

# E-presenteeism: are we taking a step backwards?

Matthew Kay examines the effects of e-presenteeism in the legal sector



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## IN BRIEF

▶ What e-presenteeism is and how it is affecting people working from home.

▶ How firms can tackle e-presenteeism in the future.

Before the pandemic hit, research from the Chartered Institute of Personnel and Development (CIPD) found 83% of its respondents had observed presenteeism in their organisation (Health and Well-being at Work, March 2020, <https://bit.ly/3p9qEsN>). A quarter of those surveyed (25%) had said the problem had worsened since the previous year. More recent statistics show that 46% of employees surveyed by The Society of Occupational Medicine said they felt more pressure to be 'present' since working from home (Presenteeism during the COVID-19 pandemic: Risk factors and solutions, 20 May 2021, <https://bit.ly/3HeTGxc>).

Many businesses have long-known that presenteeism can cause problems in businesses—not just by creating an unhealthy, unsupportive culture for workers but also impacting the company's bottom line; research from the Centre for Mental Health calculated that presenteeism costs the UK economy £15.1bn per annum, while absenteeism costs £8.4bn (Managing presenteeism: a discussion paper, May 2011, <https://bit.ly/3s8DyZO>).

## E-Presenteeism—what is it?

First, let's take a look at presenteeism in the legal sector, on which Cherie Blair QC recently said: 'Presenteeism is a curse and not a blessing and we can do things differently.' ('Presenteeism is a curse': Cherie Blair backs flexible working post-pandemic, 14 May 2021, <https://bit.ly/3BI893z>) The idea behind presenteeism is that people show up for work but aren't productive, and the reasons behind this could be varied. Some workers simply feel obliged or pressured to work long hours and always be 'on'—a state of working which isn't naturally going to lead to people being their most productive. Alternatively, presenteeism can refer to showing up to work when you're unwell—whether with physical or mental health issues.

This has long been recognised as a malady for the legal sector. With some firms deep-

rooted in tradition and old-fashioned working habits, the advent of increased technology and innovations such as cloud-based systems haven't created the flexibility and agility many hoped for, but simply created more ways to work and be contacted.

This leads us on to e-presenteeism. While many law firms have been embracing flexible working for some time, the real sea-change in the sector was the first lockdown in March 2020 which saw the majority working from home for a lengthy period. And without a commute, time spent travelling to meetings or even the short walk to the coffee machine, people by and large used that time to work more. A Harvard Business Review study (Where Did the Commute Time Go?, 10 December 2020, <https://bit.ly/3LRKqTh>) examined detailed time-use diaries of 1,300 US-based knowledge workers to ascertain how these workers spent their time which would ordinarily have been spent commuting (a significant chunk of time—according to TUC analysis (Average worker now spends 27 working days a year commuting, finds TUC, 17 November 2017, <https://bit.ly/3BNUfgn>), commuters face an average 58-minute daily journey—the equivalent of 27 working days a year). The Harvard Business Review study found that those with managerial responsibilities tended to use this 'extra' time to work more and attend more meetings.

There's a very basic reason why the mass move to working from home—across not just the legal sector, but the wider business world—didn't help stop presenteeism but simply encouraged the trend to grow in a slightly different direction: many professional sectors don't have the same sort of tangible outcomes that other industries do. Speaking to the BBC about this issue, Scott Sonenshein, professor of organisational behaviour at Rice University's Jones Graduate School of Business in Houston, Texas said, 'as we've shifted to a knowledge economy, it's much squishier to measure what output actually looks like.' (Why presenteeism wins out over productivity, 7 June 2021, <https://bbc.in/3JJ44yW>) There's no basket of spoils at the end of the day, but being 'on', visible and responding to emails can look like productivity. There's certainly some truth that busy senior partners and members of staff may notice those who email

more frequently and in an unhealthy culture, recognise this visibility as productivity.

## Tackling presenteeism

Tackling presenteeism is important and should be a priority for the next year as firms re-adjust to the new normal of hybrid working. It's important not just from a productivity perspective but also from a viewpoint of 'fixing' culture and subconscious bias. Conscious inclusion could be another important factor in helping tackling presenteeism. It can be hard to shift the perception that those being the most visible are the most productive and from an inclusion perspective this can inevitably mean certain people could therefore be viewed as less productive because they simply aren't able to devote so much additional time to work—those with caring responsibilities and working parents, for example.

To build a culture where everyone feels genuinely included with a strong sense of belonging takes more than just awareness of bias. It requires action and commitment to help others build the capability and the confidence to intervene and interrupt bias, effectively and in the moment. Only then can you work towards building a truly inclusive culture which doesn't value presenteeism.

It can be difficult to spot presenteeism but one of the red flags can be decreased productivity. In these instances, increased communication, as well as leading from the top and clearly logging off and not being available during non-working hours is important.

We've learnt over the years from our contract lawyers that providing a flexible legal provision and setting clear parameters to the projects they're parachuted into is important, as well as focusing on the importance of work-life balance.

While e-presenteeism might be considered a relatively new phenomenon for law firms, traditional presenteeism certainly isn't. However, with more awareness and tools to tackle the problem, there's no reason why presenteeism in all forms can't become a thing of the past.

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