

Short Minutes Transcript: (Over)working from home

Stress and high workloads can cause significant risks for law practices. The case of Sathananthan and BT Financial Group demonstrates how costly overworking employees can be.

An employee complained to his employer, that his workload was excessive as he was doing his own job plus that of his underperforming colleague. Ultimately the employee resigned and lodged an unfair dismissal claim contending that he was constructively dismissed. The Fair Work Commission commented that the employee "... was regularly working in excess of 70 hours per week ... and this was unreasonable in the context of that position and the reasonable expectations of the parties."

The Fair Work Commission concluded that the employee had no option but to resign and ordered the employer to pay him significant compensation.

While that claim was not in a law practice, work conditions for solicitors are changing. With more and more of us working from home or remotely, the physical barriers between work and home are blurred, and it can be difficult for employed solicitors to separate work from home life. Excessive hours and overwork can create stress, pressure and risk and can lead to employees' health and wellbeing declining, leading to claims against their employers.

A legal practice should manage the risks associated with overwork by:

- Keeping the lines of communication with your employees open - especially when they're working remotely.
- Hold regular meetings with staff, allowing them to raise concerns, and investigate them.
- Monitoring workloads and assisting with support, when required.
- Considering whether your practice might need additional insurance cover for staff employment issues, such as that arising in the example case. Contact our Insurance Services team for more information on Lawcover's Lawyers Management Liability Policy. This new policy provides cover for employment and other risks arising in the everyday management of your business. Together with your professional indemnity policy, you can rest assured that you have really broad protections in place for your law practice.

I'm Kerrie Lalich

[Sathananthan v BT Financial Group Pty Limited \[2019\] FWC 5583](#)

[Lawcover's Lawyers Management Liability Policy](#)