



THE VICTORIAN BAR INCORPORATED

# **THE QUANTUM LEAP**

THE VICTORIAN BAR EQUALITY PROJECT

## PURPOSE

This Paper describes a number of measures adopted by the Victorian Bar Council on 6 November 2013 in anticipation of the findings of the Law Council of Australia National Attrition and Re-engagement Study (NARS). It addresses the issues we expect will be identified as drivers of attrition of women from the independent bars and positions the Victorian Bar as a national leader on issues of equality and diversity.

The Project comes 15 years after the landmark Equality of Opportunity for Women at the Victorian Bar Report and is consistent with promoting diversity and equality in the 2013 Strategic Plan.

An outline of the activities in the Project is provided on page 2.

## BACKGROUND

### NARS

1. According to the LCA, the NARS has been commissioned by the LCA to:
  - a. confirm trends in progression of both male and female legal practitioners;
  - b. outline practical measures which can be implemented to address the causes of high attrition rates among women in the legal profession; and
  - c. re-engage women who have left the legal profession.
2. The NARS will document the research process and presents an analysis of findings, including recommendations for legal associations and law practices to assist in retaining women lawyers and to re-engage those who have left the profession.
3. The NARS is not yet available for circulation. It will be launched by the LCA in early 2014. The Chair is concurrently overseeing the NARS on behalf of the LCA and a reference group is developing the recommendations of the Report.

### THE QUANTUM LEAP

7. Despite more than two decades of attention to the issue of equality of opportunity for women in the legal profession, women remain poorly represented at leadership levels. This flows through inevitably to the pool of women available to act on significant matters and accept executive, judicial and corporate sector appointments.
8. Progress towards gender equality has been extremely slow despite strong economic and moral arguments underpinning the case for equality and perennial enthusiasm from various quarters for measures to address the issue.

9. The independent Bars are not immune with junior women continuing to leave the profession in the middle years. Systemic barriers to progress remain difficult to identify and address. Recent studies confirm the complex nature of the problem and the challenges for the profession as a whole.
10. The Bar remains committed to contributing to the realization of equal opportunity for women in the legal profession. Fifteen years on from our landmark report on this issue, the Victorian Bar is and will remain a national leader on this important issue. In doing so we will ensure that we attract and retain the best talent and improve our performance and competitive advantage.
11. The Bar strategy will include specific measurable objectives taking into account the work that has already been undertaken and the new boldness that is required to break through entrenched difficulties.

Requirement to complete Readers' Course and to Read

Subject to clause 0, every Applicant for the grant of a local practising certificate to practise solely as a barrister must:

- a. have completed a Readers' Course before the local practising certificate is granted; and
- b. either (i) have Read or (ii) have made arrangements to Read, with the Reading Period to be completed within 7 months of the grant of the local practising certificate.

## THE PROJECT

### BAR BAROMETER

*Aim: To record accurate historical quantitative and qualitative data to better inform Bar members about the success of positive measures and encourage individual action; to provide base metrics and a tool for strategic development.*

The 'Bar Barometer' is a document to be collated annually in July after the membership statistics are published, recording data on the number and percentage of women at the Victorian Bar and comparative gross earnings by seniority and area of practice. The Bar Barometer will be collated for Bar purposes and used to as a benchmark to permit an analysis of the success of various measures.

The data on number and percentage of women is already collected for Membership Statistics. Collation of these numbers and the Bar's aspirational membership targets will encourage awareness of the Bar's commitment to equality and transparency.

### UNCONSCIOUS BIAS CPD PROGRAM

*Aim: To overcome ignorance and unconscious bias of those with briefing making authority by exposing them to the skills of women barristers.*

An Unconscious Bias CPD program will be introduced into:

- the Readers' Course;
- the Bar Council induction;



- the Silk Development Program;
- the Bar’s general CPD calendar; and
- the Clerks.

It is further proposed that the Bar Council, Committees and Bar Associations and CPD organisers be encouraged to consider diverse representation to normalise the appointment of women to Bar committees, Associations and CPD presenter panels and to increase awareness unconscious bias. This could take the form of a diversity awareness prompt or checkbox at the time of booking facilities or appointing committees.

## CULTURE CHANGE

*Aim: To respond to reported experiences of discrimination and harassment and contribute to work satisfaction.*

Recent research by the VHREOC noted high levels of reported harassment and discrimination at work. This is confirmed by reporting of these matters. The Bar has supplemented its formal complaints processes with an informal process for managing sexual harassment and vilification complaints under the conduct rules.

The Bar Rules currently include a proscription against vilification and harassment and an informal process for managing complaints. The Rules are silent on the issue of bullying. The ABA Barristers' Conduct Rules have not yet come into force in Victoria. They been approved by the Bar and the ABA and the Bar has consulted with the LSB with a view to introducing them at or before the introduction of Uniform Profession Legislation. These rules will proscribe bullying, harassment or discrimination. A strategy for moving to the ABA rules is proposed, including a Guideline to address bullying and the appointment of new Bar Conciliators.

The Bar seeks to create a professional culture with no tolerance of sexism, racism, bullying, harassment and violence by encouraging senior members and judges to take an active role in confronting these issues wherever they occur and developing clear processes and protocols to record and respond to complaints of this conduct by members of the Bar and the judiciary. This will involve:

- Engaging with an organisational psychologist or experienced human relations consultant to assess if the Bar has developed a culture which is non-inclusive and develop mechanisms and reforms to address this if required.
- Including and promoting various resilience programs available in the CPD calendar.
- Increasing awareness of the issue of workplace bullying and of the Bar’s complaint resolution procedures with the Workplace Bullying Guidelines.

## IMPROVED MENTORING FOR WOMEN

*Aim: To respond to reported experiences of discrimination and harassment and contribute to work satisfaction.*

To improve the income and experience of women barristers, a program is proposed where women barristers will be offered mentoring support when they reach key career milestones of two years, seven years and pre-Silk. The offer will refer to the CPD program, which will include sessions designed to assist business development and achieving professional goals offered by the Bar and an opportunity to arrange a close mentoring with an appropriate senior barrister if desired. This form of mentoring will involve a closer relationship and be akin to 'sponsoring' or 'coaching' models.

From time to time the Bar offers individual CPD sessions, tailored to a barrister's individual needs. These may include seminars, workshops and conferences. They may be supplemented to include identified areas of need such as voice coaching, presentation skills, business coaching, general coaching or mentoring.

The CPD sessions will be reviewed at least biannually with input from the Clerks, EDC, CPD and Readers Course Committees.

When warranted by demand, the Bar can assist in identifying a provider and, as far as possible, securing a 'member benefit' rate for participating women barristers.

## RE-ENGAGEMENT ROUNDTABLE

*Aim: To engage with women during a career break and provide support and encouragement for their return to practice.*

It is proposed that an invitation be extended to all those on parental leave to re-engage by attending a Practicalities of Practice Roundtable lunch, hosted quarterly by senior women barristers. The host will be provided with topics for discussion, including practical advice about restarting practice, refreshing knowledge of practice requirements and changes to the law and practice in key areas and facilitating reconnection with colleagues and potential instructors.

The Bar Office will manage communications with those on parental leave by extending invitations to the lunch and continuing to provide information on particular CPD sessions of interest as noted above.

## EXIT SURVEYS

*Aim: To continue to inform the Bar of the reasons for attrition and a measure of the success of the components of the Project.*

In order to address and respond to the reasons barristers leave practice at the Bar, it is proposed that voluntary Exit Surveys be completed by email with all counsel ceasing practice, including those appointed as Judges. This information will be collected to understand the drivers of attrition of women at the Bar and identify factors that may assist in retaining women at the Bar.

