



A COURAGEOUS CONVERSATION

Diversity, Equity, and Inclusion and Workplace Well-Being

By Kim E. Moore and Darleene D. Peters

Editor's Note: This article represents a candid dialogue between two attorneys in the same firm. Kim, a Caucasian female, is one of four founding Equity Partners. Darleene, an African American female, has been a practicing attorney for 23 years, serves as Counsel for the firm, and is the firm's Diversity, Equity & Inclusion Committee Chairperson.

We do not need to conduct in-depth research to learn the legal profession is still considered one of the least diverse professions. Unfortunately, if you do decide to explore this issue further, you will see that we still have not made significant strides in advancing diversity while the myriad of reasons for this lack of progress is discouraging, to say the least. Nevertheless, the intent of this article is to serve as an educational and inspirational platform that will allow you to engage in conversations previously avoided to foster collaboration within your respective organizations leading to a more cohesive, stable, unified culture, and overall, a healthy and safe work environment.

Workplace Well-Being

Workplace well-being is an ongoing journey where a work environment is cultivated for employees to feel confident, empowered, productive, respected, safe — physically and mentally — recognized and appropriately rewarded, trusted, and valued. All workplaces have “issues”; however, a healthy workplace is one where employees believe that their employers are addressing “their” issues affording them the serious consideration they deserve, no matter their perceived magnitude. Employers have expectations too: That their employees will fulfill their responsibilities and do their best to contribute to their organization’s operations. Workplace well-being is a critical component to an organization’s culture and success. If you ask any former employee who has parted ways with an organization to provide the reasons for their departure, cultural consciousness is likely to be within the top three reasons.

QUESTION: How do you know if you have a healthy and well workplace?

MOORE: Our firm is comprised of approximately 120 attorneys and staff members. We are fortunate in that our mid-sized organization can provide some comradery and support to our employees, whether they are working in-person or remotely. We often work in multiple teams, which fosters accountability and frequent communications and check-ins, many of which are not work-related. Prior to the pandemic, we would routinely have team-building activities, whether it was monthly birthday celebrations, firm anniversary celebrations, staff appreciation lunches, community service projects, holiday gatherings, etc. Although the law firm environment can be particularly challenging when organizing such activities due to numerous scheduling conflicts, we are pleased to report that turnout and participation at these team-building events have been impressive.

Another benefit of our size is that we consider ourselves a “family,” so like a typical family, we are not perfect. We often know when others are facing challenges as well as when they are celebrating accomplishments and successes. Our goals are to assist employees when needed and to celebrate employees accordingly. Currently, many from our firm are on the mend from the devastation caused by Hurricane Ida at the end of August. The firm immediately went into action, reaching out to employees, offering financial and housing assistance and more. A significant number of employees also contributed efforts including monetary donations, offering housing, and providing cleanup assistance. Sometimes the challenges of real life can bring us closer together; similar to what has happened with DEI efforts within our firm.

We rely on our people, and our firm believes that this builds and strengthens our connections, morale, and results in better productivity. We are proud to report that most of our employees have been with us more than a decade and our firm is only 23 years old! Our people are our greatest asset, and we do not take this for granted.

PETERS: In the absence of employees voicing their concerns, first behaviors that should be assessed are employee engagement, as well as absenteeism and presenteeism.

Absenteeism describes a pattern or occurrence of “unplanned” absences from work. For example, how often do employees miss work on a Monday and/or Friday? Are employees frequently taking extended lunches or breaks, or leaving early? When this happens on a regular basis, this can be a sign of some level of burnout, disinterest, exhaustion/fatigue, harassment, and even conditions and illnesses brought on by stress.

Presenteeism occurs when employees are working at times when they should not be, for example, when ill, at odd hours, working lengthy hours, or when juggling multiple projects, and the employees feel a need to constantly be responsive and/or work, even at times when they are not expected to do so. This can lead to frequent mistakes, frustration by all who are involved, and overall resentment by the employee as well as the employer, who may not be cognizant of the behavior. The big problem with presenteeism is that although the employee may be physically present, they are not engaged or fully productive. Presenteeism can even be an oxymoron in certain instances when the employee is “there,” but “not there.”

Employers should also consider whether employees are withdrawn, combative and/or disruptive. These patterns are often demonstrated by employees who feel marginalized or have experienced some workplace injustice that they either do not know how to or comfortable with articulating.

Never discount the informal discussions among employees. The rumor mill is and will always be a source to learn about employee satisfaction and dissatisfaction. However, this has always been territory that is off-limits to upper management! This is a great segue to the next question.

QUESTION: How can upper management learn more about addressing employees' concerns? How does all of this intertwine with the issue of diversity, equity and inclusion and its impact on workplace well-being?

MOORE: Everyone has seen how recent events have forced open conversations that remained relatively closed for far too long. If you want to see what lies behind the doors, you are unable to do so if the doors remain closed. Unfortunately, even when doors were opened, the discussions were often awkward, and many remained fearful about having sincere discussions about the issues they were dealing with, particularly as they relate to DEI. We could not, and were not, having those courageous conversations because most of us were afraid to have such conversations outside of our safe “family” circles. We also saw how having these conversations outside those circles led to criticism, misunderstandings, and further frustrations. So, we often remained silent. However, when we realized our silence could be equated with acceptance, many of us turned from our silent ways and began to use our voices to effect change for good, and most importantly, to finally be heard and to make a difference.

PETERS: As a 52-year-old African American female attorney who has been practicing law for 23 of those years, I have lived and experienced “diversity dilemmas” for most of my lifetime. In 2020, I began to learn more about diversity than ever before. As a result of more mind-opening dialogues, I became more comfortable with sharing what I learned. I did not experience “diversity fatigue” and embraced all the conversations and questions. I also learned diversity was about so much more than “ME” — it was about more than race, gender, family status, sexual orientation, etc. It was the constant hope and wonder of whether others were looking beyond “ME” while simultaneously looking at “ME” and wondering what did they actually see and did I even care?

Like many others, particularly BIPOC, of course I cared, and one of my primary concerns was to make sure that I was appreciated and valued in the same or similar manner as my colleagues, whether it was in the workplace, professional organizations, and in my private circles. I am fortunate to work at a firm that has DEI as one of its core values. We are still working on it! However, there are still many organizations that do not, whether they are aware of it or not. As a result, those organizations will not flourish or grow and will eventually lag as they fail to embrace and value the world in which we live. Diversity must be about more than just a “business case.”

QUESTION: How can we use DEI to improve workplace well-being?

MOORE & PETERS:

The first step is to acknowledge that something must be done. Silence is NOT golden. When employees feel disconnected or that their employers are turning a blind eye to the most obvious issues, they will exit. Often, these are the “unexplained exits” as by the time the employees decide to leave, they have already made up their minds that they do not matter, that voicing their concerns will have no impact, and that they should now shift to self-preservation mode to be able to function and be healthy and well, for their next employment opportunity.

By the time you have these discussions “at the door,” it is often too late to effect change. Now an unhappy former employee is heading to the outside world where they may spread stories of your workplace culture (true or not) to the outside “rumor mill.” Rectifying those perceptions can be nearly impossible. Do not forget that former employees often maintain some contact with a former coworker they befriended. So, what do you do?

Just like any other condition or illness, employers must consistently check the temperatures of their employees and the organization. Open communication, confidence, and trust are reciprocal foundational tools required to cultivate strong working relationships that will lead to a stronger work environment. Start discussions that validate your sincere concerns about employees and not simple exchanges of the usual pleasantries about weekend plans. Another unique idea is to *call* your employees and/or co-workers and check in on them. Now more than ever, in this world of continued distancing, a phone call is often much appreciated and unexpected. Schedule lunch or coffee/tea to reconnect and find out what is going on in their world. This speaks volumes. Show that you care.

Employees should be able to view their “workplace” as more than just a place where they report to work, whether in-person or remotely. The “workplace” must be perceived as a community that is working together to achieve certain goals. To have a healthy workplace community, DEI must be a priority. Your organization should also have specific DEI policies and practices and ensure that they are understood for effective implementation and measurement. Education is critical, and both employers and employees must understand and appreciate what DEI is and what it is not. We lead AND follow by example.

DEI is not an amorphous concept — it is about people and whether they feel as if they are a part of your organization. Do they fit in? Do you even notice them? Can you even pronounce or remember their names? How does your leadership team look? Are they a diverse group? Are there any efforts in place to make that happen?

Our firm, like many other organizations, provided mandatory DEI training for our Partners. We also provided a series of mandatory DEI discussions for our employees, and Partners were required to participate in these as well. It is just that important. Everyone must learn that DEI is more than just the often-visible characteristics that make us all unique or part of a certain group. It is the embracing of the cultural, disability status, ethnic, familial status, gender, religious, sexual orientation, traits, etc. that make us who we are. Despite our differences, we are all to be treated fairly, recognized, rewarded, and supported by being a part of an environment where these

differences do not, or perceive to serve, as a derailment to our growth and success within our organizations.

Be proactive, not reactive. Be transparent with your expectations, goals, objectives, and requirements about what it takes to keep climbing the ladder, rather than employees feeling more like they have hit a brick wall or glass ceiling. Invest efforts, money, resources, and time in your people. Your people are your brand, and what is your brand saying about you?

Employers *and* employees should establish SMART goals, track them, and readjust where needed. What gets measured matters. Do your actions align with your stated objectives? Employers *and* employees should routinely self-examine and ask, “Am I doing what I can do to advance DEI efforts within my organization?”

Diversity, equity, and inclusion matter. Workplace well-being matters. However, it takes a village to make all of this work together.



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