

## Flexible working in law firms

By Robina Clough

Opportunities for flexible working in law firms have been a talking point for many years. As traditionalists, law firms have tended to lack pace compared to other forward thinking corporates and professional practices when it comes to innovative staff retention ideas. Even when beautifully drafted HR policies are in place, the stigma of not conforming to a strict virtual 24/7 work lifestyle has dissuaded many from even taking up such opportunities. Ironically, whilst historically law firms to a large degree shown resistance to flexible working, the economic downturn of the last 2 years has lead to some firms actually enforcing flexible working as an alternative to redundancy. This article is intended to address the options of taking up flexible working, rather than those more recent enforced initiatives.

### *Types of Flexible Working*

There are many forms that flexible working may take, but in its simplest form it may include the following:

**Part-time** – commonly this would mean 4 day weeks or 9 day fortnights. Others may seek a shorter working day to accommodate, for example, school hours;

**Flexi-time** – this allows you to work a set number of hours a week/month, but with the flexibility to arrange a schedule around both your own and your firm's needs (such as completions);

**Home-working** – with modern technology it is possible for most people to fulfil work requirements from home, which can cut down on commuting time and allow a degree of flexibility;

**Job-share** – this enables the firm to fully cover a full-time position by employing 2 people to share the work, usually on a week basis; and

**Term-time** – specifically applicable for those with children of school age. You may work a traditional work week during term times, but have extended periods of time off during school holidays.

### ***Your Rights to Flexible Working***

For specific guidance on your rights to ask for flexible working you should seek legal advice or speak to the Law Society. However, as a general guide you have the right to request flexible working if:

- You are employed; and
- You have 26 weeks' continuous employment; and
- You have to "care" for a child or adult in need of care.

The right to request flexible working does not necessarily mean your employer must grant such a request.

Thankfully, more and more firms are actually offering flexible working above and beyond the basic statutory requests.

### ***Difficulties for Employers***

Notwithstanding the statutory legal rights surrounding flexible working, there are many issues that employers need to take into account when determining whether or not to allow flexible working:

- Employing more than one person to cover a full time job costs more than just employing one individual;
- It may be difficult to structure workloads around part-time workers;
- Whether clients' immediate day to day needs can be met; and
- Trusting employees to work as intensively at home as in the office.

You should be aware that it is not sufficient for your firm to just list such issues as a reason to deny a request for flexible working; it should give at least some sort of evidence that these reasons are not surmountable.

### ***Potential Pitfalls***

Under no circumstances should you feel that if you choose to work in a more flexible way you should be in anyway disadvantaged. Unfortunately, the concept of working flexibly is perhaps not well enough established within the legal profession to eliminate any potential negatives. Some perceptions to be aware of include:

- Not being as committed to the job as full-time co-workers;
- Not working as intensively out of the office;
- Lack of interest in promotion prospects; and
- Disregard for the importance of team working.

As the legal world gradually creeps into the 21<sup>st</sup> century, these misnomers will likely become increasingly irrelevant. It is important, however, that you do bear in mind that some of your co-workers may hold some ill feeling (more likely jealousy) for your flexible working set up.

### ***Flexible Working in Today's Law Firms***

Generally speaking, law firms still have an archaic way of remunerating staff which has an overall impact on the way that flexible working is both perceived and executed. Whilst more and more firms are including flexible working within their policy handbooks, there still seems to be a wide gap between what is being offered and what is actually happening in practice.

The recession aside, the establishment of "Generation-Y" has had a stronger voice in expressing the ideal of a work/life balance than anyone beforehand. The most forward thinking firms recognise that the junior associates of today are the future of their firm and in order to retain and recruit the best talent, it may be a good idea to offer something different from the norm. In fact, the smartest firms may be those that recognise that the lawyer that wants to take a day off every 2 weeks to complete a piloting course or 4 days a year to aid a charitable project will in the long run become a more rounded professional with potential client leads across the market.

Research has found ([\*The Cranfield/Working Families Flexible Working Project\*](#)) that those who are able to undertake flexible working are actually more committed to the organisation they work for than those who don't. The mutual respect and trust that arises from such a situation encourages loyalty on everyone's behalf.

Realistically, whether flexible working can work for you in your law firm will be determined by many factors, not least your practice area. But if it is something you are keen to pursue, make sure you fully investigate both your statutory rights and your firm's policy before making a considered and well informed request. And if it's not well received in your current firm, remember there are many more out there that may be more accommodating.