



South African  
General Council for  
Diversity & Inclusion

## Toolkit 5: Key definitions and glossary

# ABOUT THIS TOOLKIT

In order to create a DEI strategy that is consistent and successful across the legal industry, **it is important to have a agreed upon set of definitions**. This will help prevent any misalignment when it comes to understanding the scope of DEI, as well as the specific components that need to be measured and taken into account.

This toolkit aims to be a living document with core definitions that help inform and align this DEI initiative across the legal sector. The definitions in this toolkit have been drawn from South African legislation where possible and have been augmented with definitions from reputable DEI sources such as EU GCDEI Toolkit and The Global Diversity, Equity, and Inclusion Benchmarks.

This definition section draws some definitions directly from the sources referenced at the end of this document. Some of the definitions are in adapted form. All sources are acknowledged in footnotes and at the end of the document.



# GENERAL DEFINITIONS

**DIVERSITY** is the different range of perspectives, ideas and experiences that make up the legal workforce. These perspectives, ideas and experiences help law firms and in-house legal functions enhance creative thinking, innovation and problem solving, to adapt and grow in a fast-paced world. Differences can be both obvious and hard-to-see. They can include gender, race, sexual orientation, disability, cultural background, neurology, religion and age.

**INCLUSION** embeds a culture where all staff experience a strong sense of belonging and affiliation to their law firm or in-house legal function. This requires 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.

**INTERSECTIONALITY** refers to complex ways in which individuals hold many marginal group affiliations at the same time. These identities can combine, overlap, or intersect in a person or group resulting in multiple, interdependent systems of discrimination or oppression (for example a black woman, a poor Indigenous person, or a gay person with a disability). Thus, the intersectional experience of one person or group is greater than the sum of the individual forms of discrimination or disadvantage.

**EQUITY** is about fairness and justice. It is about taking deliberate actions to remove systemic, group, and individual barriers and obstacles that hinder opportunities and disrupt well-being. Equity is achieved through the identification and elimination of policies, practices, attitudes, and cultural messages that create and reinforce unfair outcomes.

The difference between equality and equity must be emphasized. Although both promote fairness, equality achieves this through treating everyone the same, regardless of need and circumstances. Equity achieves this through treating people differently depending on need, circumstance and consideration of historical and systemic inequities.

# ADDITIONAL KEY DEFINITIONS

**ABLEISM** is beliefs or practices that rest on the assumption that being able-bodied is “normal” while other states of being need to be “fixed” or altered. This can result in devaluing or discriminating against people with physical, intellectual or psychiatric disabilities. Institutionalized ableism may include or take the form of un/intentional organizational barriers that result in disparate treatment of people with disabilities (PwDs).

**ACCESSIBILITY** is the “ability to access” the functionality of a system or entity, and gain the related benefits. The degree to which a product, service, or environment is accessible by as many people as possible. Accessible design ensures both direct (unassisted) access and indirect access through assistive technology (e.g., computer screen readers). Universal design ensures that an environment can be accessed, understood, and used to the greatest extent possible by all people.

**ALLY** is a person who is not a member of a marginalized or disadvantaged group but who expresses or gives support to that group.

**CISGENDER** comes from the Latin cis-, meaning “on this side.” A person whose gender identity corresponds with the sex the person had or was identified as having at birth. For example, a person identified as female at birth who identifies as a woman can be said to be a cisgender woman.

**CONSCIENCE** is the inherent ability of every healthy human being to perceive what is right and what is wrong and, on the strength of this perception, to control, monitor, evaluate and execute their actions . This can be informed by cultural and social backgrounds.

**DISABLED PERSONS** are people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in employment. In terms of the Code of Good Practice on the Employment of Persons with disabilities, the focus is on the the perceived effect that a person’s disability may have on their ability to perform in the working environment (given that disability is seen as deficient, inhibiting etc).



# ADDITIONAL KEY DEFINITIONS

**DIVERSITY, INCLUSION, AND BELONGING** the difference between these three is that diversity typically means proportionate representation across all dimensions of human difference. Inclusion means that everyone is included, visible, heard and considered. Belonging means that everyone is treated and feels like a full member of the larger community, and can thrive.

**ETHNICITY** describes the culture of people in a given geographic region, including their language, heritage, religion and customs.

**ANATOMICAL SEX** refers to the physical traits a person is born with or develop which are classified as 'sex characteristics' as well as the sex you are assigned at birth. Sex is understood to exist on a spectrum with male and female at each end and intersex identity at the middle.

**GENDER IDENTITY** is a person's own inner sense of being a man or woman (or both or neither). A person's gender identity may or may not correspond to the person's body or designated sex at birth or how society sees them.

**GENDER NONCONFORMING OR GENDER NONBINARY** are ways of identifying and/or expressing oneself outside the binary gender categories of male/masculine and female/feminine.

**MICRO AFFIRMATION** is a small gesture of inclusion, caring or kindness. They include listening, providing comfort and support, being an ally and explicitly valuing the contributions and presence of all. It is particularly helpful for those with greater power or seniority to "model" affirming behavior.

**MICROAGGRESSION** is a comment or action that unconsciously or unintentionally expresses or reveals a prejudiced attitude toward a member of a marginalized group, such as a racial minority. These small, common occurrences include insults, slights, stereotyping, undermining, devaluing, delegitimizing, overlooking or excluding someone. Over time, microaggressions can isolate and alienate those on the receiving end, and affect their health and wellbeing.

# ADDITIONAL KEY DEFINITIONS

**NEURODIVERSITY** is when neurological differences are recognized and respected as are any other kind of human differences or variations. These differences can include Dyspraxia, Dyslexia, Attention Deficit Hyperactivity Disorder, Dyscalculia, Autistic Spectrum, and Tourette Syndrome.

**PRONOUNS** are words to refer to a person after initially using their name. Gendered pronouns include she and he, her and him, hers and his, and herself and himself. “Preferred gender pronouns” (or PGPs) are the pronouns that people ask others to use in reference to themselves. They may be plural gender neutral pronouns such as they, them, their(s). Or, they may be ze (rather than she or he) or hir (rather than her(s) and him/his). Some people state their pronoun preferences as a form of allyship.

**QUEER** is an umbrella term used by people who wish to describe themselves as neither heterosexual nor cisgender.

**RACE** refers to the concept of dividing people into groups on the basis of various sets of physical characteristics and the process of ascribing social meaning to those groups.

**RACISM** “is a belief that racial differences produce or are associated with inherent superiority or inferiority. Racially-based prejudice, discrimination, hostility or hatred. Institutionalized racism, also known as systemic racism, refers to forms of racism that are ingrained in society or organizations. It is when entire racial groups are discriminated against, or consistently disadvantaged, by larger social systems, practices, choices or policies.”<sup>1</sup>

**SEXUAL ORIENTATION** is the emotional, romantic and sexual attraction of someone to the same sex or the opposite sex, or to both sexes.

**TRANSGENDER** is an umbrella term used to describe a person whose gender identity is something other than their Sex Assigned at Birth (SAAB). The SAAB is a person’s first association with gender, typically based on physical sex characteristics.

<sup>1</sup> Harvard Human Resources. Glossary of Diversity, Inclusion, and Belonging (DIB) Terms. Available: [https://edib.harvard.edu/files/dib/files/dib\\_glossary.pdf](https://edib.harvard.edu/files/dib/files/dib_glossary.pdf)

# USEFUL RESOURCES AND ADDITIONAL INFORMATION

This guidance is based off our consultations with local DEI experts and the [EU GCD&I Toolkit](#).

[EU GCD&I Nudge Card for GC Engagement with law firms](#)

This specific toolkit element was used to inform our approach on how to engage with law firms in South Africa

These questions and assessment levels are based off the [EU GCD&I Toolkit](#) and [The Global Diversity, Equity, and Inclusion Benchmarks](#).

[The right mind-set: Approaching diversity and inclusion in South Africa](#)

This report compiled by Deloitte goes into detail on DEI in South Africa, providing good insight into the direct benefits of DEI for your organization

[How to Measure Inclusion in the Workplace](#)

This Harvard Business Review article goes into detail about the different areas of DEI in your organisation, looking at, for example : 'capturing employee perceptions of inclusion', ways to take action, and potential pitfalls.

[Information on B-BBEE](#)

[The Constitution of the Republic of South Africa](#)

[The Employment Equity Act](#)

[Additional information on conformity bias](#)

This source provides a more indepth look at conformity bias

[Social Influence, Conformity Bias, and the Study of Active Minorities](#)

This academic paper looks at the significance of social influence when it comes to bias and its impact on minorities

[SHRM's HR Glossary](#)

This glossary provides definitions of different biases as well as other important terms relating to DEI

[A Simple Checklist to Improve Decisions](#)

This is a comprehensive list of questions to ask to help detect bias

[Implicit Bias in the Legal Profession](#)

This resource from the IPO provides a detailed look at implicit bias specifically within the legal profession

[The Fundamental Attribution Error: What it is & how to avoid it](#)

A more detailed look into the fundamental attribution error from the Harvard Business School

[The Similarity Bias](#)

This resource provides an expanded view on the similarity bias

[16 Unconscious Bias Examples and How to Avoid Them in the Workplace](#)

This source expands on unconscious bias. It goes into further detail on the different types of biases that exist beyond the ones explored in this toolkit

[Additional information on conformity bias](#)

This source provides a more indepth look at conformity bias

[The right mind-set: Approaching diversity and inclusion in South Africa](#)

This report compiled by Deloitte goes into detail on DEI in South Africa, providing good insight into the direct benefits of DEI for your organization

[How to Measure Inclusion in the Workplace](#)

This Harvard Business Review article goes into detail about the different areas of DEI in your organisation, looking at, for example : 'capturing employee perceptions of inclusion', ways to take action, and potential pitfalls.

[FAQ on LGBTQIA](#)

This list of frequently asked questions was put together by the Department of Justice to communicate helpful definitions and answers questions about LGBTQIA people.

[Glossary of Diversity, Inclusion and Belonging \(DIB\) Terms](#)

This glossary from Harvard Human Resources delves into additional and potentially more niche DEI definitions, but is a good additional resource.

[Disability Inclusion](#)

This resource compiled by the CDC provides an indepth look at disability and inclusion and how to define and approach disability when it comes to creating inclusive spaces.