



Quality Part-Time Work for Lawyers

Assisting with work and family balance

An effective solution to balancing work and family creates a productive workplace, as well as a rewarding family life. Today's workplace must respond to a changing labour force, the need for increased workplace flexibility and the importance of a skilled and engaged workforce.

Quality part-time work is about attracting and retaining skilled professionals who also have family responsibilities or other interests outside the law firm. Putting quality part-time work firmly on the agenda is one step towards an effective response to contemporary needs and demands.

Having quality part-time work available in your workplace provides the opportunity to retain the skills and knowledge of staff who might otherwise leave and avoids the cost of finding and training up replacement staff.

That's why many law firms are now integrating practical flexible work options into their human resources management.

The information set out below is designed to encourage organisations to consider quality part-time work to assist with the balance between family and work and the other things in life.

Providing quality part-time work can also be a key strategy for firms to retain women lawyers, particularly when they return from maternity leave or have other family requirements. Working part-time can be a short or long term strategy to assist the balance between family and work. Retaining staff during this phase in their lives through flexible work practices creates benefits for them as staff, and greater loyalty to the workplaces that have provided this support.

However, quality part-time work is not just for people with family responsibilities. It can assist staff combine work with study or other life pursuits or can be used to assist in graduated retirement.

We encourage you to think about the information within these guidelines and to use it to assist your staff with balancing work, family and other life matters.

Putting quality part-time work in place is good for everyone.



Working part-time as a lawyer

Many law firms do have part-time work policies. However, they also have high attrition rates, very long hours of work and many more men than women at the partnership level.

In the constantly changing world of work for lawyers, knowledge is power. To remain competitive, law firms need highly skilled professionals.

And many lawyers, particularly those with family responsibilities appreciate being able to work less than full-time hours.

Effective part-time work policies are a necessity. Good jobs, whether part-time or full-time, attract good people.

And while there may be some part-time work in law, the key to attracting and retaining good people is quality part-time work.

What makes for a quality part-time job in law?

While each firm is different, the one thing that does distinguish a *quality* part-time job from other part-time jobs, is that they are seen as *part of the regular workforce*.

Robinson Gill Lawyers – Quality part-time work in law

Robinson Gill Lawyers has been operating in Box Hill for the past 25 years and in that time has built up a number of long term staff members both professional and non-professional. There are approximately 10 to 12 lawyers including two partners and six senior associates in this medium-sized suburban law firm.

Two of the senior lawyers work on a part-time basis. One is a family lawyer and maintains her accredited specialist status. She works three days per week and appears at Court, confers with clients and takes primary responsibility for a significant work load.

When asked why this part-time work arrangement works so well, Tim Robinson, the managing partner, explains, "The demands upon her are significant and she is well organised and highly focused for the three days she is at work. On the days that she is not at work, clients contact her personal assistant and other secretarial staff for initial support. Should the secretarial support staff consider the problem to be urgent they consult one of the other three family lawyers."

The other lawyer works in litigation and commercial law. She works three days per week, has been successful in maintaining her litigation practice and is expanding her interests into commercial law.

Tim Robinson says, "In the bigger matters her clients are well aware that she works three days per week. Often I will be involved with her in the larger litigation cases and the client has the opportunity to discuss matters with secretarial staff and, if the matter is urgent, with me."

Myths about quality part-time work in law

While there are many views about part-time work – many of these have no basis in fact. Here are just a few that may apply to the law:

- **Lawyers who work part-time aren't interested in making partner**

People who work part-time are like everyone else. Some want to climb the ladder and others do not. It should not be assumed that those who work part-time do not want to be promoted to more senior positions based on their experience and skills. Quality part-time work must be available to all, except where genuine job requirements make this unreasonable.

There are exciting opportunities for partners who work part-time. The reality is that partners working part-time make great partners as they are able to keep up their professional experience and expertise whilst being free to pursue family or other interests outside the law firm on terms more conducive to creating a proper life balance.

- **We can't afford to let people work part-time**

A common myth is that part-time lawyers mean higher overheads and reduced profits. However, if highly skilled professionals leave the firm because they are unable to work part-time, the cost of a replacement will far outweigh any cost incurred in enabling quality part-time work.

- **Once one person works part-time, everyone will want to**

Part-time lawyers earn less income and most people won't want the loss of income that part-time work brings, nor the potential impact on their career plans. Not everyone in the firm will want to work part-time.

- **Lawyers who work part-time cannot conduct a litigation practice**

Court dates and client work load will require management; however, it is certainly possible to work in litigation part-time. A job share arrangement might also make sense.

- **Only women want to work part-time**

Men have family responsibilities too. And men are increasingly choosing to work reduced hours to help with family care responsibilities. In addition, both men and women may have other interests, such as other business opportunities, which may mean that they only want to work part-time in the law.

- **Part-time work is difficult to set up and to manage**

Quality part-time work is all about fairness, transparency and consistency.

- **Part-time work needs to all be done in the office**

Not all work needs to be undertaken in the office. Focus should be placed on the outputs, not on where the work is done. Employers should be open to having work done at home if this suits the individual employee and employer.

Use the following checklist to see if the part-time positions in your firm are quality jobs.

The quality part-time work checklist

- Our firm gives both men and women the opportunity to work part-time. Depending on organisational requirements, lawyers can work part-time across all the areas of our practice from junior lawyer to partner to later lawyer.**

What sets firms with quality part-time work apart from others is that part-time work is found in all areas of the firm and both men and women work part-time. If the opportunity to work part-time is only available to junior lawyers, experienced professionals returning to work after maternity leave and wanting to work part-time may choose another firm.
- People who work part-time in our firm have the same protections as those who are full-time, including job protection, predictability of hours and protection against discrimination.**

Predictable hours of work are particularly important to people with family responsibilities; for example, those with children in child care may need to fit their work around the child care centre hours.
- People who work part-time receive pro-rata salaries and access to benefits.**

This includes any benefits that those who are full-time might accrue, such as salary bonuses and access to other job-related benefits, such as company cars.
- People who work part-time have their client load adjusted to the hours they work.**

Balanced hours and workable client loads are important to everyone. Employing someone part-time doesn't mean having a part-time lawyer doing a full-time job.
- People who work part-time have a similar job content and status as the full-timers.**

For example, the part-time professionals in the firm are still litigating.
- People who work part-time in our firm are encouraged to participate in professional development and training programs and can apply for promotion if they wish. They will be genuinely considered.**

Quality part-time work means equal access to any training and skill development. Lawyers who work part-time bring a full set of skills to the firm. Do not assume those working part-time are not interested in upgrading and improving these skills and moving ahead in their careers.
- People can move between full-time and part-time work as they require.**

While the option to move between full-time and part-time work will depend upon the requirements of the firm and case load, the option should be there. For people with family responsibilities, the need to work part-time changes across the life course. For example, when babies are small, parents may wish to work part-time, but as children go to school, longer hours might be preferred.

- Part-time staff are treated the same as those who are full-time.**

In firms with quality part-time work in place, those who are part-time are seen as valuable contributors by the managing partners and also by their other work colleagues. Their case load is challenging, meaningful and satisfying – not just the bits and pieces that no one else wants.

- We recognise that staff have a life outside work.**

Better balance between work and other things in life, including family, is important to everyone. A growing number of women in the paid workforce and an ageing population mean most people will have child care or elder care responsibilities for at least a part of their working lives.

The advantages of quality part-time work in law

The ability to recruit and retain experienced and skilled professionals

The big advantage of quality part-time work is that it helps to retain experienced and skilled professionals who may not wish to work full-time. Women returning from parental leave might return to work earlier if opportunities for quality part-time work are available, while those who are nearing retirement, may continue in the workforce if they can cut back their hours.

Flexibility and improved client service

Quality part-time work could enable you to match client needs with professional's skill and knowledge. You will improve client service with more motivated and satisfied staff.

Increased morale, productivity and efficiency

Morale, productivity and efficiency increase when staff know their employer has invested in them. And that's got to be good for the firm. Putting quality part-time work in place can also help reduce staff or partner stress and unplanned absenteeism.

Becoming an employer of choice

Firms can benefit from being known in the community as family friendly. This could mean attracting more skilled and experienced professionals and an enhanced reputation with potential clients.

It's also about risk management!

Both Federal and State legislation promote equal opportunity in the workplace and outlaw discrimination on the grounds of parental or carer status or family responsibilities. Reasonable accommodation of employee requests for flexible work arrangements to assist them balance their work and family responsibilities is important where this is possible.

This does not mean that employers have to agree to every request for part-time work. However, it does mean that before making a final decision, you should seriously consider requests case-by-case in the light of genuine work requirements, and creatively explore how the job could be performed under alternative work arrangements.

So what do I do when someone asks to work part-time to accommodate family responsibilities?

The real key to success in quality part-time work is open communication between staff and managers.

Be prepared

Every request for part-time work will be different. If you already know the steps you will take to consider a request, the process will be clear and consistent. Consider developing a written policy, including the steps the firm takes in considering a request. This could speed up decisions and help ensure consistency and transparency.

Suggest the staff member develop a formal proposal

Before you consider a request, ask the staff member concerned to document what they want to achieve by working part-time, the impact this might have on those they work with and what it might mean for their client load and for the firm.

Consider each request objectively and sensitively

Seriously consider each request. Be flexible and creative. There are not many areas of the law that cannot be adapted to part-time work. Think about and plan for how the part-time work arrangement might be best managed. Make sure you think through and plan for the reduction in case load, as well as any impact on the work of colleagues and on your firm. If it is not possible to meet the request for part-time work, consider other flexible work options that could assist the staff member to balance work and family responsibilities.

Document what has been agreed

Agreements should cover changes to working hours and other terms and conditions of employment, length of time the arrangement will be in place, as well as the dates for regular review. And remember, if you turn down a request, explain your reasons in writing, giving clear business reasons.

Ensure part-time staff are part of the regular workforce

Include staff who work part-time in all communication, consultation processes and social activities. As far as possible ensure that any training or staff meetings are scheduled when part-time staff can attend. Put in place a planned process to ensure that work colleagues are aware of changes to work hours and have a plan of action to deal with any problems should these arise.

Monitor part-time work arrangements

Make a time for regular review of the part-time work arrangement to make sure it is working for everyone – if there are any doubts about whether it will work consider putting the arrangement in place for a trial period.

Appoint a partner whose responsibility it is to consider or review part-time work requests.

Having a partner oversee the part-time work requests provides consistency across the firm. It provides an objective person to assess whether all options have been considered and to mediate issues that may arise when part-time work is requested. It also provides a sympathetic and objective mentor to whom employees can go when considering requesting part-time work.

Holding Redlich – Quality part-time in law

Holding Redlich is a medium-sized law firm practising in commercial law together with areas of practice involving personal injuries, employment law and family law. With offices in Melbourne, Sydney and Brisbane it has 205 staff and 35 partners and was recently named best small law firm of the year in the 2005 BRW Client Choice Awards.

In order to retain skilled and experienced solicitors who may have previously left employment after the birth of a baby, Holding Redlich has instituted a 'Parenting Partner' scheme.

A senior partner in each office is nominated as the 'Parenting Partner' to advocate within the partnership for flexible work practices, including quality part-time work. The Parenting Partner is the first point of contact for when an expectant mother announces her pregnancy, both to provide practical advice and to begin planning what might be available for when the staff member wants to return to work after the birth.

The Parenting Partner scheme ensures there is someone to act as spokesperson for parents and future parents, someone to be a mediator should any disputes arise regarding parental and work responsibilities and someone to actively promote the importance of work and family balance.

Right to Request and the Family Provisions Test Case

In August 2005 the Australian Industrial Relations Commission handed down its decision in the Family Provisions Test Case. One of the relevant provisions is an employee's 'right to request' a return from parental leave on a part-time basis until a child reaches school age to assist an employee reconcile work and parental responsibilities. An employer will need to consider such a request having regard to the employee's circumstances, provided it is genuinely based on the employee's parental responsibilities. The 'right to request' also means that an employer has a right to refuse the request but only on reasonable grounds related to the effect on the workplace or the employer's business such as cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.

For Further Information

For more information, go to the Industrial Relations Victoria website at www.irv.vic.gov.au

Industrial Relations Victoria Department of Innovation, Industry and Regional Development