



SASKATCHEWAN JUSTICIA PROJECT

A Report of the Data Collection Working Group

Workplace Policies and Practices for Lawyer Retention and Advancement

Results of Two Surveys of the Members of the
Law Society of Saskatchewan

October 2016



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JUSTICIA
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Foreword

The Justicia Project was developed in Ontario by the Law Society of Upper Canada in 2008 as a partnership between the law society and law firms to work collaboratively to share best practices, develop resources and adopt proactive programs to support the retention and advancement of female lawyers in private practice.

The project was driven by recognition that, while women are entering the legal profession and private practice in record numbers, the statistics across the country show that they also leave private practice in disproportionate numbers. Saskatchewan's demographics are not unlike those of the rest of Canada; although a recent study conducted at the University of Saskatchewan revealed that 49% of law students are women, only 37% of the approximately 1,708 active lawyers in Saskatchewan are women. Further, of those women, only 53% are in private practice, as compared to 71% of male lawyers.

The Saskatchewan Justicia Project was introduced in November of 2014. The Law Society asked for volunteers from large firms in Regina and Saskatoon to participate in working groups that would develop guidelines and/or model policies on topics of their choosing.

Members of the following Saskatchewan law firms volunteered to develop resources for the project:

- Gerrand Rath Johnson LLP
- Kanuka Thuringer LLP
- MacPherson Leslie & Tyerman LLP
- McDougall Gauley LLP
- McKercher LLP
- Miller Thomson LLP
- Olive Waller Zinkhan and Waller LLP
- Panko Collaborative Law & Mediation
- Richmond Nychuk
- Robertson Stromberg LLP
- Scharfstein Gibbings Walen & Fisher LLP
- Stevenson Hood Thornton Beubier LLP
- The W Law Group
- WMCZ Lawyers

Four working groups were established, focussing on the following topics: family leave, flexible working arrangements, mentorship/work environment and data collection.

The data collection working group designed and conducted two surveys of the membership. The first was directed at firms and focussed on finding out about the types of policies – particularly those respecting the topics chosen by the other working groups – that Saskatchewan firms currently have in place. The second was a survey that was sent to all individual members of the Law Society and focussed on the three topics chosen by the Saskatchewan Justicia Project participants. Results from both surveys are included in this report.

The survey results were used by the other Justicia Project working groups to inform the resources they developed, but these results can be used to inform further work as well, whether by the profession or the Law Society. The Justicia Committee will use the results to identify areas where further work might be necessary, and Saskatchewan firms and other legal work places are also encouraged to use the results of these surveys to identify areas that may need improvement in their own work places.

The remaining working groups have been drafting policies relating to their chosen topics that aim to support the retention of both men and women in private practice. While the Justicia Project was started as an initiative focussing on retaining and supporting women in private practice, the Saskatchewan participants felt that the topics they were focussing on could apply to men as well.

The ultimate goal of the Justicia Project is to create better work arrangements for both lawyers and firms. Having clear guidelines on these important topics facilitates openness and creates more certainty and predictability, which should, in turn, foster long-term working relationships. Implementing the resources developed through the Justicia Project can help firms to develop proactive programs respecting career development that can help them to both recruit and retain lawyers.

Acknowledgments

The Saskatchewan Justicia Project is led by a Benchers committee consisting of Rosanne Newman, QC, and co-chairs Ronni Nordal and Leslie Belloc-Pinder. Past committee members include Heather Laing, QC, Darcia Schirr, QC, Lorraine St. Cyr and Rob Heinrichs, QC. The Law Society wishes to thank all of the past and present committee members for their leadership and vision in overseeing this project.

The Law Society would also like to thank the participants from Saskatchewan firms who volunteered their time to work on the project solely because they felt it was important work.

Thanks also to members of the Law Society Library staff who helped with this project: Publications Coordinator Kelly Laycock, for great work designing and assembling this report; and Web Administrator and Technician Kelly Chiu, for many hours spent collating and managing the survey data.

Finally, the Law Society would like to acknowledge and thank the Law Societies of Upper Canada, Manitoba, Alberta, and British Columbia, as well as the Nova Scotia Barristers Society for their support and advice in launching the Saskatchewan Justicia Project and the use of their materials, which have served as excellent guides for the work of the Saskatchewan Justicia Project. Special thanks to the Law Society of Upper Canada, which launched the original Justicia Project, and has been very generous in offering guidance throughout the life of the Saskatchewan Justicia Project. The Justicia logo is owned by the Law Society of Upper Canada and is used with their permission.

Barbra Bailey, Policy Counsel, Law Society of Saskatchewan
October 2016



Law Society of
Saskatchewan

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Firm Survey Responses

Background

On May 27, 2015, a survey was sent to every firm in the province with 2 or more lawyers (as best we could tell) respecting firm demographics and policies that relate to family leave, flexible work arrangements, and professional development. The survey remained open until June 30, 2015. There were 41 responses in total out of a possible 135, which amounts to a response rate of 30%.

This report provides a summary of the responses received.

Characteristics of the Respondent Firms

Of the respondents, 10 firms are located in Regina, 17 in Saskatoon, 14 in other urban centres and 8 from rural centres. Approximately half of the firms that responded (21) were firms with 2–5 lawyers. The balance of the responding firms is broken down in Table 1.

Table 1 Number of Lawyers at Respondent Firms

Number of Lawyers at Firm	2–5	6–10	11–15	16–20	21–25	26–30	31–35	36–40	More than 40
Number of Respondents	21	9	0	4	1	1	1	1	3

Table 2 Number of Individuals in Each Category at Responding Firms

	0	1–5	6–10	11–15	16–20	21–25	26–30	31–35	More than 35
Male Associates	7	23	4	0	1	0	0	0	1
Female Associates	7	25	2	1	0	0	0	0	1
Male Partners	3	28	5	1	0	1	0	1	0
Female Partners	13	19	1	1	0	0	0	0	0
Male Counsel	13	13	2	0	0	0	0	0	0
Female Counsel	22	6	0	0	0	0	0	0	0
Male Students-at-law	16	13	1	0	0	0	0	0	0
Female Students-at-law	18	11	1	0	0	0	0	0	0

Table 2, on page 8, shows the breakdown of the number of individuals in each category for the responding firms. For example, in the “0” column, it shows that 7 firms that responded have 0 male associates, 7 firms that have 0 female associates, and so on. There is 1 firm that has between 16–20 male associates, but otherwise no categories are represented by that many individuals. Likewise, there is one firm that has between 21–25 male partners and another that has between 31–35 male partners, but no other category has that large a representation.

As the survey sample only includes 30% of Saskatchewan firms and it is impossible to identify which firms responded, the following numbers may not be representative of the entire legal profession in Saskatchewan.

Demographic Data Collection

On average, only 5% of the responding firms keep track of demographic data. This was the average for all categories of lawyers. While 3% of responding firms reported that they track the number of lawyers who are Aboriginal and speak English as a second language, none of the firms reported keeping track of other diversity indicators, including LGBT, persons with disabilities and persons of a visible minority.

Work Environment

1. General

Forty-two percent of responding firms reported that they had a harassment and discrimination policy, and 26% reported having a policy respecting working relationships. Only 10% reported having an accommodation for special needs policy.

2. Professional Development

Only 5% of responding firms reported having any type of policy respecting admission to partnership. Twenty percent of firms reported that they have initiatives specifically designed to assist female lawyers with professional development and to network with other female lawyers, although only 11% reported having initiatives that specifically help female lawyers network with clients.

When asked to describe networking and professional development initiatives designed for female lawyers, one firm reported holding socializing events for the female lawyers and another reported that they have a Women’s Practice Group that holds women’s events, including external events for lawyers and client and business contacts. A couple of firms reported that, due to their smaller size, all networking and professional development events include the firm as a whole.

There were a couple of comments that the firms encourage their lawyers to join organizations such as the CBA for networking. The firms pay the membership fees for those organizations and encourage their lawyers to join external committees. Another firm encourages and pays for lawyers to attend networking and charity events.

3. Mentorship

Only 14% of firms reported that they have programs that match female lawyers with mentors, with 9% of those being female mentors. 5% reported having female mentoring groups. Other firms reported having an informal “open door” policy which encourages all associates to seek out mentorship from any other lawyer in the firm.

Only 5% of responding firms reported having a female managing partner in their firm, while 13% reported having at least one female practice group leader.

Flexible Working Arrangements

1. Part-time Hours

Thirty percent of firms reported that part-time hours are available to permanent associates, which was the highest percentage for that category, followed by equity partners (23%), counsel (22.5%) and contract associates (22%). Articling students were reported to be given the least access at 5%, followed by income partners (7.5%) and summer students (17%). Sixty percent of firms that have a part-time hours policy said it was available to both partners and associates. Between 15 and 21% said their policy also applies to summer students, articling students and contract associates. While 54% of the policies are available to equity partners, only 31% of policies are available to income partners. 43% of the policies are available to counsel. Otherwise, 100% of firms that allow part-time arrangements stated that the length of time the individual has been at the firm has no impact on eligibility. 50% stated that the part-time hours arrangements are reviewed on an annual basis.

With respect to the minimum percentage of full-time hours that are required, most responding firms stated that it was calculated on an ad hoc basis, but for those that provided a percentage, it ranged from 50–90%. 21% of those with part-time hours policies stated that individuals using the policy are still subject to a non-billable hours target. Forty-one percent of responding firms stated that they have a formula to determine compensation for part-time hours. Most of the formulas amount to a simple static percentage of the lawyer’s receipts, while others have a progressive percentage depending on the amount of billings. Some provide a bonus if the lawyer exceeds the required billing target. One firm reported using a points system that takes many criteria, including non-billable tasks, into consideration.

2. Full-time Flexible Work Arrangements

Of responding firms, 37.5% reported that they allow flexible work arrangements for those working full-time hours. This type of arrangement is most available to permanent associates (70%) and equity partners (65%), followed by 40% for income partners and counsel and 30% for contract associates. Only 17% of firms allow articling students to have full-time flexible work arrangements, and only 9% allow the arrangement for summer students. Of those with policies, 94% reported that the length of time an individual has been with the firm has no impact on the availability of flexible work arrangements.

Fifty-three percent reported that their policies are provided upon request, while 16% provide the policy upon commencement of employment. 30% of those who said they had policies of this type stated that they don’t

actually have a written policy, so it is not provided. Those firms stated that they come to an informal agreement with the individual who requests flexible work arrangements.

Of firms that offer flexible work arrangements, 88% reported that they are open to allowing permanent flexible work arrangements. However, 61% reported that the arrangements are reviewed regularly.

Many firms commented that lawyers have the flexibility to set their own schedule with the understanding that full-time targets are to be met and some key office hours are to be observed as well. This includes having a flexible start and end time for the work day, allowing lawyers to work from home to some degree and allowing employees to “bank” time if they need to be out of the office during office hours. The firms that offered comments were consistent in stating that the hours spent in the office were not important provided that receipts are acceptable and the clients’ needs are being met.

3. Additional Comments

Respondents were asked to describe any practices, other than written policies, used in their firm related to the retention of female lawyers. Most of the comments received with respect to flexible working arrangements were that, although no written policy exists, the firms are open to receiving requests for reduced hours or flexible arrangements and have allowed them where the circumstances were satisfactory. There were a few comments that, despite their ad hoc approach, flexible work arrangements have met the personal needs and family obligations of those that use them, with a result of high retention of female lawyers.

Most of the comments also centred on allowing flexible working arrangements for parents who want to spend more time at home with their children, which was generally regarded as a positive thing. None of the comments touched on whether the members of their firms were made aware of the possibility of using flexible working arrangements.

Family Leave

1. Maternity Leave Policy

a. Associates

Thirty-two percent of responding firms reported that they have a maternity leave policy for female associates. Forty-three percent of the time, these policies are provided to the associate upon request, while 21% of responding firms provide the policy to the associate upon commencement of employment, and 14% (which amounts to 2 firms that have policies) make the policy available on their website or internal server.

Of the firms that answered this question, 64% reported that full-time female associates were eligible under the maternity leave policy no matter the length of the time at the firm, while the other 36% were required to be with the firm for at least one year before becoming eligible. This compares to 57% and 43% of part-time female associates, respectively, and 67% and 33% of contract female associates, respectively.

Of responding firms, 38% provide a salary “top up” for female associates while on maternity leave, which ranges from 70–100% of the associate’s salary. For one firm, there was a monetary limit placed on the top up while another firm increases the amount of the top up depending on the amount of time the associate has been with

the firm. The length of time for which the top up is provided was split evenly between 17 weeks and 1 year, with the exception of one firm that only provides a top up for 12 weeks. Under The Saskatchewan Employment Act, an employee who is pregnant is entitled to a maternity leave of 18 weeks, so it might be assumed that the length of the top up at 17 weeks is related to that timeframe.

Of the 15 firms that reported having a maternity leave policy, only 1 stated that their policy addresses the impact of a leave on the applicant's seniority and consideration for partnership. Four firms reported that their policies specify the impact of a leave on the applicant's salary upon their return to the firm.

b. Partners

Only 16% of responding firms (6 firms in total) reported having a maternity leave policy for female partners. All but one of those firms makes the policy available to the partner upon request, with the one other remaining firm providing it upon commencement of employment. Five out of 6 firms reported that the leave is available to a female partner no matter the length of the time spent at the firm but part-time equity and income partners and full-time income partners are more likely to be required to have been at the firm for at least a year before becoming eligible.

Forty-two percent of the policies reported under this category specify the impact of a maternity leave on a partner's draw. The smaller firms that provided a response about the impact of a partner's draw stated that it has been done on an ad hoc basis, with one firm able to pay 100% of the partner's draw for 5 months, while another small firm reported it wasn't able to pay the partner at all while they were on leave, in accordance with their partnership agreement. Of the larger firms that answered this question, the responses included the following: 50% of the monthly draw for up to 6 months, 100% of draw for 3 months, 100% of draw for 3 months and 50% of draw for three months, and 100% for duration (in one instance).

2. Parental Leave Policy

a. Associates

Twenty-five percent of responding firms said they had a parental leave policy for associates, with 50% stating that the policy is made available upon request by the associate, while 25% said the policy was provided upon commencement of employment. Of the firms that had parental leave policies, 100% stated that they applied to both male and female associates.

Fifty percent of responding firms said that their policy is available for birth or adoptive parents regardless of how long they have been at the firm. For those firms, it also did not make a difference whether the associate was a part-time or full-time employee. An average of 14% of responding firms required associates to have been with the firm for at least 6 months before they would qualify for parental leave, and the remaining 36% required the associate to be with the firm for at least 1 year. 33% of responding firms said their policies would also apply to contract associates, though they were split with regard to eligibility with regard to length of time with the firm.

Only 25% of responding firms answered the question that asked whether their firm provided income replacement during the leave. Of those responses, 45% said they did provide income replacement, ranging from 70–100% of the associate's full salary. One firm had a graduated scale depending on length of time at the firm, while another

capped the income replacement at \$90,000. The period of time for which income replacement was paid ranged from 6 to 38 weeks.

Again, only 25% of responding firms answered the question that asked whether their parental leave policies specified the impact of a leave on seniority, partnership and salary. Of those who responded, only 9% answered yes to the questions about the impact on seniority and partnership while 36% stated that the leave policy did speak to the impact on the associate's salary upon return to work.

b. Partners

Of the responding firms, 92.5% stated that they did not have a parental leave policy for partners. For those that do have a policy for partners, it applies equally to male and females and applies regardless of length of time with the firm, but the policy only applies to full-time partners.

For those that do have a parental leave policy for partners, only 40% of the policies specify the impact of the leave on the partner's draw. For those policies that did speak to the impact on the partner's draw (there were only two policies), the partner would receive 50–100% of their monthly draw for up to 6 months.

3. Adoption Leave Policy

Only 13% of responding firms reported that they had an adoption leave policy for associates, and only 5% have an adoption leave policy for partners. However, it is likely that many of the firms included adoption leave when they answered the question about whether they have a parental leave policy.

Concluding Remarks from Respondents

The final question of the survey invited respondents to provide any further comments that might be of assistance to the Justicia Project. We did not receive many comments, but those that were provided mostly came from smaller firms who said that the questions in the survey did not really apply to them, either because they have never had to address issues such as parental leave or do not have time or resources to develop policies. There was some indication that small firms would appreciate the Law Society providing suggested policies or other guidelines to assist with the administrative burden.

Individual Lawyer Survey Responses

Background

On September 1, 2015, a survey was sent to all active and inactive members of the Law Society of Saskatchewan, including students-at-law, living both in Saskatchewan and elsewhere. The survey remained open for the entire month of September.

The survey sought information respecting the respondents' individual experiences in the practice of law, including the nature of their work environment, compensation and expectations, mentorship and career development, and knowledge of and experience with maternity/parental leave, and flexible work arrangements and policies in their workplace.

The survey was sent to 2415 recipients and there were 442 responses to the survey. This represents a response rate of approximately 18%, which is one of the biggest responses the Law Society has ever received to a survey of the members.

Participation in the survey was voluntary and respondents could choose to skip any questions they did not want to answer. As a result, the number of responses varies for each question.

This report provides a summary of the responses received.

Characteristics of the Respondents

1. Age, Gender & Year of Call

Of the 442 respondents, 431 respondents indicated their age: 56% were aged 45 or younger. The breakdown is as follows:

- 12% between the ages of 24–29;
- 20% between the ages of 30–35;
- 13% between the ages of 36–40;
- 11% between the ages of 41–45.

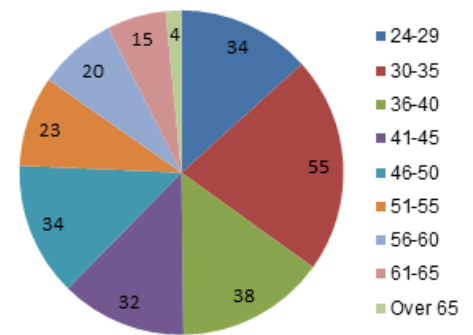
The remaining 44% were broken down as follows:

- 9% between ages 46–50;
- 10% between ages 51–55;
- 13% between ages 56–60;
- 9% between ages 61–65;
- 3% over the age of 65.

Fifteen respondents did not categorize themselves as being either male or female. The gender breakdown of the remaining 427 respondents was 60% female, 40% male. See Figure 1. For general reference regarding members of the Law Society, see Table 1.

Figure 1 Breakdown of Age Categories of Respondents by Gender

Age of Female Respondents
(255 responses)



Age of Male Respondents
(172 responses)

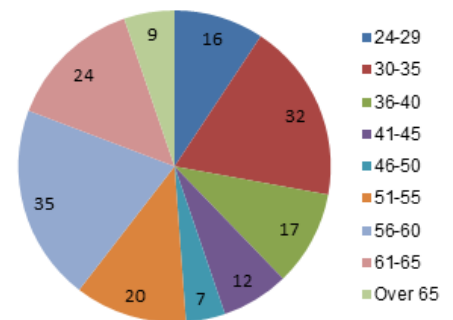


Table 1 Breakdown of Age of All LSS Members

Age	24–30	31–40	41–50	51–60	60 & Up	TOTAL:
Male	93	240	187	296	268	1084
Female	93	206	154	126	45	624
TOTAL:	186	446	341	422	313	1708

The number of respondents who provided their year of call was 425. The highest response rate came from those called to the bar within the last 10 years, as they represented 40% of respondents. See Table 2.

Table 2 Respondents According to Both Year of Call and Gender

Year of Call	Female (254 responses)	Male (171 responses)	% of all respondents (425 responses)
2006–2015	109	59	168 = 40%
1996–2005	70	23	93 = 22%
1986–1995	39	31	70 = 16%
1976–1985	33	51	84 = 20%
1966–1975	3	7	10 = 2%

2. Practising Status

Of 433 respondents, 91% indicated that they were active members of the Law Society of Saskatchewan. Of the remaining 9% who indicated they were inactive, 87% were women.

For 37% of respondents who identified as inactive, all of whom were women, their inactive status was considered circumstantial. Parental leave accounted for 13% of that, while the remaining 24% had retired or had moved away from Saskatchewan.

Of the remaining 63% of inactive respondents, 42% (74% of whom were women) indicated they had made a career change that did not require them to have active status. Another 29% of respondents (85% of whom were women) indicated they were inactive because they found that active practice was too demanding or did not provide enough flexibility for a working parent, with a portion of those respondents electing to stay home with their children. A further 1% of inactive respondents indicated that a legal career was not welcoming to them as a woman, either due to discrimination or a lack of support, mentorship and career opportunities.

3. Type of Practice

Private practice accounted for 58% of 434 responses. Of the remaining 42%, 18% work as in-house/corporate counsel, 50% in government and 32% described their type of practice as “other.” These numbers include those who indicated they are currently inactive in Saskatchewan. Those who are inactive may be practising in other jurisdictions or on a temporary leave and will be returning to the type of practice they identified with.

Respondents who had once worked in private practice, but currently identified as being in another type of practice, were asked to explain the reasons for their decision to leave private practice. Respondents could give more than one reason for their decision to leave. There were 141 responses and they can be categorized as follows:

- 55% (79% of whom were women) indicated they left private practice because there was not enough work-life balance, including a lack of flexibility for working parents.
- 39% (with an even split between men and women) indicated they had left private practice because they did not enjoy the work they were doing, with many indicating that they were better able to pursue their areas of interest in other practice settings.
- 26% (62% of whom were women) stated that they left private practice for financial reasons, receiving better pay and/or benefits in another practice setting.
- 23% (67% of whom were women) did not like the business aspects that come with private practice, notably including the billable-hour structure.
- 13% (all women) indicated they left private practice because it was not welcoming to women, again either due to discrimination or a lack of support, mentorship and career opportunities.

4. Role in Workplace

The number of respondents who indicated the role they play in their workplace totaled 429, which amounts to a response rate of 97%. Their answers can be further categorized by gender and broken down into percentages, as shown in Table 3.

Table 3 Role in the Workplace

Role	All respondents		Female		Male	
	(# of all respondents)	(% of all respondents)	(# of females)	(% of females)	(# of males)	(% of males)
Associate/Employee	167	39%	108	42%	59	34%
Contractor	11	3%	6	2%	5	3%
Counsel	66	15%	45	18%	21	12%
Manager	37	9%	24	9%	13	7%
Partner	108	25%	48	19%	60	35%
Other	40	9%	25	10%	15	9%
TOTAL:	429	100%	256	100%	173	100%

5. Employment Status

Ninety-three percent of 426 respondents indicated they were employed in a full-time, permanent capacity, while approximately 5% indicated they were part-time permanent. Close to 2% were full-time temporary and less than 1% was working in a part-time temporary capacity.

Of 418 respondents, 30% have been working with the same organization since the beginning of their career. The remaining percentages are depicted in Table 4. The percentages were very similar for each gender.

Table 4 Employment Status

Number of organizations	All respondents		Female		Male	
	(# of all respondents)	(% of all respondents)	(# of females)	(% of females)	(# of males)	(% of males)
1	125	30%	75	30%	49	30%
2-3	194	46%	116	47%	77	46%
4-5	74	18%	40	16%	33	20%
6-7	21	5%	13	5%	7	4%
8 or more	4	1%	4	2%	0	0
TOTAL:	418	100%	248	100%	166	100%

As the respondents ranged in age, the above statistics are best understood when read together with the responses regarding length of time the respondents had been with their current workplace. Those respondents who had been in their current workplace for 5 years or less totaled 45%. Refer to Table 5 for a full accounting of all respondents and a breakdown by gender.

While at first glance this might suggest that the respondents were skewed toward younger lawyers, the respondents were actually spread fairly evenly across age categories, as represented in section 1 above.

Table 5 Length of Time at Current Workplace

Years in current organization	All respondents		Female		Male	
	(# of all respondents)	(% of all respondents)	(# of females)	(% of females)	(# of males)	(% of males)
5 or less	189	45%	126	51%	62	36%
6–10	90	21%	60	24%	28	16%
11–15	50	12%	26	10%	24	14%
16–20	25	6%	11	5%	14	8%
21–25	23	<6%	8	3%	14	8%
26–30	23	<6%	10	4%	13	8%
31–35	10	2%	4	2%	6	4%
36–40	10	2%	2	1%	8	5%
More than 40	2	<1%	0	0	2	1%
TOTAL:	422	100%	247	100%	171	100%

6. Size of Community

The respondents were also asked to indicate the size of the community they practice in. The results were as follows:

- 86% of 424 respondents indicated they practice in a major urban centre (a community with a population of more than 100,000);
- 6% practice in a community with a population between 20,000 and 100,000;
- 5% in a community with a population between 5,000 and 20,000; and
- 3% practice in a rural centre (population of less than 5,000).

Work Environment

1. Employment Conditions

Respondents were asked a series of questions regarding employment conditions, such as targets and bonuses. This section applies to respondents who identified as being anything other than a partner or manager in their firm or workplace.

a. Hours and Targets

Respondents were asked how many hours per week they were expected to spend on a variety of work-related tasks. Then they were asked how many hours they actually spend on each task per week. The responses for associates and employees can be broken down according to gender in Table 6.

Table 6 Hours/Week on Work-Related Tasks by Employees/Associates

Employees/Associates	Expected Hours/Week (average)		Actual Hours/Week (average)	
	Male	Female	Male	Female
Billable work/legal matters	32 hours (70 responses)	30 hours (126 responses)	35 hours (77 responses)	34 hours (133 responses)
Business promotion or development	11 hours (37 responses)	1 hour (50 responses)	2.5 hours (44 responses)	1 hour (58 responses)
Professional development	1 hour (40 responses)	1 hour (65 responses)	2 hours (50 responses)	1 hour (78 responses)
Office housework	1.5 hours (40 responses)	2 hours (62 responses)	2.5 hours (45 responses)	3 hours (89 responses)
Coaching/mentoring other lawyers	0.5 hours (38 responses)	2 hours (55 responses)	2 hours (44 responses)	4 hours (66 responses)
Community involvement	1 hour (34 responses)	0.5 hours (49 responses)	2.5 hours (41 responses)	2 hours (61 responses)
Other non-billable	6 hours (38 responses)	6 hours (61 responses)	9 hours (39 responses)	9 hours (76 responses)

Despite the numbers depicted in the tables above, 23% of respondents indicated that they are not meeting their billable-hours target. Of those respondents:

- 25% indicated the disparity was due to a lack of work;
- 11% indicated it was due to the type of work they were doing;
- 25% indicated that personal reasons had interfered with their ability to meet their target; and
- 39% cited “other” reasons.

For males, the responses for reasons for not meeting billing targets were fairly evenly distributed between lack of work (33%), personal reasons (28%) and other reasons (28%). For females, 48% cited “other” reasons, while 22% cited personal reasons and 19% cited lack of work. Unfortunately, no explanation of those “other” reasons was given.

b. Vacation

Respondents were also asked how many weeks’ vacation they took during a year. Of 296 respondents who answered this question, 33% indicated they took more than 4 weeks, 28% took 3 to 4 weeks, 26% took 2 to 3 weeks and 12% took 1 to 2 weeks. 1% of respondents said they took less than one week vacation in a year. The results for male and female respondents were fairly similar.

c. Bonus

Respondents were first asked whether their employer had a written bonus policy. Of 266 respondents, 31% answered in the affirmative, 59% in the negative, and the remaining 10% indicated they did not know whether a written policy existed.

Table 7 Bonus by Gender and Type of Practice

	Bonus (92 respondents)	No Bonus (106 respondents)
Male	34	36
Female	58	70
Private Practice	42	46
Other Practice	50	60

Respondents were next asked whether they had received a bonus the previous year. With 289 members responding, 32% (92 people) indicated that they had received a bonus, while 37% (106 people) indicated they had not. The remaining 31% indicated that this question did not apply to them. See Table 7 for the breakdown by gender and type of practice.

Respondents who received a bonus were then asked how the amount of the bonus was determined. Of the responses:

- 43% indicated that individual, performance-based criteria contained in a policy based on multiple performance indicators was used to determine the bonus amount;
- 26% indicated that the bonus amount appeared to be entirely at the discretion of their employer, based on unknown criteria;
- 14% indicated it was a combination of the overall firm’s performance and their individual performance; and
- the remaining 17% of respondents cited other unidentified factors being used to determine the bonus amount.

2. Manager/Partner Hours

Managers and partners were also asked to indicate the number of hours they spend each week on various work-related tasks. The results are broken down by gender in Table 8.

Table 8 Hours/Week on Work-Related Tasks by Managers/Partners

Managers/Partners	Actual Hours/Week (average)	
	Male	Female
Task		
Billable work/legal matters	37 hours (47 responses)	35 hours (37 responses)
Business promotion or development	5 hours (40 responses)	4.5 hours (31 responses)
Professional development	2 hours (38 responses)	2 hours (31 responses)
Office housework	4.5 hours (43 responses)	4.5 hours (35 responses)
Coaching/mentoring other lawyers	3 hours (39 responses)	3 hours (31 responses)
Community involvement	3 hours (36 responses)	4 hours (31 responses)
Other non-billable	7 hours (22 responses)	4.5 hours (21 responses)

3. Equitable Treatment

The survey included a group of questions respecting the equitable environment of their workplace. Respondents were first asked whether their workplace had an overall equitable atmosphere by rating their workplace on a scale of 1 (no) to 5 (yes). That question had a response rate of 82%. The breakdown of those respondents who indicated their gender can be found in Table 9.

a. Discrimination and Harassment

Respondents were then asked whether they had ever experienced sexual discrimination or sexual harassment in a legal workplace. Of those who chose to answer these questions, 87% were female, compared to 84% male respondents. For a breakdown by age, see Table 10. Of the respondents who answered:

- 48% of females indicated they had experienced sexual discrimination in a legal workplace and 25% indicated they had experienced sexual harassment; and
- 8% of male respondents indicated they had experienced sexual discrimination in a legal workplace and 8% indicated they had experienced sexual harassment.

Twenty-seven percent of female respondents and 6% of male respondents chose to indicate whether they felt they had been denied a professional opportunity due to gender. Twenty-three percent of respondents, 85% of whom were women, indicated they felt they had been denied an opportunity on that basis and were asked to explain. The explanations can be broken down as follows:

- 9% of the female responses and 60% of the male responses were based on what they felt were discriminatory interview or hiring practices;

Table 9 Equitable Atmosphere Ratings

Rating	Male	Female	All (#)	All (%)
1	8	7	15	4%
2	4	11	15	4%
3	11	37	48	13%
4	42	58	100	28%
5	79	102	181	51%
TOTAL	144	215	359	100%

- 33% of the female responses and 10% of the male responses were based on their belief that they were denied work in their chosen practice areas due to their gender;
- 28% of the female respondents and 20% of the male respondents felt they had been denied a promotion, salary increase, professional recognition or partnership based on their gender;
- 20% of the female respondents believed they were discriminated against due to either a maternity leave or other family commitments while no male respondents felt the same discrimination;
- the remaining 10% of the female responses and 10% of the male responses provided miscellaneous explanations.

Table 10 Sexual Discrimination and Harrassment by Age

Age	Sexual discrimination		Sexual harassment	
	Yes	No	Yes	No
24–29	18	27	8	37
30–35	29	46	13	61
36–40	12	37	9	39
41–45	11	26	9	26
46–50	12	22	6	29
51–55	13	28	7	34
56–60	13	35	7	41
61–65	9	21	6	24
>65	2	9	2	9

When asked whether they felt that gender had played a role in any other treatment in their workplace, 36% of women and 11% of men answered the question. Due to the wording of the question, some of the answers may be interpreted as being preferential treatment, while others might be detrimental. The answers can be categorized as follows:

- 87% of female respondents and 16% of male respondents felt their gender had been a factor in an expectation by both other lawyers and clients that they would perform non-legal or administrative duties;
- 58% of female respondents and 47% of male respondents felt that different standards had been applied to them based on their gender, including feelings that they were not being taken seriously, were not trusted, were disrespected, and feelings that they were less worthy of receiving higher pay, promotions and mentorship;
- 8% of female respondents and 11% of male respondents felt that their work assignments were impacted by their gender, family commitments, or perceptions about family commitments;
- 11% of female respondents felt that they were treated differently following maternity leave, which had an impact on the work they received, eligibility for partnership or promotion, and their compensation; and
- 16% of responses from female respondents and 26% of responses from male respondents provided miscellaneous explanations.

b. Stereotypes

Respondents were asked to indicate whether they had ever felt stereotyped at work due to their gender, of which 85% responded. Thirty-eight percent of respondents, 88% of whom were women, indicated they felt they had been stereotyped and were asked to explain. The explanations can be broken down as follows:

- 35% of the female respondents and 6% of the male respondents felt they had been directed into a certain practice area—specifically family law, non-corporate areas, and administrative tasks—due to their gender;
- 35% of the female respondents and 59% of the male respondents felt they had either not been taken seriously or been inaccurately characterized with certain personality traits due to their gender, which included being perceived as weak, nice, emotional, incapable, maternal, and unprofessional;
- 15% of the female respondents and 6% of the male respondents believed that assumptions had been made about their career plans based on gender, including assumptions about family plans, priorities and motivations;
- the remaining 15% of the female responses and 29% of the male responses provided miscellaneous explanations.

A breakdown of responses by age is in Table 11. The percentages are the percentage of people who answered this question in each age category. There was an average response rate of 85% for this question.

Table 11 Stereotypes by Age

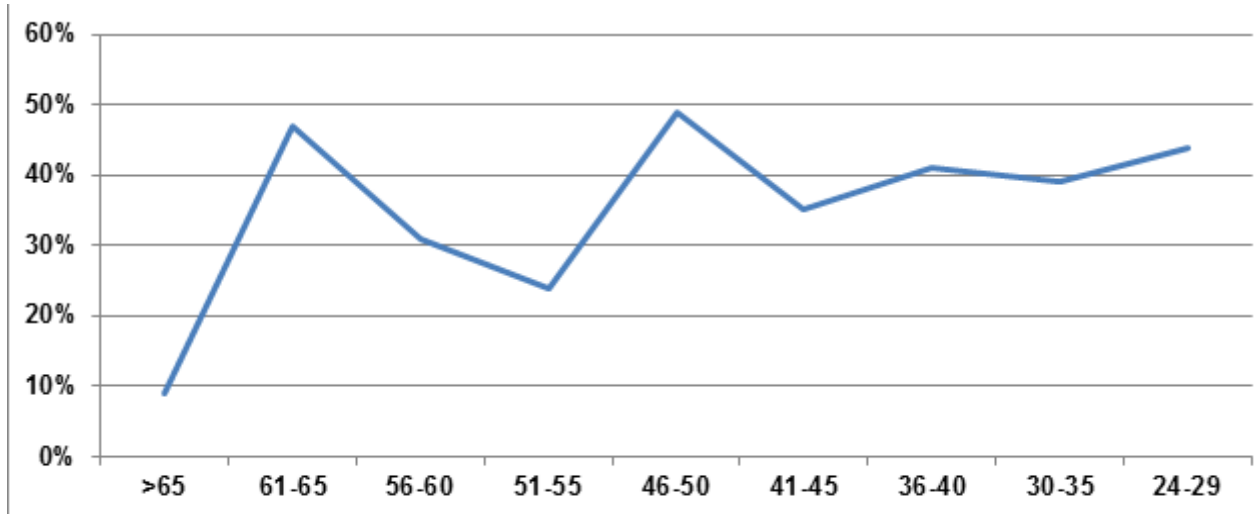
Have you ever felt stereotyped at work because of your gender?				
Age	Yes (#)	Yes (%)	No	Response Rate (%)
24–29	20	44%	25	90%
30–35	29	39%	46	86%
36–40	20	41%	29	89%
41–45	13	35%	24	80%
46–50	17	49%	18	85%
51–55	10	24%	31	95%
56–60	15	31%	33	86%
61–65	14	47%	16	80%
>65	1	9%	10	85%

The line graph in Figure 2 shows the experience over time, beginning with the oldest respondents (those age 65 and over), and progressing to the youngest respondents (those aged 24–29). As above, the percentage depicted is the percentage of all people who answered this question in the applicable age category.

c. Leadership on Workplace Committees

When asked whether they serve on any workplace committees, 40% of females and 32% of males answered the question. For female respondents, 59% said they did serve on workplace committees and 29% said they had a leadership role on those committees. That was compared to 69% of males serving on committees, with 35% playing a leadership role.

Figure 2 Experience with Gender Stereotypes by Age (%)



d. Improving Equitability in the Workplace

Finally, respondents were asked how equitability in their workplace could be improved. The most common answer (18%) was a need to increase female leadership and overall presence in the workplace. The other three main categories (at 11% each), can be described as follows:

- Equal opportunities—including fair and equal compensation for women, standardized performance criteria, equal professional development opportunities, policies being equally and consistently applied, representation of visible minorities and diverse backgrounds.
- Work-life balance—including maternity/parental leave policies, flexible working arrangements, support systems for family/work balance, recognition of different work styles/priorities for men and women, less focus on billable hours.
- Education—including awareness and communication, recognizing outdated attitudes and biases, better understanding of employees by management.

Mentorship & Career Development

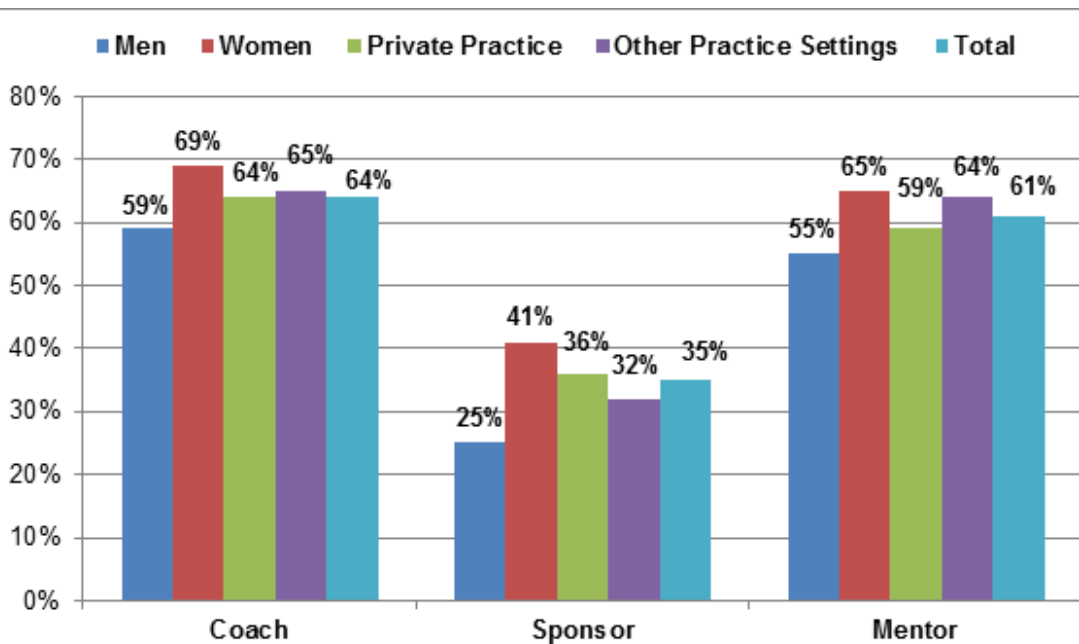
1. Mentorship

Respondents were next asked to answer a series of questions regarding mentorship and career development. Three types of mentorship were included in the questions:

- 1) “coaches” were defined as people who have provided informal advice on how to practice law;
- 2) “sponsors” were defined as senior people who have advocated for the respondent within the workplace and/or helped the respondent to obtain work within their office; and
- 3) “mentors” were defined as people who have provided the respondent with relevant life and career advice on a more involved level.

Each respondent was asked whether they had a coach, sponsor and mentor in their career. Figure 3 depicts the percentage of respondents who indicated they had had the benefit of each of those types of assistance in their career, broken down by gender. The response rate for these questions was 77% and the percentages depicted in the chart are based on those who answered the question, by both gender and type of practice setting.

Figure 3 Those Who Benefitted from Coach, Sponsor or Mentor



Respondents were then asked to describe the assistance they had received in each of those categories. With respect to coaching, the majority (40%) of respondents indicated they had benefited from a casual open-door workplace policy among senior counsel and colleagues as compared to a formal mentorship program (13%). The remaining respondents classified the coaching they received according to subject area, with 24% reporting they had received advice regarding specific elements of practice, such as trial work, legal writing and ethics, while the remaining 7% indicated they had been coached on practice management and work-life balance. The question had an overall response rate of 43%.

Fewer respondents reported having benefited from sponsorship. When respondents were asked to describe the sponsorship they had received, the response rate was 21%. Fifty-one percent of those who answered indicated that their sponsor had been a source of work and career opportunities for them. A further 37% reported that their sponsor had been an advocate for them both in their work and with regard to career advancement. Finally, 5% indicated that their sponsor had assisted them with client development, be it introducing them to clients, giving them referrals or helping them to develop networking skills.

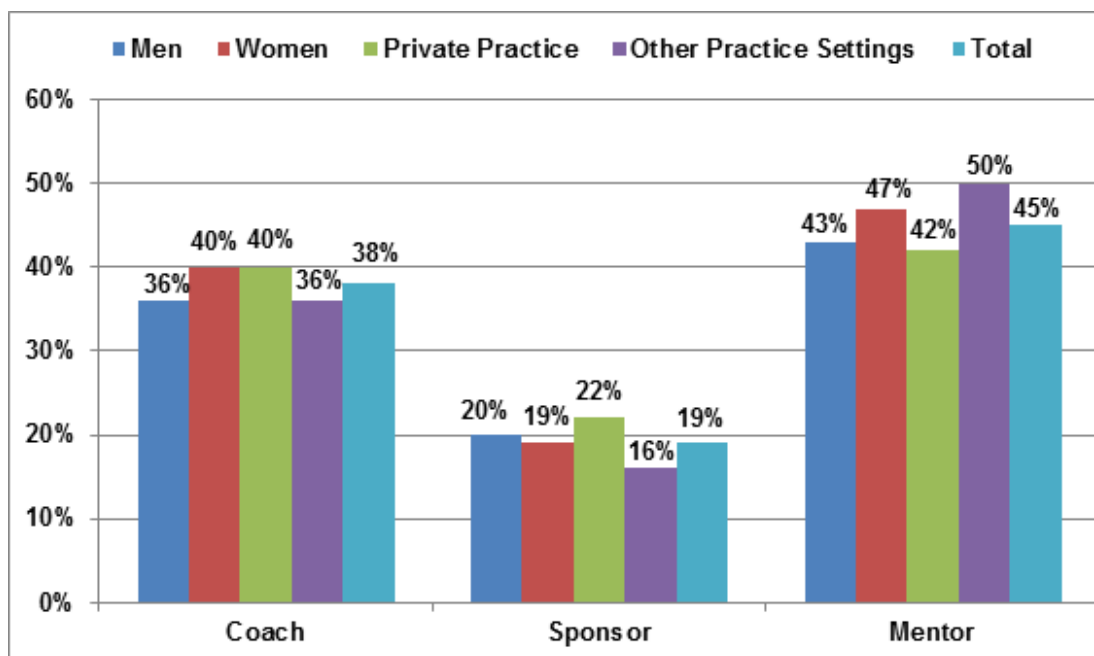
Respondents were given three choices to describe the mentorship they had received, and were able to select all that applied to them, as follows:

- 77% indicated that their mentor had given them advice on career advancement into either partnership or senior/executive management;
- 56% reported receiving advice on marketing and business development, and
- 70% received advice on work-life balance.

The question had an overall response rate of 44%.

Respondents were also asked whether they had acted as a coach, sponsor and/or mentor during their career. They were able to select all that applied to them. Answers to this question were received from 238 people. Figure 4 depicts the percentage of people who said they had acted in each of those roles, broken down by both gender and type of practice setting. The percentages reflect the percentage of all people who responded to the survey.

Figure 4 Those Who Acted as Coach, Sponsor or Mentor



When broken down by age, the number of people who have acted as coaches, sponsors and mentors are shown in Table 12. The percentages depicted are the percentage of all people in that age category who responded to the survey.

Table 12 Coaches, Sponsors and Mentors by Age

Age	Coach		Sponsor		Mentor	
	(#)	(%)	(#)	(%)	(#)	(%)
24–29	14	28%	2	4%	14	28%
30–35	26	30%	9	10%	32	37%
36–40	27	49%	19	35%	25	45%
41–45	14	30%	5	11%	18	39%
46–50	24	59%	14	34%	24	59%
51–55	18	41%	11	25%	29	66%
56–60	23	41%	13	23%	30	54%
61–65	19	49%	10	26%	20	51%
>65	2	15%	2	15%	6	46%
Total	167	38%	85	19%	198	45%

2. Career Development

Respondents were asked whether their workplace had a written policy on promotion and partnership criteria, and 75% of all respondents answered the question. Sixty-five percent of respondents indicated there was no such policy, while 16% indicated they were not sure whether such a policy existed. Another 19% indicated that they had such a policy. When those who had such a policy were asked whether that policy was available to all lawyers, 19% said it was, 21% of respondents were unsure, and 5% said it was not available to all lawyers (55% did not respond).

When asked whether they were satisfied with the opportunities for career advancement at their workplace, 78% of both male and female respondents answered, with 71% of female respondents and 82% of male respondents indicating that they were satisfied. Of those in private practice, 82% said they were satisfied with the opportunities for career advancement at their workplace, as compared to 67% of those in other practice settings.

Twenty-eight percent of female respondents and 21% of male respondents answered a question that asked whether they had personally benefited from career development or capacity building activities at their workplace. Forty percent indicated they had benefited from such activities, which were further described as follows:

- 17% of females compared to 41% males received in-house training and mentoring, including marketing & practice group meetings, legal training and development, retreats, formal and informal mentoring;
- 42% of females compared to 22% of males benefited from external seminars and conferences through the Law Society, CBA or other CPD providers;
- 11% of both females and males received leadership development and/or management training courses;
- 13% of females compared to 16% of males received hands-on legal training and client development activities.

Only 31% of those in private practice indicated they had benefited from career development or capacity building activities at their workplace, as compared to 52% of those in other types of practice settings.

When asked what kind of additional career development activities they would like access to, 22% of respondents answered the question and the answers were quite varied. The general categories can be described as follows:

- 16% of females and 15% of males wanted more leadership training, such as firm/business management, partnership training, and how to mentor;
- 11% of females and 6% of males wanted more marketing and networking opportunities;
- 6% of both females and males wanted more opportunities to take education leaves for either university or second language training; and
- 13% of females and 9% of males wanted more career experience in their chosen area of law and in legal skills such as writing and research.

The rest of the responses were too varied to categorize.

3. Performance Evaluation

Finally, respondents were asked whether their workplace conducted formal performance evaluations annually. This question was answered by 76% of respondents, 65% of whom said that evaluations were conducted annually.

When asked whether they were satisfied with the amount of feedback they received from partners, managers or colleagues, 77% of respondents answered the question. Of those, 52% said they were satisfied, 25% said they were not satisfied and 23% said the question was not applicable to them, which might mean they are either a sole practitioner or in a leadership role.

Flexible Working Arrangements

“Flexible work arrangements” (FWAs) were described as alternate work arrangements or schedules that vary from the traditional work model or the traditional working day or week. The following examples were provided:

- flex time (employees work a full day/week but can vary their working hours);
- reduced hours/part-time hours;
- compressed work week (work for longer periods of time per day in exchange for fewer work days per week);
- telework or telecommuting (performing at least some work from home on a regular basis instead of going into the office);
- job sharing (two or more people share one or more positions or set of duties);
- gradual retirement (reduced working hours or workload over a period of time rather than switching from full-time employment to retirement abruptly); and
- leaves and sabbaticals.

1. Workplace Policy/Openness to FWAs

Respondents were asked a series of questions about the use of FWAs in their workplace. Out of 358 responses, 78% indicated that their workplace offers FWAs. Twelve percent responded in the negative while the remaining 10% stated they did not know whether FWAs were offered at their workplace. Respondents who had left private practice were also asked whether they felt that FWAs were supported in their previous law firm(s), and 57% of those 106 respondents felt that FWAs were not supported in their former firm(s).

Respondents were then asked to indicate which types of FWAs were offered at their workplaces. They were able to select as many types as applicable. Out of 165 responses:

- 72% said their workplace offered alternative hours;
- 71% said their workplace offered part-time hours;
- 56% said their workplace allowed people to work remotely;
- 28% said their workplace allowed job sharing;
- 22% indicated their workplace offered other types of FWAs.

Respondents who indicated there were “other” types of FWAs available were asked to describe those arrangements. Those responses included:

- general flexibility in the work day schedule;
- sabbatical or other paid leave;
- compressed work week;
- gradual retirement.

Of those that indicated FWAs were available at their workplace, 35% said their workplace had a written policy, 48% said there was no such policy, and the remaining 17% said they were unsure whether their workplace had a policy respecting FWAs. Respondents who indicated their workplace does not offer FWAs were asked what the perceived reasons were for that decision. Out of 37 responses, 59% said FWAs simply were not supported. The remaining respondents said there had never been a need or request for FWAs at their workplace.

Respondents were then asked how the FWA policy was made available to members of their workplace. They could select more than one answer. The results were as follows:

- 44% indicated the policy was only made available upon request;
- 35% indicated the policy was available on the internal network of their workplace;
- 25% indicated the policy was provided to new members upon commencement at the workplace;
- 26% indicated that they either had no policy or that arrangements were made on a case-by-case, informal basis.

2. Application of Policy

Respondents were provided a list of attributes and asked whether any of them seemed to have an impact on who uses FWAs in their workplace. There were 145 responses to this question and respondents were able to select all that applied and to provide an explanation for their answer. The percentage of respondents who thought each attribute was a factor is as follows:

- 67% gender;
- 61% role at work place;
- 39% year of call;
- 19% area of practice.

Only 88 respondents chose to provide an explanation for their answer. A summary of the most common perceptions is as follows: Female junior associates were seen as the most likely to request FWAs, usually for childcare reasons. However, there was also a common perception that male senior partners are the most likely to be able to use FWAs, and that they most commonly do so to work remotely while on vacation or to come and go as they please. The group that was perceived as being least likely to use FWAs are people in management or executive positions. Finally, with respect to area of practice, there was a perception that people who work in litigation have a harder time being able to use FWAs.

Out of 81 respondents, 74% indicated that the partners, management or a subset of those bodies made the decisions whether to approve or deny a request for FWAs. Twelve percent indicated that it was up to the individual to determine their own arrangements, and 9% indicated that the requesting individual's immediate supervisor would make the determination. The remaining responses indicated that decisions were made through collaboration between these three decision makers.

Respondents were asked how a lawyer's FWAs are communicated to the rest of the office. Of 160 responses, 43% said they were communicated through a formal email or memo or through a staff meeting, while 22% indicated they were communicated informally, usually through word of mouth. The remaining 35% said there was no office communication and that the lawyer using an FWA would be responsible for communicating with their co-workers about their FWA as they saw fit.

When asked if they were satisfied with the current FWA policy in their work place, 84% of 242 respondents indicated they were. Similarly, 87% of 237 respondents said they thought that people in their workplace were

generally supportive of co-workers using FWAs. However, only 32% of 222 respondents said that their workplace provided assistance to lawyers using FWAs to deal with demands from clients or co-workers that might conflict with their arrangement. Twenty-three percent of those respondents said no assistance was offered, while the remaining 45% said they were not sure.

Respondents were asked how a change in workload resulting from FWAs, if any, was tracked at their workplace. Forty-nine percent of 79 respondents said there would be a reduced billable-hour target. Other measures included a reduced receipts target, a reduced number of files, and a reduced number of hours spent at work. Twenty-five respondents indicated that those using FWAs would not have any change in workload.

3. Personal Experience

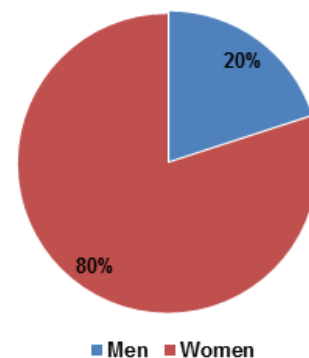
Respondents were then asked about their personal experience using FWAs. Of those who answered the question, 43% of women and 16% of men said they had made a request to use an FWA at some point. That amounted to an overall result of 33% of 327 respondents (80% of which were women). Eighty-nine percent of those requests were approved. Of 102 respondents, 22% said they had implemented FWAs without permission at some point in their career.

The attributes of those who made requests for FWAs have been broken down in Figure 5.

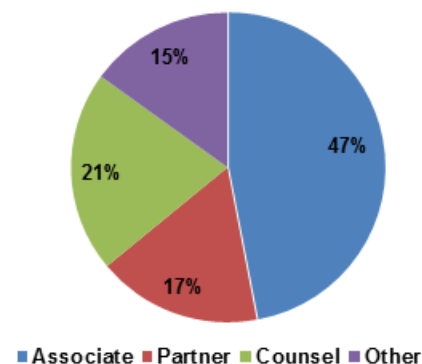
Forty-seven percent of 102 respondents indicated they were aware that there was an office policy on FWAs prior to making such a request. For those that did not have a policy in place, the most common method for coming to an arrangement was for the lawyer to make a request, which was then considered by management or the partners (51% of 66 responses). This compares to 36% of respondents who said that their request was either denied or approved on the spot. In cases where the request was for a one-time FWA, this method was described as being positive. But where the request was for a longer term FWA, respondents expressed frustration at the lack of process and denials made without much consideration. The remaining respondents indicated that their FWA was either done on a trial basis (4.5%), was negotiated at the time of hiring (9%) or was decided out of necessity, usually due to a health issue (4.5%).

Figure 5 The Breakdown of Requests for FWAs

Request for FWAs by Gender



Request for FWAs by Role at Workplace



Respondents were asked to describe the type of FWA they had used. See Table 13.

Table 13 Type of FWA

Type of FWA	Female (33 responses)	Male (10 responses)	% of all respondents (43 responses)
Full-time hours that vary from a regular work day or work week	12	3	15 = 35%
Time off without pay	2	3	5 = 12%
Part-time hours	14	0	14 = 32%
Work remotely	5	4	9 = 21%

a. Impact of FWAs on Practice

Respondents were next asked a series of questions about the impact their FWA had on their practice. When asked whether their workload had been affected by their FWA, 68% of the 63 respondents to that question said there was no change to their workload.

When asked whether their FWA had affected their productivity, 42% of 73 respondents said their productivity actually increased due to their FWA, as they had less time to complete the same amount of work. Another 42% said there was no change to their productivity, and 16% said their productivity decreased as a result of their FWA.

Respondents were also asked whether there was any change to their compensation as a result of the FWA. There was no change for 34%, but 23% said their compensation decreased as a result of reduced billings. The remaining 43% indicated that their compensation was reduced based on the fact that their official hours were reduced under the FWA. When broken up by gender, the results to this question are shown in Table 14.

Table 14 Compensation Based on Gender

Impact on compensation	Female (65 responses)	Male (13 responses)	% of all respondents (78 responses)
Decreased due to reduced billings	14	4	18 = 23%
Decreased due to reduced official hours	32	2	34 = 44%
No change	19	7	26 = 33%

Seventy-eight percent of 45 respondents felt that the change to their compensation was fair. The remaining 22% felt that the change to their compensation did not align with the reality of their workload or that the change to compensation was not applied consistently to all those who used FWA in their workplace. There were several respondents that commented that, even though the hours they were officially expected to be working had been reduced, they ended up working extra hours with the result that their billings did not change significantly. There was some frustration expressed that compensation was reduced despite the fact that their billings had not decreased.

b. Success of FWA

Finally, respondents were asked whether their personal experience with FWAs had been successful. Seventy-seven percent of 78 respondents felt the FWAs had been successful. The most common explanation was that it had improved their work-life balance, made them more productive during work hours and increased their job satisfaction. Many noted that strong communication with both clients and co-workers was key to the success of their FWA.

Of the respondents to this question, 15% thought it had been unsuccessful, with the most common explanation being that where their arrangement was to work less than 100% hours for reduced compensation, they ended up working the same amount for less pay. The remaining 8% had mixed feelings about their FWA success. This largely seemed to stem from a divergence of perspectives of the employer and the employee. The most common explanation here was that, while the respondents did not believe that their work product had been negatively impacted by using an FWA, there was an impression that some in the office did not view the arrangement kindly.

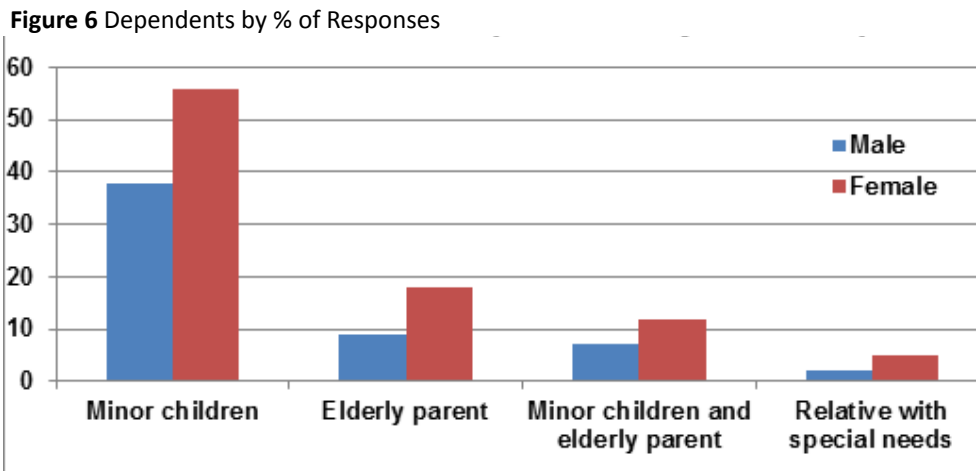
Respondents suggested three primary factors that could have improved the success of their FWA:

1. Better alignment between reduced pay and reduced hours so that compensation reflects actual hours worked;
2. Better alignment between reduced workload and reduced hours, so that the FWA is observed; and
3. Better support from partners, including the creation of a policy that is available to all in the workplace.

Despite some discrepancy about the overall perceived success of FWAs, 100% of 84 respondents said that their clients were satisfied with the service they provided under their FWA.

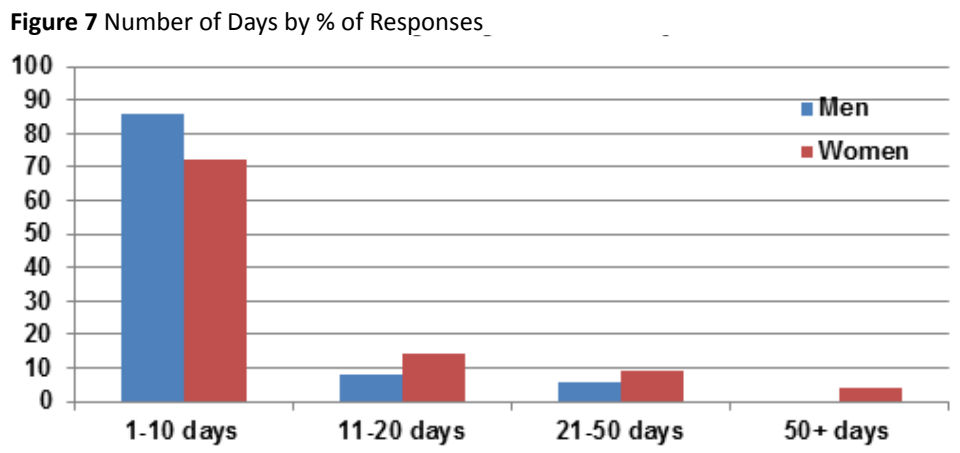
Family Leave

The final topic covered by the survey was respecting family leaves. Respondents were first asked whether there were any people for whom they currently provided care or assistance. Of 268 responses, 49% had minor children under their care, 15% provided care for an elderly parent and 2% provided care for a child or other relative with special needs. Ten percent of respondents said they provided care for both minor children and an elderly parent. The gender breakdown is shown in Figure 6.



Respondents were then asked how many days, on average, they were away from work to care for someone else per year (see Figure 7). Of 113 responses:

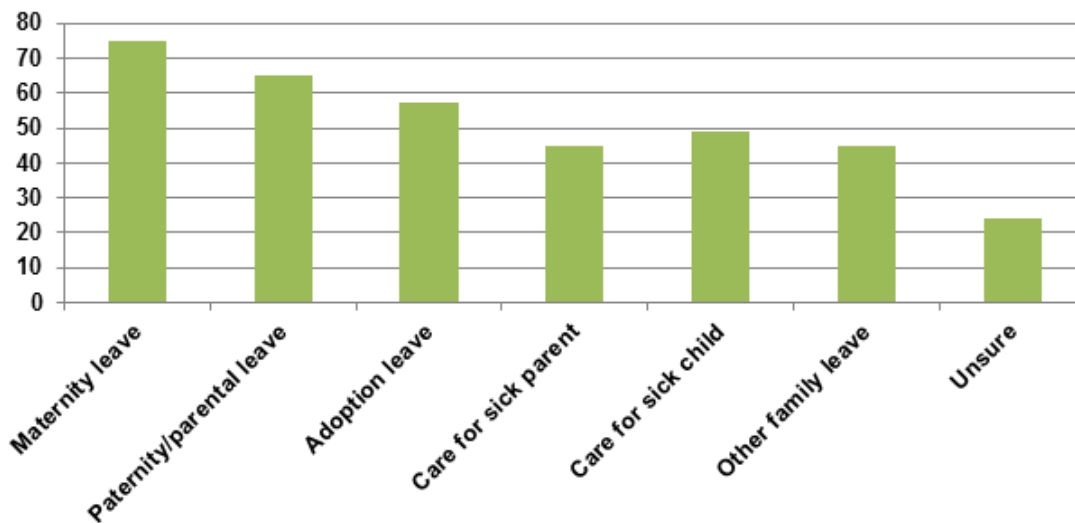
- 77% were between 1–10 days;
- 12% were between 11–20 days;
- 8% were between 21–50 days;
- 3% were more than 50 days.



1. Workplace Policy

Next, respondents were asked a series of questions about the policies respecting family leaves in their workplaces, to which 247 people responded. The percentage of respondents who indicated that their workplace has a written policy on each type of family leave is depicted in Figure 8:

Figure 8 Written Family Leave Policies by % of Respondents



Respondents were asked about the length of each type of leave. Most of the responses to this question were with respect to maternity leave, which was the most common type of family leave policy. Of 168 responses about the length of maternity leaves:

- 2% were for 5–30 days;
- 11% were for 2–6 months;
- 2% were for 6–12 months;
- 43% were for one year;
- 2% were for more than a year; and
- 17% were discretionary.

The remaining 23% of respondents indicated they were not sure how much maternity leave time is provided at their workplace.

When asked how the policy was made available to people in their workplace, 248 people responded. The most common response (62%) was that the policy was made available upon request. Fifty-two percent indicated that the policy could be accessed on the internal network of their workplace and 35% indicated the policy was provided upon commencement of employment.

When asked whether there was a perception that family leaves were supported in their workplace, 88% of 266 respondents said that they were supported. Men were more likely to say that family leaves were not supported (16% compared to 9% of women). Fifteen percent of 259 respondents indicated their workplace also had a policy to help those that had taken a leave in the transition back to work.

Respondents who indicated their workplace did not have any policies relating to family leave were asked why that was the case. Of 52 responses, 27% indicated they have not had a need for such policies, in some cases because there were no females in their workplace. Fifty-six percent said their workplace prefers to negotiate such leaves on a case-by-case basis and a further 11% indicated their workplace had simply never taken the time to formalize their policy in writing. Twenty-five percent said that they do not believe family leaves are supported in their workplace, thus there are no policies respecting same.

2. Personal Experience

Finally, respondents were asked about their personal experience with family leaves. 34% of 323 respondents had taken a family leave of some type during their career, and 81% of those were women. Of the women who answered the question 46% had taken a leave, as compared to 17% of male respondents for this question.

When asked what type of leave they had taken, 108 people provided a response. Respondents were able to select more than one answer. Maternity leave was the most common type of leave (67%), followed by leave to care for a sick parent (19%), paternity leave (17%) and adoption leave (3%). Of those who had taken a family related leave, 34% said it was another type that did not fit into the categories provided.

It was most common for respondents to have taken a leave while they were an associate or employee (39% of 111 responses). Seventeen percent indicated they were a partner when they went on leave and 24% indicated they were acting as counsel at the time of their leave. Twenty percent indicated they were serving in some other type role when they went on leave.

Of those who had taken a leave, 64% said their workplace had a family leave policy at the time of their leave, however only 63% said they were aware of the policy before it was needed. For those that did not have a policy, respondents indicated that the employee would make a proposal to the partners, who would make a decision based on the circumstances. Others said their employer simply provided the leave provided for by statute.

a. Length of Leave

For those that described the length of their leave (87 responses), most indicated they were away from work for 7–12 months (46%). The second most common response was one month or less (21%). Twenty percent were on leave for 4–6 months and 13% were away for 2–3 months. This question did not differentiate between types of leave so the responses are not necessarily all speaking to the same type of leave. Only 37% (of 92 responses) took the full amount of time provided for under their office policy and only 28% (of 99 responses) said they wanted to be on leave for a longer period of time.

When asked whether they had received any pressure to take a particular length of leave, 27% of 74 respondents said they received pressure from either their firm or from clients to come back to work. Twelve percent said they felt financial pressure to return to work and 8% said they felt pressure from their family—sometimes to

take a longer leave and sometimes to go back to work, usually for financial reasons. Seven percent said they felt pressure from both family and work that was at odds with each other, with family members urging them to stay away longer and work urging them to return sooner.

b. Salary Top-up

Respondents were also asked about any financial “top-up” they received from their employer to supplement the Employment Insurance benefits they received while on parental leave. Of 94 respondents, 49% did not receive a top-up. For those that did:

- 66% of 29 respondents were topped-up to 90–100% of their regular salary;
- 10% were topped-up to between 70 and 80%;
- 17% were paid a lump sum of between \$5,000 and \$10,000; and
- 7% received a deferred salary.

Most respondents who received a top-up did so for between 15–17 weeks (55.5% of 18 responses). Twenty-eight percent were topped-up for 24 weeks, while 11% were topped-up for less than 15 weeks and 5.5% received a top-up for more than 24 weeks.

c. Connection to Office/Practice During Leave

Respondents were also asked a series of questions about their connection to the office during their leave. Of 27 respondents, 26% said their workplace required them to maintain contact with their clients while away on leave and 85% indicated their workplace offered assistance in maintaining contact. Eighteen respondents provided further explanation, with 44% of them saying they stayed in contact with their firm to get updates on their files; 39% said they stayed in contact with their clients. Eighty-six percent of 100 respondents said they initiated efforts to stay in touch with their workplace while on leave and 61% said they made efforts to stay up-to-date with changes in law while on leave.

Forty-one percent of 29 respondents said their workplace required them to continue some other work obligations while on leave and 69% said their workplace offered assistance in continuing to work while on leave. Sixteen respondents provided further explanation, with 62.5% indicating they had continued regular file work. A few respondents commented that they did not do anything work-related while on leave as they felt it would have been illegal to continue working at all while they were receiving Employment Insurance benefits.

d. Return to Work

Of 95 respondents, 27% indicated that their workplace helped them plan their transition back to work. For those that did receive assistance transitioning back to work, the most common type of assistance was being provided with flexible hours and having memo updates on all files that were returned to them (13% of 46 respondents each). The other types of assistance mentioned were file referrals (9%), and 4% cited support from their family with childcare assistance as the biggest help they received.

When asked about any issues they encountered transitioning back to work, either at work or at home, 29 respondents provided an answer. Twenty-four percent said they felt torn between their work and their family; in particular they had a difficult time finding childcare. Another 24% said they returned to an overwhelming or backlogged workload and often felt exhausted. Seventeen percent found that their referrals had dried up while they were on leave and 10% found that their practice arrangement, meaning the type of work they received or the colleagues they were working with, had changed since before they went on leave.

Finally, respondents were asked whether their leave had impacted their career, to which 91 respondents said it had an impact. For 14% of them, the leave affected the timing of their track to partnership. A further 25% said their leave had affected their career advancement opportunities more generally. Ten percent indicated that their leave affected their partnership draw and 59% said their income was affected. A total of 38% said their leave affected their career in other ways but did not provide an explanation. Some of those other ways might have been covered earlier in the survey.

Additional Remarks

At the conclusion of the survey, respondents were invited to provide any further comments on the content covered by the survey. The comments can be summarized as follows.

1. Work Environment and Culture of the Profession Generally

There were comments about male lawyers always considering female lawyers to be “junior” and either not giving them good work or pushing them towards family law. Some respondents identified a need for more openness in the profession to talk about the demands of a legal career. Further, they identified a need to change the culture from requiring lawyers to always “toughen up” and put their work ahead of their family. There were some respondents who pointed out that some firms conduct harassment training and that this practice should become more widespread.

There were also comments that senior lawyers are not sharing work in general like they used to. Conversely, there were comments that people who enter law at an older age have a hard time finding employment or advancing. Overall, the comments identified a perceived gap in equitable treatment in law firms that results from the business structure of partners making money through the work of associates and the way that translates into office policies.

2. Mentorship and Career Development

Overall, there were comments that there seems to be less mentorship occurring today than in the past. There were also those who identified a need for more networking among women.

3. FWAs and Work-Life Balance

There were many comments about work-life balance, with many saying that their workplace’s view on work-life balance is not realistic. Some commented that employee loyalty is increased by the ability to use FWAs and others said that many lawyers would prefer a reduced billable-hour target to a raise. There were those that said that some women choose a sole practice because, even though it may not be as profitable, at least they have the choice to try to balance all of their commitments on their own terms.

There were also those who outlined the difficulties with implementing FWAs. First, there is the disconnect between a reduction in salary based on the idea that the lawyer’s hours would be reduced, but most times the hours worked did not really decrease and the lawyer ended up trying to fit the same amount of work into fewer days and for less pay.

Another difficulty outlined was that it can be difficult to address client expectations in an FWA. This was identified as being especially difficult in small firms, where flexibility is only possible to the extent the clients allow it. The fact that lawyers are much more accessible to their clients now through advances in technology contributes to this difficulty.

Finally, respondents identified a difficulty in accommodating aging lawyers who want to start transitioning to retirement and practice part-time. The comments indicated a difficulty in determining appropriate arrangements with respect to overhead and other factors.

4. Family Leaves

The two general comments about family leave were that maternity leaves seem to be well supported but that paternity leaves are generally not supported. There were some comments, however, about senior male partners not being supportive of maternity leaves, with one respondent commenting that those partners felt they did not owe associates “any favours.” There were also a couple of comments about senior female partners not being supportive of maternity leaves as they did not have the opportunity to take maternity leaves when they had children.

Some respondents identified a need to address situations where women want to take a maternity leave of longer than 12 months.

5. Workplace Policies Generally

The comments indicated that there are two opposing views on the existence of formal policies respecting FWAs and family leave. Where a workplace does not have such policies, one interpretation is that leaves and FWAs are not supported. There was a common view that partners did not want to be held to a policy and so preferred to deal with requests as they came up in a discretionary manner. This view seems to be most commonly held by employees and associates.

The other interpretation or explanation, which seems to be most commonly held by managers and partners, is that a policy would not allow them to be flexible enough to provide for each FWA and leave, as the circumstances are often unique to the individual. They see this as being more desirable because it demonstrates trust and respect for employees in that they will not feel like they are being closely monitored every day they are not in the office. This seems to be more prevalent in smaller firms where salary is a factor of receipts rather than a billable-hours target and there is more flexibility for lawyers to set their own hours. In these situations, respondents commented that there was less of a need for policies but that there was less financial support available (such as a top-up) when a lawyer took a leave.

This discrepancy in interpretation may be caused by a lack of communication about the availability of such arrangements in the absence of a formal policy. When that is not clearly communicated to the employees, they are left with the impression that because there is no policy, those things are not supported by the employer.

There were also some comments that, even where there are policies, there is a perception that those who take advantage of the policies are “weak” or lack commitment, which could have an impact on their career advancement. Some respondents identified a need for a policy that addresses the impact of a leave or FWA on salary and client relationships.

6. General Comments about the Survey

While the survey was intended to cover the respondents’ experiences throughout their careers, many respondents who are currently working in sole practice or small firms or are currently inactive members felt the questions were not applicable to them. There were some suggestions that those in sole practice cannot take a leave the way others can, and that there is a need for guidelines that are unique to sole practitioners who wish to take a leave or create more flexibility in their practice.

Notes



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