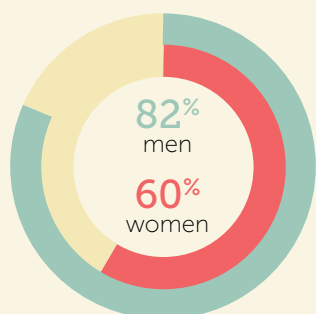


National Attrition and Re-engagement Study (NARS) Report

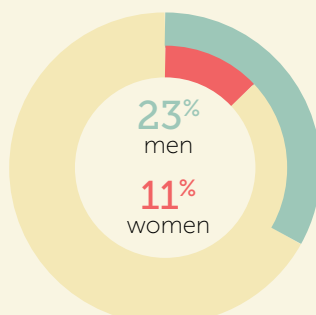


Q&A

In private practice



Women were more likely than men to work as employees



Men were twice as likely as women to be a partner

An evaporating workforce

The Law Council of Australia is committed to supporting the diversity of the legal profession and promoting a positive environment in which members can deliver quality professional services.

Addressing systemic issues is critical to ensuring those objectives are met and benefit the productivity and sustainability of the profession.

Of particular concern to the Law Council and the profession is the wide gap between the number of women who enter the profession and those that remain in it.

The NARS focusses on what causes attrition and how to overcome barriers to retain and re-engage lawyers.

How was the study conducted?

The NARS was conducted by Urbis over a 10 month period and involved collecting data from close to one in ten members of the legal profession.

The research methodology included:

- an online survey of practising lawyers (completed by 3,801 participants);
- an online survey of lawyers who have left the profession (completed by 84 participants);
- an online survey of individuals who have completed a law qualification but have not practised law (completed by 75 participants); and
- 82 in-depth interviews with practising lawyers, lawyers no longer practising, individuals who have never practised, industry body representatives and HR managers.

How is NARS different from other studies?

Rather than just collect statistical data, the NARS incorporated qualitative research. Detailed interviews have been conducted with practising lawyers and those no longer practising, as well as law graduates who had never practised and human resource managers in law firms of all sizes.

Views have been sought from both men and women, not only to compare assessments of workplace barriers but in recognition that to effectively evaluate the issues affecting the retention of women, it must occur in the context of the broader workplace environment.

The combination of the statistical and qualitative research underpins the Law Council's development of effective and practical policy recommendations. A number of options are proposed in the Report and serve as building blocks for the profession to investigate and trial further policies.

The research is also the first national study of its kind in Australia and provides a solid framework from which an agenda for change can be based.



How will the Law Council use the information?

The project has yielded a significant amount of data from approximately 4,000 members of the legal profession that can form the basis of a benchmarking study, as well as a source from which firms can draw information to help shape the structure of their workplaces.

Whilst significant in itself, the Report is one part of the process. As the principal point of contact for the profession, law societies and bar associations across the country are critical to the development of robust policies.

The policy discussion at the launch is aimed at analysing how the findings from the Report can be translated into practical policies for the profession.

WHERE TO FROM HERE?

The Study highlights a number of areas where strategies need to be developed, including how to better promote the drivers of retention and stamp out negative practices within the profession.

Whilst the negative practices identified stretch across the profession, the drivers of retention depend upon the environment and type of practice, and, therefore, require an approach developed in consultation with relevant stakeholders.

The next step will be to develop more targeted strategies that can be implemented over the short, medium and long terms. Continual feedback from the profession is critical to the success of these strategies.





National Attrition and Re-engagement Study (NARS) Report



KEY FINDINGS

STATUS OF THE PROFESSION

Admission

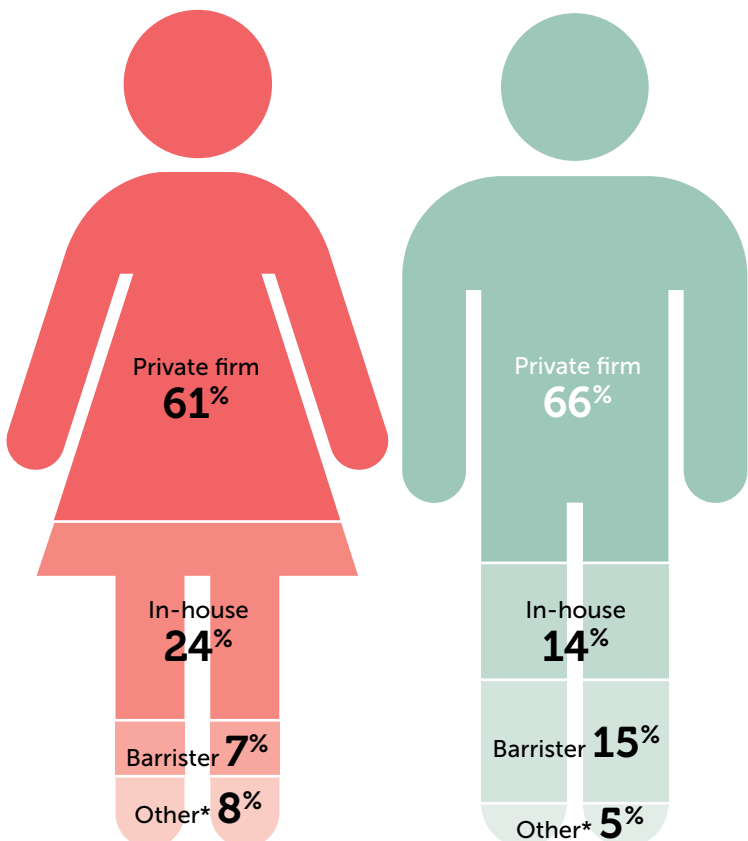
Female solicitors comprise **61%** of all solicitors admitted in the last year

Female solicitors comprise **58%** of those admitted in the last 10 years

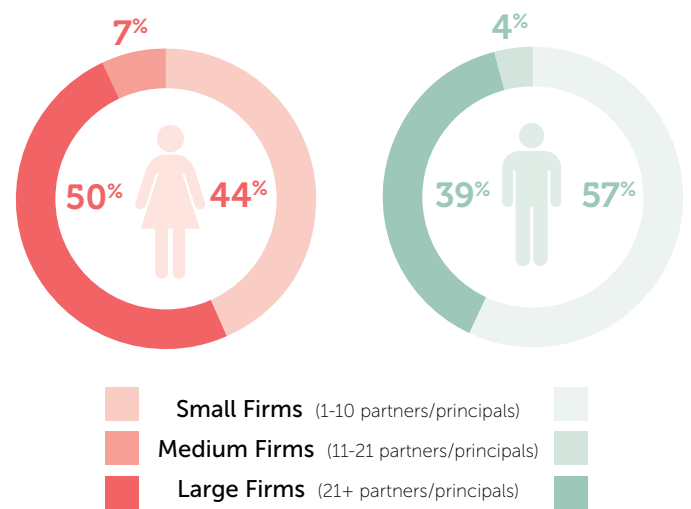
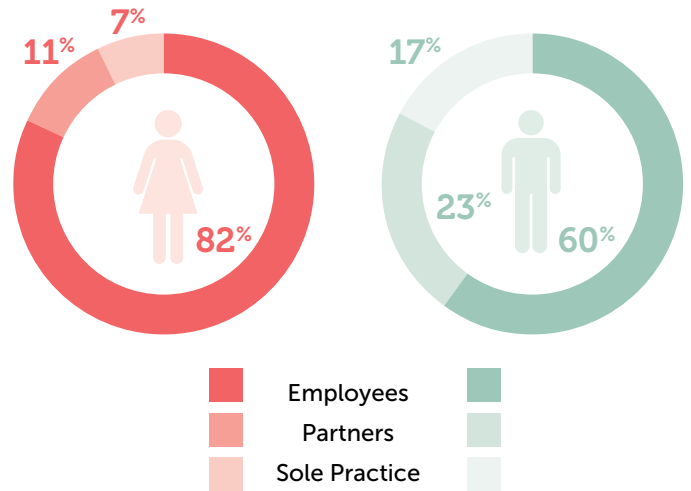
Age spectrum

49% of female solicitors are aged under 35 years compared to **24%** of male solicitors

MAIN AREA OF WORK

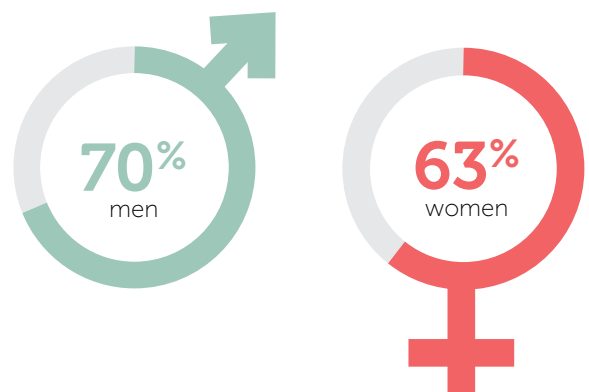


GENDER BALANCE IN PRIVATE PRACTICE



JOB SATISFACTION AND OPPORTUNITIES TO USE SKILLS

Overall, men reported higher satisfaction with their work than women. Men were more likely than women to be satisfied with the opportunities to use their skills:



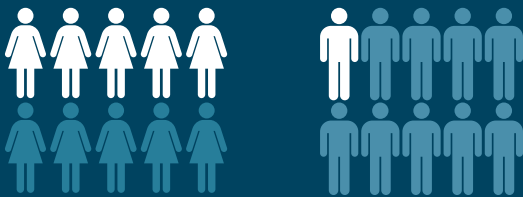
* Approximate % indicated for CLC/ALS, academia, courts and tribunals, not working/retired, other.

WORKPLACE CHALLENGES

50% of women working part-time reported discrimination due to family responsibilities versus **19% of women** working full-time with family responsibilities



One in two women, and more than **one in three men**, reported having been bullied or intimidated in their current workplace.



Half of all women report experiencing discrimination due to their gender (compared with one in 10 men).

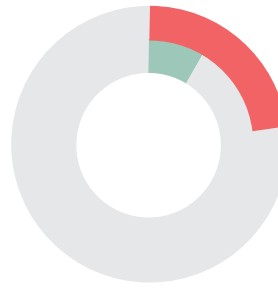
Approximately **one in four women** have been discriminated against due to family or carer responsibilities.



One in four women have experienced sexual harassment in their workplace.

OUTSIDE OF WORK

Primary carer*

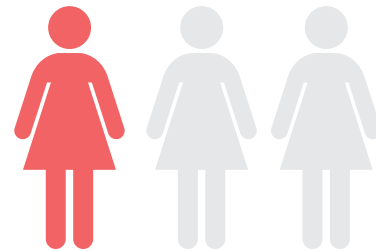


23% of women were a primary carer, compared to **4%** of males

* The proportion of women and men with children was similar, but women were more likely to be the primary carer.

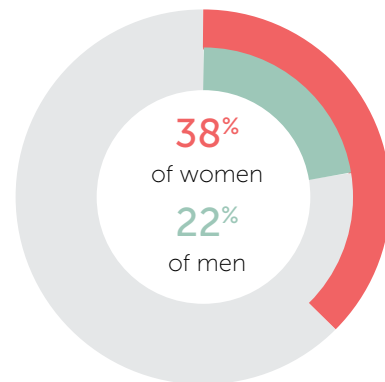
CAREER AND WORK-LIFE

Mentors



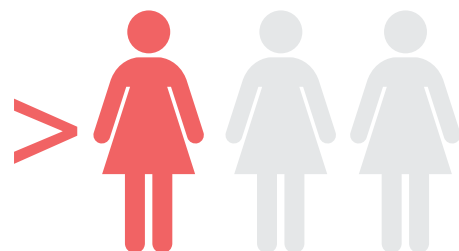
Close to one in three women expressed dissatisfaction with accessibility to mentors to support career development.

Career break



Women were more likely than men to report taking a break since admission

New beginnings



Over one in three women were considering moving to a new job within the next five years

National Attrition and Re-engagement Study (NARS) Report

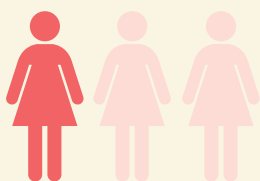


BALANCING WORK AND LIFE

Career progression and achieving a sustainable work-life balance are key factors of job satisfaction in the legal profession, according to the National Attrition and Re-engagement Study (NARS).

Whilst both are important for women and men, the NARS indicates that women experience career development and progression opportunities differently to their male counterparts.

Mentors



Close to one in three women

expressed dissatisfaction with accessibility to mentors to support career development.

Unconscious bias and cultural barriers to progression

Many participants viewed large law firms as being overly competitive, with a male-dominated culture that is perceived as alienating by some women.

Whether conscious or unconscious, favouritism, personal relationships and alliances in the promotion process was also seen to potentially favour male candidates in workplaces led by fellow men.

Lack of mentors affects career progression

Close to one in three women lawyers reported dissatisfaction with their career progression and with their career trajectory compared to expectations, in contrast to less than one in five men.

While mentoring and career development opportunities may be available to women, these are generally not adequate or not appropriately designed.

Poor work-life balance affects all practitioners

Both women and men reported dissatisfaction with required working hours and the pressure of billable commitments in private firms often contributing to a poor work-life balance.

Whilst an issue for all practitioners, achieving a satisfactory work-life balance is particularly difficult for women with family responsibilities.

Bias and flexible working arrangements

There is a perception of conscious or unconscious bias against women who adopt flexible working arrangements to balance family responsibilities.

Even where there was a range of flexible working arrangements available, women were concerned that taking them up could have a negative impact on career progression.

This finding was even more pronounced in large private firms.

Women who had used flexible work arrangements reported negative impacts including:

- being allocated unsatisfying work;
- being passed by for promotion; and
- dealing with colleagues' assumptions that their priorities lay outside work.



KEY FINDINGS

Greater dissatisfaction with opportunities for promotion in mid and later career stages

Having children typically occurs when women are looking to progress to more senior levels. Where flexible work arrangements are adopted, the research suggests the impact of bias for those undertaking them can hinder career progression.

Female practitioners in small firms experience better work-life balance

Women in small firms enjoy greater autonomy in their work and are less dissatisfied than those in larger firms with work hours. But unlike large firms, small firms often lack the supporting infrastructure to provide access to learning or development opportunities, or opportunities for promotion and advancement.

Women in medium and large firms benefit from:

- good supporting infrastructure;
- better access to learning and development; and
- opportunities for promotion and advancement

Women in large firms were also more satisfied with salary, the stability of their income and quality of the work.

But female lawyers in large firms showed dissatisfaction with requirements for billable hours, the resulting level of work-life balance and the level of support within their firms for work-life balance.

Female barristers were generally more satisfied with the independence and flexibility they had to control their work, but experience heavy workloads

While women barristers derived a high degree of personal satisfaction from their work, they reported working longer hours than lawyers in private practice or in-house.

The study found that barristers find it difficult to balance the demands of their role with other responsibilities, such as the inflexibility of trial schedules, or factors associated with being self-employed.

Working at the Bar can be isolating. Some female barristers valued the informal mentoring they had received from more senior female barristers.

While career progression and work-life balance are important for both men and women, the NARS findings suggest that women lawyers experience career progression differently to their male counterparts. While mentoring and career development opportunities may be available, these are not generally seen to be adequate or appropriate for women lawyers.

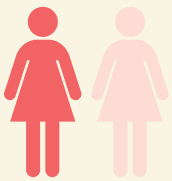
National Attrition and Re-engagement Study (NARS) Report



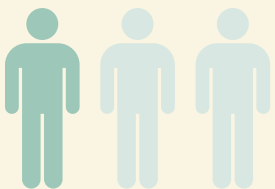
DISCRIMINATION AND HARASSMENT

High levels of discrimination and harassment in the workplace were reported by both female and male legal professionals in the NARS Report.

Reported encounters of bias ranged from subtle to overt.



One in two women
and more than
one in three men
reported having been
bullied or intimidated in their
current workplace.



GENERAL FINDINGS

While discrimination and harassment were experienced by both genders, the research indicated women were significantly more likely than men to experience a range of discriminatory behaviour.

Forms of gender discrimination:

- The following examples of overt gender discrimination were reported:
 - allocation of different types of work;
 - being denied access to opportunities; and
 - being rejected or judged as less competent by clients and colleagues.
- Survey participants reported the following subtler forms of discrimination:
 - demeaning and condescending language by colleagues or clients; and
 - exclusion from conversation or social activities.

A number of women reported receiving unwanted advances, feeling objectified or being exposed to inappropriate sexual behaviour.

The blurred line between assertiveness and aggression

Characteristics such as assertiveness, resilience, competitiveness and self-confidence are valued in the legal profession, but can be seen to extend to bullying and aggressive behaviour.

A number of research participants suggested that women's capacity for empathy and intuition should receive greater recognition by the profession.

Not all perpetrators of bullying and intimidation were senior men

A number of participants reported bullying and intimidation were perpetrated by some senior women in the profession.



DIVERSE WOMEN, DIVERSE EXPERIENCES

Whilst fairly widespread, experiences of discrimination and harassment differed somewhat depending on age, stage of career and workplace.

- **Young women lawyers** were more likely to have felt discriminated against due to their age at work than their older counterparts.

A number of participants reported that clients preferred not to work with female lawyers, particularly young female lawyers, feeling less confident in their services.
- **Women of child-bearing years** more commonly reported encountering discrimination due to their gender and family responsibilities.

These women felt they may not be hired or promoted due to the assumption that they may choose to start a family.
- **Mature aged women** felt an age bias made it difficult to enter the profession because of preconceptions, including:
 - older people were less willing to work long hours;
 - did not conform to the ‘young graduate’ culture; and
 - being more independent and able to leave, they were not worth the investment.
- **Large and medium size law firms** were reported as having more discriminatory behaviour than small law firms:
 - Female lawyers working in large private firms were more likely to report experiences of bullying or intimidation than their counterparts in medium or small firms;
 - Women in large and medium private firms were more likely to report being discriminated against due to their gender; and
 - Women in large and medium private firms were more likely to report experiences of sexual harassment than females working in small firms.
- **Female barristers** most often reported experiencing almost every form of discrimination or type of harassment at work than their counterparts in private practice or in-house legal roles:
 - Women at the Bar were sometimes denied briefs because clients preferred male counsel;
 - Female barristers were twice as likely as those in private practice or in-house roles to believe they have ever experienced sexual harassment at the workplace; and
 - Women barristers were also more likely than other women to report experiencing discrimination due to gender, bullying or intimidation, and discrimination due to family/carer responsibilities.

Women in the legal profession were significantly more likely than men to report experiencing a range of discriminatory behaviour. This behaviour was more commonly identified in large and medium size law firms.

It is hoped these findings will encourage the development of solutions that will assist to retain and re-engage female lawyers.

National Attrition and Re-engagement Study (NARS) Report

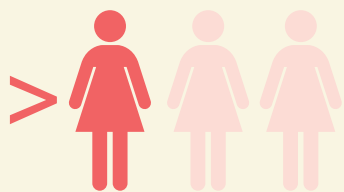


PUSH AND PULL – WHAT RETAINS AND WHAT RE-ENGAGES

Exploring why women leave their jobs and, in some cases, the profession altogether, was a fundamental question underlying the National Attrition and Re-engagement Study (NARS) Report.

The findings show that culture, leadership and working conditions are vital “push” and “pull” factors leading to workplace movements and retirements.

New beginnings



Over one in three women

were considering moving to a new job within the next five years.

Looking elsewhere

Women in private practice were most likely to be considering taking up an in-house role.

Conversely, men were over twice as likely as women to be considering leaving their private firm for the Bar.

“Push” factors: culture, leadership and the nature of the work

Survey respondents who had moved from one private firm to another, those who had downsized from a large firm, and participants who had left private practice for in-house roles cited the following motives:

- discontent with the workplace culture;
- discontent with the leadership and direction of the organisation;
- opportunity to undertake better quality work with the new employer; and/or
- opportunity for better work-life balance and flexibility.

Long hours and high-pressure work made it difficult to balance professional and personal lives, and were a key contributor to attrition from large firms.


Those choosing corporate legal roles were attracted by better remuneration, as well as the opportunity to do more interesting or varied work.

Flexible working conditions and barriers to promotion were more important factors for women considering leaving their current role than for men

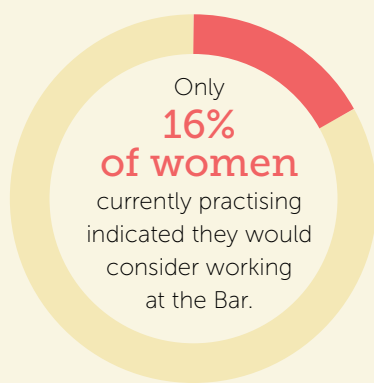
Both male and female lawyers specified that better work-life balance and the opportunity for more interesting and varied work elsewhere influenced their decision to move roles in the near future. However, women were more likely than men to give greater importance to flexibility to balance work and personal responsibilities, and the lack of promotional opportunities in their former position, when considering their move.

Women who no longer practise as lawyers are motivated by better work-life balance, more flexibility and reduced stress

Women who have left the profession entirely reflected that the pressure, stress and poor work-life balance were unenjoyable, unsustainable and incompatible with other priorities.



Recruiting female barristers



DRIVERS FOR RE-ENGAGEMENT

Women value relationships

Both men and women enjoy the interesting and diverse nature of legal work. For women, strong relationships with colleagues and superiors are a particular driver of engagement in the profession.

Private practice is seen to offer higher incomes and better career development opportunities but working conditions – such as workplace culture and flexible working arrangements – play an important role in re-engagement.

The key drivers of attrition from private practice, including culture and working conditions, correspond closely to the barriers to re-engagement.

Some women no longer practising law, as well as those who have never practised, expressed a desire to work in private practice in the future. The perceived advantages included better income and career development opportunities.

Working conditions, such as the workplace culture, opportunities for flexible working conditions and the ability to maintain work-life balance, have been identified as areas of dissatisfaction among current practising lawyers.

Recruiting women to the Bar will remain a challenge. The autonomy and potential for interesting high profile work is attractive. But the most common reasons for women to not consider the Bar were:

- lack of interest based on perceptions of the Bar; and
- perceived lack of the requisite skills and experience.

Other deterrents to going to the Bar cross over with areas of dissatisfaction reported by current barristers, including the financial burden, as well as the pressure of the role and working environment.

The NARS findings show that women and men experience similar “push” and “pull” factors when considering leaving their workplaces or the profession.

However, women valued flexible working conditions and career progression more highly than men as motivating factors.



National Attrition and Re-engagement Study (NARS) Report



OPPORTUNITIES FOR CHANGE

Based on the key findings of the National Attrition and Re-engagement Study (NARS), the NARS Report identified a number of actions that may assist to improve gender diversity in the legal profession, for the consideration of professional bodies, bar chambers and law firms.

These priority areas will be advanced through consultations with key stakeholders and informed by further analysis of the NARS research and other relevant literature.

Workplace culture and flexible work practices

Pressures of time-billing and excessively long working hours were identified as a key driver of dissatisfaction.

The need was highlighted for workplaces to provide and support flexible work practices and facilitate better work-life balance.

PRIORITY: PROMOTE FLEXIBLE WORK PRACTICES AND EXPLORE ALTERNATIVE BILLING MODELS IN ORDER TO FOSTER A MORE COLLABORATIVE PROFESSION

- Stimulate research and debate on:
 - different business models of billing including the appropriateness and future sustainability of the current billable hours framework; and
 - different performance measurement models which include revenue generation not exclusively linked to direct billable hours, such as supervision/mentoring, precedent development and marketing.
- Promote debate around cultural norms and the value of 'face time' in the workplace.
- Conduct research and examine the effects of work-life balance tensions on the mental health of legal professionals.
- Develop policies and promote research on the effectiveness and business case of a range of flexible work arrangements.
- Identify and publicise senior male and female role models who work flexibly within an organisation.

Mentoring and sponsorship

Almost one in three women expressed dissatisfaction with opportunities to access mentors to support their career development.

The survey findings indicate that female lawyers experience career progression differently to their male counterparts. Where mentoring opportunities are available they are not generally seen to be adequate or appropriate for women in the profession.

PRIORITY: ASSIST LAWYERS TO DEVELOP AND FOSTER RELATIONSHIPS TO SUPPORT THEIR CAREER PROGRESSION

- Encourage lawyers looking to progress their career to participate in informal sponsorship and mentoring with experienced lawyers and senior barristers, including providing access to networking opportunities.
- Promote the concept among, and provide support for, senior leaders and decision makers to mentor and sponsor lawyers at earlier stages of their career.
- Develop structured in-house programs and training targeted at different stages of a lawyer's career.
- Develop the skills of lawyers to identify and pursue mentoring and sponsorship opportunities and relationships.



Transparency and accountability

Participants were reluctant to acknowledge workload pressures due to the competitive nature of the workplace and the perception that their reputation would be damaged.

The findings also indicated a prevalence of males in senior positions, which presented cultural barriers to the progression of women.

An opportunity was identified for clear and transparent data and guidance to be provided on briefing practices, pay rates, expectations with respect to career progression and on leadership levels of women across the profession.

PRIORITY: MONITOR, PUBLICISE AND PROMOTE DISCUSSION OF PROFESSION-WIDE STATISTICS AND TRENDS ON GENDER EQUITY TO INFORM MEASURES TO IMPROVE RATES OF ATTRITION AND LEADERSHIP ACROSS THE PROFESSION

- Encourage professional bodies to collect and publish ongoing standardised data on the attrition of outgoing members, for example, members discontinuing their practising certificates.
- Encourage organisations to collect data on internal leadership levels and attrition, including relevant information from outgoing staff exit interviews.
- Collate and publish available data on leadership levels and attrition rates across the profession.

Thought leadership and role modelling

The relative lack of women in senior leadership positions was seen to contribute to a male-dominated culture in which it is difficult for women to progress.

Discontent with the leadership of the organisation was a common 'push factor' for those leaving private firms for in-house roles.

The survey findings raised the importance of recognising the business case for retaining women leaders.

PRIORITY: RAISE AWARENESS OF WAYS TO SUCCESSFULLY ACHIEVE GENDER EQUITY AND DIVERSITY AND ENCOURAGE THE LEGAL PROFESSION TO VIEW GENDER DIVERSITY AS A MEANS OF HARNESSING TALENT AND REDUCING COSTS

- Build awareness of the business case for gender diversity through promotion of relevant Australian and international research.
- Embrace 'hands-on' leadership, driving gender diversity from the top, including firm partners, Bar leaders and CEOs investing personal capital and actively role-modelling preferred mind-sets and behaviours.
- Facilitate or provide access to high quality leadership programs, including programs specifically addressing diversity and leadership issues.

The options outlined here and the recommendations from the NARS Report seek to improve gender diversity and the culture and conditions of workplaces for both women and men, leading to a more productive, inclusive and sustainable legal profession well placed to serve the needs of the community.
