

Charter for the Advancement of Women in the WA Legal Profession

The Law Society of Western Australia

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The Law Society of Western Australia promotes diversity, equality and inclusion in the legal profession, in particular by developing and progressing initiatives to ensure the equality of opportunity for all members of the profession, regardless of race, ethnicity, heritage, gender, age, religion, disability, sexual orientation, gender identity or intersex status

Women make up about 50 per cent of the legal profession, and have made significant advances in all areas of practice. However, impediments still remain to the retention and career progression of women in the profession.

The Law Society's Charter for the Advancement of Women is designed to promote and support strategies to retain women in the profession over the course of their careers and encourage and promote the career progression of women into senior executive and management positions.

A law practice that sets voluntary targets is better able to set goals that are realistic and take into account that law practice's particular circumstances, as setting targets is already common business practice. A law practice should be given the opportunity to regulate itself in this area.

The Charter aims to achieve this by assisting a law practice to develop cultures, and set targets, that promote diversity and inclusion and impact positively on all practitioners in the workplace,

resulting in a better business outcome for the law practice, the legal profession and the community as a whole.

In support of this initiative, the signatories to this Charter commit to:

- demonstrating leadership by implementing diversity and inclusion principles in the legal profession and removing gender bias and discrimination in the legal workplace;
- driving change in the legal profession by developing a culture that supports the retention of women legal practitioners and recognises their value in senior roles;
- implementing recruitment and promotion strategies that include gender diversity as an important consideration, including ensuring equal pay for legal graduates within the same organisation regardless of gender, and adopting gender targets;
- promoting and supporting mentoring and sponsorship of women in the legal profession;
- encouraging and supporting flexible work practices in the legal profession to assist people of any gender to better balance professional and other commitments.

Signatories agree to implement these strategies within two years of signing the Charter.

GUIDELINES

These Guidelines provide some examples of practices designed to help a law practice fulfil the Charter commitments in respect of women in the profession. The Law Society of WA recognises that not all of the examples provided will be suitable for implementation by every law practice.

Demonstrating leadership by implementing diversity and inclusion principles in the legal profession and removing gender bias and discrimination in the legal workplace.

- Developing, documenting and implementing policies which support equality of employment opportunities, the fair and equitable assessment of talent in the organisation and expressly prohibit harassment and discrimination;
- Identifying and addressing any barriers to the implementation of the organisation's policies on equality of employment opportunities;
- Ensuring that work allocation and promotion decisions are not impacted by unconscious bias;
- Ensuring that all practitioners receive fair access to practice areas that command higher fees and enhance the resulting fee earning capacity of individuals;
- Ensuring fair and equitable access to work on major projects or high profile matters and opportunities to attend client functions;
- Monitoring the allocation of work to ensure fair and equitable access to work that provides opportunities for developing professional skills and competencies;
- Regularly reviewing the areas of practice of practitioners to ensure fair and equitable access to career moves and development opportunities;
- Analysing fixed and variable remuneration data for work of equal value according to gender and full-time/part-time status, considering differentiating factors such as seniority, time in role and performance rankings, and reporting the outcomes to senior leadership;
- Regularly reviewing policies, procedures and educational materials relating to equality, harassment and discrimination;
- Regularly measuring and reporting to senior leadership on the impact of the initiatives on the organisation's business e.g. client and employee retention, profitability and overall efficiency;
- Ensuring that all employees receive fair opportunities to participate in training and development;
- Developing and implementing a written grievance handling procedure, which is clear and fair;
- Distributing relevant policies and procedures to all people in the organisation.

Driving change in the legal profession by developing a culture that supports the retention of women legal practitioners and recognises their value in senior roles

- Creating opportunities for recognition and status;
- Examining leadership selection criteria and structure to ensure fair opportunities;
- Reviewing senior leadership teams for gender balance and consideration of adopting targets for representation at senior levels (see below – “setting gender targets”);
- Considering corporate membership or supporting individual lawyers’ membership of the Law Society of WA, the Women Lawyers of Western Australia association, or other equivalent industry bodies that promote the advancement of women in the profession;
- Where appropriate for the size of the employer, applying for recognition as an Employer of Choice for Gender Equality as determined by the Australian government Workplace Gender Equality Agency;
- Encouraging and supporting equitable briefing practices for female barristers.

Implementing recruitment and promotion strategies that include gender diversity as an important consideration, including ensuring equal pay for legal graduates within the same organisation regardless of gender

- Ensuring that all employees, no matter the gender, receive comparable pay for

equivalent performance in similar roles, both at recruitment and at promotional points during progression within the organisation;

- Conducting salary reviews fairly, impartially and on a regular basis;
- Including those on any form of flexible working arrangement, part-timers and those on sick leave or any form of extended leave such as parental leave in salary reviews;
- Ensuring that those who are responsible for promotion, for example partnership evaluation committees, are familiar with and understand the organisation’s diversity and inclusion policies and promotion criteria;
- Ensuring that, to the extent possible, committees or panels established to decide promotion applications consist of people from diverse backgrounds;
- Reviewing policies to ensure that opportunities for promotion are not linked to requirements that may be indirectly discriminatory against those with responsibilities as a carer;
- Avoiding promotion criteria that are linked solely to financial performance, which may indirectly disadvantage those on any form of flexible work arrangement;
- Ensuring that all employees receive fair opportunities to access employment benefits;
- Linking remuneration and employment benefits to objective performance measures;
- Including a diversity advocate in critical decision making meetings to ensure that bias is identified early in the decision making process.

Promoting and supporting mentoring and sponsorship of women in the legal profession

- Establishing internal mentoring, coaching and sponsorship programs, and facilitating participation in external programs;
- Regularly monitoring mentoring, coaching and sponsorship opportunities for effectiveness, including providing confidential access to another staff member if there are difficulties with a mentoring or other relationship

Encouraging and supporting flexible work practices in the legal profession to assist men and women to better balance professional and other commitments

- Developing and implementing policies and practices concerning flexible work practices including reduced schedules, family leave and carer's responsibilities and monitoring their implementation;
- Considering requests for part-time work and flexible work, including work from home and job-share on an individual basis across all positions, levels and departments/divisions;
- Role modelling of flexible work arrangements by senior leadership;
- Making leave without pay available to staff who need to care for family members or dependents, not just children;
- Considering additional leave for employees when they have been working long hours on particular projects;
- Allowing, where possible, for an employee's need to deliver and collect children from

childcare facilities at specified hours, or other regular carer responsibilities, such as collecting dependents from medical appointments;

- Allowing employees and partners to take career breaks for family reasons, study or pursuit of other interests and facilitating their return to work;
- Encouraging work hours and practices that enable all employees to fully contribute and do not disadvantage those working flexibly;
- Facilitating the use of technology to enable flexible working for everyone;
- Supporting female employees with young children to return to work, for example by the use of flexible working hours or the provision of private facilities (other than a toilet) to either feed or express;
- Supporting working parents through a range of measures that could include paid parental leave, flexible working options on return, a graduated return to financial targets, informal networking groups for new parents, access to information about childcare options and the ability to purchase additional annual leave;
- Conducting exit interviews with all employees leaving the firm to determine whether difficulties in balancing work and life commitments have been contributing factors;
- Providing training to managers on managing staff with flexible working arrangements.

Setting gender targets

Targets are achievable, time-framed objectives that a law practice can set on a regular basis to focus efforts on achieving improved outcome.

Gender targets operate in much the same way by setting objectives around a key management area of focus, in this case, gender composition.

The Australian government Workplace Gender Establishment Agency has developed the following seven step target setting process.

1. Establish a target setting project team

ideally from a management group or equality planning group.

2. Define the target group

The target group needs to be clearly identifiable and defined by a set of robust indicators (e.g. practitioners at a particular level). It is often beneficial to have several targets at different levels (e.g. graduates, first level practitioners, associates) as a way of increasing the overall talent pool. Take into account groups from different areas.

3. Clarify your assumptions

Consider growth or contraction of the practice, restructure of the practice changing positions within the target group, specific roles already planned that may impact on the target group.

4. Conduct a thorough analysis

Look at opportunities for increasing the representation of women in the target group and identify the actions, activities or changes needed to meet the targets. Focus on the practice's processes for recruitment and selection, promotion and retention.

5. Review employee turnover and recruitment data for women and men in the target group

Take some time to collect this information – for example three years – to ensure there is stability in the numbers, rather than relying on data from the past 12 months that may not reflect a general pattern, unless there have been abnormal shifts in turnover patterns.

Break down the turnover into 'wanted' and 'unwanted' turnover. Direct your focus to the 'unwanted' turnover. Turnover associated with business restructuring should not be included.

Break down recruitment into internal promotions and external appointments. This will help identify opportunities in the internal talent pool.

6. Establish a time-frame for the achievement of the target

Ensure targets are realistic and achievable. It may take years for organisational changes to have an effect.

7. Clarify accountabilities for the achievement of the target

Who will be accountable for the achievement of the target, and how will they be accountable? That is, has it been built into key performance indicators?

How will the process be measured, monitored, and reported? Consider the 'dashboard' you will use to capture key information for reporting, and use existing business reporting tools that can include gender data.

The WGEA Guidelines for setting and meeting targets to increase gender diversity in the workplace can be downloaded from <https://www.wgea.gov.au/lead/setting-gender-targets>

Acknowledgement

This document was developed by the Law Society of New South Wales and adapted by the Law Society of Western Australia to reflect current Western Australian law.



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