



YS UP GOVERNANCE AND BOARDS PODCAST

Episode 13 – Leadership, Culture, WH&S & Workers Compensation Claims with Lana Wolman

Transcript

Intro:

Welcome to YS Up Governance and Boards podcast brought to you by 3YS Owls Governance Consultants. Covering hot topics in governance, risk, latest regulatory changes and issues keeping directors and executives awake at night. Here are your hosts Ainslie Cunningham and Deb Anderson.

Ainslie:

Welcome to another episode of YS Up. Today we're joined by Lana Woltman. Welcome Lana.

Lana:

Thank you for having me.

Ainslie:

Thanks for coming along. Lana is an experienced personal injury and insurance litigation lawyer, and has worked in this space since 2012. Lana worked for three national firms before being poached by a premier Gold Coast commercial law firm to set up their personal injuries practice. Lana has recently launched her own legal consultancy business, congratulations-

Lana:

Thank you.

Ainslie:

-after seeing a gap in the market. Lana now refers to herself as the lawyers' lawyer. Her mission is to help plaintiff personal injury lawyers and law firms achieve outstanding outcomes by providing experienced high-quality legal consulting, locum tenens, coaching, training and mentoring services. Lana is the first to admit she is not your typical lawyer. With a creative background, Lana has used her creativity not only in her legal practice, but also to build a very strong online social media presence which has attracted a huge amount of attention.

Ainslie:

Lana believes that simply knowing the law is no longer enough to excel in the legal profession. According to Lana, lawyers now need to be multifaceted with a broad range of skills to excel. Lana is a passionate advocate for positive change in the legal profession. She thrives on raising others up, celebrating the success of her peers, and bringing the business community together to create long-term relationships. Lana wants to be an example that by making your own opportunities, being your most authentic self, having confidence and being fearless, that you can create something truly remarkable for your life. Wow, what a really awesome statement to finish that with, Lana. Welcome.

Lana:

Thank you. Thanks for having me.

Deb:

I love it that you say celebrating the success of your peers. So often people go around criticizing, don't they? To celebrate is just a beautiful thing to do.

Lana

There's nothing better than to see somebody in your industry, that's often a friend in my case, and to use whatever platform you have whether big or small to pat somebody else on the back, to lift them up, to showcase the amazing stuff that they're doing and to really build a community where that is the norm.

Lana:

As opposed to being in competition with each other and having more of that scarcity mindset and thinking that if somebody else is doing great it means that there's less of the pie for me. I look at it from the other perspective, that if we are all succeeding we all have more scope to succeed further.

Ainslie:

Yeah, absolutely.

Deb

The tall poppy syndrome, isn't it?

Ainslie:

Yeah. I think when it is in like a competitive environment like a law firm, or a lot of these other professional services firms, it can get very cutthroat because you're vying for partnership level one day and you're vying for more attention. And you see it time and time and time again of more whip and more billable hours and just that competitiveness really drives that poor culture. And I think, take the lawyer for example, that A personality type, that very competitive high-achieving individual.

Lana:

You're essentially putting this group of people together and you either have a culture of there is enough space for everyone to do well here, or you're pitting people against each other where it is a competition to see who can get to the top the fastest. And I think that that is a really shortsighted strategy. I think that in business creating a good culture starts from the top. And it's got that trickling down effect that if your CEO, general manager, office leader doesn't have the right mindset and leadership approach, that that's where that toxic environment can be created.

Lana:

And when you put all of these high achieving individuals in one place, they're going to achieve anyway. It's giving them that space to trust them, to allow them to take their own approach to the work that they're doing. And sometimes I have seen, and certainly in my experience, that is where the magic happens. When you give someone a little bit of space and trust, you can be really surprised with the amazing things that that person can achieve.

Ainslie:

Yeah, absolutely. And I think too it's about giving the managers, the senior leaders, the skills that they

need to survive in that environment as well. A lot of them are really technical at their own skill set and ability but they're not given the skills and the tools required to be a manager, and managing people, and managing performance, and all of those things that they're not necessarily equipped with that will build that empowerment and trust.

Lana:

I sometimes think that it comes back to everyone's really, really, really good at talking the talk. I'm sure we've all sat in dozens of meetings where we've had conversations around some really beautiful ideas, some really amazing strategies, some really remarkable ways to move the business forward. But talk is just talk and action will always speak louder than words, and so you're absolutely right Ainslie. You can have somebody that is highly skilled and technically brilliant at their chosen profession that doesn't have the skill set to be the most outstanding leader.

Lana:

And we all hear, okay, well, we need to give them these skills and things like that but it's not one size fits all. I think a person has to, firstly, want to seek that information and want to seek to grow and change and develop as an individual. And your organisation either sees that in a particular person or doesn't. And there has to be a level of selectivity around promoting somebody into that role, where they are managing people. And quite often we see people promoted into that space that don't actually like people.

Ainslie:

Yeah. Absolutely.

Lana:

And it just has baffled me over the years as to why that person who is technically brilliant and who is highly intelligent and remarkable at what they do, but has absolutely no skill in the space of managing others.

Ainslie:

I know, and even just understanding different personality types. Like I was talking to somebody recently about once you do understand personality types, and if you are in a large organisation around making sure that those people are situated in environments that they're going to thrive. If they're the people who need to be really kept quiet and zone out and get their work done, then they're given the tools and environment for them to thrive. And the people who want that social interaction and have somebody that they can chat with or listen to music in the background, that they're also given an opportunity to have the environment that they need to survive and thrive as well.

Lana:

That's so interesting, and I totally agree with what you're saying there. I am obviously extremely extroverted and I find it easy if I'm in my own office to be able to go into what I call bubble space, where I'm in my own little bubble and whatever is happening outside of my office, even if it's noisy, I can zone it out. But if I was in an open plan office environment where that noise and stuff was happening, I know that I am easily distracted, that I want to be a part of the action. I want to be a part of the fun. I want to be a part of the conversation.

Lana:

I don't necessarily think that that's a bad thing, but I also know what I need in order to remain focused and achieving as much as I can on a day-to-day basis. I remember hearing recently, and I don't remember where, but the difference between an extroverted employee and an introverted employee and the fact that a lot of organisations will hear the squeaky wheel and hear the person that wants to speak up in boardroom meetings all the time and gets that public recognition just simply because

they have the confidence to speak up, and then somebody who doesn't have the confidence in that environment to showcase their skill set and the importance in a leader, like you said, to be able to identify the two and give both type of personality that space to shine.

Ainslie:

Yeah, absolutely.

Lana:

For example with an introvert, and I've had lots of introverted people work with me, having that one-on-one time with them, giving them notice of what it is that you're going to be discussing in a meeting, to give them some space to prepare. For example, today we're going to be talking about these five matters and the ways in which you think that we should best proceed with the strategy to progress them, so come to me with some examples about how you think we can go about that.

Lana:

As opposed to they're worried for two days leading up to the meeting, thinking that it could be for some other reason and the moment that you ask them for their ideas they can't think quickly enough in real time to be able to offer the types of solutions and strategies that you might want. And some people may perceive that as a person not having the required skill set or not having the required ideas, but it's just that perhaps they need a little bit more time to prepare because their mind doesn't think the same way.

Ainslie:

Yes.

Deb:

Quite often introverts are really good incubators for great ideas. They just have to be given the right opportunity and forum to communicate those ideas.

Lana:

Yes.

Ainslie:

Absolutely. In terms of your experience in where you've seen really great examples of strong leadership and a really amazing workplace culture, what do you think are the sort of things that have helped those environments?

Lana:

I think the first thing is the leader has to have confidence. It starts from a place of confidence an energy. It doesn't have to be high energy. It has to be an energy that others want to follow, that others want to be a part of. I'm sure everyone listening and I'm sure you can both agree that when you have a leader who is low energy, who is constantly stressed out, who is constantly chasing their tail or is frantic or whatever, that it makes the work environment so incredibly difficult.

Lana:

You're walking on eggshells, you're constantly chasing your tail, you're constantly wondering what version of the person is going to be in the office that day, so confident with good energy. Whatever that energy is, but the type of energy that that people want to follow. Because, that energy, people are really sensitive to that. I definitely am. I like to be around that buzzy vibe where people are just going for it. When you're in that space, it's almost like the flood gates can open and you can just create something really amazing. And I've definitely been in that type of environment and I've loved it more than any others.

Ainslie:

Yeah. I think a really good working team together and, like you say, that working vibe is just such a really positive environment to be in. I was having a little chuckle before because we've all sort of been there where there's the Jekyll and the Hyde, and you don't know what you're going to get to.

Deb:

Like when you come in and the door is shut, don't bother, don't disturb me.

Lana:

Yes. Yeah.

Deb:

Yeah.

Lana:

And it's little things. Good morning. Who would have thought it? Good morning when you walk in; please and thank you, how was your weekend, how are your kids. Just actually really genuinely caring and wanting to know your team. And I realized that the show must go on and there is a business to operate and we can't sit around talking all day, but then even taking half an hour on a Friday to sit down once a month and to have half an hour worth of afternoon drinks and just to be together.

Ainslie:

Do you know, I actually read an article recently around Friday afternoon drinks and saying that there's actually importance now placed on those other types of conversations where it might be a Tuesday morning and saying, "Do you want to go and grab a coffee," instead of trying to put so much emphasis on alcohol and socialising with alcohol; that it's okay to actually have just one-on-one conversation or time with somebody or be able to have other avenues to build that social bond within teams and not just really putting so much focus and energy onto events that involve alcohol.

Lana:

I love that idea. You guys probably don't even know this, but I am a non-drinker and I've been a non-drinker for a really long time. And the unusual thought about that, I guess, is that I actually do host a Friday afternoon drinks event outside of the office for the local business community and for students from universities to attend and for it to be a safe space where it's not your traditional networking type of event. It's just a place where we all come together and literally hang out and let our hair down and get to know one another.

Lana:

I definitely get a lot of questions around the fact that I don't drink alcohol and how I could possibly be in a bar type environment without a drink in my hand. And over the years I feel really comfortable and fine with it, but I love that idea of having that other type of space where you can go and have a coffee in the morning with a colleague and not have the eyebrows raised of where are they, why are they out of the office at this time of the day? I love it and I think that's really cool.

Deb:

I don't even think it needs to be out of the office does it?

Lana:

Not necessarily. No.

Ainslie:

Just a chance to have a different one-on-one conversation. And I think it was actually an article from RUOK around the lack of social interaction during the COVID lockdown and things like that, and just

making sure that a lot of people are not putting too much emphasis on alcohol whilst you might be in these sorts of unprecedented times.

Lana:

Yeah, interesting.

Deb:

And we know the alcohol shops boomed during Covid.

Lana:

Yes. Yes, no doubt.

Ainslie:

The waist lines.

Lana:

But in terms of leadership and what I have seen has made a great leader and good culture, so the energy piece and confidence but then also having a really clear direction. Having clear direction about where not only they are going but where their team and their people are going, and then having the communication skills to communicate that direction to the team. I have certainly been in teams where I have had no idea what the direction is. I'm very self-aware.

Lana:

I like to hope that I'm very self-aware, and I know what job I've been hired to do and I'm very happy to perform that role and to take that personal initiative. But in terms of the bigger picture and the direction in terms of that bigger picture, I've definitely been in teams where that has not been clear. And I think that has just as much of a negative impact as somebody that you are walking on eggshells with. Because I guess it's the analogy of you're standing on a ship, on a boat, and the captain is very experienced and is clearly very good at directing the ship and steering the ship and looking after the people on board the ship.

Lana:

But no one knows where they're going and they're just standing on the boat, not sure how long they're going to be on the boat, not sure where they're going, why they're going there and how they're going to get there. And the same can be said for a leader that hasn't got clear direction and hasn't communicated the strategy of their direction to their team and what their team members part is within the strategy. Which then goes down into people feeling valued within the team because they have a clear part within the structure and the strategy, they know exactly what they're there to do, and they have the tools and the trust to be able to execute on those ideas.

Ainslie:

Yeah, absolutely.

Deb:

The story of the ship reminded me on TV last night, in Western Australia that great white shark was attacking the boat. Did you see that?

Lana:

No, I didn't.

Deb:

I just got this vision of this boat going around in circles chased by this shark.

Ainslie:

I was just thinking, oh, what if a big wave came up and took the captain and then no one else knows where they're going and now they're all just going in circles.

Lana:

Yes. Well, that's absolutely. That's-

Ainslie:

Keyman risk?

Lana:

Yeah, that's right. For me, I like to have a clear plan and direction. I like to have a clear strategy. I like to know where I'm going. I like for my team to know where they're going. Because then what you can do as the leader is you can let go of the reins. You can trust that your people can take care of the things that they're there to take care of and then all of a sudden you're able to delegate more, your team members are achieving more and more, they're feeling more and more valued, the energy increases, and everyone's just vibing, and it's a beautiful thing to be a part of.

Ainslie:

Yeah, absolutely. And it also helps with monitoring performance and executing performance plans, and things like that as well because everybody's expectations have been managed early on, everybody has clear set direction, smart goals that they can monitor achievement against. And, yeah, it just makes it a lot easier for everybody involved.

Lana:

But it even makes it easy to have those more difficult conversations throughout the course of the year. I'm sure you both agree, and you operate in this way, there's nothing worse than getting to the end of a financial year and having your performance appraisal and hearing feedback for the first time. In fact, as far as I'm concerned, that is probably one of the worst leadership skills that I've ever seen. You should be having conversations all the time, if not almost daily, with people around how they're operating whether it's, "Well done, great job; I am so impressed with how you did with that," or, "Hey, have you thought of doing it this way? The reason we do it like this is because..." with an example.

Lana:

I think that understanding the why behind the strategy, and the why behind the task, and the why behind whatever direction or whatever way we choose to do things, firstly, I think it's a better way of learning. Whenever I'm teaching people about a claims process or how to run a file or how to develop strategy, I always tend to start with the why first, because then it sinks in. You're not just putting together these haphazard ideas. You're saying this is why and then this is what comes next. And I've noticed that when I approach it in that way the ideas stick.

Ainslie:

I think too that's probably one of our biggest challenges for businesses that don't have a strong handle on corporate governance. It comes down to the implementation and the embedding of corporate governance frameworks and policies within the organisation. And some of the biggest challenges are the lack of understanding as to why something's there. If it's a securities trading policy for instance, it's there to actually protect the individual from insider trading laws and making a fundamental error by they might say some financial information go across somebody's desk and then they decide to buy shares.

Ainslie:

Well, we have a policy in place as a listed company to ensure that you don't go to jail. And I think when they understand that, instead of just... you see it in companies that embark on a journey of IPO or

float, and they're then suddenly given a whole laundry list of policies that they have to adhere to. And overnight the culture becomes eroded in those businesses that might've been doing really great and thriving to this point, that now they've suddenly got all this red tape that they need to comply with and they don't necessarily understand why. Whereas if they did, like you say, understand the why and how that might affect them.

Lana:

And it's coming back to that place of vulnerability. Your team can handle it. Sit down, have a real conversation, talk about real risks. Talk about real life, examples, get some feedback, get down to the ground level again. Stop sitting in board meetings having discussions with people where you may have your blinders on, come back and talk to your people.

Ainslie:

I think too it's the pass on of information. A lot of the time that you see strategies being developed, you see board meetings happening and things like that. But that cascading level doesn't really infiltrate all the way down to the bottom level of the organisation where they are-

Lana:

On the front line.

Ainslie:

Yeah. And they're the nuts and bolts of making the machine work. And they're the operational side of the business that if they're not understanding the strategic side of the business as well how do they expect it to be executed on?

Lana:

Yes.

Deb:

Like when you get a new employee and in your induction process is here's all the policies we've got within the business, just read them. Sign off, that you've read them. And then it's a set and forget. That just doesn't work.

Ainslie:

Yeah. And then suddenly you're getting a phone call saying, oh, such and such didn't comply with this policy. It's like, well, did they actually understand it? Did you take the time out to train them to understand it? Do you have ongoing training, or do you have ongoing monitoring of adherence to policy? How are you expecting your employees to understand the ins and outs of 50 odd policies within an organisation when they're trying to do their day job as well?

Lana:

Where there isn't that practical component of 'why' with a real life tangible example within their particular level in that business. Because certain policies possibly don't relate to every single person within the company structure.

Ainslie:

Yeah, absolutely.

Lana:

So, why flood people with information that may or may not even be relevant to their role?

Ainslie:

Yeah, I think that training side of it does help with that. And I think too, even like codes of conduct,

they really need like an FAQ or Q&A or the real life application examples, like you say, to help understand them more. In terms of, I guess, in your experience with workplace health and safety and personal injury claims, do you find you might have disgruntled employees turn up on your doorstep wanting to lodge workplace bullying and harassment claims where there may be a lack of that policy framework or environment in place on the organisation's perspective?

Lana:

I tell you what, Ainslie and Deb, I have possibly heard almost all kinds of complaints with respect to workplace issues, injuries, a range of things, I don't even know where to start with that. But it absolutely goes back to the point that you were making, that you have to start with very, very clear policies, procedures, codes of conduct and guidelines in place first. That's like your foundation. That's the fundamentals. But it doesn't just stop there, which is exactly what you said.

Lana:

You can't just create a tick and flick kind of scenario where people start, they read through the information. They may or may not have actually read it, they may or may not have fully understood it. They sign off on it because it's a part of the employment agreement to ensure that all of that induction stuff is done. It doesn't stop there, and that is definitely not enough to protect a company or an organisation from risk. It then goes to have you actually trained the people on what the expectations are. Do they actually really understand what it is that they're required to do on a day-to-day basis? What risks are actually inherent in their particular role?

Lana:

Take, for example, somebody in a heavy manual labour type job where the risks are very high every day simply because they're moving, they're around heavy objects, and they have to use their physical capabilities to do their job, as opposed to somebody like me - I sit at a desk every day and I operate a mouse and I type. And so the risks in each respective role is completely different. But I still am very much aware of my ergonomic setup and how my desk needs to be set up in order for me to be comfortable and what levels I need to be looking at the computer screen at and all of those bits and pieces.

Lana:

How to lift safely in the workplace, I've had heaps of trainings on all of this stuff but it's not enough to just train either just like what you said, Ainslie. You then have to be making sure that people are complying with the things that you've taught them. You have to make sure that your managers and that you're leader is monitoring staff and if they're noticing that certain and procedures, ways of doing things, are not being safely adhered to that the person is being pulled up. And it's not a written warning type of situation as far as I'm concerned. It's seek first to understand did you actually understand that this is what this policy is that you've signed?

Lana:

Because if not let's sit down and have a conversation about it. This is why it's dangerous. These are the types of claims that we are aware of that people bring in, workers' compensation claims or public liability claims or whatnot, and this is the outcome. If you are injured, or if you hurt somebody else, or if you make the wrong decision, this is your liability as well as the company's. Policies, procedures, codes of conduct, training, but then following up. The amount of times that companies have these great policies in place who are, "Oh, no, we've trained somebody."

Lana:

But did you actually follow up? Did you actually make sure that those policies and procedures and trainings were being adhered to, because that is scope for somebody like me to actually bring a negligence claim. If an employee hasn't complied with safe lifting in the workplace and they hurt themselves badly, that is potentially a work cover claim.

Deb:

In your experience do you see psychological issues that come about from social media.

Lana:

I think, with psychological injuries, the majority of them that I see and that come across my desk do stem from the workplace, so there usually is an overlap of employment law issues, and work cover, workers' compensation type issues. I really think that unfortunately in today's world that a lot of people have been allowed to have more of that victim mentality where being the victim and it all happening to me and not being able to flip the mirror around and look at yourself and think, "Well, how was it that I actually contributed to that situation or how could I look at things differently, or how could I have approached the person or the situation differently myself."

Lana:

It's a bit of a resilience piece but it is also a training piece. I think it is definitely important for organisations to understand the difference between true bullying and harassment and what is just what we call reasonable management action, which the majority of things that I hear employees complain about is it would fall into the reasonable management argument, which is a complete defence for an employer.

Lana:

Reasonable management action are things like performance management meetings where you have to have difficult conversations if somebody is not meeting their targets, when someone is having an excessive amount of time off work and you need to have a conversation around that, where somebody is... I'm just trying to think of other examples. Not talking very nicely to another colleague and they really need to be mindful of how to be professional in the workplace. All of the things that employers have the power to make decisions about, rostering, what time people work, who they work with, all of the powers that an employer has.

Lana:

An employer should be confident and comfortable in making decisions that they are allowed to make for their business to operate normally. It's when it steps outside of that where there has been a physical altercation, where there is a physical aspect and an employer is aware of somebody physically laying hands on somebody else and not taking action swiftly and quickly. That is true bullying. Where somebody has been writing really nasty emails to somebody else or, like you said, Deb, writing really awful stuff on social media. Where it's one employee, another employee, or a group of employees that are having this terrible conversation online, because it does actually extend to online.

Lana:

An employee can still be found liable even if it's not in the direct work place. If it is at a Christmas party, if it's at a work event or if it involves a group of employees, even online on social media, that liability can extend when it's to do with that bullying and harassment piece. And so, yeah, understanding the difference between the two, explaining that to your team. Because the moment that they know the difference and they're empowered in relation to the difference, and they're empowered about how to actually approach those difficult situations, whether it's having a conversation or the employer stepping in and actually having a mediation type meeting and getting the two to just hash it out and resolve the issue or separating them or moving them to different offices or whatever the case may be to just make it safer, more together work environment for everybody in

Ainslie:

I think too, though, you find the employer doesn't step in early enough. The employer won't make the

tough calls. Like they'll see somebody with a bullying mentality but they're their hardest worker or their biggest fee earner or not, that they just let them get away with it because they're good for their business. But really they're actually really toxic for the culture. Or no consequence management, they'll see somebody... and that erodes culture and trust and credibility from the ground up anyway, because people then don't continue to speak up or speak out about poor behaviour because nothing happens, yeah.

Deb:

Or you walk past. I know that we've probably all been in workplaces where people can see that they're on the internet, they're on their phones, but no one says anything to them. It could be that they just want some work given to them because they're bored. I mean-

Lana:

I think there's a fine line there. I think we all probably pick our phones up from time to time and look at social media throughout the day. And I think we all need to feel safe and trusted in the workplace that we can do that, but that we will also get our work done. It's the moment that somebody breaches the trust and is not performing to the level that they should be that those kinds of rights may need to be decreased. But, in saying that, would you really want somebody like that in the office that is taking advantage?

Lana:

Yeah, it is a bit of a fine line because you don't want to create an environment where you literally have the school principal and the deputy principal walking around the office making sure that nobody is looking at something on their computer that they shouldn't be looking at, because that's just awful as well. There has to be that element of trust.

Ainslie:

I think too for the office staff who might work through their lunch as well, they might just sit there and look up the news or something like that during their lunch break. And it can very quickly be misjudged or mistreated as a result of that sort of work environment as well. I think it's the people who are 24/7 on the internet and just really are taking advantage that you think.

Deb:

That is when those IT reports come out saying we know how much time you've been spending on the Internet and what sites you've been visiting.

Ainslie:

Absolutely. I guess, from your perspective, what would your top three tips be to small to medium organisations that might not have those large HR teams or large legal teams that can, one, implement this stuff and, two, monitor that ongoing piece and, three, train and embed within organisations? What do you think those top three things that organisations can do to protect themselves in this manner to make sure that they are creating the right environments for their employees?

Lana:

I think the first thing is to know what you are really good at and what you maybe are not so good at. If you're really great at operating the business but you're not really sure about this backend stuff and how to write policies and procedures, how to write codes of conduct, how to put together a really good package so that when your existing employees start, or when your business grows, that it can scale with the business, get someone else in to do it for you. You don't have to be everything to everybody.

Lana:

I'm sure there are so many resources out there and people that you can call on for assistance with that. Secondly after that is you need to know what your policies and procedures say. You need to really, really understand them yourself, because if you don't understand them you can't communicate those ideas to your staff. You can't train your staff on those things, and you can't ensure that your staff are complying with the policies and procedures. And then, thirdly, make the training interesting and engaging. There's nothing worse than sitting down and having somebody read to you from the code of conduct.

Ainslie:

It's a bit soul destroying, isn't it?

Lana:

And on that piece as well, if you're not fantastic at facilitating a training session there are so many people who are. Get somebody external to come in and present to your team. It is an investment in risk management and employee satisfaction and protecting your own business. And those are the fundamental things, so you really do need to get them right.

Ainslie:

I think too, as you were just saying as well, having those raw conversations and actually having a little bit of self-reflection as an organisation as well. How many times does everyone fill out their staff engagement survey? Do they honestly tell the truth? No, because they probably think that the employer's going to find out the truth and they probably then going to pinpoint that employee and then they feel like they can't speak up. It's, I guess, having external third parties to do those 360 degrees type reviews or anonymous engagement surveys that are a little bit more independent.

Lana:

Yeah. And that is the flip side of it. Of course, I see some people come across the desk, some inquiries come across where a person maybe is overly sensitive and has taken things the wrong way. But then on the flip side, I see the other side of the spectrum where the organisation really has failed. It may not be something that legally we can pursue, and sometimes that is the case. I will really empathise with somebody that I'm speaking to and really say why it is they are hurt and why they are possibly about to leave the particular business that they've been working in.

Lana:

And sometimes it is because employers do target people and they do take a very strong arm approach to actually get rid of people that they see as a problem or someone that is creating problems. But that isn't the case. Look at it more objectively. Look at where the damage actually lies and where it actually came from it and learn from it and grow from it and see if you can actually become better because of it, even if the person does not stay with you. It isn't a personal attack. This is the reason why we all have insurance. We have it for a reason, because we aren't perfect. There are accidents that happen.

Lana:

There are things that we get wrong and if we've gotten them wrong in the way that a lawyer like me can show that you were negligent then, unfortunately, that's the case that sometimes is taken. But that's why we have workers' compensation insurance and CTP insurance and public liability insurance. It's because these things happen.

Deb:

How did you get into personal injuries yourself? Tell us your story.

Lana:

It's a bit of an interesting one. I grew up on the Gold Coast. I was born and raised here, I went to school here, my sisters grew up here as well, and I worked in hospitality and retail as a teenager. I started working when I was 14. I started working when I was probably a bit too young to at a video shop, very exciting. As a 14-year-old I got to take videos home and I thought I was the coolest kid at school. Leading from retail and moving into hospitality I actually did some work as a bartender, which is probably the main reason why I don't drink alcohol.

Ainslie:

Hopefully not at 14.

Lana:

No, definitely not at 14. I was working at Palazzo Versace a number of years ago and I was on my way home from work and a young girl actually ran a red light with her sister in the car and I T-boned her car at speed and the car went flying across the road, and I had to seek my own legal representation and get some legal advice as a 23-year-old. And I'd never stepped foot in a law firm, let alone had to go and actually meet with a lawyer and go through that process.

Lana:

And so in true-me style I put together a list of everything that I could think of, a description of the accident, the parties that were involved, the witnesses, photos of the accident, the tow truck company details, the doctors that I had attended. And I'd put it together in this beautiful package for this lawyer that I was meeting. And I walked in and she said to me, "I have never ever had a client come to an initial meeting as organised as you. Have you ever thought of studying law and becoming a lawyer?"

Lana:

And it was one of those moments where I felt like wow, firstly, well, this partner at this law firm has just recognised something in me. And how amazing is that? I'm a female as well that was wanting to push me up and give me that little bit of, I guess, confidence that maybe that was a path that I could take. I had wanted to do something else and I had already studied music production and engineering at uni, which is a totally different topic that we could go into another time maybe. So, I started in that creative space and I thought, okay, well I should do something a little bit more serious. And yeah, the law it was. SO, I applied to Griffith University on the Gold Coast and I got in and the rest is history.

Deb:

And you've recently given up working for a law firm here on the coast to go out on your own.

Lana:

I have.

Deb:

Congratulations, that's exciting.

Lana:

Thank you. Thank you. I loved working in firms, and I loved being a part of that team environment, but I'm always looking for the next step forward for me. And for probably, I would say, more than 90% of lawyers the next step forward is the path to partnership. And I totally get it. It's what we all go to law school for. Is to get to that level where we're a partner in a law firm. It's a pretty prestigious position. But, for me, I tend to take the path less travelled. I don't know whether it's... I don't know. I think a little bit differently than others and I was... trapped is probably a bit strong.

Lana:

I wasn't trapped at home during this whole ordeal that we've all been a part of. But I spent a lot of time at home and a lot of time self-reflecting and I'd come up with the idea to do legal consulting, oh gosh, well over a year ago from today. I saw it as a gap in the market in the personal injury law space that hadn't really been filled in the way that I saw that I could fill it. I know my space really well. I understand the fears and frustrations of my ideal client because I am my ideal client, and I wanted to fill that gap.

Lana:

All it can take is for an excess of new files or new inquiries to come across your desk and then you're already full file load becomes unmanageable within a few days. And I remember thinking throughout the course of my career, how awesome it would be to have somebody experienced to come and just clear my too hard basket tasks; to come in, get them done, move them on so that I can focus on progressing my files and looking after my clients. But quite often you just get bogged down in that task-based work and not forgetting the bigger picture.

Lana:

I can't say I forgot the bigger picture, but I got bogged down on the smaller things that I couldn't focus on the bigger stuff. I couldn't focus on running the entire team in the same way. And so now having the option of somebody like me to come in and do task-based work, get rid of those too hard basket tasks, help with the progression of files, sit down and do some mentoring and training on the whys and going through things slowly so that the lawyer becomes better, feels more valued, feels like they're learning and growing. Yeah, I decided that I wanted to hit the market and go for it and do something different.

Lana:

The amount of young lawyers that I speak to who just aren't given the amount of time that they could from someone more senior in the firm to go through things slowly, it's more like trial and error like just go do it. But sometimes if you give somebody just a little bit of your time a little bit of guidance and support and going through how to run a file, how to really run it successfully, and why you do things a particular way and what that means for the next step, yeah, I would have loved that. I really would have loved that, and now I'm offering it.

Ainslie:

Well, that's really good. Good on you.

Deb:

We're excited to follow your journey and know you will doing incredibly well.

Ainslie:

You've just briefly touched on having that sort of inspiration from a female partner or a mentor per se to empower you as a female. Have you had strong female mentorship or that diversity piece in the workplace where you might not necessarily seen strong encouragement of females by other females? Or even as a female in that space, have you found it challenging?

Lana:

That example that I gave you before was such a little tiny little moment in that partner's life that she may not, to this day, remember that she even said that to me.. But that comment changed the course of my life. It gave me that confidence to pursue this dream that I thought was a pretty huge mountain to climb, and it was, and I did it. And I took the chance because somebody that I saw, that I thought was pretty special, gave me the confidence to do it. And I've had a couple of women like that over the years that have said some really beautiful encouraging things to me, and I've definitely had the other side as well which I'm sure everyone can relate to in their own way.

Lana:

I definitely did not get the amount of support that I offer the next generation coming through, and it's certainly one of my missions in this profession and in the business community as a whole, is to be that positive force, that person that not only invites you in but you are coming in to be a part of the tribe, to be a part of the community because you are a part of it. The amount of students that I have genuine friendships and relationships with that will see me through for the next however many years, and I can't wait to watch their journeys, they really genuinely matter to me.

Lana:

This is the difference. I'm not looking at this about what it is that I can get or what it is they can give me, I see it as a really long term relationship that I want to build and nurture not only with students but with junior lawyers, with senior lawyers, with lots of different business people. And it's because when we all feel connected and supported and a part of something bigger than ourselves, once again we all rise. We have one another to call on and count on when the going gets tough, which it always does. And we have those people that can talk us through those challenging times or give us a different viewpoint or way of looking at things.

Lana:

One of the biggest things for me is, and this is a piece of advice that my mum gave me when I was a kid, whatever anyone thinks about you, Lana, it's none of your business. Whatever anyone thinks about you is none of your business. And that is just the most beautiful wise piece of advice because it doesn't matter. People are going to love you and hate you and everything in between and at the end of the day, as far as I'm concerned, if you're coming from the right intention and from the right place in your heart people will figure it out.

Lana:

And once again, they will either love it or hate it but it doesn't matter. If you're on your path and on your journey and you're talking properly to yourself inside, and you're taking the right meaning from things, whatever you go after and whatever you achieve you know that your conscious is clear, if that makes sense.

Ainslie:

Yeah, absolutely.

Lana:

That it's for something bigger than you.

Ainslie:

Yeah. You can't be everyone's cup of tea but you'd be someone's perfect cup.

Lana:

Yeah.

Deb:

It's about what you think about yourself, isn't it?

Lana:

Yeah. And it goes back to that meaning piece, whatever happens in life, the only person that can dictate the meaning of a particular moment is you. You're the one that's telling yourself from your own experiences, beliefs, and where you've come from what a particular moment means. And it may just be your perception. It may not even be true. And so the moment that you can have a little bit more control over your brain and how far you let your thoughts go, the happier that you can feel

because you have a choice to live from a place of gratitude and joy or to live from a place of, “Oh, it's happened to me again.”

Deb:

Why me?

Lana:

Why me? Why is everyone so mean to me all the time? I think too that people are not built as resilient as they used to be. It's like even at school all the kids get a participation award now and you're really not celebrating the actual true winners if it's athletics or swimming or whatever. And when everybody gets an award, you're kind of softening the blow already for life. And you think, oh, I really just wish you would build a little more resilience around children and things like that.

Lana:

I completely agree. I definitely was never given participation awards. And when I was in grade one I got probably my only first place thing in one of those school carnival things. And I still remember it because I thought it was so awesome. And all it was, I was at Southport swimming pool and the year ones had to run across the pool and I got first. I thought that was awesome. But it never stopped me from trying the fact that I didn't get another first, I don't think. I would often get second or third in events.

Lana:

But that's fine also if someone's better than you because that's the real world we live in. There's always going to be someone better than you, or smarter than you, or more experienced than you and they're the people you learn from. That's how you get better.

Ainslie:

I think too though on the flip side where it's even in the schools and the teachers and they won't have those tougher conversations with the kids because they don't want to take on the challenge. And I think that's even why you see there's, still to this day, an issue with domestic violence and gender inequality. Recently my daughter came home from school and there was a boy in her class that was bullying her and I'd taught her a few strategies to work through it because I'm trying to build a self-resilient child. I don't need to come into the school and get involved.

Ainslie:

And she went to a person, one of their coordinators or whatever, and they turned around and said, “Oh, well, it's the end of the term, don't worry about it. It's social suicide to call him out on his behaviour. It will blow over, let him get away with it.” And I was like, “Well, no. Actually, that's why there's a problem in society these days.” It's allowing that male to feel empowered in that situation when the female has spoken up and said that, no, this is not right and the behaviour is not right. And instead of having the tough conversation with the child and saying, no, actually you can't treat women like that, you can't treat anyone like that. And yeah, just having that concession type mentality still, it just frustrates me.

Lana:

Absolutely. And I think it's on both sides there. I'm a girls' girl. I'm the oldest of three girls, I'm the big sister, and so I'm very protective of women. But from my perspective I've definitely seen a lot of nurturing of our girls, especially in the legal profession, especially at law school, and I'm starting to see the pendulum swing where there aren't as many boys coming through anymore. There's not as much nurturing of men to become lawyers anymore. And I completely agree with you. If somebody is not treating another person properly, they need to be called on their behaviour and they need to be taught that that is not acceptable.

Lana:

And then back to the other thing that you said about participation and stuff, what happened to just hiring the best person? It doesn't matter what gender you are, it doesn't matter what your background is. Who is the best candidate, not we need to fulfill these quotas. Who is the most talented who is going to add the best to the team who is going to be the best for this particular role? I think we need to nurture everybody because, yes, we've done a great job at nurturing our girls and I love that and it really, really hits me in my heart. It's a beautiful thing. But I have seen the pendulum swing and there has to be some sort of a balance.

Lana:

We have to nurture people. We have to nurture our children. We have to encourage them. We have to instill the right kinds of values and beliefs. We have to teach them about confidence, teach them about how to be a good person, how to treat people well. Because even though, yes, they're children these children are the next leaders of your companies. These are the next people that are going to be coming through in the next 10 or 15 years. In the next 20 years they could be running your company. And if we don't have these strong resilient individuals with strong values and beliefs that are going to look after one another the rest is written. We know what will happen there.

Ainslie:

Lana will be very busy.

Lana:

Yeah. But it even comes down to having the confidence to sit down and having a verbal conversation with another human being these days that's not done via an email or a text message. The difference in even that skill has changed so dramatically, and I think there is going to be a huge gap in a person's ability to publicly speak, to build rapport, to present to groups of people. I think we're going to notice a shift there, especially now that we're getting so used to Zoom meetings as well on top of it.

Deb:

Some of the other issues coming out of like texting is people's ability to write the English word. They just keep getting abbreviated. It's just like the fundamental English skills are lacking.

Lana:

Yeah. Yeah, I know. Definitely. I think that's just about equality as a whole. It doesn't matter if you're black, you're white, you're male, you're female. I think in some areas that whole inclusive piece or diversity piece may have gone too far and that it does just need to be a quality across the board no matter what.

Lana:

I know that there will be some people that listen to this and think, okay, well, it's very easy for Lana to say that or whatever but I love people. And I just want to say that I love people, I love to see people doing well, but there's no point in sugarcoating it for anybody at all because the moment that you do that, they aren't given the opportunity to really reach their potential and to really go for something and to get outside of their comfort zone and to really find out who they really are.

Lana:

Sometimes you have to go through a level of pain and difficulty to come out the other side stronger and better. and more determined than ever before.

Ainslie:

Well, I think that's about all we have time for today, Lana, so thank you everyone for joining us for another episode of YS Up. And thanks for joining us today, Lana.

Lana:

Thank you so much Deb and Ainslie. I've had the best time. It's been awesome to talk to you both.

Deb:

Thank you.

Outro:

That's all for today until next time, happy podcasting. And remember if you're enjoying the show, check out our other episodes and all things governance at www.3ysowls.com.au.