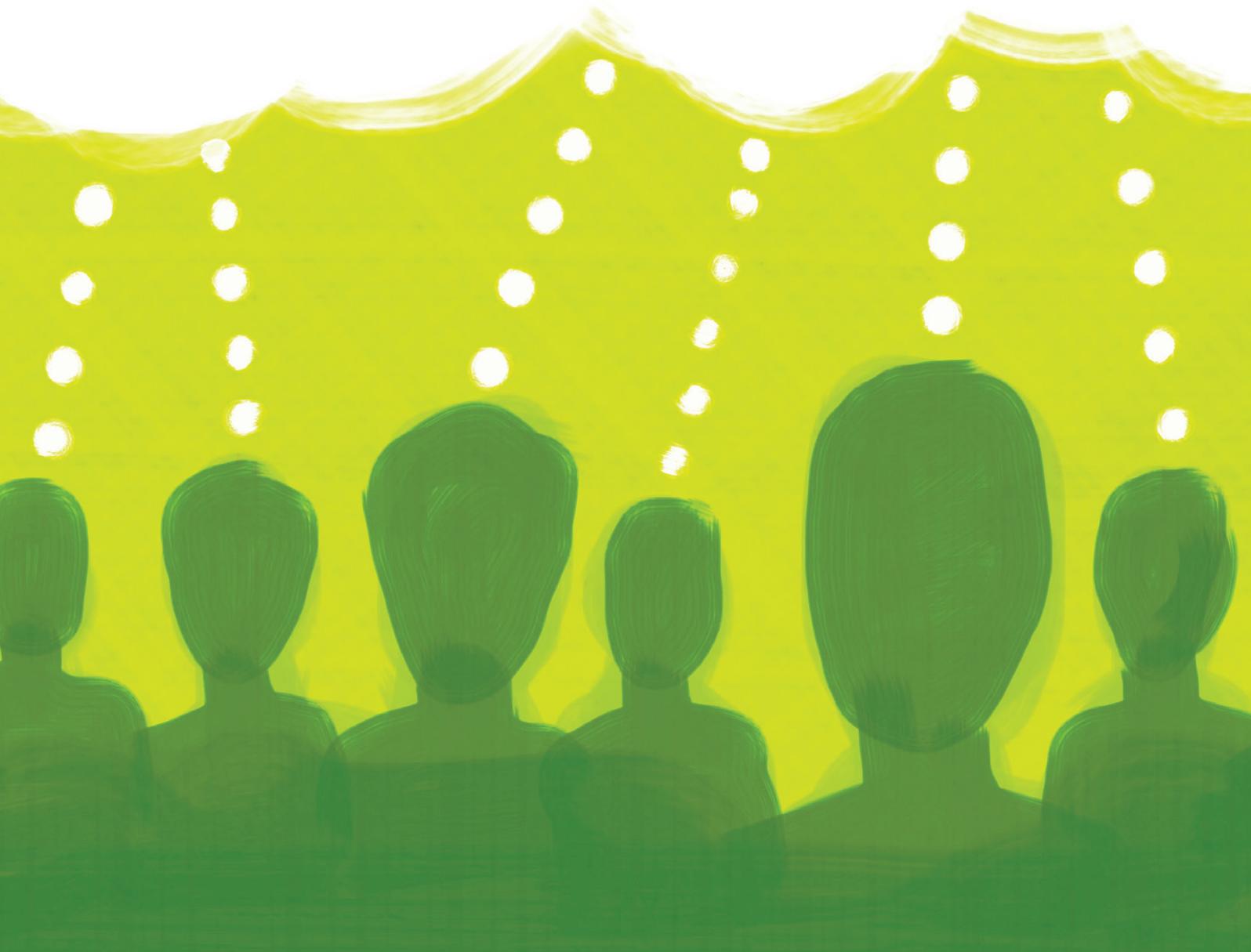


A report on the well-being of in-house lawyers.

By Paul Gilbert, LBC Wise Counsel. July 2015



LBC

WISE COUNSEL

The report is divided into the following sections:

SECTION ONE

The article that started the project

SECTION TWO

The survey findings presented in graphical formats

SECTION THREE

The narrative feedback from the survey,
from focus group meetings and in one-to-one meetings

SECTION FOUR

Our ten well-being recommendations for in-house lawyers

Introduction

I qualified as a solicitor in February 1987. I was an in-house lawyer for more than a decade until 2000 including two General Counsel roles. Since 2000 I have consulted with, trained and mentored literally thousands of in-house lawyers around the world, and I have never been more concerned for the mental well-being of the profession.

Partly, I suspect, we are victims of what has happened to very many people, not just lawyers, in all walks of life. We are all swept along by the need to be more efficient, to cut costs and to do more with less. We have all assumed technology (especially email) has helped us to our jobs better, when in reality it has just made us more available for longer and blurred boundaries between work and home. In-house lawyers however I think are dealing with even more than this. This is not special pleading, but in-house lawyers mostly work in small teams, lack infrastructure to support their roles, are without significant peer support and soak up the pressure heaped on them by work colleagues who have their own stresses to manage. It can be a lonely and attritional environment.

The “Crisis of well-being” article that I wrote in March 2014, and is republished in this report, had a very significant response on social media and caused much debate. That response spurred LBC Wise Counsel to conduct a survey and to meet with in-house lawyers to discuss their concerns. The survey, interviews and focus groups that followed show a shocking picture. If this is representative of the in-house sector as a whole we are sleep walking to a crisis where some people are being significantly damaged and many more are being undermined.

If these were physical injuries caused by machines in factories, the businesses concerned would be shut down and directors prosecuted. I do not see a distinction just because it is a mental health injury. In-house lawyers have got to be better at managing their environments, but General Counsel have got to take a lead. It is unacceptable to inflict such harm and inexcusable to let it continue.

In my opinion this is the greatest challenge facing in-house legal teams today. Before it gets any worse we must act and act now.

A handwritten signature in green ink, appearing to be 'Paula', with a small dot to the right.

The crisis of well-being article published in March 2014:

I have written many times about what a privilege it is to mentor.

It is something I relish and provides me with the most job satisfaction I can image. For many years my work in this area consisted mostly of meeting talented, good people needing some encouragement, support or direction as they developed their careers. It was never all positive, when someone is unemployed, overlooked or even bullied there are tough conversations and some difficult things to hear, but the tone was nearly always about taking action, reconciling disappointment and moving forward.

In recent years however there has been a noticeable change in tone and content in the majority of the mentoring conversations I have. It is increasingly a concern and it is something I now feel compelled to write about in more detail. Let me describe four instances from this year that will show why I am so worried. None of the examples are exaggerated although I have changed some details so that confidentiality is assured.

Example One: A senior in-house lawyer in a big team, a global brand. This lawyer is responsible for pan European commercial activity. A problem has arisen in southern Europe and there is the possibility of a regulatory investigation. This is not a dramatic scenario; this should not be overly perplexing. I meet the lawyer for a coffee in a public place; we chat about family and weekends, but I can see the lawyer is anxious. I look him straight in the eyes and there is a tear forming. His hands start to shake. He tries to look away, to hide his discomfort. I ask him if there is something he wants to talk about or if he would prefer not to. Two hours later we have talked through a number of issues – he is overworked, he is unsupported, he feels the full weight of responsibility for the possible regulatory breach, he is working far too late, far too often. His boss is disconnected and unaware. He is at the end of his reserves and running on empty.

Example Two: A lawyer between roles. Her last role was made redundant. In her last role her boss, who had joined the company earlier in the year gave her an appraisal and said she was performing satisfactorily, but that he wanted more. He suggested a development programme. HR became involved and the assigned HR professional made clear that she needed to perform at a higher level; meeting expectation was a minimum requirement. However she was given no clues as to what was needed other than platitudes and clichés. Her confidence dipped, she became poorly, her confidence dipped some more. She was offered redundancy and never went back. For five years this lawyer was performing above expectations, was clever, thoughtful, creative and successful. To meet her now is to see a shadow of the person she was, it is very sad to see.

Example Three: A lawyer in a successful in-house team. Last year the team went through a high profile reorganisation designed to bring work in-house that had been previously outsourced. The General Counsel apparently wanted the team to work “smarter”, to prioritise better and to be more efficient. The General Counsel however gave no direction as to how this would be done, offered little leadership and waved away requests for additional resources. The lawyer I met was working 70 hour weeks, was exhausted and at the end of his tether. His Blackberry pinged dozens of times in the time we were together. Each ping felt like a slap across his face. It seemed to me to be like a form of torture for him.

Example Four: We worked on a project last year to help a team redefine its role. The team was overwhelmed with work and had minimal process. We offered some insight and some practical steps – to be honest it was a routine project. No rocket science needed. We held a discussion

session to report back to the team; we sat round a table and shared the thoughts we had to help the team improve. One lawyer listened quietly, said nothing, but then started to cry, in front of colleagues, tears streaming. We stopped and asked gently if we had upset her. She said they were tears of relief because she had been thinking of resigning because she didn't know if she was able to carry on, but now she felt there was a way forward.

I am not exaggerating. These are just four examples of many.

Each week I hear from good people who are struggling. Many times there are tears, often there is anger, and always there is a sense of helplessness. Last week was one of the hardest however. A good friend who has been struggling for some months with diagnosed mental illness sobbed uncontrollably and talked of dark thoughts. We both knew what he was saying; we both knew he needed far more help than a friend alone could give.

I think we have come to a very serious point in the way we manage teams, the expectations we place on people and the damage we do with attritional workloads. I believe we have collectively made five significant errors.

1. In-sourcing work to save external legal fees without adjusting responsibilities to deliver work that was already in progress.
2. Letting demand go unchecked, while refusing to increase resources. Just saying work "smarter" is as useless as "let them eat cake".
3. Cutting administrative support over many years because for all things in all ways we must all be self sufficient.
4. Creating an expectation of universal availability and connectivity for no good reason than mobile technology allows it.
5. Recycling efficiency clichés, but not investing in technology or process.

The cumulative effect is not apparent immediately; on day one we can clearly cope, but sooner or later we start to cope less well. Then at some point, perhaps some months later, perhaps longer, the wear and tear of this takes its toll. We drift past warning signs, we fail to plan and we substitute hope for strategy. We simply ignore the evidence of our own eyes.

My next comments therefore are directed at every General Counsel, every Head of Legal and every team leader:

Do you know how people in your teams are coping? Do you know the impact your management decisions and your plans are having on your teams? Are you equipped to judge the well-being of your colleagues? Do you know the warning signs?

I am prepared say that if you do not know the answers to these questions you are failing in your role and you are failing your colleagues.

I am just one person with a very narrow window on a very big world, but if what I see is representative of life for lawyers in some in-house legal teams, we are as close to a significant mental health crisis as we have been in my entire career.

It is serious and it is real. It is a dreadful, avoidable, crying shame.

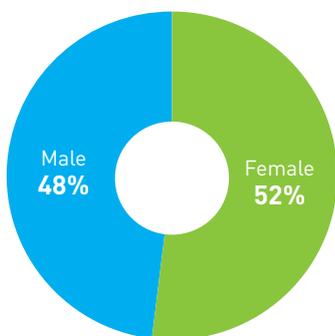
The survey findings

This report sets out an initial first “cut” of the survey data. We will produce further reports that analyse the data in different ways (for example by gender, by experience, by sector, by maturity of business etc). These reports will be published throughout 2015.

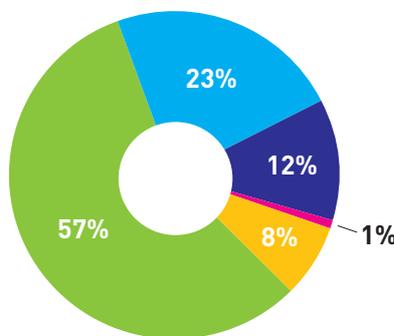
The survey was completed by 148 respondents in May 2014. The following graphs set out the high-level demographics of the respondents.

These charts (below) simply establish the credentials of the respondents.

The first of these is the gender split across the respondent group:

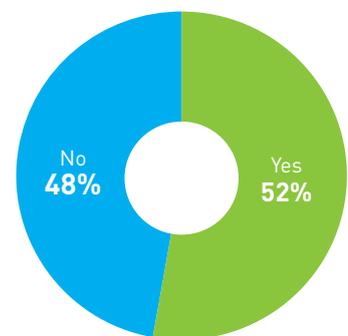


The next graph sets out their post qualification experience in years:



- >10 years
- 6-10 years
- 3-5 years
- 1-2 years
- <1 year

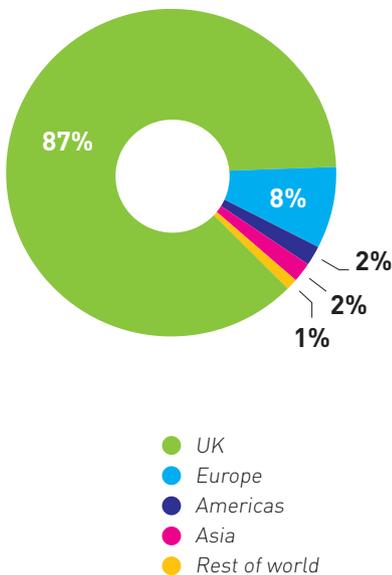
The next graph sets out the split between respondents who have management responsibility and those who do not:



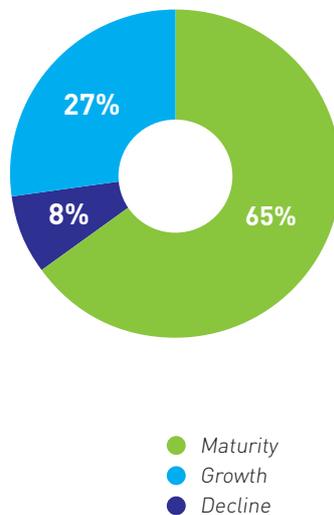
The sectors represented by the survey respondents are as follows:



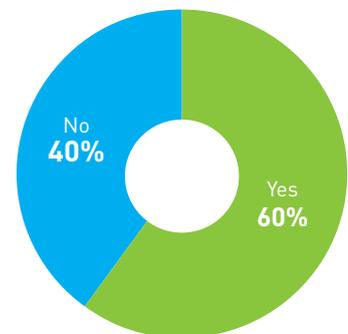
In terms of the respondents geographical locations the picture looks like this:



The survey asked each respondent how they would describe their organisation's stage of development:



We also asked whether the respondent's companies had a well-being policy:



The survey then posed a series of statements in respect of which the respondents were asked to score their responses. For each statement we asked how applicable it was to them personally (see screen-shot of the survey right).

The respondents were requested to assess, for example, whether a statement such as “My current workload is a negative factor” is something that “does not apply to me” through to “strongly applies to me”

Well-being Survey

5. Please state how applicable the following statements are to your perception of how your well-being is managed 57%

	Does not apply to me	Rarely applies to me	Sometimes applies to me	Applies to me	Strongly applies to me
My current workload is a negative factor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If my workload increases temporarily this will be a negative factor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If my workload increases permanently this will be a negative factor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My organisation assesses the impact of workplace factors on my well-being	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My organisation's policies on managing well-being are relevant and useful	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My organisation encourages me to raise issues that have a negative impact on my well-being	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My organisation encourages me to raise issues that seem to have a negative impact on the well-being of others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My well-being is something my manager takes an active interest in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am encouraged to openly discuss well-being issues generally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am mindful of how my behaviour and actions impact the well-being of others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Having established the applicability of each statement the next section of the survey sought to calibrate the importance of the issue:

Well-being Survey

6. Now please state the importance of these same statements to you 71%

	Really Unimportant	Somewhat Unimportant	Neutral	Quite Important	Very Important
My current workload is a negative factor	<input type="radio"/>				
If my workload increases temporarily this will be a negative factor	<input type="radio"/>				
If my workload increases permanently this will be a negative factor	<input type="radio"/>				
My organisation assesses the impact of workplace factors on my well-being	<input type="radio"/>				
My organisation's policies on managing well-being are relevant and useful	<input type="radio"/>				
My organisation encourages me to raise issues that have a negative impact on my well-being	<input type="radio"/>				
My organisation encourages me to raise issues that seem to have a negative impact on the well-being of others	<input type="radio"/>				
My well-being is something my manager takes an active interest in	<input type="radio"/>				
I am encouraged to openly discuss well-being issues generally	<input type="radio"/>				
I am mindful of how my behaviour and actions impact the well-being of others	<input type="radio"/>				

For each response we gave a score of 1 to 5 (from left to right across the possible responses) so that we could provide both a relative commentary and judge some gaps. The next table is a summary of the average scores:

Survey number	Survey statement question	Average applicability score across all respondents	Average importance score across all respondents
1.	My current workload is a negative factor	3.2	3.7
2.	If my workload increases temporarily this will be a negative factor	3.3	3.7
3.	If my workload increases permanently this will be a negative factor	3.9	4.4
4.	My organisation assesses the impact of workplace factors on my well-being	2.4	4.0
5.	My organisation policies on managing well-being are relevant and useful	2.3	3.8
6.	My organisation encourages me to raise issues that have a negative impact on my well-being	2.8	4.0
7.	My organisation encourages me to raise issues that seem to have a negative impact on the well-being of others	2.8	4.0
8.	My well-being is something my manager takes an active interest in	3.2	4.3
9.	I am encouraged to openly discuss well-being issues generally	2.7	4.0
10.	I am mindful of how my behaviour and actions impact the well-being of others	4.2	4.4

We consider that even in this one simple table powerful points can be made.

3.	If my workload increases permanently this will be a negative factor	3.9	4.4
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It is clear that respondents felt that any permanent increase in their current workload would have a serious impact on well-being and that such an eventuality would carry very significant importance. To have no scope to take on more work without it affecting well-being is also indicative of a currently stressful environment.

4.	My organisation assesses the impact of workplace factors on my well-being	2.4	4.0
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A very significant gap suggesting that a much more focussed and serious assessment would be welcome for the majority of respondents.

5.	My organisation policies on managing well-being are relevant and useful	2.3	3.8
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Again a very significant gap indicating that much more should be done to make policies more relevant and useful.

6.	My organisation encourages me to raise issues that have a negative impact on my well-being	2.8	4.0
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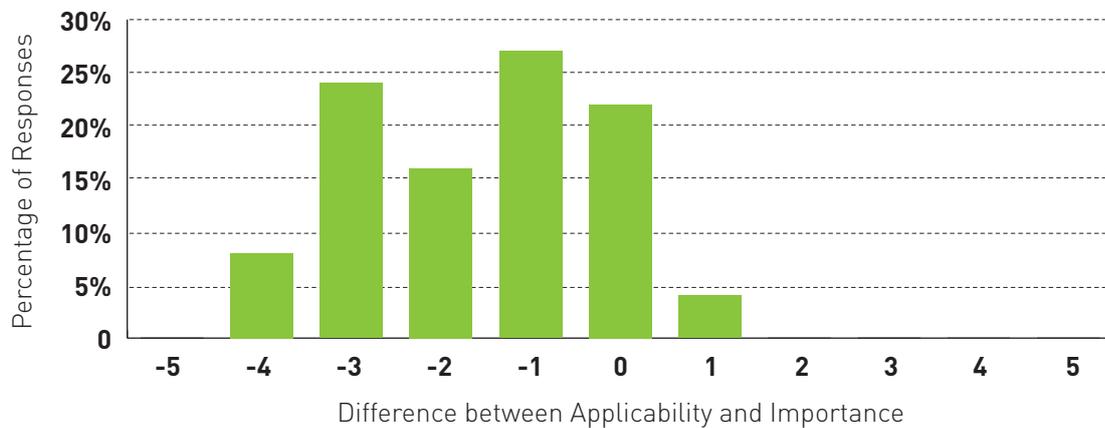
I consider this to be an important red flag for many teams. An environment where policies are weak and where stress is common must at least have a culture of openness, sadly these scores suggest otherwise.

8.	My well-being is something my manager takes an active interest in	3.2	4.3
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Any gap in this score is a poor indicator for any manager. I would encourage all managers of in-house lawyers to make this a key performance indicator and to seek every opportunity to close the gap.

In the following graphs I explore some of these results in more detail by further analysing the gaps between applicability and importance:

4. My organisation assesses the impact of workplace factors on my well-being

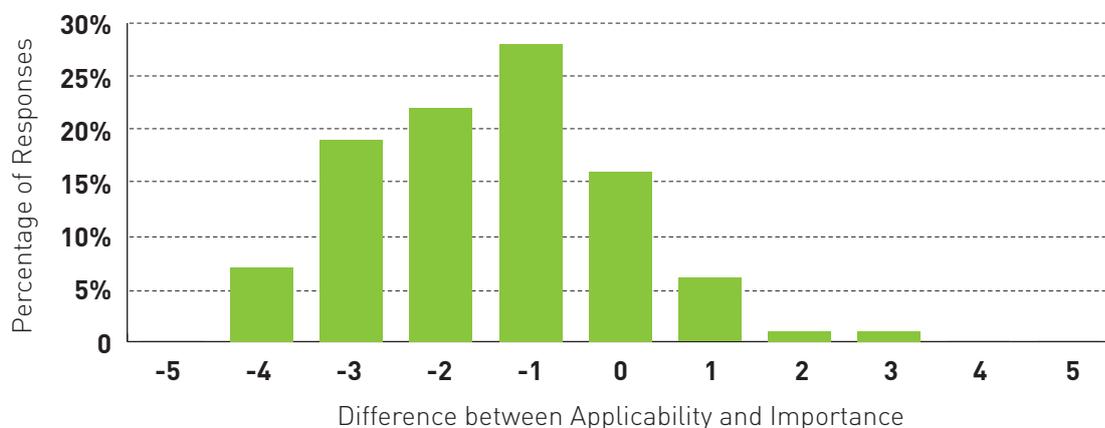


The preponderance of negative scores shows the extent of the gap between applicability and importance for different respondents.

Scores of -3 and -4 are particularly alarming. These scores reveal virtually no meaningful workplace assessment of well-being and yet indicate that this is of the utmost importance to these respondents.

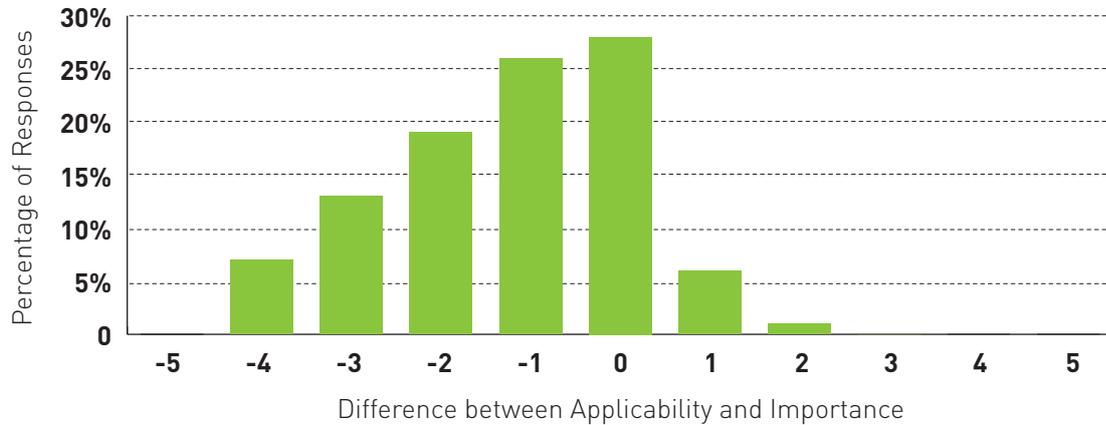
On the one hand this feels like a “quick win” for many organisations to address, but on the other hand it is also a VERY important warning indicator. I read it, in fact, as a cry for help.

5. My organisation's policies on managing well-being are relevant and useful



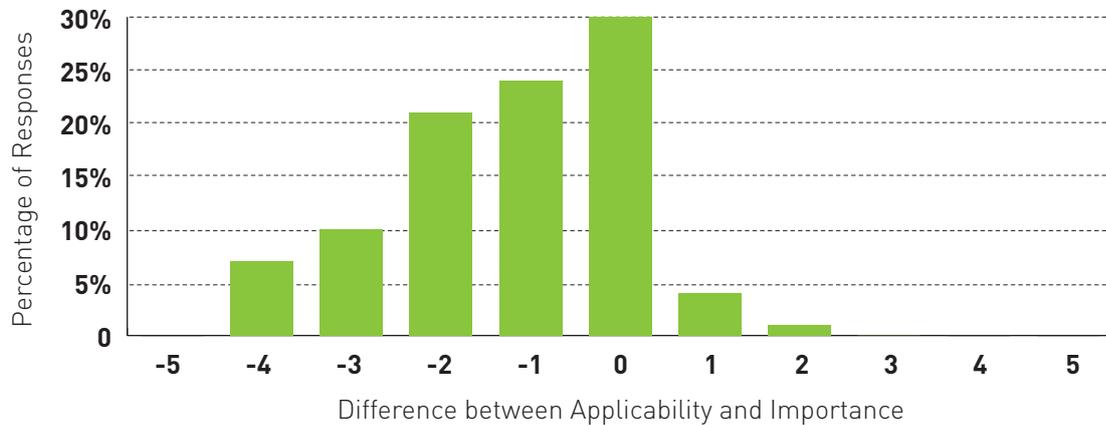
As with Question 4 the negative gaps are signalling a systemic weakness in a great many organisations. It is simply not good enough for policies to have so little relevance in the face of a strong indication of their importance. As with my earlier remarks a quick win for many teams but a crucial red flag as well.

6. My organisation encourages me to raise issues that have a negative impact on my well-being



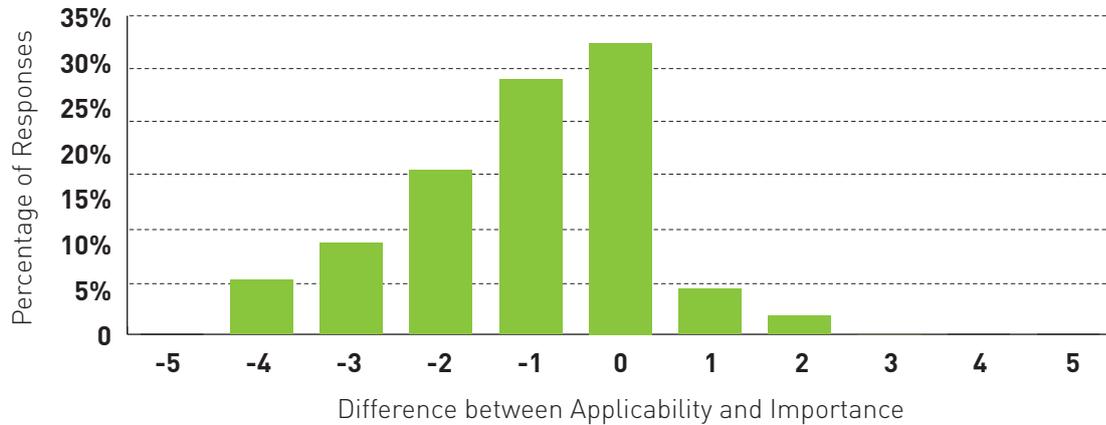
Now we head into an area that probably gives me the most concern of all. We have established that for this cohort of respondents workplace assessments are not good and policies are weak. This is now combined with the finding that lawyers are not encouraged to raise their well-being concerns even though they consider this to be significantly important. The findings are of course merely indicative, but to my mind this is a potential crisis of well-being.

7. My organisation encourages me to raise issues that seem to have a negative impact on the well-being of others



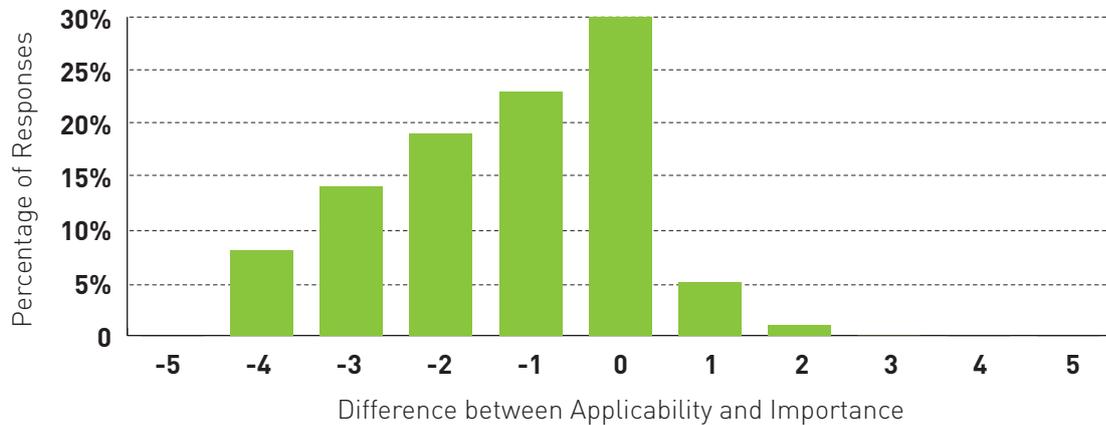
Question 7 raises the same point but in the context of colleagues. It is indicative of an absence of a culture that encourages openness and dialogue.

8. My well-being is something my manager takes an active interest in



One might accept that for some organisations an absence of adequate policies might not be a dreadful failure, but that the very minimum safeguard for in-house lawyers would be that their manager would be interested in their well-being. The responses to Question 8 suggest a woeful appreciation of what being a responsible manager involves.

9. I am encouraged to openly discuss well-being issues generally



Similarly there is significant evidence in the reply to Question 9 that it is not just managers who fail to have adequate regard to well-being, but organisations generally are not doing enough.

The overwhelming evidence (albeit anecdotal) is that workloads are currently stressful, that a permanent increase in workload would be significantly more stressful and, at the same time, policies are inadequate as well. Further that line-manager engagement is poor, as is the wider culture in organisations which fail to encourage dialogue on well-being issues.

SECTION THREE

Narrative feedback from the survey, from focus groups and from one to one meetings

In this section of the report we simply set out the narrative commentary we have received. The words of respondents to the survey and those we met speak for themselves.

Capacity challenges are raised when forward planning. When seniors cannot see the answer, they have a track record of choosing not hear the question too.

The company cares that we are not off ill - with stress or other issues - however they keep dumping more work and issues / problems at the last minute that only cause extreme stress.

The organisation's view on well being is "mechanistic" if we can make you happier with a new chair then we will insist on getting you the best chair going but, when it comes to the sustained consideration of behavioural and emotional well being factors it is supportive theoretically and on paper (investors in people etc) but in practice the behaviours and attitudes from the C Suite down are inconsistent - I suspect that this is at least in part because the organisation is not good with things that it cannot measure easily in metrics or money.

We do not have any formal wellbeing policies and procedures in place but I am well supported individually by my manager so do not have any particular concerns in this regard

We are encouraged to raise queries and make suggestions for improving well being. But these suggestions are very rarely followed up and fulfilled - i.e. we do not have a proper place to eat lunch. Also the way the travel expenses policy is being managed and implemented is a disgrace!! I often have to travel for many hours in a day and am not allowed to claim the cost of a cup of coffee or a sandwich - complete and utter shambles!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

When dealing with local government cuts there is little room for what are perceived as irrelevancies. The threat to employment is such that staff come in when sick do not take holidays etc to "show" commitment sending people home just stresses them more

Whilst policies and support are in place investing time in using them is not something that we do enough of

There is a difference between how my direct line manager feels and the rest of the organisation. My direct line manager will push me as hard as he can and beyond and then back off to an extent. The organisation as a whole shows no real interest in my well being.

In the survey, in focus groups and one-to-one meetings we asked what lawyers would like to see happen that would make the issues of well-being better understood. These are their replies and many of the comments are salutary. I wondered whether to edit the number of contributions, but I decided it would be disrespectful to do so. No commentary is needed:

A better understanding of the amount of work we have to deal with and open discussions around how this can be managed

Access to well-being professionals who can help employees to work through ways of combating stress.

An acknowledgement of the impact of long term pay freezes and of increased workloads generally, and a reversal of that trend.

An understanding in the organisation about workload and to act if it has an impact on stress levels.

As business runs on money it will be finding ways of proving efficiency, productivity and cost savings that emerge from well-being activity so that, for those doing the right thing on well-being does not come naturally, they can be incentivised and measured as a learned behaviour - if a manager is doing the right thing consistently for their team then whether they are doing it because they know that it is the right thing to do or because they are getting paid better because of scoring well on the metric that measures doing the right thing is less important

Better training for people managers to be able to recognise the signs and symptoms of stress and to offer support.

Better understanding from both management and internal clients concerning on-the-job well-being

Better understanding of how to manage mental health/stress issues amongst HR community and senior management Change in society's attitude to mental health issues. More practical guidance for managing mental health in the workplace

For it simply to be openly recognised and the resource and other issues affecting it to be dealt with.

Genuine importance of well-being rather than negative comments construed as problems

Greater information regarding "well-being" and a greater emphasis being placed on this within the workplace.

Performance reviews to take well-being into account rather than just a focus on personal career development or more so, how you as an employee can contribute more to the organisation as a whole. It would be refreshing for the organisation to be more focus on what can be done to improve employees' well-being.

I think this is managed in our own organisation quite well. However, in private practice it is a very different position and that must change.

Importance of this issue should be perceived and more actively stressed by my organisation/ my line manager.

In my opinion this comes down to having good supportive colleagues both lawyer and non-lawyer alike.

In the company as a whole, the issue of resources vs. workload carries far less authority than the issue of resources vs. headcount commitments and budgets. This is understandable but should be noted in respect of any discussion on the importance or otherwise of well-being.

Increase Legal resource in line with business needs. Don't ignore requests for support. Prevent instead of fix.

Facilitate the hiring process.

Management involvement in people's challenges and real desire to help them grow as opposed to squeeze them until nothing is left to give



Managers need to be better organised. Last minute urgent requests, lack of clarity and changing scopes without time to deal with it causes too much stress. Get serious

Managers need to learn how to forward plan workloads and develop adequate capacity and resilience in the teams they manage. The work programme of our clients identifies peaks about 18 months to 2 years in advance. The peaks are known to double the workload of a team of 2. There is no resilience in this small team.

We have found ourselves unable to deliver the work we need properly. We express regret when work peaks arrive. The unavoidable impacts of the type of work of work are understood. The skills are lacking in management to address the avoidable issues. Confidential - these peaks have been so severe that I have been admitted to hospital with a stress related condition as result of the hours I have worked. On my return I was required to attend Occupational Health to find out why I had been unable to work for 4 days.

More legal staff and less of a "blame the lawyers" culture

More openness and wellness issues being raised in my workplace

More visible, evidenced dialogue on how well-being helps attract, retain, and motivate staff and delivers improved organisational performance and reduced support cost including sickness absence. Also a similar attention to evidenced policies and impacts if organisations in tendering exercises.

Recognising the importance of our well-being, and in particular for working parents who need to balance working life with parental responsibilities

Slow down, accept that we can only do so much, remove the technology requirement for constant availability. Useful to find some objective measure of workloads - hours worked is subjective and not sufficient

Some of the problems are global i.e. are a reflection of society, this country and the world as a whole. Others reflect the employer's reaction to those problems and the ensuing pressures. It is almost impossible to suggest what could really make a difference when so many are affected. Perhaps, that in itself is the problem.

No-one knows what to do!



The company has policies in place however I would like to see these proactively applied by management

Training for managers. Talked about in team open sessions.

People should make time to have general chats with their staff to see how they are. Stress should be seen and noticed so it can be addressed before it starts to have a negative effect on people. Managers need to be given time to do these soft skills.

Training of managers in supportive, encouraging management styles

Businesses moving from statements about 'corporate values' to practical evidence of values in play. For the issue of wellbeing to be like "marbling" throughout the organisation.

More understanding from line managers - particularly with regard to travel expenses and flexible working.

I think this survey is a really good first step in understanding the scale of the problem. There are two aspects to this - (i) how to prevent the issues in the first place (needs stronger management, better understanding of the "possible", more realistic contracting etc) and (ii) how to help people who nonetheless find themselves in a difficult or distressing situation. The second part needs greater awareness so that problems are spotted and then available support to change the situation or help the employee work through the issues. An Employee Assistance Programme can be a great help with this.

Less stigma about well-being issues, and more positive portrayal - e.g. problems can be worked through and people often emerge stronger.

Need to reduce the disconnect between stated policies and reality.

Well being issues not being seen as a confession of weakness in a macho organisation

Recognition of impact and workload - re-prioritisation of activity and/or improved resources/budget

People not being afraid of talking about wellbeing issues or being afraid to ask for support.

Greater understanding of the impact of continual stress and excessive workloads.

Organisation to acknowledge that addressing well being takes time and is a legitimate use of time whilst at work

Potentially discussion of workload and how you are coping on a more regular basis but I understand the demands on everyone working for the business. Need to find the time though to check on the well-being of your employees.

There needs to be more of a correlation between pressure and financial reward. Also too much work creates a poor product.

Constant repetition at management meetings so that this is not something to be seen as a weakness to have to admit. This is a cultural issue (which takes half a generation in the wider world to change, but can take considerably less in the confines of one company, especially if not a global or international one) and if empathy from the top can be shown, it is more likely to be considered a genuine interest/concern by employees. This 'tone from the top' can just as easily be seen by the GC in his capacity as head of the legal function as from the CEO who is still seen as aloof and too far removed to make a difference. Thus, the role of Head of Legal/GC to recognise this and to act accordingly is paramount.



Although my answer to one of the questions is that my employer has a well-being policy, it is not known/transparent to my colleagues. The visibility/transparency can be improved.

A structured conversation from time to time which addresses these issues

Well recognised in large organisations although my perception is that employees become more seasoned in adjusting to heavy workloads.

A shift in emphasis from cost-cutting to well-being. The two concepts seem to be diametrically opposed

It would be beneficial to see the positive impact that actively promoting and supporting well being in the workplace has e.g. on the amount of sick leave, workload output, team morale, recruitment and retention, brand and reputation etc

People management skills so that managers can be better educated and prepared with the tools to support their staff. Managers should have mentors to help them with self improvement. Creating an environment of self development that is encouraged and accepted as the norm. Open communication and two way feedback.

For the contribution of employees to be recognised as vital to the success of a business

We are all different and cope differently using a whole range of methods. I get comfort that my manager protects his team at all times...believing and trusting my manager is important to me, if I have that I am happy. I had a manager once who totally did not care for his team and, I understood it from my colleagues at the time, he constantly failed to back up the team members in meetings when they were being criticised. This reduces morale, productivity and the well being of team members. The negative impact this has on team members is tangible. I am lucky that I now have a manager that I trust and know will be behind me 100%.

More leading by example, more openness about well-being and work/life balance, more consistency in approach to the issue (openly) rather than being subject to who your manager is and their preferences/policies

Communication over the fact that raising these issues will not make you treated as a "problem person"

The importance of the people and their contribution being much more clearly understood and more support and investment being directed to this area

An understanding of the growing stress felt by employees in the current environment and moves to be able to reduce it.

At my level within the organisation I am responsible for my own wellbeing and personally responsible for the wellbeing of a large team and we actively discuss and engage on matters like stress, work/life balance, health and general wellness. I have a very open attitude to flexible working both formal and informal arrangements and trust the team to do the job in the best way that suits them. Your question assumes well being is an issue it may not be or not everywhere.

Awareness of the issue needs to be raised. Unless managers are aware of the potential effects of negative well-being and how to recognise signs of stress in employees, nothing will be done to improve in this area.

The fact that others in the organisation want to make sure that people are generally ok - this makes the situation tolerable. There may not be much they can do about it, but they do try. This counts the most. If one had the sense they don't care about you at all this would have a very negative impact. So, genuine attempts to create well-being awareness and genuine attempts to fix problems are hugely important even if they don't or can't deliver tangible results in the very difficult area of worker productivity.



Although some of the more enlightened international organisations are responding to their obligations of managing stress in the workplace, this is really driven by litigation arising from their employees (IMHO). I think in many International companies there is plenty of focus on diversity/inclusion and the health & safety aspects of stress at work, as well as physical well-being (through supporting physical activity and healthy diets). However few have a policy on mental health and well-being at work. The exception I think would be the smaller, more human organisations where this may be part of their ethic/culture. A lot of the pressures of modern work life are not acknowledged in terms of their impact on employee mental health - probably because mental health issues are very difficult to deal with, so easier to ignore/not deal with. My wife works as a medical practitioner and has lots of clients from global corporations working in Luxembourg - she has a regular stream of stressed out executives to deal with, which would suggest this is not just a Legal Profession issue. As part of your research you may want to have a chat with people in the medical profession on a non names basis but I am sure they and charities operating in the area would have a view on this. In terms of solutions, I think awareness has to be the starting point, which this initiative would certainly be a great help in raising when published.

More action and less talk.

Better understanding of why the legal department exists. Support from senior management.

Working part-time within a large multi-national with set procedures is difficult to manage. There are often set times for meetings which mean I am required to work on non-working days. Whilst I appreciate this happens occasionally, the more I do it the more it happens and the more burden is placed on me without recognition of the effect it has on wellbeing. In addition, there are conflicting messages between what I am expected to do when not in the office and the support I receive when I do complete additional work. This can result in the impression that the company is "having its cake and eating it" at my expense. I agree that some work certainly needs to be done to improve well-being within the team and the company.

Well being is compromised by environmental factors such as work station position/layout i.e. sound and noise from other colleagues can often impact on my ability to concentrate.

The responses, in my judgement are a shocking indictment of a failure of leadership, of management, of culture. We are hurting many employees and it is a collective disgrace.

This situation must change.

Ten recommendations by LBC Wise Counsel for the well-being of in-house lawyers

Reading this report many lawyers will have already worked out actions they would like to take. The ten recommendations we are making are somewhat generic, but they are recommendations that we believe should be in place for ALL in-house teams regardless of size, sector, geography or experience.

1. Managers should assess well-being in the team on a regular and frequent basis. Boundaries should be agreed and measures (formal and anecdotal) should be in place to assess progress and to alert for early signs of weakness or deterioration.
2. Managers must have formal training to understand well-being and mental health indicators.
3. Managers must lead by example and be self aware of how their behaviours are influential.
4. It is critical to have an open, unsuspecting, culture in which conversations are encouraged and where we keep an eye on our colleagues.
5. Flexible working must become the norm. Working from home when useful should be encouraged. Arrival and departure times in the office should be at the discretion of the employee and time off for family commitments should be promoted and encouraged.
6. Every lawyer should have a mentor. Your bosses have an expectation of you; the good ones see the need to help you fulfil your potential, but essentially you are a temporary and replaceable component in a machine. While your interests align to the interests of the business all can seem great, but never lose sight of the fact that you are just passing through. You will be discarded at some point if you outgrow the role, if you fail to perform (whatever the reasons), if someone better comes along or if you wear out. For all these reasons, get a mentor. My strong recommendation is that your mentor is someone who is outside your world of work, but consider having a workplace mentor as well if that helps you. A mentor is not there to provide “tea and sympathy”; they should provide a safe place for you to talk openly and be an independent friendly sounding board. Someone who can gently challenge your status quo and your direction of travel. A place exclusively, selfishly for you.
7. Make changes. Talking is a good first step, but momentum comes from change and change encourages more change. I am not talking about revolution, but be seen to have done something and ask others to help you change more.
8. The slightly discredited “Mindfulness” bandwagon may do the concept of mindfulness a disservice. However mindfulness techniques (including meditation, breathing, relaxation etc) are critical skills to practice. Do not be put off by trendy labels or overblown claims, explore what works, experiment and adopt.
9. Policies on recruitment, induction, appraisal and feedback should be reviewed in the context of well-being, adjusted as necessary and brought into line.
10. Finally, whatever you do, however you feel, please never suffer in silence. Do whatever you can to find the courage to raise your concerns

Thank you for reading this initial report.



Paul Gilbert – Biography



Paul Gilbert is Chief Executive Officer, LBC Wise Counsel, a specialist management consultancy dedicated to the needs of in-house legal teams and in-house lawyers. Our focus is on strategic planning, value articulation, use of technology, influencing and personal/team development. The aim is to help in-house lawyers fulfil their potential in sustainable, well balanced, value creating environments.

LBC Wise Counsel, founded in 2000, advises in-house legal teams in the United Kingdom, across Europe, in North America and South Africa. Paul used to lecture widely at events and conferences around the world, but latterly has focussed on developing LBC Wise Counsel programmes and working with individual teams where he believes he can help the most. LBC Wise Counsel is the company behind the ground-breaking LBCambridge residential skills development and leadership programmes for in-house lawyers held Queens' College and Churchill College, Cambridge in the United Kingdom (for example see <http://www.lbcwisecounsel.com/lbcambridge/>)

Paul qualified as a UK solicitor in 1987 and for much of his career he was an in-house lawyer. He was the General Counsel in two major UK financial services companies and held positions as chairman and chief executive of the national in-house lawyers Commerce & Industry Group. For six years Paul was a Council Member of the England & Wales Law Society and was elected to the Society's Main Management Board. Paul was ten years a Trustee of LawWorks, the UK's national pro bono charity. He has written six books and written over one hundred published articles.

If you would like to discuss anything in this report with Paul please do so; confidentiality is assured.

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