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Agile Working, the Entreplooyee and Generational Issues: Brave New World or Still Business as Usual at the Office?

Abstract: The concepts of agile working, the emergence of the entreplooyee and generational issues: are these concepts game changers or just gimmicks? Jackie Fishleigh examines new ways of office working in the commercial and information environments. Her thoughts are informed and inspired in part by her attendance at the London Law Expo, Europe's largest senior legal management conference and exhibition, which took place on 13th October 2015.

Keywords: law firms; law firm libraries; workplace; generations; agile working; way of working

MOVING TOWARDS 'MARTINI' WORKING

After over 25 years working in law firms in a traditional office environment, I feel that the winds of change are beginning to blow through the legal sector and will continue to do so over the next few years. Instead of the relatively static office situation following traditional ways of working there is a progression towards what has been called 'Martini' working – that 'any time, any place, anywhere' approach to working and doing business¹. There is a sense of flexibility, of working 'on the move', using different locations (including working from home) and utilising the concept of 'hot-desking'.

Here are some factors that have a bearing on this changing approach and perspective.

AGILE WORKING

What is meant by agile working? Paul Allsopp of The Agile Organisation defined this, at the CoreNet Global Conference that was held in Brussels, as far back as September 2009 as:

'Agile working is about bringing people, processes, connectivity and technology, time and place together to find the most appropriate and effective way of working to carry out a particular

task. It is working within guidelines (of the task) but without boundaries (of how you achieve it).²

He further defined it by explaining the approach at multinational consumer goods company, Unilever:

'Unilever a major proponent of agile working, began the agile journey five years ago. Their approach is all about offering every employee choice and empowerment around where and when they work, as long as their job can be done – a culture that has meant removing the artificial measures of success, such as time and attendance, and focusing on results and performance. Unilever defines agile working as 'an approach to getting work done with maximum flexibility and minimum constraints. It goes beyond just flexible working or telecommuting and focuses on eliminating the barriers to getting work done efficiently.'³

At the London Law Expo, which took place in October 2015, James Berkeley, General Counsel Europe of Unilever, delivered a session entitled 'Challenges & Rewards of Implementing a Flexible Working Programme'. He explained that agile working was part of the value base at Unilever. This surprised me as I tended to associate such trends with small tech

companies rather than huge multinational consumer goods companies.

AGILE WORKING IN LAW FIRMS

In 2014, John Hyde wrote in the Law Gazette about a report entitled 'The New World of Legal Work'⁴ that, 'law firms of the future will have fewer permanent lawyers and office space for just the most influential partners'⁵. The report was written by Jordan Furlong and commissioned by Lawyers on Demand. A key theme to emerge from the report was the rise in agile working and that "with changes in working practices, the legal industry can adapt and catch up with other industries in areas such as technology, division of labour and business process"⁶. Simon Harper, the co-founder of Lawyers on Demand, said, "The rise of agile employment is already having a huge impact on the way lawyers, firms and clients engage with one another ... Agility will soon become as commonplace a labour concept in law as it is in many other industries. We now have the means and motives to re-design how we work to a degree unprecedented in the profession's history"⁷.

Recently, the approach to agile working has been adopted by Clifford Chance and this seems to indicate a shift across some of the legal sector, with the aim of attracting employees and helping to retain them as well. In essence, Clifford Chance made a decision to lease some space (some 400,000 square feet!) to Deutsche Bank and 'the idea is that the same number of staff will work in a smaller office environment, meaning more people will be working from home or doing more flexible hours.'⁸ In 2015, Herbert Smith Freehills saw the benefits agile working after conducting a three month trial and receiving favourable feedback on this style of operating. Those who were given the opportunity to be in the trial were 'invited to work from home for up to one day a week...The vast majority – 88 per cent – said the ability to work from home was 'somewhat or very important' and 89 per cent reported improved work life balance'. With the growth in interest in this approach to ways of working, The Lawyer reported in October 2016 that Baker & McKenzie would be rolling 'agile working policies out across its global network, offering flexible working to the firm's entire staff with immediate effect.'⁹

Although feedback from some law firms still indicates that hot desking has not been embraced because staff like to have their own workspaces, along with their personal items such as family photos, at Unilever the concept is rooted in the company structure and is policy based. Managers are assessed on the level of support they give to agile working. Learning materials, guidance and training for this are provided and seen as vital. The company's working practices, the workplace and the technology all work together to make the agile working environment happen. Activity is zone based. Lawyers may still want cubicles for confidential phone calls but offices have been built to suit agile working and encourage a vibrant atmosphere. No one has their own office just for their own use, even those working at senior management level. Rooms are used for different things

at different times. As James Berkeley emphasised, providing the technology to facilitate this approach to working is vital. Unilever have a 'chatter platform' for things of general interest e.g. important, relevant new cases. They also have a Legal Academy and video conference facilities.

One of the benefits of agile working is that members of staff are free to travel when public transport is less crowded and they can do more work. As a company, Unilever operates in a savings environment and promotes a sustainable living path; which I would translate as tries to be green and likes to run a tight ship, like most businesses! As a result of agile working, a 25% reduction in travel has been achieved as well as a huge saving on office space. I gather that two floors of the main office in Blackfriars are now sublet. Flexible working is in the value base, i.e. it is embedded both in the values and in the brand.

Lawyers generally work in virtual teams, especially senior managers. These may be across countries, making it essential to develop relationships of trust and confidence between the members. Teams have to pull together and must work in alignment to the business.

THE AGE OF THE ENTREPLOYEE

The age of the entreployee could be the next step on from agile working and is currently a trend in the United States. Entreployees are 'empowered workers [who] are encouraged to think like entrepreneurs: take responsibility, innovate and voice their opinions. The payoff is a team that both performs better and is more satisfied. It reflects the blurred lines between employee and entrepreneur'¹⁰ Randi Zuckerberg, the impressive digital marketing guru, and a keynote speaker at the London Law Expo 2015 event that I attended, spoke of big tech companies like Google who give staff 20% of time to work on non-profit activity. As a result they have the freedom to be creative. At some progressive US companies, hackathons take place (N.B. in America hacker means an IT enthusiast!). This is a concept akin to brain-storming. In practice, this means twelve hour sessions working on new ideas!

With reference again to Unilever, agile working has been embraced as a concept from the top down. There is no scepticism amongst staff about it according to James Berkeley. Vitality and talent, attraction and retention of staff are all flourishing. After Google and Apple, Unilever is the most attractive company according to a LinkedIn survey of employees. Since the introduction of agile working staff retention is better and more balanced lifestyles may be part of the reason. With the IT and communications in place, together with the structural base, staff can engage with it in a beneficial fashion. Gender numbers are evenly split and no females have left either pre, or post, maternity leave.

GENERATIONAL ISSUES

In Mark Lewis's fascinating article entitled 'Characteristics of the Four-Generational Library Workplace'¹¹, published in 2011, he argues that

'Workplaces like the library are now, for the first time, seeing four different generations – Traditionalists, Baby Boomers, Generation Xers, and Millennials – working together. They also differ as regards relationships with co-workers, ways of working and management styles' and 'children who grew up watching Roy Rogers are now working alongside children who grew up watching Barney the dinosaur. These children of different generations sometimes find it difficult to relate to one another, and this leads to difficulties in working co-operatively'. The four generations that Mark Lewis identifies are as follows:

Traditionalists (born 1922–1945) who favour a proper chain of command and may still be occupying senior positions. Some could be delaying their retirement perhaps due to pension concerns or the poor state of economy. These can be regarded as loyal people 'tempered by the war, [and] disciplined by a hard and bitter peace'. This would be a relatively small category of those who have hit 70 and are still working!

Baby boomers (born 1946–66). This group are looking for a change of command and are the largest generation currently in the workforce. They are products of the postwar baby boom and they tend to be optimists!

Generation X (born 1967–1980). This generation is between two of the largest generations in recent history. Its members favour self-command. They tend to be sceptical, independent and individualistic. In Douglas Copeland's *Generation X: Tales for an accelerated culture* he asks: 'breathes there a cohort group with a soul more dark or with such an edgy scepticism about them?' Speaking personally, as someone born in January 1965, I feel slightly adrift in a no man/woman's land between Boomer and Xers. I like to see myself as a kind of positive realist!

And finally, we come to the last group in the workplace as suggested by Mark Lewis,

Millennials (variously known as digital natives, Nexters, Generation Y, Echo Boomers and the Net Generation) (born 1981–2000). The very word 'command' is anathema to them. They like collaboration and have grown up with technology. They are accustomed to getting what they want, when they want it! Generally optimistic and confident this group have been described as, 'the fawned-on spawn, the coddled and confident offspring of the most age-diverse groups of parents ever'.

From the conclusion to his article I wish to quote Mark Lewis who states in his excellent article that,

'The four-generational workplace has become a reality in libraries. Traditionalists will leave the workplace over the next decade or so; in the meantime, the fact that they are in positions of authority will play a large role in generational differences that occur in the workplace. These four generations of people have been subject to different life experiences and events during their formative years and have thus developed different generational points of view. Their experiences

have naturally gone a long way in determining how each of these generations feels about the workplace and how they handle situations.'

'Generational differences have played no small part in the development of tele-working, compressed workweeks, job sharing, the integration of digital technology, and other innovations in the workplace. While an understanding of generational differences is not a panacea for all workplace ills, it does allow a library to formulate policies that account for these differences and this is an advantage over organizations that ignore them.'

THE NET GENERATION

Louise Hadland, HR Director at law firm, Shoosmiths, spoke on the subject of '2–5 year qualified lawyers: New Habitat Required for Rare Species' at the London Law Expo event. She gave some interesting examples of the net generation's behaviour in the workplace. In the past, if a junior lawyer arrived late for a meeting, they would apologise profusely and hope no one noticed. These days a millennial might just go up to their manager and ask what they had missed! Recently at her firm a new lawyer refused to go on secondment. In the old days, they would have just gone without any discussion at all.

INTER-GENERATIONAL BEHAVIOURS

The focus on inter-generational behaviours seems to have started much earlier in North America than here. I recall a session at the annual conference of the Canadian Association of Law Libraries (CALL/ABCD) back in 2009 which was quite an eye-opener. Over the years, the UK seems to have gradually started to address the issue as well.

A *Solicitors' Journal* article by John van der Luit-Drummond, published on 26 October 2015, looked at the impact of intergenerational issues for law firms¹². Research by Globalaw, a network of 119 law firms operating in 175 cities worldwide revealed that 62% of staff were "not engaged" at work¹³. Much of this detachment was put down to the problems of aligning the values of diverse generations with different aspirations and concerns. The older staff tended to favour formal and structured methods of work, while those aged 20, or under, were more interested in finding new ways of delivering a task.

The December/January issue of *Managing Partner* carries an article along similar lines by editor, Manju Manglani, in which she opines that generational flexibility is key to law firms retaining successful lawyers¹⁴. Redesigning office space so that it is more conducive to knowledge sharing is part of this and she quotes architect and interior designer, Giuseppe Boscherini who says that "workspaces should be, accordingly, adaptable and feature a diverse menu of work settings, with perhaps fewer fixed workstations and more flexible and adaptable meeting spaces"¹⁵. The law firm, Jackson MacDonald, is also moving from closed to open-plan offices and found they helped integrate different generations and improved its culture. They report more positive interactions

between the generations and different practice groups, which nurtured a more collaborative culture for young and old. Research from Harvard Law School shows that when professionals do successfully collaborate, their clients are stickier and more profitable¹⁶.

THE FUTURE

Personally, I think we are likely to 'live in interesting times' in our workplaces or should I say spaces, as the Chinese proverb reputedly has it. Whether agile working will be widely adopted and harmony amongst the many generations enjoyed, is not known at this stage. These factors are likely to rise higher on the management agenda I feel, because a combination of companies driving efficiency and the drive to cut costs will mean that law firms and other businesses will be ever more determined to recruit the best possible people from a more diverse pool and ask them to work in whichever way can be agreed. If that involves days

working at home, using their smartphone as their virtual office when on the move and hot desking when back at base, then 'martini working' will surely happen if gradually at first. Employers will be keen to ensure that their employees take up the minimum of expensive floor space. If we are hit by another recession, businesses do not want to be saddled with surplus real estate.

These issues are certainly out there and are at least worth bearing in mind when you plan for the future, even if like me, you will probably still be travelling on the same overcrowded train, bus or tube each morning for some time to come.

I'll end this article with some encouraging words from French novelist, playwright, and filmmaker, Marcel Pagnol: The reason people find it so hard to be happy is that they always see the past better than it was, the present worse than it is, and the future less resolved than it will be.

Footnotes

- ¹ Paul Allsopp used the term 'Martini' working in his article published in 2010. Paul Allsopp, The Agile Organisation, What is agile working? <http://www.agile.org.uk/2010/02/13/define-agile-working/> accessed 13 May 2016.
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- ⁶ *ibid.*
- ⁷ <http://www.legalfutures.co.uk/latest-news/future-working-law-agile-lawyer-entrepreneurs-smaller-firms> accessed 14 May 2016.
- ⁸ Peter Crush, Traditional law firm embraces agile working philosophy 5 August 2015 <http://www.cipd.co.uk/pm/peoplemanagement/b/weblog/archive/2015/08/05/traditional-law-firm-embraces-agile-working-philosophy.aspx> accessed 13 May 2016.
- ⁹ https://www.thelawyer.com/issues/online-october-2016/exclusive-bakers-implement-agile-working-across-global-network/?cmpid=dnews_2766448 accessed 21 January 2017.
- ¹⁰ <https://www.linkedin.com/pulse/entreployee-amy-farnsley> accessed 14 May 2016.
- ¹¹ Mark Lewis, 'Characteristics of the Four-Generational Library Workplace' [2011] Canadian Law Library Review 14–22. Also available via SSRN at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1983415.
- ¹² John van der Luit-Drummond, 'Generational gel: Inter-age issues a challenge for law firms' (2015) Solicitors Journal <https://www.solicitorsjournal.com/news/management/education-and-training/24360/generation-gel-inter-age-issues-challenge-law-firms> accessed 20 January 2017.
- ¹³ *Ibid.*
- ¹⁴ 'Generational flexibility' is key to law firms retaining successful lawyers (December 2015/January 2016) Managing Partner 7. <http://www.managingpartner.com/> accessed 20 January 2017.
- ¹⁵ *ibid.*
- ¹⁶ *Ibid.*

Biography

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