

# CULTURE: SOMEWHERE OVER THE RAINBOW OR ARE WE ALREADY HOME?

BY CATHERINE MCGREGOR

A FEW WEEKS AGO, I WAS WRITING ABOUT CORPORATE CULTURE WHILST THINKING ABOUT THE WIZARD OF OZ, THIS WAS INSPIRED BY THE NEWS THERE MAY BE A REMAKE OF THE CLASSIC 1939 MOVIE IN THE PIPELINE LIKE THE CLASSIC SONG FROM THIS FILM, 'SOMEWHERE OVER THE RAINBOW' IS AN IDEAL CORPORATE CULTURE ALWAYS OUT OF REACH OR BY STRIVING FOR THIS IDEAL WE CAN MAKE OUR ORGANISATIONAL CULTURES AS GOOD AS POSSIBLE?

TOO OFTEN THE HOLISTIC NATURE OF CULTURE CAN SEEM DAUNTING TO TRY AND WORK ON, BUT IT'S IN THIS TRYING AND FAILING AND TRYING AGAIN THAT INCREMENTAL SUCCESS WILL COME.

There are some ideas threaded throughout The Wizard of Oz which are central to creating great cultures: belonging and feeling at home; purpose; inclusivity and diversity; and an objective point of view to help maintain or change a culture. In this article I am going to explore how these align with the role and experiences of the in-house lawyers in culture creation and change.

'There's no place like home.' The main narrative in the Wizard of Oz is that of going on a fantastic adventure and the strangeness encountered on that adventure resulting in the reaffirmation of love for one's starting point or home. When we get our organisational cultures right, they can certainly feel like a version of home – they feel safe. Robust cultures speak of teams like a family. This doesn't mean there are no conflicts because, frankly, many families are full of conflicts; rather it's that those

within the organisational family feel they can be themselves and can dissent, diverge and be diverse without fear of reprisal. You can have disagreements and still know that, when it counts, the other people have your back.

What's also true is that in a great culture you can fail safely. The link between psychological safety, the ability to fail and the ability to be creative and innovate is well documented.

I often like to use the analogy of shoes as a great metaphor for culture. When our shoes fit, we don't really notice them- they are just like part of our feet. When they do not fit, pinch or rub, we may be hard pressed to think of anything else. The discomfort will be a constant undercurrent to everything we do. No matter how wonderful the work we produce is, we will constantly be aware of this pain, even if we are wearing ruby slippers!



But will it ever truly be our best work if part of our mind and spirit is processing the pain or discomfort we feel from a lack of cultural belonging?

That sense of belonging is something that resonates with Ingrid Cope, Legal Director for western Europe at Coca Cola, "An ideal workplace culture is where people feel that they've got that sense of belonging. That means that they've got the psychological safety to dissent and or to raise different ideas about how to do things better. That leads to the intellectual friction that gets you to better ideas and innovation."

Richard Harris, Chief Legal Officer at recruitment firm, Robert Walters Group agrees, "Family and familiar, they're very similar. Familiarity is really important within your team, because I think if people feel comfortable, you know, they are more likely to contribute and the less barriers you have the stronger the cohesion is." Richard shares that

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his team is sometimes referred to as the ‘legal family.’ But he cautions building this kind of familiarity is not the easiest approach for leaders in creating cultures.: “Hierarchy is, sometimes the easier route, it’s very clean and easy to explain. You see people who think that if the structure is easy to explain, it must be the right structure, but I think that’s not necessarily correct at all. You may need to employ a federal approach in building your team culture, which takes into account interpersonal relationships and where people do have interlocking responsibilities. But it’s the idea you all play an important part in something greater that binds you together – your culture.”

The concept of home and family is one that is often placed at odds with the workplace. We go to work and come home to our families. We strive for balance between the two- sometimes suggesting an opposition. Recent events with the global pandemic have thrown the traditional separation of work and home into confusion. A cultural challenge for many organisations and their employees now, is where does work end and home start? It’s a phenomenon we have seen growing since the advent of the digital age: work is much more mobile and permeates into all aspects of our life. Digital connectivity gives us flexibility, but it also is in danger of taking over?

Sarah Macdonald became Chief Legal Officer at KFC Europe in the Spring of 2019. Her first priority was to redefine the culture and purpose of the legal team alongside determining

whether they had the right talent. She was then plunged into doing much of that work during the Copvid-19 pandemic when many of the certainties about work and home were being disrupted. A concept that was influential to Sarah in how she wanted to model the team and their culture was ‘total motivation’ or ToMo. This idea came from Neel Doshi and Lindsay McGregor’s book *Primed to Perform: How to Build the Highest Performing Cultures Through the Science of Total Motivation*. ToMo is comprised of three positive factors which influence



performance: play; purpose and potential. The most important aspect is play – can you be creative in your work? Does your work feel like so much fun it doesn’t seem like- well – work!

Fundamental to this, Sarah feels, is “The concept of play: that you constantly create moments of fun and connection where it feels the same when people are at work as if they’re off cycling on the weekend. That people are just really enjoying it and feeling that sense of purpose and this helps reinforce confidence.”

Bringing this sense of motivation, creativity and enjoyment to what the team did helped redefine the team’s culture to be more like a version of home -somewhere the team enjoyed being. As the lines between home and work blurred during the pandemic, having this sense of cultural belonging and purpose but, most importantly, enjoyment was central to keeping Sarah’s team motivated. The ability to truly enjoy what we do is always a key factor in cultural success because it keeps us motivated, as Steve Jobs said: “If you really look at the ones that ended up, you know, being “successful” in the eyes of society and the ones that didn’t, oftentimes, it’s the ones who were successful loved what they did so they could persevere when it got really tough.”

But the analogy of family has to be handled carefully as it has a cultural downside cautions Simon White General Counsel at Cognizant.

The familial concept can also lead to issues of some individuals sponsoring some and not others, the concept of ‘godfathers.’ What also needs to be considered says Simon that the idealised concept of ‘there’s no place like home,’ can ignore the range of micro aggressions that familial relationships can hide.

“Whether it is acceptable or not within a family setting is one thing, but microaggressions in the office, there should be zero tolerance for those. There should not be this forgiveness that can sometimes follow along with the concept of work as family: certain behaviours need to be called out; there can be too much

whitewashing of organisations get too familiar via the idea of ‘keeping it in the family’.”

What’s at the heart of a successful workplace ‘family’ is the ability to fail safely which Richard Harris has placed at the centre of his leadership style, not being afraid to be vulnerable and to be open about when has made mistakes. As a dyslexic who was not diagnosed until the age of 13, being told he was a failure was something he internalized and knows the pain that it can bring. “What it’s taught me it to be a bit forgiving; you can when you make mistakes, that the world is going to fall apart; it’s important to create a culture which shows that it won’t.”

## FOLLOW THE YELLOW BRICK ROAD, WHAT’S YOUR PURPOSE?

In the Wizard of Oz having achieved her original purpose of running away from home (to save her dog Toto) far too well by being swept into the land of Oz, Dorothy’s overwhelming purpose thereafter is to return home. During the film she relentlessly affirms this purpose to everyone she meets and helps them find their purpose too. Purpose in business is symbiotically aligned to culture. Robust cultures practically handle this interplay between purpose and culture, is by creating signposts that focus attention and engagement on the shared goals. This can be via stories; shared experiences; or even the décor of the office. But the key is the reinforcement of the purpose via the culture and vice versa.

In learning of the concept of ToMo at KFC, Sarah saw that it had

to be aligned to the team’s purpose. Determining a purpose for the legal team is central to the GC or CLO role but Sarah feels strongly that top lawyers need to ensure you don’t lose sight of the fact you play a role in a much bigger landscape than just your own team. “You should not have a distinct legal strategy. My view is that you should always map to the business strategy so you’re really honing in on what is our role to play in this function? As a result of taking that approach, we actually helped design the 1000 days strategy for the whole business and there’s a



layer called strong foundations, which we mapped what we do to.” What that means for legal teams is that you’re no longer on the outside of the organisation’s strategy “But you are a core linchpin too – it felt great to stand on stage and say there are ‘no more support functions – everyone is core to our growth strategy’.”

Purpose and culture are like chicken and egg- it’s hard to determine often which comes first- they have a completely symbiotic relationship. For Ingrid Cope it’s that organisations and their leaders: “need

to be deliberate about both culture and your purpose. At Coca Cola Our purpose is ‘to refresh the world and make a difference’. I think your purpose is your North Star and then your culture is an enabler to reach that.”

The challenge can be potions out Richard Harris when you have an outdated culture and an aspirational purpose that don’t match. Many companies have had to revise purpose statements because in the past they might be very focused around values such as making money; values which are no longer seen as ‘purposeful’ in the same way as societal expectations have moved on. Purpose statements may change, but if cultures do not and then these do not align with the new shiny purpose, you are setting yourself up for a crisis as

purpose is only valuable as long as it’s genuine. Richard comments, “If you have a purpose, which is artificial, or at odds with the total odds of the culture that you want to be, or the reality of it, that I think your culture then is defined by lie, or half-truth or economical truth, then you are setting yourself up for a such a massive failure.”

It’s this interplay between purpose and culture that is also fundamental in creating organisations that can be truly inclusive. That’s completely central, feels Simon White at Cognizant, sharing the story of a tech company (not his own) where the executives and some brand consultants worked up a wonderful purpose statements which had no resonance with the broader workforce.

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“They created a beautiful purpose. But how do you get people to buy into that when it is when it’s kind of handed down from God in a benign paternalistic way? To be meaningful it needs to be something that is more collective grassroots bubbling up through different ways and sort of spilling into being. That’s what’s needed if we want to get to inclusion, and a true set of values.”

## FRIENDS OF DOROTHY: INCLUSIVITY AND DIVERSITY

*“You have some queer friends Dorothy,’ She said. ‘The queerness doesn’t matter, so long as they’re friends,’ was the answer.”*

Frank L. Baum,  
The Road to Oz

Dorothy’s acceptance and love for friends who are different and who may not conform to the outward societal mores of who and what they should be- such as The Cowardly Lion – is a central theme in the books and the film making The Wizard of Oz a byword for inclusivity. During the 1940s the term ‘friends of Dorothy’ was coined as euphemism for being gay. It also afforded LGBTQ people physical and psychological safety to express who they were in a coded way during a time where being openly gay was not accepted.

The best examples of organisational culture also have to be inclusive, accepting of difference and have to work for everyone not just some. Cultures which were lauded for many years are being re-evaluated in the light of greater awareness on inclusion issues. An example here

might be Google: in books like The Culture Code by Daniel Coyle and Work Rules! by former Google Chief People Officer, Laszlo Bock the unique success of Google’s culture was celebrated. However recent sexual harassment, gender pay issues and lack of racial parity, such as the firing of black artificial intelligence scientist Timnit Gebru have dented that view. Successful for whom? It appears only some and not all.

But it’s clear that despite these setbacks, Google still has a culture where Googlers do feel able to speak out and assert when they



feel something isn’t right. To date 2695 Googlers have signed the open letter supporting Timnit Gebru and demanding change.

So, while Google’s culture isn’t perfect, the fact its employees are able to speak out publicly to call for change shows that many employees still feel aligned to its original cultural values of ‘do no harm’ and the ability to speak up when they feel that cultural purpose is being diminished.

Many companies like Google are focused on trying to hire more

diverse talent not just because it’s the right thing to do but because of the link between diversity, creativity and innovation. Sarah McDonald sees this as fundamental to modern business, “Having those different ways of looking and analysing things helps you solve complex problems faster. When you bring it right to the core, the business case for the benefit of diversity to organizations is completely compelling.”

Inclusivity is really a test of the success of how the purpose and the culture of a company are actualised says Ingrid Cope. This becomes even clearer when world events demand action from organisations: “I think, the last 12 months have been a real test of companies’ ability to do that. Part of it’s about being deliberate. Part of it is around creating a space where people can speak up. Where I feel like we do that well, is that we have a forum called Stand As One. That was initially created in North America but it’s now global; and is based, in part, around storytelling. For example, we have held these

following the recent shootings in Atlanta and the impact on the AAPI community. Storytelling in those forums can be a very important way to share personal impact with the wider workplace community..”

But as with any initiative around inclusion and diversity you can’t just add it to the wrong culture and assume it will be a magic bullet, shares Ingrid. “You have to have the right culture to allow that kind of authenticity and vulnerability, so that people feel like they have a sense of belonging that does allow

them to be frank in those sessions. What's emphasised that we do have that culture is that our leadership sent strong messages that this is something that we all care about. In the end we want people to feel safe, included and that they can bring their authentic selves to work, but also to show that when the rubber hits the road and there's a wider impact on those communities, we create a safe space for them to share their experiences in a workplace context."

It's got to be about the I of inclusion not just the D of diversity agrees Simon White. He feels too many organisations, including many law firms have become too focused on just adding diverse faces without thinking about the fundamental cultural structures in which those people have to sit. Having a culture that is inclusive, allows for peoples' differences which is where your culture will encourage creativity and innovation. "The inclusion part is you've got to allow people to be as different as they want to be, and you're getting that to work for your organisation."

For consumer facing organisations, like Coca Cola and KFC, ensuring that they reflect the world that in which they operate is fundamental. It's not an urgency which Sarah is sure the legal profession actually shares despite a lot of rhetoric. "I think the legal profession is not moving, far enough fast enough; a top headhunter told me that I was one of five people in 10 years that actually put diversity as part of my hiring criteria and discussed it with him as part of

the scope. That was shocking and depressing, but also enlightening and on reflection not surprising when you think about it, because if it was happening everywhere, then I think we would have been cracking it faster."

Sarah feels it's vital for general counsel to remember that when you have been lucky enough to have opportunity and reach a certain position, it is your responsibility to drive change and create that opportunity for others. Sarah is a huge advocate for improving social mobility in the legal profession and



business world and sits on the boards of the Social Mobility Business Partnership (SMBP) and PRIME. "Supporting the social mobility agenda at the moment is even more critical and I think post COVID, those organizations that are less hierarchical, are diverse and are kind are actually going to be the ones that have that differentiator and do attract and keep the best talent."

Richard Harris agrees and feel clients now do need to look critically at their suppliers' cultures and not just see these transactionally- turning

a blind eye when it suits them or being accepting of D&I 'window dressing':

"As clients we need to have the critical skills to view this window dressing as window dressing and that is stimulated by asking the right questions and talking about these topics to show they are central to our cultures."

Simon White concurs that for an organisation's cultural values to really resonate these have to apply as much to its supply chain and here clients have a responsibility: "We need to delve a little deeper into these things; if we really believe in D&I, we've got to believe in it in our supply chain. Otherwise, if you're trying hard with an organisation to drive a culture of inclusion, and then you're bringing in outside consultants or law firms that clearly don't believe in those values, you're sending some very mixed messages."

Sarah McDonald thinks that we need to "keep talking about inclusion." She feels there has to be a normalization of this as a topic that is spoken about constantly and is a factor in everything that an organisation does. Sarah agrees that it's important we do not just focus on entry to the profession and lose sight of the challenges diverse candidates face throughout their careers:

"From playground to pension, how are we making sure that it's an even playing field with opportunity equalised all the way along?" To help achieve this throughout the business KFC now has diversity and inclusion goals, which leaders are assessed on alongside performance business

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goals and have to show movement against every quarter. Making inclusion a fundamental component of what a good leader does in central feels Sarah, “It’s just a really good way to show the importance of it to what we’re trying to do. I do think general counsel can make a really big difference here and should not underestimate the leadership shadow that they cast. “One of our team who joined recently wears a hijab and she said it was refreshing as it was the first time, in meeting a new team, that no one had said to her, ‘Where are you from originally?’ You just realise that we can have small influences, and they can have a big impact, even if it’s just on one person.”

## OUTSIDE AND INSIDE: LAWYERS AND CULTURE CHANGE

Dorothy’s effectiveness in Oz comes precisely from her being an outsider but she’s also very much seen as part of the culture from the start of the film when she takes both the ruby slippers and the status of the Wicked Witch of the East.

It’s Dorothy’s objectivity given by her outsider status which allows her and Toto the dog to unmask the Great and Mighty Oz as a fraud.

It’s the same delicate balancing act of being both inside and objective or which is at the heart of the effective modern in-house lawyer. In-house lawyers have a unique relationship to many of the themes raised in this essay: mainly because of their split purpose in being both an employee and an officer of the court.

It’s often not an easy balancing act; cultural stereotypes about the role of lawyers in companies lead

to many legal teams needing to do a significant amount of their own cultural work in redefining their own lawyers’ sense of self and others’ views of them to operate in a way that is culturally optimal.

For Sarah the key for many of her lawyers was getting them a seat at the table in business meetings which was often achieved by presenting this as a learning opportunity to listen and observe. And that was what she encouraged her lawyers to do, “Sit there at the beginning and learn, start to learn the jargon; start to understand the wider debate; starts to understand the non-legal issues, so then when you do, discuss and share, it’s much easier to form part of the debate.”

As Sarah explains, when it all comes together is when it’s expected that the legal team will be in the meeting because they are bringing their thoughts and perspectives not just an understanding about the law. But it’s important when bringing about his kind of change says Sarah, to calibrate it in the right way:

“Sometimes you’re going to be front and centre and help lead from the front but sometimes you actually need to lead from the back, and it’s important that as lawyers we don’t always make everything about legal, because you can end up killing ideas and getting people a bit worried and risk focused when a company needs to try and be creative. So, it is a balancing act and I think it’s the lawyers that get that right, that are the ones that can go from good to great.”

Ingrid Cope at Coca-Cola, sees that the balancing act that in-house lawyers manage isn’t a tension but just part of managing an entire risk

portfolio for the modern organisation:

“I don’t see any tension because I think that for most of the work that we do, legal risk, is really just one category of the risk that we look at when we’re evaluating a company strategy and projects. For example, often the significant risks will be reputational. Therefore, acting with integrity, and contributing your thoughts about risk analysis of any project or strategy is ultimately to everyone’s advantage, so that the company, and all of the different stakeholders can make well informed decisions about the way forward.”

Simon White at Cognizant feels that in-house lawyers have a key role to play in nurturing the right sort of values and culture in an organisation but to do that they need to unlearn much of their earlier professional experiences:

“So much of legal training is about competence and not about collaboration and nurturing. Yet, a good in-house lawyer it is absolutely what you’re doing you’re nurturing individuals you’re nurturing teams, you are nurturing the company and you’re providing a seedbed for the culture to grow. An in-house legal team has tools to stretch across the organisation and a power and a position that other teams don’t. That impulse is instinctively what I do and who I am as a general counsel.

Speaking in the midst of Covid-19 which has obviously hit retail and hospitality particularly hard, Sarah at KFC feels that crises can be good for lawyers – you get to build a different relationship with the business and it proved that having lawyers on leadership teams made a difference to agility. ‘It’s an opportunity to show what’s needed in that situation with

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individuals who are calm, considered and cut through to the sharp end of a problem quickly. What lawyers can really help with is just knowing your risk appetite: pushing as far as you can go sometimes but knowing when to pull back but ultimately, helping the general manager in each country to know the risks and then giving them the confidence to take risk as they need to. But with their eyes open.” You want lawyers with creativity and courage in your team when there is no precedent to follow.

For Richard Harris at Robert Walters, it was about being able to assert the value of himself and his team. When Robert Walters the founder of the business, created a new operating board, Richard as the general counsel was not initially on it. “Rob was going through all the people that would be on this

new operating board, and I wasn’t there. I put up my hand and I said, ‘No’. I was the only person left in the room with him and Rob said, ‘Let me think about it.’ Normally people go away and think about it for a couple of weeks, but he sat there in silence for about two minutes and said, ‘Of course you should be.’ Being on the operations board has had its challenges, but the amount of influence you can bring to bear when you’re actually at the table, when you’re viewed in that way, is immeasurable. Being part of the c-suite or a senior management team shows how important lawyers are to the culture of an organisation.”

For many in-house lawyers it’s in a time of crisis and challenge, like the past 12 months, that their ability to bring both belonging and objectivity to what they do comes to

the fore. Many in-house lawyers have spoken of how during Covid-19 and the changes it has wrought upon the workplace, it’s the lawyers who are at centre of navigating these changes.

Just as Dorothy in *The Wizard of Oz* has her sense of belonging affirmed by going through an unforeseen event, legal departments similarly can assert their own unique value to creating robust corporate cultures during the times of greatest crisis and challenge.

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