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Objective and Methodology

Objective

Following on from the inaugural Performance and Well-Being study conducted in 2018, the College of Law in conjunction with Perceptive, have produced a second iteration of the study which aims to continue building on insight into the issues, concerns and realities of what it means to work as a lawyer and associated professions in New Zealand.

The 2019 study places particular focus on understanding how key measures of workplace health and well-being have trended over the last 12 months, using the 2018 version as a benchmark.

Methodology

In November 2019, Perceptive conducted an online survey which was targeted at lawyers currently practicing in the profession.

While the survey was distributed through a number of channels, in 2019, responses were primarily captured through the internal promotion of individual firms, practices and other organisations.

n=525 lawyers from around the country engaged in the 2019 survey.

To achieve an accurate representation of the practicing lawyers in the New Zealand profession, responses were weighted to gender breakdowns as per the NZ Law Society’s “Snapshot of the profession 2018” report (50.01% female; 49.99% male).
01

Who We Spoke To
Who We Spoke To

Base: All (n=525)
For the purposes of this slide results are unweighted.
02

Job Satisfaction
How Meaningful is the Work Lawyers are Doing?

In 2019, a high number of lawyers again deem the work they do to be meaningful with this proportion increasing 4 percentage points compared to 2018.

- 5 per cent of lawyers don’t find their day to day work meaningful however.
- Older lawyers again deem the work they do to be more meaningful compared to their younger counterparts (93% among 55+ year old’s vs 81% among 18-34 year old’s).
- Those in government agencies/ministry/local government are the most likely to find their work meaningful (97%).

Thinking about the work you do on a day to day basis in your current role, how meaningful would you say it is?

- Somewhat meaningful + very meaningful: 83%
- Not meaningful: 4%
- Neither meaningful nor not meaningful: 11%
- Not at all meaningful: 31%

Base: All (n=492)
Within your role which types of work do you find the most meaningful?

- Client relationship management: 12% (2019), 7% (2018)
- Pro bono/giving back to community/providing access to justice: 7% (2019), 10% (2018)
- Conflict resolution: 7% (2019), 7% (2018)
- Problem solving: 9% (2019), 7% (2018)
- Court work: 5% (2019), 6% (2018)
- Family law/domestic cases: 5% (2019), 5% (2018)
- Property/estate: 7% (2019), 5% (2018)
- Research/analysis: 3% (2019), 3% (2018)
- Criminal law: 3% (2019), 3% (2018)
- Drafting contracts: 4% (2019), 3% (2018)
- Mentoring staff: 2% (2019), 4% (2018)
- Employment law: 1% (2019), 1% (2018)
- Completing transactions: 4% (2019), 7% (2018)
- Litigation: 4% (2019), 1% (2018)
- Advocacy: 4% (2019), 1% (2018)
- Other: 15% (2019), 10% (2018)

Base: All (n=426)

Work Considered the Most Meaningful?

Assisting clients with ventures/making an impact continues to be cited as the most meaningful work again in 2019, despite dropping by 10 percentage points.

- Client relationship management also continues to be deemed as being meaningful along with work that helps the community and provides access to justice.
Frequency of Doing Meaningful Work

Just under three quarters of lawyers (73%) say that in their current roles they are able to do the work they find most meaningful either often or always.

- This is up 3 percentage points compared to 2018.

Despite this, a significantly higher proportion of lawyers said that having the opportunity to do more of the work they find most meaningful would help relieve their levels of stress and burnout (49% in 2019 vs 40% in 2018).

*Statistically significant change at a 95% confidence interval.
Level of Control

Around half of all lawyers (47%) say they have either no control or only a small amount of control over doing the work they find most meaningful (being a similar result to 2018, 45%).

- Younger lawyers and those in more junior roles continue to cite that they have the least amount of control over doing this type of work (63% among 18-34 year old’s in 2019 vs 62% in 2018).

Questions:

- Continuing to think about the work you find most meaningful, how much control do you get over the amount of this type of work you get to do?

<table>
<thead>
<tr>
<th>Control Level</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No control + A small amount</td>
<td>47%</td>
</tr>
<tr>
<td>A moderate amount</td>
<td>32%</td>
</tr>
<tr>
<td>A great deal</td>
<td>20%</td>
</tr>
</tbody>
</table>

Base: All (n=423)
Limitations

The limited availability of work lawyers find most meaningful along with the capacity to do this type of work are the key barriers in 2019, being even more prominent than in 2018.

• Partners deciding workflow and respondents being more junior in their position are the other key factors limiting lawyers’ ability to do more meaningful work.

*Statistically significant change at a 95% confidence interval.

Base: All (n=412)
The Rule of Law

Lawyers continue to be positive about their ability to uphold the rule of law and facilitate the administration of justice with 79 per cent agreeing to the statement (down 1 percentage point from last year).

• Results are consistently strong across different demographics within the profession.
Do Lawyers Want to be Involved in More Rule of Law Cases?

Almost two thirds of lawyers say they want to be involved in more rule of law cases in future, showing similar levels to 2018.

- Younger lawyers in particular show a desire to be more involved in this type of work in future (78% among 18-34 year old’s vs 47% among 55+ year old’s).

Would you like to be involved in ‘rule of law/justice work’ more in future?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base: All (n=374)</td>
<td>36%</td>
<td>64%</td>
</tr>
</tbody>
</table>

Why would you not like to be involved more in this type of work?

<table>
<thead>
<tr>
<th>Reason</th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Already do enough</td>
<td>11%</td>
<td>14%</td>
</tr>
<tr>
<td>Not my area of expertise</td>
<td>14%</td>
<td>14%</td>
</tr>
<tr>
<td>Not interested</td>
<td>16%</td>
<td>15%</td>
</tr>
<tr>
<td>Time constraints</td>
<td>13%</td>
<td>10%</td>
</tr>
<tr>
<td>Workload is currently high</td>
<td>18%</td>
<td>5%</td>
</tr>
<tr>
<td>Budget/not enough profit</td>
<td>15%</td>
<td>13%</td>
</tr>
<tr>
<td>Other</td>
<td>16%</td>
<td>11%</td>
</tr>
</tbody>
</table>

Why would you like to be more involved in this type of work?

<table>
<thead>
<tr>
<th>Reason</th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aligns with my personal values</td>
<td>16%</td>
<td>13%</td>
</tr>
<tr>
<td>It's why I became a lawyer</td>
<td>18%</td>
<td>15%</td>
</tr>
<tr>
<td>Provide access to justice</td>
<td>11%</td>
<td>9%</td>
</tr>
<tr>
<td>To take responsibility/give back</td>
<td>9%</td>
<td>5%</td>
</tr>
<tr>
<td>Make a difference in people's lives</td>
<td>11%</td>
<td>10%</td>
</tr>
<tr>
<td>Rewarding/fulfilling</td>
<td>15%</td>
<td>13%</td>
</tr>
<tr>
<td>Variety of work/It's enjoyable</td>
<td>16%</td>
<td>15%</td>
</tr>
<tr>
<td>Base: Those who said no (n=138)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base: Those who said yes (n=233)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Job Satisfaction Out-Takes

Industry trends

• The meaningful nature of work lawyers are doing on a day to day basis continues to be strong across the board with levels increasing slightly compared to 2018.

• Frequency and control over doing this type of work however continue to be the key issues in this area, especially facing younger lawyers/those in more junior roles.

What this means for the profession

• Legal workplaces need to continue to place importance on doing the work lawyers feel is most meaningful, by allocating capacity to such work and ensuring its availability.
  • Partners/managers should also look to evenly distribute this type of work, allowing junior staff to gain equal exposure.

• Rule of law/justice work in particular should be prioritised, with two thirds of all lawyers and over three quarters of young lawyers saying they would like to be more involved in this type of work in future (a similar to result to 2018).

• Findings indicate that providing this kind of work not only contributes to employee engagement through making roles feel more rewarding and fulfilling, but also has the added effect of reducing the feeling of stress and burnout (identified by half of all lawyers).
Stress and Burnout
Current Industry Expectations

The average hours lawyers are working in a normal week has dropped by 2.6 hours in 2019 (to 44.7 hours per week).

Additionally, the number of billable hours lawyers are expected to achieve has dropped to 4.6 hours per day.

Q: On average how many hours would you work in a normal week?

44.7 hours per week

2.6 vs 2018

Q: And how many billable hours are you expected to achieve per day?

4.6 hours per day

1.1 vs 2018

Base: All (n=369)
How are Levels of Stress and Burnout Changing?

Positively the number of those reporting burnout is trending downwards with a significantly lower number saying they have experienced burnout in the past month compared to levels seen in 2018.

46% vs. 54% have experienced burnout within the past month.

*Statistically significant change at a 95% confidence interval.

Have you ever felt like you have been burnt out at work?

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes – within the past week</td>
<td>22%</td>
<td>30%</td>
</tr>
<tr>
<td>Yes – outside the past week and within the past month</td>
<td>24%</td>
<td>24%</td>
</tr>
<tr>
<td>Yes – outside the past month but within the last year</td>
<td>28%</td>
<td>25%</td>
</tr>
<tr>
<td>Yes – outside the past year</td>
<td>13%</td>
<td>12%</td>
</tr>
<tr>
<td>No I’ve never felt burnt out</td>
<td>9%</td>
<td>13%</td>
</tr>
</tbody>
</table>

Base: All (n=361)
The Effects of Burnout

In addition to the drop in levels of burnout there as also been a decline in the commonality of associated effects.

- Physical health and mental health are still a concern however with over half of lawyers saying they have experienced these effects in the past 12 months due to burnout.
- Physical and mental health issues continue to be more prominent among younger lawyers (18-34 year old’s) and those working in a law firm (be it small, medium or large).

61% vs. 28%
18-34 year old’s 55+ year old’s
say their mental health has suffered as a result of burnout.

In the past 12 months, which of the following have suffered personally due to stress/burnout? (select all that apply)

- Outside work commitments/hobbies: 62% (2019) vs. 68% (2018)
- Physical health: 55% (2019) vs. 68% (2018)
- Mental health: 52% (2019) vs. 64% (2018)
- Productivity: 51% (2019) vs. 57% (2018)
- Personal relationships: 46% (2019) vs. 54% (2018)
- Professional relationships: 28% (2019) vs. 31% (2018)
- Other: 5% (2019) vs. 3% (2018)

Base: All (n=361)
Effects on Mental and Physical Health

Stress and anxiety are the most prevalent mental health issues caused by burnout, with over three quarters of those who have experienced burnout in the past 12 months saying it caused them to have anxiety.

Among those who experienced physical symptoms, tiredness/fatigue was most commonly experienced while three in five experienced headaches/migraines.

Which of the following mental health issues have you experienced in the past, as a result of stress/burnout? (select all that apply)

- Stress: 87% 70%
- Anxiety: 78% 76%
- Sleep disorder: 55% 53%
- Depression: 46% 48%
- Eating disorder: 13% 12%
- Other: 7% 3%

Which of the following physical health issues have you experienced in the past 12 months, as a result of stress/burnout? (select all that apply)*

- Tiredness/fatigue: 91%
- Headaches/migraines: 59%
- Physical illness: 36%
- Muscular/skeletal pain: 35%
- Panic attacks: 25%
- Loss of dexterity: 7%
- Other: 14%

*New question in 2019

Other responses include:
1. Weight gain
2. Loss of appetite
3. Lower immune system

Base: Those who have experienced mental health effects (n=199); Those who have experienced physical health effects (n=208)
Ways Lawyers Relieve Stress

Most commonly, NZ lawyers continue to exercise and confide in friends and family to relieve symptoms of stress, while 44 per cent indicated they have used alcohol.

- Over the past 12 months a higher proportion (33%) of lawyers have seen a health services professional to help deal with stress.
- Most commonly health services professionals used include GP’s (73% of those who have seen a health services professional) and psychologist/counsellor (71%).
- 48 per cent of lawyers aged 18-34 years old who have experienced mental health effects as a result of burnout have used alcohol to relieve symptoms while 16 per cent have turned to drugs.
- Attempts to relieve stress have resulted in commercial implications (taken time off work or a resignation) in 42% of cases.

51% of all lawyers have either used alcohol, drugs or a resignation as a coping mechanism for high stress.
Can Workplaces do More to Help Relieve Stress / Burnout?

Over three in five lawyers (62%) think that their workplace could do more to reduce employee stress (being relatively consistent with 2018).

- Younger lawyers (80%), those in large law firms (82%) and those in more junior roles in particular think that their workplace could do more.

Do you think your workplace could do more to reduce stress?

Base: All (n=355)

- Yes: 62%
- No: 38%
What Workplaces Can do?

Offering mental health days are seen as a popular initiative to reduce the level of work related stress (Identified by 62% of those who think their workplace can do more).

• In line with 2018, the introduction of better policies around the incentivisation of overtime work and increasing the level of training for senior staff were also seen as effective.

What Impact Would Initiatives Have?

When looking at the initiatives that would have the biggest impact on improving work-related stress, management focused initiatives make up the top three despite not being the most commonly cited.

- This indicates that while management issues aren’t experienced by all lawyers, when they are experienced they are a significant contributor to work-related stress.

Q: And what impact do you think each of the following initiatives would have on improving work-related stress?

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Low impact</th>
<th>Neutral</th>
<th>High impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holding senior staff more accountable for the way they treat their staff</td>
<td>8%</td>
<td></td>
<td>92%</td>
</tr>
<tr>
<td>Increasing the level of training for senior staff around how to be effective managers</td>
<td>8%</td>
<td></td>
<td>92%</td>
</tr>
<tr>
<td>Improving the management structure</td>
<td>14%</td>
<td></td>
<td>85%</td>
</tr>
<tr>
<td>Offering employees mental health days</td>
<td>17%</td>
<td></td>
<td>83%</td>
</tr>
<tr>
<td>Having more fixed fee/retainer work and less billable work</td>
<td>15%</td>
<td></td>
<td>83%</td>
</tr>
<tr>
<td>Having better support systems</td>
<td>19%</td>
<td></td>
<td>79%</td>
</tr>
<tr>
<td>Having better policies around incentivisation for overtime work</td>
<td>20%</td>
<td></td>
<td>78%</td>
</tr>
<tr>
<td>Giving employees the “right to disconnect”</td>
<td>23%</td>
<td></td>
<td>76%</td>
</tr>
<tr>
<td>Having more training for all staff (i.e. resilience training)</td>
<td>26%</td>
<td></td>
<td>70%</td>
</tr>
</tbody>
</table>

Base: Those who think their workplaces can do more (n=230)
Re-Thinking the Management Structure

Again in 2019, those practicing in law firms (small, medium or large) almost unanimously feel that senior staff should have increased focus placed on their ability to be good managers.

- Providing management coaching is deemed to be the most effective way to improve the management quality.

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Q Thinking specifically about your firm, how important do you think it should be that managers and senior staff have management skills as part of their selection criteria and/or have an increased focus on training in this area?

- Not at all important: 2%
- Not so important: 3%
- Somewhat important: 23%
- Very Important: 71%

Base: Those in small, medium or large law firms (n=254)

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Q Which of the following do you think would be effective in improving the management quality within your workplace? (Select all that apply)

- Providing specific management coaching to those in management positions: 77%
- Implementing support networks for managers: 41%
- Having more lawyers in managerial positions: 8%
- Other: 9%
- None of the above: 12%

Base: Those in small, medium or large law firms (n=254)
Stress and Burnout Out-Takes

Industry trends

• While stress and burnout continues to be a prominent issue regarding the health and well-being of NZ lawyers, in 2019 we have seen a positive trend showing a significant reduction in the levels of stress and burnout experienced.

• A key issue however still lies within the mental health effects of those who are experiencing stress / burnout with six in ten young lawyers saying their mental health has suffered as a result of experiencing stress and burnout in the past 12 months.

• Particularly alarmingly, around half of young lawyers who have experienced mental health effects as a result of burnout have turned to alcohol to try and relieve symptoms, while just under one in five have used drugs.

What this means for the profession

• The majority of lawyers (62%) continue to believe that their workplace can do more to reduce stress levels, being particularly true among younger lawyers / more junior lawyers and those in large law firms.

• To achieve this, legal workplaces should consider offering employees mental health days, introducing better and clearer policies around the incentivisation of overtime work and providing management training to senior staff.

• Senior leaders need to be honest in assessing how their organisation’s leaders / managers are performing and seek to hold them accountable for their managerial performance.
Changing Stance on Bullying and Harassment
The Level of Bullying that Exists

Around two in five lawyers (42%) know someone who has been bullied within their workplace, in the past 12 months.

• This continues to highlight bullying as a key issue within the legal industry.

• Again in 2019 females are significantly more likely to know someone who had been bullied in their workplace (48% among females vs 35% among males).

• Younger lawyers are also more likely to know someone who has been bullied (48% among 18-34 year old’s) along with those in Associate (59%) and Staff solicitor roles (48%).

Q: Besides yourself, do you know anyone who has been bullied within your workplace in the past 12 months?

Base: All (n=347)

- Yes: 42%
- No: 58%
The Level of Sexual Harassment that Exists

One in ten lawyers know someone who has been sexually harassed in their workplace over the past 12 months.

- Most commonly younger lawyers (15% among 18-34 year old’s), those working in large law firms (18%) and those working in a government agency/ministry/local government role are the most likely to know someone who has been sexually harassed.

Q: Besides yourself, do you know anyone who has been sexually harassed within your workplace in the past 12 months?

- Yes: 10%
- No: 90%

Know someone who has been sexually harassed

- Males: 8%
- Females: 12%

Base: All (n=347)
Who Still Needs to Do More to Adapt?

Positively, the proportion of lawyers in NZ who feel their workplace needs to adapt has dropped significantly (by 10 percentage points) this year.

• The feeling that their workplace needs to adapt is most commonly held among those who work in a large law firm (54%), medium firm (45%) and government agency (44%).

• There is also a divide between junior and senior roles where 48 per cent of those in Associate or Staff solicitor roles feel their place of work needs to adapt vs only 19 per cent of those in Senior associate or Partner roles.

*Statistically significant change at a 95% confidence interval.

Q Do you think your place of work needs to adapt to address some of the potential issues that have been raised around sexual assault allegations and bullying in the legal industry?

Base: All (n=347)
How Work Environments are Changing

Agreement around lawyers seeing tangible changes in their place of work that increase their confidence in harassment and bullying allegations being handled appropriately showed a significant increase in 2019 (up 8 percentage points).

• While not significant, NZ lawyers also more commonly say policies have been introduced that would make it easier to speak up.

• Similar to 2018, those working in large law firms are most likely to agree with both metrics 82% and 85% respectively.

*Statistically significant change at a 95% confidence interval.

Q I have seen tangible changes in my place of work/area of law that increase my confidence that system would respond appropriately to allegations of sexual harassment and Bullying

Combined agreement 41%

8* vs 2018

Q My place of work/area of law has introduced new policies, procedures or systems that make it easier for people to speak up when they have concerns

Combined agreement 42%

4 vs 2018

Base: All (n=341)
How Work Environments are Changing cont...

One in five lawyers agree that their place of work isn’t in the spotlight and has been slow to make changes as a result.

• This is down 4 percentage points from 2018 however.

• Those in medium law firms (41%) and government agencies (40%) are most likely to hold this view.

17 per cent of lawyers say they would feel less confident mentoring or coaching members of the opposite sex as a result of the increased attention.

• This over indexes among males (28%) and older lawyers (33% among 55+ year old's).
Bullying and Harassment Out-Takes

Industry trends
- Bullying and sexual harassment continues to be a key issue in the NZ legal profession where;
  - Two in five lawyers know someone who has been bullied in the their workplace in the last 12 months and,
  - One in ten know someone who has been sexually harassed.
- Positively however, lawyers are seeing a change with a significant reduction in the proportion of lawyers who think that their workplace needs to do more and an increase in agreement around key metrics showing that steps have been taken.

What this means for the profession
- There is indication that workplaces are putting onus on themselves to address issues surrounding workplace bullying and harassment. Continuing down this path will be important in further mitigating the issues that exist.
- Medium law firms and government agencies / ministry / local government should be taking note in particular, being cited as workplaces that are contributing to the issue but are being slower in making changes to address it.
The Alcohol Culture
How Much Alcohol is Consumed in Workplaces?

A third of legal workplaces in NZ have perceived moderate to high alcohol consumption (being a similar level to 2018).

- Large and medium law firms continue to show the highest level of alcohol consumption with 57 per cent of those in a large law firm saying alcohol is consumed either moderately or a great deal along with 43 per cent among those in medium law firms.

<table>
<thead>
<tr>
<th>Alcohol Consumption</th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol is never consumed</td>
<td>12%</td>
<td>10%</td>
</tr>
<tr>
<td>Alcohol is consumed rarely</td>
<td>18%</td>
<td>16%</td>
</tr>
<tr>
<td>Alcohol is consumed occasionally</td>
<td>37%</td>
<td>39%</td>
</tr>
<tr>
<td>Alcohol is consumed a moderate amount</td>
<td>29%</td>
<td>32%</td>
</tr>
<tr>
<td>Alcohol is consumed a great deal</td>
<td>2%</td>
<td>4%</td>
</tr>
</tbody>
</table>

Base: All (n=341)
Is there an Issue?

This year, a slightly lower proportion of lawyers agreed that the drinking culture in their workplace makes them drink more than they otherwise would.

The majority of other metrics showed a slight increase in agreement however, particularly for the statement ‘the stress of my job makes me drink more than I feel I should’ which increased 6 percentage points.
Policies & Regulation Around Alcohol Consumption

There is indication that a higher proportion of legal workplaces have introduced policies surrounding alcohol consumption, with the number of workplaces that have no policies dropping 7 percentage points (this change is not significant however).

- Only 4 per cent of those working in a large law firm indicated they have no policies while in contrast, 40 per cent of those in medium firms and 65 per cent in small firms say they have no rules in place.

If any, which of the following policies around alcohol consumption does your workplace have? (select all that apply)

- Alcohol consumption is limited to a certain area of the office
- No spirits
- Closing times (office bar shuts at a certain time)
- Alcohol cannot be consumed at desks
- Installed a no alcohol policy
- Alcohol consumption is limited it to a certain area of the office
- Other
- No policies or restrictions around alcohol consumption that I am aware of

Base: All (n=338)
Effects of the Introduced Policy

Over a quarter of lawyers in workplaces where rules around alcohol consumption have been introduced, feel that alcohol isn’t a problem in their workplace so rules are having no impact.

• For a quarter (25%) it has reduced the level of consumption.

What effects have the policies/regulation had on the drinking culture in your workplace (if any)?

- Alcohol isn’t a problem in my office
- Reduced the level of drinking/consumption
- Reduced the social culture/smaller Friday drinks
- Positive effect/controlled
- Made people more aware/conscious of how to drink responsibly
- Other
- No effect

Base: Those who have had policies / regulations introduced to their workplace (n=159).

2019 2018
The Alcohol Culture
Out-Takes

Industry trends

• Alcohol consumption is consistent across legal workplaces in 2019 with a third of lawyers perceiving their workplace to have moderate to high consumption.

• While there is indication that the drinking culture in organisations is having less of an effect on individual consumption, job stress appears to be having more of a contribution.

• In 2019 we are seeing more workplaces introduce policies to control alcohol consumption in the workplace. This is particularly true for large law firms where 96% of those who work in large law firms say they are aware of at least one policy with regards to alcohol consumption.
  • Small and medium firms in contrast are less likely to be making changes.

What this means for the profession

• The increased policy and regulation placed around alcohol consumption in the workplace seems to be having a positive effect in reducing the pressure placed on employees to conform and drink more than they otherwise would.

• Moving forward the additional area that firms need to address centres around alcohol’s role in providing stress relief, as an issue that hasn’t reduced over 2019.
Unconscious Bias in the Workplace
Unconscious Bias in the Workplace

Around four in ten lawyers (38%) have experienced some level of bias against them in the workplace.

- Most commonly this continues to be gender bias with almost a quarter (22%) of all lawyers in New Zealand saying they have experienced gender bias in the past 12 months.
Effects of Experiencing Bias

Similar to 2018’s results, feeling like an outsider and less confident at work are the key negative effects felt by those who have experienced gender bias.

- An increased number (29%) also cited that unconscious bias resulted in lower work performance.

Unconscious bias has resulted in commercial implications (lower work performance or resignation) in 32% of cases.

In the past 12 months, which of the following has experiencing bias in the workplace resulted in for you personally? (select all that apply)

- The feeling of being an outsider: 49% (2019), 59% (2018)
- Less confident at work: 58% (2019), 59% (2018)
- Less opportunity to advance/upskill: 39% (2019), 47% (2018)
- Left my job/resigned: 7% (2019), 17% (2018)
- Other: 13% (2019), 11% (2018)
- None of the above: 15% (2019), 16% (2018)

Base: Those who have experienced unconscious bias in the workplace (n=144).
Affinity Bias

Two thirds of lawyers feel that affinity bias is present in their workplace (up 6 percentage points on last year).

- Similar to 2018, a lack of diversity is the key effect lawyers think affinity bias has on workplaces, while excluding those who don’t fit the mould was another common theme.

Respondents were presented with the following definition of affinity bias:
Affinity bias refers to a type of unconscious bias where people prefer others who share qualities with themselves or are perceived to be similar to them. In the workplace this type of bias can have an effect on recruitment, the way people are treated and opportunities that are given.

Q How present do you think this type of bias is in your place of work/area of law?

- Not at all present
- Not so present
- Somewhat present
- Extremely present

Those who believe it’s present

Q What effects (positive or negative) do you think affinity bias has on your workplace?

- Lack of gender diversity
- Lack of ethnic diversity
- Excludes people who aren’t a fit
- Lack of age diversity
- Determines who gets promotions/development opportunities
- Best people aren’t recruited/similar people recruited
- Creates good interpersonal relationships within the firm/means people fit in
- Negative effect
- Determines workflows
- No effect
- Positive and negative aspects
- Gossip/bullying behaviour/treated poorly
- Other
- Don’t know/unsure

Base: All (n=331)
How Can Unconscious Bias be Reduced?

Education, training and awareness continue to be seen as the areas that would have the greatest effect on reducing bias in the workplace.

- Additionally, increasing diversity was seen as the other most common theme.

<table>
<thead>
<tr>
<th>What do you think would have the biggest impact on reducing the level of unconscious bias in your workplace?</th>
</tr>
</thead>
<tbody>
<tr>
<td>More education/training /awareness</td>
</tr>
<tr>
<td>Increasing diversity</td>
</tr>
<tr>
<td>New hires/change in management</td>
</tr>
<tr>
<td>I don’t think bias exists in my workplace</td>
</tr>
<tr>
<td>Fairness/equality</td>
</tr>
<tr>
<td>Management specific training</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Unsure</td>
</tr>
</tbody>
</table>

*Statistically significant change at a 95% confidence interval.

Base: All (n=316)

"*Statistically significant change at a 95% confidence interval."
Diversity in the Workplace

Disagreement around key metrics assessing the level of diversity in legal workplaces has remained consistent this year, with a higher proportion (37%), disagreeing that their workplace is diverse.

- This indicates progression around incorporating diversity into legal workplaces hasn’t happened over the past 12 months.

Please state your level of agreement to the following statements

1. In my place of work everyone has equal opportunity to succeed regardless of age, gender, ethnicity etc.
   - Strongly disagree: 5%
   - Disagree: 16%
   - Neither agree nor disagree: 21%
   - Agree: 41%
   - Strongly agree: 17%

2. My place of work values diversity.
   - Strongly disagree: 5%
   - Disagree: 12%
   - Neither agree nor disagree: 26%
   - Agree: 38%
   - Strongly agree: 19%

3. I consider my place of work to be diverse.
   - Strongly disagree: 12%
   - Disagree: 25%
   - Neither agree nor disagree: 26%
   - Agree: 26%
   - Strongly agree: 11%

Base: Those who have experienced unconscious bias in the workplace (n=144).
A greater consideration of varying needs along with more equal opportunity to succeed are again the two key benefits that lawyers think a more diverse profession would provide.

Key needs that aren’t being met continue to centre around those of minority groups, where understanding and catering for people of different ethnicities, religions and those who have disabilities or health problems was a common reference.

**What Diversity Leads to**

Which of the following do you think having a more diverse profession would/do result in (including more diverse senior leadership/practitioners in senior positions for example judges)?

- Greater consideration of varying needs: 76%
- More equal opportunity to succeed: 69%
- Less bullying: 45%
- Less sexual harassment: 31%
- Less compatible workforce: 7%
- Other: 11%
- None of the above: 9%

What needs do you think aren’t currently being catered for in either your place of work or the wider legal profession?

- Consideration/understanding of minority group needs: 34%
- Flexible working requirements: 20%
- Appreciation of differing work styles/backgrounds: 15%
- Child related needs/being a mother: 15%
- Family/personal commitments: 11%
- Mental health needs/support: 11%
- Other: 7%
- Don’t know: 6%

Base: Those that feel diversity would lead to greater consideration of varying needs (n= 247)
Unconscious Bias in The Workplace Out-Takes

Industry trends

- Two in five lawyers have experienced bias against them in the workplace over the past 12 months.
  - Most commonly this continues to be gender bias (referenced by 38% of females) and age bias.
  - 37% of non-NZ European also reported experiencing ethnic bias in the past 12 months.
- Affinity bias was also deemed to be more common in workplaces in 2019, with implications continuing to be seen as largely negative.
  - A flow on effect is that the professions’ attitude’s towards valuing diversity continues to be at similar levels seen in 2018.

What this means for the profession

- Unconscious bias is still an issue affecting the profession. Workplaces should continue to seek out ways in which they can generate awareness and educate their staff on such topics.
- Additionally firms should keep this in mind when making new hires, while additionally looking to promote diversity through leadership positions.
Industry Support Networks
Where the Profession Goes for Support Currently

Friends, family and colleagues continue to be the key sources of support and advice for lawyers in the industry.

<table>
<thead>
<tr>
<th>Where do you go to for professional support / advice currently? (select all that apply)</th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friends/family outside my office</td>
<td>78%</td>
<td>78%</td>
</tr>
<tr>
<td>Colleagues</td>
<td>66%</td>
<td>69%</td>
</tr>
<tr>
<td>Previous colleagues/lawyers outside of my workplace</td>
<td>49%</td>
<td>45%</td>
</tr>
<tr>
<td>Psychologists/other health services provider</td>
<td>22%</td>
<td>20%</td>
</tr>
<tr>
<td>Management</td>
<td>17%</td>
<td>15%</td>
</tr>
<tr>
<td>EAP</td>
<td>13%</td>
<td>10%</td>
</tr>
<tr>
<td>HR</td>
<td>7%</td>
<td>7%</td>
</tr>
<tr>
<td>New Zealand Law Society – including National Friends Panel</td>
<td>6%</td>
<td>8%</td>
</tr>
<tr>
<td>Professional Associations</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Auckland District Law society – including Panel of Friends</td>
<td>2%</td>
<td>4%</td>
</tr>
<tr>
<td>Other</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>None of the above</td>
<td>5%</td>
<td>4%</td>
</tr>
</tbody>
</table>

Base: All (n=313)
Does the Industry Have Adequate Support Services?

Positively disagreement has dropped significantly with regards to the legal industry having adequate support services and systems.

The most popular support system/structure is again one that is completely external to the legal industry.

Please state your level of agreement to the following statement. The legal industry has adequate support services/systems that are both available and accessible to lawyers in the industry when they are struggling?

If you needed support, which of the following support structures would be the most appealing to you?

- Completely external to the legal industry (i.e., independent psychologists or health professionals)
- External to individual firms but within the legal industry (i.e., part of the Law Society)
- Informal internal system (buddy system, designated peer support staff)
- Formal internal system (i.e., HR, management, training sessions)
- Other

Base: All (n=309)
Awareness of New Initiatives

Awareness of NZLS initiatives has increased slightly at an overall level this year increasing 4 percentage points.

- Younger lawyers continue to show lower awareness than their older counterparts (57% among 18-34 year old’s vs 76% among 55+ year old’s).
- This level of awareness is also relatively consistent to levels seen last year (57% in 2019 vs 54% in 2018).
- While, word of mouth is seen to be the most effective method for reaching the profession overall, among younger lawyers internal promotion was most preferred (73%).
Industry Support Networks
Out-Takes

Industry trends
• There is indication that the profession is doing a more effective job at providing support services and systems for lawyers who are struggling, with disagreement dropping by 8 percentage points.
• In addition awareness of NZLS initiatives is also increasing where around two thirds were aware of such initiatives this year.
  • Awareness, however, continues to be significantly lower among younger lawyers this year however.

What this means for the profession
• While the profession appears to be making strides, there needs to increased focus on getting through to the younger lawyers in the industry, where as seen, this demographic reports the highest level of emotional health effects as a result of high stress and burnout.
• Developing targeted support services and using internal promotion to raise awareness of such initiatives, should be considered in an attempt to further improve the industry’s support offering.
08
Where to From Here?
Blue Sky Thinking

A change of generations/improvements to leadership continues to be the key thing that is deemed to have the power to change the legal industry.

- This highlights the overarching impact that management/leadership have over workplace health and well-being, being cited as a critical contributor to individual issues.

In 2019 there was an increase in references around the industry needing to be more supportive of one another, through providing more empathy and compassion, while there was also a new theme present this year saying the industry needs to be more flexible and open to change (6%).
Career Paths

A significantly higher proportion of lawyers (66%) said they intend to stay in their current role for at least 2 years compared levels seen in 2018 (56%).

- The high majority (88%) also continue to say they plan to stay within the legal industry for at least 2 years.

**Career Paths**

**Q** How long do you plan to stay in your current role for?

- 15%
- 20%
- 34%
- 32%

**Q** How long do you plan to stay within the legal industry for?

- Less than a year: 4%
- More than a year but less than 2 years: 7%
- More than 2 years but less than 5 years: 17%
- More than 5 years: 71%

**Q** What impact has your experience in your workplace had on the amount of time you plan to stay in your current role?

- No impact at all: 13%
- Slight impact: 13%
- Moderate impact: 24%
- Large impact: 50%

*Statistically significant change at a 95% confidence interval.

Base: All (n=308)
Findings from this report indicate that over the course of 2019 the legal industry has taken steps to improve the health and well-being of those working in the profession.

Most notably significant improvements have been noticed around the levels of stress and burnout, implementation of policies controlling alcohol consumption and the level of support that is available to those in the industry who are struggling.

However, there are still prominent issues that exist surrounding the topics addressed in this study, showing the profession still has a long way to go. Top issues include;

- The level of mental health effects experienced by young lawyers as a result of stress and burnout.
- The level of unconscious bias, particularly relating to gender and ethnic bias.
- The level of bullying and sexual harassment experienced.

**What are the overarching steps workplaces need to take to continue addressing key issues?**

Leadership was again cited as a core component of key issues in 2019. To continue moving workplaces forward, senior leadership should continue to hold themselves accountable for the role they play in these issues.

Initiatives such as providing more management training, introducing flexible working arrangements to accommodate different needs, offering mental health days, formalising policy around overtime work etc. are all areas workplaces should consider to mitigate the most prevalent issues facing the health and well-being of practitioners in the industry.
Thank you

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