

MBC signatories call 11 November 2020

Attendees – Richard Martin (RM) and Lisa Swinney at byrne-dean were joined by over 40 participants on the zoom call. In view of the number of those participating we haven't listed attendees by name except where a full update was given.

We welcomed Vialex to the MBC signatory group.

1. Update from RM on recent activity

International Bar Association – RM has been invited to join the IBA taskforce on mental health and wellbeing across the legal profession globally. The IBA have been running a global mental wellbeing survey of the experiences of both individuals and organisations and would value continued input: <https://www.ibanet.org/Mental-wellbeing-in-the-legal-profession.aspx>

International – a number of organisations in Hong Kong, both current and prospective signatories, are keen to collaborate and support each other. The way in which international jurisdictions operate and work with the Charter will require further thought over the next year as interest continues to grow.

The Investment Association – byrne-dean will be running a presentation on the MBC to IA members in December, which will hopefully generate further interest among the investment community.

RM has been talking to signatories on a one-to-one basis about how to imbed and implement the Charter on the ground.

2. Updates from signatories:

For the benefit of those new to these calls, the purpose of signatory updates is to learn from each other - underscoring the collective nature of the initiative. Organisations share their MBC related activity, may in turn seek input from the broader group and generate further discussion.

HFW – Kathryn Hull

HFW recommitted to the MBC on World Mental Health Day, one year on from signing. Their commitment has been global across their 19 offices from the outset.

They decided to focus on one pillar at a time, every quarter for the next year. Initial focus is on Pillar 3 - Respecting rest periods. Their first quarterly campaign is 'Work rest and play, in an agile way', recognising that people are working in a different way across their jurisdiction given COVID.

MBC Champions have been collecting information and feedback globally on behaviour around rest periods and highlighting where there is a need to improve. Their feedback will be used to share examples of integrating rest and play into busy lives.

They launched a wellbeing hour. Initially a one-off opportunity to take an hour out of their day to do anything that benefitted their wellbeing. Feedback has been positive. Some suggested having it at a set time, but that was problematic in view of the different jurisdictions, departments and working patterns. They intend to offer a wellbeing hour every month going forward.

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Next steps – they had delivered a webinar with Dr Nerina Ramlakhan around rest and will continue to share shorter tips-focussed videos (feedback showing a preference for short videos over a 30 minute webinar.)

They are looking to run a programme with their Management Board around wellbeing, acknowledging that tone from the top around the implementation of the MBC is incredibly important.

Looking to do a mailout to all employees which will include information about the wellbeing hour, supports offered and a Kit Kat to encourage people to take a break!

Discussion:

Have any reports been run to see how many fee earners have taken up the wellbeing hour?

The hour sits within a D&I non-chargeable time recording code so is trackable. Update hasn't been huge - potentially a communication issue.

A likely response to the proposal of a wellbeing hour might be that such behaviour is already encouraged. Why does it need to be formalised?

They have the same messaging around encouraging time out for wellbeing, but found that some individuals weren't finding the time to integrate rest. They wanted to use the wellbeing hour to encourage those people in particular.

RM reported that a client had sought to address the issue of staff anticipating negative judgment from colleagues if they logged off (and therefore not giving themselves permission to do so) by ringfencing an hour of social activity in the diary every week. During that hour staff were tasked with finding a colleague to undertake an activity with (funded by their employer).

Burness Paull – Emma Smith

Burness Paull joined the Charter in October 2019. They had been doing a lot of work around mental health and the Charter aligned with that work and consolidated the messaging.

Their first step was getting senior sponsorship. Their Managing Partner heads the campaign, and Chairman and Director of Business Services are closely involved. They held an internal launch event which produced 33 MBC Champions. The Champions' role is to push forward the MBC agenda and to consult with employees and strategy groups on embedding across their divisions.

BP rolled the Charter out one pillar at a time in 3 stages, all underpinned by the principles of openness and respect. They started with meetings and emails, looking at what would work in their teams eg limiting internal meetings to 30 mins and using 'not for now' or equivalent in email titles

BP decided that, for them, there wasn't a one size fits all Charter for all practice areas. Informed by discussions MBC Champions had with their teams, they embedded MBC principles in practice areas in ways that suited them. They then collate the various teams' ideas and gather those that they consider would work well broadly across the firm into a top tips document which is sent out and goes on to the MBC intranet page.

The MBC had been well embedded by the time COVID hit, which it was felt stood them in good stead for remote working.

They are currently considering 'Respecting rest periods'. The pillar fits well with feedback about people's inability to switch off during home working. They are using the MBC to put in place practical

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steps around making sure people switch off in the evenings and take holidays. MBC champions are currently looking at this within their teams

They are looking at monitoring metrics of email traffic and at meeting planners that don't generate extra emails.

BP have been working with a client (and fellow signatory) to look at how the teams on particular transactions can work with each other in an MBC compliant way.

MBC is starting to become part of their daily dialogue.

Discussion:

Elaboration on email metrics?

It is a monitoring exercise. Looking to see if there is an identifiable difference in email traffic since they signed the Charter. The IT department believe it is possible to monitor the levels of traffic and identify particular divisions where there is a problem

How is that squared with agile working?

The intention is to identify trends and look at the bigger picture of email traffic in general in terms of volume rather than time sent. Results will be matched with survey results where particular divisions are getting poor results in terms of switching off.

An observation from Mary Peterson – a recent study by Harvard Business School looking at the impact of lockdown on people at work has shown that this period has exacerbated the email issue for many. We are sending more emails, more of which are out of hours and attending more meetings (albeit with a silver lining that meetings tend to be slightly shorter). More people are being copied into emails. Focus on email traffic is timely and important.

The issue of being copied into emails was raised during Burness Paull's initial consultation. Teams are getting better at changing email subjects to keep them relevant. It is relevant to emails both to and from fee earners. When, for example, the finance team were told that partners had fed back that they get generic emails that they don't feel are relevant, Finance countered that they are often copied into emails without being directed to what they are meant to be looking at.

Paul Hastings – Luke McDougall

Paul Hastings have been a signatory for a little over a year. At PH the promotion of the MBC comes under their 'PH Balanced' programme which is the umbrella for work-life fit, mental health and flexible working initiatives within the firm.

They are currently assessing the level of implementation and permeation of the MBC in London and determining whether to roll out MBC globally through the firm. As part of that, they are undergoing an internal survey regarding how the MBC applies during the pandemic and to remote working caused by lockdowns in the UK. So far the feedback is more granular and encouraging than they expected - in particular the willingness of partners to use MBC in their engagement with clients has been interesting. They have successfully encouraged clients to sign. There is, for example, a genuine exchange and engagement with PGIM, and a mutual holding to account in terms of MBC compatible behaviours.

PH have concluded that adapting the MBC, by making it specific to particular practice areas and their people, works best for them. In late 2019 they created a leveraged finance version (a practice area

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notorious for problematic behaviours) with ground rules that they shared among a group of leveraged finance teams in other signatory firms.

Focus and concrete steps taken in relation to the MBC have been subsumed within the pressing issue of the firm's approach to the pandemic and the Black Lives Matter movement. PH Balanced has spent significant time trying to find ways to support staff and bring important voices and perspectives into the conversation. They arranged for Professor Sir Cary Cooper, a foremost expert in work-life stress to do a webinar for our staff and clients, which was very well received. It also helped focus on the key causes of bad mental health outcomes in the workplace and where those intersected with remote working.

A next step, once they have the survey data points arranged, is to decide whether to roll out globally at this stage. There is support from PH Balanced which is a global committee. There a few discouraging voices in the US market including mention of reports that some US firms have used the fact that they aren't MBC signatories to differentiate their offering.

Discussion:

It seems staggering that US firms that are saying, if it is true, that they should be appointed because that haven't signed up to the MBC.

If true there are likely two elements to these firms' attempt to differentiate. As well as the 'we will provide a service that is more responsive', they may feel in contentious practice areas that 'we won't shy away from practising mental disintegration' will be seen as an appealing differentiator. A firm that won't shy away from mentally disintegrating the other side in a transaction may be seen as one that will likely not shy away from mentally disintegrating opposition in a contentious transaction.

Pinsent Masons had heard from a client some months ago of such an approach and can report that that particular client was very unimpressed!

It is encouraging to hear of the MBC discussion within the leveraged finance teams community. There can be assumption that it is everyone else that demands that things are done in a certain way.

The idea that it is someone else's problem needs to be attacked. Although the practice area is notorious for weekend working, minimal turnaround times etc there are partners who recognise that these practices are untenable and unsustainable. If work needs to happen at the weekend there can be a better, more mindful way of conducting it. Accurate subject lines are particularly important if multiple emails are being received at the weekend.

3. MBC Charitable Incorporated Organisation – an update

We continue to answer various queries and supply the further information requested by the Charity Commission as they work through their approval processes. We remain grateful to Irwin Mitchell for their expertise and support.

We have had about 10 volunteers for the trustee role and so have a sufficient cohort but there is room for a couple more.

4. Annual evaluation - a reminder

It has been agreed that on the anniversary of a signatory joining, it would be useful to complete an annual evaluation that allows an organisation to:

- Reflect upon and reaffirm commitment
- Reflect on what has been done over the year, on what has and hasn't worked and share learning with the community

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- Identify challenges faced. There may well be those out there in the MBC community that can help.

We're aware that people have competing pressures at the moment but look forward to receiving completed forms from those who became signatories in October 2019 or earlier as soon as they are able to complete them.

5. Discussion

What key priorities do you want the MBC community to focus on over the next year, both generally and bearing in mind ongoing lockdown restrictions?

Our planned discussion was curtailed by lack of time. Signatories were invited to email their thoughts to byrne-dean who, along with the trustees, will be seeking to set the agenda for the Charter.

6. AOB

One of Barclays' tech teams have been in touch to discuss their particular challenges, the adoption of MBC principles and what they have been doing with internal and external stakeholders. If there is interest in setting up conversations with equivalent teams in other organisations we will arrange an introduction.

The next bi-monthly signatories call will take place on Tuesday 12 January at 12pm. A calendar invite will follow.

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