

## Summary of consultation feedback on the Gender Equality Charter

### Scope and name of the charter

A number of submitters thought that the charter should be broadened to include other aspects of diversity, in particular ethnic and cultural diversity. Many others supported the focus on gender, but thought that the name of the charter was confusing.

As a result of the consultation feedback the charter will be renamed as the **Gender Equality Charter**. While all aspects of diversity are important, gender equality has been a longstanding issue for the legal profession. Several charter commitments, e.g. on unconscious bias, are relevant to diversity more broadly. The charter is 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 in due course.

Some feedback indicated that it was unclear whether sole practitioners (including barristers sole) could sign up to the charter. The charter and accompanying guidance will be amended to make it clear that the charter is inclusive and that law firms, in-house teams and sole practitioners can sign up.

### Charter commitments

The charter commitments relate to:

- Assigning responsibility for meeting charter commitments to a named senior individual
- Unconscious bias training
- Gender pay audits
- Flexible working arrangements
- Reviewing areas with a diversity and inclusion lens
- Equitable briefing and instruction
- Measuring and reporting on progress

Of the 116 people that completed the survey, 66% of respondents thought that the charter targeted the right areas, 14% thought it did not and 20% were unsure.

### Charter format

As a result of the consultation feedback, the areas above have been retained but the charter format will be amended to organise the charter commitments into three sections:

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

### Unconscious bias training

Submitters generally supported the inclusion of unconscious bias training as a charter commitment. There were some questions around whether it should cover all lawyers and key staff, and whether it was better to have voluntary rather than mandatory training. The Panel considers that recognising unconscious bias is an important step in driving change and that all lawyers and key staff should undertake some form of training. Charter signatories can choose how best to meet this commitment according to their needs.

### *Practices not policies*

A number of submitters noted that policies alone may not necessarily deliver results. All references in the charter to policies (e.g. recruitment, equitable briefing and instruction) will be replaced with practices, as the focus is on changing behaviour.

### *Gender pay audits*

Several submitters commented that the commitment about gender pay audits was confusing. The charter will be amended to make it clear that commitment to conduct a gender pay audit is about measuring and then taking action to close the gender pay gap.

### *Increase percentage of women in senior legal roles*

A couple of submitters noted that this charter commitment would not be relevant for some areas of law such as family law, in-house legal teams where there may be more women in senior legal roles (for example, equity partners and directors in law firms or general counsel or chief legal advisers in the in-house profession). The charter commitment will be amended to refer to increasing gender equality and inclusion in senior legal roles.

### *Targets*

A couple of submitters suggested that targets needed to be set. The Panel looked at targets in developing the charter. In particular, the Panel considered:

- the evidence that a critical mass of 30% e.g. on boards can often be effective in driving culture change and how this might translate to the legal profession
- the perception held by many people that targets can undermine the achievements of an individual if others perceive that they have achieved success because of a target rather than on merit
- the diversity of the legal profession in New Zealand in terms of types of practice, geography, size of firms/in-house teams.

Balancing all these factors, the Panel did not think that charter targets should be set at this time for the legal profession. This does not preclude signatories from setting targets as part of their own strategy for meeting their commitments under the charter. Information on the use of targets will be made available as part of the resources sitting alongside the charter.

### *Reporting requirements*

Of the 57 respondents who answered this survey question, most supported the data and information proposed to be collected by the NZLS.

### *Administrative costs*

Some submitters thought that the charter commitments would create an administrative burden particularly on smaller firms. This could deter these firms from signing up and possibly put them at a competitive disadvantage.

The Panel considered that for meaningful change in the legal profession the charter should not only be a statement of principles but also contain actions, and that it was important to report and measure progress.

In relation to the specific charter commitments, the Panel considered many factors including:

- the diversity within the legal profession in terms of types of practice, size of firm/in-house teams
- focusing on areas that would make a real difference

- enabling charter signatories to choose the best way to meet commitments according to their needs
- how best to encourage law firms, in-house teams and barristers to sign up to the charter

The Panel considers that the charter is focused on the right areas and sufficiently flexible to enable all law firms, in-house teams, sole practitioners (including barristers sole) to meet charter commitments in a way that suits their needs.

#### *Flexible working data and information*

One of the main themes from the survey feedback was flexible working. Submitters wanted the Law Society to collect information on how many lawyers have flexible working arrangements, the types of flexible working arrangements that lawyers have, and provide some examples of flexible working policies.

#### *Data on gender diverse lawyers*

The Panel is considering further the issue of collecting information on 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 was 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](#).

#### *Additional data and information*

A number of suggestions were made in relation to the data and information that should be collected from charter signatories. In deciding what data and information charter signatories should provide, a balance needs to be struck amongst:

- gathering data and information that will enable the New Zealand Law Society to measure and track progress
- administrative and intrusive reporting requirements for charter signatories
- time and resources needed to analyse data and information and prepare a report.

The Panel is considering the data and information requirements with this guiding principle in mind.

#### *Frequency of reporting*

The draft charter proposed that signatories report on progress every two years. Survey respondents who answered this question (54) and others who provided feedback were split evenly on whether there should be annual or biennial reporting.

In deciding on the frequency of reporting, a balance needs to be struck between:

- giving charter signatories time to make meaningful progress
- time and resources needed to gather and analyse data and information and prepare a report.

Given these factors and the feedback from the consultation, the decision has been made that charter signatories will report biennially to the Law Society.