

Office of the Chief Human Resources Officer

CLASSIFICATION STANDARD

Law Occupational Group

Draft 6.0

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Introduction

The classification standard for the Law Occupational Group is a point-rating plan consisting of an introduction, the definition of the Law Occupational Group, the rating scale and level point boundaries.

Point rating is an analytical, quantitative method of determining the relative values of jobs. Point-rating plans define characteristics or elements common to the jobs being evaluated, define degrees of each element and allocate point values to each degree. The total value determined for each job is the sum of the point values assigned by the evaluators.

Application guidelines

The Law Occupational Group classification standard must be used in conjunction with the “Application Guidelines” document. This reference tool has been developed to help evaluators understand and apply the Law Occupational Group classification standard in order to accurately, fairly and consistently evaluate law practitioner work.

Elements

Six elements are used in this plan. Each element contains a number of degrees that describe the various levels of work that may be present in law practitioner jobs.

Element weighting

The importance of the work characteristics in terms of assessing the relative value of each element is reflected in the maximum point values assigned to the elements.

Each element in the Law Occupational Group classification standard is designed as a continuum of value, ranging from low to high. The overall value of a given job using this system is therefore the sum of the points for each selected rating in each element.

Element	Percentage of Total Points	Maximum Point Value
Knowledge		
Critical Thinking and Analysis		
Communication and Interaction		
Leadership		
Physical and Sensory Effort		
Work Environment		

Law Occupational Group Definition

Definition

The Law Occupational Group comprises positions that are primarily involved in the application of a comprehensive knowledge of the law and its practice to the performance of legal functions.

Inclusions

Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities:

1. the provision of legal advice and legal services;
2. the drafting of legislation, including regulations and Orders In Council;
3. the conduct of litigation and prosecution;
4. the provision of legal policy work and law reform work in the areas of responsibility of the Minister of Justice; and
5. the provision of legal research and legal editing services.

Exclusions

Positions excluded from the Law Occupational Group are those whose primary purpose is included in the definition of any other group.

Also excluded are positions that require the interpretation of regulations, the drafting of contracts, leases or other legal documents; or the conduct of studies in which a comprehensive knowledge of law is desirable but not mandatory.

Element 1 – Knowledge

This element measures the level of subject-matter knowledge of the law and its practice, as well as contextual knowledge, including knowledge of other areas of the law; broader legal contexts; clients and their business; investigative agencies, partners and stakeholders; and the government, its machinery and its interests. Increasing levels of knowledge are typically acquired through experience within and outside the organization.

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| <p>1. Requires knowledge of the law related to assigned work. Requires a general understanding of the legal process and practices and their application, and a general understanding of the programs, policies and environments of departments and agencies relevant to work assignments.</p> |
| <p>2. Requires a sound working-level knowledge of the law related to assigned work. Requires a sound understanding of the legal process and practices and their application, as well as of clients' businesses, justice partners, and the legal and broader government environments within which the job operates.</p> |
| <p>3. Requires an advanced knowledge of the law related to assigned work. Includes a strong understanding of the legal process and practices and their application, clients' businesses, justice partners, and the legal and broader government environments within which the job operates.</p> |
| <p>4. Requires extensive and often highly specialized knowledge of the law, particularly with respect to assigned work. Requires a deep and comprehensive understanding of clients, partners, the government and its interests. Knowledge is such that the job is recognized as an expert and authority on issues related to its field of law or practice.</p> |
| <p>5. Requires expert knowledge of the law at the strategic level and an in-depth understanding of the role of law and its comprehensive impacts across government and society. Expertise is such that the job is recognized as a national resource and a pre-eminent authority on issues related to the field of law or practice.</p> |

Element 2 – Critical Thinking and Analysis

This element captures the requirement for critical thinking and analysis in law practitioner work. This element recognizes the increasing levels of critical thinking and analysis that stem from the nature and complexity of typical problems/issues/files encountered in the work, the nature of analysis and judgment that must be applied, and the nature of the guidance available.

<p>1. Problems or issues are typically of limited scope, risk or impact with defined solution options. Critical thinking involves the identification of relevant facts and issues, research of legal issues, the identification of solution approaches and the production of a variety of legal products. Direction and oversight are provided by management or more senior counsel.</p>
<p>2. Problems or issues represent a wide variety of more challenging legal issues and problems with a variety of broad-reaching impacts on other areas of law, policy, process, clients or business results. Critical thinking involves questioning and reframing problem definitions and assumptions to uncover and address underlying issues, including balancing client requirements with legal intent and government objectives, and thinking ahead to next steps, risks and contingencies. Problem solving is independent at this level with strategic and tactical advice available from management and more senior counsel.</p>
<p>3. Problems or issues are complex; are of significant scope, risk and impact; and often come with ill-defined solution options. Critical thinking involves investigating, identifying and anticipating legal issues and longer-sight implications, including emerging trends and broader risks, and developing strategies to address them. Problem solving requires autonomy and independence based on considerable experience and expertise and is guided by a more general legal framework established by legislation, policy or legal frameworks and principles.</p>
<p>4. Issues or problems are highly complex and multi-dimensional, involving a network of integrated multiple perspectives; often-competing priorities; and significant legal, political and business risk. Critical thinking involves the assessment of fundamental questions of law and policy with a view to determining horizontal impacts across government and its interests. Problem solving and critical thinking are generally in the context of broad guidelines typically with no precedent and requiring the adaptation of existing frameworks within which to address the issues/problems.</p>
<p>5. Issues or problems are new and emerging with no precedent or existing framework within which to address them. Issues at this level are typically of the highest complexity, profile and risk, with broadest government, societal, economic and/or legal implications. Critical thinking involves extensive strategic analysis, including the development of new frameworks and new interpretations that frame the direction of the law.</p>

Element 3 – Communication and Interaction

This element captures the written and oral communication skills required in carrying out the job responsibilities in law practitioner work. It is designed to capture the increasing levels of skill by considering the nature and complexity of typical interactions within which the communication skill is applied.

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| <p>1. Requires developed communication skills to draft and present a variety of legal products, advocate positions, collaborate and consult with colleagues and clients, and provide legal advice on a range of legal matters. Issues are typically of limited scope, risk or impact with defined solution options.</p> |
| <p>2. Requires well-developed communication skills to draft and present a variety of legal products, advocate positions and provide legal advice on a range of challenging legal matters. Leads and facilitates discussions with colleagues and clients in order to resolve conflict and develop consistent and coordinated positions and approaches. Issues are typically comprehensive with a variety of broad-reaching impacts on other areas of law, policy, process, clients or business results.</p> |
| <p>3. Requires advanced communication skills to draft and present a variety of legal products, advocate positions and provide legal advice on issues of significant complexity, scope, risk and impact. Requires advanced persuasion and diplomacy skills to work with a variety and diversity of stakeholders at senior levels in order to influence approaches, policy or legal direction.</p> |
| <p>4. Requires extensive communication skills to provide strategic and expert advice, opinions or representation on highly complex, high-profile or cross-cutting issues with significant implications for the Government of Canada. Communication requires the highest degree of persuasion and diplomacy skills to influence strategic decision-making at the highest levels of contact on matters of law, policy and the overall government agenda.</p> |

Element 4 – Leadership

This element captures the responsibility of working with and through others in order to accomplish objectives. It recognizes that much of law practitioner work involves the leadership challenges of bringing people and ideas together. Responsibilities of leadership include planning and leading work, and being accountable for results. Responsibility typically increases with the complexity of the issues and initiatives, and the multiplicity of interests/stakeholders involved.

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| <p>1. Responsible for the planning and resolution of own job's assigned casework, as well as the participation in broader work teams as required. Coordinates with clients, colleagues, and management in the delivery of work and may oversee the relevant assigned tasks of paralegals and other business support staff.</p> |
| <p>2. Responsible for the independent planning, management and delivery of a comprehensive legal workload. Leadership responsibilities include independent management of client relationships and issues, and sharing of knowledge and experience from relevant areas of expertise with team members on larger files. Assigns tasks to junior counsel, paralegals and other business support staff where required, including ensuring quality and consistency of the work through review and feedback, and coaching of more junior counsel.</p> |
| <p>3. Responsible for providing functional, file or issue leadership on comprehensive, complex matters that are defined and related to primary areas of responsibility, specialization or practice, as well as contributing in a leadership role as part of a larger file. Leadership responsibilities include planning, coordinating and leading work activities of team members toward achieving results; assigning team tasks to other counsel where required; ensuring quality and consistency of the work through monitoring and feedback, coaching and advice; and sharing knowledge and experience relating to an area of expertise.</p> |
| <p>4. Responsible for providing functional, file or issue leadership on matters of national scope, significant complexity and legal risk, or high profile in nature. Leadership responsibilities include conceiving the overall approach to addressing an issue or file, planning and leading complex multidisciplinary work teams, negotiating the involvement of required human resources, assigning work deliverables, and establishing and monitoring objectives and results. Leadership at this level also involves proactively transferring knowledge and best practices throughout the organization as a key national resource.</p> |

Element 5 – Physical and Sensory Effort

The following element measures the physical and sensory effort required in the performance of law practitioner work. It recognizes the physical effort and energy involved in exerting force, either while moving or while staying still, or in performing a sequence of apparently small movements. It also recognizes the strain associated with intense sensory focus, e.g., visual, tactile or auditory. This element considers how long this effort is being exerted and how often this effort is required.

The following examples provide some illustration of the nature and intensity of physical and sensory effort intended to be captured by this element. However, they are not exhaustive. Other efforts of equivalent intensity should be rated similarly.

All categories of Effort (A, B & C) must be rated separately.

Physical Effort		1. Rarely / Occasionally	2. Regularly
A.	<ul style="list-style-type: none"> Sitting or standing for prolonged periods where there is limited opportunity or freedom to shift activity change activities. Prolonged keyboarding with limited opportunity or freedom to shift activity change activities. 		
B.	<ul style="list-style-type: none"> Carrying/moving/lifting heavy volumes of work materials, such as legal briefcases, computers, boxes of files or legal texts. 		
C.	<ul style="list-style-type: none"> Prolonged viewing of computer screens. Prolonged periods of reading, proofreading or reviewing of data or documentation (visual, tactile or auditory). Prolonged periods of listening to transcripts or testimony. Prolonged periods of driving. 		

Element 6 – Work Environment

This element measures the physical and psychological surroundings or conditions within which the work must be delivered and the extent to which they make the job unpleasant. Below are illustrative lists of the disagreeable psychological and physical conditions which may be found in the law practitioner work environment. Both components must be rated separately.

When rating, assume that working conditions comply with current legislation and standards. Please do not consider the inefficiencies of heating, cooling and ventilation systems. Measure only conditions that are an integral part of the work.

Degree	Psychological Environment
A1.	<p><i>Typical Work Environment</i></p> <ul style="list-style-type: none"> • Complaints from clients, media, public, politicians • Short and unreasonable time pressures, unbreakable deadlines • Multiple and conflicting demands • Influence from stakeholders, politicians
A2.	<p><i>Confrontational Work Environment</i></p> <p>In addition to A1 environmental factors:</p> <ul style="list-style-type: none"> • Public criticism, including outcry and demonstrations, by the general public, lobby and interest groups or the media against government positions • Constant conflict, including angry, aggressive and hostile parties • Uncontrollable mandated time pressures
A3.	<p><i>Threatening Work Environment</i></p> <p>In addition to A2 environmental factors:</p> <ul style="list-style-type: none"> • Personal target of a variety of attacks aimed at destabilizing a file or case • Threats to well-being and intimidation from hostile parties • Exposure to graphic material, including crime scene photos and other evidentiary exhibits

Degree	Physical Environment
B1.	<ul style="list-style-type: none"> • Physical work environment is generally a controlled office environment • Includes requirement to travel in the performance of the work
B2.	<ul style="list-style-type: none"> • Frequent travel, often over long distances or to remote areas • Extreme, uncontrollable and unpredictable weather conditions • Poor quality accommodation and makeshift work facilities

