

FLEXIBLE WORKING PRACTICES

Is this the key to solving a major HR resourcing headache?

(Apr 05)



In my extensive travels around the country and overseas I hear a litany of problems concerning how best to resource the modern law firm.

The comments broadly fall into the following categories:

1. The availability of 'suitable' new staff

"How can we obtain solicitors who will readily and speedily adapt to 'our' way of working?"

"There are no suitably qualified/experienced persons who want to work for us"

2. The difficulty in retaining existing staff

"We spend all that money, time and effort getting them up to speed and what happens – they 'up and leave'"

"Meeting the financial and other aspirations of young lawyers has become virtually impossible"

Both sets of comments are widespread, not just here in New Zealand but everywhere. Many and various solutions have been attempted to remedy both situations from setting out to pay higher than any competitor (attempted by one English client) with some success – for a time - to investing in professional development training. HR departments have come up with a myriad of solutions though the profession universally views most with scepticism.

One feature that is emerging from the whole HR availability/retention issue is that many firms are at last thinking about all fee earners when confronting the problem. Some even go as far as amending partnership agreements to enable removal of underperforming partners. International firm, Freshfields Bruckhaus Deringer, is reported, in the European press, to be considering just such an option. It should not come as a surprise as large NZ firms are going through the same processes or so it can be assumed if the number of top 10 firms who have 'lost' partners in the recent past is anything to go by. Downsizing seems to be in vogue though it may be a pragmatic reaction to a declining number of locally based 'Blue Chip' clients. With only ±160 companies listed on the NZSE and one of them accounting for over 25% of the total value the volume of heavyweight work, relative to the number of solicitors and partners, means pickings are somewhat slim by international standards.

Of all the initiatives I have observed designed to retain staff and partners the introduction of flexible working looks to have the lowest cost and greatest benefit – to all concerned – the firms and their clients. The London legal media made much of City of London heavyweight Simmons & Simmons introducing flexible working for all staff and partners in March 2005 where other, perhaps less prestigious firms had already embarked on similar initiatives more than a year earlier. I know, I advised them!

What is meant by flexible working practices? The answer can include all or some of the following:

- Job sharing
- Flexible working time
- Permanent part-time working
- Home working

and virtually any other arrangement agreed between employer and employee where the aim is to retain a valued staff member by adapting working conditions to fit in with changed personal circumstances.

When mentioning flexible working to HR professionals the 'PC' word, 'diversity', usually enters the conversation at some stage. Flexible working does not involve policies to employ ethnic minorities or to have gender balance. Both are important but in an age where ethnicity issues, ageism and gender are regulated by law it is to be hoped that the pursuit of a young, white, male dominated profession has long since gone.

Ethnic origin is always a tricky question and one which has very different cultural elements. For example, in London, more than half of all solicitors recently surveyed refused to provide ethnic data when asked on job applications or by in-house HR professionals. In France it is not worth asking the question – it simply will not be answered.

Attitudes to flexible working are very variable with many conforming to the stereotype and expressing opinions such as, it wouldn't work here – 'the clients would never put up with it'. In practice this almost never happens and I can personally identify partners in London firms who are part-time and where the clients are unaware of the changed arrangements.

The issue for employers is organisational, NOT whether it will work for you. With a little time and effort used for scheduling work any firm of whatever size can introduce flexible working. The advent of widely available ADSL modems offering broadband internet connections makes the practical side even easier as staff can access client files from home and work as and when required. It really is not that hard or difficult to operate. The results in terms of recruitment and retention can be profound. As for client concerns – there won't be any.

Firms who respect what is referred to a 'work life balance' have less difficulty in attracting and retaining quality staff and the work place atmosphere generally improves. Where firms have embraced the change it is not unusual to find 20% or more staff opting for flexible working.

© LegalBestPractice