

THE GENDER EQUALITY CHARTER – FAQ

What is the Gender Equality Charter?

In 2018, the New Zealand Law Society launched a Gender Equality Charter (the Charter) to improve the retention and advancement of women in the legal profession. This has been reviewed and updated in 2022. Charter signatories commit to a range of practical actions aimed at achieving gender equality for lawyers.

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 demonstrate their commitment to gender equality and inclusion.

Why does the Legal Profession need 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.

Women are however severely underrepresented in senior legal roles in the legal profession. Over 60% of law graduates and just over half of the legal profession are women. Yet, while women make up 52% of lawyers who work in law firms with more than one practitioner, they make up less than 34% of partners or directors in those firms.¹ Although around 60% of in-house lawyers are women, that proportion is not reflected in leadership roles in corporate and government legal teams. And although more than 40% of barristers are women, they make up only 23% of Queen's Counsel.²

What are the benefits of signing up to the Gender Equality Charter?

Signing up to the charter provides signatories with a framework to help them in their efforts to improve gender equality and inclusion in their workplace and the wider legal profession. It also enables signatories to make a public statement of their commitment to these goals. A list of signatories is published on the New Zealand Law Society's (the Law Society) website. Charter signatories are able to use a special logo on their communications and marketing. Charter signatories are part of a community committed to improving gender equality and inclusion that 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. There is nonetheless still much work to do to achieve gender equality in the legal profession, which is why the Charter continues to focus specifically on this issue.

What are the principles underpinning the Gender Equality Charter?

Some key principles underpin the charter.

¹ See Snapshot of the Legal Profession 2020, page 38: <https://www.lawsociety.org.nz/news/lawtalk/lawtalk-issue-940/snapshot-of-the-profession-2020/>

²Ibid., page 30

- The charter is designed to support and encourage the legal profession to improve the retention and advancement of women 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.

Are there any tools and resources to help us meet our Charter Commitments?

The Law Society has developed a [Gender Equality](#) 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

What information do we need to provide 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 (on request) 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. That survey 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 (i.e., years of practice after admission)
 - Confirmation that lawyer and key staff have participated in unconscious bias training
 - Details of unconscious bias training undertaken
 - Confirmation that a gender pay audit has been conducted
 - Whether a gender pay gap exists, and if so, its size and what action has been/is being 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
- How equitable instruction and briefing practices have been adopted and, for those signatories who have adopted the target, whether the target was achieved
- Other examples of practical action that has made a real difference to gender equality and inclusion.

How will the information we provide to The Law Society be used?

The Law Society will publish a report every two years on the overall progress of the profession in improving gender equality and inclusion. The first of these reports, based on a follow-up survey of eligible signatories in late 2021, is being published in October 2022. The report will contain aggregate level information and data and individual charter signatories will not be identified.

What happens if we don't meet our Charter Commitments?

If the New Zealand Law Society considers that a Charter signatory is not taking the Overarching Actions and/or meeting one or more of the Charter Commitments, they will contact that signatory to discuss the matter. Depending on the outcome of that discussion, that signatory may be removed from the list of signatories on the Law Society website. If that happens, they will not be able to use the charter logo in their communications and marketing. If a signatory is genuinely struggling to meet their Charter Commitments, they should contact us at the earliest opportunity at womeninlaw@lawsociety.org.nz so we can assist them.

How do we 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. You will then be sent the baseline survey to complete.

Further Questions?

If you have any further questions, please contact the Law Society or email us at: womeninlaw@lawsociety.org.nz

THE NEW ZEALAND LAW SOCIETY GENDER EQUALITY CHARTER

The legal profession is committed to the principles of diversity and inclusion and to recognising the bicultural foundations of Aotearoa New Zealand. We will take action to improve the culture of the legal profession to attract and retain the best talent, better understand and meet client needs, and reflect the multicultural society we serve. Working to improve diversity and inclusion is not only the right thing to do, it is critical to the success and sustainability of the legal profession. The primary purpose of this charter is to improve the retention and advancement of women in the legal profession. However, many Charter Commitments are relevant to diversity more broadly.

Signatories to this charter agree to three Overarching Actions:

- **lead from the top** by assigning responsibility for implementing the Charter Commitments to a named senior level individual;
- **make a plan and take action** to meet the Charter Commitments; and
- **measure progress** by keeping a record of actions taken to meet the Charter Commitments and by complying with the Law Society's reporting requirements.

The Charter Commitments are:

1. Implement **unconscious bias training** for all lawyers and key staff and take action to address identified bias.
2. Conduct **annual gender pay audits** and take action to close any gender pay gap.
3. Offer, encourage and support **flexible working** to assist all lawyers to balance professional and personal responsibilities.
4. Regularly **review** areas of their **practice** with a **gender equality and inclusion lens** e.g. recruitment, retention and promotion practices.
5. Adopt **equitable briefing and instruction** practices.
6. Actively work to **increase gender equality and inclusion in senior legal roles**.

These Charter Commitments, and how they can be met, are explained in more detail below.

1. **Implement unconscious bias training**

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 [Gender Equality](#) section of the Law Society website.

2. 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 18 August 2021, Stats New Zealand [announced](#) that the gender pay gap in New Zealand (using median pay for the entire workforce) was 9.1%, a figure which has barely changed since 2017, when it was 9.4%. [Research](#) by the Ministry for Women published in 2017 found that in New Zealand only 20% of the gender pay gap can be explained by factors such as differences in education, the occupations and industries that men and women work in, or the fact that women are more likely to work part-time. The research found that the remaining 80% of the gender pay gap is driven by harder to measure factors, like conscious and unconscious biases that impact 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 men and all women lawyers and the number of men and women 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 men and women 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 State Services Commission, The Ministry for Women and Stats NZ have jointly published a [guide](#) for employers on how to conduct a gender pay audit. Mindthegap.nz has a [pay gap registry](#) where employers can publicly record their gender pay gap.

The Workplace Gender Equality Agency in Australia also 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 [Gender Equality](#) section of the Law Society's website.

3. Offer, Encourage and Support Flexible Working

This Charter Commitment is about making flexible working available to all lawyers 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. Covid-19 has accelerated the uptake of flexible working and shown employers what is possible in this area. For further information and resources on flexible working please have a look at the [Gender Equality](#) section of the Law Society's website.

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

Applying a gender lens means considering gendered differences as a variable that should be considered during decision making or organisational analysis. 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 using a variety of benchmarks to evaluate professional achievements and moving 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

This VicHealth [resource](#) provides a simple practical guide to applying a gender lens in the workplace and includes case studies. It explains that:

Applying a gender lens in the workplace helps to create gender equity by ensuring that:

- *any differences in the way processes, policies or structures are likely to impact unfairly on women and men are anticipated; and*
- *decisions are made that take account of and are responsive to gender.*

The Australian Workplace Gender Equality Authority website has a more detailed [Gender Equality Diagnostic Tool](#), which enables users to self-assess their progress in a number of gender equality focus areas, including applying a gender lens to policies and strategies.

5. Adopt Equitable Briefing and Instruction Practices

This Charter Commitment has been revised in 2022 in association with the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture. It is about ensuring that women lawyers receive a fair allocation of work and lead roles in significant engagements and instructions in all areas of work.

Charter signatories should seek to achieve these aims by taking the following actions:

When instructing or recommending external lawyers (including barristers, law firms and sole practitioners)

- When considering a significant new engagement or instruction, use best endeavours to identify (for example by obtaining or providing a list of candidates) women lawyers in the practice area that is relevant to the matter.
- Consider, specifically, including (or, where relevant, recommending) women lawyers at all levels in a legal team for a significant engagement or instruction; whether to lead a matter and/or at junior and intermediate levels. If you are instructing or recommending a firm to a client, ask that firm about the team's gender balance.
- Consider specifically, engaging, instructing (or, where relevant, recommending) women barristers. Where a King's Counsel or senior barrister is engaged (whether a man or a woman), consider similarly engaging, instructing or recommending women barristers to assist in the brief.
- Maintain a record of, and regularly monitor and review the level of engagement, instruction (or, where relevant, recommendation) of women lawyers on all matters. Include in the record and monitoring information on any barriers encountered in the engagement, instruction, or recommendation of women lawyers.
- Consider the adoption of a target of ensuring that women lawyers receive at least 50% of external instructions for all significant matters calculated as either: (a) 50% of all significant external instructions per year; or (b) 50% of the value of all fees paid for significant external instructions per year. The reporting requirement to the New Zealand Law Society will be to confirm whether or not signatories adopted the target and what percentage was achieved. As with all information gathered for reporting, individual signatories will not be identified without prior permission. What constitutes a "significant" matter will be different for each signatory, and signatories who adopt the target will be asked for details in the biennial survey. The intention is to ensure that women at all levels and in all practice areas are able to access high quality, career-enhancing work.

For signatories who do not instruct external lawyers:

- Use reasonable endeavours to ensure that there is gender equality in the assignment of significant internal pieces of work across all levels within a team.
- Provide, in the case of lead barristers, women juniors with opportunities to develop their skills and experience by giving them substantive speaking roles in hearings whenever it is practicable to do so.
- Regularly monitor and review the allocation of this work, to enable self-evaluation and to meet biennial Charter reporting requirements.

6. Work to increase gender equality and inclusion in senior roles

This Charter Commitment is about signatories being proactive in managing the talent pipeline, to increase gender equality and inclusion in senior legal roles (defined as partners or directors, general counsel or chief legal officers). Underrepresentation at the top end of the profession shows barriers to women advancing in the law, and risks sending the message to young women lawyers that they have less opportunity for advancement than their

colleagues who are men. This may result in a loss of talent which harms the legal profession as a whole.

The actions listed in Commitment 5 for signatories who do not instruct external counsel are also relevant to this commitment: in order to progress, junior women lawyers need to be given the opportunity to undertake high quality work. This is of course not the only factor that influences whether women lawyers will reach the highest levels of the profession, and remain there. All of the factors addressed in the other Charter commitments are relevant to the issue of advancement and retention of women in the profession. That is, after all, the primary purpose of the Charter.

To meet the specific commitment of increasing gender equality and inclusion in senior roles, Charter signatories may wish to consider setting internal workplace targets. The Workplace Gender Equality Agency in Australia has a [target setting toolkit](#), which includes a target setting calculator. In 2022, The International Bar Association released the [Women Lawyers' Committee Mentorship Toolkit](#) for organisations to adopt, aimed at empowering women legal professionals and addressing the gender representation gap at senior levels.