



New Zealand Law Society Gender Equality Charter Survey

Summary of Results
November 2022

Introduction

The New Zealand Law Society Te Kāhui Ture o Aotearoa (Law Society) launched the [Gender Equality Charter](#) (Charter) in 2018. The Charter is aimed at improving the retention and advancement of women lawyers and contains a set of gender equality commitments for legal workplace signatories to implement. The Charter requires signatories to lead from the top, make a plan and take action on the commitments, and measure progress.

The gender equality commitments for Charter signatories to include in their action plan are:

- implement unconscious bias training for all lawyers and key staff and take action to address identified bias
- offer, encourage and support flexible working to assist all lawyers to balance professional and personal responsibilities
- conduct annual gender pay audits and take action to close any gender pay gap
- regularly review areas of signatories' practice with a gender equality and inclusion lens e.g., recruitment, retention and promotion practices
- adopt equitable briefing and instruction practices
- actively work to increase gender equality and inclusion in senior legal roles

As at the end of June 2021, 158 legal workplaces across Aotearoa New Zealand had become signatories to the Charter.

Signatories are required to complete an initial baseline survey to establish the extent to which they are already meeting the commitments in the Charter. It was intended that a follow-up survey would be conducted after two years, to monitor progress, with the Law Society reporting on signatories' overall progress (on an aggregated and anonymised basis). This follow-up survey was delayed because of Covid-19 and was instead conducted between July and November 2021.

Summary of overall progress made by Charter signatories

Good progress has been made in the following areas:

- 35 per cent increase in the delivery of unconscious bias training
- 14 per cent increase in the availability of flexible working to all lawyers (99% of signatories offering this to all lawyers in 2021)
- 25 per cent increase in the use of gender pay audits
- Significant increase in the review of: retention and promotion practices (up by 24 per cent); training and development opportunities (up by 17 per cent); gender equality practices across different teams (up 13 per cent) and gender equality in senior roles (up 11 per cent). Review of workplace practices through a gender equality lens is reported to have had a positive impact on gender equality, with increased gender equality in senior roles, increased awareness of gender quality issues and more women lawyers feeling empowered.
- Twenty-five per cent point increase in adoption of equitable instruction and briefing practices
- Seventy-four per cent of survey participants who undertook pay and gender equality reviews reported finding them worthwhile.

- The proportion of women in the first 14 years of their careers (working at survey respondents' workplaces) generally reflects the ratio of women to men law graduates. There have also been some increases in the proportion of women to men at later career stages.

Areas where more focus may be required:

- While there has been considerable progress in some areas, there is still plenty of room for improvement (e.g., a 25 per cent increase in the use of gender pay audits from 35 per cent of survey respondents to 60 per cent of respondents is positive news, but 40 per cent of respondents had still not fulfilled that Charter commitment). More tools and resources could be provided to make gender pay audits easier – only 47 per cent of 2021 survey participants found them straightforward or easy to do.
- Improvements could be made to the survey questions to ensure the capture of all data relevant to the Charter commitments (e.g., there is currently no question requiring Charter signatories to confirm what action they are taking to address unconscious bias or to confirm whether they have reviewed areas of their practice with a gender equality lens)
- Charter signatories could be better supported to understand and meet their equitable engagement and briefing commitments in the Charter. It is hoped that the changes made to this Charter commitment in 2022 will assist with this.
- Despite some improvements in the proportion of women to men still practising after the 15 year PQE plus mark, there is still a significant and progressive drop in the proportion of women lawyers from that point onwards. Additionally, although the percentage of women directors and salaried partners has increased since the 2018 survey, the percentage of women equity partners remains essentially unchanged at 33 per cent. The percentage of women reported to be in senior roles has also stayed the same, at around 36 per cent. This highlights the continued need for work on the retention of women lawyers beyond the early stages of their careers.
- Encouraging more signatories to the Charter and ensuring that progress is tracked will increase the usefulness of the data that is collected and help The Law Society assess where continued action is needed.

Survey questions and responses

To enable comparison of the baseline survey and follow-up survey data, both surveys contained the same core questions. This included questions about the type and size of workplace, as well as the number of lawyers employed, their PQE (post-qualification experience) level and whether the lawyers were male/female/gender diverse.¹ Questions relating to the Charter commitments and the key responses (at the time of the Baseline survey and in 2021) are set out below:

NB – Green cells indicate an increase of 5 per cent or more since baseline survey; orange cells indicate a decrease of 5 per cent or more.

Unconscious Bias Training

Charter signatories have made good progress towards this commitment. The percentage of participants in the survey completing unconscious bias training has increased from the Baseline measure of 29 per cent to 64 per cent in 2021. Webinars are the most common method of training delivery (59 per cent of participating workplaces).

Q: Have all lawyers and key staff had some unconscious bias training in the last two years?

	Baseline survey	2021 survey
"Yes" responses	29%	64%

Q: What types of unconscious bias training have lawyers and key staff participated in?

	Baseline survey	2021 survey
Online seminar (webinar) training	35%	59%
Internal training	11%	23%
External training	14%	19%

NB – The survey did not include a question about whether unconscious bias had been identified or what actions had been taken to address it.

Flexible Working

The Charter commitment to encourage flexible working is being met by the 2021 survey participants, with 99 per cent offering flexible working arrangements to all lawyers. This is a significant increase from the Baseline measure of 85 per cent. It is presumably in part to due to the adaptation of professionals working under COVID lockdown conditions.

¹ In seeking accurate information about gender, it may be preferable for future surveys to use the words men/women/gender diverse, as male/female refer to sex, not gender.

Q: Are flexible working arrangements available to all lawyers?

	Baseline survey	2021 survey
"Yes" responses	85%	99%

Q: Please provide information on the number of lawyers (including yourself) working flexibly by type of arrangement and gender.

	Baseline survey	2021 survey
Total number of lawyers working flexibly	1399 (43% of all lawyers in survey)	2255 (68% of all lawyers in survey)
Total number of female lawyers working flexibly	925 (51% of all female lawyers in survey; 28% of all lawyers in survey)	1165 (62% of all female lawyers in survey; 35% of all lawyers in survey)
Total number of male lawyers working flexibly	317 (22% of all male lawyers in survey; 10% of all lawyers in survey)	609 (43% of all male lawyers in survey; 18% of all lawyers in survey)
Total number of gender diverse lawyers working flexibly	0 (0% of all gender diverse lawyers in survey; 0% of all lawyers in survey)	3 (25% of all gender diverse lawyers in survey; <1% of all lawyers in survey)

Types of flexible working arrangement

The percentage breakdown of the types of flexible working undertaken by those lawyers who work flexibly is as follows:

	Baseline survey	2021 survey
Working a different number of hours	39%	23%
Working within different timeframes	14%	17%
Working remotely	21%	44%
Job sharing	0%	0%
Purchasing additional leave	6%	3%
Taking additional unpaid leave	21%	12%

Gender Pay Audits

Good progress is being made towards this Charter commitment, with the percentage of participants in the survey conducting gender pay audits increasing from the baseline measure of 35 per cent to 60 per cent in 2021. It is interesting to note that 78 per cent of legal workplaces in the baseline survey reported that there was either no gender pay gap, or the question was not applicable. In 2021, this result dropped to 52 per cent, suggesting a growing acceptance that there is a gap. The two most common actions to close identified gender pay gaps were: “consideration of gender equality at salary reviews” (22 per cent) and “annual/ongoing review” (20 per cent).

Q: Have you conducted a gender pay audit in the last two years?

	Baseline survey	2021 survey
"Yes" responses	35%	60%

Q: Where a gender pay gap exists, what action has been taken to close the gap?

[free text answer]

	Baseline Survey	2021 Survey
Close the gender pay gap	8%	8%
Annual/ongoing review	6%	20%
Gender equality strategy in place	6%	15%
Gender equality gap not known	6%	0%
Performance based pay	4%	12%
Experience based pay	3%	0%
Gender equity pay at salary review	1%	22%
Changes to parental policy	1%	5%
Don't know	2%	0%
Other	5%	3%
N/A (or no gap exists)	78%	52%

Practice Review

The Charter requires signatories to regularly review areas of their practice to understand whether they support and encourage gender equality and inclusion. The survey does not ask whether such reviews have taken place, instead asking which areas of practice have been reviewed. In 2021, there is a stronger focus than at the baseline survey on reviewing retention and promotion practices and training and development opportunities. Reviewing recruitment practices also remains common. Actions taken following these reviews show an increased focus on gender equality in senior roles.

The proportion of survey participants taking no action as a result of these reviews has dropped significantly, from 28 per cent to 9 per cent, potentially showing a level of increased commitment to this Charter goal.

Q: What areas of your practice have you reviewed with a gender equality and inclusion lens?

	Baseline survey	2021 survey
Recruitment	79%	82%
Retention and promotion	60%	84%
Training and development opportunities	43%	61%
Gender equality across different teams	30%	43%
Presenters at external seminars and speaking engagements	32%	37%
Tendering for new work	25%	32%
Publications	19%	20%

Q: What actions have you taken as a result of these reviews? [free text answer]

	Baseline survey	2021 survey
Gender Equality in recruitment	27%	35%
Improve gender equality practices	21%	21%
Gender equality in pitching and presenting	14%	13%
Doing well already	13%	11%
Flexible working policy	12%	14%
Gender equality in training/networks	12%	18%
Gender equality in promotions	9%	8%
Reviewing gender equality in senior roles	2%	13%
Bias awareness/training	7%	0%
Gender equality in pay	7%	0%
Gender equality in retention	6%	8%
Career planning	2%	0%
Gender equality in language	3%	0%
Other	9%	8%
Not applicable/no action taken	28%	9%

Q: What impact did these have? [free text answer]

	Baseline survey	2021 survey
Better gender equality awareness	13%	7%
Improved gender equality generally	11%	35%
Better gender equality in recruitment	10%	6%
Improved culture	9%	0%
Better staff retention	8%	6%
"Empowered females"	8%	24%
Better diversity and inclusion	3%	0%
Better profile for firm	3%	4%
More flexible working	3%	0%
Challenging to do	2%	3%
Improved performance	2%	0%
Better gender equality in senior roles	1%	16%
Work/family balance	0%	7%
Other	4%	8%
Don't know yet	19%	7%
Not applicable	35%	20%

Additional questions in 2021 about gender equity and pay equity reviews

In the 2021 survey, participants were asked the following additional questions:

If you've been through the process of gender equity and pay equity reviews in your firm – how easy or difficult was the process?

If you've been through the process of gender equity and pay equity reviews in your firm – how worthwhile have you found the process?

Sixty-eight per cent of legal workplaces in the 2021 survey reported undertaking gender equality and pay equity reviews. The ease of the process of conducting GE and pay equity reviews was rated neutral overall. Around half (47 per cent) of workplaces that completed reviews rated the process as quite or very straightforward and easy.

The process of these reviews is considered worthwhile particularly by in-house legal teams. Around three-quarters (74 per cent) of legal workplaces that completed these reviews rated the process as either basically or extremely worthwhile.

Equitable Instruction and Briefing Practices

Good progress is being made towards this Charter commitment, with 69 per cent of participants in the 2021 survey reporting that they have adopted equitable instruction and briefing practices. This is a significant increase from the 44 per cent in the baseline survey.

There is also a reported greater focus in the 2021 survey responses on creating a gender equitable culture.

Q: Have you adopted equitable instruction and briefing practices? If no, please explain why.

	Baseline survey	2021 survey
"Yes" responses	44%	69%

Of the 31 per cent of respondents who said they had not adopted gender equitable instruction and engagement practices, the reasons given were:

	Baseline survey	2021 survey
We do not brief out	18%	19%
It is on the schedule	18%	13%
Not in formal procedures/policy	8%	10%
It is not an issue for us	5%	3%
Not aware of this	0%	10%
Not applicable	47%	45%

The equitable instruction and engagement commitment in the Charter is intended to apply to all Charter signatories, not just those who brief external counsel. This is made clear in the Guidelines to the Charter, but there is scope to improve communication around this.

Q: [Of those who confirmed that they had adopted gender equitable instruction and engagement practices] How have you adopted equitable instruction and briefing practices?

	Baseline survey	2021 survey
By adopting the Gender Equitable Engagement and Instruction Policy	36%	46%
By implementing own policy	34%	30%
Other, including:	19%	22%
By expertise and performance	7%	3%
By creating a gender equality culture	7%	14%

Gender Equality in Senior Roles

The main purpose of the Charter is to improve the retention and advancement of women lawyers.

Retention

In both the baseline and 2021 survey, there were more female lawyers than male (56 per cent female, 44 per cent male in the baseline survey; and 57 per cent female and 43 per cent male in the 2021 survey). The total number of lawyers in the 2021 survey was slightly higher than at baseline, up from 3,255 to 3,306.

In both the baseline and 2021 surveys, this higher number of female lawyers is reflected in the ratio of men to women at all post-qualifying experience (PQE) levels up to 20 years. Up to 15 years' PQE, there are approximately 1.5 times as many female lawyers as there are male, with this gap reducing closer to an equal ratio at 15-19 years' PQE (although at that point there are still more female than male lawyers in this PQE band):

PQE	Baseline survey		2021 survey	
	Male	Female	Male	Female
0-4 years	36.3%	63.6%	36.2%	63.6%
5-9 years	37.3%	62.7%	39%	61%
10-14 years	40%	60%	37%	63%
15-19 years	47%	52.7%	45%	55%
20-24 years	52%	48%	48%	52%
25-29 years	60%	40%	60%	40%
30-34 years	73%	27%	65%	35%
35-39 years	86%	14%	83%	17%
40 years plus	94%	6%	95%	5%

Note: In the baseline survey, 0.3% of lawyers in the 15-19 years' PQE band were recorded as gender diverse. In the 2021 survey, 0.2% of lawyers in the 0-4 years' PQE band, and 2.2% in the 10-14 years' PQE band were recorded as gender diverse.

The number of women entering the profession did not begin to exceed the number of men doing so until the early 1990s (and in 1980, only 26.3 per cent of new admissions were women). A lower proportion of female lawyers still practising after 30 years or more is therefore to be expected, but not to the extent indicated by these numbers. That said, between the baseline survey and the 2021 survey, there has been an 8 per cent increase in the number of female lawyers with 30-34 years' PQE.

All else being equal, one would expect to see the women joining the legal profession in the mid 1990s to early 2000s appear in the 20-24 and 25-29 years' PQE categories in much higher proportions than are seen here. However, between the baseline survey and the 2021 survey, there has been a 4 per cent increase in the number of female lawyers in the 20-24 years' PQE band.

In 2021, the number of women with 10-14 and 15-19 years' PQE has increased a little since the baseline survey. There is however still a significant and progressive drop in the proportion of female lawyers from the 15-year PQE plus mark onwards. This highlights the continued need for work on this issue if the profession is to keep its more experienced women lawyers and see them advance to the most senior levels.

Advancement/Women in senior roles

The baseline survey of Charter signatories reported that 64 per cent of senior legal roles were held by men. This result remained unchanged in 2021. The proportion of females in the General Counsel/Chief Legal Advisor role remains almost unchanged (59 per cent in the baseline survey and 58 per cent in the 2021 survey).

The percentage of women salaried partners has increased from 43 per cent at the baseline to just over 50 per cent in 2021; and women made up 39 per cent of directors in the baseline period, which increased to 47 per cent in 2021. However, it remains the case that only around a third of equity partners are women.

The more equal proportions of men and women in director and salaried partner roles is primarily the result of fewer men occupying those roles in the 2021 survey, rather than the number of women in them increasing. There were in fact two fewer women directors and only one more woman working as a salaried partner in 2021 than in the baseline survey. Looking at the percentage figures alone masks this information.

The number of male equity partners increased by 34 from the baseline survey to the 2021 survey, while the number of women equity partners actually increased by 8. Although the percentage of women in the role of General Counsel/Chief Legal Advisor remained about the same in the 2021 survey, the number of women in that role reduced between the surveys, while the number of gender diverse lawyers in those positions increased and the number of men in them remained unchanged. The increase in the percentage of male sole practitioners responding to the survey is accounted for not by a significant increase in their number (the number actually decreased by one), but by a reduction in the number of women sole practitioners who responded to the survey (from 15 to 6).

Q: If you are a law firm, could you provide some information about the number of lawyers (including yourself) in senior legal roles?

	Baseline survey		2021 survey	
	Male	Female	Male	Female
Salaried partners	57% (96 people)	43% (72 people)	49.6% (62 people)	50.4% (63 people)
Equity partners	66% (383 people)	34% (194 people)	67% (417 people)	33% (202 people)
Directors	61% (45 people)	39% (29 people)	51% (28 people)	47% (26 people)

Note: In the 2021 survey, 1 director (2% of directors in 2021) was recorded as gender diverse.

Q: If you are an in-house legal team, is the general counsel/chief legal adviser male, female, or gender diverse?

	Baseline survey	2021 survey
Male	29% (5 people)	42% (5 people)
Female	59% (10 people)	58% (7 people)
Gender diverse	12% (2 people)	0% (0 people)

Q: If you are a sole practitioner (including a barrister sole), are you male, female or gender diverse?

	Baseline survey	2021 survey
Male	35% (8 people)	54% (7 people)
Female	65% (15 people)	46% (6 people)
Gender diverse	0% (0 people)	0% (0 people)

In terms of actions taken towards the Charter commitments of actively working to increase gender equality and inclusion in senior legal roles, it appears that little progress has been made since the baseline survey. 2021 survey participants nonetheless report an increase in the *impact* of the actions that were taken, with 20 per cent more participants in 2021 than at baseline stating that there is greater gender equality in senior roles as a result of these actions. There were also reported increases in “empowered females” and awareness of gender equality.

Q: What actions have you taken to increase gender equality in senior legal roles? Senior legal roles are defined as: equity partners, directors, general counsel, or chief legal advisers.
(Free text answer)

	Baseline survey	2021 survey
Commitment to achieving senior gender equality	19%	11%
Female ratio increasing	15%	17%
Awareness of gender equality	12%	9%
Prioritising gender equality	9%	11%
Training/Mentoring	8%	9%
Equity opportunities	7%	12%
Gender equality policy at senior level	7%	10%
Flexible working policy	6%	9%
Review recruitment policy	5%	2%
Parental policy	4%	5%
Review promotion policy	3%	12%
Review barriers to recruitment	0%	6%
Other	4%	5%
No actions taken	9%	0%
N/A	31%	36%

Q: What impact did these actions have?

	Baseline survey	2021 survey
Awareness of gender equality	7%	19%
"Empowered females"	6%	26%
More flexible work policy	6%	0%
Better gender balance	5%	0%
Gender equality in senior roles	5%	25%
Better image for firm	4%	0%
Better diversity and inclusive	3%	0%
"Parental"	3%	4%
Work/life balance	0%	6%
Other	6%	0%
Don't know yet	16%	0%
None	2%	9%
N/A	43%	30%

Actions that have made a real difference to gender equality and inclusion in participants' practice

Survey participants were asked to provide any other examples of practical action they had taken that had made a real difference to gender equality and inclusion in their practice (free text answers, categorised by Essence Research as follows):

	Baseline survey	2021 survey
Flexible working policy	32%	20%
Awareness of gender equality	24%	23%
Gender equality in appointing and promoting	18%	19%
Adopt equitable practices	14%	28%
Diversity and Inclusion awareness/action	13%	0%
Training and coaching	11%	12%
Female role models	9%	0%
Gender equality in senior roles	6%	20%
Gender equitable pay, salary reviews	6%	6%
Review areas with gender equality lens	5%	40%
Unconscious bias training	5%	9%
Leave the firm	4%	0%
Anti-harassment actions	3%	0%
Other	8%	11%
N/A	13%	20%

Reviewing areas with a gender equality lens; adopting equitable practices; gender equality in senior roles and flexible working were the most common categories of examples given in the 2021 survey, with a significant increase in the first two of these from the baseline survey.

Having a flexible working policy was however cited much less frequently in 2021 than at baseline as a practical example that had made a difference to gender equality and inclusion. This is possibly a consequence of flexible working being more universally adopted since Covid-19.

Survey method

Of the 158 signatories, 110 signatories qualified to participate in the 2021 follow up survey.² The survey data was collected and analysed by Essence Research on behalf of the Law Society from July to October 2021.

The Law Society invited all the 110 qualified signatories to participate. The response rate was 85 per cent, with 94 responses received. A total of 3,306 lawyers were working at those 94 legal workplaces at the time of the survey. This amounts to approximately 25 per cent of practising lawyers in New Zealand.

The two sets of survey data each reflect the same basic mix of participating workplaces so that the general profile of participants is similar from the baseline data through to the 2021 data. Law firms represent more than 70 per cent of the participation at baseline and more than 75 per cent in 2021.

² Signatories who had completed the sign-up process before the end of April 2019 qualified to participate in the 2021 survey, so that all participants had at least two years between the baseline and follow-up surveys.