



LDIA

LEGAL DIVERSITY & INCLUSION ALLIANCE

MAGAZINE

ISSUE 3, DECEMBER 2020



LOVE AROUND
THE WORLD
A GLOBAL
PERSPECTIVE ON
DISCRIMINATION

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THE FUTURE OF
WORK IN A POST
COVID-19 WORK
ENVIRONMENT

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UPCOMING
EVENT: LDIA 2ND
ANNIVERSARY
CELEBRATION

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WELCOME to the third edition of LDIA's magazine!

It's almost the end of a turbulent year, in which we've all had to adjust our day-to-day lives considerably. We've adjusted to new ways of working; a new integration of work and our personal life; new rules governing how we spend our free time, in whose company and where; and new ways of celebrating our customs and landmark events, such as birthdays, weddings, and festive holidays. The 'new normal'. Amid all the disruption, we were comforted to see that some things don't fundamentally change. The resilience of our teams; our collective desire to support and stand up for each other; the willingness to reach deeper within ourselves to find more empathy and acceptance for our colleagues' circumstances.

Despite the challenges, we look back with satisfaction that LDIA stayed connected during these times through numerous meetings and events. We thank our members for organizing inspiring events on the occasion of the International Day of Tolerance, World Mental Health Day, and other topics such as The Future of Work in a Post COVID-19 Work Environment and 'Love Around the World: A Global Perspective on Discrimination.'

We hope we helped keep diversity and inclusion right at the top of our business priorities, where it belongs. We look forward to a new year of disruptive dialogue and meaningful actions to advance diversity and inclusion within our firms and the wider legal community. Happy holidays and a Happy New Year!

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."

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KEYNOTE: LOVE AROUND THE WORLD

LOVE AROUND THE WORLD A GLOBAL PERSPECTIVE ON DISCRIMINATION

26 May 2020, Virtual Event

Step toe & Ashurst hosted a virtual webinar 'Love around the world & A Global Perspective on Discrimination' for LDIA. LDIA stands for 'Legal Diversity & Inclusion Alliance', consisting of 46 law firms who are committed to building a diverse and inclusive workplace for everyone.

"On 17 May, we celebrated the International Day Against Homophobia, Biphobia and Transphobia, and on 21 March, we remembered the International Day for the Elimination of Racial Discrimination. This day is observed annually on the day the police in Sharpeville, South Africa, opened fire and killed 69 people at a peaceful demonstration against Apartheid in 1960", said Kat Van Nuffel, Director at Step toe and LDIA Co-Chair.

"In light of these two very important dates and in order to continue raising awareness, we have invited an impressive key note speaker, Fleur Pierets, followed by a panel discussion with panellists sharing their personal experiences, but also their expertise, so we can finish with some takeaway messages and advice", Kat continued.

Fleur Pierets is a Belgian artist, writer and award-winning LGBTQ+ activist whose work questions the construction and mainstream understanding of queer identity. She is the founding editor of Et Alors? Magazine, an online publication devoted to LGBTQ+ politics, art, identity, and other issues."

By Anna Duron, Ashurst & Kat Van Nuffel, Step toe

My name is Fleur Pierets. I am an artist, a writer but, above all that, I am an activist. I am here to talk about my work, but first I would like to tell you the story of how I came to the conclusion that being an advocate for LGBTQ rights is my purpose in life. I have been thinking a lot about 'gay stuff' - because that's what my wife used to call it. I had been married for 10 years to a wonderful man, but then I fell in love with a girl and suddenly I was labelled a lesbian. I can tell you that coming out of the closet at 37 made me question the whole concept of Identity.

So, what is identity? For me it is everything that comes after "I am". What I know is that I am a privileged white woman. I grew up in a very unorthodox family but had a very comfortable upbringing. My mom consciously chose to be a single parent and she allowed me very much to do what I wanted to do as long as I was kind to people and had good table manners. She was surrounded by a large group of friends and if you were not a painter, a musician or a writer, you were a "weirdo". Needless to say, it didn't raise any eyebrows when I called home to tell her I'd fallen in love with a girl. In fact, my mother blamed herself for not seeing it earlier because my teenage room was plastered with posters from the band 'Europe' and Boy George. That might have been some sort of clue...

Having a girlfriend came with a manual. All of a sudden, I became part of a world where there was violence against gays, where children committed suicide because of their sexual orientation and people lost their houses or their jobs over being gay. All of a sudden, the search for my passion in life became a no-brainer. I was lucky and I was happy, so I wanted to give something back. Let's admit it, I am lucky that I am here and not - at this moment - the target of stones in Afghanistan, or thrown from a tower in Iraq, or on death row in Qatar, just for being gay. No, I am here and I am lucky. So, I was wondering how I could be part of anything that affected change.

This was 8 years ago and at that time, I was writing articles about contemporary art for magazines and newspapers. Slowly I tried to include my new friends in the story. I started to write an article about my wife. Julian was part of an Amsterdam drag troupe and often performed as a drag king, which is a girl dressing up as a boy. Since my wife was a beautiful boy, the article was a big hit and magazines published her picture all over the place. Strengthened by this success I kept on writing about drag versus activism and queer artists, but 99% of the time I received rejections and was told that my subjects were really too weird. Nowadays some transgender persons are being included in high fashion and there is some writing about queer artists in magazines. Eight years ago, that was not the case in Europe.

Since all those rejections frustrated me and since Julian was an optimist, we decided to start our own magazine to open up the conversation about diversity. We had no idea how to make a magazine but did have the perfect name. We were going to call it Et Alors? Meaning "So what?" in French, inspired by French president Mitterrand. I found him extremely cool when he replied "Et alors?" when a journalist asked him if he had an illegitimate child. We thought there was no better name for a magazine about queer, gay, lesbian, bisexual and transgender people, so we bought a book on 'How To Make A Magazine' - because obviously we had no idea - and we got started.

One of the things we decided from the beginning was that the magazine had to have a positive approach. Instead of talking about all the bad things that come with being queer, or the struggle involved in coming out of the closet, we wanted to focus on uplifting things, on what was great about being queer, on the path people chose for themselves and on the joy that comes with being happy with who you are. There is a lot of courage that comes from having to live outside the mainstream model, and that is what we wanted to show.

We all have boundaries, but I think it is vital to recognise which boundaries are ours and which are a social construction. When you are born heterosexual, your life comes with a blueprint, with a map. Your parents, school and people around you automatically have expectations. Those expectations go from getting married to buying a house, getting children, a dog and two cars. I am not saying that all straight people follow that paved road, but those expectations are there and they need to be addressed, whether they want it or not. Being gay pushes you out of certain traditions. You cannot just follow the person in front of you. No, you need to invent yourself by making your own choices. What does it mean, living by your own terms? How can we create new ways of existing? What are our options?

One of the choices we made was taking a stance by making this magazine. For Julian it was making something that she wished existed when she was a child. I still remember her face when we got an email one day. It was from a 15-year-old from Texas, saying that he loved to wear skirts but that this was a big taboo in his community. When he searched on the internet, he told us that the only things he could find were 'freaks' (his words). When he found our online magazine he felt relieved. There were people like him. They were even able to turn this thing into something creative and make a job out of it. He thanked us for letting him know, for giving him hope. Julian had tears in her eyes when she read this. She printed the email and hung it on the wall because this was proof that we were doing something good.

Apparently we were, because at one point the magazine reached 750,000 readers worldwide and we realised that we had a voice, that we were capturing the zeitgeist of a world in the midst of its struggle for change. We were working towards cultural awareness in gender equality and gay imagery. We also realised that our voice came with a responsibility, so we decided to do more and we started to ask ourselves: What more is there to do?

One day we were eating with friends and the conversation came to same-sex marriage. At that moment, we found out that 4 of our very open-minded friends had no idea that we could only get married in 22 countries (this was 2017). We started thinking... How

can we get that number out there? Everyone captures what is in their comfort zone, which is understandable, but like everything else, change starts with knowledge. You may or may not know it, but homosexuality is still illegal in 71 countries with homosexuals facing the death penalty in 12 of them. The average gay person is very well aware of these facts, but do other people know? It turns out most people do not, because they are never exposed to it. We wanted to make a project to let people know that in most countries around the world you cannot get married when you are gay. But - just like our magazine - it had to be in style and in a positive way. In our opinion, that was the first step towards lasting change and building bridges. We figured that marriage and love - something that everyone can relate to - was a perfect starting point to raise awareness.

Julian and I therefore decided to get married in all the countries where same-sex marriage was allowed. We wanted to celebrate the countries that had legalised it, while silently pointing out all those that did not. It was 2017 and we named the project "22". The name was a very conscious decision and we hoped for an extra country to join the group while we were travelling. That would show that the world is in constant movement. It would allow us to build a time capsule that instantly referred to the possibility of change. Since then the numbers have increased and nowadays we can get married in 28 countries. Even so, at the current rate we will reach global recognition in the year 2142. That is 123 years from now. Julian and I wanted to see if we could get it to go a bit faster.

This time there was no book to buy to tell us 'how to get married in 22 countries' so we had to trust our guts and go with our intuition. We did not have the money to take this journey but we figured if we sold everything we had, we would make it to 5 weddings. We hoped that airlines or bus companies would then want to sponsor our travel expenses and that people would let us sleep on their couches. We took a leap of faith, sold everything and ended up with a suitcase each, filled with only the belongings we had left in the entire world. We knew that if this project failed, we would have nothing left. Nevertheless, we were brave and enthusiastic, and very much in love, so nothing else really mattered.



On Wednesday, September 20, we officially started our art project by getting married for the first time at the Marriage Bureau in New York. Our mailbox exploded and every news and media outlet wanted to talk to us. We told a story of hope, a story of inclusion and the press started labelling us as role models. Julian and I got married in New York, Amsterdam, Antwerp and Paris. After our wedding in Paris my wife felt dizzy and was diagnosed with multiple brain tumours. She died 6 weeks later...

Obviously, a lot has changed since then. When Julian died, I did not only lose the love of my life but also my job, because we were working together. I had no home or belongings to go back to, because we had sold everything. I was left with two suitcases... It has been two and a half years now since that happened, and the only thing that keeps me here, that keeps me in this life, is my deep empathy and compassion for human suffering and the idea that I can do something about it.

As cheerful and "pink-cloud-ish" as our story may sound, we also received a lot of negativity. It started small with Et Alors? - where people accused us of promoting the homosexual lifestyle, whatever that might mean. When we started the wedding project, it turned nastier. We were receiving death threats, combined with lists of all kind of torture practices that could be applied to us. Most of the time we laughed them off, comforting each other that most mails came from an anonymous Hotmail address and contained numerous typos. So how could we take this seriously?

In the last weeks of Julian's life however, the threats got heavier. Emails spoke of God's punishment because we were gay, that we were getting what we deserved, that they hoped my wife would die a slow and painful death, which she did, so I can tell you it was very hard not to take it personally this time. Instead of feeling defeated, something happened for which I am still grateful: I got angry and that anger made me even more fearless and more unapologetic than I already was. It gave me the feeling that my job was not finished yet.

Since Julian died, I have not stopped working. I wrote a book called "Julian" about our life together and our work as an artistic couple. Last year, I was in New York and met a publisher who asked me if I was interested in writing a children's book about 2 women, Fleur and Julian, who would get married in all the countries where same-sex marriage was allowed. In the book, Julian would not die, so it would give me the opportunity to finish the project, even if only on paper. I hope this will help kids develop critical thinking, have an open mind and see that difference is not bad, that inclusion represents strength and that love comes in many forms. LGBTQ kids are a very vulnerable group. 55% of homeless children were thrown out by their parents because they were gay and had no idea where to go. More than 1,8 million LGBTQ young people aged from 13 to 24 contemplate a suicide attempt each year in the United States. That is 1.8 million children! The suicide numbers for LGBTQ youth are miles high. The Suicide Prevention Resource Center speaks about four times

more to LGBTQ youth than to heterosexual youth, and the numbers are only increasing. Minority stress - created by stigma, discrimination, bullying or bias - is credited as the main detractor of mental health in LGBTQ youth.

However, everyone - gay, straight, bi, whatever - can make a difference, because just ONE accepting adult, can reduce the risk of a suicide attempt by 40%. Only one person has to tell them that they are ok. I want to be that adult. Don't you? Imagine a future happy person. Imagine them telling their partner that their world changed because someone told them things would get better. Every one of us can be that messenger. Most people think all is well with human rights for gays. Why are we complaining? You can get married, you can adopt, you can get a job... Isn't that what you need? What else is on your list?

Do not forget that, only a few months ago, there was a sultan in Brunei who wanted to pass a law condemning gays to stoning. An LGBTQ activist was brutally murdered in St Petersburg. Her name and address appeared on a website encouraging people to HUNT down LGBTQ activists. Nearly 100 Polish municipalities declared themselves LGBTQ-free. That is one third of Poland. Those are only 3 examples. In my opinion everybody needs to know this.

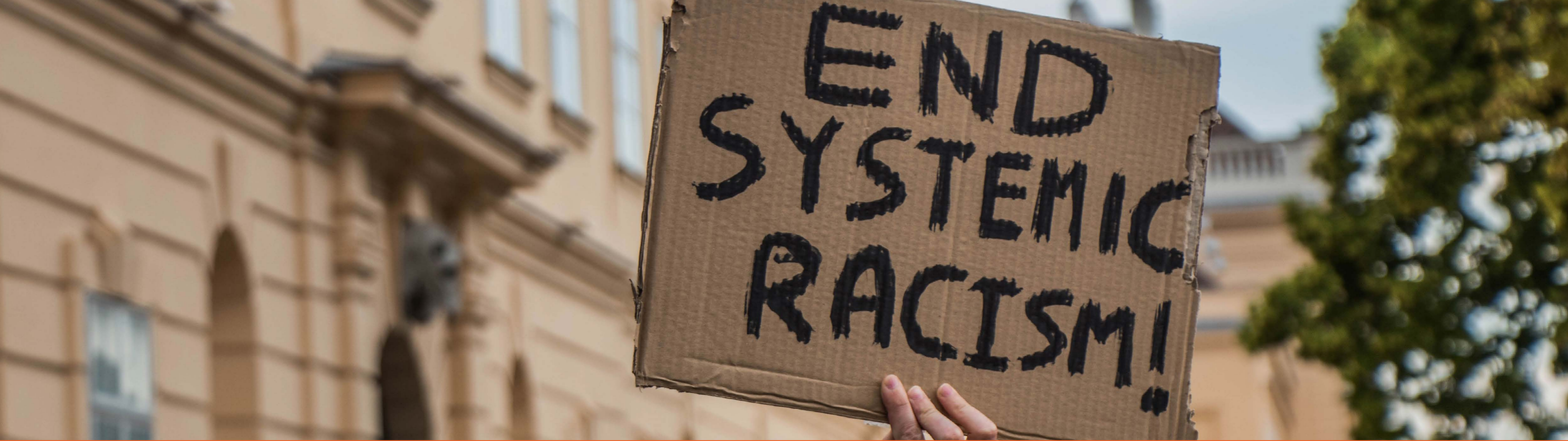
The road to equality is a bumpy one, so people need to know what is happening so that the few rights that we have won't be taken away again. We are always on the verge of losing something at the whim of someone else. I do not expect you to be like me. I became someone who is bouncing from one barricade to another and always on the verge of burning her bra. But I am not underestimating my own ability to make a change, to keep talking.

I love the quote by Isaac Newton who said "If I have seen further, it is by standing upon the shoulders of giants." A lot of us are here because someone else paved the road for us. People of colour, women, LGBT people. Someone made an effort for us to be here. Now we can be there for the ones that come behind us. Let's tell the stories of our ancestors because they matter. Let's tell people about our history. Tell them where you stand when it comes to human rights. Tell them what comes after "I am". What I learned from my wife is that

love is the most important thing, and that we have to keep communicating Love instead of fear. We can all be that Giant because we are the future, and it is up to us how we will be remembered.

By Fleur Pierets & Illustrations by Fatinha Ramos





PANEL DISCUSSION: A GLOBAL PERSPECTIVE ON DISCRIMINATION

Panelists:

- » **Fleur Pierets**, Belgian artist, writer and award-winning LGBTQ+ activist
- » **Pablo Perez**, an international Human Resources and D&I professional
- » **Jasmine Cooper**, Diversity & Inclusion Manager, Steptoe
- » **Justice Mupara**, Founder and Operations Manager of Zambezi Africa Tours, based in Victoria Falls, Zimbabwe, with extensive experience both in Southern Africa and Europe

Moderator:

- » **Anna Duron**, Senior Associate, Ashurst and LDIA Board Member

Anna: *"I would first like to start with you, Jasmine. You are D&I Manager at Steptoe. For those who have not yet read your article on intersectionality in the second edition of the LDIA magazine, I highly recommend that you do, because it gives an interesting insight into what you have experienced. Could you share with us some instances where you have become aware of your intersectionality in the workplace?"*

Jasmine: "It is really interesting, because prior to the last 24 hours, I was preparing for what I would talk about today, but something happened. Something happened to my uncle yesterday in New York. He was taking a walk in Central Park. You are supposed to have your dog on a leash in Central Park, and there was a white woman with her dog that was not on a leash. My uncle simply asked her to put a leash on her dog. Luckily, my uncle recorded the whole thing (it is

unfortunately something that you have to do in the US when you are black and interact with white people) because the woman immediately reacted badly. She said she'd call the police to say that an American African man was harassing her. He said "fine, call the police", so she called the police, and when speaking to the police officer her tone changed into hysterics.

Some people saw my uncle's video and asked him whether he will press charges. My uncle said no – it is very common. After she put the leash on the dog, he simply said "thank you" and walked away. It is very common in the US for black and brown people to see this sort of thing happen. It can be incredibly challenging when you simply want to watch the birds in a park and you don't know if someone will call the police on you. Black and brown people are also not allowed to be human people in the workplace. They are not allowed the benefit of the doubt.

'Angry black woman' became a negative label. There are times at work when you are angry. If you are white, you are given the benefit of the doubt. If a black person does the same, things are different. He is not acting differently than a white person, but because of the race, he is not considered the same. As black women, we are supposed to carry a lot of emotional luggage. White women have tears. A white woman can cry at work. As a

black woman, I can't. There is a corner in the building – I will not tell you where – where I go if I need to cry, or scream. I go there to express my emotions and I leave them there to go back to work. My first day at work, my mother in law's husband died. I got the news at work. It was incredibly overwhelming, but I couldn't have the liberty to say that I had received overwhelming news and needed to go home. As a black woman, I couldn't express this. It is straining that you continually cannot be the person that you truly are at work without being labelled negatively."

Anna: *"Thanks Jasmine. I hope that things have evolved positively since your first day. What would you suggest to employers to remedy this kind of situation? We don't necessarily have the same situation in Europe, but it is something which can basically happen anywhere."*

Jasmine: "I would suggest to first and always be honest with yourself. People do not want to be labelled racist, sexist, homophobic, but as a human being, you must be honest with yourself when you are reacting a certain way. I also say "take a breath". Is it the same way you would respond to someone who is the same colour as you? The same gender as you? You have to try and treat people equally, the same way you would treat everybody else. You cannot talk to a person as if she

was your niece. That person is not your niece. You need to speak to that person as if she was a peer. In the US, there is a disconnect where people are reluctant to acknowledge their reaction, their ugliness..."

Anna: *"I haven't read it yet but the title of a book comes to mind, "White fragility" by Robin Di Angelo. Have you read it?"*

Jasmine: "I have. It is a very interesting book. I love to be part of a European event, because you are great and different than people in the States. It is very difficult in the US to acknowledge your own shortcomings. People do not want to be labelled, but they are. A woman said "I am a privileged white woman". Here in the States, it is very taboo. It is not talked about, not something we are ready, as a society, to deal with. Not in the current administration. I was thrilled to hear what Fleur said about herself. I thought "Wow! Awesome!" I wouldn't have assumed that. Europe is not without its problems but you are more advanced and aware than the US."

Anna: *"Thank you very much, Jasmine. If it is ok with you, we will come back to you after the Round Table."*

I will now turn to Pablo. You are an international human resources expert and recruiter. You are Mexican of origin, but are now settled in the Netherlands. Can you share your experience?"

Pablo: "I have been working most of my career in HR. I decided to move to the Netherlands for personal reasons nine years ago. My experience in the Netherlands has been in Talent Management. I have been both candidate/job seeker and also interviewer. I have experienced pretty well how it is to be on both sides of the table."

Let me start with my personal part. When I moved to the Netherlands. It was a new process for me, for which there are no guidelines or steps to follow as such. When I looked for a new job, I did interviews as I would have done in my home country and/or in the USA. However, I learned that this is something that can be very different in each country. You have to learn the requirements, communication style and cultural traits if you apply for a job and want to get an interview. You do not receive detailed feedback when there is a rejection after a job

application. Also, often you do not receive detailed feedback when being rejected after an interview. As a candidate it is challenging to learn from those experiences and improve for the next interview if you do not get feedback.

Later I finally got a job, doing recruitment within an international organisation. Funny when, as a job seeker, you get a job working on the other side of the table. However, it is also the opportunity to improve on the things you faced as a candidate. When you get back to a candidate who did not make it, it is important to have an open conversation with him/her and share the feedback in a positive and constructive way. A rejection is already negative enough, so it is our duty as interviewers to try to make it constructive for that person.

When performing recruitment, you have a job description and you will have requirements and will have someone who ticks 75% or more of the boxes, but you must also discuss with the hiring manager about the basic skillset for the role and the flexibility for the others. I have had several conversations with hiring managers where I saw opportunities to bring diverse candidates to their current teams. For instance, if you only have a group of gentlemen or ladies, how would it be if I bring within the shortlist someone from a different gender than the current one? From a different background/culture?

In my experience, it has been very positive and insightful when having a conversation with the hiring managers about why not to review a CV/interview of someone "different" within the pool of candidates. A few even mentioned never having had this kind of open conversation with other recruitment professionals before. While presenting the shortlist, I also mention the characteristics that make a candidate unique, also the diversity in terms of gender, background, studies, etc. The hiring manager can see the persons beyond what is mentioned on the CV. I also keep my dashboard with the metrics of diversity in my talent pool.

When performing recruitment, it is important to think about who is the person you want to hire at the end: someone who looks / is similar to you or to the current team? If yes, please think about why? Or do you want

to hire someone who truly has the skillset that this job requires to be successful? For instance, if you already have a team of four and you are looking for an extra position, and all the current team members look/have the same background, you can have the opportunity to bring someone who fulfils the qualifications needed and who is "out of the box" with a different profile than the rest: gender, background, age, etc. But this has to be when you and your team are also prepared to include the person within the team and not only because the new team member must be diverse.

Anna: *"What would you suggest to do to introduce more diversity in recruitment processes? There are loads of statistics about discrimination, is it something you would use to promote less discrimination?"*

Pablo: "That is quite important. I always use that during recruitment. It is always important to see how many applicants you received and from which source or channel. What are the skills required for a job opening? All these data, numbers, figures, are also a good material to have a discussion with the manager about: "Are we hiring or promoting them? How can we do something different"? I have been lucky to work only for international companies with international and diverse mindsets. These data are also important while doing recruitment, to see the total number of applications, the ones presented, selected, and to evaluate interesting points that each candidate could offer to the process, in order to have a conversation with someone who is not adverse. We must also discuss the advantages of hiring someone different from the predecessor in the role or current team."

My style of communication is an open, direct and simple language. When I am talking to a peer or a hire manager, I am always open to listening to others. It is important to discuss about diversity but also inclusion. To me, it means insisting on the importance of diversity in all aspects of the team. However, it has to be objective and based on data and facts. Because it could push back to perform "reverse diversity." I mean when you hire someone only because of being different from a current team, but rejecting other candidates who have a skillset more suitable for the job. Discrimination and bias in recruitment can be both ways as well. We



have to be conscious about that and try to use as much data or figures to make it as objective as possible. Many people do not understand that we are talking about bias. Recruiting is a very subjective activity. So, you need to use data and figures as much and objectively as can be done."

Jasmine: "I have a question. Pablo, what are your thoughts on blind resumes?"

Pablo: "I have never done it myself or seen it in my experience in the Netherlands or in Europe. But I know about it pretty well. I think it depends on what we want to get at the end. As an exercise and to make awareness, it can be very helpful, but also depends on what we are going to get out of that."

Anna: *"Thank you. We will now move to our next speaker, Justice Mupara, who is usually in Southern Africa, but is currently experiencing lockdown in Europe, so he may have some thoughts about it."*

Kat mentioned briefly in the introduction the date of 21 March and mentioned the massacre in Southern Africa on that day. What does it mean?"

Justice: "Thank you for having me. I am the founder of Zambezi Africa tours, a safari company operating in Southern Africa (Zimbabwe, Zambia, Botswana, Namibia, South Africa, Lesotho, Swaziland and Mozambique), where we receive tourists from

all across the world. I am happy to be part of a discussion on discrimination and will give my opinion on discrimination from the African point of view. I want to share with you how we see discrimination. It is interesting to hear from Europe and the US how discrimination is.

The 21st of March every year is set by the UN Human rights organisation as a day for the elimination of racial discrimination. Of significance to this day is the Sharpeville Massacre instituted by the Apartheid government and resulting in the violent shooting and deaths of 69 of the peaceful demonstrators in Sharpeville, outside Johannesburg, on the very day of 21 March 1960. The issue was the Dumb Pass laws. These were an internal system aimed at controlling the movement of black African natives to areas beyond their homelands. You would not be allowed to go to town unless you had that special passport or you would face arrest in your own country. The pass laws were a tool of the Apartheid regime, which controlled the movement of black South Africans. They institutionalised a system of racial discrimination. The date of the Sharpeville massacre came to symbolise the struggle for equality and non-discrimination.

Anna: *“For those who are unfamiliar with the history of South Africa, it was extremely shocking because the discrimination was so institutionalised; there were segregated areas between Bantus, Whites, Coloureds, Indians, etc.*

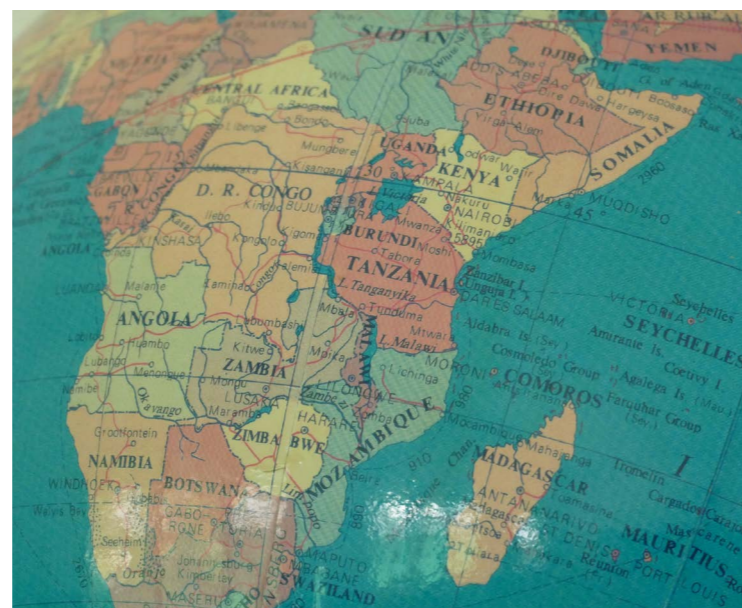
Perhaps you can give us your experience of what you have seen as discrimination and impact on society.”

Justice: “I was born during the liberation struggle in Zimbabwe (former Rhodesia) against colonisation. Many African countries were occupied or colonised back then. Colonial laws were always made to separate people along their colour and backgrounds - the discrimination was institutionalised (albeit different from the Apartheid regime in South Africa) and indeed multi-faceted. The means of production were owned by the white minority while the majority of black natives were either settled in unproductive, dry regions and subjected to low pay (mostly farm labourers) and inhuman treatment as laws were meant to protect the minority white settlers. Going to school then in independent Zimbabwe, there

was growing concerns and instability in the region due to the mounting pressure on the Apartheid system of government in neighbouring South Africa. My fellow Africans were under repressive laws due to the colour of their skin and all sorts of social injustices until 1986, when the pass laws were removed, paving the way to the first democratic elections in 1994 and the birth of democracy.

The region as a whole and, to a great extent, Africans in many countries have experienced racial discrimination; many people in communities and societies suffer from injustices and stigma that racism brought. Yet today the legacy of racism and colonialism still manifests itself in socio-economic structures as efforts to have an all-inclusive society are moving at a snail's pace. For an African child from the countryside, attaining education in ill-equipped schools, where in most cases only the teacher has a text book, with no Wi-Fi and electricity, while still being expected to make it to tertiary education, university is a big task, having to walk almost 10km to school one way and the same distance back, sometimes barefoot, i.e. without shoes. Young girls at school sometimes have to miss classes during their periods because of the lack of sanitary pads, that they cannot afford.

Our challenges in the African context with regard to discrimination are more complex and need to be written and explained by Africans. Growing up, also due to poverty, most families would rather sacrifice the little they have to send the boy to school at the expense of the girl if they cannot afford to send both. That is



already another form of sexual discrimination. In most cultural groups, inheritance rules would favour the boy, as girls were expected to be married and carry on with the family to whom they would be married.

Now, as for my own experience, when I intended to start a transport business back in 2005, I could not meet the standards and criteria of the banking institutions to borrow money to start up a business, as I did not have collateral security. All I had was a few cows (maybe some sheep), which would not be considered valid to get a loan. And yet our white counterparts had the institutions ready to have that in place and excel in business as we watched the economic situation from the side-lines. That is another form of discrimination and exclusion, namely economic.

So, today the question still remains: how do we achieve peaceful co-existence of all people regardless of colour and improve the lives of everyone? There has to be recognition of the injustice of the past and to genuinely channel the resources and assistance to the less privileged societies. As a tour guide, I think there has to be a deliberate dialogue and conversation on how we should advance the interests of different cultural languages and religious populations as a society. Laws may be there as written and pledged in most constitutions but the will has to be there to fulfil the course. It is about accepting one another, trying to help each other.”

Anna: *“Thank you and I would now like to open the discussion.*

First, Fleur, one question I would like to ask you is: how do you see the future and how would you like things to change?”

Fleur: “I think it is very important to keep people informed of the good things that happen. I think we have to seek a way. We need to rebuild the society. I think we need to make sure there won't be too much collateral damage. What Victor Orban did is to prevent people from having their gender identity recognised by the law. We just have to be aware of what is happening and keep people informed. I heard what Jasmine said about being aware of your bias.”

Anna: *“Do any of the speakers have ideas how to*

have things change? Especially Jasmine and Justice, since you see and experience discrimination from very different geographical locations.”

Jasmine: “We want to change things, but it can be frustrating at times, especially in the legal industry, where you want to have things change, but there are a series of barriers. Working within the law and in the legal industry, there is so much room we can work with. But instead of looking at the whole picture, you should fix yourself on one slice. Once you start with one piece, the rest will start to fall into place.”

Anna: *“Justice, in your view, beyond tourist groups, how do you think we can affect that further?”*

Justice: “We have tried to do our bit on our safari tours to raise awareness of the patterns of discrimination experienced in Africa, and advocate for a greater need for understanding across all cultures and ethnicities. But there has to be a greater integration. That being said, we should really be talking more about education. Do the students have enough to advance in education, and do they have enough to make things advance? Inasmuch as we are having a dialogue now, there needs to be a difference in approach about an African child, given the different experiences encountered compared to other regions of the world. We must have everyone acting to give more. Can we as a society also give to the education system? The health system is also in the same situation.

In conclusion, I would like to stress that, as an African, I cannot ignore the need to call to action to advance the interests of those least capable of defending themselves, including women and children.

Anna: *“Pablo, a final word. What would you suggest to impact more change from your point of view? And maybe you will agree with Jasmine? What are your thoughts?”*

Pablo: “I am aligned with Jasmine about the importance of keeping in mind Diversity and Inclusion while doing recruitment. We can also use the feed and data at our disposal. The companies who have a more diverse workforce tend to be more productive than other companies. There are studies like the ones offered by McKinsey & Company and the Boston Consulting

Group where they show the benefits of having a diverse workforce. It is important to keep things normal, to keep them open. It is important to keep going on, to do what we believe in."

Anna: "Thank you to all the panellists for sharing such precious and personal insights. I will leave the floor to Kat for some final words."

Closing

Kat: "Time is always too short when discussing such interesting topics. Thank you, Anna, Fleur, Jasmine, Pablo and Justice. Your input was incredibly valuable, touching and eye-opening. Thank you, Anna, for moderating. To the audience, thank you for attending this webinar. We trust that you, your friends and families are staying safe and that we will all emerge from this shared experience with a greater sense of empathy and belonging. Looking forward to seeing you next time."

I would like to close with a quote I picked up recently on LinkedIn: "When we listen and celebrate what is both common and different, we become a wiser, more inclusive, and better organisation."



WHY TOLERANCE IS AN ASSET FOR YOUR BUSINESS PERFORMANCE?

16 November 2020, Virtual Event

On 16 November 2020, we celebrated the 24th International Day for Tolerance. That date was chosen by the UN General Assembly to reaffirm the importance the UN gives to "practicing tolerance as one of the main principles to be applied to attain the ends pursued by the United Nations of preventing war and maintaining peace, (...) solving international problems of an economic, social, cultural or humanitarian character and promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

On this occasion, Fieldfisher, under the LDIA banner, invited me to present a webinar on Tolerance in the Workplace to their members. Together we saw that tolerance had philosophical, political, economic, social and generational roots before making its appearance in the workplace over these last few years. We also learned how tolerance has a direct impact on happiness at work and how happiness at work influences organisational performance. Curious? Let us embark on the Tolerance Journey and let me summarize it for you.

Tolerance as a religious and philosophic principle

2500 years ago, the concept of tolerance appeared in philosophies that persist today. Tolerance is one of the fundamental principles of Taoism, founded by Lao-tzu. Tao is a Chinese word signifying the "way", "path", "route". Taoism emphasizes living in harmony

with the Way and promotes the wu wei (meaning action without intention). Taoists cultivate what they refer to as the Three Treasures: 慈, "compassion", 儉, "frugality" and 不敢為天下先, "humility". At the same period, Confucianism laid the foundation for much of Chinese culture. Confucius' philosophy, promoted by the Chinese State, translates into very rigid principles. The golden rule of Confucianism is "Do not do unto others what you would not want others to do unto you". Confucius stressed the importance of having good morals. He stated, "if the emperor has moral perfection, his rule will be peaceful and benevolent". Followers achieve moral character through the virtue of ren, or humanity, which leads to more virtuous behaviours, such as respect, altruism, humility and tolerance. Finally, in the same era but in India, we can also observe that Buddhism founded much of its principles on tolerance. Being "non competing" is perceived as the most important behaviour and state of mind. Modern religions defend the same principle of tolerance, in their own ways.

Tolerance as a political principle

The transition of tolerance from a philosophical to political principle took place in the 18th century. In 1763 in France, Voltaire wrote his essay on Tolerance after the impartial trial of Jean Calas, a Huguenot from Toulouse, found guilty of murdering his son. In fact, evidence revealed that Calas' son, who wanted to convert to Catholicism, committed suicide. In the





religious context of this intolerant era, converting to Catholicism was imprudent so Voltaire set about writing an indictment of intolerance and turned it into a weapon against religious dogmatism. Voltaire's essay once again became a bestseller in 2015 after the terrorist attack on the French satirical magazine Charlie Hebdo.

In 1789 during the French Revolution, 25 years after the publication of Voltaire's essay, those drafting the Declaration of the Rights of Man and of the Citizen took up the theme of tolerance and debated at length the value of mentioning tolerance as a founding principle. However, there was a danger to this since some feared that if a state must claim tolerance in its constitutional texts, in essence that meant the state was not tolerant. This is why the term "tolerance" was replaced by the term "freedom", implying that each individual is free to pursue his or her own opinions but with respect for equality and fraternity. Liberté, Egalité, Fraternité must guarantee tolerance and vice versa.

Tolerance as a social principle.

Looking back at Belgian history, we see that the first interactions with emigrants demanding tolerance and acceptance, took place during the "Cardboard Suitcase" period. This was a period of significant Italian

immigration, when Italian nationals were either fleeing a political regime they did not support, or were fleeing poverty in search of work, most often mining. Belgians then faced massively welcoming another culture and other social references with... tolerance.

Tolerance became even more spectacularly evident in the progressive abolition of black segregation in the United States in the 1950s and 1960s, with the dissolution of battalions reserved exclusively for African-American soldiers, or in the organisation of social life following the case of the courageous and inspiring Rosa Parks.

More recently, citizens have seized upon Tolerance to move not only social policies but also to disrupt the geopolitical ecosystem. Think for example of the SOS Racism movement (Touche pas à mon Pote) in France, the fall of the Berlin Wall and the disappearance of the Iron Curtain, or the global awareness of the inclusion of people with or affected by the AIDS virus.

Today, the younger generations, through their openness to the world and unlimited access in real time to information and real or virtual contacts across the planet, are living examples of tolerance. Shared interests take precedence over skin colour, religious, political or philosophical convictions or sexual orientation.

Thanks to them and to all these social events, it became therefore more than obvious that tolerance would become a major subject that would invade our professional lives.

Tolerance in the Workplace

Tolerance – well "Diversity and Inclusiveness" – is more than politically correct HR policies, more than network discussion topic. Tolerance is a virtue, a state of mind, a way of living and working that contributes to wellness and welfare. Let me explain how it leverages value within your organisation.

At Happyformance, we have identified six pillars that are essential to create happiness at work:

- » The first is **autonomy**, meaning the possibility to organize yourself as you wish, to choose the tools that seem to you to be the most efficient, even to choose your workplace and your working time. Freedom requires tolerance to accept that the others may organize themselves differently and so you need to adapt your own desiderata.
- » The second pillar concerns **connections**. The individual must get in touch with others to feel part of a group, whether with colleagues, with partners

in the company or via social networks. Tolerance is essential for recognition as a part of a group and for accepting others into your clan.

- » The third pillar of happiness at work is based on **contribution**, i.e. the set of skills or know-how that one puts at the disposal of the company. Tolerance is about accepting mistakes and learning from them before sharing lessons learned.
- » The 4th and 5th pillars relate to the purpose and results of one's work. Whatever work you do, you need to know that it is useful and part of an understandable coherent whole. The ability to monitor your progress is essential and tolerance will be your ally for fitting into the bigger picture for a greater good.
- » Finally, the 6th pillar follows naturally from the previous 5 and energizes all 5. It focuses on recognition. Being recognized and appreciated creates self-confidence, both fundamental for building trust and sustainable relationships. Trusting others is almost impossible if you do not trust yourself and trusting yourself is impossible if

your presence or your value is unappreciated. If you don't feel appreciated, you won't feel tolerated. This is why tolerance is so crucial to is essential to allow you to feel happy.

When these six criteria are met, then the joy of working, wellbeing, wellness, engagement and self-fulfilment can flourish. That's great, but the best part for the organisation is that your happiness at work, stimulated by a shared and sincere tolerance will feed business performance.

Why tolerance is an asset for your business performance ?

If we go further and explore what makes a person happy at work, we are also able to measure concrete impact of happiness. Some indicators at organisational level directly link to levels of happiness or unhappiness at work: absenteeism, length of absence, turnover or, conversely, loyalty. Happiness at work is not some fuzzy fashionable notion, it has been quantified by numerous scientific studies. We know that, when compared to an unhappy worker, a happy colleague is half as sick, 6 times less absent, 9 times more loyal, 31% more productive in average and 55% more creative. Yes, happiness at work is a sustainable performance lever, both for companies and for individuals. Encouraging Tolerance in relationships contributes to happiness at work, which in turn contributes to business performance. A win win win situation. Happy employees make happy customers who make happy shareholders.

So, when do you start or share your best practices?

By Laurence Vanhee, Founder of Happyformance & LoftOffiz

Author of Happy HR, happiness at work is profitable & sustainable Ed. La Chartre (FR) or Die Keure (NL)





THE MANY FACES OF RACISM IN THE LEGAL PROFESSION AND BEYOND PANEL DISCUSSION

29 June 2020, Virtual Event

Racial terminology matters

LDIA partnered with NautaDutilh to organize an event exploring issues of race within the legal profession. Timely, as for most of you the name 'George Floyd' has still not faded from memory. 'Race' – and not racism per se – because the very point that was brought to the fore was that one of the difficulties facing interlocutors talking about racism is using the appropriate vocabulary. Whereas the country of George Floyd has developed concepts that try to pinpoint some of the more subtle manifestations of racial issues (e.g. 'race-baiting', 'dog whistling', ...), our way of speaking about

racism sometimes seems inadequate to express the feelings and thoughts we associate with it.

After all, fundamentally different points of view may be expressed if people avoid talking at cross-purposes. It is for that reason that the premise of the panel was that we should try to clarify what it is we mean by 'racism'. Succinctly, how is racism displayed? How should 'our' experience with racism define how we talk about the issue? Moreover, what precise role do experiences play in this? Should racism only be defined by those who have experienced it? What kind of pitfalls should be taken into account when discussing the topics of race and racism?

A diverse panel

NautaDutilh gathered a diverse panel of people with academic backgrounds, entrepreneurs, and speakers who are actively involved in racism-related activism. Building upon these experiences, we asked a series of questions that invited reflections on how to think about racism.

In COVID-19-times, the organizers sought to make a virtue out of the vice that currently confronts us all, i.e. the restrictions imposed. The digitalization of communication presented an opportunity to bring together speakers from very diverse backgrounds, who could bring in a wide range of experiences as well as thoughts on how to discuss them and, finally, on how policy could be shaped in order to remedy problems.

The panelists were:

- » **Sana Sellamni**, head of NextGenly Research & Consultancy, coach at educational career at the PEP! VZW;
- » **Enga Kameni**, professor at Harvard Law School, Manager of Legal Services of the African Export-Import Bank (Afreximbank);

» **Hassan Al-Hilou**, author;

- » **Sevda Karsikaya**, criminal lawyer, member of the General Assembly of Flemish Bar;
- » **Dirk van Gerven**, managing partner of NautaDutilh.

The panel discussion began on a personal note as the panellists were asked to share their experiences of encountering racism and prejudice and how it affected their own perceptions. Do all experiences of racism feel alike? For those for whom all experiences of racism are somewhat alike, what is the common denominator, and would it be possible to describe the feeling / experience?

The discussion then moved on to cover the way we think and speak about racism. The panellists agreed it would be useful to disambiguate issues that have to do with racism. Singling someone out for her or his race or ethnic background can happen for different reasons, in different contexts and apparently – for some – range across a spectrum of experiences. Racism is a difficult topic to think and speak about. Often, people who have not directly experienced racism or – so they claim – are not guilty of perpetrating direct racism, will believe that racism is uncommon, or limited to unverifiable and

subjective interactions with others. Racism can then become a problem that finds expression in impersonal statistics, for which no one is truly responsible. Oftentimes, a lack of direct experience with racism results in individuals of a privileged group dismissing the issue and/or characterizing the targeted group as “attention-seeking”, “identity politics” or “playing the race card”. Even if someone is aware of the prevalence of racism in society, they are often not able to correctly identify and tackle the problem due to not witnessing it and not having experienced the complex emotions that racism provokes. The purpose of discussing racism in society is not to point fingers at individuals in privileged groups who do not necessarily engage in racism simply due to their belonging to a privileged group, but to raise awareness and understand the various aspects of racism in society.

Since one of the goals of the seminar was to join LDIA in raising awareness, championing diversity and foster inclusion, and after having talked about the different experiences of racism in its many guises, the panellists discussed the importance of inclusive policies. Which law firm policies, or policies adopted in the legal profession were either helpful or unhelpful in promoting a diverse and inclusive workspace? Which actions could a law firm undertake to combat systemic or more structural racism?

The panellists shared some insightful thoughts on how to be a more inclusive workplace, such as assessing staff demographics at all levels, both up and down the compensation scale. One of the key action points raised was to establish clear goals tied to becoming an inclusive workplace and attach owners and success metrics to them to track your organization’s journey over time. The panellists agreed that it was in the best interest of companies to pursue diversity not only because it is the right thing to do, but also because there are commercial benefits to consider. A diverse workforce that thrives in an inclusive culture leads to a better ability to serve customers, a higher level of innovation and a stronger employer brand. When employees of different backgrounds, different cultures, different nationalities and different perspectives come together, everyone shares a slightly different approach to the job and the problem at hand. In the current economic climate, where margins are small

and technological advancements often risk putting entire industries at risk, such creativity, arising from an inclusive workplace where everyone – regardless of their background – carries an equal voice and where no one’s opinion is dismissed due to old (and often subconscious) cultural and ethnical prejudices, would indeed create positive economic effects. We should take care, however, not to limit our focus to the economic effects of a more inclusive workplace. Indeed, creating a welcoming atmosphere enriches us all on a personal level and broadens our way of thinking.

By Sara Ben Othmen, & Stef Feyen, NautaDutilh



THE FUTURE OF WORK IN A POST COVID-19 WORK ENVIRONMENT

13 October 2020, Virtual Event

The K&L Gates Brussels’ office hosted its first LDIA event, an online fire-chat discussion on “The Future of Work in a Post-COVID-19 Work Environment” on 13th October 2020.

Our guest speakers came from diverse backgrounds: Sunny Kumar, senior associate at K&L Gates London, head of BAME (Black And Minority Ethnic) Network and a practicing medical doctor; Nigel Spencer, professor of education innovation and professional practice at the School of Law, Queen Mary University of London; Anneleen Straetemans, head of legal and corporate affairs, Europe at ZX Ventures and Sofia Karagianni, Legal Consultant in the K&L Gates Brussels’ office.

The speakers touched upon many questions, including

the impact of the Lockdown and COVID-19 pandemic on mental health, work-life balance, workplace networks and social life, the need and development of IT skills, as well as the practicalities of setting up a home office. In this context, all the panellists highlighted that, although COVID-19 has disrupted our working routines, it has also emphasised the need to develop a different mind-set to cope with this ‘new normal’: a new mind-set that requires us to be more empathetic towards our colleagues, to improve our “listening skills”, to ensure that no one is left behind in the digital transition, and to find new ways to give new hires the opportunity to be supported, mentored and welcomed remotely by their work colleagues.

**By Alexandra Coventry &
Sofia Karagianni, K&L Gates**

Community. Authenticity. Inclusion.

Inaugural Lawyers of Color Conference

**Baker
McKenzie.**

RACE AND ETHNICITY

“I don’t see colour” is often the go-to phrase for those who are uncomfortable discussing race and ethnicity. Many even believe it is the right thing to say to prove their commitment to inclusion and diversity. But what is incredibly important to understand is that this statement erases the life experiences of people of colour and the assumption is that “your life is just like mine”, and the reality is, it is not.

In 2020 the murder of George Floyd and countless other tragic and unnecessary deaths left a palpable impact across the world. The disadvantage and racism experienced by Black people specifically is vital to our understanding of race and ethnicity globally and requires our full attention.

Baker McKenzie understands that our people have been impacted significantly not just because of our ability to show collective empathy and a willingness to show understanding, but more importantly, because of a recognition that many of our colleagues see themselves and their life experiences mirroring a version of the inequality that was broadcast across the world. Additionally, the Black Lives Matter (BLM) movement

encourages the conversation to be rooted in a historical understanding of our world. It promotes individual and collective direct action to improve the experience and representation of all Black and historically under-represented people of colour in social, political and business life.

Even before the tragic events at the start of the summer, Baker McKenzie had been intentional in creating an environment that enables a community of trust and collaboration across our 76 offices. Becoming ‘Colour Brave’ was essential to enabling the conversation about race and ethnicity; creating an environment to launch our global race and ethnicity taskforce that seeks to proactively advance racial equity and positive change in recruitment, retention, development, promotion and leadership. This environment created the space to draw on the social and personal impacts of numerous local scandals ranging from the indignity experienced by the ‘Windrush community’ in the UK (relating to the wrongful detention, deportation and denial of legal rights of British nationals with Caribbean, African and Asian heritage) to the BLM movement in the US, which

has now permeated throughout the world.

Creating an environment that allows us to speak candidly about anti-Black racism and raise awareness of the nuances of racism amongst different groups in Europe is a key element of our global taskforce on race and ethnicity. The global programme creates an opportunity for allies to embrace their power for good, to identify and call out behaviours that negatively impact lives, and to use their influence and privilege to bring about change.

Research tells us that the lack of representation of Black and Indigenous People of Colour (BIPOC) at senior leadership levels is due to the lack of access to opportunities, biased performance evaluations, lower visibility, fewer role models of colour and hidden structural and individual biases founded on stereotypes. Understanding this context, Baker McKenzie were bold in embracing the conversation which allowed colleagues of colour to share their life and work experiences through a series of internal vlogs and intra office BLM conversations. It also enabled those from the majority culture to share their understanding of how their life experiences have been shaped and to acknowledge the opportunities gained as a result of being white and the privilege this affords them.

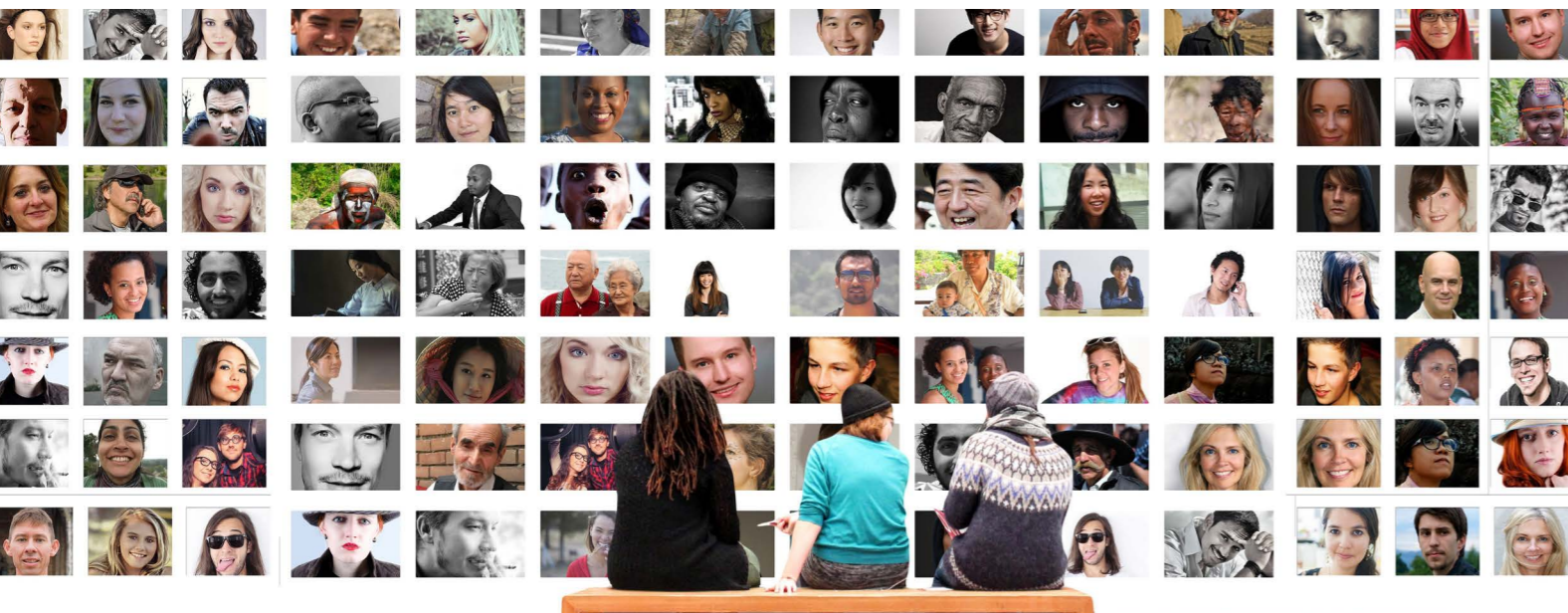
Being intentional in our actions, for example by introducing race and ethnicity targets in jurisdictions where we can, requiring blind CVs and contextualising

our analysis of grades and schools, has improved the representation of BIPOC in our pipeline and graduate recruitment. Baker McKenzie also launched the Colour Brave internal campaign to acknowledge that the term 'colour blind' essentially ignored the problem of discrimination and denied the positive and negative experiences of those from ethnic minority groups, leaving many feeling disengaged and isolated at work.

In January 2020, we organized our first Lawyers of Color Conference in Washington DC. We invited associates of colour from across North America, Europe and South Africa to participate in seminars and learning workshops designed to empower and support, and to provide colleagues with opportunities to engage with a number of senior role models within the Firm as well as with clients.

Sharing personal stories creates safe spaces; encouraging greater understanding institutionally that we need to see colour and to acknowledge that micro aggressions impact lives every day. Leadership across the Firm has embraced our strategic objective of creating an environment which focuses on the well-being of our people across the whole employee life cycle, and which in itself allows us to serve our clients more successfully. We embrace our diversity in all its forms to drive innovation, enabling richer insight into client needs and allowing us to solve complex problems and offer practical solutions that leads to better performance for our people and our clients.

By Fatima Choudhury, Baker McKenzie



A DIVERSITY PLAN FROM BRUSSELS EMPLOYMENT OFFICE ACTIRIS

With more than 1.2 million inhabitants, more than three quarters of whom are of foreign origin, Brussels is a "super diverse" environment. The fusion of cultures peculiar to a metropolis and its role as the beating heart of Europe are both a blessing and a challenge. Moreover, it is also characteristic of a metropolis and capital that the diversity of its population is reflected in terms of age, identity, belief, disability and so on.

This context creates its own economic dynamics. In Brussels, there is a large supply of workers who do not always find their way to long-term employment. This is partly due to the competencies sought by companies and partly to the diversity of our potential labour market. The Brussels Regional Employment Office soon realised that attracting workers to businesses was not enough; we also had to focus on making employment itself more sustainable. After all, if workers from diverse backgrounds rarely stayed for long in an organisation, we were failing to achieve our goals by solely focusing on supplying new recruits. We needed to focus on the fact that organisations, and specifically their cultures, were not always ready to address diversity and open up to inclusion.

Based on this insight, in 2008 we developed an active policy to promote diversity in Brussels businesses and combat discrimination in the workplace. The approach we adopted is still unique in Belgium and Europe. All too often, we realized that while management discussed diversity, on the work floor, discrimination, intentional or not was still experienced. In view of the importance to both stimulate diversity and combat discrimination, we decided to involve concertation at all levels in the process to encourage greater inclusion in the workplace.

In concrete terms, we decided to promote the creation of diversity plans that, if successfully implemented,

would receive a Diversity Label as an award. A diversity plan is developed within an organization by a workgroup comprised of representatives of the employer and of the employees. This group, preferably made up of volunteers and under the guidance of, for example, an Actiris diversity consultant, has the task of examining the organization's initial levels of diversity, what works, where the weaknesses lie, what priorities need to be set, and how these priorities can be translated into concrete actions.

This workgroup then supervises the elaboration of the diversity plan. The implementation of the plan is then usually the responsibility of someone who takes on the role of diversity manager. In order to give relevant structure to the development of the diversity plan, focus is directed to a number of target groups who



often suffer from discrimination in the labour market. The diversity plan will reflect on gender, age, origin, disability and level of education, especially with regard to recruitment and selection, career management, internal practices, communication and culture, as well as how inclusion is reflected externally, for example, via a website tailored to people with disabilities.

In order to stimulate businesses in the region, the Brussels Region also provides possible financial support for the rollout of diversity plans as well as additional support in the event of requests for expansion. If you would like to know more about the diversity initiatives of in the Brussels Regional Employment Office and how we can help your organisation, please contact the Actiris Diversity Service. You will be following in the footsteps of more than 200 other businesses. Why wait?

By Emmanuelle Verhagen, Actiris



HOMOPHOBIC STATEMENTS AND RECRUITMENT: FREEDOM OF EXPRESSION OR DISCRIMINATION?

A recent judgment of the European Court of Justice (ECJ – 23 April 2020 – C-507/18) once again confirms the Court’s very broad interpretation of the concept of equal treatment, so that special vigilance is called for in the case of statements that are discriminatory within the meaning of Directive 2000/78/EC.

Facts

In the case in question, a lawyer (“NH”) stated during a radio interview that he would not wish to recruit homosexual persons to his law firm or to use the services of such persons in his firm. A lawyers’ association that defends the rights of lesbian, gay, bisexual, transgender and intersex people (“the LGBTI community”) was of the view that his comments constituted discrimination on the grounds of employees’ sexual orientation, and brought legal proceedings against him. The Italian Court of Cassation put two questions to the Court of Justice:

- » Does the NH’s expression of opinion fall under the scope of the protection against discrimination provided by Directive 2000/78? and
- » Can a non-profit association be a defender of a collective interest and go to court to claim damages if the circumstances concerned are deemed to be discriminatory?

Discrimination?

NH argues that, in order to be able to talk of a situation of ‘access to employment’ falling under Directive 2000/78 and the national regulation transposing

it, there must be at least an ongoing individual recruitment negotiation or public offer of employment; if not, or where mere statements are made that do not at least display the characteristics of an offer of employment, protection is afforded under the freedom of expression.

The Court of Justice interprets Directive 2000/78 broadly; provided that the statements could actually be linked to the recruitment policy used by the law firm (with which NH was associated), they represented a breach of the prohibition of discrimination set out in the directive.

Another interesting aspect of this case is that the Court deemed that the fact that there was no selection process going on at the time the comments were made, was not relevant.

Thus, among other things, the Court stressed that statements suggesting a homophobic recruitment policy fall under the concept of “conditions for access to employment [...] or to occupation”, even if they have been made by someone who does not have the legal authority to recruit, provided the link between these statements and the employer’s recruitment policy is not hypothetical.

Freedom of expression?

On the basis of NH’s defence, the Court also examined whether his statements fell within the scope of Directive 2000/78 on the grounds that they related to “employment”, or whether they should merely be regarded as the expression of an opinion (freedom of expression) that bore no relation to a discriminatory appointment procedure. As mentioned above, the



Court ruled that homophobic statements constitute discrimination in the employment and occupational field, when they are made by someone who has a decisive influence on an employer's recruitment policy or may be deemed to exert such an influence.

On this point, the Court recalled that freedom of expression is not an absolute right. Its exercise may be subject to limitations, provided that these are provided for by law and respect the essence of that right and the principle of proportionality, namely if they are necessary and genuinely meet objectives of general interest or the need to protect the rights and freedoms of others. The curtailing of the exercise of the freedom of expression in the directive goes no further than is necessary to fulfil the directive's objectives, since only statements that constitute discrimination in employment or occupation are prohibited.

Who can go to Court?

The Associazione Avocatura per i diritti LHBTI is an association of lawyers whose object, according to its articles of association, is to contribute to the development and dissemination of the culture and respect for the rights of members of the LGBTI community. The referring Court queried whether the Associazione was a body that represented collective interests within the meaning of Article 9, paragraph 2 of Directive 2000/78 and was thus competent to go to Court in an action brought against NH.

The Court ruled that the anti-discrimination directive did not preclude the Italian national regulation under which, an association of lawyers whose objectives (according to its statutes) are the judicial protection of persons with a certain sexual orientation and the promotion of the culture and respect for the rights of that category of persons, automatically has standing to bring legal proceedings for the enforcement of obligations under that directive and, where appropriate, to obtain damages, in circumstances that are capable of constituting discrimination, within the meaning of that directive, against that category of persons, even if it is not possible to identify an injured party.

Conclusion

In previous cases, the Court of Justice has confirmed

that mere statements about the conditions for access to employment, including recruitment conditions, fall within the material scope of the directive.

Furthermore, a Member State may determine the conditions under which an association may bring legal proceedings for discrimination prohibited by Directive 2000/78 and for a sanction to be imposed in respect of such discrimination.

By Stefan Nerinckx, Fieldfisher



THERE IS MORE TO YOU THAN MEETS THE EYE

About twenty-five years ago, my parents and I had to leave our home country due to unfavourable conditions for Kurds in Turkey. Growing up in a foreign country with a different culture and language was daunting and made me aware of the concept of diversity from an early age. As a professional adult, it did not take long for me to see that diversity is multi-layered and complex, with a profound impact on how organisations function.

When we think of diversity, we usually think of gender, religious beliefs, ethnicity, race, marital status, age, disabilities, education, and so on. What makes a person who they are is, however, much more than what is visible to the naked eye. Diversity has many more dimensions; it is evolving as fast as society. One aspect of diversity that is often overlooked is what goes on in the heads of the various people we meet over the course of our lives. Together with these people, we make millions of decisions - whether tiny or not. These decisions eventually shape our personal and professional lives. We seldom wonder how those decisions came about.

We have probably all been in a group situation where someone seemingly effortlessly solved a particular problem, while other group members were still scratching their heads. This is partially because we often forget that every person has a different way of processing information, learning, thinking, perceiving the world, and solving problems. Some people are good with data, facts, logic, and exact knowledge. Some individuals are good with planning, control, and procedures, while others are good at creative tasks where they can redefine the world with their imagination. During my student years, it always struck me how some people were so good at things like complex mathematics. However, these same people scored much worse on literary subjects so it became clear to me that this was not necessarily a matter of intellect.

Say, for example, you had to paint a picture with five buckets of paint but the buckets all contained blue paint. Aside from the fact that you could play around

THOUGHTS ON MENTAL HEALTH DURING COVID AND BEYOND

with the white canvas, there would be little room for diversity. If, on the other hand, you had five buckets of paint each containing a different colour, you could paint a colourful picture. This reasoning is applicable to working with people who think and perceive things in different ways. When your whole team is painting with a bucket of blue paint, you should not expect a Picasso painting. It is, therefore, incorrect to think that composing diverse teams solely based on gender, age, or other common characteristics will have a great impact on professional results. Just because these teams may be diverse on a superficial level, does not guarantee cognitive diversity.

One thing that I noticed personally in job interviews at the start of my professional career, was that organisations tend to recruit people who think the same as each other. You often have to take personality and analytical tests during these procedures. What these tests tend to ignore however, is the potential benefits of recruiting someone who thinks and perceives things differently. If everyone you recruit thinks and perceives things in the same manner, there is little room for change. Someone's approach to solving a particular problem, perhaps the only logical way to that person, may not be the same as how others would solve that same problem. It is important to realise this, especially when working with different people towards a common goal.

There are a large number of identifiable models and measures regarding cognitive styles. A person's cognitive style usually will not change over the course of his or her life. By understanding these differences between people, teams can actually achieve their goals more easily. These variations in thought and perception have a concrete impact. In today's world, especially highlighted by the COVID-19 crisis, organisations that are open to change and innovation are the ones that will survive. In an organisation, when no one challenges the status quo, this is probably because there is too much tunnel vision. In conclusion, I would recommend that when organisations talk about diversity and inclusion that they also consider different cognitive styles.

By Hebun Baybasin, Steptoe



During the first lockdown most of our support and care were focused around providing resources and forums to help people understand, share and set themselves up to adapt. The second lock-down is different. How do we help our people and guide them through the second lock-down and in the long term? It is my firm conviction that closeness, empathy and human touch are the way forward. Time will show and life circumstances will teach us, but for now, if we want to help people solve their own mental health issues and, even better, give them the tools to prevent future mental health issues, we need to develop a more personal touch.

Mental health was the rising "hot topic" in the legal industry before the pandemic, in particular in the US but also increasingly in Europe. Despite the obvious benefits of supporting the mental health of people in the industry, dealing with, and talking about, mental health topics was a sensitive topic. As is still the case with diversity and inclusion, the expectation was that improved support required business metrics and numbers which ideally resulted in a positive ROI.

Perspectives have changed rapidly with the sudden rise of the pandemic and the first lockdown in March. Caught in the midst of a completely new and unknown situation, every single person was affected. What was predictable was that mental health would become an urgent human problem affecting individuals and businesses alike. Concern for the health of our people and preparation for the longer-term negative impacts on the economy became key topics for management. The uncertainty around the duration and potential long-term effects on the economy, gave rise to widespread anxiety. For many, exhaustion stemming from children being home from school or day care and high-risk family members at home then added another layer of stress.

During the first lockdown most of our support and care were focused around providing resources and forums to help people understand, share and set themselves up to adapt.

Many law firms reacted very swiftly by offering worldwide training and an enormous number of resources, live meetings and workshops on dealing with mental health, parenting and remote working routines. Online kids play and story time hours were available, but some of us went further to offer racial injustice workshops and knowledge sessions plus LGBTQ forums. I mention these latter topics because, although we put them in the Diversity and Inclusion bucket, our social environment and trauma caused by racial, gender, religious, social, generational or any other kind of discrimination, all affect our personalities and are at the very core of our mental healthiness.

Existing wellbeing programs blossomed in the virtual environment. Our people attended sessions on hot topics like, how does anxiety play out in the pandemic, how do I set boundaries (given that the physical ones of the office have disappeared), how do I build up resilience? Kids and clients became an integral part of the virtual programs. Regularly checking in with people via worldwide and local emails was an important tool to give each of us a sense of belonging, validating our challenges despite the physical distance.

We all had a hands-on live training on work-life-integration.

Over the summer, despite difficult moments, we had to learn to adapt to the new parameters and even recognize some positives: appreciating the simple pleasures and being grateful for what we have. How many of us realised how few things we actually really need? Working from home eliminated our commute and gave us more time to enjoy the great outdoors, nature and the weather.

LOCKDOWN



However, some people still keep wishing for “normal” to come back. This is not unusual. It is what our brains do with what we know as familiar. In fact, we were experiencing collective grief for our usual way of life and were not yet ready to let go. Some of us struggled, not least because of the inability to travel and move around freely. We felt trapped. The inability to go to events or see friends and family was (and still is) more difficult to bear for those who rely on a bigger social network as a core pillar of their wellbeing. Nevertheless, the old way of life we were grieving had many negatives that were clearly not sustainable in the long term. We need to move forward. We need to learn to act and live in a sustainable way, focus on our core needs and live our lives in balance with nature.

The second lock-down is different. How do we help our people and guide them through the second lock-down and in the long term?

We are now in the midst of a second lockdown. Infection rates are much higher and tracking is becoming increasingly difficult. The Black Lives Matter movement and the turmoil around US election has affected people around the world, not just the US. Although, for now, most schools and day-care centres are still running, research shows that burnout is

skyrocketing with a great increase in prescription medication and women carrying a disproportionate burden of family responsibility. Loneliness is increasing as are mental health issues stemming from the pandemic. In our workplaces, the longer the crisis continues, the higher rises the anxiety around layoffs, economic fallout and schooling responsibilities. At the same time, our lack of physical closeness in a remote work environment, a general misunderstanding of emotional stress and a failure to provide sufficient support to our people exacerbates their general reluctance to raise issues relating to a need for leave or reduced hours.

We need to raise to the next level of assistance we give to our people. Some of the tools we have offered in the past, and thought to be useful, have turned out to be not so effective. For example, the employee assistance programs most firms offer are seldom used. Few people actually use anonymous helplines and the counselling offered, in the same way they do not use the tremendous database of online exercising, listening to recorded talks or workshops etc. Why is that the case? The easiest answer is that these offerings do not have a personal touch and the number of resources we have is so overwhelming that people lose the ability to choose. To this end, as institution, we **need to map out**

the real needs and maybe adjust our toolkits and benefits around that to ease orientation through the thicket of topics.

It is my firm conviction that **closeness, empathy and human touch are the way forward**. Time will show and life circumstances will teach us, but for now, if we want to help people solve their mental health issues and, even better, give them the tools to prevent future mental health issues, we need to develop a more personal empathetic touch and help them do the same. This means, having a closer look at ourselves, at the pain we carry (individually or collectively) in order to empathize and help others understand their pain and move through it. It would be much too easy if we could solve our difficult issues “just” by providing resources and benefits and assistance. As we saw in the US elections, just reminding people that they have the right to vote is not enough. It takes calls, plans and even taking people by the hand to get them to eventually vote. As humans, we react and interact best if we are touched emotionally. If we feel the warmth and protection of others. If we feel heard and seen. If we have a sense of belonging. We need to **touch the pain** inside ourselves to help each other understand and act with empathy. How do we do this?

» We need to **train and empower people to understand** their own **distress** and that of others.

What are the signs that someone is not feeling well? How do we go beyond the general “how are you doing question” and the “great, I am so busy” answer and encourage people to open up? How do we get into conversations of substance in a virtual environment? Open and sincere questions are the way. Call people just to talk to them. Reach out without a specific need or request. Ask whether there is anything they are struggling with today, are they sleeping well. Offer a safe space to release frustration or complain. Obviously, the more we know people, the easier it is to break down barriers. Remember sometimes the people we know the least are the easiest to open up to.

» We need to **encourage people on an ongoing basis to seek help** and have (personal) help available for them. Being personal and truly listening to others to understand their needs is a skill. As with every skill, we get better at it with practice. Start at home, start with your closest relationships. Listen without preparing on your answer and your own perspective while the other is talking. Offering help and encouraging people to

seek and accept help without the fear of stigma is based on trust. However trust is not a status quo, it is something we earn with each single conversation and exchange. It takes a long time to earn it and just one remark to lose it. Leading by example is key in the process of removing stigma.

- » We also need to **build our sense of a community** that works and belongs together. We can do this by organising challenges, virtual or other events (outside in nature), by making virtual events fun, by calling people just to talk, by developing kindness to each other and understanding.
- » It all boils down to **empowering everyone, ourselves included, to learn and practice self-care**. Teach others what self-care means, why it is important, what the main components are and how they tie together. The times of “the more the better” will wear out – including in terms of work. Purposeful and efficient work will give our

focus on self-care another positive twist in time. The pandemic teaches us that there is silence that we need to learn to bear since office chatter or busyness will not always be available to hide behind. Building mental strength, setting self-care priorities and boundaries, learning to cope and adapt to circumstances is, again, a matter of awareness and practice. Whether you are in a leadership role or not, being a role model for self-care is key to encouraging others to do the same.

Some may argue we are just reacting in the midst of a huge crises and that it is impossible to learn to swim while drowning. That is true and we need to provide immediate special assistance to those who are drowning. For the others, the time to start swimming lessons is always now.

“The author wishes to thank Caroline Williams for her contribution to this article”.

By Dr. Angela Kerek, Morrison Foerster



DISCOVER ROAD TO GLORY VZW/ASBL

Why does Road to Glory exist?

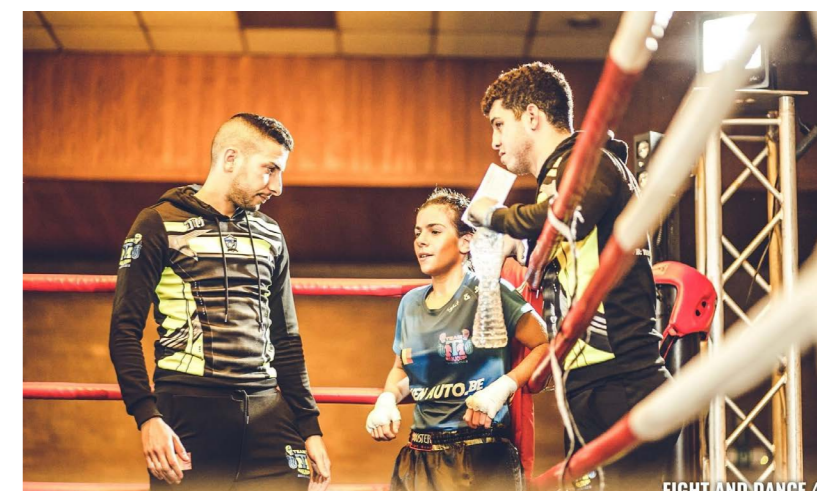
Recent incidents, like the Blankenberge riots where youths clashed with the police and the looting following the Black Lives Matter protests, has opened the discussion on how to prevent these destructive behaviours by solving the underlying problems. The reality is that there are youths, often raised in underprivileged circumstances, who have trouble fitting into society. Their behaviour is not what we would call “socially desirable”, for example drug abuse, criminal behaviour, radicalisation and absenteeism in school. In combination with their depiction on the news and on social media, these youths feel more and more excluded with increased polarisation as a result.

Probably involuntarily and unconsciously, most existing Belgian non-profit organisations fail to reach the young people described above. Why? Because most of these initiatives have one thing in common, they offer intellectual programmes and are mostly not oriented to youths with a criminal record.

Road to Glory, a recently established non-profit organisation, is convinced that these young people can be inspired and guided to find their place in Belgian society, so takes a fundamentally different approach.

What does Road to Glory offer?

Road to Glory has designed three intertwined programmes, which involve kickboxing, a buddy system, and education.





Kickboxing programme

Research shows that intensive sport can be a way for young people to acquire discipline, give them self-confidence and make them feel part of a group. As the name of the first programme suggests, Road to Glory aims to achieve these benefits through kickboxing. Why kickboxing? To begin with, in the tough world in which these youngsters grew up, kickboxers such as Rico Verhoeven, the Boughanem brothers and Anissa Meksen serve as role models and attract their attention. Secondly, kickboxing is a sport where the individual is central and personal effort is rewarded. At the same time, the young people get the opportunity to belong to a group with common constructive and positive goals. Thirdly, participants can channel and process their frustrations through kickboxing.

Road to Glory offers kickboxing training (± 200 trainings per year) and a full set of equipment to its participants. The trainings take place in one of the biggest kickboxing clubs in Brussels and are led by Nabil Mahjoubi, a kickboxing world champion and a school teacher in Brussels.

Buddy programme

Every participant will be assigned a “buddy” who will be responsible for his or her moral support and who will ensure that he or she is being heard and believed in. The buddies (who reflect ethnic and gender diversity) have other socio-economic backgrounds and will train with the youngsters. By merging these different worlds, the youngsters will feel valued, rather than confronted with familiar derogatory comments. They will see that

someone believes in them and wants to help them get their lives back on track. The current buddies are lawyers (some of them working in LDIA member firms), investment bankers, consultants, politicians and influencers.

Education programme

Participants will also need to attend events, seminars and workshops (organized by Road to Glory in collaboration with its partners and sponsors). This education programme will teach them useful and practical skills to find their place in society (again), such as tips for job applications, dealing with aggression, non-verbal communication, etc. The education programme is tailored to the needs of every young person and takes into account his or her ambitions and talents. We work with strengths, rather than focusing on weaknesses.

How are participants selected?

Road to Glory selects young people who will commit to participating in the three aforementioned programmes. The following criteria are taken into account during the selection process:

- » the socio-economic situation of the candidate;
- » the difficulties the candidate has had to face in his or her life; and
- » the candidate’s motivation to get his or her life back on track and to participate actively and intensively in the three programmes.



After an interview with the potential candidate, in which these three elements are examined, the candidates are ranked. Based on this ranking, Road to Glory offers spots depending on its available private and public funds.

Road to Glory started in September 2020 with 19 young people. Recently, government support has been granted to offer a total of 100 places to underprivileged youngsters. This is a beautiful beginning, needless to say, more youngsters are in need of support. The more resources and funds Road to Glory is able to gather, the more youngsters we will be able to include in our programme.



How will participants stay motivated?

The combination of the different programmes will create a strong bond between the participants and the buddies. Participants will feel part of a group that encourages one another to improve and grow. Furthermore, Road to Glory has implemented an innovative rewards programme for participants who continuously and intensively participate in the three programmes. These rewards can range from entrance tickets to kickboxing galas or new equipment, or even a training camp abroad.

How will the programmes be financed?

Road to Glory is financed through private funds (sponsoring and gifts) and public funds (government grants and other support measures). To date several sponsorship deals have been reached. Road to Glory has also partnered with Baker McKenzie Belgium. Through this partnership, Baker McKenzie Belgium sponsors 15 (!) underprivileged youngsters and assists Road to Glory in various other ways.

All the funds will be used exclusively to finance the kickboxing programme and, to a lesser extent, the rewards programme. The costs of the kickboxing programme cover the training fees, insurance, rent of the building and the purchase of equipment. Road to Glory was able to partner up with the legendary kickboxing brand NIKKO SPORTS to provide a complete set of equipment.

No one involved will receive any remuneration whatsoever. The founders, buddies, and partners are all contributing to Road to Glory on a voluntary basis.

What is the ultimate goal?

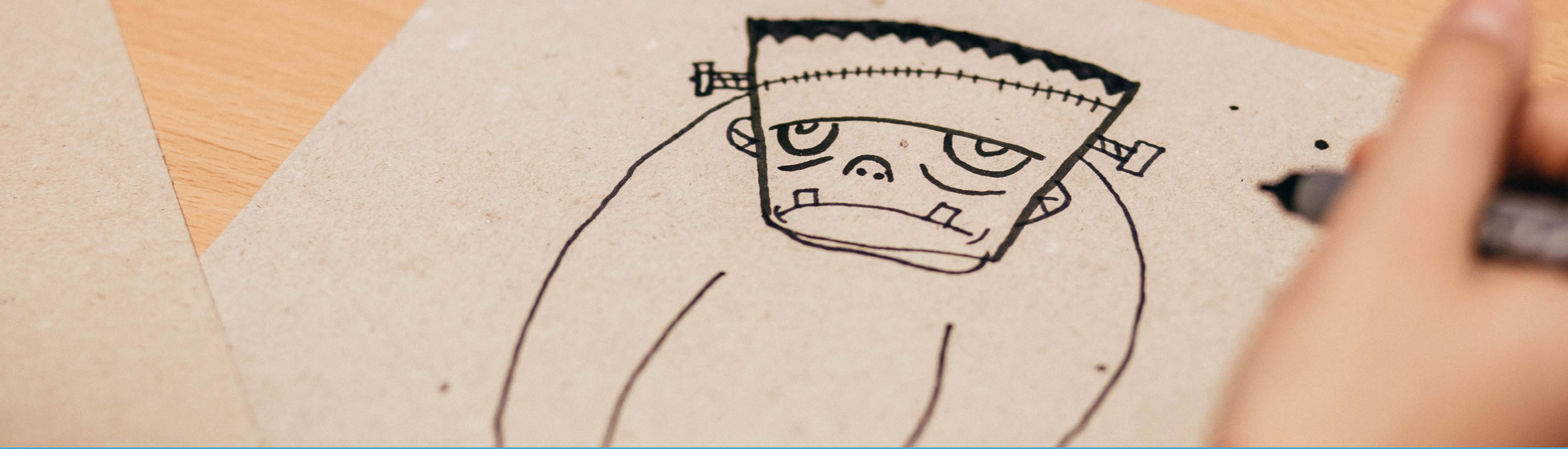
The aim of Road to Glory is to help a group of youngsters not sufficiently reached by existing non-profit initiatives. Kickboxing attracts underprivileged youngsters to a social project that will support and guide them to get their lives back on track. Road to Glory aims to be able to help as many young people in need of support as possible. Road to Glory’s mission is based on the most basic principle of inclusion, i.e. everyone deserves a place in our society regardless of social background, religion, culture, gender, criminal past, etc. because the world simply is a better place when everything that distinguishes us is brought together for a common ground: for all to just live in peace. Road to Glory VZW your help to make that possible.

Are you interested?

Given the growing interest and funds, we are in urgent need of new buddies. If you are interested in becoming a buddy (you do not need any prior kickboxing experience); wish to help in organising events, seminars, and workshops in the framework of the education programme; or wish to sponsor the project financially please send an e-mail to info@roadtoglory.be. For more information, visit the following website: www.roadtoglory.be.

Thank you for being inspired to contribute!





THE BEAUTY BIAS

You might remember that in my previous article I shared with you how my artistic education influenced my life and vision. My parents taught me not only how to listen but also how to look consciously.

My father would take thousands of pictures with his Hasselblad 1000 and develop them in his photo lab at our home. I recall the smell of the developers, converting the latent image on the film to macroscopic particles of metallic silver, and the stop bath, a dilute solution of acetic acid, which halted the action of the developer. When the orange light above the door was on, it meant no opening of the photo lab door during the film development. Negatives hung above our heads in the photo lab to dry. Once printed, my father would lay out the pictures on the table in his workroom and ask me to choose my favorite, but only if I could justify my choice. He would invite me to look beyond what was visible. He taught me to explore the link between seeing and perceiving, to go beyond the visible as a merely aesthetic category or, as John Berger writes in his 1980 essay on the American photographer Paul Strand, to explore “the meaning and enigma of visibility itself”.

My father loved taking pictures of people. When we would visit an exhibition, he would not only take pictures of the art on display, but would also come home with many pictures of the visitors too. We would have great fun inventing names and imagining the background and job of each visitor. He would often challenge me not to judge someone by his looks. He would ask me to summarize the similarities between two people before talking about their differences. I learned through this exercise that what two different people have in common is always greater than what differentiates them. Circumstances tend to blind people to that fact.

You can find very interesting articles about unconscious bias in the previous editions of this magazine, but there is one unconscious bias that I would like to address here, that is the “beauty bias”, also known as “lookism”. Though one of the most pervasive and prominent biases, it is hardly ever acknowledged. By definition, “lookism is discriminatory treatment toward people who are considered physically unattractive”.

When thinking about beauty, my first thought goes to Mary Shelley’s classic novel “Frankenstein”. We all remember reading or watching the story where lookism became judge and jury, condemning Frankenstein’s creature to a life of torment and loneliness, while transforming him into a demonic being full of hate. From the monster’s first breath, he tasted his creator’s scorn. Victor Frankenstein could not even look at the hideous monster he had created. The monster, formed from a combination of body parts from various corpses, had a skin color not common to the population of that time. Shelley wrote her novel in 1818, during the growth of an appearance-based society. She brought to life the biases and character flaws of people of her time, and revealed the repercussions of these flaws for her readers to ponder and analyze. Vivid details of events, presented with an array of emotions, uncover the narrow limits of her generation’s basic understanding of those who are different.

Many intellectuals would have us believe that beauty is inconsequential. Since it explains nothing, solves nothing, and teaches us nothing, it should not have a place in intellectual discourse. After all, the concept of beauty has become an embarrassment. However, there is something wrong with this viewpoint, as Nancy Etcoff puts it in her book *Survival of the Prettiest*: “Outside

the realm of ideas, beauty rules. No one has stopped looking at [beauty] and no one has stopped enjoying the sight. [...] We can say that beauty is dead, but all that does is widen the chasm between the real world and our understanding of it.”

A pro-attractiveness bias already exists in education, with studies showing that physically attractive students tend to obtain higher grades at university, partly because they are deemed more conscientious and intelligent, even when they are not. Furthermore, attractiveness already helps students to get into university in the first place, by eliciting evaluations that are more favorable during college admissions interviews. This is consistent with the broader finding whereby attractive people are generally perceived as being more sociable, healthy, successful, honest, and talented. In fact, meta-analytic studies suggest that even children are deemed smarter, more honest, and driven, when they are more attractive – and children make the same type of inferences when they evaluate more or less attractive adults.

Unsurprisingly, the beauty bias transfers into the workplace, with scientific studies showing that less attractive individuals are more likely to be fired, even though they are also less likely to be hired in the

first place. For example, in an experimental study, researchers sent 11,000 CVs to various job openings, including identical CVs accompanied by candidate photographs of different levels of attractiveness. Attractive women and men were much more likely to get a call back for an interview than unattractive (or no-photograph) candidates were.

Scientific studies also highlight a well-established association between long-term income and attractiveness, with above-average beauty translating into 10% to 15% higher salaries than below-average beauty. This beauty premium is similar to the one found for race or gender. Note that this effect is found even among highly successful individuals.

You could think that the solution would be to discriminate in favor of less attractive individuals, which would include people from minority groups who don't fit the dominant "beauty norms". When employers simply claim to ignore attractiveness, by focusing on candidates' past performance or interview performance, and interpreting these data as objective or "bias-free", there is no guarantee that less attractive candidates are not disadvantaged. It is no different from claiming blindness to race or social class, while selecting candidates for their academic credentials, even though these are actually conflated with race and social class. There is an unfair advantage to being deemed more attractive, and an unfair disadvantage to being deemed less attractive. Although employers can mitigate this bias by eliminating appearance data from their hiring practices, for instance by focusing on science-based assessments, past performance, and resume data, instead of face-to-face interviews, such measures will not be sufficient to eliminate bias. Historical biases are likely to have influenced even seemingly objective data. For example, if attractive people have been evaluated more favorably in the past, they will show up as high performers in their CVs, and so on.

In short, it's a challenging task to eliminate the beauty bias from work and make attractiveness a less significant driver of peoples' career success. One thing is clear however, we will never achieve it by avoiding the subject or pretending the bias doesn't exist.

Interesting reading: *The Power of Looks: Social Stratification of Physical Appearance*

There is a saying that beauty is in the eye of the beholder, implying that beauty is subjective. Can it be said that 'better looking' people have more social power? This book provides a fascinating insight into the social stratification of people based on looks – the artificial placement of people into greater and lesser power strata based on physical appearance. The author analyses different aspects of physical appearance such as faces, breasts, eye shapes, height, and weight as they are related to social power and inequality. For example, tall people are often associated with power, with tall people being seen publicly as more capable and thus more deserving of power than shorter people. The author moreover assesses how people's physical appearance affects their chances of marriage, employment, education, and other social and economic opportunities. The book contributes to and differentiates itself from current literature by emphasizing sociological theory – including constructionism and critical theory – and research to understand the phenomenon of social aesthetics, a term coined by the author to refer to the social reaction to physical appearance.

Interesting reading: *The Power of Looks: Social Stratification of Physical Appearance*, by Bonnie Berry

By Els Lagasse, Van Bael & Bellis

I AM
Remarkable

UPCOMING EVENT: LDIA 2ND ANNIVERSARY CELEBRATION

12:00 - 14:00, 2nd February 2021, *Save the Date!*

The Legal Diversity & Inclusion Alliance is pleased to announce that we will partner with **Google Belgium** to organize a celebration for our second "birthday".

We will be kicking off this festivity with an #IamRemarkable workshop.

#IamRemarkable is a Google initiative empowering women and other underrepresented groups to celebrate their achievements in the workplace and beyond. Many of us struggle when it comes to talking about our own accomplishments. Cultural and gender

modesty norms as well as impostor syndrome can prevent anyone from acknowledging their remarkable attributes and expressing their achievements.

Our speaker will be Mrs. Agapi Patsa, Legal Counsel for EU Affairs at Google Belgium.

This event will be followed by a short diversity quiz to mark another wonderful year.

By Kat Van Nuffel, Co-Chair LDIA

LDIA LAB - TAKING DIVERSITY & INCLUSION TO THE NEXT LEVEL



The Legal Diversity & Inclusion Alliance is pleased to announce that it will take their efforts to the next level by starting diversity and inclusion working groups through, what we like to announce as the **LDIA Lab**.

The LDIA Lab is an exciting new forum for those members who may not have time to attend regular LDIA meetings, but who are passionate about a particular issue they'd like to highlight for other LDIA members.

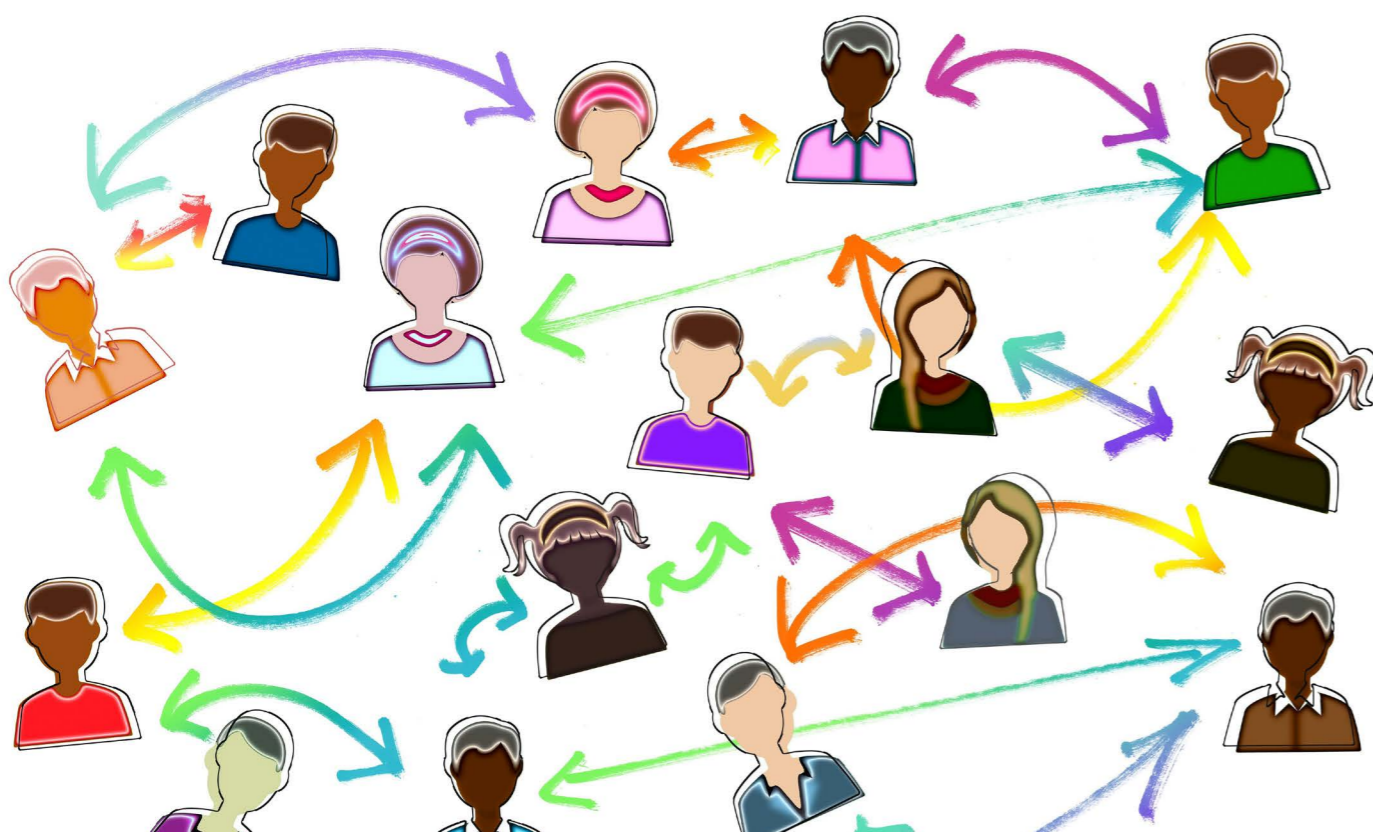
It was born from the contacts we have had from members after previous events, members who had ideas for digging further into specific topics, but who may not have had the resources or know-how to launch a project.

As we have seen in 2020, more and more of the larger firms are taking up the challenge to plan and organize

LDIA themed discussions, but we want all our members to have this opportunity no matter their size. LDIA's mission is after all to share good practices and combine efforts. We are committed 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. It is time to put words into even greater action.

We see the LDIA Lab as a think tank or brainstorming space for those with ideas, experience, knowledge or passion who want to join with a small group of like-minded individuals to develop a specific project.

Only together we can do better!



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

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