

BCGLA member feedback regarding consideration of seniority in office allocation

Background

For years there was a draft office allocation policy which prioritized seniority (a combination of years of practice and years of service at LSB) in office allocation, including during group moves. During LOOP 6, the office allocation policy was suspended. Most recently, in a Branch Broadcast email dated December 14, 2020, management indicated that for office allocations coinciding with moves required as a result of the LSB Reorganization Project/LOOP 6, seniority would be the last thing considered in office allocation. However, at the Joint Committee meeting management expressed an understanding that seniority was in fact taken into account in allocating offices during the recent moves.

We understand that management does not intend to reinstate an office allocation policy. Going forward, the intention is that office allocation will be on the basis of operational need, which will be determined by group supervisors and branch executive. As described in the December 14 email:

The principles of the office space allocation will include operational requirements and efficiencies, proximity to people working together and their respective supervisor, office sharing arrangements, physical accommodations for individuals and budgetary considerations. Where all other considerations are met and there remains office space unallocated, seniority will be considered in allocating office space. There will be no bumping of offices based on seniority.

At the Joint Committee meeting on May 4, BCGLA asked for clarification about the current practice within the branch and the role of seniority in office allocation. After that meeting we sought feedback from BCGLA members about what principles of office allocation are important to them, whether in their experience seniority was considered during the recent office moves, and whether having an office allocation policy matters to them.

Summary of responses

Principles of office allocation

- Seniority: important to most
 - Getting a better office based on seniority was one of the few perks
 - Provides some recognition for long term employees, a tangible benefit in a relatively flat organizational structure
 - There was not support for bumping based on seniority, but rather when opportunities arise seniority should be considered
 - View that merit appointees should not be given priority over those more senior
- Accessibility, medical issues need to be accommodated

- Difficulty walking, vision and hearing challenges might be exacerbated by location, amount or quality of light or noise
- Different people might prefer different levels of heat or value control over heat or light differently due to medical conditions or personal preference
- Degree of and nature of use was important to many
 - Telecommuting arrangements should be considered (unfair for someone only using an office 2 days per week to have a better office than someone there all 5)
 - Preference should be given to people who work in the office full time.
 - If two or more people share an office, it should be a larger office.
 - Flexible workspaces to fit the nature of peoples' work
- Proximity to colleagues one works with regularly was important to some
 - Proximity is relative
 - A short walk not problematic
 - The past year has shown that close physical proximity is not absolutely necessary to work effectively and efficiently together
 - People shouldn't be severely limited in office choices simply because those are the options physically closest to the people they work with
 - People change practice areas and collaborate with colleagues in other practice areas, so being next door to colleagues you work with right now not as important
- Proximity to supervisor was perceived as less important
 - A short walk not problematic
 - Those new to a group may benefit from being closer to a supervisor or mentor
- Proximity to professional staff also important
 - Some respondents believed legal staff should, generally, have priority over professional and administrative staff
- Operational need
 - Perception this is a very vague criterion that could be misused to reward favourites
 - Some supervisors have described it as broad
 - It should be clear what has to be shown or documented to establish that need
 - Better defining that criterion may not ensure everyone agrees with it, but should ensure decisions are made consistently
 - For example, if you need multiple computer screens because of the kinds and volume of documents you need to review (and therefore an office space that accommodates that), is that operational need?
- Consultation and some element of choice
 - Recognition that physical workspace has a direct impact on mental health, which in turn affects job performance and well being
 - Office space is related to quality of life when we spend so much time there
 - Giving people some choice is a marker of respect and acknowledges people's contribution

- Different people have different values/priorities (windows/temperature/proximity to certain people), so there are reasons to let people have a say in the office they will spend many hours in
- Distribution of corner offices, good furniture, etc., should reflect the diversity of staff
- Other principles respondents noted as important:
 - Certainty
 - Predictability
 - Transparency
 - Fairness
 - Physical safety & security of the office space
 - Flexibility, including recognition that different approaches might be appropriate based on unique circumstances of different groups
 - No bumping

Whether seniority was considered during the recent moves

- For most respondents, experience was being assigned to an office without discussion or consultation
- Most were not aware of any consideration of seniority
- In some cases it was stated that seniority was considered but it was unclear how
- Some people were offered some choices after initial allocations had been made if they inquired or complained
- Some were invited to provide input regarding preferences, but not invited to tour the space to choose (because of COVID restrictions, which was then perceived as contradictory given we were also directed to come in and pack up during COVID)
- In at least one group, sense that allocation decisions with recent working arrangements and return-to-work plans have been done collaboratively to the extent possible

Existence of office allocation policy

- All respondents valued a written office allocation policy
- Many expressed frustration at how long the policy was described as “under review” and now no intention to reinstate it
- Comments regarding previous policy:
 - Sense that the previous policy was successful in ensuring fairness
 - It was clear, concise, easily understood, created an expectation you could rely on
 - Sense that it provided a common understanding
- Comments regarding intention to not reinstating a written policy:
 - Lack of policy means no transparency
 - Disappointment that management abandoned a written policy concerning a workplace decision that can deeply affect relationships between managers and employees
 - Where the basis for a decision is unclear it can look arbitrary and lead to deterioration of manager-employee relationships or toxic work environments
 - Lack of predictability in office allocation causes stress and frustration

- Perception that lack of policy is used as an excuse for supervisors to make opaque discretionary decisions about office allocation
- When there isn't a policy, any allocation that looks influenced by favoritism will be subject to heightened criticism
- Experience that lack of policy may particularly affect people returning from leave
- Abandonment of policy without any consultation seen as extension of severing link to Crown Counsel, perceived as taking away historical conditions/perks
- Lack of policy a morale killer, erodes feelings of trust
- Comments in favour of reinstating a written policy:
 - Transparent, written policies, founded on rational and fair considerations, protect us all from both favouritism based on personal preference and arbitrary and capricious decision-making
 - A policy is perceived as providing an objective basis for decisions, rather than the whim/mercy of management
 - Lawyers tend to be inquisitive and highly critical people who expect explanations for decisions affecting them, and a policy should make it easier to provide explanations for those decisions
 - It would help build trust
 - We all benefit when the greatest number of employees and managers have trusting, productive relationships
 - Sets clear expectations
 - Certainty of approach is preferred over unfettered discretion
 - Reasonable, identifiable factors render decisions like this more predictable and sustainable, they are more readily accepted by more people
 - If a rationale is available around office allocation there should be fewer complaints