



Why is diversity so important and why should it matter to you?

Diversity in the workplace has long been driven by legislation (e.g. the Equality Act) and focuses partly on visible differences between people - gender, race and disability for example. These are all very important but the true value of diversity comes from the diversity of perspective that people from different backgrounds can bring to a business.

If you have a team of people around the table who were all educated and trained in a similar way and have relatively similar backgrounds, they would likely work very well together as a team with a high degree of amity. Their shared perspective and affinity could however mean missing out on a different angle and lead to missed opportunities to innovate or be successful in a new market or even to overlooking a risk. When a team comes together that are from different backgrounds, they are better able to challenge each other, come up with new ideas, be creative and plan for risks. This is particularly important when you consider how diverse clients can be.

The definition of diversity today has expanded beyond the protected characteristics outlined in the Equality Act and recognises the differences that make each of us unique, such as life experiences, parental status, education and cultural background. Leading organisations see the value that different perspectives bring to the table and the importance of this diversity of thought. The conversation has moved on from box ticking statements like, "We need more women at senior level" to "Do we have the right variety of perspectives to deliver innovative solutions to complex global problems?" It is no longer good enough merely to have a diversity policy in place and monitor the demographic breakdown of the workforce. The most successful organisations link their diversity initiatives relating to recruitment, promotion and retention to organisational culture and staff engagement.

Having a diverse team on its own is not going to guarantee new clients or more innovative solutions. To reap the rewards diversity brings to any business one has to consider the other part of the equation - inclusion. This means creating the right kind of team environment and culture where people feel able to be themselves. If people feel able to bring their whole self to work without trying to fit into the majority culture, then they are more likely to be more engaged at work. When people are more engaged they are more productive and will feel more comfortable presenting their ideas. Creating this kind of work environment will help teams leverage the benefit of the diversity in the team. An inclusive culture creates the right environment for innovation and greater productivity.

What does an inclusive culture look like?

Inclusion is much more than developing tolerance and saying the 'right' thing. To foster an inclusive culture requires changes in behaviour. It also requires a greater level of self-awareness. We quite naturally unconsciously gravitate towards people who are most like us. This bias is both normal and necessary. Each day we make decisions about what is safe and appropriate and what is not. Dr Joseph LeDoux, a neuroscientist at New York University who pioneered the study of emotions as biological phenomena, suggests that this 'danger detector' also helps us determine whether someone is safe or not before we can consciously process the thought. This primal response is hardwired into us from the time when people lived in small homogeneous communities and similar equalled safe whilst different equalled danger.

Where this has an impact on the workplace is when this unconscious reaction translates to us offering subtle advantages to those like us that are not offered to colleagues on the

Registered Office 5th floor, 63-66 Hatton Garden, London EC1N 8LE

Email: admin@ipfederation.com | Tel: 020 72423923 | Fax: 020 72423924 | Web: www.ipfederation.com

Limited by guarantee Registered company no: 166772

outside. People who are different to us or are part of a minority group are most likely to be in this 'out' group. In order to create an inclusive culture it is imperative to bring these unconscious biases into the conscious and force ourselves to widen our view. Employers should promote awareness to all employees to think consciously about who are the people to whom they consistently allocate work, whom they greet more enthusiastically in the morning and whom they avoid inviting to lunch.

To be inclusive leaders it is critical for decision makers to be aware of their unconscious bias and to challenge themselves and their decisions. If the people being put forward for promotion and assignments are not reflective of the demographic of the pipeline, it is time to ask some tough questions about who is being advantaged. Equally, if the pipeline of talent coming into the business is not reflective of the student population then something needs to change.

Diversity is not about putting men at a disadvantage or taking opportunities away from men. Inclusive leadership ensures that people from all backgrounds have an equal opportunity to succeed and achieve their ambitions through transparent processes and decision making. This transparency benefits everyone. Areas like career structure, presenteeism and leadership roles need to be redefined to reflect the values and expectations of the new more diverse cohort.

We cannot continue doing the same thing and expect a different outcome. If we want the profession to evolve in a positive way, there needs to be a shift. This means tapping into alternative talent pools, changing behaviours, challenging ourselves and refraining from intuitive decision making. This kind of change will feel uncomfortable and indeed, if we feel comfortable, we are not doing enough.

Changing the face of the profession

Within the legal sector the majority culture has long played to the advantage of the white, middle class man. The student demographic is however changing the pipeline into the profession. Millennials have different expectations for their careers. More women than men are going into the law and there are many initiatives to widen access to young people from disadvantaged socio-economic backgrounds. The unfortunate truth is that women and minorities are less likely to be recruited, sponsored or mentored, less likely to be allocated career advancing work and more likely to be underscored in their appraisal. As a result they are less likely to be promoted or retained. We have seen a number of initiatives in the legal profession including PRIME, a legal sector wide commitment to widening access to quality work experience for young people from disadvantaged socio-economic backgrounds and the introduction of contextual and blind recruitment methods to level the playing field at entry level for young people from all backgrounds. Many large firms have also introduced gender targets to ensure that the percentage of women in leadership roles is reflective of the talent pool.

The UK intellectual property sector has been described as traditional, conservative and technical. Unsurprisingly, like other sectors, it has also seen a change in the client demographic. Competition for work has increased with European patent attorneys. More and more work is originating from markets such as China and India. Clients will always demand technical expertise but they are also looking for lawyers who are quick thinking and adaptable. Increasingly they are also looking to work with people that have made an effort to understand their way of thinking and doing business. To compete effectively and to meet the demands of the culturally diverse business, those within the industry have recognised the need to take specific measures to enable it to attract people from different social and cultural backgrounds.

One such initiative is the IP Inclusive task force¹, whose objective is to advance diversity and inclusion within the IP profession as a whole. The IP Federation, alongside a number of key IP centred associations (such as CIPA, ITMA and FICPI-UK) has declared its commitment

¹ <http://www.ipinclusive.org.uk/>

to a range of IP Inclusive initiatives relating to awareness promotion, training and support. The IP Inclusive Charter for Equality, Diversity and Inclusion has also been established to create a standard to which organisations can aspire. The Charter is a public commitment by signatory organisations to adhere to the principles of equality, diversity and inclusion in all aspects of employment practice, especially recruitment and retention, career development and workplace ethos. Signatories to the Charter have access to practical support, including model policies and standards to enable them to take action that really makes a difference.

There is also activity targeted at school-aged children. Developed by the UK IPO and funded by OHIM, the website crackingideas.com was launched in November this year, offering free teaching and learning resources to pupils ranging from as young as 5 to those in higher education. It is designed to attract the interests of the younger generation including inputs from the likes of Wallace and Gromit and popular music. Its objective is more general, being to promote the understanding of the principles of IP and IP rights, but it is bound to make IP and all things IP associated much more accessible by young people from all backgrounds. Familiarisation of IP widely and early would seem to be vital in spreading interest and influencing the career planning process of the younger generation.

Promoting inclusion and creating a more diverse profession is a shared responsibility towards which everyone can make a contribution, whether it be by supporting programmes and initiatives such as the IP Inclusive Charter, offering work experience to a young person from a disadvantaged background or by challenging oneself by working with and socialising with colleagues from different backgrounds.

Sacha de Klerk, Diversity and Inclusion Manager, Norton Rose Fulbright LLP,
25 November 2015