

# Law firms may have to embrace novel work-life policies



HOW WOULD  
YOUR MANAGING  
PARTNER REACT  
IF YOU ASKED TO  
TAKE TIME OFF TO  
LOOK AFTER FIDO?

if they hope to retain staff, writes Cameron Cooper

# Help for time-paw workers

First there was maternity leave, then paternity leave and now the corporate world is bracing itself for the ultimate evolution in workplace flexibility – wait for it ... “pet-ernity leave”.

That’s right, companies in Britain are allowing employees to work from home or take paid time off to look after ill animals. It brings a whole new meaning to the concept of being as sick as a dog. Some businesses, including the London office of internet search company Google, allow dogs in the office for the benefit of workers who can’t stand the thought of leaving their pooches at home or who balk at paying for expensive dog walkers.

Is this the face of the modern workforce? Or has the world gone barking mad? While many law firms are making noises about providing a more flexible workplace, how would your managing partner react if you asked to take time to look after Fido?

## A CAREER KILLER?

A report from the Law Institute of Victoria (LIV) and Victorian Women Lawyers (VWL) provides a possible answer. Among the key findings from their report – titled ‘Bendable or Expendable? Practices and Attitudes Towards Work Flexibility in Victoria’s Biggest Legal Employers’ – is that the arrival of the highly mobile generations X and Y will force firms to adopt more flexible workplaces if they hope to recruit the best talent.

The flip side, though, is that there is a strong belief among employees that their careers will stall if they take up options encouraging a better work-life balance. In other words, you can have more time off to help the family or walk the dog, but it will come at some cost to your career prospects.

Sixty of the largest law firms in Victoria took part in the LIV-VWL survey. Results reveal that there are significant intangible benefits for firms that create a flexible workplace environment. The biggest gain is in fostering and developing a highly functional workplace that is likely to lead to employees with a healthier mental outlook about their work, which in turn should pay off financially over the long term. Such an intangible benefit complements economic arguments around flexible workplaces, including lower spending on recruitment and advertising.

Commenting on the outcomes of the survey, 2006 LIV president Cathy Gale noted: “These intangibles are hard to measure, but there is certainly a lot of anecdotal evidence



PHOTO: GETTY IMAGES

supporting them. And in some businesses, not necessarily the law, where there are measurable improvements, staff who have more ownership of the way they work and can craft their work around the rest of their lives are more productive, more focused and happier at work and do a better job.”

A Flexibility Report issued by the Law Society of NSW in 2005 also backs the notion that a more flexible workplace will lead to better staff retention. After consulting a number of ‘best practice’ firms, the NSW study pointed to improved retention of staff in a highly competitive legal market.

Findings from the Law Society study also suggested that firms that are proactive in their approach to flexibility reap significant benefits not only in attracting and retaining talent but in enhancing productivity and morale and reducing stress and burnout.

#### **FINDING A BALANCE**

The chief fear for those who opt for a part-time job or a flexible work arrangement in a law firm is that it will ruin their career prospects. The risk is real, especially for many women trying to juggle work and parenting responsibilities. It is natural, too, that law firms will tend to favour full-time staff members when it comes to promotions.

So is there any middle ground? A model adopted by large US law firm Kirkpatrick & Lockhart Nicholson Graham, which has recently rebranded as K&L Gates, shows some promise. The key to its reported success is that the firm has adopted a policy that supports part-timers and has made it transparent to all staff. An in-house advocate has also been assigned to help people find the right arrangement for their needs and to broker the change with management. The success of that arrangement is then monitored.

The result, according to the firm, is that an increasing number of lawyers are working reduced hours or telecommuting. The hope is that such programs will help address a shortage of women at partner level – a problem common to the US and Australia. While women have made up 40 per cent to 50 per cent of law school graduates for two decades at US colleges, they comprise just 17 per cent of partners at major law firms.

The problem extends to Australasia. While women comprise more than a third of all law practitioners in New Zealand, the New Zealand Census of Women’s Participation 2006 shows that females lag behind at partnership level. Fewer than 20 per cent of partners are female in New Zealand, with a woman’s commitment to family chiefly to blame for the shortfall.

In their book, *Solving the Part-Time Puzzle: The Law Firm’s Guide to Balanced Hours*, authors Joan Williams and Cynthia Thomas Calvert argue that firms can improve their ability to attract top legal talent and increase client satisfaction with proper flexible work arrangements.

Williams and Calvert also dispel fears that part-time workers do not cover their overhead and that if one attorney works part time all the others will want to follow suit. They suggest that take-up rates typically peak at 7 per cent to 11 per cent and that firms can still remain highly profitable.

Williams and Calvert support a ‘balanced-hours’ program that still focuses on the business needs of the firm. Client service and firm profitability set the parameters within which attorneys negotiate for reduced hours. Compensation, benefits and career advancement timelines are proportional to time put in.

Some Australian firms are also taking a progressive approach to workplace arrangements, among them Henry Davis York, which was selected by the Equal Opportunity for Women in the Workplace Agency as an Employer of Choice for Women for three years running. Flexible work practices have been a key part of that recognition.

Commenting on the award last year, managing partner Stephen Purcell said: “[Equal Employment Opportunity] is critically important to our business, and this is evidenced in the way we do things. Focusing on flexible work practices, we provide ongoing support for both males and females. Our firm has a culture that encourages a positive work-life balance and our staff benefit from programs that assist them in maintaining this balance ... We honestly believe if people are happy in the workplace, they will do their best work.”

Corrs Chambers Westgarth has also been recognised as one of the best law firms to work for in the Asia-Pacific region through an independent survey undertaken by *Asialaw* magazine, a judgment that has factored in the firm’s commitment to workplace flexibility. Parental leave provisions at Corrs are recognised as being among the best in the country. A leading national firm, Freehills, has also moved to provide a positive work environment for its employees through embedding a culture of flexibility, including provision of an emergency childcare program for parents at the firm.

#### **DON’T WORRY, BE HAPPY**

Happiness at work is clearly an important issue. A key reason to embrace a more flexible workplace is that it offers the prospect of cutting stress inside a firm. Nerves are being stretched to breaking point in many organisations where people are starting early and finishing late, day after day. Apart from creating an environment in which smiles give way to frowns, there is a strong link between stress and a lack of productivity.

A KEYGroup survey in the US suggests that one in five workers may be overwhelmed by stress. The internet-based survey of 1772 respondents cites a disconnect between management and workers as one contributor to a stressful workplace atmosphere.

Among the solutions that KEYGroup flags is encouraging employees to take lunch breaks, holidays and even mental health days. Employees who eat fast food while trying to respond to hundreds of emails are unlikely to be healthy or productive. It is up to managing partners to insist that such workers take lunch breaks and holidays rather than praising the work ethic of staff who burn the midnight oil. If a major project does require staff to work night and day to finish a project, give them a spontaneous day off to recharge after the job is over.

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WORKPLACE, THEY WILL DO THEIR BEST WORK”



### TIPS FOR STAFF

- When approaching your boss, one of the most important first steps is to be clear about what you are asking for. Misunderstandings on both sides are likely to sour the arrangement at some point down the track.
- Don't be too dogmatic in your demands. Many employers have come a long way, but they still face challenges when implementing flexible measures. Some flexibility and understanding is required on both sides.
- Do your homework and demonstrate your case to your boss as to how a flexible employment arrangement can work for both parties. Think through the implications for your fellow workers and the clients or customers with whom you work.

Source: Winning Workplaces

Another suggestion from KEYGroup is to start a workplace health club in whatever form that suits workers – it may be an informal arrangement such as starting a lunchtime walking group or other social activities.

The Boston Bar Association is exploring a novel way of relieving the pressure on law firm employees in its efforts to address the issue of work-life balance.

It points to a new trend around errand and concierge services that give professionals the ability to relieve stress and create balance between work and home. These so-called 'angels-of-time' services tap into the increasing reliance within law firms and other organisations of outsourcing. They are designed to help lawyers address a range of

life problems – from stress around projects, deadlines, meetings and professional functions on the work front to grocery shopping, dinner and child-minding on the home front.

EK Errands Express has been established in the US to offer dedicated aid such as a courier service, permit filing, business errands, filing court documents, virtual word processing and notary services. It extends to waiting for repairs or deliveries at a person's home, vacation house sitting, grocery shopping and dry cleaning. It is perhaps the ultimate example of personal outsourcing.

Only time will tell whether the service will extend to walking the dogs of time-pressured lawyers. ●