



*Nora Spinks*

# Leveraging generational diversity in law

*'They' have no life! 'They' have work ethic!  
'They' show no respect! No,' they' show no respect!  
'They' make unapologetic demands! 'They' are unsure of themselves!*

*They, them, those ...* each generation assessing the others. Generational diversity is quickly becoming one of the top stressors in organizations. With five distinct generational characteristics mixed with other elements of diversity including gender, culture, ethnicity, language, experience etc., the complexity of our workforce has never been greater.

Historically, there were three distinct generational groups in an organization. Generally, you started with your own generational cohort and as you got older, you progressed predictably up the hierarchy, tending to remain with your own group throughout your career. Top levels rarely, if ever, had contact with lower levels and therefore younger generations. Today, with team-based projects, and elimination of hierarchical layers in organizations, there is a greater likelihood that you will come in daily contact with generations other than your own.

In the past, distinct generational characteristics would take 22 to 25 years to appear in the workforce. Today, it is every 10 years and the timeframe between generations continues to shrink. Many people in today's workforce will experience six, or even seven, distinct generations in the workforce during their career.

## Generations in today's workforce

*Traditionalists* are approximately in their mid-sixties today, the oldest generation in the workplace. Following them are *Boomers*, in their mid to late fifties now turning sixty at a rate of one every seven seconds in North America, who are thinking about retirement or career redefinition.

Squeezed between Boomers and the next generation is the forgotten generation: the *Trailing Boomers*. Often grouped with the Boomers, they have characteristics distinct from Boomers. They are often described as the most over-worked, over-whelmed, over-tired and over-looked generation in the workplace. For them, retirement is not on the horizon, their children are approaching college/university, they have eldercare demands and are taking on more responsibility as Boomers shift into pre-retirement.

The *Nexus* generation or *Gen 'X'* is now in their early to mid-thirties starting families advancing their careers and moving into positions of authority.

The *Net* generation of *Gen 'Y'* is approaching thirty, exploring their options, settling into committed relationships in their personal lives, and assessing their choices in their professional lives.

*Gen I*, at the top end is just starting university, has been in the part-time service sector for a while as students. 'I' stands for I am unique, internet everything, instant gratification, iPods,

iPhones... They will be in your offices as students, interns and associates very soon.

## Generational characteristics

Generational characteristics are formed by demographics; social, economic, political circumstances; pivotal collective moments shared by many; technology and pop culture; and, stages and phases human development. The more rapid the pace of change – the shorter the generational cycles. The shorter the generational cycles – the more generations in the workplace at one time.

When considering generational diversity remember that there are more shades of grey than black and white. Some would argue that you can define a generation by when you were born. The reality is that where you were born, your family structure, how you were parented, your cultural norms, social values and roles of authority in your life will have as much impact, if not more, than your date of birth.

## Demographics

If you are from a generation that is disproportionately larger or significantly smaller than the rest of the population, you will have a lot of power and influence. For example, in response to the arrival of the Boomer generation, which is proportionately larger than the rest of the population, society invested heavily in: maternity wards as they arrived; elementary schools as they reached school age; colleges and universities as they approached adulthood; and new retirement models as Boomers approach 60 years of age.

The Nexus generation or Gen 'X' is significantly smaller than other generational cohorts. They have power because as there are so few of them they are in high demand, able to exercise their power due to their relative scarcity.

For each Boomer looking for work or interested in advancing his or her career, there were four or five others wanting and available to take their place. For every Nexus employee, there are multiple jobs and opportunities available. The Nexus generation can make demands and choices because they are in such demand.

## Social, political, economic climate

As human beings, if we grow up in a period of abundance we expect abundance to return even during periods of scarcity. If we are raised during periods of scarcity, we expect scarcity to return even during times of abundance. So, if you were raised during the depression or by parents who experienced the



Victoria Prince



Tracy Robillard

## BLG moves on all fronts

Like all law firms, the challenge of keeping the best and brightest of its young associates is a priority for Borden Ladner Gervais LLP (BLG). And like most firms, Borden is also dealing with the reality of an aging workforce who are not only nearing retirement but also dealing with a host of “sandwich generation issues.” All of these converging realities were landing squarely in the lap of Victoria Prince, Managing Partner, Administration at BLG.

“As a trailing baby boomer I’ve always had a personal interest in the whole issue of multi-generational workplaces,” she explains. “And because I am involved in hiring and training associates, I know that our new lawyers are not the same as me: They don’t necessarily see the world the way I do. What, I wondered, is qualitatively different about this group?”

“I also know that the issues older lawyers may be facing – such as eldercare – are very different from those of the Gen X and Gen Y lawyers.” BLG’s challenge was to find a way for the firm to address these many and often conflicting priorities.

Two separate presentations by Nora Spinks on the issue of multi-generational workplaces came with a host of lessons. To Victoria’s surprise, the “partner” session was a sellout. The associate session was less well attended – “associates initially did not see this as their issue while partners were keen to know more.”

Like many of her co-workers, BLG associate Tracy Robillard was inclined to give the multi-generational PD session a pass: “It was a subject I did not think applied to me – but I was wrong. It helped me understand where others in our organization are coming from (I remember thinking – ‘I finally get my grandmother!’), and that helps me work better with different people here. Frankly, it also left me a little intimidated about the generation behind me – they’re faster, smarter, better multi-taskers than us!”

Eye-opening to both groups was the lesson of context: “Who we are and what we expect are driven by the environment that shaped us – and that environment is very different for each of the four or five generations that work here at BLG,” explains Victoria. “Our oldest lawyers were born during WWII, whereas our associates are the product of boomer parents who’ve taken them on exotic trips, exposed them to a host of extra-curricular activities and even helped them with the down payment for their condo.”

A simple – but regular – “thank you” is more important for the associate generation than for most others. Whereas boomers look to their job for fulfillment, younger lawyers may find fulfillment in social networking. “Working hard does not define who you are for younger generations,” observes Victoria. “They look to the workplace to provide an entrée to social opportunities; they cluster around social interests more than age groups. So if you want to hire a superstar, you’d better be prepared to hire the superstars’ friends as well.”

The insights have led to a renewed emphasis on communication at BLG. An associate retention committee is working on ways to identify and better address associate needs. The associate committee is looking at more cross-generational activities and better ways of communication and interaction. New lawyers and lateral hires are welcomed with a portfolio, sweets, a mentor partner and a super mentor (a single individual available to all associates. This role is played by Laleh Moshiri, the director of professional development programs). The childcare and eldercare emergency services available to all staff (BLG contracts with an outside supplier to provide these services) acknowledge the needs of two very different generations of BLG employees.

“As an employer, we need to respond to employees’ different contexts,” says Victoria. “We cannot just say ‘That’s the way it has always been done around here’ because our workforce is much too mobile for that to be a useful strategy.”

depression, you will be more likely to save for a 'rainy day.' If you are raised during economic prosperity and growth, you will assume opportunities will be available and that your needs will be taken care of in the future.

## Pivotal collective moments

If you remember where you were when you heard about the Kennedy assassination in 1963, you are likely a Traditionalist or Boomer; watched the first man step onto the moon in 1969, a Traditionalist, Boomer or Trailing Boomer; remember when Kurt Cobain took his own life in 1994, you are likely a Nexus. These shared social moments help to shape a generation and impact generational behaviours. Your memories of bomb drills, fire drills or lock-down drills are part of defining your generation.

## Technology and pop culture

Television, computer games, and internet social networking help to shape a generation. If you remember watching Dallas on Friday nights with your friends, you are likely a Boomer or Trailing Boomer. If you watch television via YouTube at a time that is convenient to you, while you talk to your friends on FaceBook or MSN, then you are likely a Net or Gen I.

If you are Nexus, Net or I you are likely comfortable meeting over the phone on conference calls or web meetings. If you are a Trailing Boomer or older, you likely prefer face-to-face meetings to establish and nurture relationships and conduct business,

## Human development

In terms of human, brain and social development, one of the most important times for defining a generation characteristic is around the age of 10. At that age, you are developing the capacity for abstract thought, connecting information with experience and expanding your level of independence.

In grade five, you begin to make assumptions about work based on the key messages you receive from parents, teachers, media and society. If you were ten and heard consistently that if you work hard you will get ahead, you are likely a Trailing Boomer or older. If you heard that you will have multiple careers, multiple employers, you should keep your options open, it is about employability not employment that offers stability, then you are likely Nexus or younger.

These messages form a subconscious core that leads to behaviours and attitudes about work, employer/employee relationships, advancement and success.

## Generational diversity in law

*'They' have no life! 'They' have no commitment!*

You may think "they have no life" when observing Boomers or older partners, but if you come from the "work hard you'll get ahead" generation, you are more likely to be work-centric, where work comes first and everything else fits around it.

If you are younger, you may have heard and experienced that no matter how hard you work you could get laid off or have limited advancement through no fault of your own due to mergers/acquisitions; you may be more family-centric where family comes first or dual work/family-centric where work and family are equally important. From another generation's perspective, it looks like Boomers have no life or Nexus and younger have no work ethic. In fact, each has a different way of defining success and looking at work.

*'They' show no respect! No, 'they' show no respect!*

In response to a recent e-mail sent to a group of individuals across generations, who were going to be attending a meeting, each recipient was asked to acknowledge receipt of the revised information and raise any questions about the upcoming event. A Traditionalist responded with a formal letter complete with *Dear Nora* and concluding with *Respectfully, Frank*. A Trailing Boomer, rushed and over-worked, responded with short bulleted thoughts – *got it thanks – no questions – will be there – safe travels – see you Thursday – Marie*. A Net generation recipient replied simply with *C U*. Each generation may have thought the other disrespectful. Too long-winded, too formal, too rushed, too curt ... when in fact, they were responding appropriately – demonstrating respect from their own generation's perspective.

*'They' make unapologetic demands! 'They' are unsure of themselves!*

A Boomer partner asking a Nexus or Net associate to do something without first acknowledging they're likely already busy by saying, "I'm sorry, I know you are busy, but I need this for a client right away," may be seen as rude or uncaring. And when a Boomer or Traditionalist hears a Nexus or Net associate start by saying, "I'm sorry but I need to ask for clarification," it may appear to a Boomer that the associate lacks confidence, expecting them to just make the demand, "I need the following information to complete this task."

Each perspective is understandable and legitimate from their own generation's perspective. But there will be much less stress and misunderstandings as generations begin to become more aware of, and gain a greater understanding of, the others' point of view, life experience, priorities, behaviours and attitudes.



Susan Clarke (left), Christine Marchetti (right)



Don Ross

## Gowlings rethinks from the ground up

What started as a simple presentation on multi-generational workplaces by Work-Life Harmony's Nora Spinks a year ago has generated some fundamental thinking about "the way we do things" at Gowing Lafleur Henderson LLP.

"Our partners had expressed an interest in learning more about what associates need and think. We, as boomers, had a good understanding of where we are coming from, but we wanted to better know more about our younger professionals, and we wanted to educate the whole organization about each other – which makes for a better workplace," explains Susan Clarke, Director of Professional Development at Gowlings Toronto office.

The spring 2007 session proved to be an eye-opener for partners and associates alike.

"Enlightening," is how second-year associate Christine Marchetti summed up the presentation. "We all know different people have different work styles and personalities. But we rarely step back to ask why and how we deal with these differences. Our generation, for example, has grown up thinking the older generations will accommodate us, but that doesn't always happen in a law firm. This kind of discussion helps us to understand that. I now see why others are the way they are, and why they think and act the way they do."

"Looking at the different generations through their own eyes provided useful, practical insights into what really motivates our younger lawyers, and what they are looking for in a workplace," adds Don Ross, a partner at Gowlings. "Younger lawyers have a broader range of priorities than previous generations did. And they like positive reinforcement and instant feedback.

"That's one reason we are looking at creating smaller work units – so that we can get better feedback and interaction systems going."

The multi-generational presentation, which was followed by a national associate survey on a variety of topics, has generated a number of changes at Gowlings. "Associates told us they want more information on our business generally," explains Susan. The response: A series of associate roundtables "a type of state-of-the-nation discussion" that brings associates into the strategic planning loop and gives them access to much of the information usually shared only with partners.

Associate interest in a more comprehensive training and professional development program ("this is after all the generation that values development opportunities above all else," says Susan) has resulted in a comprehensive series of associate and student seminars and workshops on key skills development (legal writing and drafting, negotiating and presentation skills), practice management techniques, marketing and building profile, as well as updates on the law.

Interest in addressing the needs of female lawyers has recently led to the creation of a Task Force on Women at Gowlings – peopled by both men and women, associates and partners alike. "Associates don't necessarily see issues as gender specific, but rather in generational terms. So our task force will consider gender issues in the broader context of retention, leadership, and knowledge-sharing for all," explains Susan.

Gowlings also formalized its flex time policy, which allows certain lawyers to work a shorter, compressed work week: "We wanted to accommodate the need for more balance for those with family and similar obligations. And we wanted a formal policy because we wanted to send out a signal that this is something we firmly stand behind," explains Susan.

Associates such as Christine welcomed the initiative: "This policy is really important news for young lawyers whose practices can fit around flex time. It's a challenge to achieve in our profession, but still have time to exercise, eat well, and work on all aspects of life – including family." One of those other aspects – the desire by younger lawyers to give back to the community and profession – also has Gowlings' backing: The firm supports pro bono and duty counsel work both as a development opportunity and by counting the firm-sanctioned volunteer work towards the associates' billable hours requirement.

"When dealing with young lawyers, it is important for senior lawyers to try to understand how they think and what motivates them," says Don. "Don't assume young lawyers will think like you. Different work models can be productive, and we can have faith that young lawyers want to help clients as much as we older ones do. We can learn a lot if we listen to our young lawyers because, after all, they will be the law firm leaders of tomorrow."

## Leveraging Generational Diversity

### Generations Currently and Soon to be Practising Law

| Born  | Age 10        | Today 2008                     | Generation                                  | Generational Behaviours/Attitudes  |
|-------|---------------|--------------------------------|---|--|
| 1940s | The Fifties   | Mid to late 60s                | Traditionalists                             | Work comes first; work hard; work long hours; follow rules; work then retire   |
| 1950s | The Sixties   | Mid to late 50s                | Boomers, Baby Boomers                       | Work hard-play hard; aim for 'Freedom 55'; face-time important; like predictability, consistency, standardization, limited flexibility; interested in exploring alternative to full retirement |
| 1960s | The Seventies | Mid to late 40s                | Trailing Boomers, Forgotten Generation      | Work hard – no time for play; 'sandwich' generation; tired – retirement long way off; like predictability need flexibility, trailblazing flex  |
| 1970s | The Eighties  | Mid to late 30's               | Nexus, 'Gen X'                              | Family-centric or dual work-family centric; work hard not long; rules are start point of negotiation, prefer guidelines to policies; want more flexibility                                     |
| 1980s | The Nineties  | Mid twenties to early thirties | Net, 'Gen Y', Millennials, Velos Generation | Work will never be done, so set boundaries between work and life; work hard and take breaks, vacation, sabbaticals; lots of options  |
| 1990s | The 2000's    | Twenties                       | Gen 'I'                                     | Work by multi-tasking; blend work and life throughout the day; ask lots of questions, seek fresh solutions, new ways of doing things; customize everything                                     |
| 2000s | Today         | Pre teens and teens twenty     | Wee Gen                                     | Multi-tasking, multi-dimensional, creative, media savvy; confident; computer-based social networking; internet-based approaching work, relationships, communication                            |

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*Left to right: Chris Pinnington, Reena Goyal, and Kate Broer*

## **Inclusiveness part of FMC's culture**

At Fraser Milner Casgrain LLP (FMC), recognizing and responding to the needs of different generations is an integral part of a much larger initiative – and, say FMC leaders, a vital part of the law firm culture.

“We see the multi-generational issue as part of a bigger picture discussion involving diversity and inclusiveness which, by definition, transcend age, race, ethnic, gender and any other distinctions,” says Kate Broer, firm partner and co-chair of the firm’s Diversity Committee.

“We’ve seen a real shift in our culture since launching this initiative about 18 months ago: Not only are younger generations more willing to speak up, but we’ve found that lawyers of all generations are finding their voice, are more willing to be heard no matter what the issue on the table.”

Managing Partner Chris Pinnington attributes the “sea change” in culture to a deliberate change initiative led from the very highest levels of the organization: “We want to be recognized as the firm of choice, both internally and externally; internally, this means we’re committed to a philosophy of inclusiveness that takes into account various lifestyles, beliefs, and individual challenges. We want to make sure there are opportunities for everyone, and to be a recognized leader in the pursuit of diversity and inclusiveness.”

How does FMC walk this talk? Third-year associate Reena Goyal points to the firm’s many initiatives – from its mentoring program to the high profile activities of the Diversity Committee’s subcommittees, to a policy of engaging members at all levels in firm management matters – as tangible evidence of FMC’s “more energetic, open, youthful attitude.” Flexible work arrangements, job sharing, and the ability to work remotely are further evidence of the firm’s open attitude.

And firm members are responding to these opportunities. A call for volunteers to serve on FMC’s newly minted Diversity Committee in late 2006 attracted 35 lawyers from students to senior partners.

Diversity initiative subcommittees charged with Education, Communication, and Scholarships and Awards responsibilities see students and partners working side-by-side on programs as diverse as the FMC Harry Jerome Scholarship for black students, conferences on diversity in the legal profession and seminars on implementing diversity in the workplace. “These initiatives have led to us being connected to the business community, and to our clients who share our commitment, in ways we never envisaged.”

Fundamental to the firm’s mentoring philosophy is that mentors have as much to learn from the relationship as those being mentored. Associates have both a peer mentor and a partner mentor (selected by the associate, not the other way around); associates also are encouraged to become mentors themselves as early as possible in their careers, points out Reena, who is now mentoring an articling student.

“We see the mentoring program as an opportunity for inter-generational interaction which helps us all learn, and helps us relate effectively to the generational diversity of our clients,” says Chris.

Fostering an environment in which even new associates feel comfortable coming forward with proposals has led to a number of new international business development opportunities: Second and third-year associates have been given the go-ahead to explore, and in some cases lead, fact-finding missions to China, India and Israel – resulting not only in new clients and retainers, but also opportunities to host international conferences abroad and linkages to leading business organizations in these and other countries.

“Tapping into the energy and enthusiasm of our younger lawyers is energizing and enlightening,” says Kate. “They have great ideas, opinions, perspectives – and our challenge is to harness that experience for everyone’s benefit and to weave all of this into something that becomes a permanent fabric of the firm.”