

## PRACTICAL STEPS TO ACHIEVE D&I IN-HOUSE

### PRACTICAL STEP #3: IN-HOUSE RECRUITMENT

#### BACKGROUND

In the [Framework Materials](#) our In-House Working Group identified 10 Practical Steps to achieve D&I In-House. This material, which has been developed by a Sprint Team drawn from the In-House Working Group expands on Practical Step 3 which states:

*Define short-listing criteria when recruiting, to ensure you consider a diverse slate of candidates when hiring. Ensure internal recruitment teams or external search firms have the right diversity expertise and hold them accountable for delivering high-quality, diverse slates of candidates*

The Practical Steps are drafted on the basis that the business seeking to implement them has already embraced the business case for D&I. If your organisation is not yet at this stage of its journey then we would recommend that you first refer to the business case materials on the GCD&I website [www.gcdandi.com](http://www.gcdandi.com).

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#### INTRODUCTION

In an ideal world, embracing diversity and inclusion are deeply ingrained into an organisation's DNA, and there is no need for explicit efforts to develop and maintain such a culture. However, a lot of organisations have come to realise that they need actively to develop and encourage their leaders and employees to be more diverse and also inclusive in their mindset and behaviour. The GCD&I initiative has developed 10 practical steps to help organisations to become more diverse and inclusive (see [Framework Materials](#)).

In order to make D&I efforts more sustainable and have a long-term effect on the organisation's culture, the following steps are of crucial importance and should be reviewed and re-visited regularly:

## PRACTICAL STEPS TO ACHIEVE D&I IN-HOUSE

### PRACTICAL STEP #3: IN-HOUSE RECRUITMENT

#### RECRUITMENT PHASE 1: HOW TO APPROACH THE RIGHT CANDIDATES

*Present your company as a diverse and inclusive employer*

Consider the following checklist when reviewing job postings:

- Is the career website attractive for diverse candidates?
- Consider using certain social media like LinkedIn to present yourself as a diverse and inclusive employer in a consistent manner
- Remove biased language
- Post job offers on a variety of channels, including those focused on D&I

*Build a network to attract diverse talent*

- Build a pool of diverse and inclusive candidates to be able to keep track of them
- Have ambassadors building relationships with law firms/colleges/universities with a proven record in D&I
- Offer internships

#### RECRUITMENT PHASE 2: APPLICATION AND SHORTLISTING

Once your organisation has received a sufficient number of applications to proceed to the next step of the hiring process, an important consideration will be how to screen the applications effectively. At this stage, it is important to take steps to mitigate any kind of bias, including unconscious bias, that may potentially impact the hiring process.

##### ***Debiased Candidate Screening<sup>1</sup>***

One of the methods that can be employed to mitigate against any potential bias is by removing demographic data from resumes and applications that you receive during the screening stage. Removing demographic data hides information that can give off certain identity cues, such as an applicant's gender, age, ethnicity or nationality, which may lead to a biased hire. For example, preferring (whether unconsciously or not) an applicant that lives in a well-known neighbourhood, attended a well-regarded law school or with similar characteristics.

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<sup>1</sup> <https://harver.com/blog/blind-hiring/#Demographics>

## PRACTICAL STEPS TO ACHIEVE D&I IN-HOUSE

### PRACTICAL STEP #3: IN-HOUSE RECRUITMENT

The following are some of the demographic data that can be removed from resumes and applications:

| Demographic data                           | Identity Cues  |
|--|--|
| <b>Name</b>                                | <ul style="list-style-type: none"> <li>Names can potentially reveal many characteristics of an applicant, including gender, nationality, ethnicity and religion</li> </ul>   |
| <b>Residential address/postal code</b>     | <ul style="list-style-type: none"> <li>Where an applicant resides can reveal the applicant's socio-economic background and potentially offer insights into other characteristics such as nationality, ethnicity and religion</li> </ul>  |
| <b>Academic information and experience</b> | <ul style="list-style-type: none"> <li>Where tertiary education is not subsidised by the government, information on the law school where an applicant obtained his/her law degree can also reveal information such as socio-economic background</li> <li>Dates an applicant attended college or university may also reveal the age of the candidate</li> </ul> |
| <b>Headshots</b>                           | <ul style="list-style-type: none"> <li>Headshots similarly may reveal many characteristics of the applicant, including gender, nationality, ethnicity and religion</li> </ul>  |

Technological solutions like diversity recruitment software can help in this process, in particular in the first step of screening candidates. By removing demographic data, the first screening process is focused at identifying only candidates with the required skill set without considering other factors (blinds skills-based screening).

#### ***Create short-listing criteria and scorecard<sup>2</sup>***

Define and create a short-listing criteria and scorecard for recruiting based on the job requirements for the role and considering what the employee will be expected to achieve. When preparing the short-listing criteria and scorecard, careful consideration should be given to traits that are:

- (1) Essential Criteria: These are criteria that a candidate must have in order to qualify for the role e.g. minimum PQE, qualifications, area of practice/expertise;
- (2) Desirable Criteria: There are criteria that are nice to have, and which potentially makes someone a stronger candidate.

<sup>2</sup> <https://ideal.com/a-shortlisting-criteria-how-to-guide-for-identifying-the-best-candidates/>

## PRACTICAL STEPS TO ACHIEVE D&I IN-HOUSE

### PRACTICAL STEP #3: IN-HOUSE RECRUITMENT

#### Tip: Essential or Desirable Criteria?

In defining and determining what would be an Essential Criteria or Desirable Criteria for the role, you may consider:

- Responsibilities/key accountabilities of the person assuming the role;
- Any required certifications such as a valid practising certificate;
- The qualities and traits of employees who have succeeded or performed well in the role.

| Essential Criteria or Desirable Criteria?      | Points that may be considered   |
|--|---|
| Post Qualification Experience (PQE)            | <ul style="list-style-type: none"> <li>• Consider whether the PQE level is appropriate having regard to the responsibilities/key accountabilities</li> </ul>  |
| Expertise, specialisation                      | <ul style="list-style-type: none"> <li>• Required expertise should align with the job description</li> <li>• Consider whether others without specialisation would be able to succeed in the role as well</li> </ul>   |
| Professional certification                     | <ul style="list-style-type: none"> <li>• Consider whether strictly necessary or experience in a relevant field may suffice</li> </ul>   |
| Skills (written, communication, interpersonal) | <ul style="list-style-type: none"> <li>• Be careful not to list attributes that are more commonly found in or associated with a particular gender or group</li> </ul>   |
| Education                                      | <ul style="list-style-type: none"> <li>• Where there is a preference for candidates who obtained law degrees, masters or PhD from certain educational institutions, consider the diversity of students in such educational institutions and be mindful that this may have an unintended effect of reducing the diverse slate of candidates</li> <li>• Consider the importance of educational background e.g. although grades and class rank matters, it may be worth testing how much weight should be given</li> </ul> |
| Employment history                             | <ul style="list-style-type: none"> <li>• Consider the extent to which setting a criteria of having experience in a large multi-national companies or international/big law firms may impact on the diversity of the slate of candidates, having regard to the diversity of employees in those organisations</li> </ul>  |
| Location specific                              | <ul style="list-style-type: none"> <li>• Consider if a location specific requirement is essential for the role or if it is merely an individual preference.</li> <li>• Consider whether flexible working arrangements would be possible for the role as this may attract a more diverse pool of candidates such as individuals who are primary caregivers.</li> </ul>   |

## PRACTICAL STEPS TO ACHIEVE D&I IN-HOUSE

### PRACTICAL STEP #3: IN-HOUSE RECRUITMENT

Once you have defined the shortlisting criteria, the corresponding scorecard should be created and used to rate the candidates consistently. Having a shortlisting scorecard with clearly defined metrics can help facilitate an objective way of assessing candidates. This is because each and every criteria will be marked consistently across all candidates.

Example:

| <i>Candidate No.</i> | <i>Post Qualification Experience</i>                 | <i>Professional Qualification</i>  | <i>Specialisation</i>   | <i>Total Score</i> |
|----------------------|--|--|---|--------------------|
|                      | 3 = $\geq 10$ PQE<br>2 = 9-5 PQE<br>1 = $\leq 4$ PQE | 3 = Qualified in 3 relevant jurisdictions<br>2 = Qualified in 2 relevant jurisdictions<br>1 = Qualified in 1 relevant jurisdiction | 3 = Specialised in 3 relevant fields<br>2 = Specialised in 2 relevant fields<br>1 = Specialised in 1 relevant field |                    |

#### ***Diverse Candidate Slate***

##### **Consider:**

Once your organisation has shortlisted candidates to be interviewed, consider the candidate slate and whether additional steps need to be taken to improve the diversity of the candidates before starting the interview process.

Whilst the ability to do so would depend on many factors such as urgency for filling the vacancy and considerations on the pool of potential candidates (e.g. there may be talent pool limitations for a role that requires significant experience in a highly specialised area of law), organisations that are seeking to increase the diversity of their talents may wish to consider making it a requirement to have a diverse candidate slate before proceeding with the interview process.

Note that if demographic data was removed at the initial screening stage, then consideration would need to be given on how to manage the overall hiring process, which may be done through the use of technological solutions or separating the roles and responsibilities between human resources and the hiring manager.

##### **Define:**

What would constitute a diverse candidate slate may invariably vary depending on the jurisdiction, organisation and nature of the vacancy in question. However, a diverse candidate slate generally refers to a pool of candidates that contain number or percentage of women and/or underrepresented groups.

## PRACTICAL STEPS TO ACHIEVE D&I IN-HOUSE

### PRACTICAL STEP #3: IN-HOUSE RECRUITMENT

Ultimately, it is for the organisation to define what it means by a ‘diverse candidate slate’ based on its requirements and D&I goals.

#### **Tips:**

When defining ‘diverse candidate slate’:

- Consider what would be a workable definition based on existing talent pools and resource groups/minority organisations that may be tapped into;
- Recognise that it may not be possible to meet the diverse candidate slate at all times and set processes to hold responsible parties accountable (e.g. internal or external search firms); and
- Note that the steps outlined in Phase 1 above can help in an organisation’s efforts at creating a diverse candidate slate.

### RECRUITMENT PHASE 3: INTERVIEW AND HIRING

#### ***The Preparation of the Hiring Panel***<sup>3</sup>

Unconscious bias within the hiring panel has the potential to undercut the efforts to hire more diverse and inclusive talent. Therefore, interviewers should spend some efforts on recognizing their own unconscious bias influencing their view on a candidate using this five step approach

1. Be aware of one’s own biases and beliefs, in particular those arising with the first impression of the interviewee on the interviewer.
2. Identify thoughts and beliefs which are common response like “she/he will fit in” – this may be a sign of misleading interpretation of the interviewee.
3. Examine non-verbal and verbal communication which has an impact on the likeability of the interviewee.
4. Understand the impact of calibrating a candidate to a predefined set of standards
5. Establish a recognise bias checklist which evaluates personal thoughts, judgements and reactions

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<sup>3</sup> « Five steps toward recognizing and mitigating bias in the interview and hiring process » RP Chamberlain, Strategic HR Review, 2016 (5) pp 199

## PRACTICAL STEPS TO ACHIEVE D&I IN-HOUSE

### PRACTICAL STEP #3: IN-HOUSE RECRUITMENT

#### ***Standardized and Structured Interviews<sup>4</sup>***

A standard interview process where each candidate applying for the same role is asked the same set of questions would help mitigate against any potential bias during the hiring process.

The following steps can assist in creating a standardized interview process:

1. **Standardise approach to questioning<sup>5</sup>:**

Ensure that all candidates receive the same interview experience by asking:

- a. the exact same questions
- b. in the same way; and
- c. in the same order every time.

2. **Use scorecards with objective metrics<sup>6</sup>**

- a. Score candidates using pre-defined rubric.
- b. Pre-defined rubrics help ensure that all interviewers have a common understanding of how what constitutes a good, mediocre or poor response.

#### ***Diverse Interview Panel***

Where possible, consider forming a diverse interview panel by selecting interviewers that have different experiences, education, gender, ethnicity, nationality etc. A diverse interview panel can help provide broader and different perspectives when evaluating candidates.

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<sup>4</sup> <https://hbr.org/2017/06/7-practical-ways-to-reduce-bias-in-your-hiring-process>;  
<https://www.forbes.com/sites/alineholzwarth/2021/02/18/how-to-actually-hire-for-diversity/?sh=4a80d98a46f9>

<sup>5</sup> <https://vidcruiter.com/video-interviewing/hiring-biases/#structured>

<sup>6</sup> <https://rework.withgoogle.com/guides/hiring-use-structured-interviewing/steps/know-the-components/>