

Employment equity: an action plan for law firms

Your firm's most valuable client advises you that it will only continue to do business with your firm if you can demonstrate you have effective employment equity programs in the firm.

Is this hypothetical scenario realistic? The answer is "yes!" Clients are paying attention to equity issues and taking them seriously. They are making changes within their own businesses to promote a healthier and more productive work environment. For example, General Motors, Bell South Corporation, Hallmark Cards, EDS and Goodyear Tire and Rubber are implementing diversity management processes to maintain their competitive "edge." More significantly, clients are demonstrating their commitment to equity principles by shifting business loyalties to service providers that hold similar values. Law firms will want to meet this challenge to remain competitive in the future.

The "future" tends to arrive as quickly as it can be visualized. Challenges and adjustments become matters of immediate economic concern. For example, the federal Department of Justice recently developed criteria to govern the hiring of standing agents for government contracts. The criteria were developed in response to a recommendation that government legal departments should contract their agency work to law firms with effective employment equity programs in place. Policy decisions of this nature are becoming more common. The question then arises — can your firm respond with an appropriate employment equity and discrimination prevention action plan? Or, will your firm be left behind?

Here is a checklist of steps that a law firm may adopt as part of its "action plan" to implement effective policies. Effective policies focus on at least two aspects: 1) who has access to employment opportunities?; and 2) once access is granted, how is upward mobility and personal dignity fostered? This five-step outline may be a useful starting point for your firm. Which of these concepts can your firm adopt, and improve upon, to demonstrate leadership to your staff, peers and clients?

1. Conduct a workplace audit

- What positions exist?
- What positions are needed and effective?
- What is the demographic make-up of the people who hold those positions?
- Do the demographics in your workplace reflect the diversity of the community at large?



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- Do the physical aspects of your work environment create barriers?

- Do the policies, or lack thereof, in your workplace create barriers?

- Do the attitudes in your workplace create barriers?

- What can be done to eliminate barriers?

2. Examine your hiring and management practices

- What are the bona fide occupational requirements for each position?

- Does the firm use job descriptions?

- Does the firm use objective criteria and questions for its interviews?

- Are the questions asked during the interview process gender neutral?

- Are your interviewers trained to manage the interview process effectively?

- Do personnel files exist? Are they properly maintained?

- Are there realistic performance goals?

- How are those goals identified, communicated, achieved and acknowledged?

- Are there realistic, meaningful and objective criteria to assess performance goal achievement?

- Is there an effective performance feedback process?

3. Adopt policies

- Is there a commitment at the "top" to model and act on equity principles?

- Is there an active working group or person responsible for policy design, implementation and ongoing evaluation?

- Are the firm's policies comprehensive? Policies should address all forms of discrimination, not only the more obvious forms of discrimination,

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such as sexual harassment. For example, does your firm address concerns about personal harassment? Policies should also address important issues such as parental leave, alternate work arrangements and accommodation of personal needs.

- Are the policies understood, communicated and taken seriously?
- Are policy advisors in place? If so, are they trained to respond appropriately to concerns?

4. Educate, educate, educate

- Does your firm have a systematic plan to ensure that each person in the firm understands why workplace equity is important? For example, how can communication around racial issues be enhanced?
- Does the firm commit adequate time to educational endeavours?
- Does the firm's plan include the education of new employees?

5. Conduct exit interviews and analyse your workplace

- Has your firm taken advantage of the confidential workplace analysis that I offer as Discrimination Ombudsperson? Several B.C. firms have benefited from this voluntary self-analysis.
- Does the firm know why talented people leave?
- Are lifestyle issues adequately addressed?
- Has the firm quantified the costs associated with employee turnover?
- Are you doing a good job of delivering a healthy and equitable work environment?
- Is there a safe process in place to permit concerns to come forward?
- Does your partnership agreement address the discipline or termination of a partner who does not adhere to firm policies?

If your firm wants to keep its costs down and obtain confidential assistance to move its action plan forward,

