



In the spotlight for employee fatigue – how law firm King & Wood Mallesons are shifting the culture on leadership and wellbeing

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Karen: I'm here with Linda Johnston, who is the Executive Director for People & Development for King & Wood Mallesons, and they've been doing some really interesting things in the field of wellbeing, particularly with their partner group. So this seemed like an ideal opportunity to have a chat with Linda, and see what we can learn from the firm's experience. So, good morning Linda.

Linda: Good morning.

Karen: Tell me a little bit about your role first of all at King & Wood Mallesons.

Linda: Well, I've been with the firm for five years, and my role is Executive Director for People in Development, which basically means I head up the people agenda for the Australian firm.

Karen: Okay. And do you have a slightly unusual arrangement in terms of your flexible working practices...

Linda: I do. I'm living and breathing the flexible working arrangement in that I live in the UK, I moved there about a year ago, and I do my job very remotely. So I come back to Australia every eight weeks, and for the rest of

the time I have a very supportive team who work with me remotely, so I have typically quite early mornings and late nights. But I tend to try do one end of the day or the other, because you can't do both without getting very tired, so I prefer the early mornings.

Karen: Yeah, that makes sense. And then that allows you some flexibility around how you manage the rest of your day, and all the other roles that you have there?

Linda: Yeah.

Karen: Great. Well, we might come back to that. I'm going to ask you your top tips for maintaining your wellbeing at some point. So Linda, I've worked alongside law firms for a couple of decades, and have had a pretty good view of the culture of these through that time. In fact, I did some work for Mallesons about 20 years ago, and one observation I would make is that the curse of billable hours can negate any attempts to try and encourage sustainable, and you might say, humane work practices. But I know that there are firms trying really hard to address wellbeing. What's been KWM's approach to wellbeing historically?

Linda: That's a great question. In terms of the billable hour piece, just to reflect on that, KWM actually like many other firms globally, are really looking at experimenting as to how we can shift the focus from the billable hour. And we're doing all sorts of work really to look at what would be palatable for us, what would be palatable for our clients, and also what would really shift the agenda. So I guess, watch this space in that context.

In terms of the system as a whole though, I think it is absolutely true that the billable hour creates some of the behaviour, but I also think it's true that the billable hour is an excuse for some of the behaviour too.

Karen: That's very true, very true.

Linda: So there's an approach that we have, which if you like, is bundled into two buckets. One is the proximate experience of our people, which really talks about their day to day experience. So how they feel, and how they are working in the context of the team. So what's their day to day leadership experience. And then, the bigger piece, which is where the billable hour falls in, is the systemic piece. So absolutely, there are things in the system, whether it's being under-resourced, whether it's focusing on a 'hours only' productivity metric, that actually systemically needs to change. But that's not the only key to unlocking the solution for the current, I guess, context of law firm working.

Karen: That's a really interesting approach to have that proximate and systemic... those two angles to approach the challenge of wellbeing and sustainable performance. So what in a tangible sense, have you found historically has worked in either of those areas?

Linda: So for a long time now, we obviously had a specific focus with regard to King & Wood Mallesons last year, which I'm sure you'll come onto. But for a long time now, we have known that in order to change culture, and change the way that people work, and particularly a word or phrase that's getting a lot of use at the moment, every time I read something it's getting used, and we've been talking about it for a while too, is this whole concept of psychological safety. So we know that leaders and the teams that individuals work in, create almost the biggest impact of their experience of day to day at work. So if we can create teams where people feel safe to show up as who they are at work. Know they're supported in their teams, know that they're led by great leaders, don't have a 'second job', as Bob Keagan calls it, of trying to hide who they are, or trying to manage the fear of what it is that they feel day to day, then they'll, as simple and as clichéd as it sounds, bring themselves to work, and do work.

So that's a big piece in terms of the proximate bucket that I talked about. But in order to create that experience, you have to have leaders who are able to self-regulate, manage themselves, understand what 'good' looks like, understand what 'not good' looks like, be kind, and forgiving, and compassionate to themselves when they show up in all of those facets...

Karen: Do you have some of those, Linda?

Linda: Of course, we all do. But also lead their teams in the same way. So that's a very simplistic way of saying it. And obviously in order to create that sort of leadership shift, you need to develop your people. And we've been developing grads through to partner in that way for at least the last five, six years, but we've had a really intentional focus on the partner population for the last two years. So we're starting to see some shifts there, and there's a massive appetite for the partners to make more meaning of the way they show up at work, and of their work by doing this work on themselves.

Karen: That definitely would be my observation, just from having done some executive coaching work at partner level at various firms, that people really are now starting to ask themselves the big questions about what is it all for, and can I really keep doing this at this level, and what's that giving me?

Karen: You alluded to this, so I'm going to go there. Last year the firm was in a little bit of hot water with WorkSafe Victoria, which was in relation to a complaint about employee fatigue, can you share some more about that?

Linda: Absolutely. It was the perfect storm for KWM, plus really many other law firms, which was... we had the Royal Commission (Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry), we had really tight deadlines that we had to deliver on, we were under-resourced, we were running teams really thin. There were probably on reflection, a number of warning signs that we culturally didn't pay enough attention to, because we were probably used to what stress and pressure looks like. So we obviously were advised that we needed to get our shop in order basically, and I actually think it was a real gift. I mean, obviously at the time, it was a complete emotional rollercoaster for everyone, because nobody wants to know that you've got people who are working-

Karen: On the brink, yeah.

Linda: ... like that, and therefore, are really on the brink. And also, from a brand perspective, nobody wants to have their name in the media with that kind of story. But it was what it was, and it really gave us permission to take a good look at ourselves, and also quite frankly, galvanize the partnership around what was happening.

Karen: So what did you do in response to that? What was your... What were the steps that you took?

Linda: Well, we did a couple of things in addition to what we were already doing. So we'd already started to, as I mentioned earlier, look at some of the leadership development work. So there was already appetite from a number of partners to actually pay attention to this. But in terms of one of the biggest things that we did was, just practically put much, much tighter parameters around the way in which people were working. So put rest and recovery policies in place that became mandatory, not

optional. Historically, there was a culture of having rest and recovery options in place, but they were probably more loosely applied, and at the discretion of the partner, and also in terms of the individual actually saying, “Yes, I’ll take that time.”

Karen: I need some, yeah.

Linda: Yeah. And actually, and I’ll come onto this later in terms of what I think the one thing that individuals can do to take ownership of themselves, but the process that we put in place was a much more mandated rest and recovery type policy, for want of a better word. But actually, it’s more than a policy, it’s culture. In addition, we put much more rigor around when we have, I guess, work in place that looks like it’s going to mean that people have to work exceptionally hard, and we need to really invest a lot of resources at that piece of work. We have a phraseology called, XDM, so Extra Demand Matters. That means that we intentionally ring fence that matter as something that requires specific attention, specific investment, and we put a project manager in charge of that matter, whose role it is to project manage that matter, as opposed to a lawyer whose doing the matter, and kind of on the side does a little of the project management. So intentional focus around the project.

Karen: So you’ve got a dedicated resource who can keep an eye on whose putting in the hours, and who may need that rest and recovery time?

Linda: That’s exactly right.

But in terms of also, I guess, more culturally, our chief executive partner, Berkeley, was rightly and pleasingly I guess, hugely concerned by what he was seeing. So we conducted some listening sessions across the entire firm, and this actually I think, was the real game-changer. So some listening sessions across the firm with our staff to say, “Tell us how it is.”

Karen: Was that with all staff?

Linda: Well, we invited staff to attend those sessions, that wasn’t with every single member of staff. But there was a very, very good contingency of staff from-

Karen: From different levels.

Linda: ... all levels, all geographies, and also with the voice of their fellow peers, and colleagues within the firm, to come and bring to these sessions. And they were basically, really honest sessions around, tell us what’s good, tell what’s not good, tell us what needs to change, and we took that content then into the partners. So basically gave the partners the opportunity to hear what was being said in a way that was not pointing the finger, and wasn’t full of blame.

There was never any intent... We know that people don’t change if they’re told they’re wrong, people get defensive if they’re told they’re wrong. People change if they’re given permission to reflect on stories, and understand what it means for them. And they’ll most importantly think about

what they can personally do to affect some action. So in those listening sessions that we then reflected back to the partners, we asked each partner to think of something that they could do differently.

And so we’re now in the process of starting to share those stories, but also that gave us some rich data with regards to understanding what the partners themselves needed. Because I think the one piece that became very apparent, is that in a partnership environment we’ve got hierarchy and power. Partners are often perceived to be invincible humans who have to carry the load, whereas they’re not, of course, they’re mere mortals like the rest of us.

So this is what the staff are telling us about their experience, but let’s listen also to what the partners are telling us about their own experience too.

Karen: I’m interested in those listening sessions, because a lot of organizations will rely on data. They’ll rely on their engagement data. Most surveys these days have got questions around wellbeing, what do you think you got from those sessions that you wouldn’t have got from survey type data?

Linda: I mean, it’s a very different experience. We’ve obviously got exit interview data, we’ve got engagement survey data, and absolutely those data points are key. And they tell us the same things time and time again. The difference is, when you’ve got your chief executive partner in a room with staff, and they’re telling him their stories verbally, and then that same individual shares that with his exec team, and then goes into the partners to talk to the partners about what he or she has heard, that’s really powerful.

Karen: That’s very powerful... That was the word I was thinking of.

Linda: There’s no denying it... I think when things are on paper, we can always explain them away in a way that we can’t when they’re actual real stories that are being told by humans to another human.

Karen: Great. And what changes have you seen... Building on that, what changes have you seen more generally in terms of leadership support for a new approach to wellbeing and sustainable performance? Are all the partners on board?

Linda: Well, one thing I just didn’t touch on was, we also introduced this concept of people champions. So we have 57 people champions now across the firm, which are basically, aside from the HR function, who obviously play a significant role, and we have partners who are staff partners who have people responsibilities, we wanted to have more of our people empowered and enabled, especially post those listening sessions, to raise issues and service issues as they arise. And the partners for the most part, have been really, really supportive, because as I said earlier, it actually applies to them.

So one of the things that we’ve also done in parallel if you like with people champions, is we’ve got a couple of

partner champions in place, to actually be those people responsible for servicing partner issues as well. We've got lots of channels that we would typically have, but we've intentionally signaled a number of partners too. And I think it's very easy in professional services environments, to pay attention maybe to the one or two people who will always be more actively cynical, or questioning why you're doing something, and you give a lot of room for that noise. But actually, that's a tiny minority. And actually, I haven't heard much of that noise of late anyway.

The majority of partners are absolutely aware, passionate, and good humans. They don't want to see their staff not enjoying being at work, but they also struggle with the art of talking to their staff, communicating to their staff, making them feel psychologically safe, understanding what that looks and feels like. So we need to support them in order to do that the best they can. Having said that, we've got some amazing partners who don't even think about how to do that, they just know how to do that.

Karen: That's great. Tell me a little bit about the new partner program, because that's where predominantly we've had most contact with you.

Linda: So the new partner program was an evolving program, which was basically like most professional services firms. You have a cohort of individuals who were suddenly given this role of partner, it's a really exciting time for them, they've worked really, really hard to get there, then they get there and suddenly it's, "Okay, so what does this mean for me?" There's a lot of impostor syndrome.

Karen: "Should I really be here, did I really want to be here? What does this mean?"

Linda: And there's a lot of skill in relation how to lead teams, and how to face into clients, and all of those usual, if you like, components. But the big piece that became apparent as... the individual, Jo McAlpine, who heads up that agenda, the big piece that became apparent to her, was actually that the partners needed to invest in their own wellbeing. So it's an exhausting passage for a lot of them to make partner, and then when they make partner, I think there's a question for many of them as to, "How am I going to sustain this for 10 - 20 years?" So we started to use your wonderful tool.

Linda: We gave each of those partners, in what we're calling the Foundation Years program, an opportunity to use that tool, The Global Leadership Wellbeing Survey, and to really have a one on one debrief. We have a number of people accredited in our own development team, as well obviously yourselves, and have them take that tool and reflect on what it meant for them in terms of their role as a partner, but also as I said earlier, to make the link between what it means for them and what it means for the teams that they're leading. So what does it mean for the individuals in their teams. How are they going to show up to lead in a way that is mindful of the impact that they have their teams?

And I guess that's fundamentally the game changer. My point earlier, you can talk about a billable hour, and there are absolutely lots and lots of things in the system that we can look at, and you can be very strategic about how you do that, but fundamentally behaviour changes individual by individual. And so, you have to do the work individual by individual in order to affect that change.

Karen: And then support them by making the necessary systemic changes and having the appropriate leadership in place that supports them making those individual changes.

Linda: That's exactly right.

Linda: So we've had super, super positive feedback from those partners. And then actually, we've had those partner champions I referred to earlier, also use that tool from a self-reflection piece, but also from an awareness raising piece. So what do we mean by wellbeing, because obviously lots of people think of wellbeing as the historic curative... yoga... apples... And all of those things are very, very important, but it's more about thinking about yourself holistically, and what are you consciously doing day to day, to prevent yourself tipping into something that's not useful when you're quite frankly in a really highly demanding job, and your life probably outside of that role is also as demanding and as busy.

Karen: That's right. I mean, I think there's lots of common themes in what people need to enhance their wellbeing, but the fact is each of us has got a unique set of circumstances both inside work, and outside work. And those challenges ebb and flow, and therefore, unless we can sort of really educate each individual about their own wellbeing, and how to enhance that and sustain it. And I think that's where sort of general wellbeing programs can fall short, because they're just not tailored enough.

Linda: Yeah, I agree. Absolutely.

Karen: That's interesting. So on the program, the new partner program, each individual does the GLWS, and then they have a debrief. But you've done some other work around that as well, haven't you, introducing the concepts in group sessions? And have you looked at the group data there as well?

Linda: We have absolutely, which is interesting... in many ways... because it tells us probably what we know already. But there's nothing like data to really tell you what you know already, in terms of, I guess, just how difficult the role can be, just how stressed individuals can be, and also, which is always really worrying I think, just how much they internalize that stress. And to see it on paper and to see the fact that they're feeling like this, and then giving them permission to actually voice that, and also I think normalize it. Not normalize it in the context of, it's okay to feel like this, but normalize it in the context of, if other people are feeling like this too-

Karen: You're not alone.

Linda: ... it's actually... you're not alone, and it's not good, and you can do something about it.

Karen: That's right. And it can give you some hints... As they say, you probably know all this already, but it can give you some hints as to where there may be systemic issues that are creating some of the patterns.

Linda: Yeah, absolutely.

Karen: Great. What more remains to be done now at King & Wood Mallesons do you feel? What's the rest of the journey for you?

Linda: I think it's a huge journey, because I think... I've been talking to some really, really interesting people in the market, so HSBC, talking about this 'healthy human system', and I think we've only just seen the start of what we're starting to do on this... I don't want to call it a journey, because that sounds glib, but ...the world has changed so phenomenally around technology, and I think people just cannot underestimate the impact of the 24/7 technology piece. And the whole... It amazes me when people talk about, take phones out of your kids' bedrooms. I mean, God, if I left the phone... their phones in my kids' bedrooms, they would be up all night!

But you hear about young grads, and you hear about young people who have their phones by their beds all night, and the impact on them, and the impact on their mental health. I think we don't really know what we have created, so in terms of the wellbeing agenda, it's just the start of the journey of actually not just what's happening in the workplace, but fundamentally what's happening more broadly, and how you help individuals understand this, educate and equip themselves, self-regulate, and understand all the patterns of the dopamine hit that we get when we put something on Facebook or whatever it is. But the impact of that and how it plays out at work, and how there's no respite for us as humans that need respite.

Karen: Unless you self-regulate, then you build that respite into it.

Linda: That's exactly right... So I kind of digress a little bit, but to your kind of question around where are we going with this, I think globally, we've only just started. We have no idea of the impacts I think.

Karen: That's right. There's a statistic that says 90% of the world's data is less than two years old, which is kind of scary. And the other thing that comes to mind listening to you talking there Linda, is that in other organizations we sometimes pose the question, how many people check their e-mails in the middle of the night, and the answer is frightening. And more so than that, is how many people set an alarm to get up and check their e-mails in the middle of the night, and that is really scary to me.

Linda: And there was something really interesting I read the other day around how many people have an alarm to wake them up in the morning now. So the generation

that's probably more in their 50s, and they may have retired, but I doubt it given the employment figures now, don't typically set their alarm to get up in the morning... they're going to sleep and they're getting up. But if you're on your phone till past midnight, you need an alarm to get up in the morning.

Karen: So Linda, if you can offer one piece of advice to anyone who's driving the wellbeing agenda within their organization, what would that be?

Linda: It would be to have the confidence to know that this is not a side agenda. This needs to be integral, front and centre of your agenda.

Karen: To the organization's strategy?

Linda: Yeah. And I think, depending on where you're at culturally, depending on what support you might have from your exec team, that can be actually quite hard to do. But I would say, go out into the market and have a look at what's happening, because you have very, very successful organizations who can give you data around, and there's extraordinary data now, around commercially how much it makes sense, and financially the dividends that you'll get through managing your employees in a way that contributes to their wellbeing. It doesn't detach from it.

Karen: Great, thank you. And what is your personal top tip for maintaining your wellbeing, Linda?

Linda: I think two things actually. I think broadly everybody has to take responsibility for their own wellbeing. It's very easy to be a bit of a victim to the system, and not notice when you're not looking after yourself. Whilst organizations absolutely have a role, and have a duty of care, we all have a duty of care to ourselves. And my personal top tip is sleep. If I don't sleep, I'm not happy. And I know that because of this unusual role that I've played in the last year in terms of this remote role. So if your bucket's not full of sleep - everything else impacts. Your resilience is lower, you get more emotional, your cognitive processing is ridiculously slow.

Karen: And there we have it. And I'm absolutely on side with you on that one, that's my top favourite wellbeing strategy..... is getting enough sleep. So I think many, many, many of the leaders in organizations could do well to prioritize that in the same way that it sounds you and I are doing.

So let's keep it up. Thank you so much for your time Linda, and good luck with your travel round the world travel backwards and forwards from London to Sydney, and we'll look forward to hearing about what's going to progress in King & Wood Mallesons. Thank you.

Linda: Thank you for your time.