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Canadian Section Summer and Articling Working Group

Best Practices for Toronto Summer and Articling Recruitment Activities

1. Introduction

These “*Best Practices for Toronto Summer & Articling Recruitment Activities*” (“*Best Practices*”) were prepared by the Summer and Articling Working Group of the Canadian Section of NALP (the “Working Group”). The Working Group consists of recruitment professionals from several law firms as well as career development officers from a number of law schools.

The Law Society of Upper Canada (“LSUC”) regulates summer recruitment in Toronto and articling recruitment across Ontario. The LSUC outlines specific procedures and guidelines regarding recruitment in the following documents:

- 1) *Procedures Governing the Recruitment of Students for Summer 2011 Positions in the City of Toronto (Revised June 2010)*;
- 2) *2011/2012 Articling Recruitment Procedures (December 2009)* (items 1 and 2 above are referred to collectively as the “Recruitment Procedures”); and
- 3) *Summary of Student Hiring Practice Guidelines (October 2005)* (the “Guidelines”).

The Recruitment Procedures and the Guidelines are on the Law Society of Upper Canada website at:

<http://rc.lsuc.on.ca/jsp/licensingprocesslawyer/articlingRecruit.jsp?language=en>

The Recruitment Procedures are binding on employers and students.

The purpose of these *Best Practices* is to provide further clarity with respect to certain aspects of the recruitment process that are not directly addressed by the Recruitment Procedures and/or the Guidelines. Accordingly, it is important that these *Best Practices* be read in conjunction with the applicable Recruitment Procedures, as well as the Guidelines. For ease of reference, these *Best Practices* cross-reference the applicable Recruitment Procedures and the Guidelines. However, employers and students participating in the recruitment process should also review the Recruitment Procedures and the Guidelines separately.

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Students who have questions or concerns at any stage of the recruitment process are encouraged to seek guidance from their Career Development Office (“CDO”).

2. Communication regarding on campus interviews (“OCIs”)

Q. Can employers advise students whether or not they have been granted an OCI?

A. Yes, however, many employers prefer not to advise the students directly; they leave it to the CDO to advise the students. For those employers who prefer to advise students directly, some CDOs may ask these employers to wait until a specified date before providing this information to students.

3. Communicating intent to call students on designated call days

Q. Can employers notify students in advance that the employer will call on call day?

A. Yes. While employers are not permitted to schedule interviews with students prior to call day, employers are permitted to notify students that they will call on call day for the purpose of scheduling an interview.¹ This helps students to plan interview schedules in advance of call day.

4. Declining or canceling interviews

Q. When should students decline or cancel interviews?

A. If a student has been notified by an employer that the employer will be calling on call day to schedule an interview, and the student does not plan to schedule an interview with that employer, the student should advise the employer before call day.

If a student becomes unavailable to attend a scheduled interview, the student should advise the employer immediately. Canceling interviews in a timely manner is a general courtesy, and may provide an opportunity for another student.

5. Scheduling receptions and dinners

Q. When during interview week do receptions and dinners typically take place?

A. The timing of these events is at the discretion of employers. However, scheduling receptions between 5:00 p.m. – 7:30 p.m., and dinners after 7:00 p.m., allows students to maximize their attendance at events. Students are encouraged by CDOs to meet with

¹ LSUC Procedures Governing the Recruitment of Students for Summer 2011 Positions in the City of Toronto, Part B, Section 4 (second year summer students) and Part C, Section 3 (first year summer students); and 2011-2012 Articling Recruitment Procedures, Part A, Section 2.

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as many employers as possible during recruitment periods to ensure informed career decisions.

Employers should not pressure students to accept invitations to attend receptions and dinners.

6. Interview Questions

Q. What types of questions are inappropriate for employers to ask during interviews? How should candidates be screened or selected?

A. Employers must conduct interviews (e.g., on campus interviews, in-firm interviews, cocktail receptions, dinners with candidates) in accordance with the LSUC's *Summary of Student Hiring Practice Guidelines*. The Guidelines were created by the LSUC to bring awareness and a better understanding of concerns raised regarding interview questions asked during recruitment, and to assist firms in reviewing their interview and hiring practices. The objective of the Guidelines is to ensure conformity to the ethical standards of the legal profession and with human rights legislation. The Guidelines recommend that screening applicants should be based on the job description and not be discriminatory. Interview questions should also relate to the job description. The Guidelines provide examples of inappropriate interview questions.²

7. Scheduling follow-up interviews and meetings during interview week

Q. When during interview week should follow-up interviews take place?

A. Follow-up interviews typically occur on day two or three of interview week.

8. Split summers

Q. When should students raise the possibility of a split summer with a prospective employer?

A. Students are encouraged to discuss with employers the possibility of doing a split summer as early as possible in the interview process, and prior to receiving an offer.

9. Timing of offers; communication of intention to make an offer

Q. When are employers permitted to make offers to students?

² LSUC Summary of Student Hiring Practice Guidelines (October 2005), pages 1 and 2.

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A. Employers are permitted to make offers, or communicate an intention to make an offer, only in accordance with timing prescribed by the LSUC.³ All participants in the recruitment process should be aware of the applicable date and time. It should be noted that employers are permitted to communicate their intentions to make offers to their own summer students (for subsequent summer positions or articling positions), prior to the LSUC's prescribed timing. This is discussed further in Section 13 of these *Best Practices*.

Q. If an employer makes an offer to a student that is contrary to the LSUC's prescribed timing, is it appropriate for the student to accept the offer?

A. The student should not accept the offer until the offer is made in accordance with the LSUC's prescribed timing.

10. Improper communications; other inappropriate conduct

Q. Subject to the exception for an employer's own summer students, what are some examples of improperly communicating an intention to make an offer? What are some examples of other inappropriate employer conduct during recruitment?

A. Examples of improper employer communications that could be interpreted as an intention to make an offer include, but are not limited to:

- 1) telling a student that he or she will receive a call at 5:00 p.m. on offer day;
- 2) telling a student that he or she can cancel other interviews; and
- 3) telling a student that he or she is invited to a celebratory event taking place after the time offers can be extended.

Examples of other inappropriate employer conduct during recruitment include, but are not limited to:

- 4) pressuring a student to express a certain level of interest in the employer;
- 5) pressuring a student to spend an excessive amount of time with the employer to the exclusion of other employers; and
- 6) asking a student a hypothetical question such as "If we made you an offer, would you accept it?"

Where questions or concerns arise, students are strongly encouraged to seek guidance from their CDO.

11. Time to consider offers

A. Can students take time to consider offers prior to accepting or declining an offer?

³ LSUC Procedures Governing the Recruitment of Students for Summer 2011 Positions in the City of Toronto, Part B, Section 6 (second year summer students) and Part C, Section 5 (first year summer students); and 2011-2012 Articling Recruitment Procedures, Part A, Sections 5 and 6.

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Q. Yes. The LSUC Recruitment Procedures provide time for students to consider offers that have been made to them.⁴ If needed, students are permitted to take this time to consider their options. However, students should consider the “rank order” of their preferred employers prior to the time that offers are to be made, so that they can accept or decline offers expeditiously. Declining offers quickly allows employers to make offers to other students.

12. Conduct after accepting an offer

Q. After accepting an offer, can students keep other offers open or continue to interview? If an employer knows that a student has accepted a position at another organization, can the employer still offer the student a position?

A. No. Students who accept an offer must immediately notify firms from whom they have an outstanding offer or with whom they have scheduled interviews. Students who accept an offer must honour that commitment, regardless of what offers are subsequently received, and must not thereafter interview with other prospective employers. An employer must not knowingly make an offer to a student who has already accepted a position at another organization.⁵

13. Notifying summer students of offers to return

Q. When should employers extend offers to hire back their own summer students for a subsequent summer position or an articling position?

A. The LSUC recruitment procedures provide that employers are not permitted to extend offers of employment until a prescribed date.⁶ This applies to all participants in the recruitment process as well as an employer’s own summer students. However, with regard to an employer’s own summer students, an employer is permitted to communicate, prior to the prescribed date, its intention to make an offer of employment. Employers are encouraged to communicate their intentions to their own summer students regarding returning employment (for articling or a subsequent summer) before the application deadline. Summer students who receive communications of intent may voluntarily communicate their own intentions. Employers are not permitted to put undue pressure on students to communicate their

⁴ LSUC Procedures Governing the Recruitment of Students for Summer 2011 Positions in the City of Toronto, Part B, Section 7 (second year summer students) and Part C, Section 6 (first year summer students); and LSUC 2011-2012 Articling Recruitment Procedures, Part A, Section 5.

⁵ LSUC 2010-2011 Articling Recruitment Procedures, Part C, Sections 3, 4 and 5. The LSUC Procedures Governing the Recruitment of Students for Summer 2011 Positions in the City of Toronto are not explicit on these points, but the same principles should apply.

⁶ See Note 3, above.

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own intentions prior to the deadline for accepting offers.⁷ Once an employer communicates the intention to make an offer, the student is entitled to rely upon that communication, regardless of whether the student applies to other employers and participates in the recruitment process. Employers are encouraged to advise their students accordingly.

These Best Practices are reviewed annually in June/July by the NALP Summer and Articling Recruitment Group. If you have comments or suggestions, please contact your CDO.

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⁷ LSUC Procedures Governing the Recruitment of Students for Summer 2011 Positions in the City of Toronto, Part B, Section 6; and LSUC 2011-2012 Articling Recruitment Procedures, Part A, Section 6.