

Elephant in the room



Dr Bridget Juniper and Kevin Wheeler explore why work-related wellbeing is often ignored by law firms and highlight how matters can be improved

The other day we were with a human resources (HR) director of a City-based law firm who was rather proud of the lavish sums his firm splashed out on supporting the health and wellbeing of its fee earners. So, when we asked what evidence his senior executive team used to select the various elements of the programme, we were rather surprised at the blank look that followed. Our next question concerning whether these activities were having a positive impact on the health and performance of his lawyers prompted a similar response.

This is worrying but not altogether shocking. A recent survey by Buck Consultants shows that while the primary reason for health and wellbeing programmes is to enhance performance, few initiatives offered by organisations elicit improvements in productivity. Law firms seem to be no exception. Although the academics show a clear link between healthy employees and the bottom line, the reality of what goes on is rather different.

The promotion of wellbeing in law firms is gathering speed but it is more tactical than strategic. This is because these programmes continue to sit outside the broader organisational effectiveness framework by failing to tackle the real reasons that impair the wellbeing of lawyers. The focus is on elements such as private medical insurance and employee assistance plans which are seen as part of the employee benefits goodie bag rather than being core to business delivery. Where is the logic in squandering hundreds of thousands of pounds on remedial measures, taken up by say 5% of

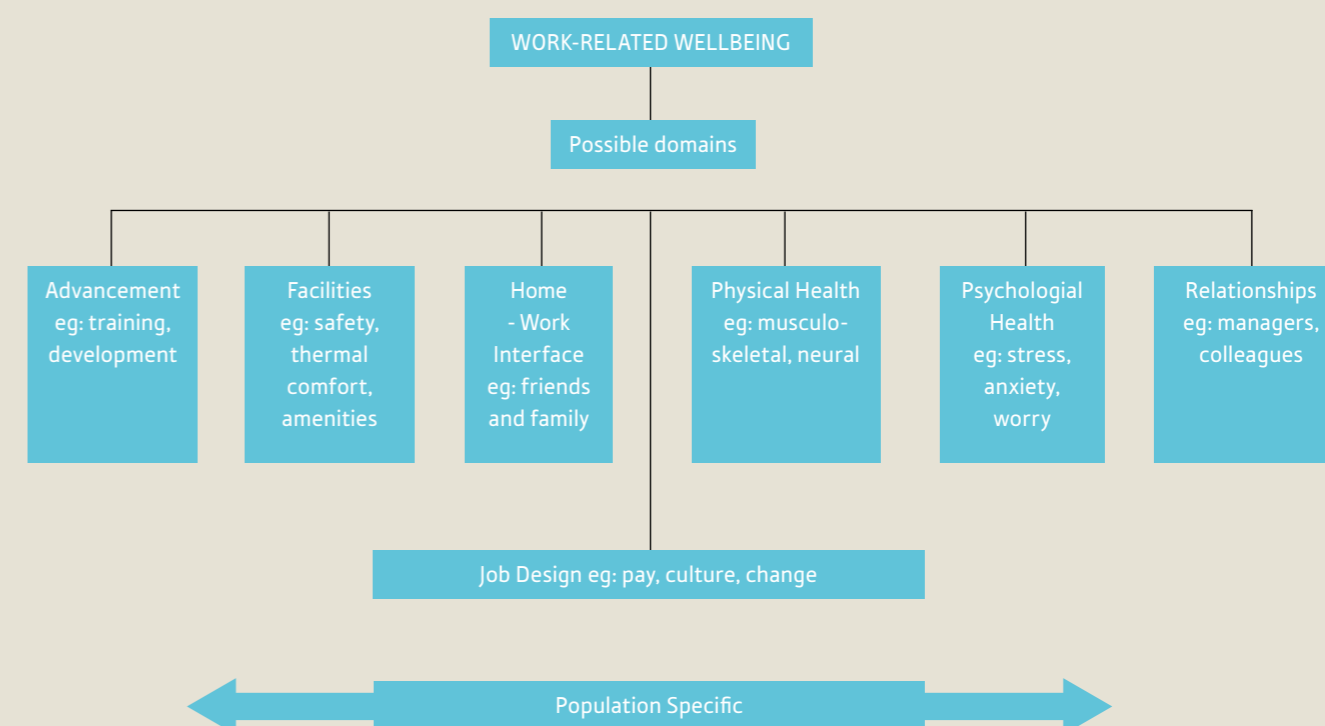
the workforce and only spending a tiny fraction on preventing the remaining 95% from falling ill too? If they are really serious about wellbeing, law firms are better advised to put in place preventative measures that stop people from becoming unwell in the first place instead of blowing the budget on fixing them when they finally crash and burn.

Yes, many firms will offer lifestyle programmes on subjects such as nutrition and exercise and there will be health assessments to check on aspects such as weight and heart status. But lawyers are intelligent professionals who know this stuff and will already be aware of the risk. What we are talking about are the systematic work-related aspects of working in a law firm that impact wellbeing and erode performance.

A model for assessing work-related wellbeing

The model below shines some light on what we mean. Based on our research that measures employee wellbeing and links it directly to performance, it summarises the main elements of work-related wellbeing; ie, those domains of work that have a direct effect on employees' health and productivity. It is these kinds of aspects that need to be taken into account by firms when they are devising a wellbeing programme. These provide the evidence to ensure the shape and content is relevant and targeted – a point lost on most legal practices (and ignored by the majority of employee benefit consultants).

Fig 1: Work-related wellbeing (Work and Well-Being Ltd, 2010)



A description of the wellbeing domains from the model follows.

Advancement

This domain references opportunities for training, development and promotion. How well is this managed in the firm? Are annual appraisals effective? An important component of general wellbeing is a sense of progress and given we spend two-thirds of our lives working, someone’s career offers obvious opportunities to meet this need.

Facilities

The facilities domain covers the physical workspace and amenities and we are ceaselessly surprised by how often this is overlooked. A recent study we carried out showed a direct link between the poor performance of a tax team and its less-than-salubrious workspace compared with other teams who were located in better quality surrounds.

Home - work interface

With demanding clients come the inevitable issues of unpredictable working hours and the havoc this can wreak on responsibilities outside of work. This is a very real problem for lawyers’ wellbeing and accounts for the small proportion of female partners even though 60% of trainees starting out on a legal career are women. Childcare provision, flexible/remote working and concierge services are examples of ways firms can allay these pressures. The key thing is to establish the impact this has on wellbeing relative to other considerations, then act accordingly.

Physical health

How does being a lawyer impact on his/her physical health? The answer is not much when compared with other sectors. Why then do firms choose to splurge so much in this direction? We suspect there

are two reasons: firstly it is relatively easy to provide physical health services; and secondly there is a booming industry peddling them. Again, by gathering data on this first, firms will be better placed to make informed decisions on what will be best for their teams.

Psychological health

Compared with its physical health cousin, this is the Cinderella in law firms. Rather like the NHS, only a small proportion of budget is spent on preventing mental ill health. This is despite the fact that psychological problems are the biggest predictor of physical health conditions and much of the absence among lawyers is down to depression, anxiety and stress. HR teams need to get behind the numbers and establish the causes so effective, preventative action can be taken.

Relationships

How well people get along with their manager is a key influence on performance and whether they leave the firm or stay. Most people leave their boss rather than their organisation. The same applies to the world of lawyers. How well are they managed? Are they sufficiently supported by their colleagues or is their sense of being part of a team coming up short? Apart from earning a salary one of the key reasons people seek employment is to have socially meaningful interactions with others. Are they getting this at their current firm or would they be better off somewhere else?

Job

This domain can cover any number of different aspects depending on the individual organisation. Maybe there are concerns around pay and reward (financial wellbeing) or maybe there is organisational change that is taking its toll and sending out shock-waves? What these are and how they can best be tackled are all central to an effective programme.

This model gives a brief overview of areas that law firms should consider ahead of designing any wellbeing programme. The important thing is to avoid consigning the debate to just physical health concerns or those areas conventionally delivered by occupational health teams. If a wellbeing programme is truly to have an impact on people’s wellbeing it needs to be positioned as a strategic, workforce effectiveness imperative that takes into account a wide number of factors.

The amount of lettuce being offered in a canteen or the number of people attending a lunchtime yoga class will not change a thing. You have been warned.

What are the solutions?

Of course, the domains and the specific contents of the model will be different according to the individual firm. Variables to consider will include culture, size and type of services offered.

With the different profiles come a variety of interventions which can range from resilience training through to radical changes in working patterns or the physical workspace. One clear way that work-related wellbeing issues can be tackled is through



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coaching. Law firms are increasingly using business coaches – both external and internal ones – to work with partners, senior associates (particularly those transitioning to partner) and business managers to improve their effectiveness.

While the primary objective – set by the firm paying for the coaching – for a lawyer is usually how to be a better leader, client handler or work winner, in reality a whole host of issues already identified in the model and impacting on health and wellbeing in

Quick test

To test out your own health and well-being, answer these seven quick questions below. Once you have completed all of the questions, look at the frequency of your scores then read our interpretation.

Please consider each of the work-related items listed and indicate how **bothersome** they have been to your overall well-being during the past six months.

	Not at all	A bit	Moderately	Very	Extremely
	1	2	3	4	5
Being unable to find time during the working day to eat a regular, healthy diet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regularly feeling stressed from the work that you are required to do	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Having to regularly work extended hours, eg, early mornings and/or late evenings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being unable to get enough quality sleep because of work worries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regularly having to let down family or friends owing to work demands	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Not being able to approach your manager about issues that are concerning you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Not being able to take planned holiday owing to work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Mostly 1s and 2s

Not much problem here. It sounds like you are healthy and well at work. Congratulations and long may it last!

Mostly 3s

Anything scoring 3 or over is worth looking at. Think about what's most important to you and what you can do to bring about a change that will improve your overall well-being.

Mostly 4s and 5s

This kind of profile suggests things are not going well for you at work. Can you speak to someone about this to help find a better balance and get things back on a more even keel?

[Please note, this test has not been validated and, as such, the results should not be taken too seriously. For a serious discussion about well-being in law firms, please visit www.workandwellbeing.com or contact Dr Bridget Juniper at bridget.juniper@workandwellbeing.com].

the workplace will crop up. Poor relationships with colleagues, disruption of home life caused by work, and poorly defined work objectives/expectations are all underlying issues which we encounter when coaching lawyers and law firm business managers and which impact on their ability to carry out their jobs effectively.

By way of an example, one law firm manager we coached recently didn’t want to focus on his work but rather his work–life balance, as his family life was suffering due to the long hours he was spending in the office. He wanted to fix this before he would even contemplate any other topics. In the course of the first coaching session, it transpired that his long working day was starting and finishing with a 1.25 hour commute by car into the office, leaving before 7am and returning home most evenings after 8pm. This was severely impacting the amount of time he was able to spend with his family. This meant that 2.5 hours of the “working day” was unproductive commuting time. The solution was to suggest that the manager take the train to work. By doing so, he was able to undertake productive office work – responding to email and reading papers – during this daily commute. As a result, he was able to leave for work later

and return earlier each evening, giving him more time with his family.

Such simple solutions to what are often considered insurmountable problems are commonplace in coaching sessions, as a coach will often be able to help view problems from a different angle.

Flush out that elephant

So, if law firms are serious about work-related wellbeing and want to benefit from the productivity improvements that come from creating a healthy and inspiring place for people to work, they need to recognise this elephant in the room. By auditing the current situation, which involves having an open and transparent discussion about these issues with all staff, firms can then formulate a strategic approach to tackling the issue. A wellbeing programme can then be established to underpin the overall objective of making the firm a supportive and healthy place to work.

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