

# DivERsity:

## what's in it for me?

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During the meeting of 30 April 2015, the Council of the Society approved the 'Celebrating Diversity' strategy and in an historic moment on 11 May 2015, the Law Council of Australia (LCA) and the Australian Bar Association (ABA) committed to a Diversity and Equality Charter. These historic commitments are formal responses to the 2014 Law Council of Australia National Attrition and Re-engagement Study (NARS) Report.

In announcing the Charter Mr Duncan McConnell, President of LCA, said the:

"The Charter is based on the principles of justice, integrity, equity and the pursuit of excellence upon which this profession is founded... Diversity and equality only strengthens the legal profession and ultimately enhances the delivery of and access to justice in the community," Mr McConnell concluded.

The NARS report identified issues of concern for the entire legal profession with an emphasis on retention of women in the profession. A key aspect of ensuring that the profession reflects our diverse community is the hope that the judiciary, which is drawn from the profession, will

equally reflect the diversity of the community it serves. The Society and the Northern Territory Bar Association (NTBA) acknowledge that candidates for judicial appointments are chosen from the profession and thus if there is a lack of diversity in the profession then a lack of diversity on the bench is easily excused.

In arriving at the strategy the Society engaged a focus group in June 2014 and has since collaborated with the NTBA. Promoting and advancing a diverse legal profession ensures that the NTBA and the Society continue to take leadership roles to:

- Be thoughtful leaders—promoting and celebrating best practice;
- Ensure chambers, firms, employers and the legal profession generally have access to current information about the business case for workplace diversity;
- Communicate data about the demographics of the profession—making it available for consideration and analysis;
- Identify, publicise and promote role models that show working flexibly is not incompatible with senior roles; and

- Link with other work in this area through its stakeholders within the legal profession more broadly e.g. the Anti-discrimination Commission and Diversity Council.

### **The Celebrating Diversity strategy has four key target areas:**

1. Workplace attitudes e.g. bullying and harassment in the workplace;
2. Barriers to accessing flexible work practices;
3. Barriers to employment and promotion of a diverse workforce;
4. Unconscious bias.

**What is getting it right?** There are many questions to ask when setting a goal for a diversity strategy. What will success look like? What can we measure and how? Will the strategy have achieved its goal if the gender proportions of the profession reflect the characteristics of the background population (be it Australia or the Northern Territory), or should they simply reflect the characteristics of law students?

**ABS 2011 Census 'Quick Stats'** In the 2011 Census, there were 211 945 people in Northern Territory (State/

Territory) of these, 51.7% were male and 48.3% were female. Aboriginal and Torres Strait Islander people made up 26.8% of the population.<sup>1</sup> Nationally, Aboriginal and Torres Strait Islanders represent 2.5% of the population.

- Male 51.7% (n=109 517)
- Female 48.3% (n=102 428)
- People 211 945

**Our diverse legal community** Compared to the comprehensive nature of the ABS census, the Society collects limited data about the diversity of the profession. During annual renewal time we get a snapshot of the gender and age of the profession as well as their roles/years since admission and geographic location. Indigenous backgrounds of legal practitioners can also be gauged. These statistics are not a complete picture of the diversity of our profession but by necessity they become a litmus test—in other words, if we are getting gender right then we hope that other areas will follow. It is not an exact science and it is clear that strategies addressing gender may not work the same for other characteristics such as sexual orientation, ethnicity or disability.

#### **Against this background the profession in the Northern Territory is:**

- Female 50% (n=266)
- Male 50% (n=267)
- Practitioners 533

A total of 10 practitioners identified as Aboriginal and Torres Strait Islander (2%).<sup>2</sup>

On 22 May 2015 the Conference of Law Societies (COLS), of which the Society is a member, released the second national statistics of the legal profession. Importantly, the report revealed that the Northern Territory has the highest proportion of Aboriginal and Torres Strait Islander legal practitioners followed closely by New South Wales. Nationally, 0.8% of the profession identifies as being Aboriginal and Torres Strait Islander.<sup>3</sup>

Furthermore, the report highlights that the Northern Territory and the Australian Capital Territory have a greater proportion of female solicitors (50.1% and 53.6% respectively). Females comprise three-fifths (60.2%) of all solicitors admitted in the prior year and this is reflected in the percentages admitted in the past ten years.<sup>4</sup> Females are more strongly represented in the age brackets of under



40 years with males more strongly represented in age brackets over 45 years with approximately an even split in the age range of 40–44 years.<sup>5</sup>

There is no national demographic information for barristers. The current state of play in the Northern Territory Bar is shown below.

#### **Barristers:<sup>6</sup>**

- Female 21.74% (n=10)
- Male 78.26% (n=36)
- Total 46

Clearly there is some work to be done at the local level to achieve a bar that is reflective of the community it serves. Importantly, the NTBA has identified this priority and has various measures in place to encourage women to the bar. Importantly we know that sharing the stories of those women who have taken the plunge can reveal the challenges and the benefits and is one way that we can de-mystify life at the NT Bar.

1 ABS 2011 Census Quick Stats

2 Northern Territory Law Society National Profile Data October 2014

3, 4, 5 2014 Law Society National Profile, Final Report, April 2015 prepared by Urbis

6 Northern Territory Law Society Register of Practitioners 19 May 2015

# DivERsiTy in leadership

**How can the Society show leadership?** Whilst participating in the national discussion and workshops on how to address this issue, the Society has already taken steps to ensure that it can demonstrate leadership in the diversity stakes. On the 28 November 2013 the Society adopted a Committees Charter. The Charter expresses values to be reflected in the appointment of chairpersons and members of the Society's committees.

The Society values:

- Committees that benefit members and support the work of Council and the strategic plan;
- Committees that maintain a balance of necessary skills and knowledge and a dynamic membership;
- Committees that are manageable in terms of numbers and workload;
- Committees that maximise profession-wide awareness of and interest in the committees and their role;
- Committees that are broadly representative of the Society's membership providing as many Society members as possible with the opportunity to serve as member of a committee;
- Committees that foster new leaders of the profession and facilitate the regular introduction of new ideas.

It is pleasing to report that the Council and the committees are adhering to these values. A recent analysis of the gender diversity of the Society Committees including Council, established that of the total of 96 participants, 55% were female and 45% male. Importantly the Council is 8 male and 7 female (this excludes CEO and staff). There is no readily available data that will allow us to compare the Society to other law society and bar associations. We can be proud of this important reflection of our diversity.

**The business case** There is much research available identifying how diversity is good for business. A recent McKinsey and Company report 'Diversity Matters', released 2 February 2015, looked at financial data and leadership demographics from hundreds of organisations and thousands of executives in the United Kingdom, Canada, Latin America and the United States. "The analysis found a statistically significant relationship between a more diverse leadership team and better financial performance." The report looked at both gender diversity and ethnicity/racial diversity. Whilst the report found a correlation between diversity and performance it importantly noted that this is not a causal link. Despite this distinction the report concluded "that more diverse companies are better able to win top talent, and improve their customer orientation, employee satisfaction, and decision making, leading to a virtuous cycle of increasing returns."

The report looked at why diverse companies perform better and amongst other things, noted improved customer orientation. The report reflects earlier McKinsey findings such as those from the United Kingdom where "80% of purchasing decisions are made by women. By 2025, women are expected to own 60% of all personal wealth and control £400 million more per week in expenditure than men."<sup>7</sup> The report uses the example of companies trying to focus on Asian markets but having no-one from Asia on their boards. The report also suggests that assembling a diverse team of thinkers is likely to produce better group problem solving in a whole range of areas and not just in customer needs.

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<sup>7</sup> Diversity matters- McKinsey & company 2015, p11 footnote 9 Women matter: Moving corporate culture, moving boundaries, McKinsey & Company, 2013

“The Charter was a significant step for the legal profession in progressing the critical issue of diversity and equality.”

– Mr Duncan McConnel

The report lists five measures for successful diversity programs. Importantly we must continuously address potential ‘mindset barriers’ through systematic change management.

“In addition to individual biases there may be barriers in the composition of leadership teams and in the structure of the organisation as a whole. These barriers can have many causes and hinder progress even when companies are implementing other best practices. For instance, research by Groysberg and Connolly on creating diverse and inclusive organisations identified persistent institutional barriers to the recruitment of women such as exclusion from networks that open doors to development and unexamined assumptions about the tension between family demands and job requirements.”<sup>8</sup>

We have all fallen into the trap of assuming that a female who is also a parent may not be available for a job that involves significant travel or time away from home. If we agree that it is difficult to prevent these thoughts that are based on implicit stereotypes we can put in place positive measures to make conscious what is often unconscious and stick with the evidence in front of us.

**Think diversity** The message is, when you think about strategies to grow your business, think diversity. If your firm is hoping to service Asian markets, does your team reflect your goal? Are you stuck in a marketing rut with golf-days and long lunches, missing entire market segments? Are there different ways you can make your workplace diversity-ready, to ensure that you offer the best value proposition to the broadest market segment?

8 Ibid p15