

ESG
LAW FIRM STRATEGY

A faded rainbow? Allyship after Pride Month

Kate Broer and Ben Allen of Dentons explain why law firms should deploy year-round allyship to build a safe space for LGBTQ+ authenticity to transpire



As companies pack away their rainbow-versed logos and the glitter settles on Pride Month 2023 in many parts of the world, the LGBTQ+ community will continue to confront challenges in relation to sexuality and gender in the workplace. Law firms and industry at large have made huge strides with declaring positive intent and increasing engagement around key diversity, equity and inclusion (DEI) topics. But beyond the colourful marketing opportunity that Pride Month offers, what are the industry strategies and cultural shifts which could result in maintainable and scalable inclusion and representation in our workforces and communities?

According to the 2023 **Insight Report** from the World Economic Forum and Global Parity Alliance – a cross-industry group committed to advancing DEI - in 2020, it was estimated that companies worldwide spent \$7.5 billion on DEI-related efforts, a figure that is projected to more than double to \$15.4 billion by 2026. Further, based on a study of US and UK-based companies, at the current rate of change, it will take another 151 years to close the global economic gender pay gap. Executive teams will take at least 29 years to see gender balance (for men/women) and at least 24 years to reach parity in ethnic diversity. Data is still too sparse to systematically estimate global gaps for racial equity, disability inclusion while the diversity of sexuality and gender is still mainly suppressed across our planet.

Tokenism is not limited to Pride Month, but the issue of 'rainbow washing' (the practice of a company presenting itself as supportive of a community and its rights while potentially still enabling actions or policies that are inconsistent with those claims) is a current flashpoint for many, at a time when 'buying with intent' assures the DEI values of providers aligns with

your own. The rainbow flag should signify; *it is safe to be yourself with us*. But if an organisation has not done the work to address systemic issues internally to improve the overall experience for people within the community, they are potentially placing people in harm's way by not providing the safe space they are advertising. This behaviour will put an organisation at risk of damaging discrimination cases, causing employee backlash, high turnover and reputational damage to their brand.

New reputational landmines lay bare organisations' rainbow washing as they fail to maintain their commitment to their DEI values when tested. **Brand boycotts** from anti-LGBTQ+ groups have threatened profits for major retailers and consumer brands who maintain their public support. Other organisations who honour their commitment to LGBTQ+ inclusion cite their diverse workforce as a key driver. *"When you're a company like ours, that is extremely diverse with many employees in so many countries across the world, people need to know that their voice can be heard and that they have a sense of belonging and inclusion,"* said Mike Parra, chief executive of DHL's Americas business, in the face of recent backlash.

Global firms have a unique challenge in presenting a 'one-firm' stance, while navigating cultural differences across their organisation in geographies which are at varying stages of acceptance and, in some cases, legalisation. There is an opportunity in parallel with that challenge - to increase learning and empathy, and to see results of diverse teams in action.

There is no playbook to combat the potential for backlash, and the commodification of Pride and other days of significance means that rainbow washing and tokenism are likely here to stay. But, to future-proof a firm's investment in DEI and turn the positive intention from those rainbow-versioned logos into significant impact, it is critical that organisations demonstrate year-round efforts and investment to fully embed inclusion across their firms.

Allyship programmes in law firms are instrumental in engaging employees to become effective allies to people from historically underrepresented groups. In consultation with those groups, these examples of action can help achieve positive change:

- **Allyship Skills-building:** Conducting allyship skills-building programmes can help employees understand the experiences and challenges faced by marginalised

groups within the legal profession. Through skills-building exercises, firms can not only build employees' awareness but, critically, can help them to know the specific actions each employee can take to improve the experience of others and to develop the skills needed to make a meaningful difference. While allyship skills-building programmes can and should cover topics such as unconscious bias, systemic discrimination, and inclusive practices, they must also provide participants with practical tools, strategies and actions they can use to become truly effective allies.

- **Networks:** Establishing diversity networks focused on specific communities can create a platform for support, networking, and advocacy within the firm. It is vital these groups are a safe space for identifying individuals to share their experiences, connect with one another and foster belonging. Crucially, however, overall responsibility for driving inclusion, diversity and equity in the firm should not, lie with the networks. That responsibility should and must lie with the firm and its leadership. Networks can also be a place for non-identifying members of the community to engage and participate to enhance their understanding to cultivate champions for an inclusive workplace (allies).
- **Mentorship and Sponsorship Programmes:** Implementing formal mentorship and sponsorship programs can facilitate the development and advancement of individuals from historically underrepresented groups. Allies can volunteer to serve as mentors or sponsors, providing guidance, support, and advocacy for their mentees' career growth.
- **Diversity and Inclusion Committees:** Forming committees dedicated to diversity and inclusion can help drive allyship initiatives. These committees can be responsible for assessing and improving the firm's policies, practices, and culture, as well as organising educational events, workshops, and initiatives to promote inclusion. It is vital that participation in the Committee and its work is recognised as an important contribution to the life and business of the firm and not relegated to the realm of "nice-to-have" and unrewarded volunteerism.

Creating a safe and open environment for dialogue, where individuals can share their perspectives, concerns, and experiences, is crucial for effective allyship. Establishing feedback mechanisms, such as anonymous surveys, allow employees to provide input on the firm's allyship efforts and suggest areas for improvement.

Allies can, and should, work collaboratively with people from historically underrepresented groups to revise policies, ensure inclusive language, and implement practices that support diversity, equity, and inclusion. Regularly reviewing existing policies and practices within the firm to identify areas that may perpetuate bias or discrimination, is essential.

As challenging as it is for law firms to recruit and build diverse workforces, so, too, is it to retain talent from underrepresented backgrounds and ensure they have resources to climb the ladder. According to a 2022 study examining diversity across major US law firms, while 4.17% of lawyers identify as LGBTQ+ across law firms, only 2.56% of lawyers identify as such at the partner level. Mid-level and C-Suite allies have a critical role to play in retaining employees from underrepresented backgrounds and empowering them to grow across an organisation. Relying on programming and educational efforts is simply not enough.

Retention is as key a priority as recruiting. A study from The Law Society in the UK finds that a lack of visible role models in the workplace continues to create negative experiences for legal professionals who identify as LGBTQ+. In fact, a lack of role models at work was the most cited pressing issue for gay men (42%), lesbian/gay women (55%) and bisexual individuals (78%). Positive role models in legal workplaces not only create inclusive, positive experiences for LGBTQ+ employees by leading by example but can help cultivate supportive networks that offer employees the resources to advance professionally and lead to a long-term uptick in retention.

Lawyers and law firm professionals do significant due diligence when searching for their next opportunity. What they are looking for in addition to fair remuneration and benefits, is a safe space and authentic representation, all year-round – and fair opportunities to grow. Robust allyship beyond Pride month is crucial to communicating that you stand by the LGBTQ+ community – not just in the month of June but year-round.