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Alberta Branch



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# INCLUSIVE WORKPLACE TOOLKIT

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PREPARED BY THE CBA ALBERTA EQUALITY, DIVERSITY & INCLUSION COMMITTEE

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This toolkit is designed to support lawyers in every practice setting in cultivating an inclusive workplace culture. We have included a variety of resources to take some of the legwork out of addressing specific issues that you may be facing in your practice now, or choosing to proactively address. The CBA does not endorse any of these resources – we solicited recommendations, reviewed offerings, and included resources that respond to areas of need identified in our survey of the profession.

The Policies, Procedures, and Exit Interview template included present a model option from a relevant authority. These were prepared with a variety of practice settings in mind, but may require some adaptation to be implemented in your practice setting.

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## I. EXPERTS IN BUILDING AN INCLUSIVE WORKPLACE CULTURE

Many organisations offer coaching, training sessions, events, learning modules, and other resources to foster a respectful workplace culture. We solicited recommendations and referrals, spoke to diversity experts, and reviewed offerings to create the shortlist below. Rather than endorse any particular program, this list aims to provide a good starting point to identify the best option for your practice setting:

### [Anima Leadership](#)

Anima Leadership is a company of consultants, trainers and coaches offering training and services for individuals, teams and organizations in support of transformative change. Their services weave together insights and practices from science, psychology and social systems with a focus on:

- Organizational health and human systems architecture
- Diversity, power and anti-bias research
- Emotional intelligence and mindfulness tools
- Relational leadership and bridging difference
- Workplace restoration, conflict transformation and dialogue skills

### [Calgary Communities Against Sexual Abuse \(CCASA\) “ManEnough?” Program](#)

The CCASA “ManEnough?” program facilitates a conversation around masculinity and health relationships, wherein participants will explore, analyze and gain insights into different dimensions of the existing perception of masculinity and its relation with gender equality.

### [Canadian Centre for Diversity and Inclusion \(CCDI\)](#)

The CCDI helps employers, diversity and inclusion/human rights/equity, and human resources practitioners effectively address the full picture of diversity, equity and inclusion within the workplace. CCDI’s focus is on practical, sustainable solutions that help employers move toward true inclusion.

### [Kathleen Nalty Consulting LLC](#)

Kathleen Nalty is the author of *Going All-In on Diversity and Inclusion: The Law Firm Leader’s Playbook*. Going All-In is for law firm leaders who want to promote inclusiveness initiatives to make diversity sustainable, so their firms can reap all the benefits of a diverse workforce.

### [NeuroLeadership Institute](#)

The NeuroLeadership Institute uses science to make organizations more human. It works with organizations to become more innovative, agile and inclusive, and foster systems that drive inclusion and mitigate the biases behind poor decisions.

### [Respect Group Inc.](#)

The Respect Group Inc. developed “Respect in the Workplace” to provide organisations of all sizes with a standard, cost-effective tool to empower teams with the skills to prevent bullying, abuse, harassment and discrimination.

## **Dare to Care**

Dare to Care is comprehensive program which addresses bullying that affects children, youth and adults. It offers programs for students and athletes age 5 - 25, support and information workshops for parents, and extensive professional development for teachers, support staff, administrators, coaches, officials and management.

## **Ontario Bar Association Inclusive Leader Series**

From 2018 - 2020, the Ontario Bar Association released a series of one-hour discussions focused on practice approaches to diversity and inclusion. This series looks at practical strategies to Inclusion by Design. The series includes topics such as:

- Diversity and Inclusion in Law Firms
- Diversity for Solo, Small and Mid-Sized Firms
- Real-World Strategies for Integrating Diversity and Inclusion into Your Firm or Legal Department
- Shifting the Cultural Mindset at Your Firm or Organization
- Unconscious Bias Training
- Uploading Diversity and Inclusion Responsibilities to Your Management Team
- Learning from History - The Untold History of the Legal Profession
- Diversity Comes in All Firms - Isms and Solutions
- We Are All Treaty People - Why We Need To Be Allies
- Diversity Work - Moving Beyond Paper Making
- What Do Our Clients Want From Us - What We Can Learn from Our Corporate Clients
- Technology and Other Hacks By Design
- How To Be An Ally By Design

Access to these videos and future webcasts is available on the Ontario Bar Association website at [www.oba.org/InclusiveLeader](http://www.oba.org/InclusiveLeader).

In addition to events and in-person programs, there are a wide variety of print resources available. You may wish to review:

- Law Now issue 42-6: [\*Special Report on Diversity in the Law and the Legal Profession\*](#)
- Law Now issue 43-1: [\*#MeToo Movement\*](#)
- [\*Going All-In on Diversity and Inclusion: The Law Firm Leader's Playbook\*](#)



## II. MODEL POLICY

*With thanks to the Law Society of Alberta, we encourage all practitioners looking for a starting point for a [Respectful Workplace Policy](#) to consider the following model.*

*The Law Society of Alberta also offers a [video](#) in which the Equity Ombudperson and Senior Manager of Policy and Ethics walk through the model policy, explain why it was developed, and offer tips on how to implement it at your firm or organization.*

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### Respectful Workplace Policy

#### Policy

*[Insert Firm Name]* is committed to providing a safe and respectful workplace in which the dignity of each individual is respected. A respectful workplace is one that is free of inappropriate behaviour, where employees are entitled to be free of discrimination, harassment and violence.

*[Insert Firm Name]* will make every reasonable effort to ensure that none of its employees are subject to acts of discrimination, harassment or violence. It will therefore not tolerate any incidents of discrimination, harassment or violence. Corrective action, which includes discipline up to and including termination of employment for just cause, will be taken to address breaches of this policy.

*[Insert Firm Name]* maintains the exclusive right to amend this policy at any time without advance notice to you and you will continue to be bound by any amendments and replacement policy or policies as part of the terms of your employment.

**Note:** As a best practice, we recommend giving advance notice of new or amended policies whenever possible before they take effect. In order to enforce policies, firms will need to be able to prove employees were made aware of new or amended policies. A written or electronic acknowledgment that the employee has received, reviewed, understands and agrees to be bound by a policy is ideal.

#### Purpose

The purpose of this policy is to make all employees aware that acts of discrimination, harassment, and violence are unacceptable and will not be tolerated. It is also intended to make all employees aware that there is a process in place to report any form of discrimination, harassment or violence without fear of retaliation. This policy is not meant to override applicable provincial, territorial, or federal laws. Where there are inconsistencies, the applicable laws will prevail.

#### Scope

This policy applies to all *[Insert Firm Name]* employees, or employees of *[Insert Firm Name]* affiliates, and other individuals acting on behalf of *[Insert Firm Name]* under contract for service or services with



[Insert Firm Name] at the Workplace or while using firm property (referenced collectively in this policy as employees). This includes but is not limited to all administrative staff, associates, partners, and articling and summer students. For clarity, within this policy the term “employee” is a catch-all term. It includes all categories of workers, including contractors and partners, who may not be considered employees in other legal contexts.

Nothing in this policy prevents anyone from contacting appropriate officials to report a violation of the Alberta Human Rights Act, the Occupational Health and Safety Act, or the Law Society of Alberta’s Code of Conduct (the “Code”).

This policy applies to behaviour that occurs in the Workplace or outside of the Workplace while representing yourself as an employee of [Insert Firm Name] or in a manner that impacts [Insert Firm Name].

For the purposes of this policy, “Workplace” is defined broadly and includes, but is not limited to:

- all areas of the actual work site;
- the locations of work-related social functions;
- the location of work assignments;
- any location related to the firm’s business;
- any location where interactions may be reasonably viewed as having an impact on the work environment and relationships; and
- work-related conferences or training sessions.

This policy targets actions and conduct that are verbal, physical, sexual, psychological, written, copied, typed, texted, recorded or otherwise communicated to others in the Workplace or in public about [insert firm name], the Workplace or coworkers.

## Definitions

**Discrimination** means any act, omission or threat, or any policy, practice or term of employment, which directly or indirectly causes differential treatment of, or otherwise adversely affects, an employee or prospective employee in the course of employment or applying for employment, and the act or practice is based on a statutorily protected or prohibited ground under the human rights legislation applicable to the Workplace of the employees involved, including race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.

**Harassment** means any inappropriate conduct, comment, display, action or gesture by a person that is:

1. based on a statutorily protected or prohibited ground under the particular human rights, health and safety or similar legislation applicable to the Workplace of the employees involved,

2. a form of bullying or personal harassment, which involves either:
  - a. repeated conduct, comment, display, action or gesture, or
  - b. a single, serious occurrence of conduct, comment, display, action or gesture, that has a lasting harmful effect,

that adversely affects the employee's psychological or physical well-being and that the person knows or ought reasonably to know would cause the employee to be humiliated or intimidated; or
3. a form of sexual harassment, which includes conduct, comment, display, action, gesture or contact of a sexual nature that is likely to cause offence or humiliation to the employee or that might, on reasonable grounds, be perceived by that employee as a condition of employment or of an opportunity for training or promotion.

**Examples of discrimination, harassment or bullying include, but are not limited to:**

- written or verbal abuse;
- yelling, or screaming;
- threats of unwarranted discipline or loss of job;
- intimidating gestures such as slamming doors or throwing objects;
- derogatory remarks;
- cutting the employee out of the communication loop or withholding information they require to perform their job;
- jokes and practical jokes that result in embarrassment or awkwardness;
- innuendo or taunts;
- silent treatment;
- spreading rumours or gossip;
- displays of racist or offensive signs, images or material at or about work or your coworkers; •communications or displays intended to mock someone;
- patronizing or condescending behaviour;
- isolating another;
- persistently criticizing another;
- tampering with another's belongings or workstation;
- excluding, cornering or confining another person through body language or physical barriers;
- repeatedly assigning unreasonable duties or tasks; and
- physical assault.
- engaging in different treatment of employees with that treatment being motivated by one or more protected ground (as articulated in Human Rights legislation). Different treatment includes but is not limited to remuneration, promotion, opportunities to work on files, and participation in marketing opportunities

## Examples of sexual harassment include, but are not limited to:

- unwelcome flirtation, suggestive remarks, advances, propositions or gestures;
- unwelcome invitations or requests, whether indirect or explicit;
- unwelcome questions or discussions about sexual activities or preferences;
- drawing attention to a person's gender;
- unwelcome comments, including compliments, jokes, nicknames or pet names, innuendos or taunting about a person's body, attire, sex or sexual orientation;
- leering or whistling;
- displays of pornographic or sexually suggestive signs, calendars, pictures, images or material;
- demands for sexual favours, whether or not in return for work-related favours;
- unwelcome physical contact such as touching, hugging, patting or pinching of a sexual nature; and
- sexual assault.

Reasonable action taken by a manager or supervisor relating to the management and direction of an employee is not discrimination or harassment. For example, behaviours such as holding employees accountable for their performance and imposing justifiable discipline are typically not forms of harassment.

**Violence** means any action, conduct, threat or gesture by one individual toward another in the Workplace that could reasonably cause physical or psychological harm, injury or illness, and includes sexual violence. Discrimination and harassment may constitute violence.

## Examples of violence include, but are not limited to:

- physical acts, including hitting, shoving, pushing, kicking, and sexual assault;
- threatening, verbally or in writing, to harm someone;
- adopting threatening behaviour toward someone including gestures, clenching fists, throwing objects;
- intentionally causing or threatening to cause material damage;
- possessing, showing or using a weapon; and
- intimidating or threatening an individual by adopting aggressive behaviour

## Responsibility

Employees are required to promote a respectful Workplace. Employees must refrain from causing or participating in the discriminatory, harassing or violent treatment of others in the Workplace. This includes refraining from violent, discriminatory or harassing treatment of other employees and other individuals at the Workplace, including clients, opposing counsel, court personnel and service providers.

Employees have an obligation to report instances of discrimination and harassment in the Workplace.





**Note:** This obligation arises from Occupational Health and Safety legislation and the Code. Employers receiving reports of discrimination and harassment should ensure a reporting mechanism is in place that maximizes the privacy and confidentiality of the parties involved and avoids re-victimizing the recipient of the offensive behaviour.

If a person, in good faith, brings a complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the accused harasser's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained, and no record in their personnel file.

Managers will take all reasonable steps to prevent and effectively deal with Workplace violence, harassment and discriminatory treatment. They will support all parties involved in a complaint and provide guidance on this policy, when requested. They will also watch for warning signs of potential violence, discrimination or harassment, such as drastic changes in behaviour, rumors, isolation, increase in sick leave, increase in resignations, increase in conflicts or aggressive behaviour, and sudden changes in performance.

*[Insert Firm Name]* is committed to creating a positive Workplace, free of violence, harassment and discrimination. It will provide education and training in relation to this policy and to violence, harassment and discrimination generally. It is committed to eliminating violence, harassment and discrimination in the Workplace. It will investigate all incidents of violence, harassment and discrimination and take corrective action where appropriate.

*[Insert Firm Name]* recognizes that its employees may be subject to inappropriate behaviour by those not covered by this policy, such as clients, opposing counsel, or court personnel or judges. *[Insert Firm Name]* will support and assist the employee affected. *[Insert Firm Name]* encourages the reporting of all incidents of harassment and discrimination regardless of who the offender is.

*[Insert Firm Name]* will not tolerate any form of retaliation against someone who brings a complaint or participates in the investigation of a complaint made under this policy. Retaliation will be subject to discipline up to and including termination of employment for just cause.

## Procedure

1. Individuals who have been subjected to inappropriate behaviour that may constitute discrimination, harassment or violence are encouraged to first clearly and firmly make the offender aware that their behaviour is unwelcome, objectionable and must stop.

*[Insert Firm Name]* recognizes that this is not always possible or appropriate, depending on the circumstances. Such informal resolution is not required as a precursor to a formal complaint.

Note: It is not necessary for an employee who has been subjected to inappropriate behaviour that may constitute harassment, discrimination or violence to first seek to tell the offender that the behaviour is unwelcome and must stop. In some circumstances, it may even be inappropriate or unsafe to do so. It is not required for the employee to ask the offender to stop the offensive behaviour before the employer will take steps to address it.



2. If the matter is not resolved informally, the individual may make a formal complaint.
3. Complaints must be submitted in writing to *[the Managing Partner/Director of Administration/Office Manager]*. If that individual is the subject of the complaint or is not available, the complaint should be directed to *[insert alternate position]*.
4. The complaint should include as much detail as possible including dates, times, witnesses (if any), a detailed description of the events and nature of the behaviour, acts or conduct complained of, and your attempts (if any, and if not then why not) to deal with the situation directly.
5. The *[Managing Partner/Director of Administration/Office Manager]* will review and consider the complaint to determine if further investigation is required. The review may include interviewing the complainant, the respondent, and witnesses to the incident or circumstances that led to the complaint.
6. The findings of the review and recommendations for further action, if any, must be communicated in writing to the complainant and respondent within 10 working days of receipt of the complaint.

**Note:** The time frames for various steps in the procedure as set out in this model policy are a recommended best practice. The intent is to make sure the process moves forward and is concluded in a timely manner. Delays in the investigation process can result in complaints of a lack of procedural fairness which can limit options for responding to the outcome of the investigation. Firms should also be aware that relevant legislation, such as the Occupational Health and Safety Act, may have additional time frames with which the firm must comply.

7. If an investigation is recommended, the *[Managing Partner / Director of Administration/ Office Manager]* must:
  - a. Advise the respondent, in writing, of the nature and specifics of the complaint, of their rights to representation and of the investigation;
  - b. Advise the complainant if the investigation; and
  - c. Assign the investigation to an investigator.
8. The investigator will make a written report with the findings of the investigation to the *[Managing Partner/Director of Administration/Office Manager]* within 30 working days. Extensions may be granted by the *[Managing Partner/Director of Administration/Office Manager]* in appropriate circumstances.
9. The *[Managing Partner/Director of Administration/Office Manager]* must review the report and determine a plan of action within 15 working days of receiving the investigator's report.
10. The *[Managing Partner/Director of Administration/Office Manager]* must advise the complainant and the respondent, in writing, of the outcome of the investigation. Summaries of the investigation process and conclusions may be provided to the complainant and the respondent.



11. Where discrimination or harassment has been substantiated, corrective and disciplinary action will be taken up to and including termination of employment for just cause, depending on the circumstances. In the event of a finding of a breach of the Code, a report will also be made to the Law Society. Specific details of the corrective action or discipline may not be shared with the complainant or others in order to respect privacy and confidentiality.
12. If it is determined that an employee made a false complaint knowingly or in a malicious manner, he or she will be subject to corrective action or discipline up to and including termination of employment for just cause.
13. In order to comply with statutory obligations to prevent and investigate discrimination, harassment and violence, the [Managing Partner/Director of Administration/Office Manager] must follow the above procedure even when:
  - a. a complaint has been made anonymously or by someone who asks to remain anonymous; or
  - b. there is no specific complaint, but
    - i. there is a pattern of inquiries or concerns raised over time which suggest the existence of a specific problem not already addressed, or
    - ii. there is reason to believe that a systemic problem exists in the Workplace.

**Note:** In addition to setting out this (or similar) procedure as part of a respectful workplace policy, it is important to be prepared to implement the procedure on short notice. As an example, advance consideration should be given to potential investigators. If there is an intention of using internal investigators in certain circumstances, they should be provided training. Also, the individual [Managing Partner/Director of Administration/Office Manager] assigned responsibility for receiving and handling complaints, and their alternate, should also be given training so they are alert to legal, privacy and other issues that may come up in the course of the investigation process.

## Confidentiality

Any complaint brought or investigation conducted under this policy will be treated confidentially to the greatest extent possible. The identity of the complainant, respondent or witnesses, or the circumstances of the complaint, may be disclosed where disclosure is necessary for the purposes of resolving the complaint or taking disciplinary action in relation to the complaint, or to inform the employees of a specific or general threat of violence, or as authorized or required by law.

Any unauthorized disclosure of confidential information relating to a complaint may result in disciplinary action, up to and including termination of employment for just cause.

All records of a complaint must be kept separate from the respondent's personnel file except where the complaint is determined to be substantiated.

## Compliance

Failure to comply with this policy may result in disciplinary action up to and including termination of employment for just cause.



### III. SUPPORTS FROM ALBERTA LAWYERS' ASSISTANCE SOCIETY

The following information was graciously shared by the Alberta Lawyers' Assistance Society (Assist). Assist is a charitable society providing help to lawyers, law and articling students and their families, with personal issues. Assist's goal is to prevent crisis and keep lawyers and law students happy and healthy.

Assist is governed by an independent board of directors. Confidentiality is the cornerstone of their programs and services.

If you have experienced workplace harassment or disrespect, Assist can help:

#### **Professional Counselling Services**

Assist will provide you with professional counselling services with a registered psychologist. Experiencing harassment is stressful and the negative emotions, like anger, shame and guilt, that accompany harassment can be difficult to navigate. A professional counsellor can help you with strategies to remain in the workplace or to feel strong during the complaint process, for example.

Professional counselling is confidential; registered psychologists are members of a regulated profession with confidentiality duties to their clients.

#### **Peer Support**

You are not alone – others have experienced harassment and disrespect. Assist can match you with a lawyer volunteer who has been trained in peer support who can provide practical, emotional, and social support and who has been through a similar experience, which gives them insight into your situation.

Assist has a large roster of peer support volunteers with diverse demographic characteristics, practice backgrounds and personal experiences. Volunteers are trained in Assist's confidentiality principles and follow the Law Society of Alberta's Code of Conduct.

Peer support volunteers do not give legal advice. Please consider obtaining independent legal advice if you are concerned about your legal rights or options.

#### **Resources**

Assist published an issue of Assist In Your Community focused on harassment and lack of respect in legal workplaces. Featured articles include "How Assist Can Support You if You Are Experiencing Harassment or Disrespect" and "How Assist Can Support You in a Workplace Investigation."

#### **AssistCommunity**

Join Assist for a monthly coffee circle, a yoga class or an interest group. Isolation and loneliness can lead to mental health challenges, especially when you are going through a difficult experience. Check our website for upcoming activities.

*For professional counselling services, call 1-877-498-6898 from anywhere in Alberta (Monday to Friday, 8AM - 4PM). Crisis counselling is available 24/7. For more information on Assist's services and to access online resources, visit [www.albertalawyersassist.ca](http://www.albertalawyersassist.ca).*

## IV. SAMPLE INVESTIGATION PROTOCOL

Positive obligations enshrined in occupational health and safety legislation require organizations to ensure that they are creating a safe workplace for personnel, which includes a workplace free of harassment and discrimination. In addition, and more generally, human rights legislation imposes a similar duty on organizations to ensure an environment free of harassment and discrimination in relation to a broader scope of relationships.

One of the mechanisms available to organizations to address such issues is the investigation process. Investigations can be conducted by either an internal investigator, or a third party external investigator. A central tenet to conducting a proper investigation is that the investigator should be a neutral individual, not directly connected to the subjects (i.e. complainant(s) and respondent(s)) of the investigation. Ideally, the investigator should be trained in investigation processes and should apply a consistent, structured, and measured approach to addressing allegations of harassment and discrimination. The following represents a sample investigation protocol that can be used for either internal investigations, or third party external investigations.

### Initial Complaint

- May be directly from complainant(s) or from another concerned individual.
- In some cases, situations will come to light indirectly through a leader's observations or another concerned individual.
  - If the individual actually affected by the situation does not want to initiate a formal investigation, it may be appropriate for the organization to initiate one and, in doing so, protect the identity of the affected individual(s) to the extent possible
- Assess the allegations to determine if a formal investigation is warranted – in some cases, a facilitated resolution between the complainant and respondent may be enough to resolve the situation (e.g. Human Resources can act as the facilitator for discussion).
- Consider the legal obligation to ensure a safe environment free from harassment and discrimination – is an investigation necessary/helpful to meeting that obligation?

### Preparing for Investigation

- If warranted, legal counsel should provide legal direction to the investigator to place the investigation and related report under privilege. This step is important if there is any indication that the allegations and/or reactions of the parties could potentially lead to litigation
  - Direction should include a synopsis of allegations, the policy under which the investigation is to occur, instructions for keeping notes and providing an investigation report for the purposes of being able to provide legal advice, direction to contact only those who need to be part of investigation, and a request for regular updates

- Think about who needs to be interviewed – complainant(s), respondent(s), leader(s), other witnesses
- Consider the location for the interviews – for example, should the interviews be held away from the premises where the alleged issues have arisen?
- Prepare written allegations for the respondent to answer
- Schedule interviews
- Draft interview questions
- Where legal counsel has provided legal direction and placed the investigation under privilege, the investigator may want to consult with legal counsel in preparing for the investigation

### **Investigation**

- For each interviewee, the investigator should explain the reasons for the interview and identify the specific workplace policy under which the interview is being conducted, as well as the obligation to cooperate – as described in the relevant policy.
- Highlight the fact that the investigation process is confidential and that the individual being interviewed must not speak with anyone about the investigation without the investigator's prior approval.
- Work through questions and make notes of all responses, including non-verbal behaviours.
- It may be that the investigator needs to schedule follow-up interviews with parties to pursue additional lines of questions/clarifications.

### **Analysis and Findings**

- Where the investigation is being conducted under privilege, the investigator and legal counsel should discuss investigator's analysis and findings - do they make sense given evidence?
- Determine whether any information is missing - does evidence lead to other questions/witnesses that need to be pursued?
- The key is to be sure that you can clearly see how the investigator got from allegations to findings - is the story compelling and defensible?

### **Report**

- Investigator should draft a report that sets out allegations, parties involved, evidence, analysis and findings.
- Findings and recommendations can then be discussed with HR and leadership, as well as legal counsel where applicable, to determine what next steps should be.

- Plan communications for findings and outcomes to complainant(s) and respondent(s) - witnesses do not need to know the final outcome.
- The report should only be disseminated in accordance with legal counsel's approval and direction.

### **Communicate Findings and Outcomes**

- Complainants and respondents are entitled to understand the findings of an investigation, but for privacy law reasons, should not be provided with information related to the specific outcomes or consequences for one another.
- Beyond the complainant(s) and respondent(s), findings and outcomes should only be communicated with those with a legitimate need to know.



## V. MEANINGFUL EXIT AND STAY INTERVIEWS

*The following guidelines were graciously shared by the Law Society of Ontario. If you're concerned about departures, or wanting to connect with lawyers in your practice setting to learn more about what you can do to retain them, the thorough guide below may assist in framing an exit or stay interview.*

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### Developing Exit Interviews - Process for Law Firms

An exit interview is a way of determining the reasons why a departing lawyer or employee has decided to leave an organization.

There is value in taking a systematic approach to collecting information from exiting employees and lawyers, such as gathering the data in a structured and consistent manner;

- a. aggregating the results for the organization as a whole;
- b. analysing the findings to identify consistent trends, patterns and themes;
- c. using the results to determine and implement strategies to increase retention and reduce turn-over.

Organizations use the following practices in exit interviews:

- a. A traditional method is to have a representative in the Human Resources department, a supervisor, or a person with the authority conduct the exit interview on the last day of work, or on a day following the last day of work;
  - i. The disadvantage of this traditional face to face model is that employees may often be reluctant to reveal the full range of factors that led to a resignation and to give an honest critique of the expectations, conditions and requirements of their jobs. In order to collect the most effective information, law firms should recognize the need to provide the departing member of the firm or employee with a forum that makes them comfortable to provide an honest and complete account of the reasons for departures. Delaying the interview for a period of time following the departure may assist in making an employee or member of the firm more comfortable to provide information about the departure.
- b. Conduct exit interviews through a third party: This method may make the employee more at ease, but may also lead to a more structured or formal interview. External exit interviews may also be more costly to perform for the firm.

Exit interviews are typically conducted face-to-face because it enables better communication, understanding and interpretation, a better opportunity to probe and get to the root of sensitive or reluctant feelings. Questionnaires are also appropriate if face-to-face interviews are not possible.

Participation in an exit interview should be voluntary. If a person refuses to attend an in person interview, you may offer a questionnaire instead.



## Exit Interview - The Principles

An exit interview may touch on the following topics:

- a. career opportunities, including perceived opportunities for advancement and clarity of development plan;
- b. enjoyment of work, including how well work utilizes skills and work/life balance;
- c. firm leadership, including management style, perception of leadership, support of lawyers;
- d. availability of training, including corporate commitment to professional development, keeping up with technology, opportunity to learn new skills;
- e. compensation and benefits, including bonuses, recognition of contributions, communication regarding performance;
- f. culture of firm/practice group, including opportunity to learn and take on good files, size and reputation of practice group; and
- g. opportunity for flexible work arrangements.

Useful principles for planning an exit interview process include the following:

- a. provide an opportunity to all employees who leave the firm voluntarily to participate in an exit interview to have a complete understanding of turnover;
- b. use a standardized approach by asking a consistent set of questions to ensure comparability;
- c. be comprehensive in the approach by including feedback on the work environment in addition to reasons for leaving;
- d. make the information in aggregate form available to firm members as required to plan strategies to reduce turnover;
- e. set targets for reduction in turnover through planned strategies, which helps to ensure that the investment made in exit surveys is put to its maximum use.

The following template is based on Justicia law firms' exit interviews and may be used by law firms as a guide.

### Exit Interview Template

Name: \_\_\_\_\_

Hire Date: \_\_\_\_\_ Departing Date: \_\_\_\_\_

Current Year of Practice: \_\_\_\_\_ Current Area of Practice: \_\_\_\_\_

Gender: \_\_\_\_\_

Identifies as a member of an equality-seeking community? *(If yes, identify which one)*

\_\_\_\_\_

Date of Exit Interview: \_\_\_\_\_

Interviewer Name: \_\_\_\_\_

#### Reason for Leaving?

Primary

Secondary

☐
☐

Secured better job

☐
☐

Return to school

☐
☐

Family

☐
☐

Issues with supervisor

☐
☐

Not satisfied with income

☐
☐

Disliked type of work

☐
☐

Professional level of job

☐
☐

Quantity of work

☐
☐

Physical conditions

☐
☐

Transportation problem

☐
☐

Other: \_\_\_\_\_



## General Information

- Why have you decided to leave the firm?
- Did you discuss leaving with your supervisor or human resources before you resigned? (If not, why not?)
- Do you have another position you are going to? If so, what is the position and who is it with?
- What does this new position offer that your present position does not?
- Will you be doing the same type of work? If not, what type of work will you be doing?
- What might we have done to have prevented your resignation from the firm?
- What two things will you miss most about working at the firm?
- What two things will you be happy to leave behind?
- Was your job what you thought it would be after hearing it described in your hiring interview? Explain.
- Were you accomplishing something worthwhile? Explain.

## Leadership, Management and Mentoring

- Who were your mentors? Were they available and accessible to you? Do you feel they provided you with the appropriate amount of direction and support? How did they differ from one another? What did they excel in? What could they have done better?
- Who were the good partners, managers, supervisors or practice group leads that you worked under and why? Who could use some improvement and why?
- Were the firm's performance expectations of you clearly outlined? (e.g. work quality, work load, timelines, etc.) If not, please explain.
- Were you given the right amount of direction (or too much, too little) on assignments? Were you given timely and constructive feedback on a regular basis? How could we improve in this area?
- On a scale of 1 to 5, how would you rate the effectiveness of leadership (i.e. partners) at the firm? Why?
- On a scale of 1 to 5, how did you feel about your supervisor's management methods?
  - What did s/he do best?
  - What could s/he improve on?
  - Do you think s/he was fair and reasonable?
  - Do you feel your contribution was appreciated by your supervisor and others? Explain.

### **Professional Development**

- Were you given the right amount of professional development opportunities? How could we improve in this area?

### **Work Challenge and Interest - Career Development**

- When you first started with the firm, did you plan on making your career solely at the firm or did you see this position as a stepping stone in your career path?
- Was your role what you expected it to be? If not, why not?
- As you grew in your role, did your role continue to meet your expectations? If not, why not?
- Did you get exposure to a variety of matters and clients? If not, why do you think that is?
- Do you feel your skills and knowledge were used to their fullest potential? If not, why not?
- Did you feel your work was challenging enough, over-challenging or under-challenging? Explain why.

### **Compensation and Benefits**

- Do you feel you have been recognized appropriately for your performance and contribution to the firm?
- Have any of the following influenced your decision to leave: vacation, paid leaves (personal days, sick leave), benefits, etc.
- Have any of the following influenced your decision to leave: approaches to compensation/salary administration?
- Do you feel you have been fairly compensated for the work you performed
  - What did s/he do best?
  - What could s/he improve on?
- Have you been satisfied with the benefits and associate programs provided by the firm? Is there anything you would recommend including?

### **Support Systems, Tools and Training**

- Was your initial orientation comprehensive enough to allow you to easily transition into your position? How could we improve on it?
- Do you feel you received enough on the job training to allow you to grow in your role? Is there any training you would have liked to have received that was not offered?
- Have any of the following influenced your decision to leave: approaches to compensation/salary administration?

- On a scale of 1 to 5, how would you rate the administrative support provided to you? Please explain.
  - Secretarial support
  - Technical support
  - Research support
  - Department support

### **Overall Environment and Firm Culture**

- On a scale of 1 to 5, how would you characterize the firm people you know?
  - What do you think we should improve?
  - Did you feel that there was room for you to grow - expanding your experiences and knowledge in the job or through other jobs?
- On a scale of 1 to 5, how would you characterize your work area/department?
  - What did you like best about working there?
  - What do you think they should work to improve?
  - What was the most common positive comment by your coworkers?
  - What was the most common complaint?
- Do you feel the firm's policies and practices, as they relate to associates, were communicated clearly and applied consistently and fairly? What could we do to improve in this area?
- Do you feel everyone has an equal opportunity to succeed at the firm? If no, why?
- Do you have any suggestions for improving associate relations or the work environment in general?
- How would you describe your relationship with your peers?
- It would be very helpful if you could provide three suggestions that would help us make the firm a better place to work.

### **General Comments**

- Is there anything else that you could share with us that would help us to improve things for current and future employees?

## Summary of Exit Interview

### Reason for Leaving

Primary:

Secondary:

### Experience at the Firm

The People:

Recommendations for improvement:

Room to grow:

### Work/Area Development

Improvements:

Supervisors Methods:

**The Job:**

**Orientation:**

**Benefits:**

**Training:**

**Recommendations:**

**Changes that would have prevented resignation:**