



GUIDELINES

GENDER EQUALITY CHARTER



GENDER EQUALITY
CHARTER
NEW ZEALAND LAW SOCIETY



Purpose

In April 2018, the New Zealand Law Society published a [Gender Equality Charter](#) for the legal profession.

These guidelines explain:

- why the legal profession needs a Gender Equality Charter
- the benefits of signing up
- how charter signatories can meet charter commitments, and
- how to sign up.

WHY THE LEGAL PROFESSION NEEDS A GENDER EQUALITY CHARTER

Gender equality is critical to the success and sustainability of the legal profession. The business case for having more women on boards and executive positions is well established. Studies have shown that teams of mixed gender can lead to improved decision-making and ultimately lead to increased productivity and profitability. Gender equality in leadership also plays an important role in creating safe working environments where everyone can flourish. Research shows that harassment is more prevalent in workplaces where men dominate in management.

However, women are severely underrepresented in senior legal roles in the legal profession. Over 60% of law graduates and just over half of the legal profession is female. Yet, while women make up 61% of lawyers who work in law firms with more than one practitioner, they make up less than 31% of partners or directors in those firms. Although around 60% of in-house lawyers are women, that proportion is not reflected in leadership roles in corporate and government legal teams. And only 26 out of 110 Queens Counsel appointed since 2002 are women. The hourly charge out rate for women is lower than males by an average of 7% to 10% in all sizes of firm and virtually all areas of the country.

The New Zealand Law Society's [Women's Advisory Panel](#) has developed a Gender Equality Charter (the charter) to improve the retention and advancement of women in the legal profession. The charter enables the legal profession to voluntarily commit to taking joint action to address this visible and longstanding problem. The charter is open to the whole legal profession. Law firms, in-house legal teams, sole practitioners (including barristers sole) and barristers' chambers can all sign up to signal their commitment to gender equality and inclusion.

BENEFITS OF SIGNING UP TO THE GENDER EQUALITY CHARTER

Signing up to the charter enables signatories to make a public statement of their commitment to improving gender equality and inclusion. A list of signatories will be published on the New Zealand Law Society's (the Law Society) website.

Charter signatories will be able to use the logo below on their communications and marketing.



Charter Signatory
GENDER EQUALITY
CHARTER
NEW ZEALAND LAW SOCIETY

Charter signatories will be part of a community committed to improving gender equality and inclusion that will lead, develop and share best practice for the benefit of the legal profession.

While this charter focuses specifically on gender equality and inclusion, some charter commitments, e.g., on unconscious bias, are also relevant to other aspects of diversity. The charter is only one part of the Law Society's broader programme of work on diversity in the legal profession. A review of the charter will be commenced within two years with a view to incorporating other aspects of diversity.



PRINCIPLES UNDERPINNING THE GENDER EQUALITY CHARTER

Some key principles underpin the charter.

- The charter is designed to support and encourage the legal profession to improve the retention and advancement of female lawyers.
- The charter is for all of the legal profession, from sole practitioners (including barristers), smaller law firms, barristers' chambers to large law firms and in-house legal teams.
- The charter is focused on areas that will make a real difference in improving the retention and advancement of women in the legal profession.
- The charter is designed to help improve culture and is not a tick box compliance exercise.
- The charter is designed so that signatories can choose the best way to meet charter commitments according to their needs.
- Administrative reporting requirements are not onerous and intrusive but focus on key metrics to measure overall progress in improving gender equality and inclusion in the profession.

THE CHARTER COMMITMENTS

By signing up to the charter, signatories commit to:

- Lead from the top
- Make a plan and take action
- Measure progress

1. LEAD FROM THE TOP

Assign responsibility for meeting charter commitments to a named, senior level individual

Charter signatories need to assign responsibility for meeting charter commitments to a senior named individual. A senior named individual is someone in a leadership role. This may include a lawyer practising on own account, a chief legal officer or HR director. This person will also be responsible for:

- Completing an online baseline survey
- Regularly sharing examples with the Law Society of practical action that has made a real difference to gender equality and inclusion, and
- Reporting on progress every two years (via an online survey) to the Law Society.

2. MAKE A PLAN AND TAKE ACTION

Implement unconscious bias training for all lawyers and key staff and take action to address identified bias

Everyone has biases shaped by their social environment, background and personal experiences. Some biases are conscious, such as choosing to hire individuals with a certain amount of experience. Unconscious bias is when a person is unaware that they have certain inbuilt preferences and is unaware how these preferences influence their behaviour and decisions.

This charter commitment requires all lawyers and key staff (defined as staff responsible for the recruitment, retention and promotion of lawyers) to complete unconscious bias training. The purpose of this training is to help lawyers understand their own unconscious bias and employ strategies to minimise unconscious bias in the workplace.

Training can take many forms. For example, NZLS CLE Ltd has a free webinar on [unconscious bias in the workplace](#) and accompanying [booklet](#). This webinar and booklet could be part of an induction pack for new lawyers. More senior lawyers and key staff (i.e. those responsible for the recruitment, retention and promotion of lawyers) might benefit from a tailored workshop.



For further information and resources on unconscious bias please have a look at the [women in law section](#) of the Law Society website.

Conduct annual gender pay audits and take action to close any gender pay gap

The gender pay gap is a high-level indicator of the difference between women's and men's earnings. It compares the median hourly earnings of women and men in full and part-time work.

On 1 September 2017, Statistics New Zealand announced that the gender pay gap in New Zealand was 9.4%.

Recent [research](#) by the Ministry for Women found that in New Zealand a great majority (80%) of the gender pay gap is now driven by harder to measure factors, like conscious and unconscious bias that impacts negatively on women's recruitment and pay advancement, and differences in choices and behaviours between men and women.

A gender pay audit is the process of assessing whether you have a gender pay gap, identifying causes and, if necessary, making a plan to close the gender pay gap.

Gender pay gaps can be calculated in a number of ways:

- Organisation-wide: The difference in pay between all male and all female lawyers and the number of male and female lawyers.
- By level: The difference in pay between men and women at similar levels or pay bands (e.g. senior associate) and the number of men and women at each level (e.g. the number of men and women at senior associate level).
- Like for like: The difference in pay between men and women doing similar work (e.g. senior associates in a particular team) and the number of men and women doing similar work (e.g. the number of male and female senior associates).

In addition to gender pay audits, a broader range of data and evidence can be analysed by gender e.g. promotion and salary progression, performance ratings to review whether there is a gender gap, identify the causes and, if necessary, make a plan to close the gap.

Charter signatories may wish to conduct gender pay audits for all employees, not just lawyers.

The Ministry for Women has published a [guide for employers](#) on how to conduct a gender pay audit. And the Workplace Gender Equality Agency in Australia has some useful tools for conducting a gender pay audit, including a [gender pay gap calculator](#).

For further information and resources on gender pay audits please have a look at the women in law section of the Law Society's website.

Encourage and support flexible working to assist all lawyers to balance professional and personal responsibilities

This charter commitment is about making flexible working available to all lawyers, not just female lawyers or those with caring responsibilities, and creating a culture where lawyers are not disadvantaged in their careers, either directly or indirectly, if they access flexible working arrangements.

Charter signatories may wish to extend this commitment to all employees not just lawyers.

For further information and resources on flexible working please have a look at the women in law section of Law Society's website.

Regularly review areas of our practice with a gender equality and inclusion lens

This charter commitment is about taking the time to step back and reflect on areas of your practice to understand whether these support and encourage gender equality and inclusion.

Areas to review could include:

- recruitment, retention, promotion policies and practices
- publications
- tendering for new work
- seminars and education events
- teams in different areas of practice
- measures of success that move away from rewarding staff for time spent in the office

Sole practitioners may wish to consider reviewing areas such as:

- how they instruct juniors, co-counsel or other lawyers
- how they make referrals to counsel or other lawyers



Adopt equitable instruction and briefing practices

This charter commitment is about increasing the number of women lawyers with relevant expertise who take a lead on court proceedings, arbitral proceedings, and major regulatory investigations.

This could be achieved in a number of ways:

- when considering a new engagement or instruction, use reasonable endeavours to identify female lawyers in the practice area relevant to the matter
- genuinely consider engaging or instructing (or, where relevant, recommending) female lawyers to represent the client in that matter
- use reasonable endeavours to ensure that there is gender equality in the assignment of major internal pieces of work
- regularly monitor and review the level of engagement, instruction or recommendation of female lawyers
- adopt an equitable instruction policy such as the [Gender Equitable Engagement and Instruction Policy](#) which requires policy adopters to use reasonable endeavours to have women lawyers with relevant expertise take a lead on at least 30% of court proceedings, arbitral proceedings, and major regulatory investigations.

Actively work to increase gender equality and inclusion in senior legal roles

This charter commitment is about signatories being proactive about managing the talent pipeline to increase gender equality and inclusion in senior legal roles (defined as equity partners or directors, general counsel or chief legal officers)

Barristers and sole practitioners could meet this commitment by considering gender equality when they are allocating work to juniors or referring work.

Charter signatories may wish to consider setting targets. The Workplace Gender Equality Agency in Australia has a [target setting toolkit](#), which includes a target setting calculator.

3. MEASURE PROGRESS

Collect and share with the New Zealand Law Society examples of practical approaches to gender equality and inclusion that make a real difference

Charter signatories are encouraged to share examples of practical approaches that have made a real difference with the rest of the legal profession to help develop best practice. These will be communicated to the profession on an ongoing basis via LawPoints, LawTalk and the New Zealand Law Society's website.

The Law Society will check in with charter signatories every six months or charter signatories can contact the Law Society with examples at any time by emailing: womeninlaw@lawsociety.org.nz. Signatories do not have to provide information if they do not have examples that they wish to share.

Report on progress against charter commitments every two years to the Law Society

Charter signatories will be asked to complete a short online baseline survey when they sign up and another online survey biennially. The Law Society will use this information to compile an overall progress report to enable the profession to regularly track its progress in improving gender equality and inclusion.

The report will contain aggregated data, and individual charter signatories will not be identified. The only exception to this is where consent has been given for case studies describing practical action taken to improve gender equality and inclusion.

See Attachment A for a list of information that charter signatories will be asked to provide to the Law Society.

The survey will ask charter signatories for data on female, male and gender diverse lawyers. Gender diverse is defined by Statistics New Zealand as having a gender identity or gender expression that differs from a given society's dominant gender roles. This category is included in the information and data to be collected from charter signatories to recognise that gender is not binary.

The definition of gender diverse is set out in the Statistics New Zealand [standard on gender identity](#). Data for the gender diverse category should only be provided by charter signatories if it is already collected.



A useful [guide](#) for employers on collecting data on sexual orientation and gender identity has been published by Stonewall (Do Ask Do Tell).

FREE ONLINE TOOLS AND RESOURCES

The Law Society has developed a new [women in law section](#) on its website with links to free online tools and resources to help charter signatories meet their commitments. New tools and resources will be added over time.

We welcome feedback and ideas – please send these to: womeninlaw@lawsociety.org.nz.

HOW TO SIGN UP

Signing up to the charter is easy. The senior named individual responsible for meeting charter commitments just needs to send an email to: womeninlaw@lawsociety.org.nz with the subject line: Sign me up.

WHAT INFORMATION NEEDS TO BE PROVIDED TO THE LAW SOCIETY?

After signing up to the charter, signatories are required to:

- complete an online baseline survey
- regularly share examples with the Law Society of practical action that has made a real difference to gender equality and inclusion, and
- report on progress every two years (via an online survey) to the Law Society.

Attachment A lists the information that charter signatories will be asked to provide to the Law Society.

HOW WILL THE INFORMATION YOU PROVIDE TO THE LAW SOCIETY BE USED?

The Law Society plans to publish a report every two years on the overall progress of the profession in improving gender equality and inclusion. As noted earlier, the report will contain aggregate level information and data and individual charter signatories will not be identified. The only exception to this is where consent has been given for case studies describing practical action taken to improve gender equality and inclusion.

WHAT HAPPENS IF SIGNATORIES DO NOT MEET CHARTER COMMITMENTS?

If charter signatories do not consider that they have met charter commitments or do not report on progress they will be removed from the list of signatories on the Law Society website. They will not be able to use the charter logo in their communications and marketing.

QUESTIONS?

If you have any questions please contact the Law Society:

Email us at: womeninlaw@lawsociety.org.nz

Call us on: +64 4 472 7837

Write to us at: PO Box 5041,
Wellington 6140, New Zealand
DX SP20202
Fax: +64 4 473 7909



ATTACHMENT A

Information that charter signatories will be asked to provide to the New Zealand Law Society to help us track progress of the legal profession in improving gender equality and inclusion

The online baseline survey (which will be repeated every two years) will ask for the following information from charter signatories:

- Contact details for senior named individual responsible for implementing charter commitments
- Place of work
- Number of lawyers by gender and PQE (ie years of practice after admission)
- Whether lawyer and key staff have participated in unconscious bias training
- Types of unconscious bias training
- Whether a gender pay audit has been conducted
- Where a gender pay gap exists what action has been taken to close the gap
- Whether flexible working arrangements are available to all lawyers
- Uptake of flexible working arrangements by type of arrangement
- Areas of your practice that have been reviewed with a gender equality and inclusion lens
- Actions taken as a result of these reviews and impact
- Actions taken to increase gender equality in senior legal roles and impact
- Number of lawyers in senior legal roles by gender
- Whether and how equitable instruction and briefing practices have been adopted
- Other examples of practical action that has made a real difference to gender equality and inclusion.