

## **WORKING GROUP REPORT: Moving beyond diversity for inclusion and equity**





# CONTEXT

**A key aspect of the South African General Counsel for Diversity and Inclusion (SA GC for D&I) initiative is the creation of working groups** to facilitate comprehensive and multi-stakeholder conversations around critical themes linked to diversity, equity and inclusion (DEI) within the South African legal fraternity.

**These working groups discuss topics proposed and voted on by members of and partners to the initiative.** Each working group is tasked with using the discussions to create an output intended as a public-good resource for those wanting to enhance DEI. This document is such an output and we encourage readers to share it with others in the South African legal fraternity who may benefit from its content.

**This particular document is the fruit of the collaborative efforts of the Moving Beyond Diversity for Inclusion and Equity working group, which started in late 2023 and concluded its work in early 2024.** The SA GC for D&I gratefully acknowledges the efforts of all of those who took part in these working group discussions and thanks their organisations for allowing them the time to do so.

**The discussions within the working groups adhere to the Chatham House Rule, ensuring the anonymity of individual contributors to the dialogue. For further information or to become part of the SA GC for D&I and its current or future working groups, visit [www.sagcdi.co.za](http://www.sagcdi.co.za).**



# WHAT DOES IT MEAN TO MOVE BEYOND DIVERSITY?

## What does it mean to move beyond diversity?

- Achieving diversity hiring targets, but **ignoring** diversity when analysing promotions, incentives, or attrition and retention
- Achieving gender equity in staffing numbers, but **not in salaries**
- Achieving racial equity in staffing numbers, but **not in share of billable work**
- Promoting cultural diversity but **not allowing formal cultural clothing to be defined as formal workplace clothing**
- Hiring people from different religious backgrounds but **not sufficiently accommodating all religions**
- Creating an environment where staff are **unwilling** to share personal views or experiences authentically, or are afraid of saying the wrong thing
- **Not creating safe spaces** for conversations



## Why do we need to move beyond diversity?

- In some organisations, DEI can be more about **ticking boxes** and focusing on diversity numbers rather than fostering an inclusive and equitable workplace. This, ultimately, means that **many of the potential benefits of diversity remain unrealised**
- **Structural barriers** may impede progress, and there's a need to shift from a purely quantitative to a quantitative and qualitative approach to DEI
- **A lack of a holistic approach to DEI** limits the ability to create a workplace centred on inclusion and equity, thus limiting meaningful diversity
- **Unconscious biases** persist unnoticed and/or unchallenged in many workspaces, and fostering honest conversations and psychological safety remains a challenge



## What does diversity with equity and inclusion look like?

- **A range of perspectives**, ideas and experiences coexist within the legal workforce. These help teams enhance creative thinking, innovation and problem-solving, and adapt to and grow in a fast-paced world
- The firm takes actions to **remove systemic, group and individual barriers** and obstacles that hinder opportunities and disrupt well-being
- Staff experience a strong sense of belonging and affiliation to their firm, function and team
- **The workplace is a safe, positive and caring environment** in which everyone's perspectives, ideas and experiences are understood, embraced and valued
- People feel they can relate to a common goal, are fairly treated, can learn and develop without boundaries, and are able to contribute their whole, authentic selves in the workplace



# SIX PRINCIPLES TO FOLLOW TO ACHIEVE INCLUSION AND EQUITY BEYOND DIVERSITY



**1. Create a safe space and an “I see you” culture.** This means encouraging engagement and increasing the visibility of marginalised groups



**2. Encourage (but don't force) authentic communication and storytelling.** Much can be learnt through vulnerability and the sharing of personal experiences. These help to encourage belonging



**3. Foster a habit of reflecting on internal practices and company culture through a DEI lens.** If required, own your shortcomings and make adjustments if they exclude some groups or don't align with equity goals



**4. Demonstrate commitment by incorporating appropriate KPIs for key DEI elements at a senior level.** This aligns incentives and gives people credit for positive efforts



**5. Work together.** The best way to ensure people feel included in the workplace is to ask them for ideas. Consider members of marginalised groups when making decisions in the company around things like policies, practices and strategy



**6. Foster dialogue by ensuring all employees – from both marginalised and non-marginalised groups – are comfortable engaging.** Acknowledge gaps in understanding and mistakes as well as efforts and intentions to help foster trust among all employees

# STORIES FROM THE GROUND ...

When the working group participants were asked **what structural aids and systemic adjustments had helped their organisations engender a cultural change towards DEI**, these were some of their answers:

**Small gestures that make marginalised groups feel seen and heard are very impactful.** It could be as simple as asking whether someone needs assistance with accessibility to a venue when you are an event organiser. A small, thoughtful engagement like this can go a long way towards making someone with mobility challenges feel more visible and included.

**Ensure senior buy-in and give people credit for work done towards DEI KPIs.** But ensure that they are meaningful and realistic and recognise that cultural change takes time.

**Co-create solutions:** allowing employees to shape the company's DEI policy and culture is a great way to build an inclusive workplace.

**When a company keeps up with societal changes and updates its DEI culture in correspondence with existing best practice, it makes people feel they are in good hands.** DEI and society at large are constantly evolving, and companies need to keep abreast of these changes and adapt where necessary. Equally, companies should seek to provide guidance on key issues where it is appropriate.

**Having a “language toolkit” is useful as it can help people deliver critical feedback without hurting others and communicate clearly and fairly without being misunderstood.** Poor or careless language use can alienate people and unintentionally marginalise minority groups. Equally, people may not be comfortable engaging on topics if they aren't confident about definitions or which words may offend others. Within teams, it can therefore be useful to provide people with glossaries of key terms and to agree on language to use when having difficult conversations.



**What are your thoughts? Share your comments, feedback, and experiences with us on LinkedIn or via email at [info@sagcdi.co.za](mailto:info@sagcdi.co.za).**