

THE LAW SOCIETY OF NEW SOUTH WALES CHARTER FOR THE ADVANCEMENT OF WOMEN – GUIDELINES

Updated December 2020

These Guidelines provide some examples of practices designed to help law practices fulfil the Charter commitments in respect of women in the solicitor profession. The Guidelines are intended to apply to all people across the solicitor profession, including lawyers, support staff, partners, directors and principals. The Law Society recognises that not all of the examples provided will be suitable for implementation by all law practices.



Demonstrating leadership by 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.
- 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 and steps are taken to counteract such biases;
- Ensuring that all solicitors receive fair access to practice areas that command higher fees and enhance the resulting fee earning capacity of individuals, for example, by showcasing higher fee-earning practice groups' policies for equal employment opportunity for women of all backgrounds, including women with disability;
- Ensuring fair and equitable access to work on major projects or high-profile matters and opportunities to attend client functions and business development;
- 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 solicitors 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. For example, client and staff retention, profitability and overall efficiency;
- Ensuring that all staff within the organisation receive fair opportunities to participate in training; and
- Distributing relevant policies and procedures to all people in the organisation and ensuring that such rules are prominently displayed on intranets and any internal social media.





Driving change in the solicitor profession by developing a culture that supports the retention and promotion of women from all backgrounds, including women with disability

- 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;
- Considering corporate membership or supporting individual lawyers' membership of the Law Society of NSW, the NSW Women Lawyers Association, or other equivalent industry bodies that promote the advancement of women in the profession;
- Where appropriate (in relation to the size of the employer), consider applying for recognition as an Employer of Choice for Gender Equality as determined by the Workplace Gender Equality Agency;
- Encouraging and supporting equitable briefing practices for female barristers;
- Adopting the National Model Gender Equitable Briefing Policy;
- Considering setting gender targets for admission to partnership and other senior leadership positions.



Implementing recruitment and promotion strategies that include gender diversity as an important consideration, including ensuring gender pay equity

- Ensuring staff in the organisation receive comparable pay for equivalent performance in similar roles, both at recruitment and at promotional points;
- 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 by way of, for example, participation in unconscious bias training;
- Reviewing policies to ensure that opportunities for promotion or benefits are not linked to requirements that may be indirectly discriminatory against those with carer's responsibilities and ensuring that people who work on a part-time arrangement are measured against a budget that is linked to the number of days they work; and
- Avoiding promotion criteria which are linked solely to financial performance where that may indirectly disadvantage those on any form of flexible work arrangement.



Promoting mentoring and sponsorship of women in the solicitor profession

- Establishing internal mentoring, coaching and sponsorship programs, encouraging senior leadership participation in such programs and facilitating participation in external programs; and
- 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 facilitating flexible work practices to support a better balance of 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 people when they have been working long hours on particular projects;
- Allowing, where possible, for a person's need to deliver and collect children from childcare facilities at specified hours, or other regular carer's responsibilities, such as collecting and accompanying dependents to medical appointments;
- Allowing people to take career breaks for family reasons, study or pursuit of other interests and facilitating their return to work by taking active steps to assist with reintegration following their return to work, for example by scheduling regular meetings with supervisors and ensuring returning people meet new recruits and are not alienated by changes in the workplace which took place while that person was on leave;
- Encouraging work hours and practices that enable all people to fully contribute and do not disadvantage those working flexibly;
- Facilitating the use of technology to enable flexible working for everyone;
- Supporting staff to return to work with young babies, for example by the use of flexible working hours or the provision of private facilities (other than a toilet) to either breast 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, "keeping in touch" days, access to information about childcare options and the ability to purchase additional annual leave;

- Conducting exit interviews with all staff leaving the firm to determine whether difficulties in balancing work and life commitments have been contributing factors; and
- Providing training to managers on managing staff with flexible working arrangements.



Ensuring that sexual harassment, or any form of bullying in the workplace, is not tolerated

- Developing, documenting and implementing policies which expressly prohibit sexual harassment and bullying;
- Regularly monitoring policies for effectiveness; and
- Conducting exit interviews with all staff leaving the firm to determine whether sexual harassment or bullying have been contributing factors.



Establishing procedurally fair, safe, accessible and transparent sexual discrimination and harassment complaints processes

- Establishing transparent sexual discrimination and harassment complaint and investigation processes that protect complainants and bystanders from victimisation and hold perpetrators of sexual discrimination and harassment to account; and
- Considering a two-tiered complaints process, giving the victim the option of making a formal complaint, resulting in an investigation, or making an anonymised report for data and training purposes.



Establishing training to protect complainants from victimisation, encouraging bystanders and others to report and 'call out' offensive and intimidating behaviour

- Implementing periodic training on sexual harassment and bullying in the workplace; and
- Considering bystander intervention training.