

Articling Interviews Are Fast Approaching: Time to Re-Think the Meaning of “Fit”

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In the last fifty years we have witnessed many significant social changes in Canada, one of which is that we have become much more diverse. This trend will continue according to Statistics Canada, which predicts that from 2006 – 2031, the foreign born population will increase four times faster than the rest of the population¹. As well, over the last ten years, the Indigenous population grew at more than four times the rate of the non-Indigenous population and is expected to continue to grow at a much quicker rate².

So what does this have to do with fit or articling student interviews? Various studies have shown we have a propensity to hire people who are like us. And the upper echelons of the legal profession – those who make the hiring decisions – are still predominantly white and male.

Professor Lauren Rivera of Northwestern University, Management & Organizations Department conducted interviews with 120 elite professional service firms in the U.S. (law firms, investment banks and consulting firms) and found that “Hiring is more than just a process of skills sorting; it is also a process of *cultural matching* between candidates, evaluators, and firms. Employers sought

candidates who were not only competent but also culturally similar to themselves in terms of leisure pursuits, experiences, and self-presentation styles.”³ She also found that “Concerns about shared culture...often outweighed concerns about absolute productivity.”⁴ Basically, we are predisposed to hire people who are like us because we are most comfortable with them, because we perceive they will be a good “fit”.

“Fit” is an interesting concept and one that has come under scrutiny recently. It can include many things from how much you perceive you have in common with a prospective employee, to how likeable they are, to whether you think they have the inter-personal skills to get along easily with colleagues and clients. It would be unrealistic to suggest that fit should be totally discounted, but there are good reasons for examining it more closely.

Fit can be a cover for unconscious bias

Unconscious bias refers to stereotypes that we form about certain groups without realizing it, stemming from the tendency to organize our social worlds by categorizing. We all have unconscious biases. For example, on several occasions I have gone out for dinner with my vegetarian husband where he ordered a salad and I ordered a steak. Yet when the food is brought to the table, the server has placed the steak in front of my husband and the salad in front of me. This is a benign example, but the same type of mental shortcut can have a damaging, even if unintentional result in the case of conducting job interviews. We may feel more at ease with the candidate who plays the same sport as us, has a cottage at the same lake, looks and sounds like us or shares other similar interests or background. But fairness requires us to recognize that these factors should not unwittingly influence, or even be decisive about who to hire. Instead we should try to recognize our unconscious bias at play, and think beyond it to hire the candidate who is truly the best person for the job based on specific skills and the required qualifications. Otherwise, we risk unconsciously allowing “fit” to act as a barrier for historically marginalized groups who want to enter the legal profession.

¹ Ethnic diversity and Immigration: Diversity growing (Date modified: 2018-01-17) Retrieved from www.statcan.gc.ca/pub/11-402-x/2011000/chap/imm/imm-eng.htm on 2018-05-01

² The Daily, Aboriginal peoples in Canada: Key results from the 2016 Census (Released: 2017-10-25), Retrieved from www.statcan.gc.ca/daily-quotidien/171025/dq171025a-eng.htm on 2018-05-02

³ Lauren A. Rivera, (2012). Hiring as Cultural Matching: The Case of Elite Professional Service Firms. *American Sociological Review*, 77(6), 999-1022. Retrieved from <http://asr.sagepub.com>

⁴ *Ibid* at 1000

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Diversity is good for business

There are solid business reasons for wanting your firm or office to reflect the wider community that you serve; diversity has been shown to be good for business. To provide superior service to an increasingly diverse group of clients, law firms and legal departments that reflect their client base can better understand and meet their needs. When we hire someone from a different background, with different interests, they will likely have different networks to draw clients from. They are also likely to bring a different perspective to both their work and the workplace, which can be beneficial in solving problems and overcoming challenges.

Embracing the beauty of discomfort

The familiar is easy and that is why we gravitate toward it. But to survive and thrive in our complicated and rapidly changing world, we must learn to embrace discomfort. Former CBC business journalist, Amanda Lang wrote a book on the subject. *“The Beauty of Discomfort: How What We Avoid is What We Need”* examines the utility of discomfort and explores how highly successful people embrace and seek out discomfort as a motivating force. She posits that we can all learn to tolerate it and welcome it.

If you are conducting articling interviews this spring, consider how you think about “fit”. Are you unconsciously favouring candidates who are similar to you at the expense of others who may be equally or more qualified for the job, but who you wouldn’t feel as comfortable socializing with after work? “Fitting in” doesn’t necessarily mean being the “same as”.

We all suffer from unconscious bias. Although it is unintentional, unconscious bias can often be a subtle form of discrimination that can have real and harmful effects. The legal profession should reflect the increasingly diverse society it represents. By pausing to examine our biases, we can all play a role in moving toward that goal.

Steps you can take

- Thoroughly define the requirements of the job and the skills and qualifications you are looking for, and then craft interview questions that allow you to assess each candidate based on these specific criteria.
- Have a panel of several people of varying ages, genders and backgrounds conduct the interviews as this will automatically bring diverse perspectives to the process.
- Use a structured interview process in which you ask all candidates the same questions, which are geared to assessing their ability to meet the specific articling requirements.
- Ensure everyone involved in conducting interviews reviews the types of questions that you can and cannot ask candidates so that you comply with *The Human Rights Code* and the Law Society’s *Code of Professional Conduct*. See the Manitoba Human Rights Commission guidelines for [Human Rights considerations in hiring](#).
- Think about how you assess “fit” and whether your unconscious biases may be affecting your appraisal of a candidate.

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