



MAKING A PERSUASIVE CASE FOR FLEXIBLE WORKING: TIPS FOR EMPLOYEES

This document provides guidance to lawyers to consider in advance of discussing your proposed flexible working arrangement with your manager.

The benefits of working flexibly

You are more likely to be successful in your request for flexible working if you are able to outline benefits for your firm as well as for yourself. Depending on the nature and size of your firm, the benefits to your employer of having employees that work flexibly will vary.

You may wish to consider how the following benefits may apply to your firm and your individual application:

- Retaining talent through the employee life cycle – the ability to retain valued employees can have a significant impact on the bottom line, both directly through saving on hiring costs and indirect costs including client relationships, specialist knowledge and knowledge of the organisation. It also helps facilitate gender diversity goals and higher numbers of women in senior roles over time by enabling them to remain in the workforce.
- Improved morale and job satisfaction – flexibility has the capacity to improve the workplace experience, staff engagement, morale and job satisfaction. Studies conducted have found that being able to work flexibly has a positive bearing on how lawyers view their firm and translates into improved loyalty, commitment and diligence.

- Improved productivity and efficiency – the introduction of flexibility policies can result in the reduction of unscheduled absences from work and can assist to reduce fatigue. More generally, lawyers who work flexibly can be more efficient and effective in the time available to them than those who work in a standard, full time capacity (e.g. saving on travel time to and from work). This can result in better service delivery.
- Reducing stress, burnout and ‘presenteeism’ – while working flexibly may not necessarily solve all the issues that can arise through juggling a professional career with personal and carer responsibilities, flexibility in the workplace can contribute to a healthier outlook and reduced risk of burn out. This in turn contributes to the productivity and longevity of the organisations.

Other advantages of flexible working arrangements include:

- Improving ability to adapt to change;
- Increasing skills of managers who are challenged to demonstrate leadership;
- Enhancing capacity to recruit and retain particular sections of the workplace (for example Generation Y or mature aged workers); and
- Avoiding adverse impact on reputation from being seen as inflexible.

Addressing challenges and developing strategies

When considering requesting a flexible work arrangement, you should consider how you can address some common challenges that may arise. Common challenges and potential strategies are set out below.

“The client will not like it”

Your firm may express concerns about how working flexibly will affect your clients. Generally clients are most concerned with service delivery and quality. Whether a lawyer is working flexibly is irrelevant if client service needs are met. Additionally, if you work at a firm where your client base is drawn mainly from the corporate sector, your firm may find that implementing flexible work options means that your firm and clients will have a shared cultural ethos and understanding of flexible work options.

Strategy: Propose that you will address how to manage clients, including whether you will disclose your flexible working arrangements to all or some clients and, where such disclosure occurs, that you will provide the client with clear information about your work schedule and commit to promoting open and honest communication with the client. In all cases, take steps to ensure reasonable contact via telephone with the client at the outset. Consider disclosure of working days/ hours in email signatures.

“We tried it previously and it did not work”

Your firm may state that past experience was a failure. Introducing new and flexible ways to work is part of the change process and sometimes a new initiative does not work the first time. The reasons for an effort at flexible working being unsuccessful are varied and different in each circumstance. Learning from past mistakes can be useful in making improvement to the company’s policy and its implementation, as well as improving the management within the firm.

It is important to ensure that you are being practical about the impacts of your proposal for your employer, for example whether there will need to be any changes to current technology that is used by the firm or whether your employer will need to help you set up a home office.

Strategy: Undertake to ensure clear communication with your manager about the progress of your arrangements and use this as a chance to reflect on any barriers you have encountered in implementing a flexible work arrangement, either personally or at a systems level. This means that any problems with your arrangement can be resolved as they arise and your experience can feed into improving the systems and management that are in place.

“It won’t work in practice”

Your firm may perceive operational barriers. A common one is the view that a specific area of law (e.g. a transactional area) is not amenable to flexibility.

The key to success is to identify the particular barrier and create a solution. Preparing and planning can be critical to manage the workload, particularly at certain stages of a matter.

Success in managing particular difficulties comes from a high level of support and commitment from supervising lawyers, the willingness of the lawyers to be “flexibly flexible” when required and the whole-of-team approach to communication, consultation and administration.

Strategy: Talk to your manager about how you propose operational barriers can be overcome (for example, how a team can work in an agile manner to support flexible working). Share instances you are aware of where flexible working arrangements have been successfully implemented and any strategies those arrangements have implemented to make them successful.

Communications plan

The above considerations highlight the importance of communication, both within your firm and with clients. As part of requesting and implementing a flexible work arrangement you may wish to provide your employer with a proposed communications plan which will include information on:

- when, where and how you will be available to be contacted when you are not in the office;
- the best way to continue to communicate with clients;
- a plan for how messages can be left for you and how often these will be checked;
- whether you will be available to attend meetings in person and any arrangements that will need to be made for regular staff meetings;
- information storage and access; and
- how supervisors, team members, clients and others will give feedback on how your new schedule is working for each of them.

While there is a need to ensure clear communication with clients, there is also a need to ensure that you have clear boundaries between your work and personal life.
