

Divorce's effect on the workplace

***The HR Specialist:* How does divorce influence an employee differently than other personal problems?**

Storey Jones, CEO of dtour.life: Divorce is a unique, personal challenge in that it affects almost every aspect of your life, including living arrangement, short- and long-term finances, and all of one's shared assets. It also affects relationships with one's children, shared friends, and in-laws. And often ignored in divorce is the fundamental loss of the most important relationship in your life, with your spouse, be it a good one, or a bad one. The totality of the impact on one's life is what differentiates the impact of divorce from other personal challenges and can't help but spill over into the workplace.

Katie Lynch, Apiary Consulting: There can be a huge array of emotions that don't come in to play in the same way in other life transitions—hurt, fear, shame, embarrassment, pride ... no one gets married thinking they will get divorced so there is a huge personal battle and myriad of emotions associated with the breakdown of that relationship. You will find yourself being unraveled emotionally and with huge time and financial pressure placed on you that you did not anticipate. It is impossible for anyone, however strong, informed or organized they are, to move through the process of divorce without being affected by it, on both an emotional and practical level.

Storey Jones: Management in the workplace has evolved to be far more generous and tolerant of occasions such as illness, death, and births. However, there is still shame associated with divorce, and admitting it to work colleagues can be difficult, and it's often shared with colleagues one-on-one. Discussing it in a group setting would be so much more efficient, but it's just not typically done. If there are children involved, frequently the schedule is turned upside down, changing the routine at work, which can also be logistically challenging.

Katie Lynch: I think it is now accepted that our work and personal lives are not capable of being separated. One inevitably effects the other. When it comes to divorce, people are worried about that. They are worried that if their employer sees their performance being affected or senses their vulnerability, their work stability might also be threatened at a time when they need their financial security more than ever. There is no way around it, two households costs more than one.

Storey Jones: Employees in the midst of this process can feel unmoored, often leaning more heavily on co-workers for both moral support and even share of the workload. Human Resources executives recognize this is a significant workplace issue, but many have been unable to offer support, or feel uncomfortable doing so. New technologies have allowed those willing to address this productivity drain several options and alternatives as an employee support benefit.

Katie Lynch: What people often don't even realize is how often they end up projecting the stress of their personal lives on to their colleagues or subordinates. This can be subtle, for example the spread of negative energy—we all know the feeling when your manager is in a terrible mood and it easily reflects onto the team or the people working for or with them. Or more extreme, presenting itself in the form of substance abuse or behavior that can expose the individual and/or the company to possible litigation.

Storey Jones: And, lastly, emotions aside, just the divorce process itself—figuring out what to do, who to hire,

how it will affect each aspect of your life, the endless paperwork, the many, many meetings—is a full-time job. Divorcing spouses don't realize that they do all the work in a divorce. The lawyer manages strategy, but all the documentation, organization, development of narratives and parenting plans is all on the spouse. And, it can go on for months or years.

Katie Lynch: Exactly, I don't think anyone considers the time that will be eaten up dealing with the administration associated with the divorce process or with the implementation of that separation agreement. Even with a non-contentious divorce there is still a lot of paperwork to be completed and if the divorce is antagonistic it is completely overwhelming for people when they realize just how much needs to be done. This is also a very archaic area of the law so it is labor intensive and inefficient. And then turning to the logistics associated with putting your separation into effect; if you think about the time that can be eaten up due to one change in your personal life like moving home, think about how time consuming it is when absolutely everything in your life has to be rearranged and reorganized.

Can you estimate the number of hours a typical person has to commit to dealing with the logistics of a divorce?

Storey Jones: The short answer is that each case is entirely different. The complexity of divorce is typically affected by the level of conflict, followed by length of marriage, financial complexity, children, and any issues associated with them. It is impossible to suggest a number of hours or even cost since the variables are unique to each family, each geographic location, and ultimately venue (mediation, collaborative law, litigation) which is mostly dictated by level of conflict. Families with short-term marriages, little financial entanglement and no children can execute the transaction very simply, but strangely enough, even in these situations, I have seen profound emotional paralysis that results in a severe lack of workplace productivity and even job loss. Families with high conflict, financial complexity and children can find themselves in protracted and costly divorces that might go on for years.

From an administrative point of view, the physical act of pulling together all the documents needed in these areas is time intensive as well. The courts require physical documentation for every single asset, debt, source of income and expense. That is an extraordinary amount of work. And, if you expect the attorney to do it, you still have to provide them the raw documents and then it will cost thousands of dollars for them to organize it. The average divorce in America takes 11 months from filing to settlement. However, many take longer. Two years is not uncommon.

From the HR executive's perspective, the answer about how many hours it takes to divorce is always "too many." In the six months leading up to and the year of a divorce, the divorcing employee's productivity is reduced by 40% according to an article in *Corporate Wellness* magazine. Productivity improves over time but is negatively impacted on some level for seven years. And it's not just the divorcing worker affected. In the six months leading up to and the year of a divorce, productivity of the divorcing employee's coworkers, superiors, and subordinates is reduced by 4% across the board.

Katie Lynch: Research shows that the average loss of working time alone is estimated to be 168 hours or 4 working weeks. As Storey mentions, there is also the 40% drop in productivity to consider and the fact that 1 in 10 employees might decide to quit their job.

I also don't think you can put a number on the amount of hours that you will lie awake at night worrying about how your children will adapt, whether you are making the right decision, how long it will take you to rebuild and reconstruct ... the real answer is that it depends on the person and the environment they find themselves in. At the end of the day, this is people's lives, they will think about this almost all of the time, until they can begin to see the wood through the trees and start to move forward with their lives.

How is it possible for an employee to offload some of the burden of a divorce proceeding so it

doesn't consume them?

Storey Jones: The burden of a divorce proceeding is hugely exacerbated by three factors: First, there is a complete lack of clarity of information as to how to think about a divorce, including options for how to move through it, what kinds of professionals are needed, and how to obtain a clear answer as to how the law applies to the facts of your case. Second, the divorce process is antiquated and utterly lacking in technology to meet the needs of an individual who needs to balance work, family and the entire divorce process. Third, people believe that divorce ends with the settlement, but what spouses find is that the next chapter (including estate planning, ongoing parenting plans and compliance) is just as confusing—and time consuming—and yet there are no tools to manage it.

There is a bit of mythology in divorce that if a good attorney is hired, the burden will have been off-loaded. But what comes as a shock is that while the lawyer will contribute legal strategy and negotiation skills, divorcing spouses will be asked to do all of the work. This entails locating paperwork going back years to document the history of asset acquisitions and sales, debts, all sources of income, expenses, and more. It is an all-consuming transaction that will dictate one's financial future, so the best way to off-load it is to adopt technology which allows one to better manage documentation and to digitally collaborate to save time and money.

Katie Lynch: As Storey mentioned, much of the battle is even knowing where to start. The majority of people have never had any experience with divorce before so they find themselves in a completely alien environment, totally unaware of how to navigate the process.

What mistakes do people make to cause a divorce drag out even longer, and thus possibly do more damage to their careers?

Storey Jones: On a practical level, the divorce process is laden with the exhaustive process of organizing paperwork and a series of legal meetings to discuss each component of the transaction. And that's not even including the actual divorce process itself. It is entirely up to the spouse to do all of this paperwork, and it is time-consuming and emotionally challenging. This is frustrating to the lawyers because without it they cannot move forward. And, what is little acknowledged is that given the lack of smart technology in the industry, the emailing of PDFs is expensive. Documents are often lost, and they have to be updated requiring duplication of effort for months.

Katie Lynch: People often find themselves in an environment that they do not want to be in. They did not choose to separate, and they do not want a divorce. Motivating yourself to do all of the things asked of you in this process can be extremely difficult. However, the reluctance to engage in the process can often just drag it out and make things more difficult and more contentious. And the longer it takes for you to start the process, the longer it takes, and the further away you are to moving forward with your independence. I think because it is so hard to see through a positive lens, people often delay starting the next phase of their lives and that can often be the best part of in the long run. It is only with distance and hindsight that people can say that they wished that they had engaged with the process faster to allow for them to move forward with their life.

Storey Jones: Other mistakes that drag out a divorce include letting emotions get in the way. This emotional layer is typically the first barrier to a reasonable, cost and time-efficient process. We find that the lack of clarity and therefore fear tends to drive the emotional chaos and that it, too, can be better managed with tools that provide guidance, support and organization. Also, spouses often hire the first lawyer they meet, go down a long road and spend a lot of money before realizing they hired the wrong lawyer. So learning how to prepare and interview a lawyer and then to consult with several is very important.

Katie Lynch: A lot can be driven by the decisions you make at the outset. If you find yourself consulting with an attorney who specializes in litigation, when mediation or a negotiated settlement would have been much more appropriate, you can already find yourself on a train that is very difficult to get off. Once tensions are raised it is

very difficult to row the process back. Letters cannot be unwritten. The second huge thing is holding on to things as a matter of “principle.” Often, I think people just need to talk things through properly with someone, and this is where coaching can be useful. Often you need to look at all of the angles and options in detail so that the individual can break things down and see that often the more sensible way forward which is best for the family is not the one they were so determined to hold on to. Talking these issues through with your attorney can be very expensive.

Storey Jones: Lastly, high-conflict divorces are the most expensive and time-consuming, so if spouses were able to make the tough decisions (and or be a little more generous than they might want to be) and recognize that every dollar they spend on the process is one less dollar in the family’s coffers, that would greatly shorten the process.

Katie Lynch: Again, hanging on to principle. It is shocking how many people I have seen spend hundreds of thousands fighting over agreeing an issue which is worth much less valuable to the family. For example, paying their spouse an extra \$500 a month for 3 years would be worth \$18k, and yet people might spend 3 or 4 times that continuing to fight about it. The professionals are the only ones that benefit from this as at the end of the day there is no victory in divorce. Sometimes people just need a little help seeing a different perspective.

Storey Jones: Failing to be mindful of the emotional, financial, and psychological impact of your actions on your spouse can also drag out the process and set up years of acrimony. These actions include failing to comply with the requirements of the process, withholding information, delay tactics, violating custodial agreements, and adverse financial behavior. The pettiness that gets baked into the divorce proceedings increases the chances for workday interruptions.

How exactly does divorce affect productivity in the workplace and what can be done about it by the divorcing employee, his/her boss and the HR executive?

Storey Jones: Until now, HR professionals had little they could offer employees aside from reduced fees for legal consults through an employee assistance plan, but only with specific lawyers. Many of the HR departments with whom we have spoken respect the privacy of their employees, so they have had few options.

Since we know that divorce can be disastrous to the workplace (\$6 billion in lost productivity and increased healthcare costs according to *Corporate Wellness* magazine) we created dtour.life as an employee benefit—a digital dashboard for case management, tools to manage all of the paperwork, a knowledge center with resources to educate, empower and guide, and digital collaboration with legal professionals.

Katie Lynch: As to what can be done, I think the first thing is that organizations need to acknowledge and make their employees aware that they, as an organization, understand how stressful a time this can be, let them know that they totally support their employees and that they want to do everything they can to help them. This is the case during any relationship issue, the breakdown of any long-term relationship can be just as stressful as the breakdown of a marriage and there can be huge issues with individuals who have children together trying to navigate their ongoing relationship.

At the moment, no one seems to be talking about these issues with their employees and so employees do not feel comfortable raising their vulnerability with their HR. This means that they are struggling on trying to juggle everything and trying to hide it in their working environments. What is perhaps lost is the understanding within the corporate world about how much it costs them to continue to let this happen. In the U.S., family crisis is the number one workplace issue and it is estimated to cost corporate America almost \$7 billion on an annual basis.

I run a consultancy that works with companies to provide hands on practical and emotional support to their valued employees during this time. We are essentially the employees dedicated personal assistant at this challenging time, with a professional background in matrimonial law. Whether that be via educating them,

connecting them to appropriate professionals, providing emotional support, assistance with documentation gathering and financial analysis, organizing valuations, or assisting organize their family admin—hiring child care, helping them move home. This support saves the employee an estimated 70% of their lost time, increasing both the well-being of the employee and lowering the consequential cost for their company. Dtour.life allows a platform to manage all of that organizational assistance.