

How mentoring and coaching can help with life balance issues

Rachel Brushfield
EnergiseLegal

1. **Introduction**

Work-life balance is a strategic, structural, global and multi-dimensional issue.

Achieving a balance between home life and work life is increasingly becoming a priority for many. Growing numbers of people are endorsing a lifestyle career anchor, which implies that their primary career objective is to balance and integrate the demands of their career, their family and their own needs.

A healthy work-life balance increases the likelihood of a life free from mental health-related problems such as stress, depression and anxiety. The term 'work-life balance' was coined in 1986 and companies and firms began to offer work-life balance in the 1980s/1990s. Originally, women's needs were the focus, but now it is becoming gender neutral.

People are the highest expense in a company and therefore more hours from fewer people is a vital lever, as is encouraging additional hours from discretionary effort. This can be achieved by the carrot or the stick, and most law firms have focused on implicit sticks and few carrots, except financial reward.

The credit crunch and its aftermath have made people rethink what is important and, for many, work-life balance is important. The sacrifice of relationships, health, hobbies and marriage at the expense of work is a great one. The often-quoted "Few people when they get to their death bed wish they had spent more time in the office" still holds true, and even more so now that the rewards for the majority of lawyers are lessening for the effort expended.

2. **Definition of 'work-life balance'**

Work-life balance is the combination of achievement and enjoyment through both work and life outside work, and is an individual and subjective matter. Work-life balance is having enough time for work and enough to have a life. An individual's life varies considerably in respect of number of dependents, health, interests, financial pressures, responsibilities, career and personal ambition, personalities, needs, wants, values and motivations. This mix is constantly changing, with employees going through different life stages. External factors such as marriage, divorce, death and birth can also change an individual's perception of his own work and life. Employers need to invest time and thought in the employee proposition, the psychological contract, and segment and target different employee groups as part of the talent management strategy.

3. **Factors affecting work-life balance of lawyers in the legal profession**

Many factors affect the work-life balance of lawyers in the legal profession. These include:

- the competitive nature of law, internally and externally, magnified by reduced equity and the associate surplus;
- uncertainty of time commitment;
- the lawyer personality;
- a presenteeism culture;
- flexible/part-time working unfairly perceived as a lack of commitment and career ambition;
- left brain focus on hard measures and a dismissive attitude to less tangible measures such as happiness and career fulfilment and motivation;
- up or out, churn and pyramid law firm models which disguise the negative impact of lawyers' work-life balance and disengagement; and
- transparent explicit publication, measurement and tracking of individual performance and fee earning.

4. **Insights from neuroscience and the physical, mental and emotional impact of stress and tiredness resulting from poor work-life balance**

Self-awareness enabled by having a coach and self-coaching helps lawyers to manage their own responses and to increase their resilience. Stress, fear and tiredness all inhibit clarity of thought and attention to detail is essential to provide accurate advice. Put simply, the growing area of neuroscience helps the understanding of performance and of how to manage and maximise our own brains and bodies. Lawyers can learn techniques to disassociate from challenging feelings and situations, so that they can concentrate better, despite external factors.

Emotion has a powerful influence on learning and memory. Learning and memory involve multiple brain systems which are engaged in different stages of information processing.

The exponential development of neuroscience will provide scientific data to support the effects of poor work-life balance and high and sustained levels of stress and tiredness, as well as the effects of sleep and mindfulness practice on the brain, memory, concentration and emotions, decision making and accuracy.

5. **Impact of poor work-life balance on lawyers; stress, addictions, mistakes**

Symptoms of a poor work-life balance are numerous: some are very visible (eg, absence), and some less visible (eg, mental health issues building over time).

A poor work-life balance causes stress, and stress has a big impact on productivity.

Forty one percent of employees lose 15 to 30 minutes' productivity a day; 36% lose more than one hour a day; 23% report that their productivity is not affected by stress.

Forty six percent come to work too stressed to be effective on one to four days a year; for 30% it is five or more days. One quarter say that stress does not influence their effectiveness.¹

'Learned helplessness'² is a growing phenomenon. It is a 'giving up' mindset in weary lawyers fed up with working more for less rewards. Its symptoms include;

- burnout;
- complacency;
- defensiveness, irritability;
- over-sensitivity;
- diminished creativity when more is needed; and
- reactivity rather than proactivity with business development.

It can be a precursor to depression in a profession already experiencing higher levels of alcohol abuse, suicide and drug addiction than other professions.

6. **Impact of poor work-life balance on law firms' reputation, talent attraction and retention**

Increasing work-life balance options benefits law firms. They help to retain talent, reduce costs associated with attrition and recruitment, provide better use of office space with 'hot-desking' and teleworking, increase diversity with better problem-solving and promote increased productivity by reducing stress.

Work-life balance is "somewhat important" to 44.7% of HR managers in multinationals and 49.2% think it is "very important". The belief that a work-life balance policy could have a positive effect on reducing absenteeism was held by 97.7%. In over 70% of the companies surveyed, work-life balance is an important component of the company's policy for reducing absenteeism. Less than 30%, however, have implemented work-life balance policies with the involvement of employees or their representatives.³

Beliefs about presenteeism and that employees who work part time lack job/career dedication can stop lawyers from taking up work-life balance options. Law firms that embrace work-life balance policies can use them to their advantage, attracting the best talent as well as having alumni who positively promote the firm when networking and online, as well as return themselves when needed. Generation Y and the Millennials actively seek a healthy work-life balance and with a shortage of them in the population, law firms need to ensure that they engage and attract them away from their competitors. Work-life balance-friendly policies need to be an integral part of an employer's brand and play a pivotal role in a positive psychological contract. Negative PR on websites such as Legal Cheek and Roll on Friday, while tongue in cheek, can damage a firm's reputation.

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- 1 The HR Specialist, "The effects of stress on workplace performance" (December 20 2012) (ComPsych Stress Pulse Survey, October 2012). available at www.businessmanagementdaily.com/34123/the-effects-of-stress-on-workplace-performance#.
 - 2 Dr Larry Richard, "We need a chief resilience officer" (August 21 2013), available at www.lawyerbrainblog.com/2013/08/we-need-a-chief-resilience-officer/.
 - 3 International Bar Association Global Employment Institute, The IBA GEI 'Balancing report' *Strategic trends in National Law and Multinational policies on work-life balance and the implications for Human Resources Law* (March 2012), available at: www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC4QFjAA&url=http%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUid%3D90E4EA4F-C5A1-4088-A619-8E4D42B91153&ei=i0M5U63KFsSshQf254HAD&usq=AFQjCNFyIBATa5ApXFXVChvh_cUvqSMr9Q&bvm=bv.63808443,d.ZG4

7. Impact of poor work-life balance and resulting stress on law firms' financial performance and productivity

Poor work-life balance and its impact affect all sectors. For example, it is estimated that burnout at work costs Canadian businesses C\$12 billion a year in health claims, lost productivity and absenteeism, according to the Conference Board of Canada.⁴

Research shows that employees who experience increased stress due to work-life conflict and hold the perception of having less control over demands at work and at home are less productive and more likely to be absent or leave the organisation.⁵ Only 6.1% of multinationals consider that work-life balance is not important at all for the hiring of staff.⁶

Stress has a big effect on attendance, with 55% of employees missing one or two days a year due to stress, 29% missing three to six days and 16% missing more than six days a year.⁷

8. What benefits does coaching bring to enable work-life balance for lawyers?

Pure coaching – that is, non-directive coaching – helps lawyers to come up with their own answers rather than being told what to do by someone who is not them. Its approach is personalised, with the coach's job being to see the specific situation through the coachee's eyes. The combination of time and space in the diary ring-fenced for focus, being asked incisive questions, reflection and tools and exercises provides useful and time-efficient and effective solutions. Different personality types (eg, introverts and extroverts) and differing 'dominant senses' (ie, visual (seeing), auditory (hearing) and kinaesthetic (feeling)), will find specific aspects of being coached more or less useful. Some coachees think and get clarity by expressing themselves, so being asked questions and expressing answers will help them. Other coachees will gain insight from reflection and writing after the coaching session itself, following time to process thoughts and feelings. For others, simply having a deadline for action is beneficial.

Coaching has many benefits, which help lawyers to increase their self-awareness of factors affecting their work-life balance and what they can influence:

- a witness to expression and intention;
- commitment to change;
- writing down specific actions;
- the surfacing of feelings and thoughts supported by hearing them reflected back by the coach;
- clarity and new perspectives on specific factors;
- actions and accountability to support change;
- defining SMART goals;
- support, time and space to think about important, but not urgent issues;

4 Isherwood and Cajic, 1998

5 Adams 1976; Boles & Babin, Netemeyer *et al* 1996; Boles, Howard and Donofrio 2001; Frye & Breaugh 2004.

6 IBA GEI Balancing Report (at fn 3 above).

7 "The Effects of stress on workplace performance" (at fn 1 above).

- awareness of conscious and unconscious habits and behaviours, raised different perspectives and new perspectives, problem solving; and
- brainstorming ideas and hearing examples to shed new light on old issues and utilise strengths to support change.

Poor work-life balance and tiredness can inhibit clarity and creativity and sometimes the last thing the coachee needs or wants is a question. A carefully crafted coaching contract for a coaching programme from the outset and clear defined outcomes from an individual session or intervention will ensure that the coachee gets what he wants and needs. Coaching helps lawyers to think about and action stress management techniques and make proactive decisions which will improve work-life balance over time, given attention. These include time management, mindfulness (covered later in this chapter), 'big win' business development, smart working such as delegation, and setting goals that motivate lawyers to carve out time for themselves, such as for a favourite sport or hobby.

9. What benefits does mentoring bring to enable work-life balance for lawyers?

Individual or group mentoring from a lawyer or professional who has experience of the issues and challenges faced by the mentee is useful in helping to focus on improving work-life balance and providing a different type of help to coaching. It normalises any challenges, reducing self-consciousness of not coping or feeling stressed. Lawyers respect lawyers and the master and apprenticeship nature of the legal profession makes lawyers receptive to being mentored when some may resist coaching, perceiving it as remedial or a sign of weakness.

People get so close to issues or themselves, they can find it hard to see the wood for the trees. For lawyers under pressure to earn fees, this is magnified. Hearing ideas and experiences from a mentor who has been down the path they are on is therefore sometimes essential, because respect for experience is present with tangible evidence of what does or doesn't work to improve work-life balance. Mentoring enables the sharing of ideas and experience, so it can spark off insight, provide new solutions, useful resources or fresh perspectives on challenges.

This is an extract from the chapter 'How mentoring and coaching can help with life balance issues' by Rachel Brushfield in Mentoring and Coaching for Lawyers: Building Partnerships for Success, published by Globe Law and Business.