Let’s get flexible

In 2012, 35% of male and female workers had made a request for reduced working hours.

Flexible work is not just the desire of women – although they are more likely to request it. The Workplace Gender Equality Agency lists the main reasons for refusal as *negative impact on cost, performance or quality, or problems reorganising work among other staff*. However, the experience of flexible working arrangements in law firms shows that these reasons are not evidence based. In fact, the contrary is true. Some of the advantages identified by firms with flexible work arrangements include:

- increase in productivity
- staff loyalty and retention
- improved staff mental health.

Conversely, excessive workloads are a leading cause of disproportionately high rates of stress, substance abuse, reproductive dysfunction, and mental health difficulties.

Mary Louise Hatch from the College of Law (Victoria) argues that law firms need to normalise flexible work practices rather than regard them as special arrangements for women. Flexibility benefits the entire workforce.

United Kingdom firm Simmons & Simmons has included a commitment to improve its flexible work arrangements as part of its business plan. The strategies the firm is using towards this aim include:

- commitment from senior management
- formal and informal arrangements
- clarity about the firm’s policy
- encouraging a cultural shift across the firm towards embracing flexibility
- moving to a task-oriented assessment of performance
- provision of resources for remote working.

These strategies are echoed in the ‘eight key findings’ of the Law Society of New South Wales’s 2005 report, *The Case for Flexibility – Delivering best practice in integrating work and life in the legal profession*. In its 2012 publication, *Flexible Working: A more flexible, more diverse profession at all levels*, the society lists the types of flexible arrangements in use:

- Flexi-time
- compressed work week
- time in lieu, banked hours and making up time
- part-time work
- job sharing
- part-year work
- remote working
- purchasing additional leave
- taking additional unpaid leave.

McCullough Robertson partner Kristan Conlon heads a property work group with flexible working arrangements for all its members. Kristan believes that flexibility works for her group because they are task oriented.

“What makes it work is that we can deliver the same product and service to our clients – probably even better than we did before – and our staff can meet all of their commitments in life, as well as in the office,” she said.

She agrees that commitment from senior management is essential for flexibility to be successful. Kristan sees herself as a role model showing the staff what is possible.

“I’ve already been there and done it, and I continue to do it.”

The flexibility arrangements rely on a supervision structure with up-the-line reporting. Half of the workgroup have a formal agreement and the others work part-time with hours decided on an ad hoc basis.

“What makes it work is that they are all doing it, so everyone understands and they all back each other up,” Kristan said. “The arrangements change really regularly, but everyone does it and then they communicate well around that.”

She said that people’s circumstances were always shifting and the firm had the capacity to respond.

“People’s needs constantly change. I know this from having young kids who are now school aged. What you need this week, this term or this year will change, so it makes logical sense for people to be open about their needs and I don’t worry about the forms.”

Remote access is central to the success of flexibility within the group.

“I am able to approve an employee having full internet access and relevant technology so they can work on their way home and then spend time with their kids when they get there. It is an inexpensive option for the firm and the costs are quickly recovered from the additional work done.”

Kristan said many clients had flexible work practices within their organisations and embraced their legal representatives having the same arrangements.

“Some of our senior lawyers who do leasing work have clients who are in-house counsel and they also work part-time. These clients are extremely supportive, as you can imagine. For other clients, we pick and choose whether we say anything because at the end of the day it’s our job to deliver the product to the client. We just make sure that happens.”

Part-time work, remote access and salary sacrifice are used in McCullough Robertson’s flexible arrangements. Flexi-time does not fit, so a more informal swings and roundabout approach is taken.

“If someone wants to come in late because they have to go to the doctor or drop their kids somewhere or do something, no dramas, because I already know that in the other week that person has worked until late.”

Queensland Law Society has a flexibility working group which is seeking submissions on members’ experience with flexible working arrangements. Please send them to flex@qls.com.au.

Margaret Ridley is a former legal academic who works for QUT in equity services. She is a member of the Queensland Law Society Equalising Opportunity in the Law Committee.

### Notes

4. Ibid.

---