

2019-2020

**LAWYERS PAY AND
CONDITIONS SURVEY**

FINDINGS REPORT

DECEMBER 2020

ABOUT THE SURVEY

In November 2019, the Women Lawyers Association of the Australian Capital Territory (WLA ACT) conducted its regular pay and conditions survey of lawyers working in the ACT.

The ACT is a small jurisdiction and information about employment, pay and conditions is often unavailable in the public sphere, making it difficult for lawyers to find an independent benchmark from which to understand how their experiences at work, their entitlements and their conditions sit against their peers.

WLA ACT hopes that the results presented in this report will empower lawyers to have more constructive and robust conversations with their employers when negotiating salary and benefits, as well as to understand how current issues they may be facing at work represent trends across the sector.

WLA ACT also hopes that this data will be useful for law firms in understanding the market for their employees and other considerations that are important for their lawyers in their workplace.

WLA ACT is pleased to publish the findings of this survey and thanks all members of the legal community who took the time to complete the survey.

WLA ACT also thanks Lara Easdale, PhD who generously donated her time and research expertise to this project.

DISCLAIMER

The individual responses to the survey do not reflect, or comprise, the positions, opinions or endorsement of WLA ACT or any of its sponsors.

The responses to the survey are solely those of the survey respondents. As responses to the survey are comprised of opinions, interpretations can differ. Neither WLA ACT or its sponsors assume any responsibility as to any reading or interpretation of the survey responses.

WLA ACT encourages readers of this report to make such enquiries as are required to satisfy themselves as to pay and conditions standards offered in differing circumstances.

SURVEY OVERVIEW

The survey received 287 responses, a slight decrease in participation compared to the previous two surveys undertaken by WLA ACT.

As in previous years, most participants identified themselves as female (209) with the remainder identifying as male (11) or non-binary (2).

Consistent with previous years' surveys, most respondents work in the private sector (55%), or for government (in house in a government agency) (25%); and with a government legal service, (12%).

Participants who work in the private sector were asked to indicate the size of their firm / employer. Most respondents from the private sector reported that they worked in a national firm (38%), small local firm (22%), or medium local firm (16%).

At the start of our survey, we asked participants how well informed they felt about the pay and conditions for lawyers. While the majority indicated that they felt at least somewhat informed (well informed – 31%; somewhat informed – 46%), almost 1 in 4 indicated that they feel poorly informed (23%).

With this in mind, WLA ACT notes the continued difficulty that ACT legal professionals have in being able to be properly informed about the current pay and conditions in the profession, and hopes that these results will serve a strong basis for ACT legal professionals to identify how their professional experience sits within the broader ACT legal profession.

HOURS

WLA ACT asked respondents how many hours per week they work.

- 9 percent worked part time hours (11-30 hours per week)
- 47 percent worked 31-40 hours
- 36 percent worked 41-50 hours
- 7 percent worked 51 hours +.

The survey also asked how many hours, on average, that respondents were expected to work outside of standard hours, including by attending work related functions, but also completing weekend work or responding to emails.

- 31 percent worked an extra 1-3 hours
- 26 percent worked 3-5 hours
- 18 percent worked 6-10 hours
- 7 percent worked 11- 15 hours
- 3 percent worked 16 hours +.

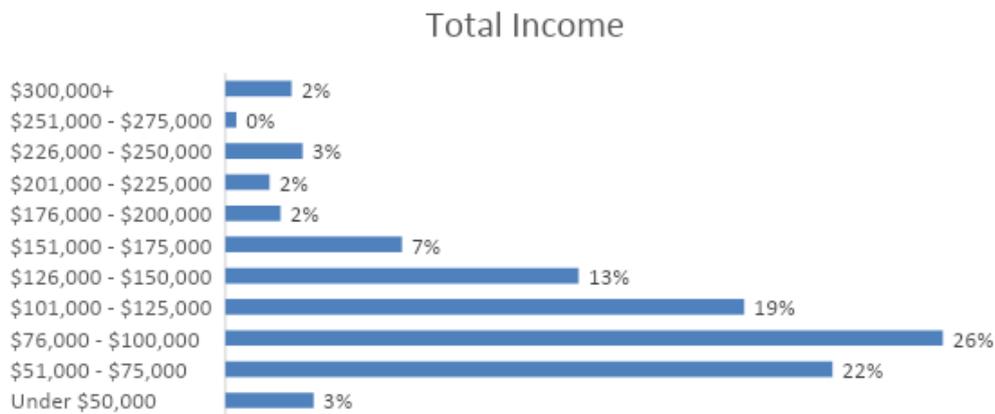
Billable hours

56 percent of respondents reported that they are required to record billable hours.

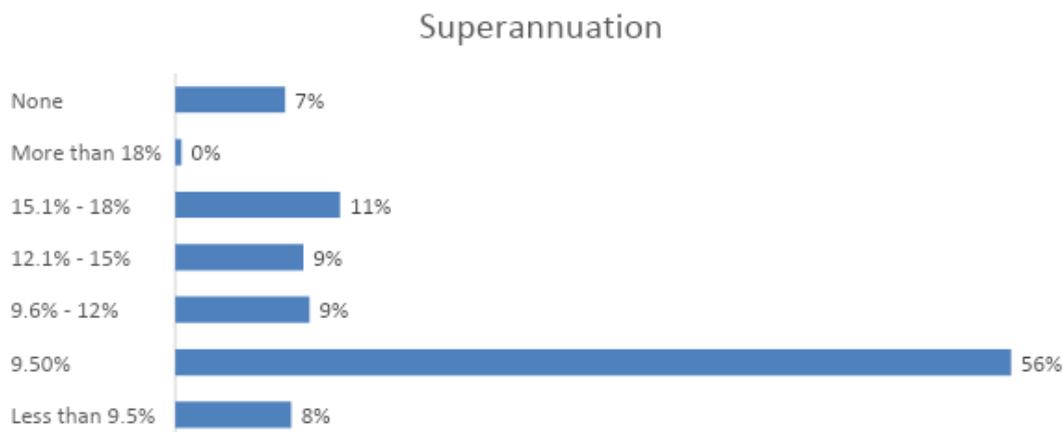
On a weekly full time basis, 4 percent of respondents said they had to record less than 20 hours, 9 percent reported they had to bill 20-25 hours, 13 percent record 26-30, 23 percent record 31-35 hours, 9 percent record 36-40 hours and 1 percent said they had to record 41 hours +.

REMUNERATION

The survey asked respondents what their total income before tax was during the last financial year, inclusive of superannuation.



As in previous years, most survey respondents reported earning under \$150,000.



Our analysis found that total remuneration increased with seniority (according to years of post-admission experience), however correspondingly, more senior lawyers reporting working longer standard hours and doing more work outside 'work' hours.

The survey respondents who reported a greater total income (or greater post admission experience) were, however, more likely to report being satisfied with that income.

54 percent of respondents reported that they were 'satisfied' with their total remuneration.

Notably, respondents who reported being satisfied with their total income were also more likely to report greater wellbeing.

- 76% of those who are satisfied with their total income report good or very good overall wellbeing
- Only 44% of those who are satisfied with their income report good or very good overall wellbeing

While there was no statistical difference in total income across the different legal sectors in the ACT (ie private, government, community), we found that respondents reported a more gradual increase in income in the public sector.

While public sector respondents told us they were less likely to be able to negotiate their total income (due to the prevalence of collective bargaining and enterprise agreements setting wages and conditions across government), we found that the same respondents were, on average, more satisfied with their income.

- 12% of those employed in the public sector indicated that they were able to negotiate their income, compared to 59% in private sector
- 62% in the public sector report being satisfied with their income, compared to 51% in the private sector.

We asked our respondents for any comments or further information they wanted to give us about their pay. The most commonly occurring feedback in free-text responses provided by those who report not being satisfied with their total income was "Hours".

BONUSES

WLA ACT asked survey respondents what percentage of their income, if any, was received as a bonus.

The results found that:

- More than 4 in 5 indicated that they did not receive a bonus; and
- Almost all respondents who received a bonus report working in the private sector.

Bonus



We also found that survey respondents with greater post admission experience – and a greater total remuneration – were more likely to receive a bonus.

- In fact, we found that survey respondents who did receive a bonus were more likely to report being satisfied with their total income.

Survey respondents were also asked to indicate what criteria they met for the bonus to be awarded.

- The most common response was that a bonus was connected to billable hours.

CRITERIA

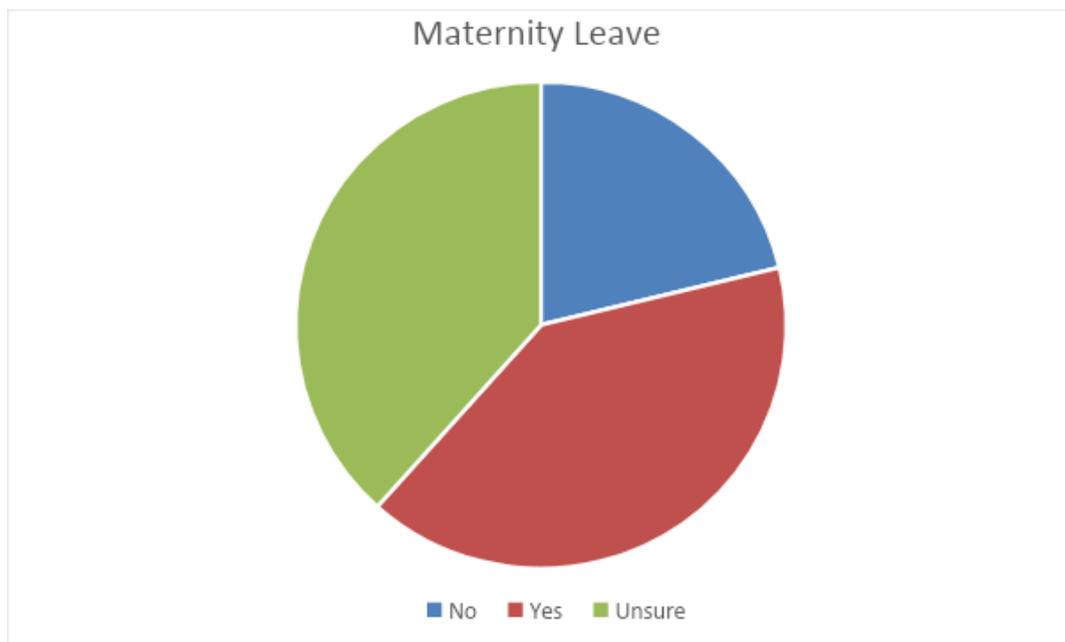
% WHO SELECTED THIS OPTION (OF THOSE WHO RECEIVED A BONUS)

BILLABLE HOURS	59%
OTHER	44%
ORGANISATIONAL PROFIT	15%
DON'T KNOW	11%
NON-BILLABLE HOURS	7%

PARENTAL LEAVE

The survey asked respondents if their employer provided additional paid maternal leave benefits above those provided through the Australian Government Paid Parental Leave scheme.

Only 40 percent told us that their workplace provides additional leave benefits.



Notably, 81 percent of respondents told us that they receive superannuation on that pay.

The survey also asked whether the employer provided additional paid paternal/partner leave benefits.

50 percent were unsure whether their workplace offered this kind of paid leave, and only 26 percent of respondents said that this is offered at their workplace.

In free text, 'two weeks' was the most common response provided about how much paid partner leave was provided.

BILLABLE HOURS

Just over half of the survey respondents (51%) responded that they are required to record billable hours, with most of these respondents working in the private sector (89%).

WLA ACT also found that those who report recording billable hours are less likely to report 'good' or 'very good' wellbeing. In fact, the survey found that:

- 65% of respondents who are not expected to record billable hours report good or very good wellbeing.
- Only 57% of respondents who are expected to report billable hours do the same.

The survey results found there is a negative relationship between the number of hours expected and reported wellbeing.

FLEXIBLE WORK

The survey found that workplace culture plays an important role in the use and success of workplace flexible working arrangements.

Who is using flexible working arrangements?

The survey found that the most commonly available flexible working arrangements were working from home, followed by flexible hours and working part time.

ARRANGEMENT	AVAILABILITY
WORKING FROM HOME	134
FLEX HOURS	131
PART-TIME	110
PURCHASED LEAVE	79
TIME IN LIEU	63
FLEX TIME	59
JOB SHARE	20
NONE	6
OTHER	3

Notably, survey respondents reported that they were more likely to use flexible working arrangements if their supervisor / manager also uses these arrangements.

		Supervisor Uses Flexible -->	
		Yes	No
Respondent Uses Flexible	Yes	77%	45%
	No	23%	55%

xible work on professional working life

respondents who see flexible working arrangements as important to their wellbeing were more likely to report using these arrangements, as were those who reported that not being 'micro-managed' by their supervisor / manager as important to their wellbeing.

The survey also asked respondents for reasons why they aren't using flexible working arrangements, including whether this was due to their own choice, or if there were cultural or other workplace reasons why this was the case.

The most common reasons provided by respondents were as follows:

- Not required as they don't have children / a valid reason.
- Requesting or using flexible working provisions is perceived negatively (e.g. not supported by supervising partner).
 - notably, WLA ACT found a correlation between survey respondents who reported using flexible working arrangements and reports that the respondent has also experienced bullying or harassment.

WORKPLACE WELLBEING

Inclusiveness

92 percent of respondents reported that their organisation has a culture that promotes diversity and inclusion in the workplace.

82 percent reported that their organisation promotes good health and wellbeing.

Bullying and Harassment

32% of survey respondents indicated that they have been bullied or harassed at work.

15% of those who responded indicated that they have been sexually harassed at work, at a work event, or by a work colleague

Survey respondents with greater Post Admission Experience were more likely to report having been bullied or harassed at work at some stage.

Notably, those who reported working greater non-standard hours are more likely to report having been bullied or harassed at work, and are more likely to report having been sexually harassed at work

The survey results found that the issue of underreporting of bullying and harassment continues to be a significant problem for the ACT jurisdiction.

In fact, the survey results found that 40% of respondents indicated that they would not report an incident of bullying / harassment.

However, respondents who told us that they are not intending to continue working as a lawyer for the next 5 years were more likely to indicate that they have/would report an incident of bullying and harassment.

Survey respondents who reported having experienced an incident of bullying or harassment were also less likely to report good overall wellbeing, as were those who report having experienced sexual harassment at work.

DEVICES

76 percent of survey respondents told us that they have been supplied with a device or devices by their employer to enable them to work outside of normal business hours and/or the workspace.

79 percent of respondents told us that they regarded this as a positive thing.

The survey received a remarkably high number of free text responses to this question.

While many respondents appreciate the flexibility afforded by devices, including the ability to finish work from home, when travelling, or around childcare responsibilities, a great number of concerns were raised about expectations that came with the device that lawyers are expected to be responsive outside of standard work hours.

A number of respondents also raised concerns about the mental health consequences, including that it is intrusive into personal life and makes it more difficult to mentally 'check out' or take a break from work.

CONTINUING AS A LAWYER

The vast majority (95%) of those who responded to the survey report intending to continue working as a lawyer for the next 5 years.

About the Women Lawyers Association of the ACT

The WLA ACT is a not-for-profit organisation providing networking for, and promoting the interests of, women lawyers in the ACT. WLA ACT provides support for women in the ACT legal profession by:

- representing, advocating for and promoting their interests;
- providing a common meeting ground;
- providing opportunities for development and advancement;
- encouraging and advocating for the improvement of diversity in the legal profession;
- participating in law reform and the administration of the law particularly as affecting women and children;
- participating in other matters of interest and relevance to the legal profession; and
- cooperating and collaborating with other entities for the advancement of women in the law and women more broadly.

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