



## *McCarthy Tétrault LLP*

# *Increasing Retention of Women Lawyers: The Parental Leave Program*

### **Organizational Information**

Founded in 1855 as Boulton & McCarthy and expanded through numerous mergers, McCarthy Tétrault LLP became Canada's first national law firm in 1990. The firm delivers integrated legal solutions nationally and globally in the areas of business, tax, real property, labor and employment law and litigation. With almost 650 lawyers and approximately 1,000 support staff throughout Vancouver, Calgary, Toronto, Montréal, Québec City, and London, England, McCarthy Tétrault is consistently recognized as a top Canadian law firm with a global impact.

### **History and Launch of Activity, Program, or Policy**

In the fast-paced client-driven atmosphere typical of law firms, achieving work-life effectiveness often proves challenging because family responsibilities compete with work demands. Although various provinces within Canada have enacted legislation which sanctions parental leave and Canada has a nationwide, worker-financed Employee Insurance Fund (EIF) which provides employees with a percentage of their salary while on leave,<sup>1</sup> law firms in Canada, like those in the US, struggle to retain their women lawyers.

For decades, McCarthy Tétrault had maternity and parental leave policies in its various offices which met or surpassed legal requirements, but such policies proved insufficient to retain its women lawyers. Recognizing a drain of mid- to senior-level talent, senior leadership took action in 2004.

Since 2004, McCarthy Tétrault's senior leadership has identified gender diversity as one of the firm's highest priorities and in 2004 its CEO tasked the Regional Managing Partner in Ontario with creating and overseeing initiatives to support women lawyers. McCarthy Tétrault has taken many steps to reduce barriers to women's advancement, such as implementing a women's initiatives network, path-to-partnership seminars, and a formal mentoring program. The firm has also worked to increase women's representation on the national leadership team and board of directors.

To bring the retention of women lawyers further into alignment with the firm's progressive history of recruiting women, McCarthy Tétrault transformed the various regional parental leave policies into a firm-wide supportive and comprehensive Parental Leave Program. The program increased accessibility for both women and men lawyers through adjusted content and inclusive language. Designed for associates and income partners and first successfully piloted in the Toronto office, the program has since been launched in all regions.

<sup>1</sup> Family Leave - U.S., Canada, and Global Quick Take (Catalyst, 2009).

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### **Strategy of Activity, Program, or Policy**

McCarthy Tétrault is dedicated to attracting and retaining skilled women lawyers. The firm realizes that as a lawyer concern, work-life effectiveness directly impacts its strength: increased stress and burnout lead to decreased productivity, job satisfaction, and commitment. McCarthy Tétrault helps its lawyers achieve greater effectiveness on the job and at home by offering assistance before, during, and after parental leave through coaching sessions, a buddy system, and an easily accessible information toolkit. By offering supportive options for parental leave and flexibility, McCarthy Tétrault demonstrates a commitment to work-life effectiveness and the recognition that diverse legal talent is the most valued asset at the firm.

Support for the Parental Leave Program cascades from the CEO down. A Diversity Task Force, comprised of men and women equity partners from each of the firm's regions, is currently focused on gender diversity. A sub-group of McCarthy Tétrault partners, which reports to the Diversity Task Force, is responsible for implementing and sustaining gender diversity initiatives in three areas: business development, professional development, and communication. The Parental Leave Program falls under the area of professional development of associates and partners.

McCarthy Tétrault's Parental Leave Program was designed to help lawyers prepare for parental leave, maintain contact while on leave, and assist with reintegration into the firm upon return from leave. Reintegration involves career planning and development as well as achieving sustainable work-life integration. By encouraging associates, income partners, and equity partners to utilize program supports, McCarthy Tétrault actively upholds a commitment to work-life effectiveness.

- **Parental Support:** McCarthy Tétrault offers coaching options for lawyers going on parental leave. Coaching is available before the leave starts and also through the lawyer's return to work. Both the lawyer and his or her partner can participate in six paid confidential sessions with an outside coach to process personal life transitions such as new relationship dynamics, caregiver issues, or stress management. Lawyers can also discuss professional development concerns, such as career path trajectories, timing to partnership, length of parental leave, or reintegration challenges with an internal coach. Initiated in the Toronto office, these coaching options proved so successful that McCarthy Tétrault expanded them to multiple locations in early 2009.
- **Paid Parental Leave:** Canadian legislation authorizes province-specific unpaid and job-protected parental leave. A standard maternity leave is 17 weeks. In addition, both women and men can take 35 weeks of parental leave. Although this leave is legislated as unpaid, employees in Canada contribute through payroll deductions to



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an Employee Insurance Fund (EIF). Employees on leave receive a percentage of their regular wages from this fund based on how much they have contributed, how long they have worked, and how much they earned. McCarthy Tétrault supplements this income for up to 17 weeks in British Columbia, Alberta and Ontario, and 18 weeks in Quebec (based on provincial regulations) to ensure that primary caregivers, regardless of gender, earn a full salary while on parental leave. Lawyers also continue to accumulate vacation time while taking leave. By augmenting wages and retaining vacation accrual, McCarthy Tétrault makes parental leave financially feasible and more accessible to its associates and income partners, reducing stress and increasing organizational commitment.

- **Buddy System:** McCarthy Tétrault understands the importance to both lawyers and the firm of maintaining connections with high-value talent. The longer the leave, the more challenging it is to sustain relationships through informal methods. To address this issue, McCarthy Tétrault developed a buddy system that is especially effective for keeping in touch with parents on extended leaves, leading to a high utilization rate among women in particular. Each lawyer planning a parental leave works with the regional Professional Resources Director—a full-time position which is responsible for monitoring associates' and income partners' career progression—to select a “buddy.” Typically, buddies are parents within the lawyer's practice group who have taken parental leave and successfully returned to the firm. The exact nature of the buddy relationship is tailored by each pair—buddies may offer advice, communicate firm updates, and/or serve as a mentor. However, all buddy relationships address three aspects: preparation for leave, maintaining contact during leave, and facilitating reintegration and work-life effectiveness upon return from leave.
- **Toolkit:** McCarthy Tétrault has created a resource, called the Parental Leave Toolkit, which contains a range of documents that assist lawyers with the transition to parenthood and is available in both print and electronic formats. Documents include “Tips from the Trenches,” advice from fellow lawyers who have taken leave; a firm-wide list of lawyers with young children; and WorkLife Program articles covering professional development and childcare topics such as “A Parent's Guide to Childcare Options” and “Easing the Transition Back to Work.” The toolkit also incorporates McCarthy Tétrault forms that need to be filed with Human Resources, the firm's Maternity and Parental Leave and Flexible Work Arrangement policies, and answers to frequently asked questions.
- **Flexibility Options:** Employees returning from leave have the option to work on a flexible schedule, but flexibility options are not limited to parents. Generally, any lawyer with at least three years of full-time practice experience is eligible to request a flexible schedule for dependent care or personal health reasons. McCarthy Tétrault is confident that its lawyers can serve clients effectively and profitably



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contribute to the firm when using FWA, because the needs of the firm and its lawyers are harmonized. By submitting a proposal that outlines how the lawyer will address the needs of the practice group and continue his or her professional development, both the lawyer and the firm benefit. FWA can take a variety of forms, such as reduced work hours or shifting daily start and end times, and are highly personalized. Thanks to McCarthy Tétrault's clearly-stated policy, associates and income partners can use FWA to increase workplace effectiveness without being taken off the partnership track, though it may take longer to achieve career goals.

Supporting policies such as these, which help lawyers before, during, and after professional leaves, benefits not only individual lawyers but the firm as well. McCarthy Tétrault maintains connections to high-value talent, ensures a robust pipeline for future partners, and builds firm loyalty.

### **Success Factors**

- The Parental Leave Toolkit, which provides resources and documents in a single, readily accessible location, ensures that all lawyers are aware of the support options for parents. McCarthy Tétrault sees this as a simple and cost-effective way to promote transparency and honest conversations, leading to greater usage of the toolkit.
- The Professional Resource Directors in each McCarthy Tétrault office actively collect feedback about the initiative from lawyers who have participated in the program as well as from fellow lawyers in their practices group to gauge which aspects of the program are helpful and which are not. The comments and suggestions guide continuous adaptations and improvements to the program. For example, the counseling sessions for parental support were expanded to multiple McCarthy Tétrault offices based on positive feedback from Toronto associates.

### **Challenges**

Originally devised to support lawyers shifting into and out of maternity leave, early proponents of the leave program were women. Although McCarthy Tétrault has had a *parental* leave policy in place for over a decade, the original focus on maternity leave appeared to exclude male lawyers. The firm learned that framing the program as a women's initiative curbs men's engagement. To encourage all lawyers to utilize parental leave and to become active supporters of the program's evolution, McCarthy Tétrault launched the Parental Leave Program in late 2008. With simple modifications, the content and value of the program easily translated into accessible and relevant assistance for both women and men lawyers.



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## **Catalyst Change Drivers**

### **1) Senior-Level Leadership/Involvement**

Each year, McCarthy Tétrault's CEO communicates the national priorities for the firm. Gender diversity has been a strategic priority since 2004. By expressing a personal dedication to gender issues, the CEO sets the tone for the entire organization. The message is further reinforced by senior-level partner participation on the Diversity Task Force. Equally important, partners in the firm not only created the Parental Leave Program but also are responsible for its evolution and sustained success.

### **2) Communication**

McCarthy Tétrault ensures the initiative's success by effectively communicating about the program to the firm's lawyers. Details of the Parental Leave Program are available on the firm's external website and the Women's Forum intranet site. New lawyer orientations include a review of the Parental Leave Program. Regional Managing Partners, national Practice Group Leaders, and Professional Resources Directors are well versed in the specifics of the program, making them excellent sources of information and support for those considering parental leave.

## **The Impact of the Activity, Program, or Policy**

- A testament to the success of the program is the significant majority of parents who return to work after taking maternity leave: nearly 100 percent from 2005 to 2009.
- Women senior associate retention increased from 42 percent in 2003 to 57 percent in 2008. McCarthy Tétrault attributes this significant improvement to the leadership and commitment of its partners who support gender diversity through policies and initiatives such as the Parental Leave Program and FWA. As a result, McCarthy Tétrault has a more diverse, qualified, and robust candidate pool for partner promotions.
- As the renaming of the program illustrates, McCarthy Tétrault is dedicated to building an inclusive culture and work environment for all employees, regardless of gender. Previously, McCarthy Tétrault relied on the leadership of a Women's Task Force, comprising all women partners, to help lead and sustain change. The firm has now transitioned to a Diversity Task Force, which includes both women and men partners, and which is currently focused on gender diversity.
- McCarthy Tétrault has made progress in building a program and culture that supports women and men taking parental leave. Male partners and associates at McCarthy Tétrault have embraced the idea, sometimes extending their leaves by tacking accrued vacation days to their allotted parental leave. In addition to parental leaves, women and men lawyers are also using the FWA policy for eldercare and childcare.



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### **Next Steps**

With the Parental Leave Program in place, McCarthy Tétrault is embarking on fine-tuning the relationship between parental leaves, FWA, and career paths. Although lawyers who have worked directly with colleagues who have taken parental leave or use FWA describe positive interactions, lawyers by training are skeptical. To dispel the perception that lawyers who use leaves or FWA are less committed to their work, McCarthy Tétrault aspires to develop a firm-wide engagement with these initiatives. One method for addressing these types of concerns is to have more equity partners, women and men alike, proactively support the existing programs and policies, a trend that has already begun. By utilizing available initiatives to balance their own work-life demands, the equity partners are role models that others can follow. McCarthy Tétrault has developed ongoing programs and procedures for Professional Resources Directors to monitor the quality of work assigned and the amount of partner support that lawyers receive while utilizing FWA. When necessary, the firm will bolster these supports with transparent actions. With these strategies, McCarthy Tétrault will generate broader understanding of and dedication to a culture that embraces diversity and inclusion.

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