



# Practice Resource

## DEMOGRAPHIC DATA COLLECTION GUIDE

*These materials are based on the Law Society of Upper Canada's Justicia materials, and are used with permission from the Law Society of Upper Canada.*

### Introduction

The Justicia Project is an initiative designed to retain and advance women lawyers in private practice. In that context, participating Justicia law firms have committed to collecting and maintaining gender demographic data. While the collection of this data will be used to identify principles and best practices that can accomplish these goals, there is no requirement for Justicia firms to report such data either to the Law Society of British Columbia or publicly.

However, firms may wish to release their gender demographic data to highlight their progress related to the inclusion and gender diversity of lawyers at various levels of the organization. Firms can also use the information as a marketing tool with clients and potential recruits.

The Law Society of British Columbia recognizes the value of collecting demographic data. It has maintained gender data of lawyers for a number of years and in 2013 began collecting broader self-identification demographic information about its lawyers. Such data will provide a benchmark for the legal profession and law firms.

In addition to collecting quantitative gender demographic data, firms may wish to establish a process by which qualitative data is gathered, for example through exit interviews with departing lawyers. This practice can assist in better understanding reasons for departures and developing programs to address identified issues.

This guide provides the following information to assist firms in collecting gender demographic data:

1. Benefits and challenges of collecting data in your firm;
2. Human rights obligations;
3. Steps to collecting data;
4. Template to collect gender demographic data;
5. How to report gender demographic data;
6. Collecting demographic data beyond gender;
7. Developing exit interview processes for law firms;
8. Exit interview principles; and
9. Exit interview templates.

# 1. Benefits and Challenges of Collecting Data in Your Firm

Some of the benefits for collecting and analysing gender demographic data include:

- a. It is good business for law firms to be representative of their client base and the data can be used as a marketing tool to recruit talent and clients.
- b. The purpose of collecting and maintaining gender demographic data in the context of the Justicia Project is to allow firms to analyze trends within their environment, such as the number of women and men who leave, lateral hires at each level of the firm, and representation at the partnership level or in positions of leadership. This information may lead to the development of strategies to remedy any gaps and underrepresentation.
- c. When data is gathered, tracked and analyzed in a credible way over time, it becomes possible to measure progress and advancement. Budgets, policies, practices, processes, programming, services and interventions can be evaluated, modified and improved.

Some may challenge the collection of data, more particularly if the firm decides to gather demographic information about characteristics other than gender, such as race, disability or sexual orientation. Some issues raised may include the following:

- a. Data collection may be seen as a way of unduly favouring specific groups. To proactively reduce and address those perceptions, the firm should clearly communicate the purpose, goals and methodology for collecting data.
- b. Data collection is resource intensive and can be technical, complex and expensive – this may be the case for larger firms especially. However, once a system is in place, the cost of gathering, maintaining and reporting the data is reduced.

## 2. Human Rights Obligations

Purpose: the demographic collection program should clearly set out a purpose that is consistent with the *Human Rights Code*. This can be contextualized by taking into account a group's position within society. In the case of the Justicia firms, the purpose of the collection program could be to enable firms to analyze trends within their environment, such as the number of women and men who leave, lateral hires at each level of the firm, and representation at the partnership level or in positions of leadership by gender, so that this information may assist in the development of strategies to remedy any gaps and/or underrepresentation noted by the collected data. There should be a logical connection between the nature of the information being collected and its intended use.

Anonymity: Measures should be taken to protect confidentiality and privacy.

### 3. Steps to Collecting Data

The following are some of the key considerations that may arise during various steps in the data collection process. How data is gathered and analyzed depends on many factors, including the context, the issues that need to be monitored, the purpose of the data collection, and the nature and size of the organization.

- a. **Set Goals:** The law firm should set goals to be accomplished by the data collection. For example, the goals of Justicia firms may be to find out whether women are leaving the firm and at what level in their career, or to gather gender demographic data to demonstrate the leadership roles that women have in the firm, and to promote the firm as an inclusive employer or service provider.
- b. **Plan:** The firm should consider the following questions:
  - Is there support from senior management or leadership of the firm, such as the executive committee?
  - Who will be accountable for decisions about the data collection process, such as design, logistics, communication, management, coordination and finances?
  - What survey instrument or methodology will be used to gather the information?
  - When and how will the collection of data be done?
  - How often will data be collected?
  - Who will be asked to participate?
  - What benchmark statistics will be used for comparison?
  - Who will do the analysis?
  - How will the data be reported?
  - Who will receive the data?
- c. **Collect the Data:** Collecting the data requires an organized approach, which includes a number of practical considerations. The firm should consider the following checklist:
  - Identify the logistics, resources, technology and people needed to develop and implement a data collection initiative;
  - Identify who will review the data to ensure that it is relevant and accurate;
  - Anticipate and address concerns and questions about the project; and
  - Design a communication plan.

- d. Analyze and Interpret the Data: In the analysis of the data, the firm should consider the following checklist:
- Identify the kind of analysis that will be used and who will perform the analysis;
  - Prepare a report of the data, including charts, graphs and other forms of visual representation with a summary of findings and interpretation;
  - Analyze the efficiency and efficacy of the data collection process and how it can be improved;
  - Identify gaps, areas of improvement, and opportunities; and
  - Develop steps to address the findings and identify the individuals who will be responsible to implement the steps.
- e. Repeat: demographics are most useful when tracked over time. The firm should make a decision on how it will maintain gender demographic data and how often it will analyze and report on the results. For consistency, measurement and tracking purposes, a firm should collect data at the same point in time every year.

## 4. Template to Gather Gender Demographic Data

Office Location: \_\_\_\_\_

Excluding anyone on long term disability, please indicate the following:

DEMOGRAPHIC INFORMATION	MALE	FEMALE	TOTAL
<b>Lawyers</b>			
1. Total lawyers			
<b>Students</b>			
2. Summer students			
3. Articling Students			
4. Articling Students Hired back to Associate level			
<b>Associates</b>			
5. Junior Associates (1 - 4 years) (Total including lateral hires)			
6. Sr. Associate (5+ years) (Total number including lateral hires)			
7. Jr. Associates (1 - 4 years) hired laterally from outside of the firm			
8. Sr. Associates (5+ years) hired laterally from outside of the firm			
9. Associates eligible <sup>1</sup> to become Income Partners			
10. Associates eligible to become Equity Partners			
<b>Income Partners</b>			
11. Income Partners			
12. Income Partners appointed from Associate ranks			
13. Income Partners hired laterally from outside of the firm			
14. Income Partners eligible to become Equity Partners			

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<sup>1</sup> Eligible means all lawyers the firm considers eligible to apply.

<b>Equity Partners</b>			
15. Equity Partners			
16. Equity Partners appointed from Associate ranks			
17. Equity Partners appointed from Income Partner ranks			
18. Equity Partners hired laterally from outside of the firm			
<b>Counsel/other</b>			
19. Counsel			
20. Other			
<b>LEAVES</b>	<b>MALE</b>	<b>FEMALE</b>	<b>TOTAL</b>
<b>21. Maternity leaves</b>			
A. Articling Students			
B. Junior Associates (1 - 4 years)			
C. Sr. Associates (5+ years)			
D. Income Partners			
E. Equity Partners			
<b>22. Parental leaves</b>			
A. Articling Students			
B. Junior Associates (1 - 4 years)			
C. Sr. Associates (5+ years)			
D. Income Partners			
E. Equity Partners			
<b>23. Leaves other</b>			
A. Articling Students			
B. Junior Associates (1 - 4 years)			

C. Sr. Associates (5+ years)			
D. Income Partners			
E. Equity Partners			
<b>FLEXIBLE WORK ARRANGEMENTS</b>	<b>MALE</b>	<b>FEMALE</b>	<b>TOTAL</b>
<b>24. Full-time hours flexible work arrangements</b>			
A. Articling Students			
B. Junior Associates (1 - 4 years)			
C. Sr. Associates (5+ years)			
D. Income Partners			
E. Equity Partners			
<b>25. Reduced hours flexible work arrangements</b>			
1. Articling Students			
2. Junior Associates (1 - 4 years)			
3. Sr. Associates (5+ years)			
4. Income Partners			
5. Equity Partners			

*\* This part of the template should be adapted to reflect the practice areas in your firm:*

<b>PRACTICE AREA DEMOGRAPHICS</b>	<b>MALE</b>	<b>FEMALE</b>	<b>TOTAL</b>
<b>25. Number of Lawyers by Practice Area</b>			
Litigation			
Business Law			
Labour and Employment			
Private Clients (e.g. family, wills and estates, residential real estate)			

<b>26. Number of Equity Partners by Practice Area</b>			
Litigation			
Business Law			
Labour and Employment			
Private Clients (e.g. family, wills and estates, residential real estate)			
<b>27. Number of Income Partners by Practice Area</b>			
Litigation			
Business Law			
Labour and Employment			
Private Clients (e.g. family, wills and estates, residential real estate)			
<b>28. Number of Junior Associates (1-4 years) by Practice Area</b>			
Litigation			
Business Law			
Labour and Employment			
Private Clients (e.g. family, wills and estates, residential real estate)			
<b>29. Number of Senior Associates (5+ years) by Practice Area</b>			
Litigation			
Business Law			
Labour and Employment			
Private Clients (e.g. family, wills and estates, residential real estate)			
<b>30. Number of Associate Lateral Hires by Practice Area</b>			
Litigation			
Business Law			
Labour and Employment			
Private Clients (e.g. family, wills and estates, residential real estate)			

<b>DEPARTURES</b>	<b>MALE</b>	<b>FEMALE</b>	<b>TOTAL</b>
<b>31. Total Number of Departures</b>			
32. Number of Junior Associate (1-4 years) Departures			
a. Exit interviews conducted			
33. Number of Senior Associate (5+ years) Departures			
a. Exit interviews conducted			
34. Number of Income Partner Departures			
a. Exit interviews conducted			
35. Number of Equity Partner Departures			
a. Exit interviews conducted			
<b>LEADERSHIP</b>	<b>MALE</b>	<b>FEMALE</b>	<b>TOTAL</b>
<b>36. Total Senior Management and Leadership Positions</b>			
37. Executive Committee			
38. Compensation Committee			
39. Finance Committee			
40. Practice Group Lead			
41. Department Heads			
42. Committee Chairs			

## 5. How to Report Gender Demographic Data

Once the gender data has been collected and analyzed, the committee or individuals responsible for the initiative should consider the following factors for the release of the data:

- a. The Audience: The firm should decide whether the results will be made available only to senior management (such as the executive committee and the diversity or women's initiatives committees), to all lawyers at the firm, or to the public at large. Each strategy has different objectives, advantages, and disadvantages as follows:
  - i. Release to management only or first: The objective of releasing the results of the report to management, practice group leaders and/or key committees allows the management of the firm to consider strategies to address any gaps and positive results without the input of the firm as a whole. If results are to be released broadly, it is a good practice for the management of the firm to consider the results, develop a strategy for action, and a communication plan prior to the release of the results.
  - ii. Release to all lawyers of the firm: The objective of releasing the results or the summary of the data of the report or key data or summary of data to all lawyers of the firm is to create an awareness of the firm's successes and gaps when it comes to gender representation, to create buy-in from all lawyers about any action plan and to make lawyers a part of the solution. It is a good practice to have a communication plan prior to releasing the results with highlights of findings and key messages.
  - iii. Release externally: The objective of releasing the results to the public at large may be beneficial if results are positive and can be used for student recruitment and client development purposes, and to create a competitive edge with other law firms. However, if the results are not as positive as anticipated, there may be some value in promoting the results with a full plan for action.
- b. The Report: The firm should consider the type of information to release in the report and the method of releasing the information. For example, the results could be included on the firm's internal or public website, in hard copy with the full analysis of the results, including charts, and in a power point presentation to lawyers. Some firms have used this initiative as an opportunity to launch the results through a networking event.

The firm may provide the firm or committees with the following information:

- a. benchmark statistics;
- b. a summary of the results of the analysis and interpretation of the data;
- c. identification of the gaps and opportunities that exist or may exist;
- d. steps that will be taken to address these gaps and opportunities now and in the future;
- e. realistic, attainable goals with short-term and longer-term timelines;
- f. input sought from stakeholders and affected communities; and
- g. how progress in meeting these goals will be monitored, evaluated and reported.

## 6. Developing Exit Interviews

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

When collecting information from exiting lawyers, law firms should:

- a. gather the data in a structured and consistent manner;
- b. aggregate the results for the organization as a whole;
- c. analyze the findings to identify consistent trends, patterns and themes; and
- d. use 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. The disadvantage of this model is that employees may 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 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. Another method is to 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.

## 7. Exit Interview – 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 the 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; and
- 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.

## 8. Exit Interview Template

### Background Information

Name:

Hire Date:

Departing Date:

Current Year of Practice:

Current Practice Area:

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	
<input type="checkbox"/>	<input type="checkbox"/>	Secured better job
<input type="checkbox"/>	<input type="checkbox"/>	Return to school
<input type="checkbox"/>	<input type="checkbox"/>	Family
<input type="checkbox"/>	<input type="checkbox"/>	Issues with supervisor
<input type="checkbox"/>	<input type="checkbox"/>	Not satisfied with income
<input type="checkbox"/>	<input type="checkbox"/>	Disliked type of work
<input type="checkbox"/>	<input type="checkbox"/>	Professional level of job
<input type="checkbox"/>	<input type="checkbox"/>	Quantity of work
<input type="checkbox"/>	<input type="checkbox"/>	Physical conditions
<input type="checkbox"/>	<input type="checkbox"/>	Transportation problems
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

### General Information

- a. Why have you decided to leave the firm?
- b. Did you discuss leaving with your supervisor or human resources before you resigned?
  - i. If not, why not?
- c. Do you have another position you are going to? If yes:
  - i. What is the position and who is it with?
  - ii. What does the new position offer that your present position does not?

- d. In the future, will you be doing the same type of work? If not, what type of work will you be doing?
- e. What might we have done to have prevented your resignation from the firm?
- f. What two things will you miss most about working at the firm?
- g. What two things will you be happy to leave behind?
- h. Was your job what you thought it would be after hearing it described in your hiring interview? Explain:
- i. Do you feel that you were accomplishing something worthwhile at this firm? Explain:

### **Leadership, Management and Mentoring**

- a. 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?
- b. Who were the good partners, managers, supervisors or practice group leads that you worked under and why? Who could use some improvement and why?
- c. Were the firm's performance expectations of you clearly outlined? (e.g. work quality, work load, timelines, etc.) If not, please explain.
- d. 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?
- e. On a scale of 1 (low) to 5 (high), how would you rate the effectiveness of leadership (i.e. partners) at the firm? Why?
- f. How did you feel about your supervisor's management methods? (+) 5-4-3-2-1 (-)
  - i. What did s/he do best?
  - ii. What could s/he improve on?
  - iii. Do you think s/he was fair and reasonable? Explain:
  - iv. Do you feel your contribution was appreciated by your supervisor and others? Explain:

### **Professional Development**

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

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

- a. 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?
- b. Was your role what you expected it to be? If not, why not?
- c. As you grew in your role, did your role continue to meet your expectations? If not, why not?
- d. Did you get exposure to a variety of matters and clients? If not, why do you think that is?
- e. Do you feel your skills and knowledge were used to their fullest potential? If not, why not?
- f. Do you feel your work was challenging enough, over-challenging or under-challenging? Explain why?

### **Compensation and Benefits**

- a. Do you feel you have been recognized appropriately for your performance and contribution to the firm?
- b. Have any of the following influenced your decision to leave: vacation, paid leaves (personal days, sick leave), benefits etc.?
- c. Have any of the following influenced your decision to leave: approaches to compensation / salary administration?
- d. Do you feel you have been fairly compensated for the work you performed:
  - i. In relation to the market (external)
  - ii. In relation to your peers (internal)
- e. Have you been satisfied with the benefits and associated programs provided by the firm? Is there anything you would recommend including?

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

- a. Was your initial orientation comprehensive enough to allow you to easily transition into your position? How could we improve upon it?
- b. 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?

How would you rate the administrative support provided to you, on a scale of 1 (low) to 5 (high)? Please explain.

- i. Secretarial support
- ii. Technical support
- iii. Research support
- iv. Department support

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

- a. How would you characterize the firm people you know? (+) 5-4-3-2-1 (-)
- b. What do you think we should work to improve?
- c. Did you feel that there was room for you to grow – expanding your experiences and knowledge in the job or through other jobs?
- d. How would you characterize your work area/department? (+) 5-4-3-2-1 (-)
  - i. What did you like best about working there?
  - ii. What do you think they should work to improve?
  - iii. What was the most common positive comment by your co-workers?
  - iv. What was the most common complaint?
- e. 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?
- f. Do you feel everyone has an equal opportunity to succeed at the firm? If no, why?
- g. Do you have any suggestions for improving associate relations or the work environment in general?
- h. How would you describe your relationship with your peers?
- i. 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:**

- a. 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:**

**Best part of working at the firm:**

The people:

Recommendations for improvement:

Room to grow:

**Work/Area Department:**

Improvements:

Supervisor's Methods:

**The Job:**

**Orientation:**

**Benefits:**

**Training:**

**Recommendations:**

**Changes that would have prevented resignation:**