**Call for Input: References to Religion in CBA Bylaws and Policies Relating to**

 **Equality, Diversity and Inclusion**

**Issue**

The attached resolution 20-09, which was sponsored by the CBA Constitutional and Human Rights Section at the CBA’s 2020 Annual General Meeting (AGM), called for references to equality, diversity and inclusion in the CBA’s bylaws and policies to be amended to include religion in any list of enumerated grounds. Due to time constraints, the resolution was tabled to the 2021 AGM.

The Equality Subcommittee is consulting with members of the CBA Equality Liaison Group on whether the definition of diversity in the CBA Bylaws, which was adopted in 2019, should be amended to explicitly mention religious groups.

**Background**

The CBA’s governing documents make several commitments to diversity. Some examples:

CBA Mission Statement includes promotion of equality in the legal profession and the justice system by:

(a) assisting in the elimination of discrimination within the legal profession;

(b) assisting in the elimination of discrimination in the practice of law and in the provision of legal services;

(c) providing programs and services to ensure equality in the legal profession and the justice system; and

(d) assisting in the elimination of discrimination in the law and the administration of justice.

CBA Bylaw No 1

s. 18: Board of Directors collectively must reflect the diversity of the legal profession

s. 21(2)(c): Board of Directors has specific duty to ensure diversity throughout the CBA

s. 33(2) Demographics to be considered in selecting Board candidates include diversity, official language, stage of practice, practice type, and Section perspective and experience.

CBA General Regulations

s. 15(3): Governance and Equality Committee is accountable for implementation of equality policy and actual diversity across the CBA

s. 17(1): Equality Subcommittee is dedicated to achieving equality in the legal profession, in particular on the basis of sex, gender, sexual orientation, gender identity, race, national or ethnic origin, colour, religion, language, age or disability.

s. 19(2)(f): The Board will appoint the chair and members of the Board Committees, Subcommittees and Task Forces, taking into account the diversity of the legal profession and the qualifications and demographics identified for each Committee, Subcommittee and Task Force.

CBA Sections Regulations, Part C

s. 8: Section Executive Committees will strive to ensure that the Officers and members-at-large represent the diversity of the legal profession, and the demographics and regional composition of the Section’s membership.

**Definition of Diversity in CBA Bylaw No 1**

At the CBA Annual General Meeting in August 2017, a suggestion to add a definition of diversity in the CBA Bylaws was referred to the Governance and Equality Committee. The Governance and Equality Committee delegated this task to the Equality Subcommittee.

The Equality Subcommittee proposed a definition of diversity that was adopted as part of the CBA’s Bylaw No 1 at the CBA’s 2019 Annual General Meeting:

“diversity” means the inclusion of members from a variety of backgrounds, with particular attention to representation in the Association of members from equality-seeking groups, including but not limited to women, LGBTI2S (lesbian, gay, bisexual, transgender, intersex and two-spirit) communities, Indigenous peoples, racialized and ethno-cultural groups, and persons with disabilities. Diversity is to be interpreted consistent with the evolving nature of equality issues

The definition was the result of the Equality Subcommittee’s consultations with representatives from the Women Lawyers Forum, the Young Lawyers Section, the Aboriginal Law Section and the Sexual Orientation and Gender Identity Community Section, the Chairs of Branch Equality Committees, and the CCCA Diversity Committee. All CBA members had an opportunity to discuss the proposed definition on CBA message boards before the AGM, and to debate the definition and propose amendments at the AGM. The resolution was adopted without amendment.

The Equality Subcommittee believed this definition reached an appropriate balance between being inclusive and clear, while also being concise. While the definition does not explicitly mention religious groups, it would include equality-seeking religious groups.

**Other Definitions of Equality and Diversity in CBA Operational Policies**

The definition of diversity in CBA Bylaw No 1 is adopted by reference in the Diversity and Inclusion Policy.[[1]](#footnote-2) The CBA Speaker Selection Policy references the definition of diversity in Bylaw No 1, and outlines a non-exhaustive list of factors in diversity.[[2]](#footnote-3) That list does not include religion.

**Request for Input**

The Equality Subcommittee seeking feedback about whether the definition of diversity adopted at the 2019 AGM should be amended to explicitly reference religious groups. If your section or committee has views on this issue, please respond to the questions below and briefly explain your reasoning:

1. Should the definition of diversity in CBA bylaw No. 1 remain unchanged?
2. Should the definition of diversity in CBA bylaw No. 1 be amended by adding religious groups after the existing reference to “racialized and ethno-cultural groups” as shown in Appendix A?
3. Should the definition of diversity in CBA bylaw No. 1 be amended to reference religious groups in another way?

Please send any comments from your section or committee in writing to Nadia Sayed nadias@cba.org by June 30, 2020.

**Appendix A**

Religious groups could be added to the definition of diversity in the CBA bylaws with the following change:

“diversity” means the inclusion of members from a variety of backgrounds, with particular attention to representation in the Association of members from equality-seeking groups, including but not limited to women, LGBTI2S (lesbian, gay, bisexual, transgender, intersex and two-spirit) communities, Indigenous peoples, racialized, ethno-cultural and religious groups, and persons with disabilities. Diversity is to be interpreted consistent with the evolving nature of equality issues

1. [CBA Diversity and Inclusion Policy,](https://www.cba.org/Who-We-Are/Governance/Policies/CBA-Diversity-and-Inclusion-Policy) April 2019. [↑](#footnote-ref-2)
2. [CBA Speaker Selection Policy](https://www.cba.org/Who-We-Are/Governance/Policies/CBA-Policy-on-Speaker-Selection), calls for reflecting diversity (including but not limited to, representation and balance for gender, race, ethnicity, cultural background, language, sexual orientation, disability and geography) [↑](#footnote-ref-3)