Ltd.

[Equality and Diversity](#) (November 2014) Solicitors Regulation Authority

[Equality and Diversity Requirements: SRA Handbook](#) (July 2012) Solicitors Regulation Authority

[Equality and Diversity Rules of the BSB Handbook](#) (September 2012) Bar Standards Board

[Equality in Employment: A Royal Commission Report. General Summary](#); Published in Canadian Woman Studies (1984) Vol. 6, no. 4, p 5-7.

Equity portal: Developing an equity strategy in your legal workplace, Nova Scotia Barristers' Society

[Executive Summary: Retention of Women in Private Practice Working Group](#) (May 2008) Law Society of Upper Canada

[Final Report: Aboriginal Bar Consultation](#) (January 29, 2009) Equity Initiatives Department, Law Society of Upper Canada

[Fostering Employment Equity and Diversity in the Nova Scotia Legal Profession](#) (August 2000) Employment

[BLAC Report on Education: Redressing Inequity – Empowering Black Learners](#) (1994) Black Learners Advisory Committee (BLAC)

[Working Together For Change: Strategies To Address Issues Of Systemic Racism In The Legal Professions](#) (lawsocietyontario.azureedge.net)

[Equality and Diversity](#) (November 2014) Solicitors Regulation Authority

[SRA | Encouraging equality, diversity and inclusion | Solicitors Regulation Authority](#)

[Report of the Commission on Equality in Employment / Judge Rosalie Silberman Abella, commissioner.](#) : MP43-157/1-1984E-PDF - Government of Canada Publications - Canada.ca

[Equity & Access Resources - Nova Scotia Barristers' Society \(nsbs.org\)](#)

[Microsoft Word - CLA Womens Study February 2016 Final.docx \(criminallawyers.ca\)](#)

[2009-final-report-of-the-indigenous-bar-consultation_1.pdf \(lawsocietyontario.azureedge.net\)](#)

[Fostering Employment Equity and Diversity in the Nova Scotia Legal Profession](#) (August 2000)

Equity Guidelines Committee: Nova Scotia Barristers' Society

["Kirby says gay lawyers still face discrimination"](#) (24 June 2010) Lawyers Weekly

[Lawyers with Disabilities: Overcoming Barriers to Equality](#) (2004) Disability Research Working Group, Law Society of British Columbia

[Our Equality and Diversity Strategy 2014-2017](#), Law Society of Scotland

[Practicing Law: Minority Groups: Final Report](#) (June 2008) Race Relations Committee: Nova Scotia Barristers' Society

[Reasonable Accommodation Checklist: Developing a Policy](#), Manitoba Human Rights Commission

[Royal Commission on the Donald Marshall, Jr., Prosecution: digest of finding and recommendations](#) Nova Scotia. Royal Commission on the Donald Marshall, Jr., Prosecution, December 1989

[Touchstones for Change : Equality, Diversity and Accountability](#) (1993) Task Force on Gender Equality in the Legal Profession: Canadian Bar Association

Employment Equity Guidelines Committee: Nova Scotia Barristers' Society

[Guidelines_GenderVariantInclusion.pdf \(nsbs.org\)](#)

[Lawyers with Disabilities: Overcoming Barriers to Equality](#) (2004) Disability Research Working Group, Law Society of British Columbia

[Accommodation Works! \(chrc-ccdp.gc.ca\)](#)

[Royal Commission on the Donald Marshall, Jr., Prosecution: digest of finding and recommendations](#) Nova Scotia. Royal Commission on the Donald Marshall, Jr., Prosecution, December 1989

[Touchstones for Change : Equality, Diversity and Accountability](#) (1993) Task Force on Gender Equality in the Legal Profession: Canadian Bar Association

Case Law

Andrews v. Law Society of British Columbia, [\[1989\] 1 SCR 143](#), 1989 CanLII 2 (SCC)

Cardinal v. Douglas College and another, [2013 BCHRT 64](#) (CanLII)

E.J. v. Catholic Children's Aid Society of Toronto, [2014 ONSC 3277](#) (CanLII)

Gichuru v. The Law Society of British Columbia (No. 9), [2011 BCHRT 185](#) (CanLII)

Johal v. Dhesi, [2012 BCSC 550](#) (CanLII)

Law Society of Upper Canada v. Terence John Robinson, [2013 ONLSAP 18](#) (CanLII)

Moore v. British Columbia (Education), [\[2012\] 3 SCR 360](#), 2012 SCC 61 (CanLII)

R. v. Armitage, [2015 ONCJ 64](#) (CanLII)

R. v. Fraser, [2011 NSCA 70](#) (CanLII)

R. v. Gladue, [\[1999\] 1 SCR 688](#), 1999 CanLII 679 (SCC)

R. v. Kapp, [\[2008\] 2 SCR 483](#), 2008 SCC 41 (CanLII)

R. v. Kennedy, [2013 ONSC 6419](#) (CanLII)

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Andrews v. Law Society of British Columbia, [\[1989\] 1 SCR 143](#), 1989 CanLII 2 (SCC)

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Gichuru v. The Law Society of British Columbia (No. 9), [2011 BCHRT 185](#) (CanLII)

Johal v. Dhesi, [2012 BCSC 550](#) (CanLII)

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R. v. Armitage, [2015 ONCJ 64](#) (CanLII)

R. v. Fraser, [2011 NSCA 70](#) (CanLII)

R. v. Gladue, [\[1999\] 1 SCR 688](#), 1999 CanLII 679 (SCC)

R. v. Kapp, [\[2008\] 2 SCR 483](#), 2008 SCC 41 (CanLII)

R. v. Kennedy, [2013 ONSC 6419](#) (CanLII)

R. v. S. (R.D.), [\[1997\] 3 SCR 484](#), 1997 CanLII 324 (SCC)

R. v. Spence, [\[2005\] 3 SCR 458](#), 2005 SCC 71 (CanLII)

R. v. Twoyoungmen, [1998 ABPC 135](#) (CanLII)

R. v. "X", [2014 NSPC 95](#) (CanLII)

Approved by Council on July 22, 2016

R. v. S. (R.D.), [\[1997\] 3 SCR 484](#), 1997 CanLII 324 (SCC)

R. v. Spence, [\[2005\] 3 SCR 458](#), 2005 SCC 71 (CanLII)

R. v. Twoyoungmen, [1998 ABPC 135](#) (CanLII)

R. v. "X", [2014 NSPC 95](#) (CanLII)