



ACC AUSTRALIA DIVERSITY AND INCLUSION CHARTER

## DIVERSITY AND INCLUSION CHARTER BACKGROUND

According to the Australian Human Rights Commission, diversity "covers gender, age, language, disability, ethnicity, cultural background, sexual orientation and religious belief. Diversity also refers to our many other differences in education, work experience, occupation, socioeconomic background, marital status and whether or not we have family and carer responsibilities."

It is only through inclusion that organisations can benefit from diversity. The Diversity Council Australia considers inclusion to occur when "a diversity of people feel valued and respected, have access to opportunities and resources, and can contribute their perspectives and talents to improve their organisation".

The ACC Australia Charter seeks to promote diversity and inclusion within the in-house profession and complement existing anti-discriminatory policies and procedures of in-house departments and their organisations.

The Charter does not supersede any existing diversity and inclusion policies or procedures within organisations but reaffirms the commitment of signatories to promoting diversity and inclusion in their teams and businesses.

The signatories believe that diversity and inclusion are essential to providing the best service for our stakeholders because different perspectives and backgrounds enable us to understand and meet our stakeholders' needs more effectively, and so provide a better-quality service.

### CHARTER COMMITMENTS

We, the signatories to this ACC Australia Diversity and Inclusion Charter, make the following public commitments to promote the values of diversity, equality and inclusion throughout our in-house legal teams and organisations:

WE COMMIT TO PROMOTING AND ENCOURAGING DIVERSITY IN OUR TEAMS AND ORGANISATIONS by valuing the range of perspectives, ideas and experiences that diversity provides, regardless of peoples' gender, age, language, disability, ethnicity, cultural background, sexual orientation, religious belief, education, work experience, occupation, socio-economic background, marital status and whether or not they have family and carer responsibilities.

WE BELIEVE DIVERSITY AND INCLUSION CREATE A BROADER, RICHER ENVIRONMENT that enhances creative thinking, innovation and problem solving. Inclusive organisations attract and retain top talent.

### WE UNDERTAKE TO PRACTICE AND ADVANCE DIVERSITY AND INCLUSION BY:

- Promoting diversity within our own departments and being visible and active in our support for diversity and inclusion by implementing one or more of the D&I Advocacy Initiatives;
- Addressing diversity in our hiring and purchasing practices by implementing strategies to attract and retain diverse lawyers;
- Encouraging law firms to follow our example by:
  - · using firms that champion diversity and inclusion;
  - · seeking out gualified diverse lawyers when assigning work; and
  - · applying diversity and inclusion as a consideration in using and retaining firms; and
  - measuring the effectiveness of our efforts.

WE AS ADVOCATES FOR DIVERSITY AND INCLUSION will raise awareness of the benefits of diversity, equality and inclusion the in-house community by walking the talk and leading a dialogue within the in-house legal profession and the broader legal profession on diversity and inclusion best practices.



# **EXAMPLES OF DIVERSITY & INCLUSION ADVOCACY INITIATIVES**

- 1. Include diversity and inclusion as part of your normal tendering process.
- 2. Conduct regular self-assessments to reaffirm your legal department's and the organisation's commitment to diversity and inclusion.
- 3. Sign up to the Law Council of Australia's National Model Gender Equitable Briefing Policy, and intending to brief women barristers in at least 30 per cent of all legal matters and paying 30 per cent of the value of all brief fees to women barristers by 2020.
- In dealing with external law firms, make clear that diversity is one of your organisation's core values, and that compliance with the company's diversity goals is a pre-requisite to representing and working with the company.
- Undertake regular data collection to hold law firms and external service providers accountable.

Request demographic information from law firms on gender, race, ethnicity and disability as it relates to:

- a. the composition of lawyers within the firm
- b. the number of hours billed by lawyers on each of the company's matters
- c. the composition of management and executive level roles in the firm.

Maintain ongoing communication with law firms and external service providers to convey that gender equity and diversity should be an integral part of their decision-making process.

To encourage law firms and service providers to embrace diversity and inclusion, give recognition to those who meet the company's expectations for diversity and inclusion.

This can include attending diversity related events held by law firms to show support or acknowledging their efforts through avenues such as the ACC's Matthew J. Whitehead, II Diversity Award.

Hire from a diverse pool and require your recruiters to provide diverse slates of candidates.

- 7. Implement retention strategies to retain diverse lawyers including mentoring, provision of networking opportunities, flexible work practices and supporting the progression of diverse lawyers into senior executive and management positions.
- 8. Implement strategies that support diversity and inclusion by putting in place non-discrimination and anti-harassment policies and procedures in your businesses.
- 9. Take opportunities to educate and coach your team on inclusiveness and avoiding bias.
- 10. Build diversity and inclusiveness plans into employee reviews.
- 11. Create a mentoring program within your team where lawyers mentor people from diverse backgrounds. Consider two-way and reverse mentorship programs, and also mentoring outside your organisation.
- 12. Support your organisation's leaders in ensuring that they understand, champion and effectively communicate the business case for diversity and inclusion.
- 13. Consider establishing a Diversity Advisory Committee to guide your organisation and find ways to measure the success of the progress in diversity and inclusiveness.
- 14. Support vendors and suppliers whose ownership or employee base reflects a commitment to diversity and inclusion. Retain minority or women-owned law firms whenever possible.
- 15. Speak with other General Counsels about diversity and inclusiveness and share best practices, and support diversity and inclusiveness initiatives.
- 16. Join with law schools to support diversity initiatives.
- 17. Find and support an organisation that promotes diversity and inclusion.
- 18. Participate in programs that provide opportunities for lawyers and students from diverse backgrounds.



### BEST PRACTICE EXAMPLES

#### **WESTPAC GROUP**

### Attraction and retention of older employees

Westpac Group understands the importance of its people across all stages in their career. The significant skills, company knowledge and experience that have been accumulated by its employees aged 50+ are a vital part of the workforce. Westpac Group acknowledges this and offers a variety of options to help plan their career mobility through initiatives around flexibility, training, and transition to retirement.

The 'All in Flex' initiative was established in 2015 to encourage and support flexible work arrangements for all employees. This was in direct response to employee feedback on their need for greater work flexibility. The options available to employees include flexible work hours, mobile working, part-time work and job sharing. There are also a range of leave choices available such as purchased leave, career breaks, sporting leave, parental leave, grandparental leave and carers' leave.

The 'All in Flex' initiative provides toolkits to raise leadership capability in leading teams who work flexibly. This initiative has led to an increase in the uptake of flexible working, with now 76% of employees utilising some form of flexible work practice, with only a 4% difference in women and men working flexibly.

Westpac Group's Enterprise Agreement, which operates from January 2016 to December 2018, includes provisions on transitioning to retirement for employees aged over 50. It also offers flexible working arrangements in an employee's existing role or a new role while they transition to retirement, as well as three days of paid leave during this time to pursue activities related to retirement. Westpac Group also takes a flexible approach to long service leave. The Agreement allows employees to take a day at a time, a day each week or a month or more in one block, after 10 years of service.

Other Westpac Group initiatives to support employees aged 50 and over include:

AMPLIFY Employee Action Group offers a range of information, events and resources to employees to help them get the most out of their career, finances, health, family relationships and community involvement.

Envisage - Create Your Future Program assists employees with future career planning. Run in partnership with Sageco, the program covers topics such as identity, finances, career, health and relationships.

Navigate workshop helps leaders support the 50+ employees in their team, plan for the needs of their workforce and ensure the knowledge held by their people is retained.

### WESFARMERS LIMITED

### Ensuring equal pay for equal work

Wesfarmers recognises that all areas of diversity are important and pays particular attention to gender diversity and the inclusion of Indigenous people.

The Wesfarmers Diversity Policy outlines four core objectives which are used to measure performance in gender diversity, particularly in leadership positions. These objectives include: Foster an inclusive culture; Improve talent management; Enhance recruitment practices; Ensure pay equity.

Since 2010, Wesfarmers annually reviews gender pay equity within its company. These results are also communicated and reviewed by its Board and divisional Managing Directors. Over this period the company has diligently moved to close any pay equity gaps. Wesfarmers has since been able to close the pay gap at all managerial levels of the organisation to five per cent or less.

As an ongoing effort to close the pay gap, Wesfarmers divisions have implemented a range of actions, including: provision of gender pay equity adjustments as part of the annual remuneration review process; auditing remuneration policy guidelines and actions to ensure proper and fair application; consistent implementation of job evaluation methodologies; and ongoing market data comparisons.

Wesfarmers businesses also lodge their annual compliance reports with the Australian Workplace Gender Equality Agency allowing the public to view its progress. Since 2015, Wesfarmers has also been a signatory to the United Nations Women's Empowerment Principles. Their support of the principles is consistent with their ongoing commitment to gender diversity across the Group.



# **BEST PRACTICE EXAMPLES**

#### **BHP BILLITON**

### Creating an integrated Company-wide Inclusion and Diversity Strategy

With more than 60,000 employees and contractors working across 87 locations worldwide, BHP recognises that a harmonious workplace is more productive, and the diversity of people and cultures within its company is a factor for success.

BHP's Executive Leadership Team recognised that to deliver meaningful, sustainable change in inclusion and diversity, greater visibility of senior leadership commitment and stronger involvement of line management were required. As a result, the Inclusion and Diversity Council was formed in November 2015. Sponsored by the CEO and comprising of senior leaders in BHP, the Council's role is to create an integrated Company-wide Inclusion and Diversity Strategy and drive the execution and ownership of that strategy at a local level.

BHP's Inclusion and Diversity Council has recommended four priorities: embedding flexible working; enabling BHP's supply chain partners to support its commitment to inclusion and diversity; uncovering and taking steps to mitigate potential bias in systems, behaviours, policies and processes; and ensuring BHP's brand and industry are attractive to a diverse range of people.

In addition, to better reflect the communities in which it works, BHP has set an aspirational goal to achieve gender balance across BHP globally by 2025. It is an ambitious aspirational goal designed to harness the enormous potential that a more inclusive and diverse workplace will deliver the company. Progress on its goal of gender balance is reported to the Board each year for review.

The gender composition of BHP's employees was 20.5 per cent women as at 30 June 2017; an increase of 2.9 per cent in one year<sup>1</sup>. This was very close to the goal BHP set by its Executive Leadership Team of reaching a three per cent year-on-year increase in representation of women.

The commercial case for action on gender balance is compelling. For the past three years, BHP's most inclusive and gender diverse operations have outperformed its average on a range of measures, including lower injury rates, adherence to work plans and meeting production targets.

#### 1. Based on a 'point in time' snapshot of employees as at 30 June 2017, as used in internal management reporting for the purposes of monitoring progress against our goals. This does not include contractors.

### **TRANSGRID**

### Creating a working environment that encourages diversity

TransGrid is committed to achieving a more diverse and inclusive workforce, and has put in place a range of offerings to support its efforts across its largely decentralised workforce.

Flexibility is a strategic business enabler for higher engagement, discretionary effort and retention as employees are able to contribute to the best of their ability when they experience autonomy and flexibility within work roles to accomplish work and accommodate various priorities at home and in the community. TransGrid has in place a range of flexibility options for its staff including condensed work hours, individual flexibility arrangements, and leave arrangements. For field workers who often find themselves working at remote locations for extended periods of time, TransGrid is looking at how they can further leverage 'block work' to allow employees to work longer hours each day in order to work less days over a set period of time.

TransGrid has been fortunate to retain talent into the later stages of employees' careers such that the company employs people who are in their 70s, and there are 31 employees who have been with TransGrid for 40-50 years (about 3% of the workforce). The flexible working arrangements have allowed some older employees to phase their retirement, such as working a condensed four-day week, or using leave accruals to scale down work hours while retaining full time salary.

TransGrid is also committed to gender equality in the workplace and providing greater support for female employees. Some of its initiatives include an ongoing effort to close the pay gap, White Ribbon accreditation and generous leave entitlements, with employees receiving 18 days of personal leave per annum.



# RESOURCES FOR EMPLOYERS

This section includes a variety of resources which are available to assist employers and support the development of organisational strategies.

- ACC Leading Practices in Law Department Diversity and Inclusion Initiatives: Company Best Practices: https://acla.acc.com/sb/modules/associationnews/attachments/308/ACC%20Leading%20Practices%20 in %20 Law %20 Department %20 Diversity %20 and %20 Inclusion %20 Initiatives %20 Company %20 Best %20 Law %20 Law %20 Department %20 Diversity %20 and %20 Inclusion %20 Initiatives %20 Company %20 Best %20 Law %20 Department %20 Diversity %20 and %20 Inclusion %20 Initiatives %20 Company %20 Best %20 Law %20 Department %20 Diversity %20 and %20 Inclusion %20 Department %20 Diversity %20 Department %20 Diversity %20 Department %20 DepaPractices.pdf.
- Guide for Business on developing Disability Action Plans: www.humanrights.gov.au/disabilitydiscrimination-act-action-plans-guide-business.
- National Information Services provides information and referral for employers, individuals, and organisations about a range of human rights and discrimination issues. The service is free and confidential www.humanrights.gov.au/complaints/contact-national-information-service.
- Good practice, good business factsheets: www.humanrights.gov.au/employers/good-practice-goodbusiness-factsheets.
- Business and Human Rights Network a voluntary, informal forum for information exchange and discussion on human rights and business: www.humanrights.gov.au/employers/join-network.
- A Practical Guide for Managers on how to appropriately support workers with mental illness: www. humanrights.gov.au/our-work/disability-rights/publications/2010-workers-mental-illness-practical-guidemanagers.



# SELF-ASSESSMENT TOOL\*

ASSESSMENT OF DIVERSITY AND INCLUSIVITY	YES/NO/UNSURE	EXPLANATION
Leadership and Commitment		
1. The entity has diversity & inclusion as a key element of its strategic plan.		
2. The entity has made an effort to help its leadership understand and accept the importance of diversity & inclusion.		
3. The entity has a committee dedicated to assessing the entity's membership and equal opportunity initiatives.		
4. The person who chairs the entity's diversity committee is in a leadership role with access to the entity's leadership.		
5. The entity's leadership endorses or actively champions the entity's diversity & Inclusion initiatives.		
6. Diversity and inclusion is reflected in the mission and vision of the entity.		
7. The entity has a definition of diversity.		
Recruitment and Retention		
8. The entity creates an environment in which diverse members (as defined by the entity) can envision themselves in leadership positions.		
9. The entity actively recruits diverse membership.		
10. The entity casts a broad net to identify diverse member recruits by advertising in various publications and advocating for diversity and inclusion in the legal profession		
11. Everyone is seen, as part of the entity's diversity and the goal is to make everyone's needs and concerns a part of the mainstream Diversity & Inclusion effort.		
12. Entity leadership is recruited from a diverse pool of candidates.		
13. The entity provides training on diversity or implicit bias.		
Adapted from the American Pay Association self assocsment tool		

 ${\bf *Adapted\ from\ the\ American\ Bar\ Association\ self-assessment\ tool.}$ 



ASSESSMENT OF DIVERSITY AND INCLUSIVITY	YES/NO/UNSURE	EXPLANATION
Representation/Demographics		
14. There are plenty of diverse members in the entity but not many in entity leadership.		
15. Diverse members are represented in the entity's leadership.		
16. There are many diverse members in the entity.		
17. The entity maintains demographic data on its members.		
18. Diverse members serve in the entity's council/officer leadership or comparable higher levels of the entity.		
19. Diverse members serve as entity chair.		
20. The entity has had a diverse member serve as entity chair.		
21. At the highest levels, diverse members are treated as an integral part of the entity: i.e. the entity's leaders involve diverse members in important committees and projects.		
External Face of the Entity		
22. The entity prominently displays its commitment to diversity & inclusion in its collateral, such as its marketing brochures, advertising, and website.		
23. The entity participates in programs to increase diversity & inclusion in the legal profession.		
24. The entity is known as a place where all kinds of people succeed.		
25. Opportunities for cross-cultural mentoring exist and are encouraged to bring diverse members into leadership positions.		
26. There is a system in place to communicate openings and opportunities within the entity.		
27. People from different races, ethnicities, genders, sexual orientations, religions and physical abilities are seen as resources to the entity and participate in public facing entity activities to represent the entity.		
28. People from different races, ethnicities, genders, sexual orientations, religions and physical participate in public related entity activities to represent the entity.		

