

Experiences of remote working by South African Lawyers during the COVID-19 lockdown

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DECLARATION

I, Dineo Modibedi-Manentsa, declare that this research article is my own work except as indicated in the references and acknowledgements. It is submitted in partial fulfilment of the requirements for the degree of Master of Business Administration at the Graduate School of Business Administration, University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at this or any other university.



DINEO MODIBEDI-MANENTSA.

Signed at Centurion on the 17th day of April 2023

DEDICATION

This research is dedicated to my husband, Thando, who supported me throughout my studies and without whom none of this would have been possible. Thank you for your unwavering support and love throughout this journey.

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Lastly, my dearest friend, Mpho Dzhivhuwo, who in the final months, weeks and days provided refuge from loadshedding, multiple homecooked meals and unwavering friendship, from the bottom of my heart, I thank you.

SUPPLEMENTARY INFORMATION

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ABSTRACT

Orientation: This study was aimed at understanding South African lawyers' experiences with remote working during the COVID-19 pandemic.

Research purpose: In examining lawyers' experiences with remote working during the COVID-19 lockdown period, this research considered the internal and external factors that may have affected that experience using the grounded theory approach. The study assessed the degree to which the lawyers felt prepared for remote working and whether they felt productive. It also explored factors that may have affected their working experience and considered how these factors affected their mental health and physical well-being. To this end, it looked at internal factors, such as family and children, the nature of their work and their living standards measures, and external factors, such as loadshedding and internet access.

Motivation for the study: The researcher did not find any evidence of research regarding the remote working experiences of South African lawyers during the COVID-19 lockdown. Given that the legal profession functions differently from other professions, the researcher sought to determine the extent to which remote working may have had a negative effect on lawyers' mental health and physical well-being. Further, the researcher wanted to gauge the need for a mental health intervention, as well as assistance from employers and the government.

Research approach/design and method: A qualitative research design was applied through two focus group discussions and individual interviews with 25 South African lawyers. The data was analysed through thematic analysis using ATLAS.ti. 23 (Version 4.11.1-2023-02-23).

Main findings: The participants were largely unprepared for remote working during the COVID-19 pandemic and reported varying levels of productivity, intermingled with overworking and burnout. The findings also revealed that certain internal and external factors, such as family and children, the nature of work, their living conditions, loadshedding and internet access, affected their mental health and physical well-being.

Practical implications: Working remotely during the COVID-19 lockdown exposed lawyers to a range of experiences, including stress, anxiety, and unproductivity. These experiences point to the need for a mental health intervention by employers and the government.

Contribution: The research provided knowledge in the field of study on the remote working experiences of lawyers in South Africa.

Keywords: Remote working, experiences, lawyers, internal and external factors, COVID-19, national lockdown, grounded theory approach

1. INTRODUCTION

Orientation

On 11 March 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) a worldwide pandemic (WHO, 2020). At the time of this announcement, approximately 118 000 COVID-19 cases had been reported in 114 countries, with approximately 4 291 fatalities (WHO, 2020).

Unfortunately, this was only the beginning, as the pandemic proceeded to disrupt and change every aspect of daily living, including how people work. On 26 March 2020, South Africa went into level 5 lockdown and, with the exception of a select few essential workers, many South African workers were required to stay at home and work remotely (South African Government, 2020).

For the purposes of this research, working from home and remote working are deemed to have the same meaning and are used interchangeably, as reflected in the literature. As stated by Budnitz and Tranos (2022, p. 894), “the terms telecommuting and working from home are used interchangeably... the COVID-19 crisis was carried out in the homes of individual employees rather than any other location”. The concept of remote working—also referred to as telecommuting—has been around since 1973, when NASA engineer Jack Nilles introduced the concept (Nilles, 1975, as cited by Messenger & Gschwind, 2016).

Although not a new concept, the pandemic presented the first opportunity for many employees to work remotely. Before the COVID-19 pandemic, people chose to work from home for a variety of reasons, such as the need for spatial mobility and temporal flexibility (Hardill & Green, 2003; Wheatley, 2012). The move towards the feminisation of the workforce has naturally increased the participation of mothers in the workplace and, therefore, the need for flexible working hours (Felstead & Henseke, 2017). However, for many employers and employees, the introduction to remote working started during the COVID-19 lockdown, which was used to curb the spread of the virus (Nagel, 2020).

In 2018, approximately 23.7% of the American population worked remotely some of the time, increasing to approximately 50% during the COVID-19 pandemic (Duszynski, 2021). A study of 200 professionals found that only 26% of those surveyed reported having the freedom to work remotely before the pandemic (Page, 2020). However, during the pandemic, the percentage of employees working remotely rose to 79%. The

remaining 21% surveyed were either unemployed or held jobs that were not conducive to remote working (Page, 2020).

In Europe, approximately 56% of employees who were required to work remotely during the pandemic had some experience in this mode of work before the pandemic (ILO, 2020). The International Labour Organization estimated that this figure increased by at least 24% at the start of the pandemic, with every four in 10 employees in Europe working from home. In stark contrast, only 13% of Japanese workers were able to work from home during the pandemic (Foreign Press Center Japan, 2020). However, the reason for this low number in Japan had less to do with prohibiting remote working, but rather the ancient tradition of the 'Hanko Stamp', which requires that an employee's personalised seal be stamped on all paper documents, thus making remote working impractical (Foreign Press Center Japan, 2020).

Studies conducted in Italy by Bolisani et al. in 2020 found that employees were affected by several factors while working remotely, depending on the nature of the job and the employees' personal circumstances. Studies in the US by Alon et al. (2020) and in the US, Germany, and Singapore by Reichelt et al. (2021) showed that remote working had a more severe effect on women, particularly single mothers, owing to the gender roles women are expected to fulfil. Research by Oakman et al. (2020) in 10 countries, including South Africa, found that remote working affected physical and mental well-being, with employees reporting stress, depression, and an impact on their happiness and general well-being. A study by Posel et al. (2021) revealed that those who retained their employment suffered significantly lower depression rates than those adults who lost their employment (Posel et al., 2021). Nguse and Wassenaar (2021), reported that the pandemic had not only had an enormous impact on human life but also a negative effect on the public's mental health, against the background of an already failing mental health care system in South Africa (Nguse & Wassenaar, 2021). A study conducted by Kim et al. (2022) found that adults who reported a history of childhood trauma experienced increased depressive symptoms (Kim et al., 2022).

Theoretical and Conceptual Framework

Theoretical Framework

Grounded theory is a theoretical framework developed in 1967 by sociologists Barney Glaser and Anselm Strauss (Glaser & Strauss, 1967). According to Khan (2014), the theory is research method and data analysis tool, largely applied in qualitative research, where the theory is developed by collecting data rather than the other way around (Khan,

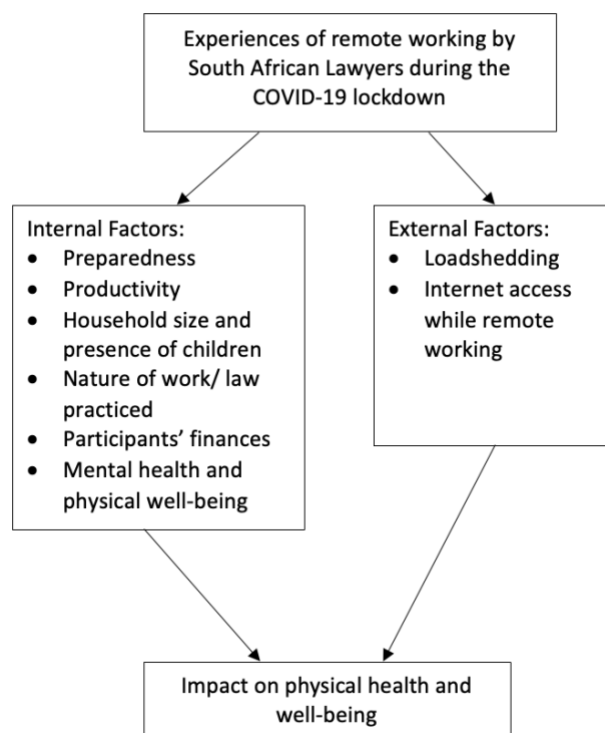
2014). This inductive approach seeks to identify patterns from observation and is a bottom-up approach (Khan 2014).

Grounded theory formed the basis of this study, which was conducted by following the steps involved in the theory, which are 1) Data collection, 2) Opening coding 3) Axial coding, 4) Selective coding, 5) Theoretical saturation and 6) Theory development.

Conceptual Framework

A conceptual framework of the research project appears below and was used to explain the experiences of remote working by South African lawyers during the COVID-19 lockdown. It identifies the internal and external factors which may affect this experience and acknowledges the impact on the physical and mental well-being and mental health considerations from these experiences.

Diagrammatic Representation of Conceptual Framework



The South African Lawyer Perspective

This research study focused solely on the experiences of South African lawyers. The legal fraternity in South Africa is deeply traditional and rigid. Careers are made on billable hours, and presenteeism, which will be discussed further in this article, still exists. The concept of remote working has never been a part of the profession's culture and before

the pandemic, working remotely was “incredibly rare” for lawyers, as it was deemed ineffective and inefficient (Foster, 2021).

2. RESEARCH PURPOSE AND OBJECTIVES

Research Purpose

The purpose of this research was to investigate the remote working experiences of South African lawyers during the COVID-19 pandemic lockdown, by highlighting the challenges and benefits associated with remote working and determining the internal (specific to them) and external (not specific to them) factors that could have affected their experience. The research aimed to examine the effect of these experiences on them while remote working during lockdown period insight into their mental health and physical well-being.

Research Objectives

The study addressed the following objectives:

- To explore what the remote working experiences were for South African lawyers during the COVID-19 lockdown period.
- To explore the internal and external factors that affected their remote working during this period.
- To explore the impact of the internal and external factors on their experience while remote working during the COVID-19 lockdown.

3. LITERATURE REVIEW

In 2006, many years before the COVID-19 pandemic and before the subsequent lockdowns forced the masses into their homes and remote working, Cartwright & Homes (2006) had already started noting how changes in the workplace were placing significantly increased demands on employees, which detrimentally impacted on their health and personal lives. These changes to their workplace raised the levels of mistrust and cynicism amongst employees (Cartwright & Holmes, 2006).

The COVID-19 pandemic has arguably had the most drastic and rapid impact on the workplace in history, forcing large numbers of employees out of the office, into their homes, and into remote working (Ozimek, 2020). For many of these employees, their

homes were transformed, not only into their places of work, but also into schools or crèches for their children, and were no longer just places of entertainment and relaxation for the family (Oakman et al., 2020). Wheatley (2012) remarked that, while remote working had the potential to provide employees and employers with great benefits, it also raised significant challenges (Wheatley, 2012).

However, looking inward towards employees and their experiences, successes, or challenges with working from home, Bolisani et al. (2020) noted that several factors influenced them, some of which were out of the employees' control and others that were personal and specific to them. Matli (2020) referred to these as intrinsic (internal) and extrinsic (external) factors. He defined the intrinsic factors as those over which a remote worker may have had some level of control, which would be specific to them and would hinder them in their remote working arrangements (Matli, 2020). Extrinsic factors are described as those over which remote workers would generally have little control, and would not necessarily be specific to them, such as electricity supply or internet access (Matli, 2020).

Challenges and Advantages of Remote Working

There is no doubt that remote working offers a win-win situation for both employees and employers, given the many benefits that can be derived from the arrangement (Wheatley, 2012). In his report on the *Future of Remote Work*, Ozimek (2020) analysed the direct impact of remote working, based on data collected from 1 500 hiring managers prior to the pandemic in November 2019 and during the pandemic in April 2020. The results from the hiring managers revealed that 40% found that the greatest perceived benefits of remote working were the absence of a lengthy commute for employees to the office and a reduction in unnecessary meetings and distractions at work (Ozimek, 2020; Wheatley, 2012).

Filardi et al. (2020) found that the reduced costs associated with commuting and food, and the increase in employees' sense of safety in that they were less exposed to violence and pollution, were also reported as advantages of remote working. Other advantages reported included increased employee privacy, a greater sense of employee autonomy, increased productivity, an opportunity to spend more time with loved ones, and a better quality of life (Filardi et al., 2020; Tietze & Musson, 2005, as cited by Wheatley, 2012). The increase in job satisfaction and reduced burnout were also reported as advantages by both Ferreira et al. (2021) and Oakman et al. (2020), with less fatigue, lower turnover rates, and greater openness reported by Kurland and Bailey (1999). Ferreira et al. (2021)

also reported increased productivity, morale, and reduced costs related to commuting, as well as a greater sense of work-life balance (Oakman et al., 2020).

However, the literature reveals conflicting views regarding the benefits or drawbacks of remote working. Hardill and Green (2003) for one, noted that the weakening or breaking of “temporal and spatial boundaries both within the household and around the home separating it from the outside world” (p 216), blurred the lines between home and work (Hardill & Green, 2003), negatively affecting employees’ mental and physical health (Oakman et al., 2020). The recasting of these boundaries—perceived availability at all hours, and not restricting work to a specific place—resulted in overworking, not only in the evenings but also at the weekend (Hardill & Green, 2003).

Internal and External Factors

The literature revealed that the internal and external factors affecting lawyers’ ability to work remotely were varied. They included technical support, productivity levels, presenteeism, gender roles, organisational support, the availability of electricity, and access to the internet, as well as their mental health and physical well-being.

Technical support

Although new technologies have fundamentally changed people’s working patterns, including making remote working possible for the masses (Oakman et al., 2020), technological issues were one of the biggest challenges revealed by Ozimek (2020) in his study. This is because so many employers and companies were not prepared for the drastic and sudden shift to remote working. Filardi et al. (2020) found that technological infrastructure issues, especially the absence of prior training of employees on remote working before the pandemic, created various challenges. Added to this was the fact that, for many companies, the pandemic was their first ever attempt at adopting a remote-working lifestyle (Budnitz & Tranos, 2022).

Productivity levels while remote working

In Ozimek’s 2020 study, two-thirds of the hiring managers surveyed reported decreased productivity because of remote working during the pandemic. Ferreira et al. (2021) noted that other challenges during remote working were around communication, proper management, and transparency, as well as maintaining cohesion and unity amongst workers.

Despite the challenges highlighted by Ozimek (2020), most of the hiring managers he surveyed remained in favour of remote working in the future. He stated that “the sudden shock of COVID-19 represents an unexpected and massive trial run for many workers and companies”, adding that this so-called “remote work experiment” was more successful than anticipated (Ozimek, 2020, p. 1,2).

Ozimek (2020) also observed that certain factors affected employees’ ability to work remotely, and indicated that, if addressed, they would allow working from home to function optimally. These factors, while not exhaustive, included issues regarding gender inequalities, support from the organisation, technical support, boundary management support, and support amongst co-workers (Ozimek, 2020). A study by Grant et al. (2013) also identified factors, such as communication and support from colleagues, as affecting individual’s ability to work remotely.

Presenteeism

Presenteeism refers to the practice of being physically in one’s seat at work, just to appear dedicated, irrespective of how unproductive. This concept is not new and has been part of office life since before the pandemic, with 80% of workers in the UK reporting that it existed in their workplace (Lufkin, 2021). A study by Shimura et al. (2021) found an increased risk of presenteeism with remote working.

Gender roles and remote working

Gender roles refer to the social roles with which people typically identify. Their gender identities are often based on cultural expectations of what it means to be a man or woman and the set of conditions ingrained within that culture (Helsel, 2014). Alon et al. (2020) determined that the effects of remote working during the COVID-19 lockdown had a larger impact on industries where the proportions of female employees were higher than males, suggesting that women may have been more severely affected by remote working than men (Reichelt et al., 2021).

The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimated that around 1.37 billion children were affected by school closures during the COVID-19 lockdown period (UNESCO, 2020). Consequently, parents were required to become full-time primary caregivers to their children, with mothers more affected than fathers in this situation (Alon et al., 2020). Those most affected by these gender roles were single mothers (Alon et al., 2020). This added responsibility that women

experienced because of their roles as wives and mothers was aptly referred to by Wheatley (2012) as the “double shift” during COVID-19.

Before the pandemic, Eddleston and Mulki (2017) had already studied the work-family boundaries remote workers had to manage, and determined that remote working presented unique challenges, as there is little or no separation between work and the family domain. Ultimately, work becomes embedded into home life to such an extent that home life becomes associated with the work role. This situation intrudes physically and mentally into people’s homes and habits, and remote workers would invariably be preoccupied by work when at home. The study also showed how the lack of boundaries ultimately increased conflict between work and family. A healthy integration between work and family was found to be more harmful to male remote workers, whereas the inability to disengage was found to be more harmful to women. Eddleston and Mulki (2017) concluded that working from home had the effect of encouraging remote workers to overwork and to allow their work to erode their family and home lives.

However, conflicting evidence suggests that remote working resulted in greater levels of satisfaction for employees, especially working mothers, as it provided the spatial and temporal flexibility that working mothers needed and desired (Wheatley, 2012).

Organisational support

The effects of organisational support—which refers to “an employee’s perception that the organisation values his or her work contributions and cares about the employee’s well-being” (Eisenberger et al., 2016, p. 3)—could not be overestimated and were found to have had important benefits for both the employee and employer. Organisational support, generally, has had positive outcomes on employees’ well-being and has reduced their social isolation while remote working, while also increasing job satisfaction and reducing mental strain (Bentley et al., 2016).

Availability of electricity and internet access

Loadshedding is a concept with which every South African is all too familiar and, since 2007, has become an unfortunate reality for everyone living in the country. According to a study conducted by Matli (2020), loadshedding affected employees’ ability to work from home. During 2020, in the first year of the pandemic, the country experienced an unprecedented 859 hours of loadshedding (Creamer, 2021). This represents about 9.8% of the total 8 760 hours that make up a year (Calitz & Wright, 2021; Steyn, 2021). The following year, 2021, proved to be a record-setting year for Eskom, as the country was plunged into darkness for 1 100 hours (Calitz & Wright, 2021; Creamer, 2021),

amounting to 46 out of the 365 days that make up a year. The bulk of this was limited to stage 1 loadshedding.

The COVID-19 pandemic and remote working gave rise to a greater reliance on internet access, to stay connected and be productive (Briggs, 2021). Because the switch to remote working happened so rapidly, it left many employers unprepared (Galanti et al., 2021). Therefore, for the most part, the burden of ensuring connectivity and paying for data fell on employees, a vast majority of whom used mobile subscriptions to access the internet (Briggs, 2021).

Mental health, physical well-being, and socialisation

The mental and physical effects of remote working on employees' well-being are highly complex (Oakman et al., 2020). Although employees may have felt safer working from home because it reduced their exposure to the COVID-19 virus (Filardi et al., 2020), a study conducted by Nijp et al. in 2016 found that remote working gave rise to certain physical problems.

Oakman et al. (2020) reviewed studies on the mental and physical health effects on people working from home, and found that individuals' experiences ranged from the negative, such as feelings of pain, self-diagnosed health problems, safety issues, stress, depression, and fatigue, to the positive, such as quality of life, well-being, and happiness (Oakman et al., 2020). The review by Oakman et al. (2020) revealed that one reason for the negative impact of remote working on employees' mental and physical health was the lack of clear delineation of hours between work and home (Oakman et al., 2020).

It is well documented that the workplace and work environment provide important opportunities for socialisation among colleagues, which is integral to knowledge sharing, knowledge management, and training (Bolisani et al., 2020). Humans are social creatures and social interactions, or lack thereof, at work can affect their ability to work effectively and produce a high standard of work (Galanti et al., 2021).

A lack of socialisation and interaction has left many employees feeling lonely and isolated (Bolisani et al., 2020), which has affected their mental health (Xiao et al. 2021). A study conducted by Xiao et al. (2021) on the impact of working from home during the COVID-19 pandemic found that an overwhelming number of workers experienced a decline in overall mental and physical well-being, attributable to, amongst other things, a lack of communication or socialisation with colleagues (Oakman et al., 2020; Wheatley, 2012).

Conclusion

The literature reviewed highlighted how remote working affects women and men differently, as well as how various factors and their presumed benefits and drawbacks can affect people's experiences positively or negatively. The research also revealed the impact of remote working on the mental and physical well-being on employees and how it can be both positive and negative. The remote working experiences of employees have been well researched, although there is a lack of comprehensive research/literature examining the remote working experiences of South African Lawyers during the COVID-19 lockdown, through the determination of the internal and external factors and examine the impact of these factors on their remote working experiences during the COVID-19 lockdown.

4. RESEARCH DESIGN

Research Approach

A qualitative research approach was adopted, conducted through focus group discussions (FGDs) and individual interviews to collect data from the research participants using the research objectives and literature review. The qualitative method is rooted in interpretivism, the opposite of positivism, which lends itself to quantitative research (Alharahsheh & Pius, 2020). Interpretivism is aimed at the in-depth research of society and how and why humans feel and behave in certain ways. This depth of information and the richness it often provides cannot be achieved through the simple analysis of numbers, as in quantitative research (Alharahsheh & Pius, 2020).

Research Strategy

The strategy for this research was to identify the relevant participants through references, personal contacts, and networking on the LinkedIn platform. A demographic survey was sent to all identified participants, followed by two focus group discussions and in-depth interviews with eight participants. The literature review and research objectives formed the basis of the themes for analysis and was confirmed and expanded upon through the interviews with the participants.

Research Methods

Research setting

The study was conducted in Gauteng province, with both the researcher and most of the participants living in and around Johannesburg. All the participants were living in Gauteng during the time relevant to this study.

Gauteng is the wealthiest of South Africa's nine provinces and Johannesburg, its capital, is the country's financial hub. Johannesburg generates 16% of South Africa's gross domestic product and employs 12% of the country's workforce (South African History Online, 2023). With approximately 5.6 million of Gauteng's population of 15.9 million, Johannesburg is South Africa's largest city by number of inhabitants (Statista, 2022).

The research setting was online and after hours or at a time convenient to the participants. It was not in their normal working setting, as the participants worked full time. One participant requested that the researcher meet them at their place of employment located in Centurion, Pretoria, which the researcher agreed to, meeting the participant within their normal work hours.

Entrée and establishing researcher roles

The researcher personally contacted each of the prospective participants for the FGDs and in-depth interviews, and explained the objectives, context, and purpose of the research study before requesting their participation and obtaining their consent. Written and verbal consent were obtained from each participant by the researcher prior to conducting the FGDs and individual interviews.

The researcher had to fulfil the role of an "insider researcher"—someone who has a deep level of understanding and is knowledgeable about the topic (Fleming & Zegwaard, 2018). However, the influence that a researcher's presence has when collecting data cannot be ignored (Cadena, 2019). In the case of this study, some of the participants were within the researcher's own personal network as an attorney, and some had been colleagues in the past. Therefore, the researcher could not ignore the fact that some of her biases may have been known to the participants and that some of the participants' characteristics were known to the researcher (Cadena, 2019), which may have affected the responses given by participants.

Research participants and sampling method

The study applied a purposive sampling method, as the opportunities to work from home are not equally distributed across workforces (Budnitz & Tranos, 2022). Following the research and views of Peters et al. (2004), and Singh et al. (2013) that remote workers are almost always employees who are wealthier and better educated and who hold professional, managerial, and technical occupations, the participants of the study were pre-selected according to the criteria that were relevant to this study. The participants are all admitted as legal practitioners in South Africa, either as attorneys or as advocates, as prescribed by the Legal Practice Act 28 of 2014. They ranged in age from 25 to 65 years, and all worked remotely during the period from March 2020 to December 2021. The researcher reached out to the participants on LinkedIn and via email by sending them an information leaflet about the study and an invitation to participate in either the FGDs or the individual interviews. The researcher also benefitted from snowball sampling, in that several of the research participants helped to identify other potential participants from their networks (Nikolopoulou, 2022). Once identified, the researcher sent the potential participants an information leaflet advising how the researcher was referred to them and invited them to participate in the research study. A total of 32 people were approached and 25 agreed to participate in the research study, representing a 78% positive response rate.

According to Marshall et al. (2013), data saturation occurs at 30 interviews per study. In line with the technique adopted by Marshall et al. (2013), the researcher ascertained that the research study had reached saturation after two FGDs and eight in-depth interviews, as they provided the same responses to the interview questions and no new insights were being provided.

Tables 1–3 below summarise the demographic information of the participants that took part in the research study, divided into the focus groups and individual interviews.

Table 1: Focus Group 1 Participants

Participants	Age Group (years)	Gender	Nationality	Occupation
Participant 1	25 - 34	Female	South African	Legal Advisor/Counsel
Participant 2	35 - 44	Female	South African	Legal Advisor/Counsel
Participant 3	25 - 34	Female	South African	Attorney
Participant 4	25 - 44	Female	South African	Advocate
Participant 5	35 - 44	Male	South African	Attorney
Participant 6	25 - 34	Female	South African	Legal Advisor/Counsel
Participant 7	25 - 34	Female	South African	Attorney
Participant 8	25 - 34	Female	South African	Legal Advisor/Counsel
Participant 9	25 - 34	Male	South African	Attorney
Participant 10	25 - 34	Female	South African	Attorney

Table 2: Focus Group 2 Participants

Participants	Age Group (years)	Gender	Nationality	Occupation
Participant 11	35 - 44	Male	South African	Attorney
Participant 12	35 - 44	Female	South African	Attorney
Participant 13	35 - 44	Male	South African	Attorney
Participant 14	35 - 44	Male	South African	Advocate
Participant 15	35 - 44	Male	South African	Advocate
Participant 16	25 - 34	Female	South African	Advocate
Participant 17	25 - 34	Female	South African	Attorney

Table 3: List of Individual Interview Participants

Participants	Age Group (years)	Gender	Nationality	Occupation
Participant 18	35 - 44	Female	South African	Attorney
Participant 19	35 - 44	Female	South African	Advocate
Participant 20	35 - 44	Female	South African	Advocate
Participant 21	35 - 44	Male	South African	Advocate
Participant 22	65 - 74	Male	South African	Attorney
Participant 23	25 - 44	Male	South African	Attorney
Participant 24	55 - 64	Male	South African	Attorney
Participant 25	35 - 44	Female	South African	Attorney

Data collection method

The data was collected in person by the researcher between December 2022 and February 2023, using an interview schedule comprising 13 opened-ended questions (See Appendix A) and a demographic survey. These were presented to two focus groups, comprising 10 participants and seven participants, respectively, and eight in-

depth interview participants. The interview schedule was designed to yield the most information by addressing the aims and objectives of the research study and giving them prominence (Gill et al., 2008).

This semi-structured method was supplemented by additional probing questions that the researcher asked to elicit further insights and answers from the FGDs and the individual interviews. A multifaceted approach was taken, which, for the purposes of this study, included video and audio recording, note-taking, and participant observations (Stewart et al., 2007, as cited by Nyumba et al., 2018), and no one method took prominence. Participant observation allows a researcher to study the social setting, by revealing the participants' reality of daily life or their natural setting, and helps to build rapport with them (Kawulich, 2005). Therefore, the participant observations, collected via the demographic survey presented to them and by taking notes, assisted the researcher in analysing data that the participants may have been unable to share (Kawulich, 2005).

The data collected from the participants comprised video and audio recordings and transcripts from the semi-structured interviews and FGDs, demographic survey information, and observation notes.

Data recording

All the responses to the demographic survey were captured on the platform Jotform.com (See Appendix B for full survey responses). No manipulation of survey data was done, and the data was downloaded as a PDF document to be analysed. The FGDs and individual interviews were captured electronically using Microsoft Teams and other recording devices, with the explicit consent of all participants involved. Each interview was then transcribed by the researcher and a third-party transcription service, having signed a confidentiality agreement. The data was collected and entered into the qualitative software package ATLAS.ti (Version 4.11.1-2023-02-23) for analysis purposes.

Strategies employed to ensure data quality and integrity

It is essential that any research study that is undertaken has rigour, i.e. trust and confidence in the findings of a research study (Cypress, 2017). The authors Guba and Lincoln (1981 as cited by Morse et al., 2002), were the first to introduce the concept of trustworthiness in qualitative research.

The concept of neutrality refers to research that is free of any bias and the researcher's perspective (Given, 2008). The findings of this research study are based only on the data

collected by the researcher through the FGDs and individual interviews, including data from the demographic survey. No other biases or perspectives are considered (Guba, 1981 as cited by Krefting, 1991).

The data collected from the FGDs and individual interviews was audio and video recorded. These recordings were transcribed verbatim, and thereafter, a thematic analysis of the data was conducted. This process—the analysis and the methods used to ensure the quality of the work—ensured the trustworthiness and the degree of confidence in the data (Morse et al., 2002).

The researcher's analysis of the data is rooted in interpretivism. The researcher spent an extended length of time conducting the interviews (between one and one-and-a-half hours), before analysing the data using thematic analysis. Dependability influences the confidence of findings in qualitative research (Munn, 2014), and tests the fit between the author's interpretation of the findings and the original data.

The researcher applied the criterion of credibility by recruiting all the participants and ensuring that collected data, using video and audio recordings, note-taking and demographic surveys, and analysis, were trustworthy and believable. The researcher conducted two separate semi-structured FGDs (total of 16 participants) and individual interviews with an additional eight different participants of between one and one-and-a-half hours each, and the data was transcribed.

Ethical considerations

In addition to obtaining ethical clearance for the study from the University of Witwatersrand Human Research Ethics Committee (Non-Medical), five ethical principles—informed consent, voluntary participation, anonymity, confidentiality, and potential for harm—were upheld in the study, as outlined below.

Informed consent

The researcher provided an information sheet to the participants, held a briefing prior to the FGDs and individual interviews, and requested the participants to sign a consent letter.

Voluntary participation

The participants were informed that their participation in the research study was completely voluntary, and that they could withdraw from the study at any stage, without explanation or consequence of any kind.

Anonymity and confidentiality

All steps were taken by the researcher to ensure that the participants were not identifiable in the report. Their names were coded using a participant number and will be referred to this way in the data and any publications. The researcher managed the participants' confidentiality, and in the case of the two FGDs, the researcher strongly advised the participants to treat the information confidentially, while being mindful that there would be no guarantee that the other participants in the focus group would treat the information confidentially.

Potential for harm

The participants were advised that some of the questions had the potential to raise negative emotions. The researcher ensured the confidentiality of the information shared and advised the participants to not disclose any personally sensitive information in the FGDs (Fleming & Zegwaard, 2018).

Data analysis

As part of the qualitative research paradigm, thematic analysis was used to analyse the data collected (Smith & Osborn, 2015). This method is for identifying and arranging data into identifiable themes to analyse the research data and gain insight into the meanings of the patterns (Braun & Clarke, 2012). The research study examined the lived experiences of the participants by considering the commonality and idiosyncrasies of these experiences. Thus, the thematic method was appropriate (Braun & Clarke, 2012).

According to Clarke and Braun (2013), thematic analysis has six different phases: 1) Familiarising oneself with the data; 2) Generating codes; 3) Constructing themes; 4) Reviewing potential themes; 5) Defining and naming themes; and 6) Producing the report (Clarke & Braun, 2013). The data was collected, studied by the researcher, entered, and analysed using the qualitative software package ATLAS.ti (Version 4.11.1-2023-02-23).

Reporting style

The qualitative data findings are reported through the various themes that emerged from the use of the thematic analysis of the demographic survey, FGDs, and individual interviews. Where appropriate, verbatim quotations and paraphrases have been used as part of the reported findings.

5. RESULTS

Participants' Characteristics

Participants' characteristics, such as age, gender, marital status, household size, living standards measure (LSM) and number of years in practice, were collected using a demographic survey.

Gender and age

The research study comprised 25 participants, ranging in age from 25 to 65 years, with a median age range of between 25 and 34. The participants included 14 females and 11 males, with four legal advisors/counsel (all female), 14 attorneys (seven females and seven males), and seven advocates (four females and three males).

Marital status and household size

Nineteen participants responded to the marital status item on the demographic survey. Of those, 10 listed their marital status as "single" and nine as "married". Five participants indicated that they were the only one in their household, eight participants had two people, including themselves, three participants had three people, two had four people and one participant had five people in their household.

Living standards measure (LSM)

The participants were also asked to share their living standards measure (LSM) level, which is a segmentation tool commonly used to group South Africans according to their living standards. Those with higher income enjoy higher living standards, which is reflected in their scores of between 8 and 10 (van Aardt, 2008). Individuals who occupy LSM levels 8–10 have access to the most wealth and can afford the lifestyle they desire (USDA, 2020). When surveyed about their LSM status, three participants responded with "*prefer not to say*", while the remaining 16 participants all had an LSM status of between 8 and 10, with 10 being the highest level.

Number of years in practice

When responding about their years in practice, eight participants indicated that they had been in practice less than five years, eight indicated that they had been in practice between five and 10 years and three participants between 10 and 15 years.

Qualitative data

The data collected from the focus group discussion (FGD) and individual interviews provided several insights into the remote working experiences of South African lawyers. The themes and subthemes that have been extrapolated from this data are discussed in Table 4 below.

Table 4: Themes and subthemes

Themes	Subthemes
Preparedness	Unpreparedness to work remotely
	Preparedness to work remotely
Productivity vs unproductivity of remote working	Productivity while remote working
	Productivity leading to overwork
	Unproductivity while remote working
	Presenteeism
Internal factors affecting participants	Household size and the presence of children
	Nature of work/law practised
	Living standards measure (LSM) status of participants
	Participants' finances
External factors affecting participants	Loadshedding and internet access while remote working
Mental health and physical well-being	Physical effects of remote working
The future of remote working	Hybrid working model
	Personal choice model
	Fully remote vs fully in the office

Unpreparedness vs Preparedness to Work Remotely

The theme of preparedness can be divided into two subthemes: those participants who felt unprepared to work remotely and those who were prepared to work remotely. The subthemes are discussed below and include participants' comments from the individual interviews and FGDs (indicated by indented, italicised text).

Unpreparedness to work remotely

The research findings revealed that a majority of the participants felt that they were not prepared to work remotely. The factors that affected them included the lack of space and equipment, having their children around them instead of being in crèche, and also being physically and emotionally unprepared. In this regard, most of the participants in both the FGDs and the individual interviews reported how working remotely required a huge adjustment. Not having the necessary equipment or facilities added to their frustrations,

whether it be the correct computer set-up, desk, or chairs, or not having enough space, such as a dedicated room to work remotely. The participants stated the following:

“... was I prepared? No. My setup at home was not, my computer set up at home was not complete.” (Participant 22, Male, Attorney, Individual Interview)

“...it was a bit difficult to work because the toddler knew where I would be, and would constantly come and try and talk to me or have my attention. So, I found that I was not as prepared, because of that. Our living space was not conducive to working at home. I would work at home occasionally, and it would help when he was in pre-school, but he was not even going to pre-school then. So, it was a bit of an issue.” (Participant 16, Female Advocate, FGD 2)

“So, I think we were prepared from a technology perspective, but I do not think any of us were prepared emotionally, and the toll that that year took. And I think we are going to feel the effects of it going forward.” (Participant 11, Male, Attorney, FGD 2)

“I think the lack of preparedness from a physical perspective, or not realising that if you do not have an office desk or whatever at home that you could, if you work for long extended periods of time on your bed, or on your couch, that physically your body will take a toll. And now I find myself going to chiropractors every other month, just to, working on adjusting my back, or something or the other. Like there are physical ailments that have come from working from home and not having those proper office structures that you have at the office.” (Participant 2, Female, Legal Advisor/Counsel, FGD 1)

Preparedness to work remotely

A small number of the participants reported that they were prepared to start remote working during the COVID-19 lockdown period, as they had the necessary equipment and laptops to work remotely:

“Well, generally, the only thing that a lawyer needs is a laptop in order to work. And when COVID hit and the last days before lockdown; you saw this mass exodus out of the office with people with desktop computers under their arms, and taking them home, but I was quite ready to work remotely.” (Participant 12, Female, Attorney, FGD 2)

“Yes, fortunately for me, I was prepared. My company gave me a laptop because I was already travelling, so I had that anyway.” (Participant 23, Male, Attorney, Individual Interview)

Productivity vs Unproductivity of Remote Working

The findings revealed that the levels of productivity while working remotely varied between the participants. The findings regarding productivity applied to the FGD participants and individual interview participants equally. Both groups reported having been productive or working longer hours without many breaks. Alternatively, they were less productive, because they found it difficult to get any work done while working remotely. Some reported that they felt driven to overwork so that they would be viewed as valuable.

Productivity while remote working

The findings revealed that a few participants felt they were as productive or more productive while remote working. They attributed this to fewer interruptions, not having to contend with heavy traffic, and not having to make small talk in the office, all of which take up time. Some participants indicated that they were very productive to the point of overworking, while others indicated that they did not feel as productive as they did working in the office:

“Yes, so, I think I was also very productive. In fact, more productive than I am at Chambers, working from home. I found that during lockdown, I could wake up early hours and just work right throughout... There are no interruptions. There is no getting stuck in traffic. So, I think I was way more productive working from home, despite the other challenges that I spoke about.” (Participant 16, Female, Advocate, FGD 2)

“Well, I would say my productivity was very high. I think it is probably because when you are at chambers, even though those social niceties are delightful, it does take a lot of time to chat with people in corridors and people are popping into your office. So, I think in the absence of that, we were very focused on work, and I think because of the uncertainty of the pandemic and people freaking out and losing their jobs, you almost felt this absolute drive to work and to prove yourself to your attorneys to feel valuable and to continue feeling valuable.” (Participant 19, Female, Advocate, Individual Interview)

Productivity leading to overwork

Some participants stated that, although they were productive, they found they were working longer hours to the point of overwork and staying up late:

“This time I found that I was working long hours. I would just wake up in the morning and just work throughout the day.” (Participant 20, Female, Advocate, Individual Interview)

“Your laptop is right there; it is open; you are always checking your emails. You are always doing something, even in the middle of the night, whatever. So, I think then that is when it actually started being a problem, and creating a monster. I would think, because now when we went back into the office, and the transition going back into the office and productivity levels were seen to be quite high at the time when we were working from home. Because, as I said, you never really sign out.” (Participant 2, Female, Legal Advisor, FGD 1)

Unproductivity while remote working

Some participants found that they could not be as productive as they wanted and found it difficult to adapt to remote working and the lack of face-to-face engagement:

“So, it was very difficult at that point to get any work done, to do anything. And then at home with the work situation, everyone is trying to adapt to this new system where we need to start getting our service on track at the office, trying to get everything sorted out.” (Participant 18, Female, Attorney, Individual Interview)

“There were quite a few gaps. Things like, you know, not being given second screens, and third screens and things like that and unfortunately, I am also someone who is resistant to change. So, I needed things like that, and I had to source them myself in order to be productive. And then I also had to figure out ways around the lack of face-to-face time, so that was quite the challenge as far as transitioning ...” (Participant 8, Female, Legal Advisor/Counsel, FGD 1)

Presenteeism

Of note in the FGDs and individual interviews, was the subject of presenteeism and how some participants, especially those who are junior professionals, felt that they needed to appear to be productive for the sake of presenteeism:

“No, definitely like you said, the game for us is more what is seen to be done above what is being done. So, when you're at home, your boss cannot tell how busy you are, even though you send off a lot of emails, but they don't know when those emails were done, what it took to get to that e-mail, the discussions before.” (Participant 23, Male, Attorney, Individual Interview)

“I am a junior advocate, so you need your seniors around obviously to see you and to give you work. So, you are going to chambers because you are told that visibility is important, but the people you are trying to be visible to are not there. So, most of them are working at home.” (Participant 4, Female, Advocate, FGD 1)

“Say as a junior counsel, you want to be there because there might be a senior counsel who needs a junior. And if they see you around, they might actually call you to ask you to assist them with something...” (Participant 20, Female, Advocate, Individual Interview)

Internal Factors Affecting Participants

The research findings revealed that a number of internal factors—personal to the participants in both the FGD and individual interviews—affected their experience while remote working. Some of the internal factors revealed were the number of people in the participants’ household, including spouses, roommates, and siblings, the presence of children, the nature of their work or law practiced, their living standards measure status and personal finances.

Household size and the presence of children

A small minority reported having to adjust their working hours because of their children, as their children needed their attention, which created difficulty when trying to work remotely. Some participants reported trouble with remote working owing to the presence of a spouse/significant other, sibling or housemate, which made it difficult to work, and led to some irritation and friction, especially when they needed to have meetings.

“My husband happens to be an advocate as well. So that was a different ball game because we were obviously both working from home. So, we had to coordinate schedules as well so we would not disturb each other...” (Participant 19, Female, Advocate, Individual Interview)

“So, I live in an apartment, and my flatmate was, of course, also working at home. And the space was incredibly tight. And I think that caused a bit of friction, and a bit of irritation on both sides. Particularly when he was in a meeting, and, or, I was in the meeting, and then the worst-case scenario was when we were both supposed to be in a meeting. So, I think living in a small space, particularly with somebody else who is also working at home; that was probably my biggest continual frustration over the lockdown period.” (Participant 15, Male, Advocate, FGD 2)

“... it was a bit difficult to work, because the toddler knew where I would be, and constantly come and try and talk to me or have my attention.” (Participant 16, Female, Advocate, FGD 2)

“I had to do it with my fiancé at the time, who is also an attorney. And two attorneys who both are in litigation, shouting and screaming on the phone in a small environment, is not conducive to a healthy work environment.” (Participant 13, Male, Attorney, FGD 2)

Nature of the work/law practiced

A few participants believed that the type of law that they practiced or the nature of their work affected their ability to work remotely, indicating that not all types of law are conducive to remote working, while some, such as intellectual property, are:

“... I think it really depended on the nature of your work. I see we have quite a wide gambit of practitioners here, both in-house and internal, external and the like. I have noticed that it depends really on the nature of your work, personalities, and facilities I guess that you have at home. And again, like we said, your station, be it senior or junior, or somewhere in between.” (Participant 9, Male, Attorney, FGD 1)

“IP [Intellectual Property] is very much a legal field that lends itself to being able to work remotely, provided that you do have certain devices... IP is very much a field where there's a lot of remote interaction that's taking place... but a lot of fields don't lend itself to that, and I'm very much aware of it. So yeah, we can speak about remote work and the benefits and all, but reality is all fields don't lend itself to it.” (Participant 25, Female, Attorney, Individual Interview)

Living standard measure (LSM) status of the participants

A few participants spoke about their LSM status and how their privilege helped shape their experience. They added how they felt they could afford to cushion themselves against some of the effects of working remotely, such as loadshedding:

“I want to link this is more also in so far as the LSM discussion... I think that for me, what I realised during the lockdown was the immense privilege I had. Every obstacle that came, whether it was loadshedding... When loadshedding came I was in a position to buy a generator and I bought myself an iPad, and that type of stuff... I mean, I remember distinctly thinking about it, how privileged I am to be going through something like this in a situation where I can essentially afford to deal with setbacks. But that was not really the position of a lot of the people in my team, in the firm,

especially the secretaries and paralegals. And I mean, as a firm, we try to do our best, but there are certain realities that they could not deal with. There is the loadshedding obviously. Sometimes it might be an issue of paper. Sometimes it is airtime and data to be calling people, to be speaking to your boss and that type of stuff. So, I think what I picked up from an LSM perspective is how the pandemic actually magnified that. And I think the reality also is that the office is the ultimate mitigator of the discrepancies between LSMs, because essentially, when you come into the office, you are dressed professionally, and everybody's coming there, and so. And you all have the same equal resources.” (Participant 11, Male, Attorney, FGD 2)

Participants' Finances

Some participants reported being concerned about their finances and income at the time. These concerns were voiced mainly by participants who were advocates and not necessarily the attorneys or legal counsel. A few reported that remote working during the pandemic lockdown affected their careers, opportunities for growth, promotions, and bonuses:

“You know, because you technically work for yourself, the biggest issue is even if you do not make money, you still have bills to pay. And not only your personal expenses, but the cost of keeping chambers, the cost of, yes, just running a practice, generally. And I found that as soon as COVID hit, people were reluctant to even pay you. So, I do not know if attorneys were sitting with our money, or clients were just not paying or what was happening, but there were just no payments even coming in. I think that everybody was just in a panic mode, and just holding on to what they had. So that was difficult, in that sense, chasing payments. And I think also, just departments, or government entities just not paying because... Also, yes withholding that money, or money being directed in government to other, to maybe COVID relief, and those sorts of things. So it really did put a strain on you trying to hit target, or you trying to make a living.” (Participant 4, Female, Advocate, FGD 1)

“We just came straight out of pupillage. So, I did not have a very high expectation of a salary back then, but I think what did cause me a bit of anxiety is when I heard colleagues who apparently were still getting quite a lot of work at that point, and so I thought everybody in practice would take a bit of a downturn. And when I heard other people were doing perfectly fine; I think that, initially, caused me a bit of anxiety...” (Participant 15, Male, Advocate, FGD 2)

“As many probably can attest to when you are working in a big firm, the most important thing to deliver on is fees... And, yes, you know that has certainly had some severe negative impacts on me, my place in the firm. Promotions are generally fee-dependent. Partners look at that specifically. Certain firms, I do not think, pivoted when it came to fee generations. Some, kind of, steered the same course and did not deviate from that...” (Participant 13, Male, Attorney, FGD 2)

External Factors Affecting Participants

The findings, through the research instrument, revealed two external factors that affected the participants' ability to work remotely: the effects of loadshedding, and participants' access to the internet while remote working. The findings revealed that a majority of participants were unaffected or did not recall being affected by loadshedding or having difficulty with internet access while remote working during the COVID-19 lockdown period. Some participants indicated that they had access to solar electricity or generators, and had access to unlimited Wi-Fi at their homes because of fibre internet. One participant commented about how they did not have any loadshedding while working remotely, as their area did not have loadshedding normally, which did not change during lockdown. A few participants who had difficulties with internet access were able to sort the issue out and obtain better internet access during the lockdown. Of note is how the findings regarding the external factors are linked to the earlier discussion regarding LSM levels. It would appear that the participants' LSM status may have cushioned them from the full force of loadshedding and internet access:

Loadshedding and internet access while working remotely

While most participants could not clearly recall whether loadshedding was a factor that hindered their ability to work remotely, many commented that they just knew that it was not as bad as it had since become. In the same way, very few participants recalled having internet access challenges. A few who were able to recall and comment on these factors stated:

“When we bought the house, we put in solar panels, batteries, and a generator. So, from the loadshedding point of view, that's irrelevant to me” (Participant 24, Male, Attorney, Individual Interview)

“I also had high speed Wi-Fi and I also had a generator. I live in a flat and the complex has a generator, and it runs everything when the power goes. Very fortunate.” (Participant 22, Male, Attorney, individual Interview)

“Yes, so there were no changes at home to be honest... because we do not get loadshedding here.” (Participant 18, Female, Attorney, Individual Interview)

“... besides obviously loadshedding and, you know, the normal concerns of dealing with a business in South Africa, I think it was about the internet, and the reliance on it, and not having it fully available all the time.” (Participant 5, Male, Attorney, FGD 1)

I never had unlimited Wi-Fi at home because I never had a need for it. At the beginning of COVID, I was on a package that I found was running out quickly and because I was having online consultations most of the time, that was a problem. I had to spend a lot of money on that, but I eventually changed service providers and went onto a bigger package (Participant 20, Female, Advocate, Individual Interview)

Mental Health and Physical Well-being

The themes of mental health and physical well-being were derived from the research findings and separated into the mental health and physical effects experienced by the participants while remote working. A majority of participants reported feeling that their mental health had been severely affected as a direct consequence of being confined to their homes. The lack of socialisation with their colleagues and the fear of infection were some factors contributing to their feelings. A few participants also identified themselves as either introverted or extroverted and commented on how their personality traits could have affected their mental health and well-being. Further, some of the participants reported needing physiotherapy and suffering physical ailments because of having to work remotely:

“To be confined to your own home and not being able to go see, you know, or meet a colleague, you know, in the lifts at work was a shock to the system and it was just, I just didn't enjoy it at all. So, on the on that level, you know, the confinement was just too much... You know, survive by being strong or you are going to perish. By not, you know, getting up to the required mental strength... there was definitely an impact.” (Participant 21, Male, Advocate, Individual Interview)

When probed further on the lack of socialisation, however, Participant 21 clarified that while the lockdown had had an impact, he was satisfied with the lack of socialisation in his personal life and found that on the personal side more than on the professional side, he could be happy without having to be around people, although he regretted feeling that way:

"I think for me is just more on the personal side more than professional side. On the personal side, I've just been able to find that I can be happy without having to be around people so yeah, yeah so. But the real negative one I think is the more important one, and it is regretful." (Participant 21, Male, Advocate, Individual Interview)

Over and above Participant 21, the other participants stated the following:

"... but the other things that really contributed to my mental breakdown really, was the fact that you lose friends and family within the hard lockdown. And sometimes you would be able to go to the funeral and sometimes you are not able to go to the funerals depending on how close you were to those people. If it is a friend, you are not able to go sometimes to the funeral because they had certain exceptions, obviously. And then also, having to live in the constant fear of getting infected. And then not being able to go anywhere." (Participant 1, Female, Legal Advisor/Counsel, FGD 1)

"It was tough working from home, again because I am, although introverted per se, I do draw my energy from people and maybe popping into someone's office just to discuss a few things here and there, maybe get a few ideas, maybe walk around and this and that. So that was difficult definitely." (Participant 11, Male, Attorney, FGD 2)

"I think from a mental well-being perspective, I think I still feel like I need counselling. Just the adjustments and emotions that I went through during that time because, first, it was just very relaxed, thinking it is just going to be 21 days... So, emotionally, it definitely took a toll and also mentally. And you really needed to dig deep... I think that that human element, that's when you know that intrinsically, as humans, we need that interaction. No matter how much of an introvert you are, you still need human interaction to feel alive. You know, after my Teams meetings with my team, I needed to get out and meet up with someone... because it felt right to just have human interaction." (Participant 2, Female, Legal Advisor/Counsel, FGD 1)

"My biggest challenge, I think, you know, when you are so used to being around people and then all of a sudden, you are not. And it almost somewhat felt like solitary confinement to me. At the time, I was living alone and yes, I went from having people around me to not. And I struggled really with that transition, and I started relying heavily on work and trying to keep myself busy, to kind of pass the time." (Participant 10, Female, Attorney, Focus Group Discussion 1)

“But definitely started feeling more alienated from colleagues in chambers... but definitely on the social camaraderie and just feeling like you were part of a group. Suddenly you felt very much like almost like an outsider in your own group because of that lack of social niceties and interactions and coffee and lunch, those types of things.” (Participant 19, Female, Advocate, Individual Interview)

Physical Effects of Remote Working

A few participants reported that their physical health was also affected owing to the lack of proper tables and chairs:

“I did get a sore back a little bit. I actually went for physio and at some stage, and you know, they said no, maybe you must move your screen.” (Participant 22, Male, Attorney, Individual Interview)

“I struggled with, and I think what other people may have also struggled with, is initially not having that desk at home. So, now being forced to actually look into ergonomic desks and chairs and all of that. Because at some stage, at least for the first 21 days or so, the hard lockdown, you were working from bed if you did not have a desk. That was my situation. And I found that I developed a lot of backache. And I knew that it was because I did not have a proper structure where I can sit at a desk... now I find myself going to chiropractors every other month, just to, working on adjusting my back, or something or the other. Like, there are physical ailments that have come from working from home and not having those proper office structures that you have at the office.” (Participant 2, Female, Legal Advisor/Counsel, FGD 1)

“I didn't have a desk or a proper chair other than the one that I had, which wasn't made or intended to be for long-term usage. So, my back, in fact, I did have an issue with my back. I had to go see a chiro.” (Participant 23, Male, Attorney, Individual Interview)

“For me, the most draining part was working and having a child at home... and being pregnant. It was really a struggle and physically, I was already compromised with the pregnancy, I had a very difficult pregnancy.” (Participant 18, Female, Attorney, Individual Interview)

Although overall, the findings revealed remote working affected the mental health of most participants, a few who reported not feeling overwhelmed, anxious, and depressed had strong familial bonds before the lockdown, even if the family did not all live in one house. The findings further revealed that the support of family or their faith assisted them in

combating the negative effects on their mental health. Some participants revealed that having a clear routine, discipline, work-life balance, taking part in regular exercise and having a hobby, such as cooking, was equally beneficial to them:

“You need to set yourself boundaries and then stop and say OK, that's it for today. And also take regular breaks during the day. Whether you go get tea, go for a walk in the garden, go to the gym.” (Participant 24, Attorney, Individual Interview)

“I wasn't alone. I had someone to talk, my brother was there... we are a close-knit family and my whole family is here in Johannesburg... I was able to go to church, which was very important to me. I had my family online all the time, so I never had any mental issues or stress.” (Participant 20, Advocate, Individual Interview)

The Future of Remote Work

Lastly, the theme of the future of remote working for lawyers in South Africa emerged from the findings, given legal firms' rigidity about keeping their offices, i.e. law firms for attorneys and chambers for advocates. Owing to their experiences with remote working during the COVID-19 lockdown, after the pandemic, most participants indicated that they were in favour of a hybrid working model, rather than full remote working or returning fully to the office, as they felt that this was wholly unnecessary. The choice of a hybrid working model was supported by the participants in the FGDs and in the individual interviews.

Hybrid working model

The hybrid model suited most participants because it allowed them to have the necessary interaction and meetings with their clients and colleagues, while also providing the flexibility they needed to align with their personal circumstances:

“I think the dual system is best... I work full time from home, basically, but I do go up to the office. And I actually see the value in it, when I am there, but when I am also working here from home... So, I see the value of keeping offices, even though you can just down-scale them, because every day is definitely not necessary.” (Participant 17, Female, Attorney, Individual Interview)

“I think specifically for lawyers, I think we do need an office space because we interact with clients all the time. And sometimes what you can communicate over virtual meetings and what you can do in person is two different things... I do not think we need a permanent, you know, a big office where everyone must be there, but just something that... because I know there are a lot of people that want to be in the

office every day because they hate being at home.” (Participant 18, Female, Attorney, Individual Interview)

“Although personally, I do not think we are at the stage where we would completely need to get rid of in-person, or being in brick and mortar, our offices. I think a hybrid model has definitely worked well. Sometimes you just want to be with people and sometimes you want more flexibility. So, I am definitely in support of a more hybrid model.” (Participant 9, Male, Attorney, FGD 1)

Personal choice model

Some participants commented that the decision on whether to work remotely should be left to the personal choice of each lawyer and their own circumstances:

“I mean, there are lots of interesting technologies, and things like virtual reality, and things that are being worked on that have been prompted by this question. So, I mean, there are positives and negatives. I mean, I think, me, personally, I have really enjoyed going back to the office every day. I really enjoyed the interactions with everybody... I think everybody is mooting the hybrid working environment, but there are also positives and negatives to that also, and I think that it really does also depend at what stage you are on your career, and which one works better.” (Participant 11, Male, Attorney, FGD 1)

Fully remote or fully in the office

A few participants were in favour of either fully remote working or going back to the workplace completely:

“I think for me, I am definitely leaning towards just having physical offices... And that is a big part to what we do, is actually having relationships with people. So, I think on that level, just being a junior associate now even, I can see the benefits of we are now back at the office more often, just on a learning and training aspect... So, I am definitely for having physical offices, especially just given the profession that we are in.” (Participant 3, Female, Advocate, FGD 2)

“I would be in favour of full remote working personally... There's an American firm that went full remote working more than 25 years ago without any issues and they are still going strong today. They didn't disappear.” (Participant 24, Male, Attorney, Individual Interview)

6. DISCUSSION

Outline of the Results

The findings from the research study revealed that the participants had a myriad of experiences from remote working during the COVID-19 lockdown period, shaped by factors that were present during the period. A discussion and summary of the findings follows below.

The findings that the participants were grossly unprepared to work remotely during the time are in keeping with the findings of Galanti et al. (2021), that the sudden switch to remote working left many workers and employers unprepared (Galanti et al., 2021). Comments about the lack of equipment, such as tables and chairs, are in line with Ozimek's (2020) study conducted in the US regarding the future of work, that the sudden and drastic shift had left many scrambling. A further study supporting this finding of unpreparedness was conducted by Arslan et al. (2022) amongst educators and instructors in Istanbul, Türkiye. It confirmed that there was very little time to adapt to remote working, which left most educators/instructors "unprepared and caught by surprise" (Arslan et al., p. 80). A study by Aigbavboa et al. (2022), conducted in South Africa's construction industry amongst 825 contracting parties, seems to have cemented the findings of many people's unpreparedness to work remotely, irrespective of the industry or the country's economic standing.

The findings regarding participants' productivity and their susceptibility to overwork when the boundaries became blurred echoed the findings of Hardill and Green (2003) on the topic following their study on remote working in the UK. A study conducted in China by Bloom et al. (2015) amongst call centre workers found that, on average, the productivity and performance of these employees while working remotely increased by 13%, with 9% of the workforce operating longer hours while working remotely. This study also compared perceptions of remote working in China versus the US, where concerns existed about the effectiveness of remote working, referring to it instead as "shrinking from home" because of the lack of supervision. These findings on productivity varied depending on the circumstances of each study, and are in keeping with this study's findings that productivity is to be determined on a case-by-case basis.

The findings of presenteeism amongst the participants reflect the findings by Lufkin (2021) of the widespread practice of presenteeism in the workplace. One of the participants in Lufkin's study referred to it as a "game we play". However, there is data

to support that the practice of presenteeism is likely most detrimental to junior professionals, while those who had senior, more established careers were not as affected.

The findings on the experiences of lawyers in multi-person households are supported by those of Eddleston and Mulki (2017) pre-pandemic regarding work-family boundaries. Their study, conducted in the US on gender, workplace boundaries and work-life balance, noted a blurring of lines, and “their work seemed to bleed” into their home lives (Eddleston & Mulki, 2017, p. 377). Although a distinction between the effects of remote working on working mothers versus fathers was outlined in Helsel (2014) and Alon et al. (2020), such a distinction could not be drawn from the information received in this research study. In keeping with the views expressed by Singh et al. (2013) and Peters et al. (2004), that certain types of professions lend themselves to remote work, this study’s results revealed that the nature of the work or type of law that the participants practiced affected their ability to work remotely during the lockdown period. The findings revealed that electricity/loadshedding and internet access posed a challenge for some participants, as confirmed by Matli (2020), and affected their ability to work remotely. However, the participants in this research study appear not to have been as severely affected because they could afford solar electricity or generators thanks to their LSM status. A clear link emerged between participants’ LSM statuses and their ability to mitigate or cushion some of the effects of loadshedding and electricity access. Although, it is noteworthy that even though the participants all occupy the highest LSM levels of between 8 and 10, their lack of preparation resulted in some not having adequate equipment or experiencing back problems.

Finally, the findings confirmed the impact of remote working on participants’ mental health and physical well-being. This was reported by Oakman et al. (2020) in their study conducted in the US, UK, Australia, New Zealand, Japan, Belgium, South Africa, Brazil, Germany, and The Netherlands, and by Nijp et al. (2016) in their study in The Netherlands. These studies found that the impact on individuals’ mental and physical health varied considerably (Nijp et al., 2016; Oakman et al., 2020). A study by Filardi et al. (2020) conducted in Brazil amongst 98 teleworkers and 28 managers found that the disadvantages to remote working included psychological problems, non-adaption to remote working, lack of communication amongst company employees of the company and a feeling of disconnection with the company.

Contrary to the findings of Ozimek (2020) regarding the full support of remote working in the future, this study’s findings reveal that the participants are in favour of a more hybrid

or personal choice model, which would allow them to still consult with their clients, while having the choice and flexibility to work remotely should the need arise. It should be noted that the participants in the Ozimek study were not the employees themselves, but hiring managers, including executives and managers who were directly involved in the decision making of the business. Conversely, our participants could be largely referred to as employees, hence the deviation in the results.

Practical Implications

The findings suggest that mental health should be prioritised when employees work remotely and, in this regard, in the legal profession. The study highlighted the importance of practical and emotional support to those within the profession, especially if remote work is to be successful in the future. The findings also emphasised the somewhat isolated nature of the profession, where the participants were mostly left to their own devices, while the employers only wanted to see results. This, coupled with strict and rigid rules, proved to take a toll on the mental and physical health of many. This suggests that factors such as fee-generation and presenteeism should not be seen as the only measures in determining productivity, promotions, bonuses, and other opportunities for growth. Further, in light of the self-reported effects that working remotely had on the participants, mental health and emotional support are vital.

Limitations

A limitation that often arises when data is collected using focus group discussions (FGDs) is groupthink, which refers to the psychological phenomenon that occurs when the group has a desire to reach consensus (Welman et al., 2005). Thus, efforts are made by the participants of that group to find common ground, minimising conflict, and evaluating available options and solutions (Boateng, 2012). Groupthink is more prevalent where strong personalities within a focus group take on a “leadership” role and sway the group or affect how others respond (Irminger-Underwood, 2021). However, this was not observed by the researcher during the FGDs.

Another limitation is that of recall bias, which occurs when an attempt is made to collect data retrospectively, or after the event has already happened, and is not necessarily reflective of the participants’ experiences (Bose, 2001). Given that the time frame to which this study related was between March 2020 to December 2021, and that the participants were requested to answer questions about events that happened in the past, the researcher was aware of the possibility that they may remember certain events or details more vividly than others.

As the data was collected mostly online via Microsoft Teams, with the participants and researcher physically distanced from each other, this had the potential to marginalise participants who may not have had access to a personal computer or an electronic device, or to internet access to enable them to participate in an FGD or individual interview. Therefore, the study results may be biased towards law practitioners who had the resources to participate in the study.

The manner in which the participants were selected creates the potential for selection bias. The research study was conducted in a metropolitan setting with participants who live in and around Johannesburg, in the wealthiest province in the country. Therefore, the results cannot be generalised to all lawyers in South Africa who live in less affluent cities and provinces, and whose experiences may have differed from those of the participants who were selected for this study.

7. CONCLUSION

As outlined in the research objectives, the researcher succeeded in conducting research on the topic and, through the research and analysis, determined how a group of South African lawyers experienced remote working during the COVID-19 lockdown. The researcher also identified the internal and external factors that affected their experiences, and determined how these experiences affected them mentally and physically.

The key takeaways of the research were that, while South African lawyers could work remotely during the lockdown period, they were unprepared for doing so. Their productivity varied from being very productive to the point of overwork and burnout, to struggling to be productive. Some participants were influenced by factors that made the experience more challenging than for others. These were mainly internal and personal to them, such as their household size, children, the nature of work, and finances. These factors affected them mentally and physically. When considering remote working for the future, the hybrid model would be most favoured by those in the profession.

8. RECOMMENDATIONS

The problem statement was to investigate the remote working experiences of South African lawyers during the COVID-19 lockdown, due to the lack of comprehensive research and literature on the subject. The research results revealed that the participants had a myriad of experiences, and a number of internal factors and external factors had

an effect on their experiences. Furthermore, that attorneys and advocates had somewhat varying experiences when it came to preparedness, productivity, and finances. As a result suggestions were made during follow-up research that a cross-sectional qualitative comparison study be conducted on the experiences of advocates versus those of attorneys of different ages and different seniority levels. This could include a comparison between legal professionals who occupy junior positions (professional assistants, associates, baby advocates, and junior advocates) and those who occupy senior positions, such as senior associates, partners, senior advocates, and senior counsel.

The research results point to a huge impact on the mental health and well-being on the participants and a need for mental intervention and assistance programmes that can be established for workers in the future following a pandemic of this nature. Follow-up research should be conducted on how employers can help to mitigate or lessen the impact of remote working on the mental health and wellbeing on junior attorneys and advocates. This would be especially pertinent for when employees are required to spend extended periods in their homes, isolated, and working remotely. During the last few years of the pandemic, the emphasis on physical and mental well-being has been directed towards frontline workers and healthcare workers, with a limited focus on other types of employees, including programmes directed at employees in the legal profession.

There is an urgent need for the government to work proactively at putting future interventions in place, especially against the background of the failing mental health care system that already exists in South Africa (Nguse & Wassenaar, 2021).

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Competing interests

The author declares that she has no financial or personal relationships that may have inappropriately influenced her in writing this article.

Ethical considerations

Ethical clearance was granted by the Wits Business School Ethics Committee, constituted under the University of the Witwatersrand Human Research Ethics Committee (Non-Medical), under ethics protocol number: WBS/BA2507430/416.

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APPENDICES

Appendix A: Research Instrument

Research Instrument with 13 Open-ended questions	
1.	Were you at all prepared to start remote-working when the hard lock down was announced in 26 March 2020?
2.	Did you have all the necessary equipment, technology and the dedicated space to work effectively from home?
3.	Can you describe what it was like working from home during lockdown? Especially if you had to report to someone? There is a culture of presenteeism in the legal fraternity and this can be concerning, if you are not in the office and behind a screen?
4.	Do you feel that you were productive, more productive or less productive during this time - if so, how?
5.	Were there instances of overworking? The blurring of lines between work and life?
6.	Can you name any factors that affected your ability to work from home, specifically general/external factors out of your control, loadshedding, internet access?
7.	Can you name any internal factors that affected your ability to work from home, specific to you, child care, not having enough space, family etc.?
8.	What would you say were the benefits of remote working during the lockdown?
9.	What would you say were the drawbacks?
10	Can you describe your feelings at the time of working remotely? In particular, your emotional, physical and mental wellbeing, how was this affected?
11.	Do you value socialisation and relationships with colleagues? How do you think the lack of socialisation with your colleagues or loneliness impacted your ability to work remotely at that time?
12	Did you have concerns about your income / finances or bonuses at the time that you were remote working in lockdown?
13.	Do you think that there is still a need for lawyers to work from offices or do you think that in future remote working will be the way?

Appendix B: Demographic survey

1	Gender	Ethnicity	Age	Household Size	LSM Status	Profession	Marital Status	How many years in practice (since admission)	Current Location
2	Female	Black South African	35 - 44	3	Level 10	Legal Advisor/Counsel	Single	Between 10 and 15 years	Gauteng
3	Male	Indian South African	35 - 44	2	Level 10	Attorney	Married	Between 10 and 15 years	Gauteng
4	Female	White South African	35 - 44	3	Level 9	Attorney	Married	Between 10 and 15 years	Gauteng
5	Female	White South African	35 - 44	2	Level 10	Advocate	Married	Between 5 and 10 years	Gauteng
6	Female	Black South African	25 - 34	2	Level 9	Attorney	Single	Between 5 and 10 years	Gauteng
7	Male	Black South African	25 - 34	3	Prefer not to say	Attorney	Married	Between 5 and 10 years	Gauteng
8	Female	Black South African	25 - 34	5	Level 10	Advocate	Married	Between 5 and 10 years	Gauteng
9	Male	White South African	35 - 44	2	Level 10	Attorney	Married	Between 5 and 10 years	Gauteng
10	Female	Black South African	35 - 44	2	Prefer not to say	Advocate	Single	Between 5 and 10 years	Gauteng
11	Female	Black South African	25 - 34	2	Level 8	Attorney	Single	Between 5 and 10 years	KwaZulu Natal
12	N/A	Black South African	25 - 34	2	Level 10	Advocate	Married	Between 5 and 10 years	Gauteng
13	Male	White South African	35 - 44	2	Level 9	Advocate	Single	Less than 5 years	Gauteng
14	Male	Black South African	35 - 44	4	Level 10	Advocate	Married	Less than 5 years	Gauteng
15	Female	Black South African	25 - 34	4	Level 9	Legal Advisor/Counsel	Married	Less than 5 years	Gauteng
16	Female	Black South African	25 - 34	1	Level 8	Attorney	Single	Less than 5 years	Gauteng
17	Female	Black South African	25 - 34	1	Level 8	Legal Advisor/Counsel	Single	Less than 5 years	Gauteng
18	Female	Black South African	25 - 34	1	Level 9	Attorney	Single	Less than 5 years	Gauteng
19	Male	Coloured South African	25 - 34	1	Level 9	Attorney	Single	Less than 5 years	Gauteng
20	Female	Black South African	25 - 34	1	Prefer not to say	Attorney	Single	Less than 5 years	Gauteng