



LDIA

LEGAL DIVERSITY & INCLUSION ALLIANCE

# MAGAZINE

ISSUE 1, SEPTEMBER 2019

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FIRST STEPS IN  
BELGIUM

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THE AGE OF  
WOMEN: WHY  
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LIBERATES MEN

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# WELCOME



Welcome to our first LDIA magazine. The result of a collaboration between several LDIA members. In addition to many events, lunch & learn series, and sharing good practices, this magazine includes articles, interviews, and samples aiming to inspire our commitment to building a diverse and inclusive workplace in the legal environment, and ultimately society.

The LDIA magazine captures what we have done so far and what we will continue to do. In this way, we keep good memories of each step and accelerate sharing good practices. We hope this magazine also helps you to create a more inclusive legal workplace.

## MISSION

“Members of the Legal Diversity & Inclusion Alliance (LDIA) commit to build a diverse and inclusive workplace in which everyone benefits from equal treatment and opportunities, irrespective of race, ethnic or social origin, gender or sexual orientation, age, disability, language, religion, political preference or any other grounds of personal discrimination.”

**Editor in Chief:** LDIA Board (Kat Van Nuffel, Els Lagasse, Anna Duron, Caroline Williams, Saskia Van den Kerkhove, Elena Rapotan, Sarah Grace)

**Contributors:** Kat Van Nuffel, Sarah Grace, Elena Rapotan, Anna Duron, Claire Godding, Stefan Nerinckx, Michel Ducaté, Saskia Van den Kerkhove

**Proofreaders:** Anna Duron, Elena Rapotan, Caroline Williams

**Designer:** Xavier Talboys

LDIA Board

[Info@legaldiversityalliance.be](mailto:Info@legaldiversityalliance.be)

[www.legaldiversityalliance.be](http://www.legaldiversityalliance.be)

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# THE LEGAL DIVERSITY & INCLUSION ALLIANCE LAUNCH

*31 January 2019 at Hotel Le Châtelain in Brussels*

At the initiative of Steptoe and Van Bael & Bellis more than 35 law firms in Belgium have joined efforts to found the Legal Diversity & Inclusion Alliance. LDIA is committed to building a diverse and inclusive workplace in which everyone benefits from equal treatment and opportunities, irrespective of race, ethnic or social origin, gender or sexual orientation, age, disability, language, religion, political preference or any other grounds of personal discrimination.

LDIA celebrated their launch on January 31 at the Brussels Châtelain Hotel. Ruxandra Cana and Philippe De Baere, Managing Partners of respectively Steptoe and Van Bael & Bellis, started off the evening by welcoming the 225 attendees.

The inspirational speakers all highlighted the importance of diversity and inclusion from a different standpoint. Gender diversity in the legal sector was among the main topics. Bianca Debaets, State Secretary, Brussels, also touched upon racial diversity. Peter Callens, President of the Brussels Bar (Dutch language section) and Pierre Sculier, Former President of the Brussels Bar (French language section) both expressed their support to LDIA. Patrick Charlier, Director at

UNIA invited the alliance to draw upon UNIA's expertise in the fight for equal opportunities and against discrimination. France Delobbe, Associate Member & Secretary General of the Board of Women on Board emphasized the importance of promoting female access to directorship roles and Sven Vandyck, Chairman at Open@Work addressed the topic of LGBT diversity in the workplace.

The speeches were followed by a networking event where lawyers and business professionals mingled enthusiastically which resulted in a lively and dynamic atmosphere.

Another highlight was the symbolic moment when a representative of each co-founding law firm signed the LDIA chart, thus testifying their commitment to the mission and goals of LDIA.

Upon leaving, guests received a LDIA bag with some goodies and useful information about a number of organisations whose primary goal is to promote diversity and inclusion.

This was the first of many more events as LDIA is bound to make a difference in the Belgian legal market.

**By Saskia Van den Kerkhove, DLA Piper**



## OPEN@WORK

16 May 2019 at Hotel Le Châtelain  
in Brussels

LDIA organized a panel discussion focusing on LGBT+ coming out at the workplace.

Following the panel discussion, a networking moment was organised with Open@Work, a joint initiative aimed at connecting LGBT+ people and support networks across companies. The three main goals of this initiative are building a cross-company network, focusing on 'out in the workplace', joining forces in creating an inclusive work environment for the LGBT+ community, and exchanging good practices on LGBT+ and ally company networks.

The panel was moderated by Nathalie Delporte, Radio DJ on Joe, and consisted of the following panellists:

Yves Aerts, Coordinator at çavaria & Board Member ILGA-Europe, Fran Vervoort, former CFO Securitas Alert Services, Andreas Kafetzopoulos, Attorney at Skadden, Arps, Slate, Meagher & Flom, Hildegard Van Hove, Coordinator Gender Statistics at the Institute for the Equality of Women and Men, Gerard Gryspeert, Strategic Purchasing Manager at Procter & Gamble, Co-founder & co-leader of the Belgian branch of GABLE, P&G's affinity network for LGBT+ employees and their Allies, Kat Van Nuffel, Director at Steptoe, Co-Chair LDIA.

After the panel discussion, the panel members were interviewed. You can watch this video on the LDIA website. In addition, especially for this magazine, Kat highlights the main issues together with her colleagues.

**Sven, as the chair of Open @ Work, can you share about Open@Work; how it all started and what the goal is?**

"As a LGBT Lead at Accenture and - at the time - a member of the board of directors of çavaria (theme workplace), I noticed that many companies continued to struggle with the question of how to deal with diversity and LGBT networks. My goal was to create a network, just like in a number of neighbouring countries, but tailor-made for Belgium, where knowledge and experiences can be exchanged.

The network started small, but has grown organically over the past three years, and more and more organisations and companies are showing a genuine interest.

Companies and organisations that contact me and say they have "no problems" in terms of diversity and LGBT do have a problem. Many people still experience difficulties in daily life, even in companies that take diversity more seriously. There is still a lot of work to be done."

**Andreas, can you tell us why it is important to come out at work, and is it different at a law firm?**

"Working at a law firm is a highly rewarding but also stressful job. Hours are long, deadlines are tight, and stakes and expectations are high. Experts agree that hiding who you are or pretending to be someone else is a waste of precious time and energy and only adds to this stress hampering your productivity and overall performance. When you are able to bring your whole self to work, you are free to be more creative and productive and focus on your career without unnecessary distractions. A professional environment where you can be yourself can only positively affect your personal life and improve your overall well-being. Also, being open about who you are helps build relationships of trust and respect with superiors, colleagues and clients, which is one of the foundations for career development and professional growth.

Ultimately, being out at work can only benefit someone personally and professionally. Of course, everyone has their own journey, which starts from self-acceptance.”

**Hildegard, you are working as a Gender Statistics Coordinator at the Institute for the Equality of Women and Men. The Institute carried out research into the situation of transgender people in Belgium in 2008, and again in 2018. So there are two comparable sets of data. What are the most important observations concerning transgender people at work?**

“One of the most important findings of the study was that transgender people are more open now than ten years ago. They are more visible. The age of coming out has drastically decreased for the younger generation from an average of 30 years to an average of 17 years. That also means that people are still very young and at a vulnerable age when they come out.

A second finding is that overall well-being has not improved. Many transgender people are confronted with a lot of misunderstanding, rejection and even discrimination. Work remains the most important factor for people not to come out or not to come out everywhere. Problems they encounter are inappropriate curiosity (37%), not being addressed with the chosen name (36%), being criticized for their appearance, ideas and behaviour (30%), violation of privacy (20%) and being bullied (16%).

As a result of the first research, the Institute has put a lot of energy into improving the legal protection of transgender people. For the coming decade, however, we will have to invest in improving the understanding

among the general public; fight against the awkwardness around the subject. Much has to do with traditional stereotypes about women and men.”

**Yves, could you share with us a few most common prejudices regarding LGBT+ as a whole at the workplace, and what would be your suggestions to turn these prejudices into acceptance and inclusion?**

**“There are no LGBT+ people with us.”**

Not every LGBT+ person comes out at work. Certainly at the start or when the employee is in a higher position, it might be difficult, because one has a lot to lose. Ensure that a framework is established in the policy, vision and throughout the layers of the organisation so that people feel safe and comfortable to do a coming-out. Also provide a confidant to whom one can talk.

**“We have a gay man at our place and he is very happy, so there is no problem.”**

Not everyone has the same norms and values. So what is good for one person might feel completely different for another. As an organisation it is recommended to do an anonymous staff survey. Anonymity is really essential. This way the organisation gets a correct picture of how employees feel. The survey should contain in-depth questions about LGBT+ topics.

**“We are working on diversity in general, we do not want to think in terms.”**

If one pursues a policy that is too general, various target groups might feel excluded. So it is better to explicitly name the target groups, so that they too get the feeling that they are part of the organisation. This leads

to a more inclusive and diverse workplace. This way diversity networks can communicate the specific needs of the different target groups to the organisation and the organisation can take these into account.

**“Sexual identity and preference belong to the private sphere, not to the workplace.”**

The workplace is an environment where people spend most of their lives. The feeling that you always have to hide causes a lot of stress, which in turn requires a lot of energy. Consider a conversation between colleagues in the coffee corner, where stories about the past weekend are exchanged.

If one can be fully oneself, one gets the opportunity to focus on work and the development of talents. Ensure that unconscious prejudices are recognised in the workplace and that they are addressed. Awareness of these prejudices is the first major step towards a more inclusive workplace.

**Gerard, Last year, P&G was named ‘Most Inclusive Employer’ by KLIQ and VOKA. Can you tell us a bit more about the journey to reach that point?**

“Back in 2012/2013, several colleagues in our Brussels office launched the Belgian chapter of GABLE, our corporate LGBT+ network. GABLE had existed in the US since 1996, but for a long time many people believed that we had nothing left to fight for in Belgium, what with the legal situation being quite advanced here.

Since then, we have obtained a lot of support from both HR and senior P&G leaders, which has enabled us to make the subject open for discussion. Through guest speakers, trainings

and other internal events, we have been able to show the organisation that life for our LGBT+ colleagues does not always smell of roses. Employee surveys also demonstrated that many LGBT+ people are still in the closet at work, and that being out greatly improves their relationship with their leadership and co-workers.

Today, sexual orientation and gender identity/expression are an integral part of all our HR policies. We provide voluntary LGBT+ awareness trainings to HR, senior leaders and Allies in general. People can become visible Allies by putting a rainbow sticker on their corporate badge. P&G Belgium has also participated with a walking delegation in the Brussels Pride parade every year since 2015.

The proof of the pudding is in the eating, and I am glad to say that our survey results have shown marked improvements around diversity & inclusion since we launched GABLE. We also hear lots of anecdotal evidence of the very positive impact we have been able to make on overall LGBT+ wellbeing.”

Thank you all for the super interesting discussion. It was an honor to have you as our panel members.

**By Kat Van Nuffel, Co-Chair LDIA, Steptoe**



# THE BUSINESS CASE FOR LGBTI+ INCLUSION IN THE WORKPLACE

KliQ Works offers consultancy and trainings on inclusion and diversity, with a focus on sexual diversity and gender diversity. Being inclusive towards people regardless of their gender or sexual orientation is more than a goal in itself. It benefits all employees and has a positive effect on the company's overall performance. How? Let's find out.

## Access to the best talents

In order to attract the most promising talents, you need to know how to stand out as an employer. People look for meaningful jobs in an environment that adheres to their core values and that offers them opportunities to fully develop themselves.

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**“Policies on sexual orientation play an important role in job selection for almost 30 percent of respondents”**

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Research by Ghent University shows that policies on sexual orientation play an important role in job selection for almost 30 percent of respondents. A large-scale international study by The Center for Talent Innovation revealed that 72% of respondents who identify as an LGBT ally are also more

likely to accept a job at a company that supports equal opportunities for their LGBT employees.

## Happy employees

While coming out should be everyone's personal choice, being open about their sexual orientation or gender identity makes LGBT+ employees feel less anxious, improves their self-image and work satisfaction.

KliQ Works offers tools to improve diversity in general, but focusses specifically on gender diversity and sexual diversity. By tackling existing gender mechanisms that lead to (unconscious) bias and prejudices, we create a better workplace atmosphere for all employees.

## Diversity as a competitive differentiator

Conforming to stereotypical gender expectations can lead to an artificial staff homogeneity. Breaking gender stereotypes

creates room for all employees to develop their talents and competencies, making a company more innovative and competitive.

Open For Business has demonstrated a strong correlation between promoting LGBT inclusion and improved performance by economies, companies and individual employees. This correlation holds for many indicators, such as innovation, health, motivation, cooperation and brand image.

Research by McKinsey also shows that the financial results of companies that focus on diversity are above the average for their sector. Diversity may be the competitive differentiator that shifts market share towards more diverse companies over time.

## What can you do?

Wondering if your company's diversity policy meets today's standards? KliQ Works offers an inclusion scan that analyses your diversity policy and assesses leadership, HR, communications ... The inclusion scan is free but members get an in-depth analysis, a recommendations report and set objectives.

KliQ Works has a wide selection of trainings on topics like recruiting and promoting, team management, trans inclusion, awareness raising, norm criticism and unconscious bias. Members get a discount on all trainings and free access to KliQ Academy our e-learning platform. KliQ Academy is ideal for when you don't have time for a full-day training.

**By Michel Ducaté, KliQ Works**

[www.kliqworks.be](http://www.kliqworks.be)



# THE AGE OF WOMEN: WHY FEMINISM ALSO LIBERATES MEN

*A breakfast seminar with Alexander De Croo, Deputy Prime Minister of Belgium and Minister of Finance and Development Cooperation  
5 June 2019 at Hotel Le Châtelain in Brussels*

When Minister De Croo first announced he was writing a book about feminism, many women feared that he would ‘mansplain’ the subject. However, he argues that if feminism’s ultimate goal is equality between men and women, then it is only logical that men also have a role to play.

## **Feminism: An economic imperative**

His personal evolution from passive to active feminist began with the realisation that there was more to the movement than the classic rights-based approach (i.e. that we should support feminism because it is simply the right thing to do).

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**“Feminism is not only an ideological principle but an economic imperative.”**

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Minister De Croo found more persuasive the idea that feminism is not only an ideological principle but an economic imperative. Women represent an untapped pool of potential – illustrated by the fact that the average salary of all men remains far higher

than the average salary of all women. He put forward three reasons for this.

## **Understanding the gender pay gap**

First, generally speaking, women and men work in different sectors. Women are over-represented in lower-paying fields such as education and care, while men dominate some of the most lucrative sectors such as tech and ICT.

Secondly, far more women than men work part-time. In Belgium, 44% of women work part-time, compared to just 11% of men.

Thirdly, men tend to progress to higher levels in their careers. This is clear at a glance in most offices – while gender balance may be roughly 50/50 at entry level, it gets more lopsided as you progress up the organigramme.

## **Using policy to tackle societal inequality**

This is linked to the infamous glass ceiling effect, which is most visible at the age when people begin having families. Statistics show an average salary reduction of 7% per child



which, of course, primarily impacts women. Given that having children is generally something we decide to do together (or should be!), why is this so?

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**“Equality at home is a fundamental underpinning of equality in the workplace – one cannot exist without the other.”**

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The rules on parental leave also highlight this inequality. In Belgium, maternity leave is 15 weeks while paternity leave is a mere 10 days – and new fathers often feel reluctant to take even this much. But equality at home is a fundamental underpinning of equality in the workplace – one cannot exist without the other.

Another area where policy can be helpful is in encouraging more transparency, as with the recent UK law requiring all organisations

to publish a breakdown of their gender pay gap statistics. The results were striking (and depressing), with many commentators blaming the disparity on education. Minister De Croo disagrees, pointing out that women are both more likely to graduate from university than men and tend to achieve higher grades while there. Instead, he suggests that time management is the critical factor – that many senior jobs are simply not structured in a way that can accommodate the familial responsibilities many women have. But this, too, is something we can change.

#### **Confronting inequality in the private sector**

Alongside government policy, Minister De Croo encourages the setting of objectives at a company level. He noted that even when there are plenty of competent women available, it is not always easy to get them onto the shortlist. He attributed this to

the fact that a man who meets 60% of the requirements for a promotion will usually go for it, while a woman will wait until she meets 100%.

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**“Women are also more likely to say no when offered a promotion.”**

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Women are also more likely to say no when offered a promotion. Minister De Croo believes that this can be combatted by simply asking under what conditions they would say yes – as it is usually possible to adapt certain working conditions to suit the candidate’s needs, and it’s important to normalise doing so. After all, women are not the only ones who would benefit if we succeeded in establishing a healthier working culture.

#### **The importance of champions**

Minister De Croo concluded his presentation with a reminder of why feminism is an

imperative for companies – not only because it is morally right, but because it is a smart business decision. Studies have shown time and time again that diverse companies perform better on the stock market, are more profitable, and are more adept at risk management.

To conclude, he said that we too often assume the question asked of men is ‘Are you against this?’. Instead, the real question feminism asks is ‘Will you champion this?’ Because without the support of men as well as women, there can be no hope of achieving change.

**By Sarah Grace, Clifford Chance**



# DIVERSITY IS ALSO ESSENTIAL FOR LAWYERS

Diversity being a booster of your profit is no news anymore.

Diverse teams taking better decisions?  
Proven many times. A question of collective intelligence.

Very good ... but in some of our very individual professions – like experts or lawyers – do we really need that diversity – and that collective intelligence – in our daily jobs?

Is the essential not our own intelligence, experience, skills?

We are quite independent, working on our own, even when we become partners in the firm.

Point taken.

But what if your connection to diversity was also making you – as an individual – smarter? More adaptable, more able to understand this world changing realities, less afraid.

Less vulnerable to unconscious biases that society pushes upon us all.

And, an essential skill for lawyers, better in negotiations, especially at getting win-win deals.

Hereunder I am sharing some links between

exposure to a diverse environment and intelligence, between unconscious bias and negotiation skills.

Using a simple exercise, you can check how diverse your trusted group at work is – and – if you are convinced of the importance of enriching the diversity of your work environment and of reducing your biases – this article offers you a few ways of doing so.

## [Diversity & Intelligence: A First Link](#)

Diversity in your workplace can be understood here as the possibility to regularly meeting / exchanging with people having different profiles, cultures, genders, generations in your work environment.

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**“Being around people who are different from us makes us more creative, more diligent and harder-working”.**

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One of the definitions of Intelligence is “ability to learn or understand, or to deal with new or trying situations” (Merriam Webster) – it is that aspect of intelligence that can be stimulated by a diverse environment.

In 2014, Katherine Phillips, professor at Columbia Business School, wrote a powerful

<sup>(1)</sup> Katherine Phillips, How diversity makes us smarter, Scientific American, 10/2014

article in Scientific American called “how diversity makes us smarter”.<sup>(1)</sup>

Following Phillips, “being around people who are different from us makes us more creative, more diligent and harder-working”.

She also mentions the “power of anticipation”:

Regularly interacting with individuals who are different forces you to prepare better, to anticipate alternative viewpoints and to expect that reaching consensus will take some effort.

### Reduced Unconscious Bias And Negotiation Skills: A Second Link

Unconscious bias can be defined as the way that you think naturally, without “thinking about thinking”. It is dictated by your background, cultural environment and experiences, which then influence your mindset – without you being aware of it.

Unconscious bias will automatically make you put some people into some boxes – with a high risk of not perceiving the real strengths, needs and specificities of those people.

In his article “5 steps to master the art of negotiation” Michael MAMAS (Entrepreneur.com, 2015) emphasizes the importance of establishing the relationship, focusing on the win-win, embodying your “inner adult” and respecting the rhythm of this relationship.

So a negotiation IS a relationship – which obviously requires an objective assessment of the needs, strong and weak points, state of mind... of the other person – without the automatic help of your unconscious bias.

And to be able to focus on the win-win, it

is essential that you understand what truly matters to the adversary. Here again, bias can alter your judgement. Does a person only care for money – because of his origin? Does another only care for health – due to her age?

The only way to really know is through building the relationship – listening and entering into an adult dialog, showing a respectful curiosity. When MAMAS refers to “embodying your inner adult”, he means: don’t argue; instead, understand. Leave your bias on the side – if you can.

If you want to be better prepared for future negotiations, you may want to assess what your unconscious biases are, and how important they are. Good news: the Harvard implicit association test page allows you to do this, free of charge.<sup>(3)</sup>

### How Diverse Is Your Environment? Take The Test

Now what about you? How diverse is your environment? What about your trusted colleagues and friends?

Before reading further, you can do this short exercise, which will help you visualise this environment. To make sure you have the benefits of this, do not cheat, just focus on the request hereunder, without thinking further.

Start with listing your 20 more trusted colleagues or business relations, write their initials on a paper.

Only when you finish listing the 20 names, you can move to the next steps:

» Is your list ready? time to add several columns next to the 20 names: gender

– age – main language – origin – religion – sexual orientation – disabled or not

- » Check how diverse the group is: do you have friends of both genders, of different sexual orientations? From different origins and religions? From different social groups?
- » Is one of them blind, deaf, having any disability? How about different generations?
- » We are in Belgium, is your network a healthy mix of Flemish and French speaking colleagues?

You can assess the diversity of your contacts also by reviewing your Facebook friends group. How diverse is it? How close to each other are you located? Do you all share the same views?

### An Action Plan to Reduce Own Bias – And Foster A More Diverse Environment

Some experts believe that you can’t change the biases you have – but that you can learn acting without them impacting your actions. That requires time and method.

Some others – and I join them – think that the more you will meet persons – and get to know them truly – with a different background, origin, religion, disability... the more your biases will possibly reduce – with the positive experiences you will make.

The first step is of course to identify your biases – the Harvard site is a good start, but if you have the chance to join an Unconscious bias training, just do.

Then, there is the question of how your work environment can become more diverse.

You can commit to planning a different meeting a week – take a different colleague to lunch or have a longer talk with them – imply them in a project where their names would not have automatically popped up.

You can encourage hiring of interns, or volunteer to become a mentor to a student with a different background (in Belgium, several associations are looking for mentors in active professional roles for students with a different origin – for instance Beface or Duo for a Job). Some associations (for instance Diversicom) can connect you with students or graduates with a disability seeking an internship, a job or a mentor.

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**“We can learn to put our biases aside, we can maybe reduce those biases, and we can become better negotiators.”**

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So yes, even as lawyers, as experts, we may benefit to be connected to the most diverse environment possible. We can learn to put our biases aside, we can maybe reduce those biases, and we can become better negotiators. Wishing you an exciting journey, where curiosity will lead you to discover the true others – and your true self.

**By Claire Godding, Senior Expert on D&I and Societal Needs for the Financial Sector in Belgium, Febelfin**

<sup>(2)</sup> Michael MAMAS, 5 steps to master the art of negotiations, Entrepreneur.com, 2015

<sup>(3)</sup> Link to Implicit Association Test <https://implicit.harvard.edu/implicit/takeatest.html>

# LUNCH AND LEARN: ALL HUMAN BEINGS ARE EQUAL, ALSO WOMEN

*On June 18, the Legal Diversity and Inclusion Alliance brought together leaders from six top law firms in Brussels to share their views and experience on advancing gender diversity in private practice. The panel was moderated by Dirk Van Gerven, managing partner at Nauta Dutilh, and included Ruxandra Cana, managing partner at Steptoe Brussels, Fiona Carlin, Chief Executive of Baker McKenzie's EMEA Region, Salomé Cissal de Ugarte, managing partner at Hogan Lovells Brussels, Etienne Dessy, head of Linklaters' Brussels financial regulation and investment funds practice, and Sylvie Dubois, managing partner at Altius.*

Discussions on gender diversity across a variety of sectors have become a regular feature on the Brussels market, a sign that more and more companies, institutions and leaders are raising awareness of the lingering issues. Through a Q&A format this LDIA event allowed the speakers to share from their experience, either on the receiving end of gender discrimination, and/or from a position of power in their respective law firms, putting in place practices that promote gender equality.

To see more and more partners, female and male, who assume leadership positions and change the gender dynamic in their firms is in itself an effective means to encourage change in other firms. But will it be enough? In his opening speech Dirk Van Gerven argued it is necessary to introduce quotas because they will create a reflex, which will accelerate change: 'We can use the example of seat belts. Once you impose a norm, it will eventually be respected automatically.' Some firms are already implementing targets. Ms. Carlin broke the news that Baker McKenzie had just agreed to implement a '40-40-20' gender target by 2025. The target applies to partners, business professionals, the firm's leadership committee and new recruits. Furthermore, in offices where men make up more than three quarters of partners, at least one in four partner promotions would go to women.

Somewhat predictable, the first question posed by Mr. Van Gerven to the panelists was 'Have you ever experienced gender bias?' In lawyerly fashion, Ms. Cana responded by first defining the terms. She explained her experience of gender bias as 'being treated on the assumption that I would exhibit

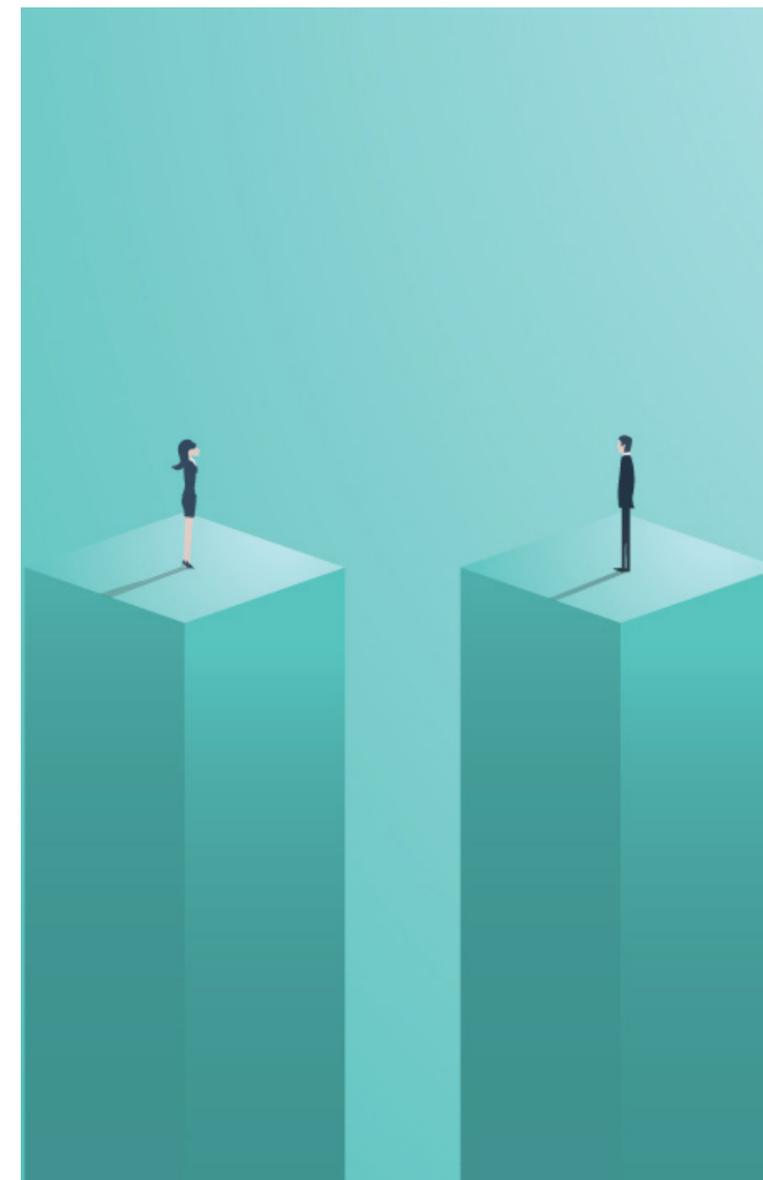
certain qualities as a woman.' She gave the example of her return from maternity leave, when during an appraisal she was advised to adjust the targets for the year ahead to her new situation, on the expectation that she would perform differently as a mother. Her advice was to 'never assume.'

Mr. Van Gerven continued: 'Do you think that today's model of the law firm, the way in which a career path is stipulated to become a partner, prevents young female lawyers from becoming partners once they have children, and what can be done about this?' Sylvie Dubois emphasized the need to communicate regularly to both women and men, and give a forum for expressing concerns and explore options. Firms have to be realistic, accommodate family choices and help female lawyers understand that while a partner track becomes more complicated as a mother, it is still possible. She also added that women have to be better to each other. Ms. Cissal de Ugarte advised female lawyers to overcome their often natural resistance to self-praise and also to support and promote each other. Mr. Dessy echoed her, adding that female lawyers have a tendency to underestimate themselves and set internal barriers and restrictions before even communicating their ambition and career expectation.

All panelists agreed that communication and flexibility of law firms in accommodating different career paths and family choices are essential. Female and male lawyers alike were advised to have a flexible and long-term view of their careers, also when presented with opportunities to go in-house: 'I am an example of going in-house for several years to accommodate my family life' said Ms. Cissal de Ugarte. She added that careers should be viewed as a marathon, not a

sprint, and firms need to flexible and realistic with their career advancement policies. Mr. Dessy added that those female lawyers who wish to progress in a law firm career should be offered the possibility to do so outside of lockstep. Finally, Ms. Cana reminded how important it is for female lawyers to push their partners to share equally the responsibility of raising a family.

**By Elena Rapotan, Hogan Lovells**





## DIVERSITY & INCLUSION POLICY - WHERE TO START?

Several colleagues asked me how to develop a D&I policy. So where to start? My answer is that it is not difficult to draft one. You can find good templates on Google (example: [https://www.alstom.com/sites/alstom.com/files/2018/07/13/alstom\\_diversity\\_and\\_inclusion\\_charter\\_21may2018.pdf](https://www.alstom.com/sites/alstom.com/files/2018/07/13/alstom_diversity_and_inclusion_charter_21may2018.pdf)). However, you must first ensure that your management fully supports the initiative. Without that support, it makes no sense to even start.

A policy is just a sheet of paper. You need to put words into action and to do that, you need to be aware of what is happening in your company, so that you understand where to start. You have to ask yourself how to create a more appealing, diverse and inclusive place to work, and how to maintain it. Moreover, you need to develop a diversity & inclusion ('D&I') program.

### Ask - Measure - Act - Reflect - Finetune

A good starting point in the preparation of a D&I program is a survey. By talking to everyone in your company, you can discover how everyone feels. This is best done in an anonymous way as sensitive subjects are touched. The findings must then be measured, and the course of action determined. And, it does not stop here. It is important to reflect on the actions taken and their impact and, where necessary, to finetune.

You now have an action plan whereby you ensure that your management is committed, gives the freedom to take the necessary measures and is positive about the training. If your management plays a collaborative, supportive and respectful role, this will increase the participation and contribution of all employees.

### Training

The results of your survey will most likely show that you need training to raise awareness. You will have to make people aware of unconscious bias. Unconscious bias causes diversity problems, so it is imperative to recognize it. It is the way we perceive and judge people. Unconscious bias training will lead to interesting insights and discussions.

### Denial

Often there is a denial of diversity issues until - unfortunately - an incident occurs where a denial is no longer an option. People do quit

their job because they feel uncomfortable about being open at work, or because they discover that their male colleague(s) earn(s) more for the same work, ...

### Anti-discrimination law

Belgium has clear anti-discrimination legislation, but firms also need to give the right signal that they take discrimination seriously by ensuring measures are in place. Again, a policy and a program are not enough.

### Realistic

There is no doubt that it takes serious effort to reach a culture of inclusion, but it is crucial to remain committed and to make progress step by step. The key is to remain consistent and regularly evaluate the course of action.

### Core

Last, but not least, D&I should not be a goal, but a part of our core business strategy. It may take us out of our comfort zone, but that is exactly how progress is made. Not only do firms embracing D&I gain higher market share, D&I is simply the right thing to do!

**By Kat Van Nuffel, Co-Chair LDIA, Steptoe**



OF THE IMPORTANCE OF

## UNCONSCIOUS BIAS

It is often said that corporate Diversity and Inclusion efforts should start with tackling the unconscious bias in the workplace.

And indeed, internal trainings relating to unconscious bias are commonly offered, both in the private and public sector, to large groups of people. In fact, in a number of organisations, such courses are compulsory.

Whilst this makes for a great start, it is crucial to keep in mind that addressing unconscious bias is not a “one shot” game. It requires patience and dedication...Why might you ask? Read on...

Unconscious bias is defined as a set of beliefs/assumptions/expectations which influence our behaviour and decisions of

which we are not usually aware- and to which everyone is subject. It derives from our upbringing, society and/or experience. Together with conscious bias, this forms our “windows” to the world.

Precisely because such bias is unconscious and deeply-rooted, it is difficult for us to understand and apprehend it- especially since we tend to think of ourselves as rational and logical creatures.

It comes in different shapes and forms: for example, **affinity bias** (we like people who look or sound like us, have the same values, same gender, same physique, stem from similar backgrounds, or have the same profession); **confirmatory bias** (we look for evidence to support our already reached view); **benevolent bias** (we believe that we are making a decision in someone’s best interests). If there is rarely overt unconscious bias, there may be micro-unconscious bias (less eye-contact; not including someone in a conversation etc...).

Regardless of the shape or form, unconscious bias leads us to divide people into “in-groups” (we can relate to, make allowances for, and trust more) and “out-groups” (we are less likely to trust them, and tend to be more critical of, for example in their performance) on the basis of a huge range of characteristics (physical, lifestyle, nationality, faith, etc)

Whilst unconscious bias may seem innocent (we are not aware of it, after all!) and a fact of life, it can give rise to a vast array of issues in the workplace. It can undermine inter alia acceptance in the workplace (leading notably underperformance and possible mental health issues), equal treatment, career progression, and also lead to plain unsound decision making in business and beyond. Whereas it is commonly acknowledged that a diverse and inclusive “workforce” is “good for business”, unconscious bias may still pervade in particular recruitment decisions via affinity bias for example by hiring the candidate we can recognise ourselves in, with identical academic credentials and profile, instead of recruiting on the basis of objective quality and competence. Thus, unconscious bias can heavily frame our way of working and doing business, and how we interact with colleagues and direct reports and give feedback.

Its effects are all the stronger when we are stressed, multi-tasking, tired or under the influence of alcohol or drugs. In high-pressure environment such as law firms, the scope for unconscious bias is therefore significant as well as long-lasting.

### So what can we do?

We can work on becoming aware of our bias via regular training and experience and put processes in place to manage the

potential impact it might have. For instance, in matters of recruitment and promotion, we should ensure that we are taking account of objective, justified evidence and question our embedded assumptions (for instance, is the female fee-earner with a family really apprehensive about travelling for work?). Also, communication about unconscious bias is key: the more we become aware of its existence, the less influence it can have. Internal/external events exposing us directly to people of different walks of life, gender, faith, origin, etc... can help revisit our bias about “others”.

More generally, let’s try to stand in another human being’s shoes (for one day or more) and try to see things from their point of view- and develop empathy. Let’s speak up and challenge accepted ideas deriving from unconscious bias. And finally, let’s not forget that unconscious bias is at its strongest in stressful situations- managing stress levels and reviewing decisions taken during stress may provide useful antidotes.

### Conclusion

In the wise words of Isaac Asimov:

**“Your assumptions are your windows on the world; scrub them off every once in a while, or the light won’t get in.”**

It is our hope that with the activities and the Magazine of LDIA we can contribute to bringing a wider awareness of unconscious bias in the workplace and beyond, by developing good practices and trainings with all Members.

**By Anna Duron, Ashurst**



**Are you a victim?**

## BULLYING & HARASSMENT

### Are you a victim?

Over the past 18 months, newspapers and media have been reporting about the #MeToo movement. It all started with some emails which highlighted the prevalence of sexual assault and harassment towards women, minorities and the LGBT community, especially in the workplace. A recent study by the International Bar Association revealed that the legal profession is not different from any other sector. On the contrary, a survey of approximately 7,000 individuals from 135 countries, from across a wide spectrum of legal workplaces (law firms, in-house, barristers' chambers, government and the judiciary) showed that bullying and sexual harassment are rife in the legal profession.

The survey revealed that approximately one in two female respondents and one in three male respondents had been bullied in connection with their employment. One in three female respondents had been sexually harassed in a workplace context, as had one in 14 male respondents. The report also identified chronic underreporting of incidents, with 57% of bullying cases and 75% of sexual harassment cases not reported, for reasons including the profile of the perpetrator and the target's fear of repercussions.

Remarkably, the report finds that HR policies – while present in more than half of workplaces – are not having the desired effect. This was also one of the conclusions of the open@work panel last month at LDIA. And although training does have some positive impact, only one in five legal workplaces are educating their staff to avoid

engaging in, prevent or properly respond to bullying and sexual harassment.

In times of 'war for talent', the legal profession has a serious problem.

### Legal commitments at the work place

On the other hand, last week the ILO (International Labour Organisation) adopted 'The Violence and Harassment Convention, 2019', and 'Violence and Harassment Recommendation, 2019', on the final day of the Centenary International Labour Conference, in Geneva. This is the first new Convention agreed by the International Labour Conference since 2011. The Recommendation, which is not legally binding, provides guidelines on how the Convention could be applied.

The Convention recognizes that violence and harassment in the workplace "can constitute a human rights violation or abuse [...], is a threat to equal opportunities, is

unacceptable and incompatible with decent work." It defines "violence and harassment" as behaviours, practices or threats "that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm." It reminds member States that they have a responsibility to promote a "general environment of zero tolerance".

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**"The self-employed status is common in a number of countries for law practitioners, not protected by any employment law."**

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This new international labour convention aims to protect workers and employees, irrespective of their contractual status, and includes persons in training, interns and apprentices, workers whose employment has been terminated, volunteers, job seekers and job applicants. However it does not give any rights and protection

to self-employed workers. In this new 'gig economy' where a large number of workers turn to self-employed status, forced to do so by the platforms, this is alarming in respect of protection against harassment and violence at work. Moreover, especially in the legal profession, the self-employed status is common in a number of countries for law practitioners, not protected by any employment law.

### Legal instruments in Belgium

National law regulates the protection against violence, harassment and sexual harassment at work.

Chapter Vbis of the Act of 4 August 1996 on the well-being of employees at the work place establishes a general framework for the prevention of psychosocial risks at work, whereas previously it only related to violence, harassment and sexual harassment at work. The latter have been an integral part of the so-called psychosocial risks at work since 2014 and are therefore addressed through the general framework of legislation. The legislation contains provisions relating to, among other things, risk analysis and prevention measures (drafting a plan to avoid harassment, violence etc.), the various procedures available to workers who believe they have suffered harm as a result of exposure to psychosocial risks at work, the status of the psychosocial prevention adviser, etc. In addition, the Collective Labour Agreement (CAO) No 72 of 30 March 1999 includes a policy to avoid work-related stress.

This legislation applies to situations where at least one employee (salaried worker) is involved (as such also in a relation between a salaried worker and a self-employed). But what about an issue between two self-

employed workers, i.e. attorneys in a law Belgian firm? A complaint on the basis of assault - article 442bis of the Penal Code - can be filed. Quite a step to take! Please note however that since 2016, the prosecutor can autonomously (without any complaint made by any party) pursue a legal action against persons on the basis of article 442bis.

**“Respect, common sense, solidarity will prevail at the work place.”**

But hopefully, it does not have to come to that point and prevention, respect, common sense, solidarity will prevail at the work place.

**By Stefan Nerinckx, Fieldfisher**

# LDIA INTERNATIONAL WOMAN'S DAY 2019



# UPCOMING EVENTS

## LDIA BI-MONTHLY MEETINGS

17 SEPTEMBER 2019 AT HOGAN LOVELLS

19 NOVEMBER 2019 AT

LIEDEKERKE WOLTERS WAELEBROECK KIRKPATRICK



## WORLD MENTAL HEALTH DAY 2019

10 OCTOBER 2019



## INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

3 DECEMBER 2019



## Founders:

The Legal Diversity & Inclusion Alliance is a joint initiative of Steptoe and Van Bael & Bellis.

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“Diversity is being invited  
to the party. Inclusion is  
being asked to dance.”

– Vernā Myers



[www.legaldiversityalliance.be](http://www.legaldiversityalliance.be)

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