ABSTRACT

This paper discusses what it means to bring a feminist lens and feminist principles to not-for-profit ("NFP") governance, how feminist principles intersect with equity, diversity, and inclusion ("EDI") principles, and whether similar lenses are being applied in the governance of other NFPs.

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EXECUTIVE SUMMARY

Feminist perspectives on governance are primarily concerned with promoting equality within organisations. There is, however, no one way to advance equality within an organisation. A myriad of feminist organisations practice feminist governance differently. For example, equality can be promoted through non-hierarchical leadership, decision-making, and organisational structures, pay equity, promoting women leaders, and crafting more substantial care and intersectional policies.

These practices can, of course, slow down decision-making and be difficult to navigate in an otherwise hierarchical and patriarchal society. However, it is possible to meet external obligations, while practicing feminist governance internally.

Equity, diversity, and inclusion are feminist principles that overlap, but are distinct from each other, and should each be considered and implemented individually. There are a number of ways to implement these principles throughout an organisation, such as through EDI policies, committees, hiring and governance practices, and training.

Finally, Indigenous governance practices are based on the unique perspectives and needs of Indigenous peoples. Many feminist governance practices are similar to Indigenous governance practices.

INTRODUCTION

From March to September 2023 Women's Centres Connect (Connect) retained the firm of Pink Larkin to revise our governance structure documents including bylaws, policies, and procedures. As these documents were due for renewal we wanted to assure our clients, ourselves, our partners and funders that we were operating with a feminist lens, had embraced feminist principles within our governance and during the revision of these key philosophical and foundational documents. Therefore, we asked Pink Larkin to consider the following questions during their environmental scan prior to making recommendations to our governance model and documents.

What does it means to bring a feminist lens and feminist principles to not-for profit ("NFP") governance?

How do feminist principles intersect with equity, diversity, and inclusion ("EDI") principles?

Are similar lenses are being applied in the governance of other NFPs?

How do Indigenous perspectives on governance inform governance best practices?

The intent is that the following research will inform both Pink Larkin's recommendations but will also serve as guideposts for how Connect operates and interacts with our sister organizations.

DISCUSSION

1) Governance Best Practices for NFPs and Non-Profits

Before diving into a feminist understanding of governance best practices, it is helpful to understand some overall best practices for the non-profit sector. While these practices may not always reflect feminist principles, they serve as a starting point on which feminist ideas can build and some appear in discussions of feminist governance. Best practices in non-profit board governance includes ensuring that the non-profit has the following:[1]

- a board mandate that identifies and endorses the board's role and responsibilities;

- a code of conduct that promotes integrity and deters wrongdoing by the board;

- directors that are independent from the officers/management so the board can exercise objective judgement;

- an independent chair/lead director to strengthen objectivity and board independence;

- a board that is knowledgeable, competent, proficient, and has relevant or complimentary expertise;

- an orientation program for new directors to familiarise them with the role of the board and its committees and policies, as well as the organisation, its operations and hierarchy; and

- a method of periodically assessing the effectiveness of the board, its committees, and individual directors.

It is also of value to create a Skills Matrix for the board. This lays out the specific knowledge, skills, experience and attributes the board should collectively possess, as well as the values the board seeks to enshrine in its work. For many boards this includes values of Equity, Diversity and Inclusion (EDI) in both the appointments process as well as with how work is carried out. A Skills Matrix creates the foundation for strategic and meaningful board appointments and professional development.

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[1] Jeremy Farr, "Best Practices in Board Governance" (2008) online: <https://advance.lexis.com/api/perma-link/b81ebe78-dbbd-4993-8180-91e72185540d/?context=1505209>.

2) Feminist Principles and Governance

A review of academic literature and feminist organisations' policies, statements, and bylaws, supports that applying a feminist lens to governance is primarily concerned with creating greater equality within the organisation. Equality in governance manifests itself through leadership practices, decision-making processes, organisational structure, pay, positions, staff well-being, and intersectional policies.

2.1) Leadership, decision-making, and organisational structure

Mainstream models of governance are generally hierarchical, whereby power is vested in a few individuals, such as a board of directors.[2] From a feminist lens, such a governance model is seen as reproducing patriarchal relationships and reflecting privilege, power, and exclusion.

Feminist governance models, by contrast, move away from that structure. Feminist governance principles support that leadership practices, decision-making, and organisational structure should be less- or non-hierarchical. Women's organisations typically view "non-hierarchical organising as a tool for women's empowerment".[3] This is not to say, however, that there cannot be leaders or that those leadership positions are necessarily patriarchal.[4] Leaders, structure, rules, and management procedures are not the same as hierarchy.[5] On the contrary, a well-articulated structure can actually help maintain non-hierarchy and, even then, hierarchies can exist while practicing feminist principles.[6]

Ultimately, feminist governance "is not about getting "rid" of power; it's about sharing it, negotiating it, maybe even making it bigger if you can".[7]

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[2] Kaitlin Kelly-Thompson, Fernando Tormos-Aponte, & S. Laurel Weldon, Handbook of Feminist Governance, (Cheltenham, UK: Edward Elgar Publishing Limited, 2023) Chapter 9 at 113.
[3] Natalya Timoshkina, "Non-hierarchical organizing and international women's NGOs: An exploratory study" (2008) Library Archives Canada, online (pdf): <https://tspace.library.utoronto.ca/bitstream/1807/122288/3/NR44824.PDF>.
[4] Srilatha Batliwala, "Feminist Leadership for Social Transformation: Clearing the Conceptual Clouds", (2010) Creating Resources for Empowerment in Action at 23, online (pdf): <https://creaworld.org/wp-content/uploads/2020/11/feminist-leadership-clearing-conceptual-cloud-srilatha-batliwala.pdf>.
[5] Timoshkina, supra note 3 at 282.
[6] *Ibid* at 282.
[7] Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 9 at 118.

i) Characteristics of non-hierarchical organisation

Characteristics of a non-hierarchical organisation include some of the following:

- authority is distributed among all members of the organisation;

- critical decisions are made on the basis of consensus by all members of the group;

- division of labour is minimal and specific tasks are rotated among individuals;

- rules are minimal, largely unwritten and ad hoc;

- leadership is a temporary role assumed by each member through the rotation of chair, facilitator or equivalent positions;

- power is conceptualized as empowerment rather than domination;

- information, resources, and rewards are equally shared among all;

- the organisational process is considered to be as valuable as the outcome (the means are as important as the ends); and

- social relations are based on personal, communal, and holistic ideals.[8]

However, it should be noted, that without some written rules and decision making directions, boards and their work can go awry. Instead, it is likely prudent to find a balance between being prescriptive and principled. Organisations can avoid lengthy detailed procedures (which tend towards hierarchical organising), in favour of goal-oriented, aspirational principles and goals (e.g., engaging in debate in a way that is respectful and open-minded).

ii) Pros and cons of non-hierarchical organisation

A study of the non-hierarchical structures of nine women's international non-governmental organisations ("INGOs") found that there were numerous advantages to non-hierarchical organising, including:

- flexibility and adaptability;
- capacity to promote supportive, participatory working environments;
- stimulating human creativity, learning, personal growth and self-esteem;
- generating feelings of collective ownership, belonging and satisfaction;
- fostering individual empowerment; and
- helping break down fundamental socioeconomic and cultural privileges and hierarchies.[9]

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[8] Timoshkina, supra note 3 at 46-47.
[9] Timoshkina, supra note 3 at 278.

That said, non-hierarchical governance practices, such as consensus decision-making, can be slower and more time-consuming.[10] There can also be "messiness" and a lack of structure.[11] However, not every decision in an organisation must be made by consensus.[12] Critical decisions that will affect the entire organisation can be made collectively, while daily decisions can be delegated. Making this distinction clear and drafting clear policies, can offset some concerns about lacking structure and the time investment required to make even the simplest of decisions. Some organizations go so far as to identify in advance the type of decisions that require a majority vote, and others that can be decided by consensus.

There are also barriers and pressures from traditional hierarchies which make non-hierarchical structures more difficult to maintain (e.g., requirements for government funding).[13] Ways to withstand such pressures while maintaining a flatter organisational structure is discussed below.

Ultimately, the prevailing sentiment amongst members of the INGOs in the aforementioned study is that the advantages of non-hierarchical organising outweigh any disadvantages, and "that even the aforementioned disadvantages and weaknesses could be interpreted simultaneously as strengths and advantages, because they allowed organisations to be open to new arguments and multiple perspectives".[14]

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[10] Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 9 at 115.
[11] Timoshkina, supra note 3 at 278.
[12] *Ibid* at 282.
[13] *Ibid* at 278.
[14] *Ibid* at 279.

iii) Non-hierarchical and feminist organisations in the world

As will be illustrated below, non-hierarchical organisations do not have to be "purely" collectivist in nature and "non-hierarchical" structures come in many forms.[15]

Of the nine INGOs in the above study, five exhibited the traditional features of non-hierarchical organising, where decisions on critical issues were made by consensus, leadership was distributed and facilitative, and rules and policies were minimal and largely unwritten.[16] Notably, however, they would not qualify as an "ideal" collectivist model, where there would be complete equality between all members of the organisation.[17] Instead, the organisations acknowledged differences in skill and expertise and various categories of members (i.e., core activists responsible for daily operations, members who attend general meetings and select initiatives, and a looser group of supporters) had different levels of decision-making authority.[18]

Three other INGOs studied displayed hierarchies in that they each had an official headquarters. However, the headquarters' role was more facilitative than supervisory. It did not determine the member organisations' policies. On the contrary, member organisations were autonomous and chose to join the global INGOs voluntarily. They could raise and decide their own issues and "decision-making processes were fluid and consensual".[19]

Finally, the last INGO in the study exhibited a high degree of hierarchy. It had a global Secretariat comprising an Executive Committee and a Board of Officers, with numerous national and international chapters run by hierarchical boards.[20] However, there were mechanisms to limit the power of that hierarchy. The Secretariat took direction from their grassroots organisations, whose concerns and agendas were communicated to the highest level. Decisions were made by consensus or majority vote. The Secretariat did not interfere with internal affairs of its member organisations and did not determine their priorities. Again, their role was more administrative and facilitative.

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[15] *Ibid* at 280.
[16] *Ibid* at 259-60.
[17] *Ibid* at 260.
[18] *Ibid*.
[19] *Ibid* at 260-61.
[20] *Ibid* at 261.

Other feminist organisations around the world provide a plethora of examples of feminist governance and leadership structures. For example, feminist governance is often characterised by consensus-based decision-making. Such decision-making processes have been observed in the women's health sector in Victoria, Australia, where boards and committees make decisions based on consensus.[21] This collectivist structure has persisted even after it was complicated by government funding which came with accountability requirements that did not entirely reflect feminist governance (such as requiring an independent board and a CEO in charge of operational management). Due to these requirements, their external engagement is more traditional and seemingly hierarchical. Internally, however, they practice more feminist structures of leadership, with consensus-based decision-making, employment policies that provide flexibility, and overall, a flatter structure of leadership. This serves as a particularly relevant example, demonstrating that simply because outside requirements (law, government funding, etc.) require hierarchy, organisations can be non-hierarchical or incorporate feminist practices in other ways.

Another option to disperse power is through co-leadership models. FRIDA, the Young Feminist Fund, redistributed decision-making power in their organisation by hiring two full-time co-directors, who would work collaboratively to represent the organisation externally, while overseeing different aspects of the organisation internally.[22] This model eventually spread to the board and staff, fostering a greater and more complex participatory culture in the organisation.

It is important to note that sharing power does not mean simply sharing it with those of a similar background or characteristics. Feminist principles on governance indicate that leadership should be shared amongst a variety of people, and include those at all levels of the organisation.[23] One example of this can be found in the Young Women's Christian Association ("YWCA"), which requires that at least 25 percent of their board is filled by women under 30 years of age.[24] In the Solomon Islands' YWCA, this not only meant different constituencies were represented at the board level, but young women reframed understandings of leadership, preferring more collaborative, shared, and horizontal leadership structures.[25]

Another means of dispersing power in feminist organisations is inverting authority. This means that instead of seeking permission from a superior, employees or volunteers seek authorization from their colleagues or those they serve. For example, in a women's non-governmental organisation ("NGO") in India, called Mahila Samakhya Karnataka, individuals would seek permission for leave or time off from those most affected by their absence.[26] While there was some resistance to this practice, it was an interesting inversion of traditional power structures to create more direct accountability and foster a more feminist culture in the organisation.

[21] Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 9 at 114-15.
[22] *Ibid* Chapter 9 at 118.
[23] Batliwala, supra note 4 at 25.
[24] Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 9 at 118.
[25] *Ibid* Chapter 9 at 119.
[26] *Ibid* Chapter 9 at 117.

Finally, some feminist organisations share power by rotating leadership and decision-making. This form of leadership was also seen in Mahila Samakhya Karnataka and came about after women's collectives involved with the NGO struggled to determine who would represent them in various forums. As a result, they decided to rotate out leaders after a set term.[27]

Whatever the leadership or organisational structure, certain values should be embedded in the decision-making process. Feminist organisations are often very concerned with transparency and accountability in decision-making.[28] This can be accomplished through clear decision-making processes that are known within the organisation.[29] These values are also prevalent in general governance best practices models.

2.2) Equality and equity

Governance best practices for NFPs also involves ensuring equality between individuals in the organisation.

An important aspect of equality in the workplace is pay. Although the non-profit sector is largely composed of women, there continues to be a wage gap between men and women, and particularly women of colour, in the field.[30] In the non-profit sector, "[a]t almost every level of staff, men earn higher salaries than women, and women of color earn lower salaries than white women".[31] The burden should not be placed on women to improve their negotiation skills to remedy the wage gap. Instead, organisations should conduct a salary review to determine whether men, women, and people of colour receive different wages and correct any imbalance.[32]

Unfortunately, there is also a noticeable disparity among the positions that men and women hold in the non-profit sector. Men tend to occupy upper management positions more than women and move up the hierarchy quicker.[33] Where hierarchies exist within feminist organisations, there should be an effort to ensure women are promoted into leadership roles.[34]

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[27] *Ibid.*

[28] *Ibid* Chapter 9 at 115; African Women's Development Fund, "Charter of Feminist Principles for African Feminists" (2018) at 12, online (pdf): <https://akinamamawaafrika.org/wp-content/uploads/2018/12/Charter_of_Feminist_Principles_for_African_Feminists.pdf>; LiisBeth, "Governance", online: <https://liisbeth.com/feminist-perspectives/governance/>; Raji Mangat, "A Feminist Governance Framework Recipe" (2020) West Coast LEAF, online: <https://www.westcoastleaf.org/2020/01/15/feminist-governance-recipe/>.

[29] Batliwala, supra note 4 at 26; Mangat, supra note 13.

[30] Elizabeth J Dale, "Fundraising as women's work? Examining the profession with a gender lens" (2017) 22:4 Int J Non-profit Voluntary Sector Marketing at 3.

[31] *Ibid.*

[32] *Ibid* at 8.

[33] *Ibid* at 3.

[34] *Ibid* at 8.

Though NFPs should ensure equality among individuals, intersectionality must also be considered and recognize that people have different backgrounds, skills, abilities, and expertise to offer. Feminist governance does not strive to suppress differences between people. Instead, it is more about ensuring that contributions are equitable and members' skills are complimentary.[35] It is possible for those in a privileged position (due to socio-economic circumstances, education, or specific professional expertise) to contribute to an organisation, without usurping power.[36]

2.3) Ethics of care in NFPs

Feminist scholarship on governance also emphasises the need to provide greater support for staff well-being and recognize the value of care work.[37] Responsibility for care work continues to be a barrier for women's participation in paid and volunteer work. Women are still responsible for a higher proportion of family and care work, which can limit their ability to travel, work evenings, weekends, or even regular hours.[38] This can limit women's participation in the non-profit sector and impact hiring decisions and the women's potential for upward mobility, as discussed above.

Two ways to address these issues are better care policies and equal family leave policies for everyone. There are a variety of policies that can be instituted to ensure staff and volunteers are supported and care work is recognized. Options include reimbursing child-care costs incurred as a result of attending board or external meetings, including spaces for children at such meetings, supporting flexi-time policies to enable people to manage care work and paid work, supporting remote work, and balancing individual jobs to ensure evening and weekend work is equitably distributed.[39] Alternatively, by offering and encouraging everyone to take time off work for family care, workplaces can challenge the notion that women take more responsibility for that work and take more time off work.[40] It is important to embed these concepts by having management and those in leadership positions 'walk the talk', and support each other in modelling these behaviours. Too often in NFPs and charities, those in senior positions support others in achieving this balance, but do not model maintaining a work-life balance themselves.

Supporting employees' well-being also entails certain welfare considerations such as living wages, health care, education, water, sanitation, and maternity policies.[41] While it may not be possible to pay everyone involved at the organisation, those that are employed should be earning a fair and reasonable wage. This means ensuring there is pay equity internally, but externally as well.[42]

[35] Timoshkina, supra note 3 at 274, 283.
[36] Ibid at 279.
[37] Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 9 at 122.
[38] Dale, supra note 30 at 8.
[39] Ibid; Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 9 at 122.
[40] Dale, supra note 30 at 8.
[41] African Women's Development Fund, supra note 28 at 10-14.
[42] Michele Berger, "Diversity, Equity, and Inclusion in Non-profit Bylaws" (18 October 2018) Neo Law Group, online (blog): <https://non-profitlawblog.com/diversity-equity-and-inclusion-in-non-profit-bylaws/>.

2.4) Intersectionality

Gender is only one axis of oppression.[43] Feminism has often been critiqued as lacking intersection by being too focused on white, Eurocentric, ableist, heteropatriarchal issues.[44] Applying an intersectional feminist lens to governance means acknowledging other axes of oppression and domination beyond gender, such as race, ethnicity, sexuality, disability, class, and more.[45] Feminist governance must be concerned with equality and equity for all.

Whatever the leadership structure, intersectional feminist principles of governance encourage fostering distinctive points of view, particularly those of marginalised groups.[46] This can be accomplished by formalising processes of articulating dissent.[47] Alternatively, ensuring decision-makers consult equity-seeking groups is another way to ensure diverse perspectives are considered. In other words, organisations should make room for equity-seeking groups to raise their concerns and voice their disagreement, and where possible and appropriate, organisations should seek out opinions from those people.

3) Equity, Diversity, and Inclusion

Equity, diversity, and inclusion ("EDI") are feminist values.[48] They should be imbued in concrete ways throughout feminist organisations' policies and structures. However, institutions often use broad and vague language in their EDI policies, or limit their EDI statement to a simple "we value EDI" and treat all three as one issue.[49] For example, some feminist organisations in the Halifax area, such as Alice House,[50] YWCA Halifax,[51] and LEAF,[52] identify clearly that EDI are among their values, but it would be helpful to see more clearly how these individual concepts and values are supported. Although EDI are connected, academic literature supports that they are distinct and must be defined and addressed individually.

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[43] Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 2 at 32.
[44] *Ibid* Chapter 7 at 89.
[45] *Ibid* Chapter 2 at 32.
[46] *Ibid*.
[47] *Ibid*.
[48] Batliwala, supra note 4 at 23-24.
[49] Merli Tamtik & Melissa Guenter, "Policy Analysis of Equity, Diversity and Inclusion Strategies in Canadian Universities – How Far Have We Come?" (2019) 49:3 Canadian J of Higher Education, 41 at 46.
[50] Alice House, "About Us", online: <https://alicehouse.ca/about-us>.
[51] YWCA Halifax, "Our Cause", online: <https://www.ywcahalifax.com/about/our-cause/>.
[52] Women's Legal Education & Action Fund, "Mission & Vision", online: <https://www.leaf.ca/our-mission-vision/>.

3.1) Defining EDI

Definitions of EDI vary and can be very contextual.

i) Equity

It is important to recognize the difference between equality and equity. When it comes to gender-based issues, equality is more rights-based. It means that everyone, regardless of their gender, has the same rights, status, opportunities, and access to resources. Equity, by contrast, is more needs-based. It means that individuals are treated fairly according to their needs, regardless of their gender.

There are largely two approaches to defining equity; it is often discussed as either fairness or inclusion.[53] Equity as fairness acknowledges systemic power and privilege and the need to redistribute resources. Equity as inclusion is about identifying and dismantling social and cultural barriers to access to and opportunities for equity-seeking groups. While both are important, the former has the potential to maximize success for equity-seeking groups. The latter perspective is really about achieving the basic minimum for those groups and seems to be the more popular approach amongst Canadian institutions.[54]

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[53] Tamtik & Guenter, supra note 49 at 46.
[54] Ibid.

Definitions of Equity

- "Equity refers to an approach that ensures that everyone has access to the same opportunities. It recognizes that advantages and barriers exist and that, as a result, everyone does not start from the same place. It is a process that begins by acknowledging that unequal starting place and works to correct and address the imbalance. Equity ensures that all people have the opportunity to grow, contribute, and develop, regardless of their identity. Basically, it is the fair and just treatment of all members of a community. It requires commitment and deliberate attention to strategic priorities, resources, respect, and civility, with ongoing action and assessment of progress toward achieving specified goals."[55]

- "A relative form of equality (equal treatment of individuals and groups) that takes into consideration the needs and characteristics of the individuals, the context of the situation, and circumstances that result in disparate outcomes."[56]

- "Equity refers to efforts to address the various causes of inequality. When deciding on resources or measures to counteract the discriminatory effects of structural barriers, biases, or gatekeeper interests, individual needs should be identified and considered."[57]

- "Equity refers to 'the absence of systematic disparities… between groups with different levels of underlying social advantage/disadvantage—that is, wealth, power, or prestige… Equity differentiates from inclusion by placing the level of the outcome at the system or organizational level, rather than at the group or individual level. Equity calls for the righting of systemic and structural injustices'."[58]

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[55] Tina Q Tan, "Principles of Inclusion, Diversity, Access, and Equity" (2019) 220:S2 J Infectious Diseases 30 at 31.
[56] Bernadette Baum, "Diversity, Equity, and Inclusion Policies: Are Organizations Truly Committed To A workplace Culture Shift?" (2021) 33:2 J Business and Behavioral Sciences 11 at 13.
[57] Julia Trattnig & Karin Grasenick, "Understand the relevance of EDI principles" (8 March 2023), online: <https://www.edi-tool-kit.org/governance/acquire-the-context/understand-the-relevance-of-edi-principles/>.
[58] Ruth Bernstein, Jeff Aulgur, & Judy Feiwirth, "Racial Equity, Diversity, and Inclusion in Non-profit Governance" (2019) 9:4 J NonProft Education and Leadership 378 at 396.

ii) Diversity

It is important that organisations' boards, volunteers, and staff reflect the community they serve. This can help create a more welcoming environment and ensure that relevant issues are raised and practical solutions are created to meet the organisations' goals and mandates.

> *Definitions of Diversity*

> - "Diversity is defined as the presence of differences within a given setting. This may include gender, race, ethnicity, religion, nationality, sexual orientation, place of practice, and practice type. It is the way people are different and yet the same at the individual and group levels. Organizational diversity requires examining the makeup of a group to ensure that multiple perspectives are represented."[59]

> - "The basic definition of diversity is the differences between individuals, based on any attribute, that may lead to the perception that another person is different from the self… From a legal policy perspective, considerations of disparate treatment, disparate impact, and stereotyping, among others, are reflected in policy-making."[60]

> - "Diversity means that everyone is defined by a variety of dimensions (e.g. race, ethnicity, gender, disability, sexual orientation, gender identity, national origin, scientific disciplines, socio-economic status, thinking and communication styles, etc.)."[61]

> - "Diversity has been presented in multiple ways with varying definitions. The most commonly used operational definition of diversity is demographic diversity, sometimes referred to as numerical diversity or representative diversity… Demographic diversity is based on both ascribed (e.g., race, gender) and acquired (e.g., knowledge, skills) characteristics. Diversity expands beyond traditionally underrepresented groups (e.g., race and ethnicity) to include gender and other visible and nonvisible characteristics."[62]

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[59] Tan, supra note 56 at 31.
[60] Baum, supra note 57 at 12-13.
[61] Trattnig & Grasenick, supra note 58.
[62] Bernstein, Aulgur & Feiwirth, supra note 59 at 395.

iii) Inclusion

As will be noted in the definitions below, it is not enough that boards or memberships are diverse or representative of the community they serve—there must be opportunities and space for them to meaningfully contribute to the organisation. This is what inclusion is about.

Definitions of Inclusion

- "Inclusion refers to the intentional, ongoing effort to ensure that diverse people with different identities are able to fully participate in all aspects of the work of an organization, including leadership positions and decision-making processes. It refers to the way that diverse individuals are valued as respected members and are welcomed in an organization and/or community."[63]

- "The extent to which individuals can access information and resources, are involved in work groups, have the ability to influence decision-making processes, and can contribute fully and effectively to an organization. 'Inclusion' is also defined as the fulfillment of needs for belongingness and uniqueness… To feel included, the unique characteristic of an employee must be valued within a group; more importantly, though, this uniqueness the person brings to the group must be allowed and encouraged to remain. Inclusive culture exists in the workplace when an organizational environment allows people with multiple backgrounds, mindsets, and ways of thinking to work effectively together and to perform to their highest potential to achieve organizational objectives based on sound principles".[64]

- "Inclusion means that everyone should be included, i.e. to create an environment in which equal opportunities are ensured for diverse people to participate."[65]

- "Inclusion differs from diversity in focusing not only on the compositional mix of people with different relevant attributes but also on every employee's incorporation into organizational processes and culture… Inclusion is "the degree to which individuals feel a part of critical organizational processes such as access to information and resources, involvement in work groups, and ability to influence the decision-making process"… "[I]nclusion is focused on the degree to which individuals feel a part of critical organizational processes"…, representing a person's ability to contribute fully and effectively to an organization. Nishii (2013) views inclusion as a culture to be reflected in an environment where "individuals of all backgrounds—not just members of historically powerful identity groups—are fairly treated, valued for who they are, and included in core decision making".[66]

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[63] Tan, supra note 56 at 30-31.
[64] Baum, supra note 57 at 14.
[65] Trattnig & Grasenick, supra note 58.
[66] Bernstein, Aulgur, & Feiwirth, supra note 59 at 395-396.

3.2) What is being done and can be done with EDI?

A simple start to addressing EDI is to create a robust EDI policy. This should, at a minimum, define all three concepts, recognizing that they are distinct, and can include actionable steps to achieve EDI goals.[67] Goals can be identified by assessing the community's needs to determine necessary improvements. Organisations can set targets, plans to achieve and deadlines to ensure action is taken.

Another option to address EDI is to include it in a purpose statement in an organisation's bylaws as evidence of their commitment to EDI.[68] Based on a review of the bylaws of select North American women's organisations, this is not a popular option.[69] This may be because more detailed bylaws come with greater legal risk, as failing to fulfil them could result in a lawsuit.[70]

Organisations can also create committees specifically dedicated to EDI and/or appoint a director or lead responsible for EDI. Committees composed of members of marginalised or underrepresented groups can help produce culturally competent and practical solutions to EDI issues.[71] Making such committees advisory committees, as opposed to board committees, can facilitate even greater diversity on the committees as it means they do not have to be composed solely of board members.[72] The YWCA Metro Vancouver, for instance, has several committees supporting and advancing EDI, including the Truth and Reconciliation Committee, the Gender Inclusion Committee, and the Racial Equity Committee.[73] Their responsibilities vary from issuing statements of events, marches, and demonstrations that staff can attend, hosting talks and providing training, and coordinating with other organisations to improve EDI. They all also provide feedback on the organisation's vision and mission statements. The nature and number of initiatives of this kind can be modified based on the resources of each organization.

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[67] Omar Dewidar, Nour Elmestekawy, & Vivian Welch, "Improving equity, diversity, and inclusion in academia" (2022) 7:4 Research Integrity and Peer R at 2, 5.
[68] Berger, supra note 42.
[69] See Canadian Feminist Alliance for International Action, "By-laws", online (pdf): <https://fafia-afai.org/wp-content/uploads/2020/07/-FAFIA-BY-LAWS.pdf>; Canadian Women & Sport, "Bylaws", online (pdf): <https://womenandsport.ca/wp-content/uploads/2020/08/Ca-nadian-Women-Sport-Bylaws_Dec-2019.pdf>; YWCA Calgary, "Constitution", online (pdf): <https://ywcavan.org/sites/default/files/as-sets/media/file/2021-06%20/YWCA_Constitution_Bylaws_June_17_2021.pdf>; National Organization for Women, "Bylaws", (2020), online: <Bylaws | National Organization for Women (now.org)>. Bryony HTHA, "Bylaws", online (pdf): <https://www.bryonyhouse.-ca/wp-content/uploads/2023/02/v.17-Bylaws-BH-Feb-21-2023Final-Draft-2.pdf>. (all either lacking in purpose statements or their purpose statements do not explicitly mention EDI).
[70] Berger, supra note 42.
[71] Dewidar, Elmestekawy, & Welch, supra note 73 at 5.
[72] Berger, supra note 42.
[73] YWCA Metro Vancouver, "Equity, Diversity and Inclusion Update" (8 April 2022), online: <https://ywcavan.org/blog/2022/04/equi-ty-diversity-and-inclusion-update>.

Organisations can also implement EDI in their hiring policies and board composition requirements (as noted earlier in respect of creating a Skills Matrix). This can include open calls for recruitment, rather than relying on personal networks. It is also important to consider the wording and locations of job postings, as that can impact who sees the advertisement and applies.[74] Educational and other qualifications required for positions should also be considered as to whether they are exclusionary.[75] Finally, greater diversity of applications may be fostered by allowing remote participation, where possible. Allowing remote participation can not only improve geographic diversity and the ability to recruit those with accessibility barriers, but it can also improve employee retention as well.[76]

Some organisations use quotas to ensure their boards adequately reflect the diversity of the community they serve. Quotas have been problematic in some spheres, particularly the political sphere, as they have sometimes been criticized for resulting in marginalisation or tokenism, and discrediting people in those positions.[77] Others argue that the increased representation ensured by quotas leads to policies that reflect those groups' interests.[78]

Whatever the approach used to increase diversity, it is useful to track recruitment and selection over time to ensure that diversity is improving, or to identify and address the issue, if it is not.[79] These reports can be made available to the public, creating an added factor of accountability to the process.[80] There are tools available online to foster board diversity and identify gaps that should be filled.[81] Fostering diversity amongst a board of directors can help ensure that programs and services reflect clients' needs and interests, as well as promote a more inclusive culture.[82]

Diversity through numerical representation, however, is insufficient. It is important that the above feminist practices are implemented to ensure diversity is meaningful. This includes sharing power with individuals from equity-seeking groups through various non-hierarchical leadership models, removing structural and systemic injustices and barriers within the organisation, and ensuring that those in power are made aware of and acknowledge inequalities and biases so they can be addressed at all levels of the organisation.[83] New members and directors should have opportunities to meaningfully contribute to the organisation.[84]

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[74] Dewidar, Elmestekawy, & Welch, supra note 73 at 2, 5.
[75] Berger, supra note 42.
[76] *Ibid*.
[77] Kelly-Thompson, Tormos-Aponte, & Weldon, supra note 2, Chapter 3 at 42-43.
[78] *Ibid* Chapter 3 at 43.
[79] Baum, supra note 57 at 18-19.
[80] Dewidar, Elmestekawy, & Welch, supra note 73 at 6.
[81] See The Network Approach, Best practices in equity and inclusion for the non-profit sector, online: <https://network.pillarnon-profit.-ca/equity-and-inclusion/best-practices-in-equity-and-inclusion-for-the-non-profit-sector/> (offers a board diversity matrix to assess the diversity, skills and backgrounds of board members).
[82] Bernstein, Aulgur & Feiwirth, supra note 59 at 395.
[83] *Ibid* at 397.
[84] Berger, supra note 42.

Another means to implement EDI values is through periodic EDI training. Such training should not be about simply mitigating legal liability. Rather, it is an opportunity to educate, raise awareness, and create meaningful change in an organisation. While EDI training can and should be a part of any on-boarding training the organisation does, it is important that existing leaders and staff are educated about their privileges and the oppression others may face.

EDI training does not have to be facilitated in one session. Rather, it is often beneficial to spread it out over a period of time. Diversity training is typically provided in approximately eight hours. As such, it can be provided in a couple hours of training per week.[85] Spreading EDI training over a month, for example, can optimize learning and allow for reflection. For new employees, this has the added bonus of impacting their perception of the organisation, which is formed within the first few weeks of employment. This can all help serve to create a culture that truly values and makes commitments to EDI. The training can be recorded and added to the orientation process for new board and committee members, as well as staff and volunteers.

4) Indigenous perspectives and governance practices

4.1) United Nations Declaration on the Rights of Indigenous Peoples

The Government of Canada recently released the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan, from which some governance practices can be drawn. Several priorities within the Action Plan emphasise the importance of culturally relevant, Indigenous-led approaches that allow Indigenous peoples to define their own priorities and raise their interests and perspectives.[86] It emphasizes that governments should be working in partnership with Indigenous peoples and organisations.[87]

Such flexibility and cooperation aligns with feminist and EDI principles regarding sharing power and ensuring that equity-seeking groups have a voice at the table. This could be done, for instance, by ensuring there are Indigenous representatives on centres' boards, or creating committees that focus on addressing the needs of Indigenous women, girls and 2SLGBTQI+ people.

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[85] Baum, supra note 57 at 19.
[86] Government of Canada, "The United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan", (2023) online (pdf): <2023-06-20_UNDA_Action_Plan_EN.pdf (justice.gc.ca)> at 25, 40, 41 (Priorities 9, 10, 69, 70, 81).
[87] Ibid at 25 (Priority 9).

4.2) Education and acknowledgement

As part of an effort to be more inclusive, organisations may consider incorporating certain Indigenous practices or acknowledgments into their organisations. Land welcomes and acknowledgements are helpful ways to start events, when they reflect meaningful work that the organisation is doing to further truth and reconciliation. There may also be learning opportunities or programs that staff and volunteers can attend, such as presentations offered by Treaty Education Nova Scotia, to learn more about Indigenous history and their contributions to Nova Scotia and Canada.[88] It may be valuable to attend programs or implement policies that recognize and respect Indigenous cultural practices and other initiatives to educate non-Indigenous board members, staff, and volunteers, to create a more welcoming environment for Indigenous peoples who work, volunteer, or access services at the organisation.[89]

4.3) Indigenous governance

Indigenous perspectives on governance are varied and numerous both within Canada and globally because "Indigenous societies all had (and have) distinct economies and governance systems".[90] As such, the below discussion contains some generalizations drawn from literature available on Indigenous governance practices.

According to the Centre for First Nations Governance ("Centre"), there are five pillars for effective governance for Indigenous peoples: the people, the land, law and jurisdiction, governing systems, and resources. For example, according to the Centre, good governance entails participatory decision-making, transparency, fairness, and accountability.[91] All of these concepts align with good governance according to a feminist lens.

Indigenous decision-making is consensus based and it takes account of community members' opinions.[92] Elders in particular often play an important role in governance.[93] Not taking the community's opinion into account is considered "antithetical to Indigenous ways of doing business."[94] The particular form that this decision making takes varies between First Nations, but whatever the form, the process is meant to be open, inclusive, and understood and endorsed by the entire community.[95] This decision-making process aligns well with the above discussion on feminist decision-making.

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[88] Treaty Education Nova Scotia, "Treaty Education", online, <https://novascotia.ca/treaty-education/>.

[89] The Network Approach, Best practices in equity and inclusion for the non-profit sector, online: <https://network.pillarnon-profit.-ca/equity-and-inclusion/best-practices-in-equity-and-inclusion-for-the-non-profit-sector/>.

[90] Frankie Young, "Indigenous Economic Development and Sustainability: Maintaining the Integrity of Indigenous Culture in Corporate Governance" (2021) 17:2 McGill J Sust Dev L 149 at 149.

[91] Centre for First Nations Governance, The Five Pillars of Effective Governance (2018) at 3, online (pdf): <https://www.fnha.ca/Docu-ments/FNHA-2018-Vancouver-Coastal-Caucus-Spring-Five-Pillars-of-Effective-Governance-Presentation.pdf>.

[92] John Curry, Han Donker, & Paul Michel, "Social entrepreneurship and indigenous peoples" (2016) 4:2 J Co-operative Organization and Management 108 at 109-110; Young, supra note 79 at 150.

[93] Grant Christensen, "Indigenous Perspectives on Corporate Governance" (2021) 23:4 U Pa J Bus L 902 at 928.

[94] Young, supra note 97 at 150.

[95] Centre for First Nations Governance, supra note 98 at 5.

Indigenous governance values of transparency, fairness, and accountability also align with feminist governance values. Transparency and fairness are mutually assuring. When processes are open and understood by the Indigenous community and criteria are set and applied consistently, decisions are more likely to be seen as fair.[96] Accountability entails providing the community with information so as to allow community members to participate in decision-making.[97]

It is important to note, however, that these governance concepts may vary among Indigenous communities. Fairness, for example, in both Indigenous and non-Indigenous groups, means a decision-maker should not be motivated by self-gain. However, non-Indigenous administrative law perspectives also support that fairness is furthered when a decision-maker does "not have a personal or private stake in the outcome of a decision".[98] Within some Indigenous communities, however, this is not the case. Among the Inuit, a study found that "the perception of fairness may well be enhanced […] by the fact that a decision maker is likely to know those subject to the decision".[99] Concerns over bias among the Inuit are directed towards "the openness of the decision maker's mind to a just decision".[100] This Indigenous understanding of fairness may not be applicable in all areas of an NFP, which likely requires board independence and avoidance of conflicts of interest to obtain government funding.

There are also lessons that can be learned from the governance practices of Indigenous corporations. Māori corporations in New Zealand, for instance, require their directors to take sustainability into account when making decisions.[101] Indigenous corporate governance also looks to eliminate short-termism. This means that "decisions are taken not with a perspective on quarterly returns but by accounting for the interests of elders and ancestors as well as future yet unborn generations".[102] Leaders engaging in short-sighted actions can be removed.[103] The Mi'kmaq, in particular, "are guided by Netukulimk, which means "achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity, or productivity of our environment."[104] This means that their economic endeavors must align with community culture, values, and autonomy.

[96] *Ibid* at 12.
[97] *Ibid* at 15.
[98] Lorne Sossin, "Indigenous Self-Government and the Future of administrative Law" (2012) 45:2 UBC Law Review 596 at 604.
[99] *Ibid* at 605.
[100] *Ibid* at 607.
[101] Christensen, supra note 100 at 933.
[102] *Ibid* at 938.
[103] *Ibid* at 939-40.
[104] Young, supra note 97 at 151.

CONCLUSION

There is no one way to pursue feminist governance, EDI, or Indigenous governance. Feminist governance is largely concerned with promoting equality through leadership practices, decision-making, organisational structure, pay, positions, staff well-being, and intersectional policies. EDI can be fostered through those feminist practices, but also through specific EDI policies, committees, hiring and governance practices, and training. Finally, Indigenous governance values emphasise spreading out power through consensus-based decision-making that is transparent, fair, and accountable. While the perspectives and needs of Indigenous peoples are unique, many feminist governance practices are similar to and already incorporate, aspects of Indigenous governance practices.

While potentially daunting, the breadth of approaches to feminist, EDI, and Indigenous governance actually affords valuable leeway to craft policies that will meet needs, both externally and internally to an organization.