



WLANSW Leading Practice Guide 2019/2020

In 2018 WLANSW called on the legal profession to expedite the advancement of women in private practice by committing to a number of concrete measures. Flowing from those recommendations, WLANSW has developed a list of practical steps that employers can take to advance gender equality in the legal profession.

Targets

- Firms should set targets for admission to partnership, based on a 40/40/20 model, with 40% of any new admissions in any year being male, 40% female, and the remaining 20% varying depending on the candidate pool.
- If firms are unable to meet this in any one year (say due to a merger with another firm) then a 3 year rolling average should be adopted.
- Targets of at least 40% women should also be set for Board composition, and other senior leadership positions such as Client Relationship Partners.
- In any recruitment process undertaken for a new CEO or other senior leadership team member, firms should insist on a diverse and gender balanced short list of candidates
- Targets should be made public via WGEA reporting and internal and external firm communication.
- Reporting on targets should occur regularly to the governing body of the firm, and an explanation provided if the target is not met on an “if not, why not” basis.
- Progress on meeting targets should be factored into remuneration decisions of responsible partners and other senior leaders.

Pay Analysis

- All firms should undertake an annual gender pay analysis of employees’ and partners’ total remuneration and take concrete steps to address any gaps found.
- The analysis should look at base and variable pay across a range of factors including gender, full-time/part-time status, performance rating, and time in role. It may also be appropriate to conduct an analysis by practice group area or office.
- The results of that analysis should be reported to the board and partnership group.
- Targets and a strategy should be set for reducing any like for like and organisational wide gap.
- Progress against the targets should be tracked, and factored into remuneration decisions.
- At a minimum, any like-for-like gaps should be eliminated, and analysis taken to understand the causes of those gaps developing.

- Employers should consider publicly disclosing their remuneration in quartile bands that also show the gender composition of each band, like the UK model for pay disclosure requires, or at least disclosing their organisational gender pay gap and any target set for reducing it.

Parental Leave

- Employers should review their parental leave policies to remove references to “primary” and “secondary” carer and encourage flexible and creative use of parental leave.
- If not already providing it, employers should consider providing paid parental leave to support working parents.
- Employers should contribute superannuation on paid and unpaid parental leave.
- Consideration should be given to the “non-financial” aspects of parental leave, such as a phased re-introduction on return for billable hours, encouraging keeping in touch days, and planning transitions out or and back into paid work for parents who take leave.
- Employers should adopt targets for men taking up parental leave, and develop strategies to actively encourage all employees and partners to share caring responsibilities.

Flexible Work

- Employers should adopt targets for men taking up flexible work, and develop strategies to actively encourage all employees and partners to share caring responsibilities.
- Consideration should be given to broadening flexibility beyond the *Fair Work Act* right to request categories, to an “all roles flex” model, where there is no particular requirement to “qualify” for flexible work, and the onus shifts on to the employer to say why an arrangements would not work.
- More senior leaders need to role model flexible work, particularly male partners/principals.

Equitable Briefing

- Law firms should adopt the Equitable Briefing Policy and ensure their lawyers comply with it
- Law firms should also report annually to the Law Council on their use of the Policy, and share that information within the firm
- Partners and employees with briefing responsibilities should be held accountable for compliance with the Equitable Briefing Policy
- Law firms should actively consider ways in which they can work with the Bar and Law Council to support the Equitable Briefing Policy.

Other Measures

- Adopt a “panel pledge” to ensure that at any event the law firm hosts, there are no “all male panels” and an attempt is made to achieve gender balance on the panel.
- Review all external and internal communications to check the proportion of men and women represented, and how they are portrayed.