My flexibility story

In a profession in which mental health issues are all too common, there remains a need for greater understanding by employers, as a senior litigation lawyer in private practice explains.

I am a senior lawyer. I also have bipolar disorder. That is, I have been told that I am ‘somewhere on the bipolar spectrum’, although there is no neat way to diagnose or treat my illness.

The lack of a clear diagnosis doesn’t really bother me. I have been dealing with the illness for long enough (24 years) that, provided I am medicated correctly and I can function normally (whatever this means), I am satisfied that I am getting by.

The ‘but’ is, that when you suffer from a mood disorder that can’t be accurately described or predictably treated, confronting your employer about your illness can leave you feeling isolated, confused and fearful that every display of emotion you have is secretly being evaluated for signs of mania or depression.

My first experience of disclosing my illness didn’t go well, and in retrospect I wish I had known more about discrimination law at the time. It was 2005, I was in my mid-20s, and I was working as a restricted practitioner in the litigation section of a respected mid-tier firm.

Though motivated, inspired and keen to make an impression, I suffered a relapse - a sort of panic attack - which saw me hospitalised for two weeks. I was really unwell, I was working up to the wire and it took everything I had to put my head down and get things done.

On my return to work, my supervising partner pulled me aside and said that in light of my illness she would be putting me on a performance management plan.

Not long afterwards, I left the firm for different reasons, although I can’t deny that the performance management plan was the nail in the coffin of my relationship with my supervising partner. Many years later when I was a senior lawyer and employed with another firm, I had the satisfaction of working opposite her and demonstrating that I was not only capable of working in the same field, but excelling.

Fortunately, at that stage in my career I also had an employer who remains to this day the best I’ve ever had, and who did not for a moment after I disclosed that I had bipolar disorder consider that my abilities were compromised by the illness. At times when I was hospitalised, my direct boss understood how important working was not only for me but for my recovery, and trusted that I could do some work remotely from my hospital room.

For a while I also worked four days a week, taking a Wednesday off to allow for the obligatory appointments with my psychiatrist and to look after my health. If I needed to, I worked from home on my day off and this had the added benefit of me getting work done with minimal disruption. The ability to change these arrangements without being interrogated as to whether I could get the job done was something I will never again take for granted.

I have moved on from this employer, but learned a lot from her about leadership and how acceptance, diversity and flexibility in the workplace can mean that your staff not only get the job done, but excel at the job.

So here I humbly offer some tips of my own for management on how to deal with requests for flexibility from staff with a disability:

- Be mindful of the power imbalance between management and junior staff, and how this is particularly exaggerated in a situation in which that staff member is swallowing his or her pride to ask for a flexible work environment. In my case, at seven years post-admission and following a promotion, I finally felt that I had ‘earned the right’ to request flexible working arrangements which would make management of my illness easier. It should, in fact, work the opposite way around: a lawyer requests flexible work practices because this will give her the best prospects of managing the illness so she can perform well in the job.

- Management of disability is an ongoing journey with inevitable peaks and troughs. Often the person with the disability will have periods where the disability itself is managed and under control, however may be suffering from problems related to the treatment of the illness, such as medication. In my case, I moved into an apartment 500 metres up the road from the office because I was so fatigued from my medication that I was getting to work late when I lived 20 kilometres away. My point is that, if you are the manager of a person with a disability, be mindful of the fact that their battle is often more than just with the illness or disability itself.

- Respect not only the individual’s right to privacy (this goes without saying), but his or her decision to disclose information which may make you uncomfortable.

- Every time a person with a psychiatric illness discloses that fact to their employer, he or she is taking a considerable leap of faith in entrusting that information to you. It is an extremely bold decision. Do not minimise the experience of that person by glancing away, brushing it under the carpet or changing the subject, or worse still, thereafter questioning every judgment call that person makes when decision-making is required. Acknowledge how difficult making that decision to disclose the illness must have been and thank them for trusting you with that information.

- Don’t forget that they are asking for your help to make their working life easier.

This story appears on behalf of the flexibility working group, an initiative of the Queensland Law Society and Women Lawyers Association of Queensland. The group needs your story – good or bad. Please contact flexibility@qls.com.au and share your experiences with flexibility in the legal profession.

See the love law, live life page at qls.com.au for links to BeyondBlue, the TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession, and other resources.