

Supplemental Material

Tab #7: How to Incorporate Cultural Safety into Client Interactions

While people from all walks of life can experience many of the same forms of family violence, certain individuals and groups may also experience marginalization, racism and other forms of discrimination.¹ Family violence should be understood within the broader context of historical oppression and the current realities that many Indigenous peoples and marginalized and vulnerable groups in Canada face. It is important to understand that intersecting social identities (e.g. race, gender, immigration status, age, religion, Indigenous identity, physical ability, sexual orientation) and experiences (e.g. education, mental health, previous trauma) can affect how an individual experiences family violence and how they access supports and resources. For instance, if an Indigenous woman has experienced family violence, it is important to understand that her experiences may be shaped by her gender and Indigenous identity as well as by intergenerational trauma caused by historical practices in Canada, such as residential schools.

Cultural safety practices aim to counteract the harms of racism and discrimination and mitigate the potential trauma and lack of safety that people may experience as they seek help.² Cultural safety is inextricably linked to trauma- and violence-informed practice: both are needed to ensure clients feel respected, comfortable, and acknowledged as persons with unique life circumstances.

Cultural safety requires systems, organizations and individuals to be responsible for ensuring that the environment is safe for everyone. It asks people to be more attentive to the judgments and assumptions that may be driving their thoughts, actions and practices, and focuses on counteracting the everyday impacts of racism and discrimination on people's lives. Cultural humility is an important part of cultural safety. This involves making a lifelong commitment to: learning, understanding and respecting different perspectives and lived experiences, self-reflection and self-critique.³

Culturally safe care is particularly important when working with Indigenous and Black peoples in Canada, given the history and ongoing effects of racism, colonization, and slavery. It is important to understand the significant social and racial barriers individuals often face in engaging with policing and legal systems.

Many persons from other communities also face barriers navigating the legal system and accessing justice. For example, newcomers to Canada, those in rural and remote areas, 2SLGBTQ+ persons, and persons with disabilities may face unique barriers in navigating the legal system and accessing justice.

Stereotyping and negative social attitudes toward persons from diverse communities continue to shape their access to legal services, their experiences of the justice system and their outcomes.⁴ In situations of family violence, it is especially important for legal advisers to be aware of and consider these barriers when supporting their clients.

Key features of a cultural safety approach for legal advisers include:

- ▶ creating interactions and environments that are safe, accepting and non-judgmental;
- ▶ taking steps to offset the inherent power imbalances between themselves as a legal adviser and the person coming to them for services; and
- ▶ being conscious of and actively working to counteract the implicit biases and stigmatizing judgments that can negatively affect their work with clients.

The following can help legal advisers incorporate a cultural safety approach into their practice.

1. Take an implicit bias test

Taking an implicit bias test will give you a glimpse into how we judge everyone we encounter, and how we are continually evaluating who is a productive member of society, who is most deserving of services and who has the most legitimate legal needs or concerns. These implicit biases, which operate unconsciously for the most part, are not “just” the product of our individual psychologies. They reflect the wider social interchange of ideas operating in Canada – in our schools, the justice sector, the media and in everyday conversations inside and outside our homes.

An example of an implicit bias test can be found here:

<https://implicit.harvard.edu/implicit/langchoice/canada.html>

If you want to overcome your implicit biases, it is important to be aware of your own biases and slow down your decision-making to reflect on what may be causing you to act or react in a certain way.⁵ To increase awareness of how implicit biases may be influencing your views of your clients, their personal circumstances, or your interactions with them, you might ask:

- ▶ How might my views of this person be influenced by stereotypes or biases that I might not fully recognize or even realize I hold?
- ▶ How have my upbringing and personal circumstances influenced my views of particular people or groups of people?

- ▶ What assumptions about this client might be operating in the back of my mind? How might those assumptions be influencing my thoughts about this client, what they should or should not do, why they are or are not taking action, or what they might want?
- ▶ What might be influencing how this client is interacting with me? What is influencing how I am reacting to them? How does asking myself these questions open up my perspective and/or create a broader view of this client and their circumstances?

2. Do a cultural safety walk-through⁶

Doing a cultural safety walk-through prompts you to consider how your practice environment might affect clients and whether they are likely to feel welcome, and culturally and emotionally safe. Put yourself in your client's shoes and imagine what it might be like for them to be in your physical and social space.

Ask yourself questions about the following, such as:

Physical space

- ▶ Is this a place where people from my local community will feel welcome, acknowledged and recognized as community members? Will they feel they belong? For example, are there signs or messages that reflect the local languages used in your community? Or is the assumption that everyone is fully literate and can read English or French?
- ▶ Is there anything about the ways in which people in your office interact with clients or how your office is laid out that might make clients feel uncomfortable, unwelcome or judged (e.g. spaces that look intimidating rather than inviting, not having someone to welcome clients to the office)?
- ▶ What could you (or your office/colleagues) do within the physical space to help clients feel that they are welcome? For example, can you add visuals that promote a positive space for 2SLGBTQ+ clients?

Social space

- ▶ Who greets the client and how?
- ▶ What questions are asked? When and how are they asked?
- ▶ What kinds of power relations are at play? Be aware that there are inherent power dynamics between you and your client, which may be even more apparent depending on your client's culture and background. How might past experiences with the legal sector be influencing the client's current experiences?
- ▶ Are you from the same cultural community as the client? Some clients may have concerns related to their privacy if they belong to the same community as you. This may prevent them from feeling comfortable and/or disclosing their full experiences to you.

- ▶ Be cautious about asking people a seemingly innocuous question such as, “Where are you from?” It’s a simple question that’s often asked as a way to get to know someone better, but the question can stir up a multitude of negative or contradictory emotions for some people. For example, this may engender fear for persons who have experienced stigma and discrimination in Canada based on their country of origin.

3. Learn about your local community and resources

Knowing about your local community and local resources will help you implement a culturally safe approach. For example, you will be better able to anticipate how to communicate effectively, offer support in ways that align with people’s actual needs, convey a sense of understanding and recognition of people’s circumstances, and find resources that are suitable for your clients based on their individual circumstances.

Key things to understand about your community include:

- ▶ Who are the people/populations in your local area? How do you pronounce the name of the community, for example, the name of a religious group or a First Nation? What terminology should you be using (e.g. for 2SLGBTQ+ clients, for clients with a disability)?
- ▶ Who are the local Indigenous communities where you work? Acknowledging Indigenous lands, rights, and peoples is a starting point to understanding the long presence and histories of Indigenous peoples as well as their historical, social, and physical locations. Be aware that some Indigenous peoples prefer to be called by the name of their specific nation or community.
- ▶ Where are newcomers to Canada arriving from?
- ▶ What are the languages frequently spoken in your local area?
- ▶ What do relationships look like in different cultures and religions? How do your clients view the gender roles in their family?
- ▶ Consider how factors, such as income, affordable housing, education, language, racism and other forms of discrimination, geography, gender/gender identity, and sexual orientation affect different people’s quality of life in your local area.
- ▶ What culturally appropriate family violence support services and resources are available in your local community, including for example, Indigenous liaison workers?
- ▶ Remember to avoid making assumptions or generalizations about your clients based on their culture, religion and experiences.

For more information about cultural safety, you may wish to consult the following resources:

- ▶ EQUIP Health Care’s Equipping for Equity Online Module 4:
<https://equiphealthcare.ca/equipping-for-equity-online-modules/>
- ▶ Canadian Bar Association’s Unconscious Bias Resources (2020):
<https://www.cba.org/Sections/Women-Lawyers/Resources/Resources/2020/Unconscious-Bias-Resources>

- ▶ Roberto Aburto and Natalia Thawe's presentation slides on Unconscious Bias in the Profession from the 28th Annual Institute of Family Law Conference (2019): <https://canlii.ca/t/sqcd>
- ▶ San'yas Indigenous cultural safety training: <http://www.sanyas.ca/>

In addition, you might find the following resources helpful with respect to working with Indigenous persons:

- ▶ Guide for Lawyers Working with Indigenous Peoples (A joint project of the Advocates' Society, the Indigenous Bar Association, the Law Society of Ontario): https://www.advocates.ca/Upload/Files/PDF/Advocacy/BestPracticesPublications/Guide_for_Lawyers_Working_with_Indigenous_Peoples_may16.pdf
 - ▶ Law Society of Alberta, Indigenous Education Series: Guide for Lawyers Working with Indigenous Peoples: <https://www.lawsociety.ab.ca/resource-centre/key-resources/webinars/indigenous-education-series-guide-for-lawyers-working-with-indigenous-peoples/>
 - ▶ Law Society of Ontario, Indigenous Initiatives: <https://lso.ca/lawyers/practice-supports-and-resources/equity-supports-resources/indigenous-initiatives>
 - ▶ Canadian Bar Association, Truth and Reconciliation Resources "Take Action": <https://www.cba.org/Truth-and-Reconciliation/Resources/Take-Action>
 - ▶ Lorna Faden, Communicating Effectively with Indigenous Clients (An Aboriginal Legal Services Publication): <https://aboriginallegal.ca/downloads/communicating-with-indigenous-clients.pdf>
 - ▶ Department of Justice Canada, Principles respecting the Government of Canada's relationship with Indigenous Peoples (2018): <https://www.justice.gc.ca/eng/csjsjc/principles-principes.html>
-