

Podcast

Why Workplace Representation Matters: LGBTQ+ Attorneys Share Stories of Inclusion

By Christopher M. Repole, Jessica C. Shafer & Parth P. Jani

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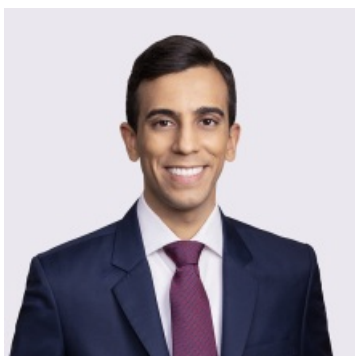
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Businesses that embrace non-discriminatory practices and enforce robust anti-harassment policies create an environment where LGBTQ+ employees can thrive. By fostering a culture of inclusivity and safety, these companies not only support their employees in being their authentic selves but also leverage the unique perspectives and talents that come with diversity.



Transcript

INTRO

Embracing non-discriminatory practices including enforcing robust anti-harassment policies create an environment where LGBTQ+ employees can thrive. By fostering a culture of inclusivity and safety, employers can not only support their employees in being their authentic selves but also leverage the unique perspectives and talents that come with diversity.

On this episode of We get work™, we speak with Jackson Lewis' lawyers about the importance of workplace inclusion for LGBTQ+ employees' careers, their personal experiences of mentorship and allyship, and the legal and human factors employers should consider when developing and enforcing non-discrimination policies.

Our hosts today are Chris Repole, principal in the New York City office; Jessica Shafer, of counsel in the firm's San Francisco office; and Parth Jani, associate in Jackson Lewis' Orange County office. All are active in the LGBTQ+ community and are members of Jackson Lewis' Out Professionals and Allies in Law employee resource group.

Chris, Jessica, and Parth, the question on everyone's mind today is: Why is it essential for LGBTQ+ employees to use their perspective and experiences to create a sense of community and belonging in the workplace, and how does that impact my business?

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Diversity, Equity and Inclusion

Chris M. Repole

Principal, New York City

It's really good to be here with Parth and Jessica. We're happy to be here to discuss this important topic. I think it's going to be a great discussion about a topic that Jackson Lewis hasn't really covered before in its podcast in exactly this way. On previous podcasts, we've talked about the participants' personal experiences being out in the workplace and we've talked about legal updates pertinent to LGBTQ+ employees. But I don't know that we've taken quite this approach, which is to talk about whether and how we, as members of the LGBTQ+ community, use our personal perspectives and experiences when thinking about workplace inclusion and advising clients on inclusion.

I've had the privilege of being someone who's out in the workplace. I bring my husband to firm events, and that hasn't been a challenge to me personally. I'm very lucky in that regard. I know that's not the case for everybody, but for me, being out in the workplace has been an asset. I do bring my personal experiences to bear when advising clients, particularly in areas like discrimination and advising on DEI programs, and definitely in my capacity as co-chair of the firm's Out Professionals and Allies in Law (OPAL) attorney resource group (ARG), which Parth and Jessica are both members of. So, I really am very lucky in that regard.

Jessica, I'll start by asking you whether and how your personal story and identity inform your work, particularly when we're talking about workplace inclusion.

Jessica C. Shafer

Of Counsel, San Francisco

Like you, I am out in the workplace at Jackson Lewis. I have a history of working for a few other firms, some of them large and some on the smaller side. Two of those firms had attorney resource groups, like the one we have here, OPAL. Another one of those firms did not have a group like that.

Having that group at my disposal and having other members of the community that I can talk to has been invaluable to me in growing my career, especially at Jackson Lewis. In my experience, it really creates a sense of community and belonging that I didn't have at other firms that didn't have ARGs — attorney resource groups, sometimes called employee resource groups or ERGs in other places. For me, it really has created a safe space, and I think that's true for a lot of people. It's a space where we can share experiences and professional challenges related to our membership in this LGBTQ+ community without fear of judgment. To me, that has been invaluable.

Repole

Parth, you're also a member of OPAL. Do you feel like being a part of that group and your identity, generally, inform how you talk to clients, particularly when you're talking about issues like inclusion, DEI programs, and things like that?

Parth P. Jani

Associate, Orange County

Yes, I definitely do. I'm fortunate to be here. I started off my career at Jackson Lewis, so I've had the OPAL resource group ever since I was a first-year associate. It allows me to have mentors and community within the group and then take the advice that I get from our mentors in the Opal group. I'm able to use that when speaking to clients, advising, and reminding them to get employee buy-in when they are doing ARG groups. So, OPAL, to me, has been another resource group that I can use to give advice to clients as well. So, it's really nice for personal and professional reasons.

Repole

I swear, as the co-chair of OPAL, I didn't plant those questions to get Jessica and Parth to say nice things about OPAL, but it's certainly good to hear. Taking your experience at OPAL and maybe at other firms that you've worked at, Jessica, what are some of the things you would advise the client to consider from a legal point of view or even a practical point of view when advising them on forming an ARG or maintaining an ARG?

Shafer

One of the first legal considerations that clients need to think about is that they need to ensure that their ERGs or ARGs align with EEO policies and don't inadvertently exclude or alienate employees. Depending on how the group is structured and how members are admitted into the group, it could create a perception of preferential treatment for certain groups. Clients should really think about that in forming these groups. ARGs also need to safeguard the confidentiality of their members, especially in regions where LGBTQ+ status could lead to stigma or discrimination. It could be that certain members maybe don't want to share that they are members of a certain community. Clients really need to think about that. They need to protect the confidentiality and the privacy of their employees where necessary.

Repole

I think that's a good point. One thing that I know that we look at OPAL to do is obviously we have group meetings and use it as a way for people to come together. But the leadership of the group and individual members of the group certainly talk to each other individually and make themselves available to talk to employees if there are those sorts of sensitive issues that people don't feel comfortable raising in the group.

Shafer

I think that's exactly right. Leaders of these groups need to be specifically trained in anti-harassment policies, and they need to be trained in how to create and maintain an inclusive, harassment-free environment. Another thing that I have told clients in the past is that they should make sure that members of ARGs know that LGBTQ+ ARGs should communicate clear pathways for reporting and addressing any inappropriate or harassing behavior. ARGs can be a form for that, so that's definitely something I recommend to clients. Beyond these legal considerations, there are some more participant-focused types of

considerations. With OPAL, I think, our missions and goals are really clearly defined. I encourage clients to have some sort of charter or mission statement that aligns with the company's broader DEI initiatives. On top of that, to really focus on actionable goals like mentorship, resource development, community building, and things like that.

Repole

One of the things that you said that really resonates with me is how important it is to make sure that people view the out professionals, ARG or any employee resource group as being inclusive as opposed to exclusive. In the case of OPAL, it's built into the name, right? We are out professionals and allies and we're open to anyone. I think that's really key in messaging to employees when you're talking about groups like that. They are meant to be a place where anyone can come together, even if the title of the group is focusing on a particular community.

Parth, one of the things that you said that really resonated with me was when you talked about mentorship. I know that in OPAL, we certainly have aspects and programs that focus specifically on mentorship. Just talking more generally, I've been the benefit of great mentorship through ARGs. Do you view mentorship either in an ARG or generally as being particularly important when it comes to LGBTQ+ employees?

Jani

I definitely do, Chris. One of the main things about that is now you've created a safe space where you have something in common, someone who you can learn from their path. I definitely am lucky enough to have you, Jessica, and other members of OPAL where I can learn from — whether it's how you get clients or how you network within the firm. Those are two different things that we're taught as associates: The partner is your mentor, and the client is as well, so you want to learn how to navigate that pathway in a law firm and as well as outside. Hearing from your guys' experience and other members and other mentors really gives me advice and things to do. For me, one size doesn't fit all. That's why you can learn from different people.

Repole

I think mentorship and ARGs are part of DEI programs more broadly. There's been so much in the news recently about DEI programs and challenges to DEI. My experience, at least, has been that many clients, even if the messaging around diversity, equity and inclusion has changed, are still focusing on the same values — on inclusion, on making sure that people can bring their whole selves to work and that people are welcome in the workplace.

Just thinking about DEI and inclusion more generally: Parth, do you feel like your membership in the LGBTQ+ community changes how you think about DEI and those issues that are in the news so much right now?

Jani

I definitely think it does, Chris. It kind of brings a heightened awareness of intersectionality for all of us. We're all going through different ways of how we're approaching DEI, but being in this organization and this community keeps me mindful that there are different ways to approach DEI and there's different things that employers, ARGs and ERGs can do to create an inclusive group.

Repole

That's been my experience as well. I think that it's easy to say inclusion isn't really something we have to think about if you're not a member of one of the communities that traditionally has been perhaps marginalized in some way. So, I definitely share that perspective.

Jessica, if a client came to you for advice, in this day and age in particular, on whether to improve its DEI program, how should they do that? Are there particular things that you would advise them to do to be particularly inclusive of LGBTQ+ employees or other groups of employees? Or would you advise them to think more broadly? How would you have that conversation with a client worried about these issues?

Shafer

That's a really good question.

The first and most important thing that I advise clients is that they need to ensure that non-discrimination policies explicitly cover sexual orientation, gender identity and gender expression. Where I can, I advise that they offer LGBTQ+-inclusive benefits: partner benefits, family leave, gender-affirming care, those types of things. That would be the first thing that I tell clients: Make as a principal goal becoming more inclusive of LGBTQ+ employees.

Another thing is some clients are interested in training and allyship. I have told them you can provide training on LGBTQ+ inclusivity, covering pronoun usage, for example, unconscious bias, those kinds of things. I like that Jackson Lewis allows us to change our pronouns in our email signatures. That's one small thing that I like that Jackson Lewis has done to be more inclusive of our community.

Coming back to the ERG and ARG topic, employers can create or enhance LGBTQ+ employee resource groups with dedicated resources to them, implement mentorship and sponsorship programs to address unique challenges that LGBTQ+ employees face.

Those are a few things that I advise clients to do.

Repole

So much of what you said resonates with me, particularly in the area of mentorship and ERGs. To me, the common theme when we're talking about DEI programs, when we're talking about our community, in particular, is that whatever it is that the firm wants to do or the client wants to do on these issues, it really does have to come from the top. There has to be a demonstration of support from the most senior parts of the company, of the firm. This isn't meant

to be an ad for Jackson Lewis, but I can say this in good faith: We certainly have that at Jackson Lewis. I think that's one thing that I advise clients on as well. It's all well and good to have these programs in place and to have these initiatives. But if the senior people in the company aren't promoting them and talking about them and talking about the importance of these things, very often the will to implement and maintain them goes by the wayside. That's certainly something that I think you also need to keep in mind if you're a client out there, that you're getting that support from the senior parts of the organization.

Parth, there's so much focus now on inclusion and whether DEI programming is something that continues to get the focus that it has now. Regardless, how can employers who do value their DEI programs, who do value inclusion, how can and what can they do to demonstrate that support?

Jani

Most of this has been answered by all the great suggestions that Jessica gave. One of the main things is re-emphasize their mission statement and take a second look at it. Along with the initial stages of putting it together, I think one of the biggest things to do is employee check-ins. Once the group has been established, employers also need to take that responsibility of "this has been set up; now, throughout time, we also have to adapt." The best feedback they can get is from their employees, so create that channel as well. That's one way that they can continue to maintain that they're showing their support.

Repole

I absolutely agree with that. I think the theme that I'm hearing from both of you is that you need to make sure that you do these things: You need to make sure that you comply with the law, but it is not a 'one-and-done, just set it and forget it' sort of system. You need to make sure that you're being mindful and continuing to tweak these programs — whether it's an ARG, your mentorship program or your DEI program, more generally — to make sure that you're (a) in compliance with the law and (b) that employees are engaging with it and that it is working.

One of the great things about our community is that we see lots of great employer initiatives in the workplace. But there's also the broader community outside of the workplace. I'm thinking of the many great legal organizations out there that put together conferences, community organizations and events supporting people in our community. I certainly, and I think Parth and Jessica, you too, have been the beneficiary of participating in those sorts of community organizations and events. How, if at all, have you participated or benefited as a lawyer participating in those aspects of our community?

Shafer

Absolutely. I personally have attended the Lavender Law Conference that Lavender Law puts on every year. I haven't done it every year, but it's been a great experience in networking with not only other LGBTQ+ lawyers but also allies. I think there are other opportunities that regularly present themselves.

Chris, you were talking about organizations, nonprofits like Lambda Legal, the Trevor Project, those kinds of advocacy organizations. I've done a little bit of work with each of those, and each time, I've been so rewarded with the relationships that I have come away with, both professional and social. Partnerships with those kinds of LGBTQ+ organizations can do a lot, and they can go very far for employees.

Repole

We're lucky at Jackson Lewis that the firm really has facilitated us as attorneys participating in those. I certainly advise other employers if they really do value the sorts of things that we're talking about, like inclusion and equity, facilitating those community events, and participation in the community events is something that pays dividends.

If you're an employer that wants to facilitate participating in events like the ones Jessica is talking about, other community initiatives, participating in conferences, what are some things that employers can do to facilitate that and to make that participation in the broader community more possible?

Jani

I would definitely advise employers to see if there's a local chapter of an LGBTQ+ organization or if there's even a local college organization or law school organization that also partners. That's one way that employers can get involved. The easiest way to get access and get their employees involved is to do pro bono.

Repole

What are things that employers who do want to facilitate that sort of community involvement can do?

Shafer

I think one of the more inspiring things that I've seen here at Jackson Lewis has been employee-led volunteering. There are certain members of OPAL that have done a great job of organizing volunteer activities, Pride events, youth mentorship types of events and other community outreach events that are just really inspiring. I think a lot of people in our group, but beyond our group too, have really enjoyed participating in those events.

One thing that can go a long way is if employers offer incentives for participation in these types of groups and events. Employers can recognize and reward employees who participate in charitable efforts by spotlighting their efforts in newsletters or other firm publications. I have seen that a few times here at Jackson Lewis, and you know, every time, I think it's such a wonderful story to hear.

Repole

Parth and Jessica will be too modest to say this, but they're definitely people that have done those sorts of things and facilitated them for other members of

OPAL. So, hats off to them.

I want to say this has been a really great discussion. We've covered a lot. As you can see from the things that Parth, Jessica and I have talked about, there is not a one-size-fits-all answer to making sure that you're fostering inclusion in the workplace. There's a lot to think about. Don't hesitate to reach out to any of the three of us or the Jackson-Lewis attorney that you work with if you have any questions about this important topic.

Thanks so much.

OUTRO

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