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# Measuring Diversity in Law Firms

## A Critical Tool for Achieving High Performance

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for the Equality Committee  
Canadian Bar Association

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# Overview

The increasing diversity of the Canadian labour force and Canadian law school graduates means that many law firm managers have incorporated diversity and inclusion initiatives in their talent management processes. Measurement is a key component of many successful diversity initiatives and consequently many law firms have begun, or contemplated, assessing their firm's current diversity performance.

The purpose of this Guide is to assist law firms in measuring their diversity performance. The Guide describes measurement strategies and the major steps involved in measuring diversity for firms that wish to engage in survey measurement of diversity performance. There are two major types of survey data used to assess an organization's diversity performance:

- self-identification data, which is used to assess the representation of diverse groups, and
- diversity climate data, which is used to assess inclusiveness.

For each type of data, the Guide provides information on how to collect and use them.

This Guide also provides some background information on current law firm realities, the role that diversity plays in organizational performance, and the impact of different approaches to diversity management. Understanding the context can help organizations to link their diversity measurement initiatives to their strategic plan. Even firms that do not wish to engage in surveying to measure diversity performance may find this background information helpful in their efforts toward inclusiveness.

We hope that law firms will use this Guide to become more effective diversity managers, because a more inclusive approach can lead to greater success.

### A Note to Smaller Firms

We recognize that in smaller firms, employee numbers may not warrant survey efforts. Nevertheless, given the changing demographics of the legal talent pool and the globalized nature of legal practice today, firms of all sizes are thinking about their diversity strategy development.

Smaller firms may find the Guide's information on current law firm realities, the role of diversity and different approaches to diversity management helpful. Further, while small firms may not feel the need to employ a survey to determine the representation of diverse groups in their workforce, a survey on diversity climate may be helpful to assess inclusiveness. Valid conclusions can be drawn from survey data with as few as 25 respondents.

The Canadian Bar Association has compiled an [online list of additional resources](#) that both large and small firms may find helpful in furthering their diversity and inclusion initiatives.

## Key Terms

**Diversity** – differences between people with respect to characteristics such as gender identity, age, membership in racialized communities, language, religion, sexual orientation, and ability.

**Diversity climate** – aggregate perceptions of members of an organization about its stance on diversity as well as their own views regarding the value of diversity.

**Employment equity designated groups** – the four specific groups recognized under federal employment equity legislation as experiencing employment disadvantage, are:

- women
- visible minorities\*
- Aboriginal peoples
- people with disabilities

**LGBTQ** – lesbian, gay, bisexual, transgendered/transsexual, queer/questioning.

**Racialized community** – refers to a group whose members have had individual experiences of racism and whose members are vulnerable to racism because of the way members of that group are defined and treated. The term “member of a racialized community” has replaced the term “visible minority” in many settings because it expresses race as a social category rather than as a biological trait.<sup>1</sup>

**Self-identification** – a voluntary process whereby members of an organization’s workforce indicate their membership in specific diversity groups, enabling the organization to determine the representation of these groups.

\* Note: This Guide uses the term “visible minority” when referring to the *Employment Equity Act* and Statistics Canada census data to be consistent with their definition. Otherwise, we use the term “racialized community” to be consistent with current usage.

## Part 1 – Context

### A. Why diversity is mission critical for your law firm

In May 2011, Canadian Legal Leaders for Diversity issued an important “statement of support for diversity and inclusion.”<sup>2</sup> In-house counsel from over 50 major corporations – from Bombardier and Bell to Shell and Xerox – have signed it, stating their commitment to diversity in their own businesses and to “encouraging Canadian law firms to follow” their example.

These leaders have read the research and understand the new realities. If you want to be successful in the future, you need a diverse and inclusive workplace.

Executives identify five key reasons why diversity management affects business results.<sup>3</sup>

1. **Diversified markets** When an organization’s clients are diverse, having a workforce that mirrors that diversity can help to build client relationships and draw in new clients.
2. **Global business relationships** When organizations engage in global business, multicultural competencies, enhanced by a diverse workforce, are crucial to success.



*Davis LLP has had a longstanding commitment to diversity, which reflects its ethical and cultural values, and which has led to commercial success. After World War II, the firm championed the cause of Japanese-Canadians who had lost their property when they were forced to resettle in the B.C. interior. This was followed in 1957 by the hiring of one of the first Japanese-Canadians to be called to the bar in British Columbia. George Fujisawa became an extremely successful commercial lawyer, drawing to Davis the business of virtually all of the Japanese trading companies doing business in B.C. This legacy has continued with Davis LLP maintaining a very strong relationship with its Japanese clientele and being the only Canadian law firm to have an office in Tokyo.*

*Davis' commitment to diversity has endured in other ways, as well. It is the only national firm to serve all three Northern Territories from offices North of 60. It also has a strong relationship with many Aboriginal clients, on whose behalf Davis has obtained several ground-breaking decisions and assisted in commercial and social-enterprise development.*

*Rod Snow  
Partner, Davis LLP*

3. **Productivity** Managing diversity well can pay dividends in terms of productivity. Employees who feel valued and supported by their employer typically exhibit stronger organizational commitment, greater creativity, and higher performance. Diverse teams can increase productivity, particularly on projects with a longer duration where people have the opportunity to learn from each other.<sup>4</sup> Diversity also contributes to better decisions. After all, when six people are making a decision and they all think alike, five of them are redundant!
4. **Attracting top talent** Organizations that manage diversity well are often seen as employers of choice and are able to recruit the best candidates from a broader pool of talent.
5. **Talent management** When organizations have good diversity practices, they typically experience lower turnover, reduced absenteeism, and fewer human rights complaints.

Overall, the research shows that a positive diversity climate, that is a workplace where diversity is supported and valued, is associated with:

- increased job satisfaction
- higher organizational commitment

- lower turnover intentions
- higher revenue.<sup>5</sup>

The research shows what many law firms have already recognized – creating an inclusive workplace contributes to organizational success.

*All members of the Air Canada team are proud of the company's diversity record to date. To us, self-identification surveying to determine the composition of our workforce is a part of doing business. As we expand our services into foreign markets, we recognized the need to expand our workforce to reflect today's changing reality. With service to 177 cities worldwide, we serve people of all backgrounds on a daily basis. We strive to be reflective of the public we serve and to ensure we are benefitting from the talents of a diverse workforce.*

*As Vice-President and General Counsel at Air Canada, I've seen first-hand how diversity can help strengthen a legal team. By seeking talent and experience from wherever it may arise, we now benefit from the perspectives and knowledge of a diverse group of lawyers. This diversity adds to our strength not only in identifying creative legal solutions, but also in facilitating working with clients, suppliers and lawyers around the globe.*

*David Shapiro  
Vice-President and General Counsel  
Air Canada Corporation*

## **B. Law firm realities**

### **1. Demographics and barriers to inclusion**

The legal profession, like the Canadian workforce in general, is becoming more diverse. Statistics Canada census data from 2006 shows that among Canadian lawyers and Quebec notaries:

- 39% are women
- 14% are immigrants
- 9% identify with a specific visible minority.

Research has identified barriers to inclusion for various groups in the legal profession including:

- Women
  - ◆ gender bias
  - ◆ restricted access to senior roles
  - ◆ limited accommodation for family responsibilities
  - ◆ sexual harassment<sup>6</sup>
  
- Lawyers from racialized communities
  - ◆ exclusion from networks
  - ◆ bias in recruiting, remuneration, and advancement<sup>7</sup>
  
- Aboriginal lawyers
  - ◆ racist comments, exclusion, and isolation.<sup>8</sup>

Many of these same barriers can affect non-lawyer staff as well.

## 2. Government requirements

Like other employers, law firms are subject to human rights legislation requiring firms to maintain a discrimination-free workplace.

Law firms appointed as agents of the Attorney General of Canada are subject to the Workplace Equity Policy for Legal Agents issued by the Department of Justice Canada.<sup>9</sup> This policy requires participating law firms to provide a written commitment that they will respect workplace equity principles and, at the request of the Department, report on the representation of designated group members, specifically, women, visible minorities, people with disabilities, and Aboriginal peoples. Some provinces also have employment equity requirements for Crown agents.

### 3. Market pressures

Some law firm clients are now issuing requests for proposals (RFPs) to select their legal representatives. Some international RFPs ask for data on the representativeness of the law firm's workforce and that information is used in the proposal evaluation process. This practice is becoming more common in the United States and some Canadian law firms have already encountered RFPs including this requirement.

The May 2011 "Legal Leaders for Diversity" pledge by Canadian in-house counsel not only commits participating companies to promoting diversity in their workplaces but also encourages these companies to "Support vendors and suppliers whose ownership or employee base reflects a commitment to diversity and inclusion." When these counsel outsource work for their corporations, they will be looking to hire law firms that demonstrate a commitment to diversity.

### 4. The way ahead

Creating diverse and inclusive workplaces is in everyone's best interests. Law firms can use this Guide to refine their approach to diversity and inclusion and measure their diversity performance.

## C. Approaches to diversity management

What is your approach to diversity management?

Research on organizational approaches to diversity<sup>10</sup> has identified a continuum of three main approaches to diversity management.



#### 1. Discrimination and Fairness

Approach characteristics include:

- actions are motivated by legislative compliance

- the focus is on ensuring non-discrimination
- differences between diverse groups are assumed to be irrelevant to the workplace
- little concern for the diversity climate
- promotes a culture of assimilation

The result: Employees from diverse groups often feel marginalized and are not comfortable sharing their unique experiences. Organizations miss out on the opportunity to learn from the diversity of employee perspectives.

### **2. Access and Legitimacy**

Approach characteristics include:

- recognition that cultural differences matter to clients
- differences are used to reach out to different segments of client base
- employees from diverse groups are slotted into specific roles related to that group, such as assigning an employee from a diverse group to clients from the same group
- focus is on linkages with niche markets
- limited interest in the diversity climate
- promotes a culture of differentiation

The result: Employees from diverse groups often feel exploited and may find their roles career-limiting. With the focus on differentiation, learning is limited as different points of view are typically not shared throughout the organization.

### **3. Learning and Effectiveness**

Approach characteristics include:

- recognition that cultural differences are an important source of organizational learning

- differences are acknowledged and incorporated into core business processes
- open discussion and respect for differences
- the goal is a positive diversity climate
- promotes a culture of integration

The result: Organizations use employees' different perspectives to rethink how they do business and enhance effectiveness. Employees from diverse groups feel valued and respected.

### **D. Good management includes diversity management**

A good manager treats people fairly and creates an environment supportive of high performance.

A good manager of diversity recognizes that organizational goals can only be fully achieved when cultural differences are recognized, respected, and leveraged.

Good diversity management means more than following good management practices. Good diversity management means utilizing the differences among employees to create new ways of thinking, spur creativity, reach better decisions, enhance flexibility, and deliver more effective service.

## Part 2 – Measurement Strategies

The first step in measuring diversity performance is to develop a measurement strategy which reflects your firm's diversity plan. As discussed below, two main types of diversity performance data can be collected. Other considerations include from whom to collect data and how it will be used.

### A. Two types of diversity performance data

Two types of data can be helpful in understanding your firm's diversity performance:

- employee and partner membership in specific diversity groups
- the diversity climate

#### 1. Membership in a specific diversity group: self-identification

The key purpose in collecting self-identification data is to assess the representativeness of your firm's workforce, and to identify gaps in recruitment, retention, and promotion efforts. Individuals self-identify as belonging to specific groups to enable the firm to assess the representativeness of their workforce. Some law firms are already collecting data on gender representation for the Justicia project (see the [online list of additional resources](#) for a current list of Justicia jurisdictions). This approach can be extended to other relevant workforce groups.

There are several sources of data on the representation of various groups in the legal profession and general workforce to use to benchmark self-identification results (see the online list of [benchmarking resources](#)). You can compare the information you collect with these external benchmarks to assess your firm's performance.

By examining the representation of various groups across organizational levels, it is possible to identify where barriers may exist for various groups. For instance, do lawyers from some groups face barriers which prevent them from making the transition from associate to partner? Are the barriers the same for lawyers as for senior and support staff from the same diversity group?

Repeating the data collection on a periodic basis helps to assess trends over time. For instance, has the retention of diverse groups increased or decreased since data were last collected?

Comparing changes in representation data over time can also indicate what diversity management strategies have been successful and where additional diversity initiatives may be required. Have recruiting outreach efforts in various communities worked? Are certain practice areas more diverse than others? Are diversity initiatives directed at recruiting lawyers versus senior and support staff equally successful? To what goals should future diversity efforts be directed?

**To collect data on membership in a diversity group it is up to each individual to identify himself/herself. The key is not to make assumptions. The best approach is to ask appropriately.**

*Canada Lands Company is an employer who values an inclusive and diverse workforce that mirrors the Canadian population. As the VP responsible for Human Resources and Legal Affairs, I want to ensure that we have the right tools to identify and eliminate systemic barriers that undermine diversity, inhibit inclusion or prevent employees from maximizing their contribution. Self-identification is key to the Company achieving diversity and inclusion in the workplace through our hiring, promotion and employment practices. As an Employment Equity employer, all of our candidates are encouraged to self-identify as part of the recruitment process. Once hired, employees are invited to complete an employment equity survey and provide comments and suggestions for improvements to the Company's program. The Company and its divisions, including the CN Tower, are guided by the principle that employment equity means more than treating people in the same way; it means enabling measures to accommodate differences equitably and to foster dignity and self-esteem of individuals at all levels.*

*Antoinette Bozac, Vice President  
Human Resources and Legal Affairs  
Canada Lands Company*

## 2. The diversity climate

Diversity climate data focus on the perceptions and attitudes about diversity held by members of a firm. They are an important indicator of the inclusiveness of the workplace.



These data are central to identifying and responding to diversity issues. They may indicate, for example, whether people have experienced discrimination or feel they have been treated fairly.

These data can help to diagnose the source of a problem and the specific policies that could be amended to address it. For instance, diversity climate data may indicate that senior management is committed to diversity but that other members of the firm do not set a positive example of managing diversity. Or, data may indicate that the recruiting process is generally free of bias but that barriers to promotion exist for some groups.

Diversity climate data may also identify differences in perceptions between groups, with some groups noting challenges not faced by others. For example, one faith group may feel that they are experiencing workplace barriers while another faith group does not report this concern. However, if you wish to compare different groups, be sure that they are large enough for a statistically valid comparison – at least 25 people in each group. Where numbers warrant, it may be helpful to consider whether different patterns are apparent for lawyers, senior staff, and support staff.

In some organizations, diversity climate data are used to evaluate the diversity management performance of individual managers, and may be tied to compensation and promotion. In these organizations, diversity climate assessments are often integrated into 360-degree feedback processes.

Finally, diversity climate data can be used to help to build a more inclusive firm culture. Aggregate results can be shared and used to spark a dialogue, raising awareness of diversity issues. For example, if most firm members have positive attitudes toward diversity but some people report experiencing social isolation, these data can encourage participation in appropriate training and a commitment to solve the problem.

**A diversity climate survey assembles aggregate perceptions of how well a firm is integrating differences.**

*Commitment to diversity forms a pillar of Miller Thomson's strategic plan. In autumn of 2008, the firm's Diversity Policy was launched in every office across Canada. The policy reflects the firm's continued commitment both internally and externally to expanding in ways that reflect its evolving national fabric. In furtherance of this commitment, in 2009, the firm conducted a voluntary firm-wide survey for internal purposes. One of the overarching objectives of the survey was to assist the firm in implementing effective diversity programs and strategies to ensure that diversity goals were uniformly embedded in recruitment, retention and promotion efforts. Another very important objective was to identify areas for improvement within the firm, so that the firm's diversity programs could specifically address its diversity needs. One of the major benefits of conducting such a survey was that it caused the entire firm – partners, associates and staff – to talk and think about diversity at Miller Thomson. Miller Thomson is taking steps to build upon the success of its internal survey for its current and future diversity initiatives.*

*Gita Anand  
Chair, Diversity Committee  
Miller Thomson LLP*

### **3. Self-Identification versus Diversity Climate Measurement**

Many organizations consider self-identification surveying to be the first step in building a diversity program. Data on employee representation in diverse groups can be helpful in determining the focus of diversity initiatives and also provides a baseline against which to measure progress towards inclusiveness. On the other hand, some employees may be uncomfortable being asked questions about their membership in underrepresented groups, particularly if their employer has not been visibly engaged in diversity issues in the past. For many employees, questions about the diversity climate may seem less personally threatening and more relevant to diversity initiatives than self-identification data.

Ultimately the choice of which type of data to collect or which data to collect first will depend on the firm's previous diversity initiatives and its diversity goals. Some firms will already have a diversity strategy in place and a workforce that is comfortable with discussions of differences. Others firms will be at the beginning of this process and need to convince a sceptical workforce of the value of collecting diversity data. Your approach to surveying your workplace will need to be tailored to the situation in your firm.

## B. Other Considerations before collecting data

### 1. General considerations

- There is no one-size-fits-all approach to collecting data about diversity in a law firm. Some adaptation of the recommendations contained in this Guide will typically be required. These general principles, however, apply in every case:
  - Be clear about the purpose of your data collection initiative. Your purpose should reflect the context in which your firm operates, the firm's diversity goals and the firms' past experience with diversity initiatives. Firms with well developed diversity initiatives may be looking for data to compare to previous measurements or data regarding specific issues that may be considered potentially problematic. Firms that are just launching their diversity strategy may be looking for more general information on workforce representation or attitudes toward diversity.
  - Think about what information you need to know to achieve your goals and only ask for information relevant to your purpose.
  - Decide who the data will be collected from – lawyers and/or senior and support staff. More inclusive survey initiatives are generally met with greater acceptance.
  - For each question in a survey, be sure you know how you will analyze and use the data that is collected.
  - Consider which benchmarks you may wish to compare your data to and ensure comparability in the way in which questions are asked (i.e. consistent use of categories).
  - Set up surveys to maintain confidentiality and respect privacy.
  - Follow good survey design and administration practices as described in Part 3 of this Guide.
  - Recognize that participation in any survey is voluntary and that you need to build trust to increase response rates.
  - Plan to respond to any survey results by taking action to address gaps in workforce representation, remove workplace barriers, and create a more inclusive climate.

### 2. Privacy issues and confidentiality

Collecting self-identification data is not a violation of privacy. Collecting this data is consistent with privacy rights and human rights legislation when the data are collected appropriately and will be used to minimize employment disadvantage, a purpose consistent with the legislation. See [Appendix A](#) for more information on the legal issues.

To comply with the law, participation in self-identification surveys must be voluntary and confidentiality must be maintained.

In some organizations, self-identification data are collected anonymously. In others, participants are identified with their responses. Organizations subject to the federal *Employment Equity Act* typically collect self-identification data in a non-anonymous (but confidential) way as they are required to report regularly on the representativeness of their workforce. The advantage of non-anonymous data is that it facilitates ongoing tracking of representation; however, be sure to check the human rights requirements of your jurisdiction to ensure that your survey is in compliance.

Many organizations collecting self-identification data have found anonymous collection of data more appropriate as ongoing analysis is typically not required and anonymity offers greater privacy protection to respondents. The advantage of collecting these data anonymously is that it may encourage more people to respond. Hiring an outside firm to collect, store and summarize the data may help some respondents to feel more comfortable about sharing personal information. This is the approach that appears to be preferred by law firms collecting self-identification data in Canada.

Diversity climate data is typically collected anonymously with some demographic questions added to the survey to facilitate group comparisons. Diversity climate data could be collected in conjunction with anonymous self-identification data but would typically not be collected using the same form as non-anonymous self-identification data.

When considering what information to collect, note that asking about membership in a specific group may create expectations that the firm will do more to address the specific concerns of that group. For instance, asking about religious affiliation could create expectations that once numbers are known there will be more support for religious practice in the workplace. In some cases, respondents may have concerns about the relevance of certain questions.

## Part 3 – Steps to Follow to Measure Diversity

### A. Step One: Design and pre-test the survey

Once you have reviewed the considerations discussed in Part 2 above and chosen a measurement strategy, you will need to design the survey by choosing the questions you want to ask. This Guide offers a sample self-identification survey in [Appendix B](#) and different options for measuring the diversity climate in [Appendix C](#). The surveys can be done separately, combined into one, or questions from the diversity surveys can be integrated into other surveys. Diversity climate questions are sometimes included, for instance, in employee engagement surveys.

Remember that people are more likely to respond to short surveys with clear questions that they see as relevant to the stated purpose.

#### Pre-testing the survey

Pre-testing is critical because research on survey design shows that even subtle changes in question wording, sequencing, or instructions can influence respondents' answers or cause them to opt out of completing the survey.<sup>11</sup> The more you tailor the survey to your firm's needs, the more important it is to pre-test.

Pre-test the draft survey with a small sample of intended respondents. Ideally, ask six to ten people with various responsibilities in the firm to complete the survey. If your firm has a Diversity Committee, members of that Committee may be a good pre-test group. Smaller firms will typically pre-test their survey with a smaller group, such as the firm's senior managers.

The pre-test reviewers should read the material and pretend to answer the questions as if they were completing the questionnaire "for real," while noting any ambiguous wording or concerns about how a question is phrased.

At the pre-test stage, you do not need to see anyone's answers to the questions. You want feedback on the survey wording and design so that you can fix any problems.

Modify the survey in response to comments, particularly when several people have the same reaction. If the scope of the changes is extensive, you may want to pre-test the

revised survey. Time spent on pre-testing a survey is never wasted as it improves the quality of the data collected and enhances the interpretability of the results.

Make sure that people who participated in the pre-test know that they should answer the final survey when it is available. Their pre-test answers will not be counted.

### **Reaching respondents**

Ideally, everyone in the firm – partners, associate lawyers, articling students, senior staff, support staff, and part-time workers – will be asked to respond.

Online surveys may be most convenient for respondents but can lead to concerns about confidentiality when data is located on a third-party computer. Paper surveys require more handling but can facilitate greater control.

Think through distribution logistics early in the process so that everything will be ready for the survey launch date. Consider whether the survey needs to be in an alternate format to accommodate some respondents.

You will also need to take note of the exact number of people receiving surveys in order to calculate the response rate after the data have been collected.

## **B. Step Two: Develop a communications plan**

A good communications plan will enhance the survey response rate. The plan should cover the key messages that need to be shared, who the key communicators should be and the timing of the messages.

The main goal is to motivate participation so that the data are as complete as possible. People need to be given a reason to invest their time in answering the survey and they need to trust in the survey process, especially as they are being asked about sensitive issues.

A good communications plan may also raise awareness of diversity issues and spark a dialogue that may help to enhance workplace inclusiveness.

The four key messages that should be included in the communications plan are:

- senior management's commitment to diversity
- the importance of the survey
- the plans for using the data collected
- the details of survey logistics, including how confidentiality and privacy will be protected.

**Demonstrate senior management's commitment to diversity** The most effective way to establish the importance of a diversity survey is to demonstrate senior management's commitment to, and involvement in, diversity initiatives. When people know that an initiative is a strategic priority for the firm's leaders, they are more likely to make it a priority themselves.

To be credible, statements of senior management's commitment to diversity need to be matched by actions over time. Therefore, it is best to begin communications about diversity well ahead of the survey initiative. Communications regarding the value of diversity, the firm's diversity strategy, and planned diversity initiatives, which precede the survey by six or more months, can go a long way toward convincing people of the importance of the survey and the potential of the results to influence the firm's diversity strategy.

Firm leaders who repeatedly talk about the importance of inclusion, participate in events intended to highlight the value of diversity, and behave in ways that are consistent with this messaging are more likely to build momentum toward a successful survey initiative and a successful diversity program. These efforts would typically intensify in the month or two prior to the survey launch.

The survey – and diversity initiatives generally – benefit from having a designated champion. This person, often the chair the Diversity Committee, should be a senior leader with a proven track record and high credibility throughout the firm.

**Promote the importance of the survey** To build trust and enhance response rates, the firm needs to explain clearly why the data are being collected and how they will be used. People will want to know why they are being asked questions about their membership in diverse groups or their attitudes toward diversity. They will want to know how the information that they provide will be used.

Everyone needs to be reassured that providing personal information or replying to diversity climate questions will not affect evaluations, relationships, pay raises, or employment. Respondents need to be informed that the purpose of collecting the data is to gain a better understanding of the workforce and to create a more inclusive workplace, which will help the firm to be more successful.

**Describe plans for using the data collected** A strong incentive to survey participation is an understanding of how the data will be used to bring about positive change. For instance, your firm may plan to use the survey to revise firm policies to make them more inclusive. When survey efforts are clearly linked to other positive initiatives, potential respondents will feel that their participation is more valuable and will feel more comfortable answering questions.

**Explain survey logistics** Communications should include details of the survey distribution. Make sure everyone knows how to access the survey and provide a target completion date. Give respondents a short window such as a week or two to answer. If the window is too long, people will put it aside and forget. If the window is too short, they might not get to it. Send a reminder notice midway through the response window, and a last call on the last day. Send all the messages to everyone, expressing a general thank you to those who have already replied. Adjust the messages and the approach depending on the response rate.

Be sure to include information regarding the safeguards in place to protect privacy and confidentiality. Respondents need to be reassured that their privacy and the confidentiality of the information they provide will be protected.

### **After the survey, communicate results**

Once the response date has passed, you need to thank people and report back on the response rate and plans for compiling the data. Ideally, you will be surveying periodically and you want people to feel that their participation was worthwhile. Senior management should express their appreciation to those who participated and their openness to working with the results.



*Although at Fraser Milner Casgrain LLP we have always done our best to attract a diverse population and provide a work environment which embraces individuals from varied backgrounds, in 2006 we decided to take a more strategic approach to our diversity and inclusion efforts and developed the FMC Diversity and Inclusion Initiative. We were the first law firm in Canada to conduct a comprehensive diversity climate and self-identification survey, asking questions about employees' gender, disability, visible minority, lesbian, gay, bisexual, or transgender, and aboriginal status. A critical element in the success of our survey was to precede it with an education campaign that emphasized the importance of the survey for everyone in the firm. We took time to explain the steps we were taking to ensure confidentiality and anonymity of responses including use of a third-party survey provider and de-activating "cookies" in the firm's computers so that responses could not be traced back to individuals' computers. We worked to generate a sense of excitement and anticipation. The survey initiative was given strong support by the firm's leadership, who participated in the survey and encouraged others to do so. These factors contributed to the survey's success. Our response rate was 78% which is extremely high, particularly for a first time survey. In 2012, we will embark on our second Engagement and Inclusion survey which will provide us with a measure of how far we have come and signal where we need to go from here.*

*The survey data have helped us to fine tune recruitment, retention and promotion efforts and work toward making these processes more inclusive. We also have focused on developing new initiatives, such as the FMC Legal Professional Internship which provides hands-on experience to a foreign-trained lawyer new to Canada through a six-month paid position with the firm – the first program of its kind in Canada. Our efforts have resulted in FMC being honoured as one of Canada's Best Diversity Employers in 2011. We know that expanding the diversity of our workforce broadens our insight and perspective, which in turn enhances our ability to provide our clients with the best possible advice and service. Surveying is critical to ensuring that we are continuing to meet our strategic goals in this area.*

*Kate Broer, Partner  
Co-Chair National Diversity and Inclusion  
Fraser Milner Casgrain LLP*

**A sample communications plan**

Here is a sample communications plan which your firm can adapt to your specific circumstances. In some firms, many of the key communicators roles will be filled by the same individual(s).

Timing	Key communicators	Focus of communications
<b>6 or more months prior to survey launch</b>	Senior leaders	<ul style="list-style-type: none"> <li>● Initiate or enhance communications regarding the value of diversity and the firm's diversity strategy</li> <li>● Engage leaders visibly in diversity initiatives</li> </ul>
<b>1-2 months prior to survey launch</b>	Diversity champion	<ul style="list-style-type: none"> <li>● Intensify communication efforts</li> <li>● Inform employees about upcoming survey</li> </ul>
<b>2 weeks prior to survey launch</b>	Diversity champion with support of senior leaders	<ul style="list-style-type: none"> <li>● Communicate extensively regarding:                             <ul style="list-style-type: none"> <li>◆ the purpose of the survey</li> <li>◆ the logistics for the survey</li> <li>◆ privacy and confidentiality safeguards</li> </ul> </li> <li>● Build enthusiasm through positive messaging</li> </ul>
<b>During survey response window</b>	Diversity champion	<ul style="list-style-type: none"> <li>● Encourage participation through reminders at:                             <ul style="list-style-type: none"> <li>◆ The mid-point in the window</li> <li>◆ The last day</li> </ul> </li> <li>● Reinforce purpose and safeguards</li> </ul>
<b>After survey completion</b>	Diversity champion plus senior leaders	<ul style="list-style-type: none"> <li>● Thank all employees for participation</li> <li>● Communicate response rate</li> <li>● Celebrate success</li> </ul>

## C. Step Three: Administer the survey

### Following ethical practices

All survey undertakings, whether by researchers or employers, should conform to ethical guidelines for conducting research with human participants. There are many consultants specializing in workplace surveys who are well aware of these guidelines; however, even if you are hiring a consultant, it is important to be knowledgeable about the survey process so that you can ask informed questions and ensure that the right steps are being taken to protect employees of your firm.

The three key ethical principles you must observe are:

#### **1. Protect respondents' well-being.**

When collecting survey data on sensitive topics, respondents may experience discomfort. For example, a respondent may feel humiliated or embarrassed, or lose trust in others if asked very sensitive questions. In the workplace setting, respondents may be concerned that revealing sensitive information could lead to unfavourable performance reviews or even job loss. Disclosure of employees' confidential data could be damaging to an employee's reputation. Non-respondents may fear that their decision not to participate could become known and viewed negatively.

It is vital to understand the potential risks respondents face and to take all necessary steps to protect respondents from any discomfort or loss of status. This includes special consideration for respondents who may be particularly vulnerable. For example, messages directed to articling students could reassure them that their decision not to respond, or the responses they provide, will have no effect on their evaluation or hire-back opportunities. Of course, you need to make sure that this is in fact the case.

Other steps to protect respondents' well-being include thorough vetting and pre-testing of the questions, ensuring that participation is voluntary and not coerced, and rigorously protecting the privacy of data.

#### **2. Obtain informed consent.**

Participants have a right to know why personal data is being collected and how it will be used. In completing surveys, respondents should be able to read all the questions before submitting any answers. They must be able to refuse to answer a question and to withdraw at any point before submitting their answers.

This information needs to be provided to respondents at the outset and supported in the survey design. For instance, an online survey tool should allow respondents to navigate forwards and backwards through the survey while completing it, and to submit a survey with some questions unanswered.

### **3. Protect respondents' privacy.**

Protection of privacy involves many different elements. It is easier to safeguard privacy when responses are anonymous than when they can be attributed to individuals. Both anonymous and non-anonymous responses must be kept in secure storage to which only a limited number of designated personnel have access.

When surveys are offered online or via email, safeguards are needed to prevent potential tracing of responses. For instance, there should be controls on "cookies", the information that is cached in the host system.

If you decide to offer hard copies of the survey, these can be delivered to individuals through internal mail. A return envelope should be provided which does not identify the respondent. In some cases, surveys may be returned to a firm hired to analyze the data. Otherwise, survey responses should be addressed to the Chair of the Diversity Committee or the survey champion.

Survey reports must aggregate results in ways that ensure respondents cannot be identified through a combination of information. Results should not be published when they concern only a small number of respondents who could potentially be identified. To protect confidentiality, firms should not report data on small groups (less than 5 or 10 persons); however, you should be cautious about drawing definitive conclusions from groups smaller than 25 as small groups may not provide a statistically valid representation.

Note that online survey companies may store data in jurisdictions where privacy is not guaranteed. For example, United States government departments and law enforcement agencies can access data stored in the United States under the *USA Patriot Act*.

### **Increasing the response rate**

Here are three suggestions to increase survey response rates:

#### **1. Choose the best time.**

Law firms are busy work environments and people may be asked to reply to surveys on a regular basis for a variety of reasons. Response rates are normally higher when there are fewer competing priorities so give some thought to the best time to send out the survey.

Recognizing survey participation as a valid use of work time is also helpful. For instance, offering a billable time credit may be a good incentive for some respondents.

#### **2. Generate interest in the survey.**

In addition to communicating the purpose of the survey, law firms can increase interest in the survey through good communications, special events, and incentives. Find creative ways to generate enthusiasm and maximize response rates. For example, [Citibank](#) created several “Diversity Week” activities which resulted in a strong response rate.

#### **3. Encourage participation.**

Research shows that most people who are going to complete a survey will do so within the first few days. Try to maintain a focus on the survey after the invitation to participate has gone out. For example, send out status updates to encourage participation. Sending out reminder e-mails before the survey answers are due and a “last call” e-mail will remind people of the survey request.

*“After weeks of planning and preparation, Citibank held a “Diversity Week” event to communicate crucial information to all employees. A theme depicting the four designated groups was used on all print communications so employees could associate a visual with the employment equity initiative. The event . . . was highly publicized through posters and other written and verbal communications to employees which created anticipation and excitement throughout the organization.*

*Diversity Week opened with a message from the Chairman and CEO, Ken Quinn, who expressed Citibank’s commitment to the event and the importance of employment equity. Each morning during the week, employees received a new Fact Sheet with information regarding a different designated group . . . On the final day, all employees had a free luncheon with the CEO . . . With every single departmental manager in attendance to support the effort, employees truly felt the organization’s commitment to the matter.*

*The self-identification survey was distributed to all employees the following week with the same theme used for Diversity Week correspondence. An opening letter from the CEO as well as a ‘Questions & Answers’ document accompanied the survey to provide employees with additional comfort by explaining the objectives of the survey. Citibank was successful in increasing education as well as comfort among employees which resulted in a much higher response rate and also a significant increase in internal statistics on designated group representation.”*

*From: Employment Equity Act: Annual Report 2006  
Human Resources and Skills Development Canada*

### **D. Step Four: Analyze the Results**

Once the time to answer the survey has passed, compile and analyze the results. It is often helpful for a group of people to look at the results independently and then to compare their interpretation. Different people may pick up on different patterns. If you would like help in compiling or interpreting results, you can hire a consultant with expertise in data analysis to assist you.

#### **Self-identification survey**

Here are some basic questions to address when you look at the data from a self-identification survey.

- What groups are represented in the firm?
- Are these groups equally distributed among job categories?

- How does this representation compare with the applicable [benchmarks](#)?
- Where are the gaps in representation, if any?

### **Diversity climate survey**

Here are some basic questions to address when you look at the data from a diversity climate survey.

- How do respondents assess the firm's diversity climate overall – generally good or generally in need of development?
- What aspects of the diversity climate elicit the strongest positive responses? The strongest negative responses?
- What questions have the most consistent answers across all respondents?
- How greatly do answers to a question diverge, for example, do half the respondents strongly agree and the other half strongly disagree with the question?
- In what ways do answers from different groups in the firm vary?

Write up the results of the analysis to present to senior management and to keep for comparison purposes. Where possible, share the results and the resulting actions with respondents.

## **E. Step Five: Take action**

Measuring diversity is a central component of effective diversity management and consequently of law firm performance.

The data collected can inform the firm's diversity policies and strategy, and be used to decide on the actions to take to address gaps in workforce representation, to remove barriers to inclusion, and to improve diversity management.

A first step may be to report back to everyone in the firm on the survey results generally. This will demonstrate appreciation for those who participated in the survey and the firm's openness to responding to employee concerns. Respecting the survey process will also encourage participation in future surveys, which will allow the firm to assess progress over time.

## Measuring Diversity in Law Firms

In some cases, firms may want to invite employees to participate further in defining issues or coming up with solutions to diversity challenges. Many organizations hold focus groups with employees from specific diverse groups or create employee resource groups that provide input into the firm's diversity strategy. Employees are sometimes asked to indicate their interest in participating in these ongoing activities on the diversity survey itself; however, this eliminates anonymity for those selecting this option so the risks and responsibilities related to collecting [non-anonymous](#) data must be taken into account. Alternatively, firms can solicit participation in these forums outside of the survey process.

The other steps that are required to address the results of a diversity survey will vary depending on the nature of the firm's workforce and its diversity climate. Areas that may require attention include recruiting, promotion practices, compensation, and organizational culture.

For more information on the steps that law firms can take to remove barriers and increase inclusiveness, please consult "[The CBA Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations](#)," and our [online list of additional resources](#).



## Endnotes

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- <sup>1</sup> Ontario Human Rights Commission. (2010). *Count Me In: Collecting Human Rights-Based Data*. Toronto, ON.
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- Gandz, J. (2001). *A Business Case for Diversity*. Available at  
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<sup>6</sup> Canadian Bar Association. (1993). *Touchstones for Change – Equality, Diversity and Accountability: The Report on Gender Equality in the Legal Profession*. Ottawa, ON.

<sup>7</sup> Canadian Bar Association. (1999). *Racial Equality in the Canadian Legal Profession*. Ottawa, ON. Also: Cukier, W., Yap, M., Aspevig, K. & Lejasisaks, L. (2011). *DiverseCity Counts 3: A Snapshot of Diverse Leadership in the GTA*. Toronto, ON: Diversity Institute, Ryerson University.

<sup>8</sup> Canadian Bar Association. (1999). *Racial Equality in the Canadian Legal Profession*. Ottawa, ON.

<sup>9</sup> See <http://www.justice.gc.ca/min-la/workplaceequitypolicy-politiquesurlequiteautravaille-eng.asp>

<sup>10</sup> Thomas, D.A. & Ely, R.J. (1996). Making Differences Matter: A New Paradigm for Managing Diversity. *Harvard Business Review*, 74(5), 79-90.

<sup>11</sup> For more information on survey design see:

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## Appendix A

### Legal Issues Surrounding Diversity Surveys

#### How do human rights laws apply to self-identification and diversity climate surveys?

Law firms may collect and use self-identifying information when the purpose and means of collecting the information is compliant with human rights legislation.

At the time of writing this Guide, explicit endorsements of self-identification surveying have not been included in provincial and territorial human rights codes, though many explicitly permit special programs to ameliorate disadvantage, and all require evidence of adverse consequences based on a listed ground for an action to constitute discrimination.

Many human rights commissions have issued guidelines that employers refrain from asking questions related to prohibited grounds during the hiring process unless they relate to "*bona fide* occupational requirements".

To meet human rights legislative requirements, self-identification surveys should:

- focus on existing employees
- be voluntary
- ensure anonymity (unless confidential, but not anonymous survey results are permitted in your jurisdiction)
- avoid any connection with employment records
- ensure that responses do not influence future employment decisions and that there is no perception that they might. This is particularly important for those being considered for future employment opportunities beyond their current contract, such as summer students, articling student and associate lawyers.

Should a law firm wish to conduct confidential, but not anonymous self-identification surveying of both prospective and existing personnel (for example, to engage in an affirmative action or employment equity hiring program), it should consult with the

appropriate provincial or territorial human rights commission to ensure that its surveying complies with the law.

### **How do privacy laws apply to self-identification and diversity climate surveys?**

The collection, use, or disclosure of self-identification information is not in violation of privacy rights, if done appropriately.

For private law firms, privacy in relation to the collection of personal information is governed by provincial or, in the case of the territories, federal law.

Some provinces, such as Ontario and Saskatchewan, do not have privacy legislation which applies to employees in private businesses while others have robust schemes, for example, Quebec's *An Act Respecting the Protection of Personal Information in the Private Sector* and British Columbia's and Alberta's *Personal Information Protection Acts*.

The federal *Personal Information Protection and Electronic Documents Act* (PIPEDA) applies to the collection of personal information in the territories and in relation to federal works and undertakings. So, PIPEDA applies to businesses, including law firms, in the Northwest Territories, Nunavut, and the Yukon.

Apart from legislation, however, there may be liability for failure to respect an employee's privacy, with a possibility of a claim arising under human rights laws (as in Quebec) or the law of negligence.

### **What steps can a law firm take to respect human rights and privacy rights in self-identification and diversity climate surveying?**

The Ontario Human Rights Commission document, "[Guidelines for Collecting Data on Enumerated Grounds under the Code](#)", provides useful guidance on the collection of personal information. Main points in the Guidelines that are applicable to law firms include:

- Articulate clearly the purpose for which you are collecting the information. To be consistent with the Guidelines, an appropriate purpose would be, for example,

promoting substantive equality in areas of employee recruitment, retention and advancement, and, in particular, identifying and eradicating any systemic barriers for underrepresented groups within the firm.

- Inform those from whom data is being collected why the data is being collected and its potential uses.
- Use the least intrusive means that most respects individuals' dignity and privacy. Voluntary participation in self-identification surveying is suggested as one means to do so.
- Assuring anonymity may be required to address privacy and confidentiality concerns, particularly where collective results are so small that reporting them could reveal a respondent's identity.
- Ensure that there is a rational and objective connection between the nature of the information being collected and its intended use. The information should be separated from other records that contain identifying information, such as employment records. Carefully control data collection, retention, access, and disclosure with a view to respecting respondents' confidentiality and dignity.
- Comply with freedom of information and privacy protection legislation.

The [Canadian Standards Association's Model Privacy Code](#) is considered the "gold standard" for privacy compliance in the private sector (and is incorporated into PIPEDA as Schedule 1). Your firm may wish to follow its principles when collecting and using self-identification information.

Explaining the measures adopted to respect respondents' privacy will promote good response rates.

### **Where should survey information be stored?**

On-line storage systems that are located outside Canada may not be fully privacy-protected. For example, under some circumstances the *USA Patriot Act* allows government and police access to personal information stored in the United States. Self-identification information should either be stored in Canada or in a jurisdiction which has similar privacy protection, or respondents should be informed about the risk to their personal information before participating in self-identification surveys.

## Appendix B

### Sample Self-Identification Survey

#### Survey considerations

Self-identification surveys most often seek to identify women, visible minorities, people with disabilities, and Aboriginal peoples because they are designated in the federal *Employment Equity Act* as facing employment disadvantage. But in many workplaces, other groups may also be under-represented or face barriers to inclusiveness. Firms may choose to collect data on other groups such as linguistic groups, religious groups, or members of the LGBTQ community.

One of the challenges of collecting self-identification data is that some people do not define themselves in those terms. For instance, even though a person may require workplace accommodation for a physical impairment, she may not see herself as having a disability and thus not include herself in that category. Other people may resist self-identification because they fear that identifying themselves with a specific group may lead to negative treatment. For example, as a result of previous negative experiences with some government policies, some Aboriginal respondents may be reluctant to share information about their heritage in a survey. Another group that may be particularly reluctant to self-identify is articling students who may fear that disclosing their personal characteristics may undermine their chances of permanent employment.

Anonymous data collection, effective pre-survey communications, and good survey administration practices can help to reduce resistance to self-identification.

Be sure to include clear information about the survey purpose and intended use.

#### Sample Introduction

We are asking you to complete this survey because we want to understand our workforce better. Our goal is to ensure that every member of our firm enjoys a supportive work environment.

We are committed to protecting individual privacy rights and to safeguarding the personal information that you provide.

Your responses are anonymous and will remain confidential. Only aggregate results will be reported. No individual results will ever be reported and care will be taken to ensure that respondents cannot be identified through a combination of responses. If there are only a small number of people in a particular group, responses for that group may not be reported separately in order to protect the privacy of group members.

Please be assured that your participation in this survey is completely voluntary and choosing not to participate will have no employment consequences. Feel free to skip any question which you would prefer not to answer.

Thank you.

### The questions

The questions below draw on questions developed by Statistics Canada and Human Resources and Skills Development Canada with adaptations by the Canadian Bar Association. They are similar to questions used on the membership forms of some provincial law societies. Firms that intend to benchmark against provincial data may wish to mirror the questions of the relevant law society. In addition, provincial human rights legislation in different jurisdictions use different definitions of some terms, such as disability. Firms may wish to adopt the terminology used in the relevant human rights legislation for consistency.

As noted throughout this Guide, it is important to think strategically about which groups you wish to include in the self-identification survey and make sure there is a purpose for your questions.

1. Gender self-identification: With which gender do you identify?

- Female     Male     Neither

2. Age: To which of the following age groups do you belong?

- 29 years or younger  
 30 to 39 years  
 40 to 49 years  
 50 to 59 years  
 60 years or older

3. Persons with Disabilities: A person with a disability has a long-term or recurring physical, mental, sensory, psychiatric or learning impairment.

Are you a person with a disability?

Yes     No

4. Aboriginal Peoples: Aboriginal peoples includes persons that identify as Indian (as defined by the *Indian Act*), Métis, Inuit, members of a First Nation or persons identifying as non-status Indians, aboriginal or indigenous.

Are you an Aboriginal person?

Yes     No

5. Member of a racialized community: A member of a racialized community is a person, other than an Aboriginal person, who belongs to a group whose members have had individual experiences of racism and who is vulnerable to racism because of the way members of that group are defined and treated.

Do you identify with one or more racialized community?

Yes     No

If you are a member of one or more racialized communities, please select the box(es) that best describe your origin:

- Arab
- Black (i.e. African-Canadian, African, Caribbean)
- Chinese
- East-Asian (i.e. Japanese, Korean)
- Latin American, Hispanic
- South Asian (i.e. Indo-Canadian, Indian subcontinent)
- South-East Asian (including Burmese, Cambodian, Laotian, Thai, Vietnamese, Filipino)
- West Asian (i.e. Iranian, Afghan)
- Other

6. First language: What is the language you first learned and still speak regularly?

- English
- French
- Neither English nor French



7. Religion: Do you have a religion or creed?

- Yes     No

If yes, please select the box that best describes your religion or creed:

- Buddhism  
 Christianity  
 Islam  
 Judaism  
 Hinduism  
 Sikhism  
 Other

8. Sexual Orientation: Do you identify as lesbian, gay, or bisexual?

- Yes     No

9. Do you identify as transgender or transsexual?

- Yes     No

10. Position in the Firm: What is your position within the firm?

- Partner  
 Associate  
 Articling student or summer student  
 Senior staff  
 Support staff

Note: Larger firms may wish to include more specific categories of positions, possibly including areas of practice. If you do so, ensure that the list of categories is exhaustive and mutually exclusive.

## Appendix C

### Options for Measuring Diversity Climate

There are two major approaches to measuring diversity climate:

- Using general employee survey data to examine group differences in employee satisfaction or engagement, or
- Using specific measures designed to measure diversity climate.

Large organizations sometimes assess diversity climate by examining responses to employee satisfaction or engagement surveys to determine whether or not there are group differences in the responses. For example, finding that a particular group is less satisfied in their work might indicate a potential diversity concern. This approach, however, does not capture the full complexity of attitudes toward diversity and is not appropriate for smaller workplaces where the number of employees in different comparison groups is likely to be smaller than 25 employees. Generally, firms of fewer than about 150 employees will not have sufficient numbers of respondents from many diversity groups to facilitate a valid examination of group differences through general employee satisfaction or engagement surveys.

Diversity climate is best measured by direct measures designed for this purpose. These measures can be used by both larger and smaller firms to assess the diversity climate. This Appendix provides suggested questions for each of nine possible measures of diversity climate. Each measure addresses different aspects of diversity and can be useful under different circumstances.

Not all firms will choose to include all nine measures, nor is this necessary. The goals of the survey initiative should determine the selection of measures and questions. A brief introduction outlining the uses of each measure is provided below along with the suggested questions to facilitate the choice of measures to include.

To ensure valid results, for each measure chosen for inclusion (e.g. perceived fairness or resistance to diversity), the survey should include at least three, or preferably, more questions for that measure. That way, when the results are compiled, responses can be averaged across the three or more questions for each measure. This averaging will provide a more accurate reflection of attitudes.

Once the choice of measures and questions has been made, the survey should be compiled by mixing up the selected questions. Only the questions – without the labels or other background information – should be included. For example, if the questions on resistance to diversity are included, they would not be labelled as resistance as this may bias the answers. Instead all of the selected questions should be randomly sequenced in one section with only a brief introductory sentence such as:

**Please indicate your agreement or disagreement with the following statements about your workplace experience.**

Respondents should be provided with the following grid for their answers:

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1	2	3	4	5

A sample introduction to the survey is provided below.

Note that diversity climate questions can be added to other surveys your law firm does or combined with the [self-identification survey](#) if that data is to be collected anonymously. If the diversity climate survey is not combined with another survey that includes self-identification questions, you may wish to include some demographic questions such as role in the firm and a few basic self-identification questions such as age, gender, Aboriginal status and membership in racialized communities, in order to facilitate analysis of group differences.

### Sample Introduction

We are asking you to complete this survey because we want to understand our workplace better. Our goal is to ensure that every member of our firm enjoys a supportive work environment.

We are committed to protecting individual privacy rights and to safeguarding the personal information that you provide.

Your responses are anonymous and will remain confidential. Only aggregate results will be reported. No individual results will ever be reported and care will be taken to ensure that respondents cannot be identified through a combination of responses. In order to protect privacy further, group differences in answers will not be reported when the groups include only a small number of respondents.

While we would appreciate your participation very much, please be assured that your participation in this survey is completely voluntary and choosing not to participate will have no employment consequences. Feel free to skip any question which you would prefer not to answer.

Thank you.

### The Measures

#### Perceived fairness

Uses: Perceived fairness is a good general measure of the diversity climate. However, moderately high average scores may be deceptive when some workplace groups view the workplace as very fair and others view it as not fair at all. Also, additional measures are required to help to identify specific diversity problems such as social exclusion. Perceived fairness questions combined with other measures such as perceived organizational support of diversity, personal attitudes towards diversity, and attitudes towards diverse groups would create a well rounded diversity survey.

#### Questions:

- This firm has a track record of hiring and promoting employees objectively, regardless of their race, sex, religion, or age.
- Performance feedback and evaluations are fair, regardless of the person's ethnicity, gender, age, or social background.
- Firm policies (such as sick leave) are applied fairly to all employees.
- I trust this firm to treat me fairly.

Source: Q1, Q2, Q3 – Mor Barak et al; Q4 – McKay et al

#### Experience of discrimination

Uses: Measuring experiences of discrimination can be helpful in determining whether or not discrimination has occurred in the workplace. In an organizational climate where trust has been undermined, however, people may feel uncomfortable sharing their experiences of discrimination and may simply give the answer that they believe is most acceptable. Asking explicit questions about personal experiences of discrimination may

make some people uncomfortable. If questions about experiences of discrimination are included, extra care needs to be taken to build trust in the survey process.

### Questions:

- Discrimination takes place in my work group.
- I have sometimes been unfairly singled out because my background is different.
- At work I feel socially isolated because of discrimination.
- I have experienced discrimination in this firm.

Source: Q1, Q2, Q3 – adapted from James et al; Q4 – Hegarty & Dalton

### Perceived Organizational Support of Diversity

Uses: Perceived organizational support of diversity can help to determine whether the firm's commitment to diversity is being adequately communicated.

### Questions:

- This firm maintains a diversity friendly work environment.
- This firm respects the views of people from different backgrounds
- Top leaders demonstrate commitment to diversity.
- Most leaders in the firm set a positive example of how to effectively manage diversity.

Source: Q1, Q2, Q3 -- adapted from McKay et al; Q4 – Soldan

### Personal Attitudes Towards Diversity

Uses: Personal attitudes towards diversity indicate people's views of diversity and can be used to assess potential support for, or resistance to, diversity initiatives. This information can also be used as an indicator of whether or not the firm's past communications and training regarding the value of diversity have had an impact on partners and employees' views.

### Questions:

- Diversity is good for the workplace.
- I support the diversity efforts in this firm.
- I think that diverse viewpoints add value.
- I personally find diversity enriching.

Source: Q1, Q2, Q4 - adapted from De Meuse & Hostager ; Q3 – Mor Barak et al

### Attitudes toward diverse groups

Uses: Attitudes toward diverse groups is a measure used to assess attitudinal barriers related to specific groups. Questions pertaining to women, racialized communities, people with disabilities, Aboriginal peoples, members of the LGBTQ community, different faiths, linguistic minorities, and older employees are included. Additional groups of interest could be added to this list or groups may be eliminated based on relevance to the specific firm context.

### Questions:

- Many people in my firm have biases against racialized communities.
- I have frequently heard comments at work that are disrespectful of women.
- Some people in my firm are not comfortable with people who are lesbian, gay, bisexual, transgendered, transsexual, queer or questioning their sexuality.
- Prejudices against people of different faiths are common in this firm.
- Many people in this firm do not take people with disabilities seriously.
- I have frequently heard comments at work that are disrespectful of Aboriginal peoples.
- Linguistic minorities are often viewed negatively by people in this firm.
- I have frequently heard comments at work that are disrespectful of older employees.

Source: all questions adapted from Hegarty & Dalton

### Resistance to Diversity

Uses: The measures regarding resistance to diversity can be used to assess the culture of specific workgroups.

#### Questions:

- In my work group, pressures for diversity are viewed as a threat to the culture of the firm.
- In my work group, discussions about diversity are considered irrelevant.
- In my work group, diversity is seen as a problem.
- In my work group, the costs of addressing diversity are believed to outweigh its benefits.

Source: all questions adapted from Nancarrow, Dyke & Rasouli

### Discrimination and Fairness Approach to Diversity Management

Uses: This measure and the next two concern the three approaches to diversity management – discrimination and fairness, access and legitimacy, and learning and effectiveness – and help to identify the stage of development of the firm's diversity culture.

#### Questions:

- In my work group, differences between people are ignored.
- In my work group, people believe the best way to maintain harmony is by ignoring differences.
- In my work group, people feel that diversity management should create a firm that does not take notice of race, gender and ethnicity.
- In my work group, people believe fairness means treating everyone the same way.

Source: all questions adapted from Nancarrow, Dyke & Rasouli

### Access and Legitimacy Approach to Diversity Management

Uses: This measure and the one before and after it concern the three approaches to diversity management – discrimination and fairness, access and legitimacy, and learning

and effectiveness – and help to identify the stage of development of the firm's diversity culture.

### Questions:

- In my work group, views from diverse groups are seen as irrelevant to the firm's core business.
- In my work group, people believe that clients want to look inside the company and see people like themselves.
- In my work group, people believe that the only asset a diverse workforce brings to the workplace is knowledge about clients from diverse groups.
- In my work group, people from different groups are often slotted into roles specific to their group (e.g. an employee from a diverse group assigned to a client from the same group).

Source: all questions adapted from Nancarrow, Dyke & Rasouli

### Learning and Effectiveness Approach to Diversity Management

Uses: This measure and the two before it concern the three approaches to diversity management – discrimination and fairness, access and legitimacy, and learning and effectiveness – and help to identify the stage of development of the firm's diversity culture.

### Questions:

- In my work group, people are encouraged to recognize and value differences between people equally.
- In my work group, differences between people are shared and celebrated.
- In my work group, differences between people are used as a source of new ideas.
- In my work group, people learn from the perspective and experience of others.

Source: all questions adapted from Nancarrow, Dyke & Rasouli



## Measurement Sources

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