



**EMPLOYMENT
INFORMATION
REPORT
2021**



AOTEAROA LEGAL WORKERS' UNION

TABLE OF CONTENTS

3 **INTRODUCTION**
Introduction and Summary

4 **METHODOLOGY**

5 **DISCLAIMER**

6 **MINIMUM WAGE**
Minimum and living wage compliance

9 **REMUNERATION**
Salaries comparison, bonuses, overtime,
and TOIL

14 **WORKING CONDITIONS**
Working hours and billable targets

16 **GENDER**
Partnership and representation

18 **MENTAL HEALTH**

20 **CONCLUSION**
Recommendations



INTRODUCTION & SUMMARY



Salary, benefits, and workplace conditions are key factors in choosing where to work. In the legal sector, employers have historically kept this vital information under lock and key. Opacity about pay and conditions works in the employer's favour; it allows one party to be in possession of significantly more information than the other and able to negotiate more powerfully for their position. Secrecy simultaneously negatively impacts legal workers, who are unable to gain an accurate understanding of employers' financial positions and whether their remuneration reflects fair value for their work.

This position has now changed. Since 2019, the Aotearoa Legal Workers' Union (**ALWU**) has published its annual Employment Information Report, surveying its members on their remuneration, benefits, working conditions, and mental health. In doing so, ALWU hopes to provide a balance to employer power, particularly at the key points of job-hunting and salary negotiation. ALWU's efforts have also been led by its members through a movement for change, as they openly discuss poor work conditions, compare salaries, and speak out about issues like minimum wage breaches. Together, we are transforming legal workplaces through advocacy and action.

This Employment Information Report 2021 (**Report**) is based on ALWU's Employment Information Survey 2021 (**Survey**) of 253 legal workers, sent to each of ALWU's members in 2021. The purpose of the Survey was to gather information on the salaries and working conditions of lawyers, including (and in particular) junior lawyers. This Report does not contain any 2022 salary figures or bands.

In short, the key findings of the Survey are as follows:

- Minimum wage breaches have continued to decrease significantly since 2019, with now only 7% of respondents reporting that they have worked for less than the minimum wage in the last year. Additionally, junior legal workers' salaries have generally increased in large law firms over 2021.
- However, salaries were largely stagnant or falling on average in the public sector, where the Public Sector Pay Guidance 2021 (which replaced the 2020 guidance) has resulted in remuneration continuing to be effectively frozen at 2020 levels.
- There continues to be confusion across workplaces about the policies on TOIL, overtime and bonuses. Few workplaces have effective policies; for example, only 3% of respondents had ever received overtime pay, and 27.6% of respondents reported that their workplace had some form of TOIL policy in place.
- 74% of respondents stated that their mental health had suffered as a result of their work.

These findings are expanded on in this Report.

I roto i te kotahitanga

Tess Upperton and Isabella Lenihan-Ikin | ALWU Co-Presidents



AOTEAROA LEGAL WORKERS' UNION



METHODOLOGY



This Report is based on ALWU's Employment Information Survey 2021, which was sent to each of ALWU's members in 2021. The Survey received 253 responses.

The purpose of the Survey was to gather information on the salaries and working conditions of lawyers including, and in particular, junior lawyers. ALWU hosted the Survey through Google Forms, a survey administration software available in the form of a web application. This application allowed respondents to fill in the Survey online at their convenience. ALWU members received an invitation to participate in the Survey through email distribution lists and the Survey was promoted across ALWU's social media and other communication channels. Members were sent two subsequent reminders to fill in the Survey and encouraged to forward the Survey request to other contacts.

The Survey was designed with the aim of gathering both quantitative and qualitative data, consisting of open-ended questions, multiple choice questions with predefined answers (with optional space to elaborate on the answers), and questions giving respondents the ability to grade statements on a 5-point Likert-type scale. The Survey consisted of a total of 56 questions, with topics covering 2021 salary and bonuses, time off in lieu and overtime, billing and hours, job satisfaction, and mental health. Not all questions were compulsory. The Survey was anonymous.

Past ALWU reports have highlighted a particular lack of transparency on remuneration and working conditions in private law firms, compared against public sector employers. For this reason, the survey questions are tailored to bridging this information gap. However, based on the feedback from employees in other workplaces, there may be a need for surveys tailored to different types of legal employers.

ALWU supplemented the information provided to it by respondents in the Survey with information from its delegates, collective agreements where available, and matching data against information gathered under the Official Information Act 1982. Further, ALWU has taken steps to verify that information by providing a draft copy of this Report to the law firms that are named in it. The data gathered was analysed by a sub-committee within the ALWU Executive, with the analysis conducted and conclusions drawn cross-checked for accuracy.

Where ALWU did not receive a sufficient number of responses to a particular question and was unable to draw robust conclusions about legal workers' experience at a specific workplace or type of workplace, those conclusions have been excluded from this Report. In situations where the eliminated conclusions form part of a larger table, the table notes "insufficient data". "Insufficient data" may be due to too few responses, or due to a risk that displaying the particular data could identify the respondent.

The classifications of firms are based on either the number of partners or on the type of employer:

- Large firms are private law firms with 26 or more partners.
- Medium size firms are private law firms with between six and 25 partners (inclusive).
- Small firms are private law firms with five or fewer partners.
- In-house refers to private and state-owned enterprise in-house employers.
- The public sector includes all public sector employers.



DISCLAIMER



The information in this Report is self-reported. ALWU did not directly contact members of any workplace beyond members who received the Survey via email. Members were encouraged to forward the Survey on to other employees in their firm who they thought may be interested, which has increased the breadth of data. ALWU has supplemented the information provided to it by respondents in the Survey with information from its officers and delegates. ALWU does not assert that the factual information in this Report is completely accurate.

2021 Salary information

Salary information was obtained for the public sector and the private sector as follows.

For the public sector, information requests were made under the Official Information Act 1982. ALWU is confident that the salary information of all entities subject to this Act is accurate as at the time of making the requests. Further information was obtained through current collective agreements.

Private sector salaries are self-reported. Where salaries are fixed, for example the law graduate salaries at large law firms, ALWU is confident in the response. Where salaries fall on a band, such as most second year solicitors and above, this Report shows the lowest and highest response for employees at that level in each category of workplace, or the salary band if there was a risk of identifying individuals. ALWU acknowledges that the full range of bands for employees may or may not extend below or above these figures. This Report reflects, at a minimum, part of the range.

We acknowledge that some workplaces may have completed annual salary reviews for the 2022 year at the time of publication of this Report. This Report does not contain any 2022 salary figures or bands.

Anonymity

ALWU is committed to the anonymity of the Survey respondents. This is of particular consideration due to the unfortunate reality of ongoing fear of repercussions against staff who are active ALWU members, despite statutory protection against such discrimination.

The Survey did not ask for proof of the respondents' places of work and no steps were taken to verify their identities. That said, the consistency of the responses and the similarity in the numbers of ALWU members at a workplace and the number of respondents from that workplace give ALWU confidence that the information is reliable. Where there was any risk that publishing a response risked identifying the respondent, the information was not published. This primarily occurred where there was a very low number of responses from a particular workplace or where a workplace has so few employees that members would be identifiable.

The Survey was not of a representative sample of legal workers, and this Report is not intended to draw conclusions that are applicable across all legal workplaces. Instead, this Report identifies a range of issues facing at least some legal workers that, irrespective of how widespread they are, require our collective attention, discussion, and action. Where ALWU did not receive a sufficient number of responses to a particular question to draw robust conclusions about legal workers' experience at a workplace / type of workplace, those conclusions have been excluded from this Report.



MINIMUM WAGE COMPLIANCE



In 2021, the minimum wage started at \$18.90 per hour, rising to the current rate of \$20 per hour on 1 April 2021. For the purposes of this Report, all comments and Survey responses refer to the \$20 minimum wage. This means that a person working 37.5 hours a week must earn at least \$39,000 annually from 1 April 2021, and \$41,600 for a person working 40 hours a week. The minimum wage will rise again on 1 April 2022 to \$21.20 per hour.

Contracted hours are irrelevant to minimum wage calculations. The calculation depends on hours actually worked. As shown below, almost all legal workers routinely work in excess of their contracted hours and very few employers have non-discretionary overtime policies. Therefore, low-paid legal workers are at risk of being paid less than minimum wage.

Employees' work hours include time spent waiting to be assigned work, taking toilet or paid rest breaks, helping to organise social events, team meetings and coffees, training, and all other activities that the employer requires. It is not limited to billable work. In these moments, an employee is working because they are ready, willing and able to work, and are restrained from doing as they please. Employers must have a system where workers can comprehensively record their working hours, one which reflects the complexities of modern work and where hours are accounted for in remuneration.

A hypothetical

Mike is a law graduate at Pearson Spectre Litt being paid a salary of \$57,200/year (excluding Kiwisaver), or \$2,200/fortnight gross. Their contract states their standard hours of work are 37.5 hours a week, 8:30am – 5pm, Monday to Friday. A big case comes into their team, requiring them to work late and on Saturday for two weeks. They work a total of 57 hours in the first week and 64 hours in the second week. Mike's average pay per hour for the fortnight is \$18.18 (\$2,200 divided by 121 hours): below the minimum wage. Pearson Spectre Litt must top up Mike's pay by at least \$220.22 to ensure they are paid minimum wage for this pay period. If Pearson Spectre Litt does not top Mike up as part of their pay for this period, the firm has violated the Minimum Wage Act 1983 and Mike should contact their ALWU delegate.

The above events are entirely fictitious and any similarity to actual people or events is coincidental.



ALWU's recommended approach to employers

ALWU's position is that all employers should be living wage certified. As part of this, they should monitor all work hours to ensure that workers are remunerated to at least a living wage, whenever there is a breach. Ideally, however, workers' salaries should be sufficiently high that a breach is never a realistic possibility. ALWU is pleased that junior legal workers' salaries have generally increased in large law firms over 2021 as, among other benefits, this significantly reduces the risk of those workers being paid below the minimum wage. In collective bargaining, ALWU will seek to include mandatory overtime clauses ensuring that no member is paid less than minimum wage.

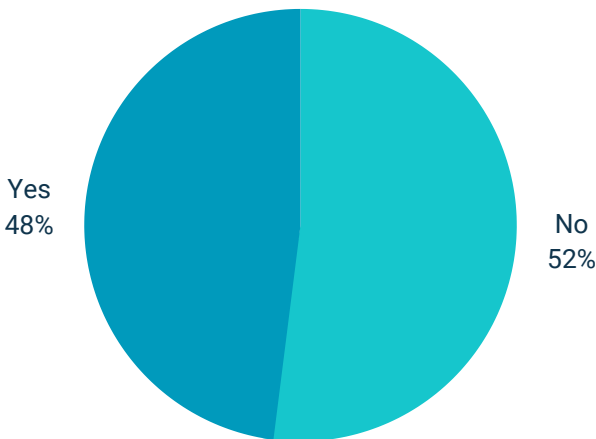
The results

Minimum wage breaches have continued to decrease significantly since 2019, with now only 7% of respondents reporting that they have worked for less than the minimum wage in the last year.

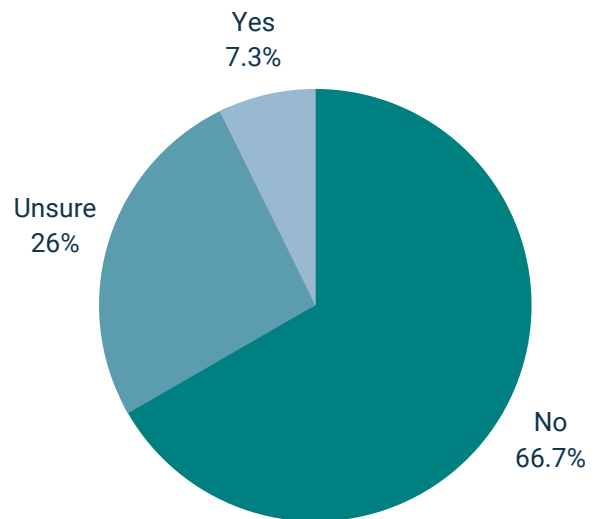
However, there continues to be uncertainty for respondents about whether they have worked for less than the minimum wage in the last year, within a quarter of respondents being unsure. This reflects, in part, more than half of respondents reporting that their employer does not actively monitor minimum wage compliance, a decrease from previous years.

Of the respondents who were paid less than minimum wage, only 17% received the legally mandated top up payment. This means that 83% of these respondents were not compensated for being paid less than minimum wage.

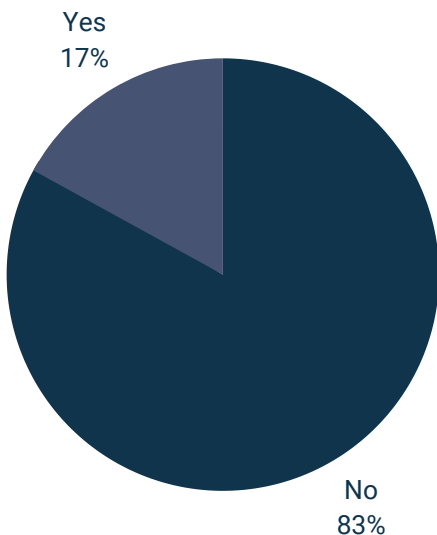
Does your firm actively monitor compliance with the minimum wage?
(out of the respondents who answered this question)



Have you worked under minimum wage in the last year?



Have you ever received a top up payment, or any other kind of compensation for being paid below the minimum wage during any time period?



Living Wage Movement

The living wage in New Zealand is currently \$22.75 per hour, meaning a minimum living wage salary would be \$44,362.50. ALWU continues to encourage legal employers to introduce a living wage for all workers, as well as monitoring hours worked to ensure that workers who work above full-time (37.5) hours per week are adequately compensated for those hours to at least the living wage level.

ALWU applauds the eight law firms who are leading the way by being living wage accredited at the time of publication, with three new firms joining in 2022! Thank you to Anderson Lloyd, Darroch Forrest, Presland & Co, Meredith Connell, MinterEllisonRuddWatts, Wesley Jones Law, Henry Hughes Law, and Lyall & Thornton Barristers & Solicitors.

Note: Buddle Findlay will be formally accredited on 1 April 2022.

**anderson
lloyd.**

DarrochForrest
LAWYERS

Presland and Co

MC

**MinterEllison
RuddWatts.**

**WJ Wesley
JonesLaw**



HENRY HUGHES LAW
INTELLECTUAL PROPERTY





REMUNERATION



In line with previous reports, a key focus of the Survey was to increase transparency around legal workers' salaries paid by their respective employers, and the extent to which remuneration is consistent across the legal workforce at each level.

This year's Survey shows that:

- Overall, salaries for law clerks increased significantly from 2020, with average increases of 16% for those at large law firms. Both medium and small law firms followed suit, with 23% and 15% increases respectively.
- Salaries also increased for solicitors with 1 year of legal experience at large law firms by 13%.
- Some private firm salaries remained stagnant, such as first year solicitor salaries at small private firms.
- Salaries were largely stagnant or falling on average in the public sector, where the Public Sector Pay Guidance 2021 (which replaced the 2020 guidance) has resulted in remuneration continuing to be effectively frozen at 2020 levels.

Wage stagnancy concerns ALWU given the high inflation rate and rise in the cost of living, which has seen some legal workers receiving effective pay cuts or freezes.

In ALWU's 2020 Employment Information Report, we recommended that private sector law firms should increase junior lawyer salaries by at least \$15,000 at each level. While we have not seen increases by that margin over 2021, we welcome the increases we have seen at some large law firms for law clerks and junior lawyers.

Salaries: secrecy and a shift

ALWU recognises that salary information continues to be treated as a closely guarded secret among employers. This secrecy is detrimental for legal workers, as this prevents them from ascertaining whether their remuneration is fair, or whether they are being paid less than their colleagues and counterparts in other workplaces.

Encouragingly, ALWU has observed a shift from 2020 where legal workers are more confident in ensuring they are being paid fairly, including comparing salaries and organising where they feel underpaid. This is fantastic to see, particularly as increased transparency around remuneration can help promote greater transparency in other aspects of legal workplaces and allow a range of issues to be openly discussed.



Median pre-tax annual salaries for 2020 and 2021 (from responses only)

(excludes Kiwisaver, bonuses, overtime, insurance, wellness subsidy, or any other benefit)

Type of employer	Less than 1 year			1 year			2 years		
	2020	2021	% change	2020	2021	% change	2020	2021	% change
Large private law firm (25+ partners)	\$49,987	\$58,000	16%	\$57,659	\$64,990	13%	\$69,698	\$67,000	-4%
Medium private law firm (6 - 24 partners)	\$47,042	\$58,000	23%	\$56,907	\$58,100	2%	\$60,668	\$67,500	11%
Small private law firm	\$48,924	\$56,250	15%	\$55,131	\$55,160	0%	\$59,321	\$65,500	10%
Public sector	\$53,828	\$53,402	-1%	\$63,209	\$59,289	-6%	\$66,488	\$65,957	-1%
Overall median	\$50,000	\$57,230	14%	\$58,000	\$59,289	2%	\$65,281	\$67,000	3%

Type of employer	3 years			4 years		
	2020	2021	% change	2020	2021	% change
Large private law firm (25+ partners)	\$79,266	\$82,000	3%	\$84,594	\$101,750	20%
Medium private law firm (6 - 24 partners)	\$72,160	\$77,600	8%	\$83,809	\$85,360	2%
Small private law firm	-	\$68,950	-	-	\$89,725	-
Public sector	\$71,320	\$83,614	17%	-	\$91,353	-
Overall median	\$72,375	\$77,050	6%	\$83,000	\$95,853	15%



Note: the above tables exclude salary information obtained under the Official Information Act.

Aggregate information for pre-tax annual salaries for 2021 (includes data outside survey responses; excludes Kiwisaver, bonuses, overtime, insurance, wellness subsidy, or any other benefit)

Employer	<1 year (law clerk)	1 year	2 years	3 years	4 years
			\$62,500	\$65,000	
Bell Gully	\$57,230	\$58,000	\$80,000	\$90,000	-
Buddle Findlay	\$54,000	\$62,500	\$72,500	\$84,000	-
		\$60,000	\$70,000		
Chapman Tripp	\$58,000	\$70,000	\$90,000	-	\$101,750
	\$62,907.77	\$69,025.25	\$69,025.25	\$72,403.89	\$75,782.53
Crown Law	\$69,025.25	\$72,403.89	\$72,403.89	\$75,782.53	\$79,161.17
Meredith Connell	\$58,000	\$67,000	\$74,000	\$84,000	-
Ministry of Business, Innovation, and Employment	-	\$69,369	\$69,369	\$69,369	\$69,369
		\$82,837	\$82,837	\$82,837	\$115,585
Ministry of Justice	\$53,402	\$59,289.31	\$64,983	-	-
		\$52,531	\$52,531	\$52,531	\$52,531
Parliamentary Counsel Office	-	\$144,460	\$144,460	\$144,460	\$144,460
Russell McVeagh	\$58,200	\$69,840	\$79,540	\$89,240	
Simpson Grierson	\$58,000	\$67,000	\$75,000	-	-

Note: Salaries at some firms (such as Meredith Connell) are reviewed at the end of the financial year, as opposed to the end of the calendar year. Buddle Findlay increased salaries in July 2021, but these were not backdated to 1 January 2021. As such, the 2021 salaries reported from Buddle Findlay are an average of the salaries as at 1 January 2021 and 1 July 2021. This Report does not contain any 2022 salary figures or bands. Further, the salary bands reported for the public sector employers may not necessarily fit neatly into the year level groups as those employers use step-based pay bands, with natural progression up steps and consideration given to other factors when setting a particular employee's salary.





Bonuses

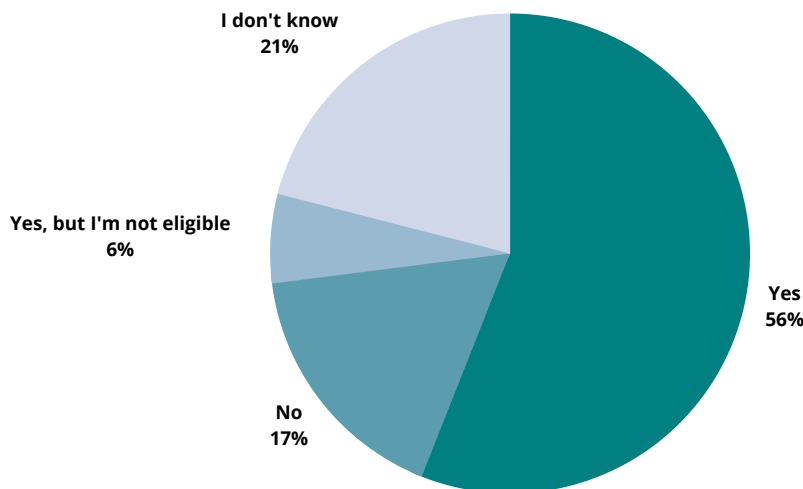
As with 2020, about half of respondents working in the private sector reported that it was possible to be paid a bonus. For 2021, 43% of respondents reported actually receiving a bonus, compared to 19% in 2020.

This increase may be a reflection of the trend of legal employers providing COVID-19-related payments to legal workers, particularly in response to the various lockdowns that were in place during 2021.

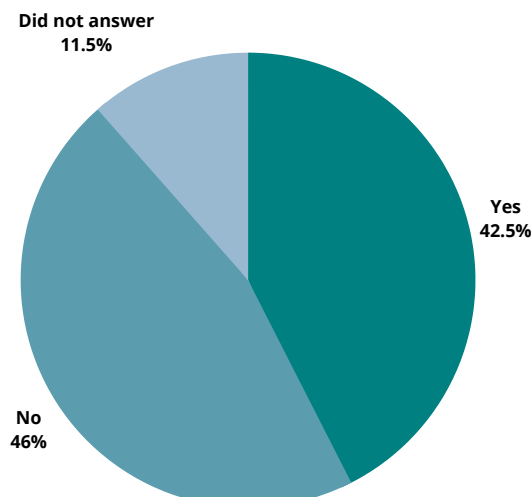
The key trends in the narrative comments carried on from previous years surrounding the lack of bonus transparency: bonuses continue to be highly discretionary, with obscurity around what bonuses are available, what qualifications are required, and how they are calculated.

As with previous years, we note that the public sector does not offer bonuses so have limited the responses to those from the private sector.

Of the respondents in the private sector, is it possible to be paid a bonus?



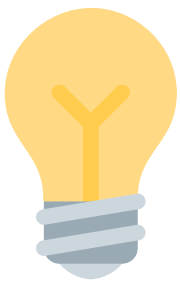
Of the respondents in the private sector, have you ever received a bonus?



Overtime

A move to working from home during the COVID-19 pandemic has enabled flexible arrangements that suit multiple lifestyles. However, it has also broken down the separation between work and life, and bleeding into overtime work may often be viewed by employers and employees alike as natural or even expected.

ALWU's position is that legal workers must be paid overtime compensation that reflects their overtime hours, through formalised and transparent policies. Doing so would better protect legal workers from burnout and overwork, as well as create a financial incentive for legal employers to spread work more evenly around teams and resource adequately. However, only 3% of respondents reported that they had been paid for hours worked in excess of their contractual hours, with the overwhelming majority (96%) having not been paid for overtime.



Awareness of overtime policies has dropped since 2020. Only 15% of respondents stated that they were aware of a formal overtime policy at their workplace, down from 20% in 2020.



Only 14% of respondents at workplaces with no formal overtime policy reported there being an informal understanding about overtime payments.

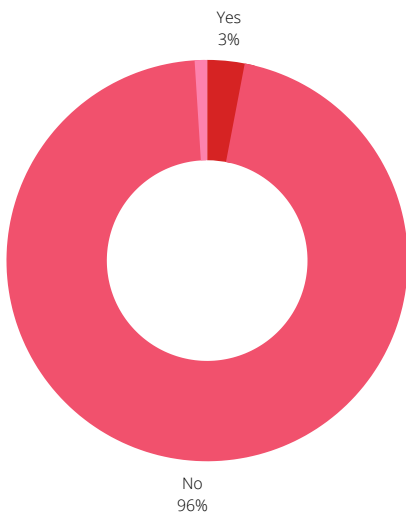


Employers allowing flexible hours for employees working overtime was reported as a key characteristic of any formal policy or informal understanding.

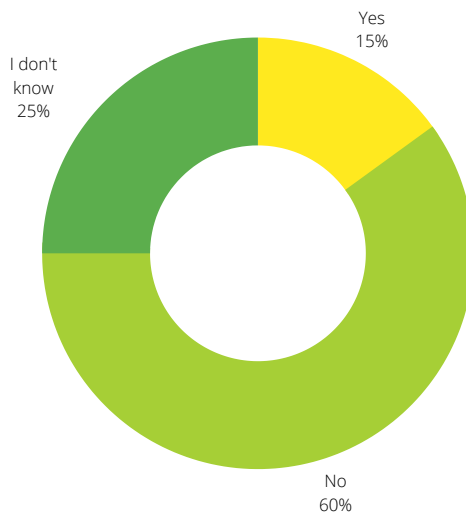


Some respondents reported that some overtime payments were, on further inspection, minimum wage top ups made to remedy minimum wage breaches.

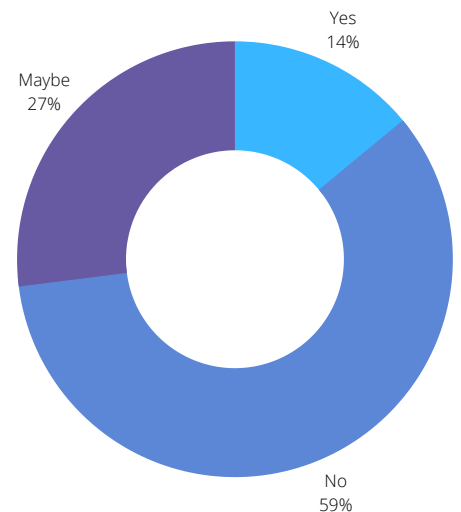
Have you ever been paid for overtime?



Does your employer have a formal policy on overtime payments?



If there is no formal overtime policy, is there an informal understanding?

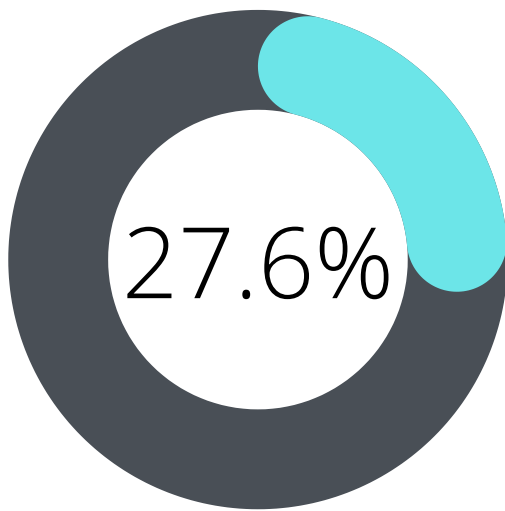


Time off in lieu

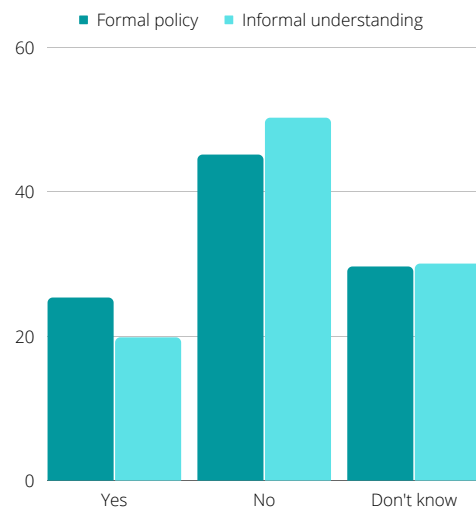
Time off in lieu (**TOIL**) involves giving employees paid leave instead of financial compensation for working overtime. TOIL allows employees to rest and recover from work, and safeguards against overwork and burnout.

As with the 2020 report, a quarter of respondents reported that their employer has a formal TOIL policy, with 45% reporting no formal TOIL policy. 30% of respondents were unsure if their employer had a formal TOIL policy. 68% of respondents reported not having a TOIL policy at all, whether formal or informal.

Does your employer have a formal policy or informal understanding for TOIL?



Have you ever received TOIL for working more than your contracted hours, including weekend and evening work?



In 2020, respondents reported some common themes about when TOIL was available and awarded. Similar themes emerged for 2021, including TOIL being available under a limited number of circumstances and awarded on a discretionary basis.

The Survey results have highlighted a significant lack of transparency around TOIL, the circumstances in which it is applied, and how it is taken, given the significant discretion around its practice. As such, legal workers have consistently been unable to utilise this important avenue to alleviate their overwork and burnout.



Workplace Satisfaction

Overall, respondents working in large law firms were less satisfied with their job compared to their small and medium law firm and private in-house, and public sector counterparts.

The below table shows average ratings for each question on a scale from 1 to 5.

	"I am satisfied with my pay"	"I am satisfied with the hours I work"	"I feel valued in my job"	"I am satisfied with the culture at my place of work"	"I would recommend my job to others"	"Overall, I am satisfied with my job"
Overall	3.09	3.72	3.83	3.67	3.77	3.77
Large law firms	2.84	2.96	3.43	3.19	3.19	3.28
Small and medium law firms	3.15	3.77	3.72	3.54	3.67	3.75
Public sector	3.18	4.36	4.30	4.25	4.41	4.27
Private sector	3.07	3.43	3.62	3.41	3.49	3.54
Identify as male	2.95	3.77	3.84	3.70	3.77	3.68
Identify as female	3.14	3.70	3.79	3.61	3.74	3.78



	"I am satisfied with my pay"	"I am satisfied with the hours I work"	"I feel valued in my job"	"I am satisfied with the culture at my place of work"	"I would recommend my job to others"	"Overall, I am satisfied with my job"
Bell Gully	2.78	2.78	3.67	2.44	2.33	3.11
Buddle Findlay	2.63	2.88	3.50	3.31	3.31	3.25
Chapman Tripp	3.50	3.12	3.63	3.13	3.63	3.38
Crown Law	3.20	5.00	4.60	4.40	4.80	4.40
Meredith Connell	2.11	2.89	2.89	2.67	2.78	2.89
Ministry of Justice	2.27	4.18	4.23	4.36	4.45	4.09
MinterEllisonRuddWatts	3.13	3.12	4.00	3.50	3.75	3.63
Simpson Grierson	2.45	2.91	2.91	3.09	3.00	3.09





WORKING HOURS & BILLING TARGETS



There has been no change since 2020 in workers' contracted hours, with Bell Gully still contracting workers for an additional 7.5 hours per week (45 hours per week), compared to the standard 37.5 hours.



On average (mean), respondents worked approximately 4.69 hours more than their contracted hours per week. This has reduced since 2020, where the average was an additional 6 hours per week.



On average, respondents at large law firms worked an extra 7.53 hours per week: significantly more than the average.



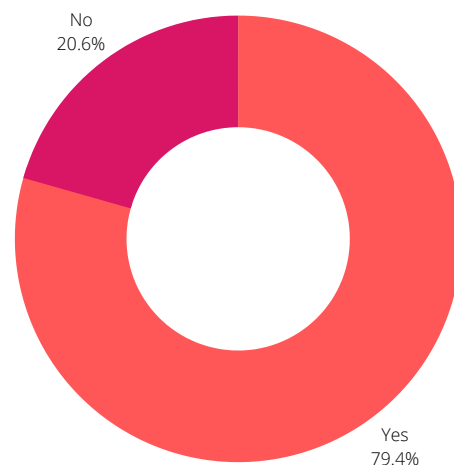
Respondents in private in-house roles reported the lowest number of additional hours worked per week.

The use of targets in law firms and the high pressure to meet those targets affects the number of hours worked per week. Respondents who have targets were expected to bill an average (mean) of 5.85 hours per day (a median of 6 hours per day).

Further, legal employers' time recording systems are not always accurate, with more than half of respondents reporting that they do not record all the time worked in their workplace's system. For those in law firms, this reflects a common theme that non-billable work is not recognised by employers in terms of bonuses, overtime, or TOIL. As such, there continues to be a risk of employers not having accurate records of workers' actual working hours. This is concerning from a health and safety perspective (particularly in relation to mental health).

Do you record all the time you work in your workplace's time recording system?

Does your workplace's time recording system allow for the capture of non-billable time?



Additional hours worked above contracted hours (mean)

Additional hours worked above contracted hours (median)

	Additional hours worked above contracted hours (mean)	Additional hours worked above contracted hours (median)
Overall	4.69	2.50
Large private law firm	7.53	7.50
Medium private law firm	5.88	5.00
Small private law firm	3.64	2.50
Private in-house	1.65	0.00
Public sector	2.42	0.00



GENDER AND THE LAW



This section looks at gender differences (if any) in relation to how satisfied respondents were about pay and their hours; how valued they felt; how satisfied they were with the workplace culture; how likely they would be to recommend their job to others; and their overall job satisfaction.

ALWU acknowledges that its tables below are limited to responses from female- and male-identifying respondents. Unfortunately, ALWU had insufficient data to properly reflect the experiences of gender diverse and non-binary people.

Overall, there was minimal gender difference in job satisfaction, culture satisfaction, feelings of value, work hour satisfaction, and likelihood of recommending the job to others. As with the 2020 report, male respondents were slightly less satisfied with their pay. Female respondents tended to be less satisfied with the hours they worked and the culture of their workplace. They also reported feeling less valued in their jobs and were less likely to recommend their job to others.



Across all workplaces

	Pay satisfaction	Work hour satisfaction	Feeling valued	Culture satisfaction	Would recommend job to others	Overall job satisfaction
Identify as female	3.14	3.70	3.79	3.61	3.74	3.78
Identify as male	2.95	3.77	3.84	3.70	3.77	3.68
Difference	0.19	0.07	0.05	0.09	0.03	0.10

Large private law firm (25+ partners)

	Pay satisfaction	Work hour satisfaction	Feeling valued	Culture satisfaction	Would recommend job to others	Overall job satisfaction
Identify as female	2.79	2.91	3.34	3.13	3.13	3.27
Identify as male	2.84	3.26	3.63	3.26	3.26	3.26
Difference	0.05	0.35	0.29	0.13	0.13	0.01

Medium private law firm (6 - 25 partners)

	Pay satisfaction	Work hour satisfaction	Feeling valued	Culture satisfaction	Would recommend job to others	Overall job satisfaction
Identify as female	3.52	3.64	3.80	3.52	3.80	3.92
Identify as male	2.92	3.50	3.33	3.33	3.58	3.50
Difference	0.60	0.14	0.47	0.19	0.22	0.42

Small law firm (1 - 5 partners)

	Pay satisfaction	Work hour satisfaction	Feeling valued	Culture satisfaction	Would recommend job to others	Overall job satisfaction
Identify as female	3.08	3.96	3.56	3.4	3.44	3.60
Identify as male	2.92	3.83	4.08	4.00	4.00	3.92
Difference	0.16	0.13	0.52	0.60	0.56	0.32

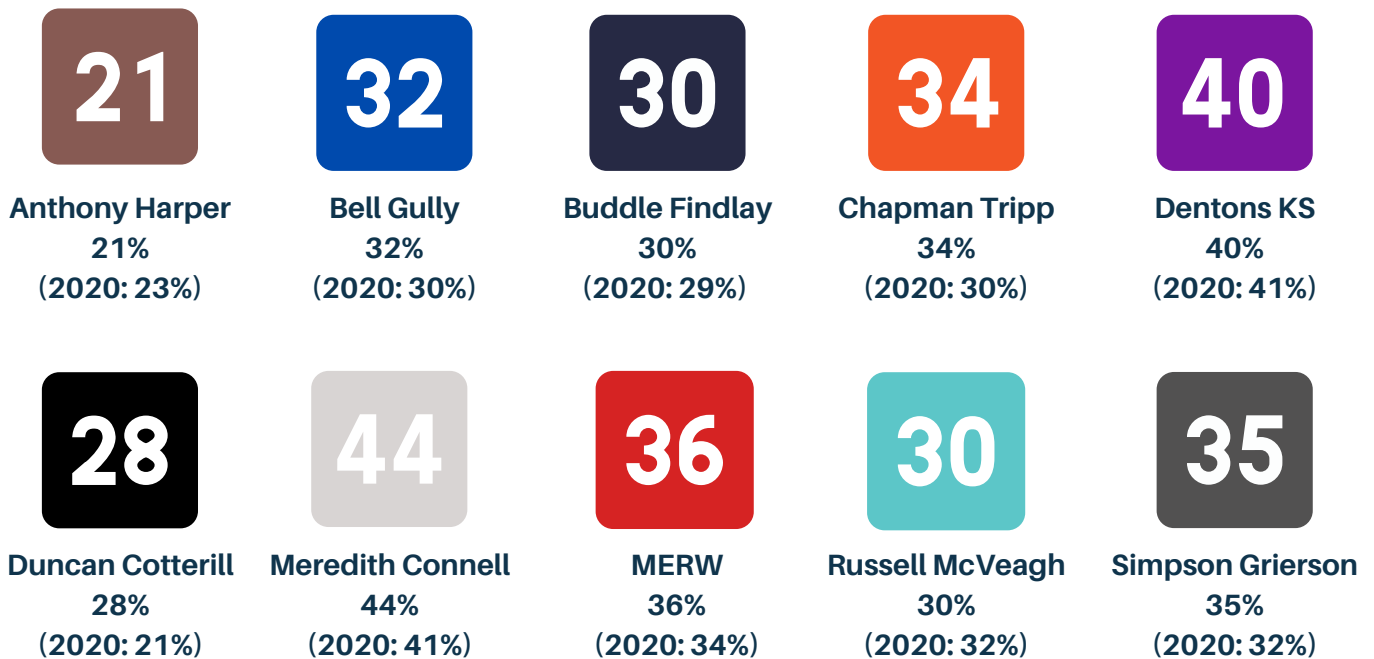
Public service

	Pay satisfaction	Work hour satisfaction	Feeling valued	Culture satisfaction	Would recommend job to others	Overall job satisfaction
Identify as female	3.27	4.50	4.39	4.36	4.57	4.43
Identify as male	3.00	4.17	4.13	4.00	4.04	3.96
Difference	0.27	0.33	0.26	0.36	0.53	0.47

Women in partnership

There has been minimal change in the percentage of female partners in New Zealand. ALWU recognises this is just one factor in the diversity of law firms; increased diversity in all forms is necessary to improve law firm culture and representation.

Percentage of female partners at New Zealand's largest law firms (at the time of publication)





MENTAL HEALTH



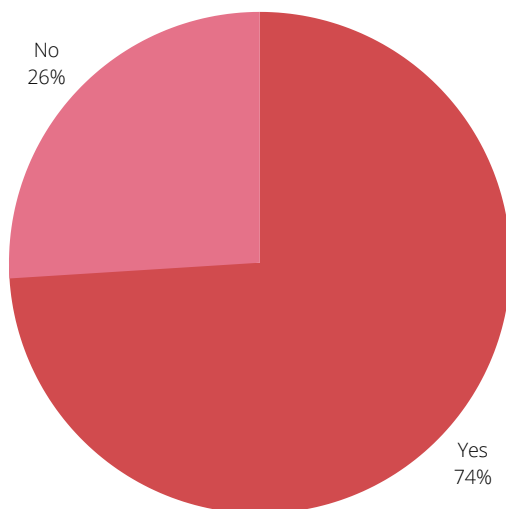
Overall, 74% of respondents who answered this section from the Survey stated that their mental health had suffered as a result of their work and 83% of respondents stated that they felt a colleague's mental health had suffered as a result of their work.

As with previous reports, respondents were more likely to report that a colleague's mental health had suffered rather than their own. A particularly concerning result from the Survey was that 100% of respondents from five large law firms felt that a colleague's mental health had suffered because of their work.

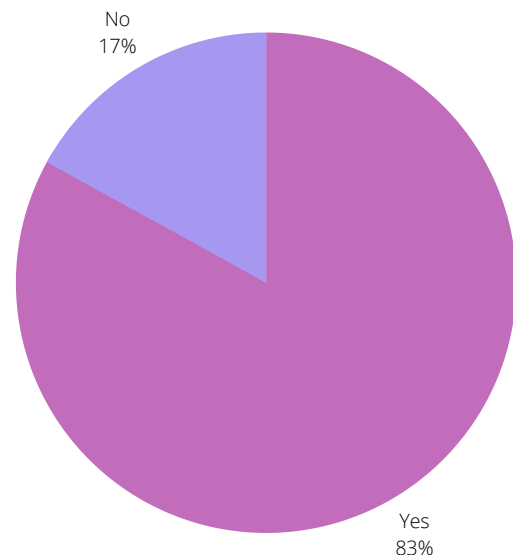
The Survey gave the option for respondents to comment on the impact of their workplace on their mental health. Common themes were stress, anxiety, burnout, long hours, unmanageable workloads, subject matter of the work, poor or no supervision, and a lack of feeling valued. Concerningly, bullying by senior staff was frequently mentioned as a cause of poor mental health.

Those identifying as women reported a higher incidence of their mental health suffering compared to their counterparts (78% for women as opposed to 69% for men). There were insufficient responses from non-binary people to collate an overall response. Those working in the private sector also reported a higher incidence of their mental health suffering compared to those in the public sector.

Has your mental health suffered because of your work?



Has a colleague's mental health suffered because of their work?



ALWU is saddened to see that this Report continues to reflect the significant issue of mental health in the legal profession. More needs to be done to support employees working with difficult or traumatic material, particularly in the family and criminal law sector.

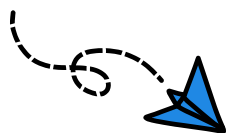


The results

Type of employer	Own mental health has suffered because of their work (%)	Colleague's mental health has suffered because of their work (%)
Total	74%	83%
Large private law firm (25+ partners)	81%	92%
Medium private law firm (6 – 24 partners)	78%	84%
Small private law firm (1 – 5 partners)	80%	90%
Private in-house	100%	100%
Public sector	63%	74%
Chambers	70%	70%

Employer	Own mental health has suffered because of their work (%)	Colleague's mental health has suffered because of their work (%)
Bell Gully	89%	100%
Buddle Findlay	88%	100%
Chapman Tripp	63%	100%
Dentons Kensington Swan	88%	100%
Duncan Cotterill	83%	100%
Meredith Connell	67%	78%
MinterEllisonRuddWatts	88%	88%
Simpson Grierson	82%	82%





RECOMMENDATIONS



Based off the information gathered in the Survey and reflected in this Report, ALWU makes the following recommendations:

Minimum and living wage

- All employers should become living wage certified.
- Employers should increase salaries to ensure employees cannot fall below minimum wage with minimal overtime, and where an employee has been paid less than minimum wage, they should be compensated with a top up payment at their salaried hourly rate.
- Employers should increase awareness of what is being done to monitor compliance with the Minimum Wage Act.
- Tax brackets should be reviewed and uplifted to reflect that almost all full-time workers, even those near the minimum wage, are currently in the 30% tax bracket.

Salaries

- Salary bands and remuneration review criteria should be implemented and communicated to all staff.
- Salary reviews should take current economic conditions and their effects on workers into account, such as inflation, the high cost of living, tax brackets, and the housing crisis. Under these conditions, wage freezing or low percentage increases are effectively resulting in wage reductions.

Bonuses

- Employers should create and publish transparent frameworks for calculating bonuses and consult staff on which level of performance should be considered deserving of a bonus, including what factors are taken into consideration.
- Employers should follow the above policy and eliminate discretionary bonuses between different managers.
- Bonus quantum should be increased to a meaningful level. This should be no less than 10% of the employee's annual salary.
- Bonuses should not be based solely on billable metrics, as this encourages unhealthy levels of work.

Overtime

- Employers need to be cognisant of the impact of working from home on overtime work.
- Non-discretionary overtime policies should be implemented in all firms, in consultation with staff.
- Overtime should come into effect for any work above fulltime hours, be paid automatically, and be at no less than the employee's salary rate.
- Working over a certain number of hours should increase the rate of overtime to 150% of salary.

TOIL

- All employers should implement non-discretionary TOIL policies in consultation with staff.
- All policies should be documented in writing.
- Employers should ensure their employees are aware of the TOIL policies and know how to ensure they are given adequate TOIL when they become eligible.
- The circumstances in which TOIL is given should be expanded.
- TOIL policies should be seen as a necessary part of overtime pay, rather than as an "either / or" option.

Working hours

- Employers must recognise that their employment agreements often do not reflect actual hours of work.
- Employers must ensure their time recording systems are accurate and are capable of recording non-billable work.
- Increased overtime, TOIL, and supervision should be applied to reduce psychosocial harm caused by excessive hours.

Billing targets

- Billing targets should be eliminated for staff who do not control their own workflows or bills. They can be replaced by key performance indicators.
- Financial information for each team and the firm as a whole should be shared with employees to ensure transparency and work towards a more inclusive, team-focused culture.

Mental health

- While mental health is being recognised as an issue in the profession, more needs to be done to alleviate the stresses of working in the legal profession.
- The effect of anxiety, burn out, long hours, poor supervision and bullying, and often the subject matter and area of law must be recognised as significant causes of negative mental health.
- Zero tolerance policies and accessible processes to report bullying and exploitation should be put in place.
- Mental health must be prioritised over profits and client service.

Overall satisfaction

- Law firms must engage in genuine and regular consultation with staff around how to improve workplace satisfaction. Anonymous feedback to management should be part of this consultation to ensure genuine feedback.
- Consultation and culture should be viewed as ongoing work rather than a single moment-in-time or box ticking exercise.
- The results of staff consultation should be reflected in meaningful change in new or improved policies and targeted action by the employer.

Implementation

- ALWU encourages all legal workers to join ALWU and work towards collectively bargaining for the above rights in their workplaces.



WHERE TO NEXT?



2021 was another difficult year for legal workers. ALWU's Tāmaki Makaurau members saw many months of lockdown and anxiety as they adjusted to working from home. Across the motu, the sector felt the impacts of moving into the traffic light system from the previous elimination model, vaccine mandates, and associated workplace issues. ALWU saw continued demand for its advocacy services and will continue to provide these for members across a range of areas, as both employers and workers felt the crunch and stress of life in a pandemic.

Simultaneously, the union movement experienced a global surge not seen in decades, as pandemic pressures drove workers to demand fair wages and safe working conditions. ALWU has also seen this show of solidarity in the legal workforce as it made the significant step of introducing dues. As ALWU becomes financially viable long-term and as unionisation becomes normalised in legal workplaces, ALWU has been able to engage workers in preliminary collective bargaining discussions. The results of this Report directly contribute to those discussions.

ALWU would like to thank its members for their continued support through turbulent times. As Billy Bragg would fondly say, there is power in a union.

**EMPLOYMENT
INFORMATION
REPORT
2021**

