

17 August 2018

By email [REDACTED]

Dear [REDACTED]

Official Information Act #18.026 Female Lawyers

1. We refer to your request of 25 July 2018, as [REDACTED]
2. Your request seeks information listed below from public service organisations following recent public statements that women may still be facing discrimination in the workforce in pay and promotion opportunities, including in the public sector.
3. You have specifically asked us to focus on legal staff in our organisation who:
 - have a practising certificate
 - whose role involves giving legal advice
 - who may still have or have had a practising certificate in the past and who are now responsible for managing legal staff
 - who are legal executives.
4. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

5. *What assessment(s) have been done by your organisation (including but not limited to assessments for the purpose of reporting to the SSC and or any other governmental authority) to check that women legal staff are not being paid less and are not less likely to get promotions than male legal staff because of gender discrimination? What tool or analysis was used to make the assessment?*
6. The Gender pay gap tool used is:
 - 6.1 Gender pay gap % calculated as (pay for males/pay for females)/pay for males x 100.

7. The Human Rights Commission first provided this tool in 2017 however we have retrospectively applied it to previous years. The Human Rights Commission recommends using median figures but we've also performed the calculation using the pay average, and using pay in salary range (PIR) information (a measure of where each employee sits in the salary range for their role).

8. *What were the results of this assessment?*

9. Results for legal staff are detailed in the table below. The variability from year to year reflects the effects of employee turnover on the small size of the group. When we use the PIR assessment the gender pay gap is close to zero. The negative figures in the table below occur when the median, average or PIR for women is higher than for men.

	2014	2015	2016	2017	2018
Gender pay gap (median)	3.79%	6.51%	2.14%	-3.39%	-0.39%
Gender pay gap (average)	10.56%	6.34%	-1.53%	-12.13%	-1.75%
Gender pay gap (PIR)				-0.22%	1.02%

10. *What steps have been taken by your organisation to remedy any differences that were identified in pay or promotion opportunities? Eg have you made any adjustments in pay for women legal staff?*

11. The Commission reviews its remuneration strategy each year. Managers are provided with comprehensive guidelines each year to assist them with the remuneration process, as well as applying salary increases ensuring equitable pay decisions. They are also provided with remuneration ranges for all positions. In deciding salary increases, we ask all managers to consider each employee's performance and their current position in range. Priority is given to those employees who have demonstrated sustained high performance and to those employees lower in the remuneration range, who are performing well. All salaries are moderated at both a Branch and Organisational level, and then final sign off by the Chief Executive. During the moderation we compare actual salaries for individuals in like for like roles. We compare across departments and levels. All employees on parental leave are included in the annual remuneration review.

12. The Commission has a comprehensive capability and career development process in place, which includes a development plan for all employees. This plan identifies and records each employee's development focus areas and aspirations for the year. Managers are also provided with tools to support development conversations, and to identify development opportunities.

13. The Commission also advertises all vacancies internally to ensure all employees have the same opportunity to apply. We apply robust merit based processes for all promotion and progression decisions to eliminate bias.

14. *What policies or processes does your organisation have in place to assist to prevent gender discrimination?*

15. The Commission has a number of policies in place to assist to prevent gender discrimination. These include our Code of Conduct, Harassment policy, EEO/Diversity and Inclusion policy, Recruitment policy, Capability and Development policy, Health, Safety and Wellness policy, Change Management policy, Leave policy, Protected Disclosures policy, Flexible Working policy and Disciplinary policy.

16. The Commission has robust merit based recruitment practices and diverse interviewing panels. Sign off for all hiring decisions is by the hiring manager, as well as the manager they report to. All vacancies are advertised internally, giving all employees the opportunity to apply.
17. We have a comprehensive capability and development process in place to support development and career aspirations for all employees.
18. We have a Diversity Network in place that promotes diversity and inclusion by increasing understanding of the different skills, backgrounds, values, and experience that our people bring to work so they can achieve their full potential.
19. *What provision does your organisation have for flexible work arrangements for legal staff (both men and women)?*
20. The Commission is committed to supporting flexible working practices which support an employee's personal needs, and balance between work, life and family. The Commission has a Flexible Working policy in place which provides guidelines for both employees and managers about how flexible working arrangements are managed at the Commission. Managers also received guidance from Human Resources. The Commission also has enabling technology in place to support flexible working for all employees.
21. *What numbers of men and women (please identify both groups separately) have had flexible work arrangements for the purpose of looking after children in the past 5 years?*

Gender	No of employees
Female	7
Male	1

Note that this table includes flexible working arrangements and does not include parental leave.

22. *What steps have been taken by your organisation to ensure that gender discrimination does not negatively impact on women legal staff returning to work after having a baby and/or who work flexibly?*
23. Managers liaise with employee prior to return to work to discuss preferred working pattern as per our flexible working policy.
24. Employees on parental leave are also included in the annual remuneration review.
25. There is a discussion with the manager regarding development goals and career aspirations.
26. Health safety & wellness practices are in place, which include monitoring of stress, workload, resilience training, EAP and mental health awareness workshops for managers.
27. *What training has been given to managers in your organisation to assist them to ensure that processes they implement and decisions they make do not, even unintentionally, discriminate against women legal staff?*
28. All managers received a 'Manager Induction' introducing them to key people policies and practices by Human Resources. They also have a dedicated HR business partner to support them in their day to day role and around decision making and people matters.

29. All people leaders have objectives set each year that incorporate the Commission's values and expectations as a Commission people leader. People leaders are assessed against these expectations and values throughout the year, as well as at formal reviews (both mid-year and year end).
30. All people leaders attend a management/leadership development programmes to develop their leadership capability.
31. Managers also received training on new HR/people related policies.
32. Wellbeing is a focus at the Commission, and managers have attended training on resilience and mental health awareness so they are better equipped to support their team members.
33. Our diversity network provides learning and knowledge sharing opportunities for managers around diversity and inclusion.
34. *What steps has your organisation put in place to ensure that gender discrimination does not impact on recruitment decisions?*
35. We have diverse panels for reviewing job descriptions, and job advertisements for biased language. Diverse panel to review CV's, and behavioural and competency interviews are also undertaken by diverse hiring panels. Merit based decisions including reference checking and psychometric assessments. Sign off for all hiring decisions is by the hiring manager, as well as the manager they report to.
36. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
37. Please note the Commission may publish this response to your request on its website. Personal details will be redacted from any published response.
38. If you have any questions in regards to this request, please do not hesitate to contact us at ويا@comcom.govt.nz

Yours sincerely



Rosie Brown
OIA Coordinator