



General Counsel for  
Diversity & Inclusion

**LONDON ROUNDTABLE**  
Shell Centre  
21 October, 2019

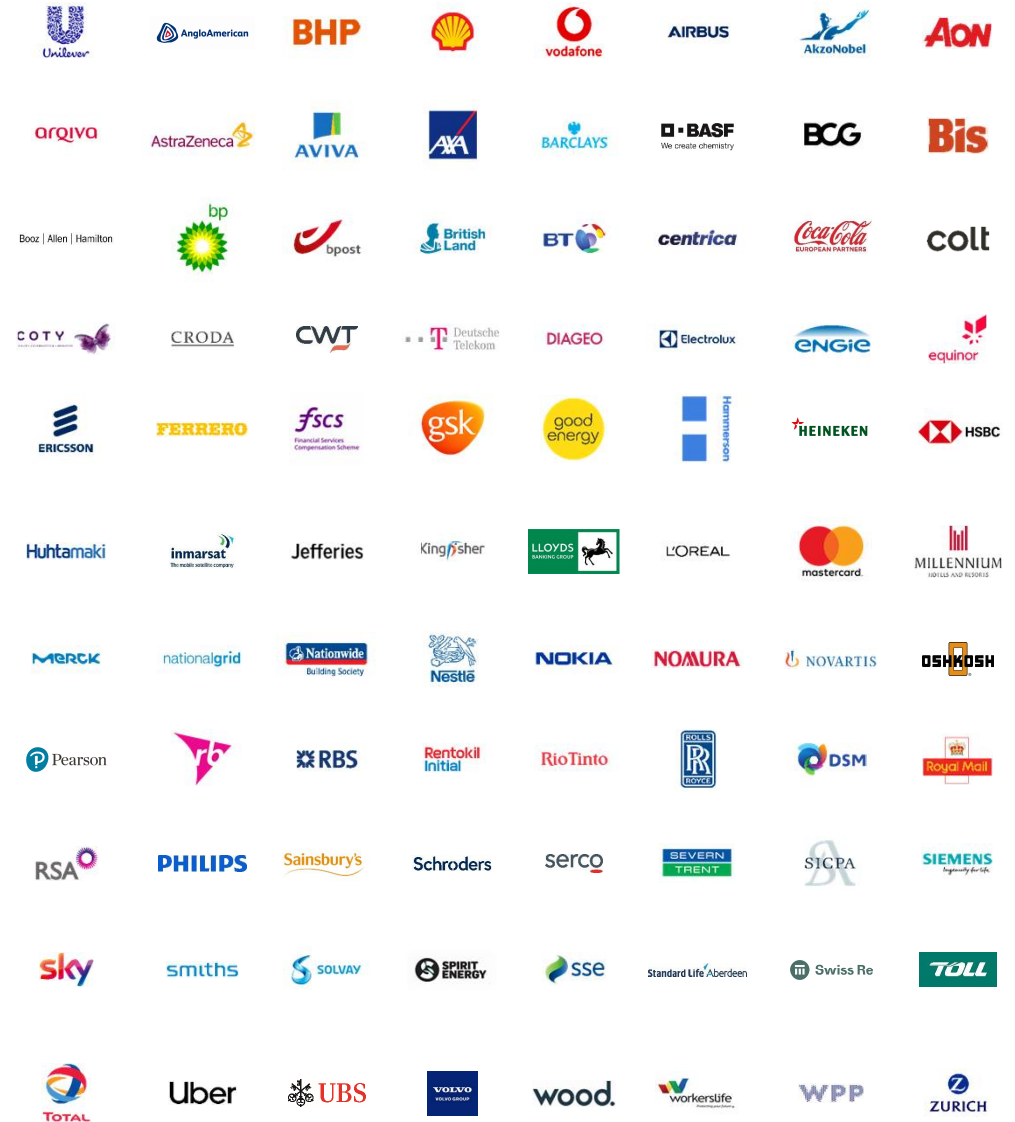
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# General Counsel for Diversity & Inclusion

## A Statement of Support

- **WE COMMIT TO PROMOTING DIVERSITY IN THE WORKPLACE.** We value the range of perspectives, ideas and experiences that diversity provides, whether grounded in gender, race, sexual orientation, disability, cultural background, religion or age.
- **WE BELIEVE DIVERSITY AND INCLUSION CREATE A BROADER, RICHER ENVIRONMENT** that enhances creative thinking, innovation and problem solving, which adds value to our organisations. We believe that inclusive organisations attract and retain top talent.
- **WE WILL THEREFORE ENCOURAGE GREATER DIVERSITY AND INCLUSION** in our own businesses and co-operate to foster these same values throughout the legal profession and the broader business community.
- **WE UNDERTAKE TO PRACTICE AND ADVANCE DIVERSITY AND INCLUSION BY:**
  - Promoting diversity and inclusion within our own teams;
  - Considering diversity and inclusion in our hiring and purchasing practices;
  - Encouraging and partnering with our law firms to adopt best practices in diversity and inclusion; and
  - Promoting diversity initiatives at all levels in the legal and business community.
- **WE, AS ADVOCATES FOR DIVERSITY AND INCLUSION,** will demonstrate our commitment through specific actions and initiatives.



# WELCOME



## Agenda

**4:30 pm** Introduction & Housekeeping

**4:40 pm** Discussions of how we engage with law firms

**5:25 pm** Discussions of in-house best practice

**6:10 pm** Conclusions

**6:25 pm** Next Steps

**6:30 pm** Drinks and canapés

# WELCOME



**DONNY CHING,  
LEGAL DIRECTOR  
ROYAL DUTCH SHELL**

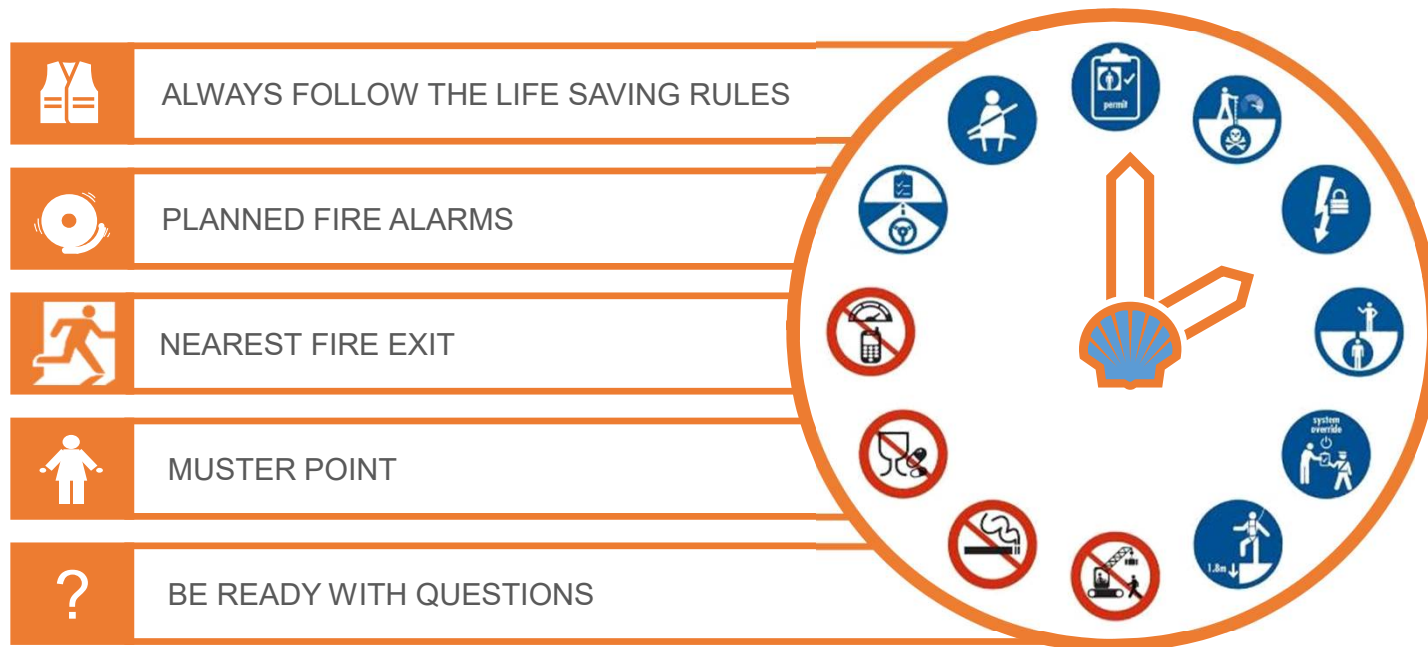


**ROSEMARY MARTIN,  
GENERAL COUNSEL  
VODAFONE**



# SAFETY

**HSSE MOMENT:** There is always time for safety



# ENGAGING WITH LAW FIRMS



**Cecilia Ferreira, Anglo-American**  
**Weiling Lim, Unilever**  
**Lisa Hart Shepherd, Acritas**  
**Lucinda Case, Thomson Reuters**

# ENGAGING WITH LAW FIRMS



## BACKGROUND

### THE PURPOSE

- Understand law firms' D&I status, policies and focus areas
- Understand law firms' current strategies, what we can learn from them, areas for improvement and steps we can take to working together
- Collaborate with law firms across Europe to **establish a best practice D&I policy** which increases diversity and inclusion in the legal community

### THE GOAL

- Survey law firms to understand current strategies
- Utilise information to build a future framework for in house counsel to use that includes:
  - D&I policy
  - Guidance
  - Resourcing
  - KPIs
  - Access to SMEs; and
  - Access to external HR talent management
  - Inclusivity for all

# ENGAGING WITH LAW FIRMS



## SURVEY RESULTS

### OVERVIEW

#### 14 qualitative interviews

- ✓ Interviewed D&I experts in law firms
- ✓ What would they welcome from GCs



### HEADLINE FINDINGS

- Cover all types of diversity, but limit reporting to gender
- Mutual commitment and cooperation needed to increase diversity
- Clients are a powerful lever for change
- It starts with a conversation
- There needs to be a baseline of must-have metrics, and consistency in required metrics
- Find a way to reduce the burden on firms



# ENGAGING WITH LAW FIRMS

## WE ARE IN THIS TOGETHER (TRULY TWO WAY CONVERSATION)

### Demonstrate mutual commitment to improving diversity

- Firms are at various stages of sophistication and all agree that clients play a key role in challenging firms – Firms want to work with clients to solve the problem
- However, some scepticism exists
- Initiatives take time to work
- Does the level of effort or success really influence how work is allocated?
- Most of the time, perception that clients prefer the A team. Diversity is secondary
- Sometimes, legal departments themselves are not diverse
- Work collectively to reach out to groups under-represented in the industry?  
Can clients help firms to bring people back from parental leave?



# ENGAGING WITH LAW FIRMS



## THERE SHOULD BE CONSISTENT METRICS

In order to hold firms accountable and measure progress, but reducing current burden

- Headcount breakdown – leadership and partners
- Hours breakdown on matters
- Value breakdown on matters
- **Credit?**
- **Gender pay gap for partners?**
- Collect across time period – matter to matter risks exposing sensitive characteristics



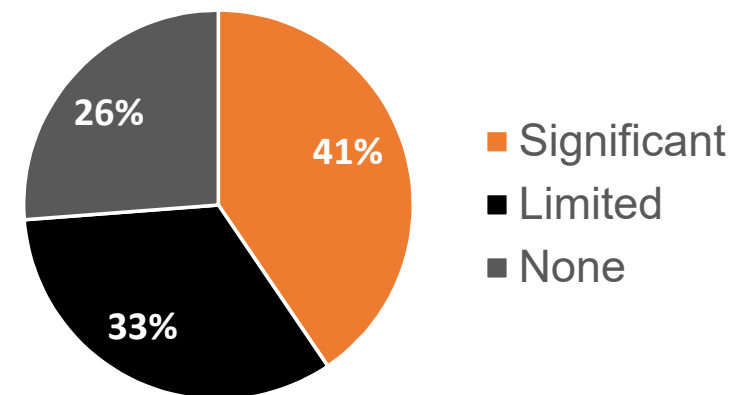
# ENGAGING WITH LAW FIRMS



## BUY IN 'DIVERSITY FRIENDLY' WAYS

### Firms feel clients are the most powerful lever for change

- Agree service standards – for example, traffic light system – with associated response times. Avoid last minute requests if possible
  - Project management skills as most needed training area for in-house counsel, according to external lawyers
- Accommodate part-time or flex workers and agree working team schedule at outset
- Consider tracking where work goes to – are you awarding work in a representative way
  - Have you investigated compensation systems work?



# ENGAGING WITH LAW FIRMS



## WHERE ARE TODAY'S THE GAPS?

- What are we not doing?
- What actions can be achieved?
- What else do we need to learn from firms to improve our approach?

# ENGAGING WITH LAW FIRMS



## WHAT ARE FIRMS DOING ABOUT IT?

Of the 45 diversity levers put forward,  
**the average firm had 25 levers in place**  
and were piloting another 8

# ENGAGING WITH LAW FIRMS



## MOST AND LEAST USED INITIATIVES

### Most used >85% of firms have in place

1. Genuinely consider part-time working requests
2. Flexible and/or agile working
3. Partnership promotion criteria do not disadvantage part-time lawyers (normalised)
4. Diversity is a stated strategic priority
5. Deal with bad behaviours

### Least used <15% of firms have in place

1. Blind or objective work allocation
2. We blind or semi-blind CVs
3. Reverse mentorships

### Most popular 'in pilot' initiatives

1. Mentors (40%)
2. Gender balanced matter teams (39%)
3. Gender balanced assessment teams recruitment (34%)

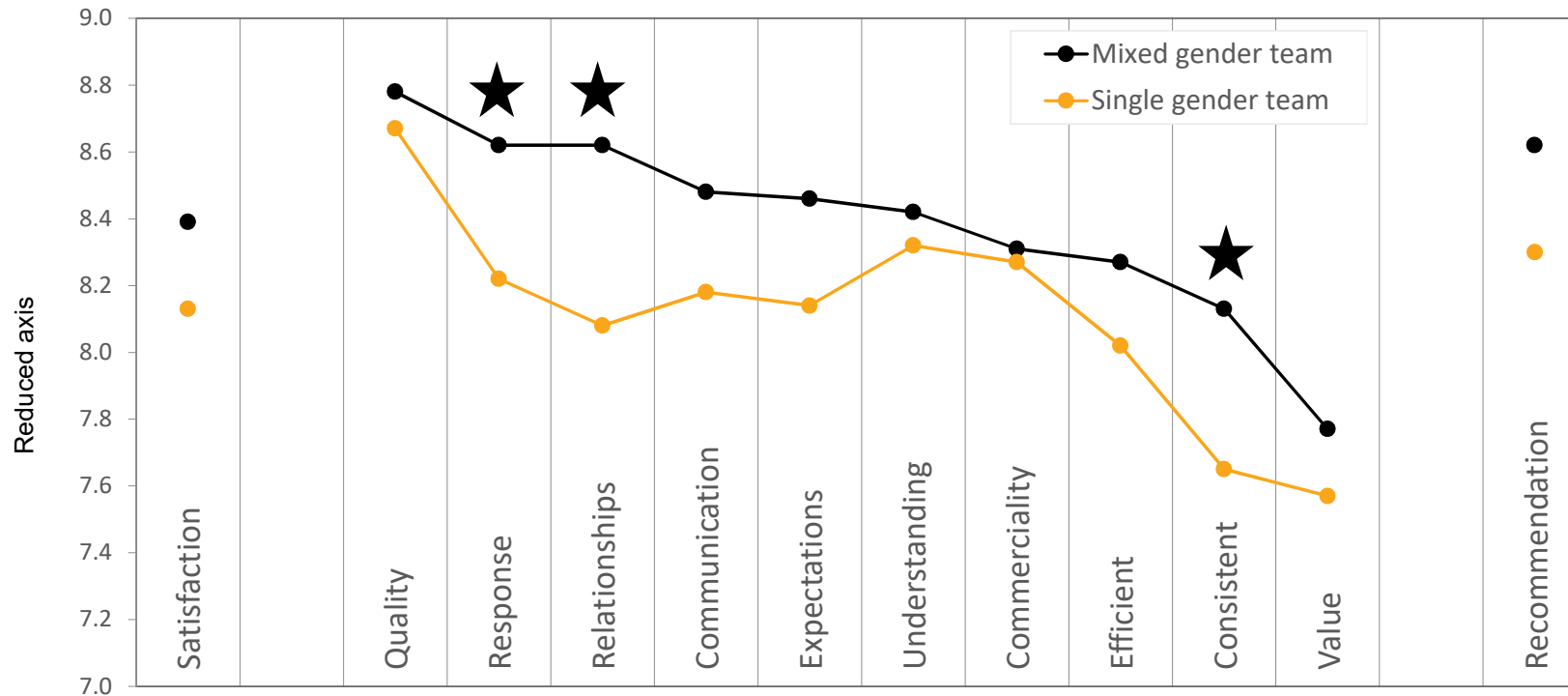
## THE MOST EFFECTIVE LEVERS – COMPARING CONSCIOUS RESPONSES AND WHAT THE STATS REVEAL

- Conscious responses – what’s working?
  - Flexible working and more focus on work-life balance
  - Tone from the top
  - Clear and transparent career paths and job descriptions
  - Positive female role models
- Which levers correlate with higher retention?
  - ✓ Gender balanced matter teams
  - ✓ Gender balanced RFPs
  - ✓ Leadership reinforces gender diversity as priority
  - ✓ Board-level representative for diversity
  - ✓ Track and analyse gender diversity data
  - ✓ Analyse gender diversity data by practice
  - ✓ Take strong stance dealing with behaviours contrary to diversity & inclusion policies/goals
  - ✓ Blind or semi-blind CVs to disguise gender

# ENGAGING WITH LAW FIRMS

## SUPERIOR PERFORMANCE ON KPIS

Clients rating external law firms: Single gender v mixed gender team



Significant increase in performance on responsiveness, relationships and consistency of quality



# ENGAGING WITH LAW FIRMS



## RECOMMENDATIONS FOR ACTION

### Firms feel clients are the most powerful lever for change

1. Include all aspects of diversity, but limit reporting to gender
2. Report back on law firm diversity metrics and show impact on work allocation
3. Legal departments agree to same frameworks and report on same metrics
4. Hold annual discussion with firms to discuss approaches and share successes and failures
5. Consider funding joint initiatives to target specific groups
6. Create guide of 'must have' and 'recommended' diversity initiatives
7. Ask firms to report on both types of initiatives
8. Request metrics at overall firm level once a year and across matters twice per year
9. Align with existing standard lists(SRA or Diversity Model Survey or Stonewall Index)
10. Commit to the Mindful Business Charter

# ENGAGING WITH LAW FIRMS



## NEXT STEPS

### Building on our research

- Broader survey launching in November to quantify findings from in-depth interview stage
- Output will be a short D&I policy document containing:
  - A set of key principles and objectives
  - KPIs that in house teams would expect the law firms they hire to adhere to and work towards (as applicable), potentially including:
    - Gender ratio, and/or
    - Talent development by protected characteristic

## OVERALL AMBITIONS:

1. Automate reporting
2. Governance program
3. Awards for firms and standardise rating

# ENGAGING WITH LAW FIRMS



## CASE STUDY

# ENGAGING WITH LAW FIRMS



# PANEL – Engaging with Law Firms



**Donny Ching, Shell International Limited**  
**Rosemary Martin, Vodafone**  
**Cecilia Ferreira, Anglo-American**  
**Weiling Lim, Unilever**  
**Lisa Hart Shepherd, Acritas**  
**Lucinda Case, Thomson Reuters**

# IN-HOUSE BEST PRACTICE



**Cecilia Ferreira – AngloAmerican**  
**Vivian Cadena – Unilever**  
**Ben Symes – Shell International Limited**

# IN-HOUSE BEST PRACTICE



- 1. Purpose**
- 2. What have we done and what's next?**
- 3. Overview of Survey Results**
- 4. Case Study – Good or Best? Practices shared by you**
- 5. Panel Discussion/Q&A**

# IN-HOUSE BEST PRACTICE

## 1. PURPOSE

To identify and collect best practices for inhouse legal teams which help establish a culture where diversity is cherished and inclusion the norm; and

To build a “data base” of materials to support in house legal teams on this journey





# IN-HOUSE BEST PRACTICE



## 2. WHAT HAVE WE DONE AND WHAT IS NEXT?

**Launched a survey amongst in house legal departments to self-assess the maturity of their D&I journey and benchmark this against peers, with results presented today**

**Continue gathering information on best practices, useful website links and publish these on the GC for D&I Initiative website for use by in house legal departments**

**Seek your views input on how what more we can do to help you moving forward**





# Global Diversity & Inclusion Benchmarks™

Collective General Counsel Results – October 2019

Draft - Confidential

Symmetra®

### A Competitive Advantage

Inclusive leadership has evolved from a 'nice to have' approach for working with diverse employees, into a definitive capability that separates high performing teams and companies from the average.

### Comprehensive and Practical

Based on best practice human centred learning and 70:20:10 principles, our blended approach is designed to give individuals the insight and the tools to build their own and others' inclusiveness.

### Win/Win

Our Inclusion and Unconscious Bias Programs are both a developmental opportunity for leaders as well as an initiative that will embed an inclusive culture and optimise business performance.

[www.symmetra.com.au](http://www.symmetra.com.au)



**Heather Price**

**CEO**



**Lisa Skovron**

**Managing Principal**

To assess  
**current state of D&I**  
for all signatories against  
**global benchmarks**  
and diagnose  
**strengths and  
development areas**

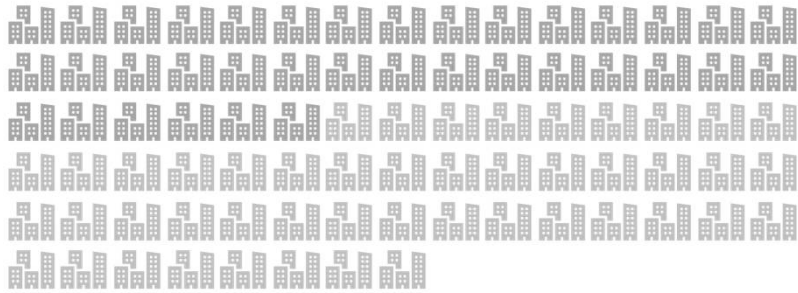
#### **OUTCOMES**

- Highlight strengths and priority development areas
- Share examples of excellence
- Inform collective future focus for all signatories

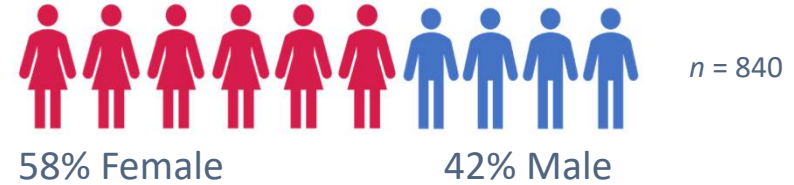
# Respondent profile

## Signatories

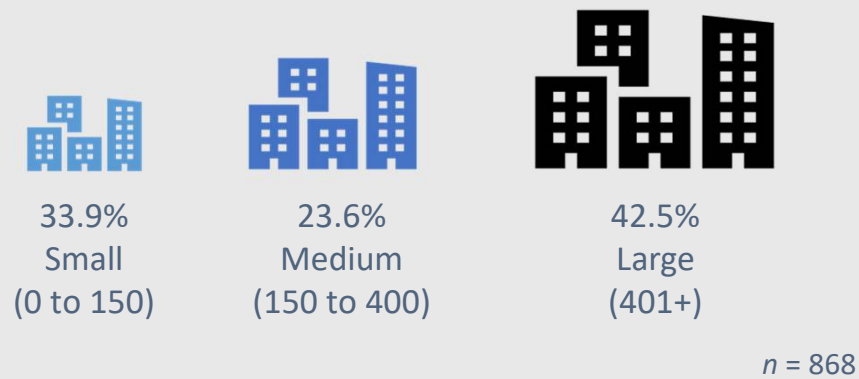
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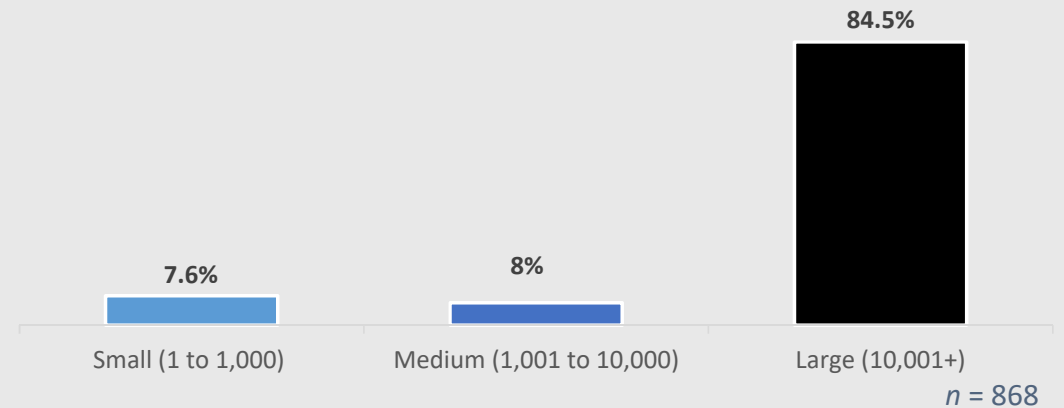
## Gender



## Legal Department Size



## Organisation Size (employee no.)



## Respondent profile

n = 868

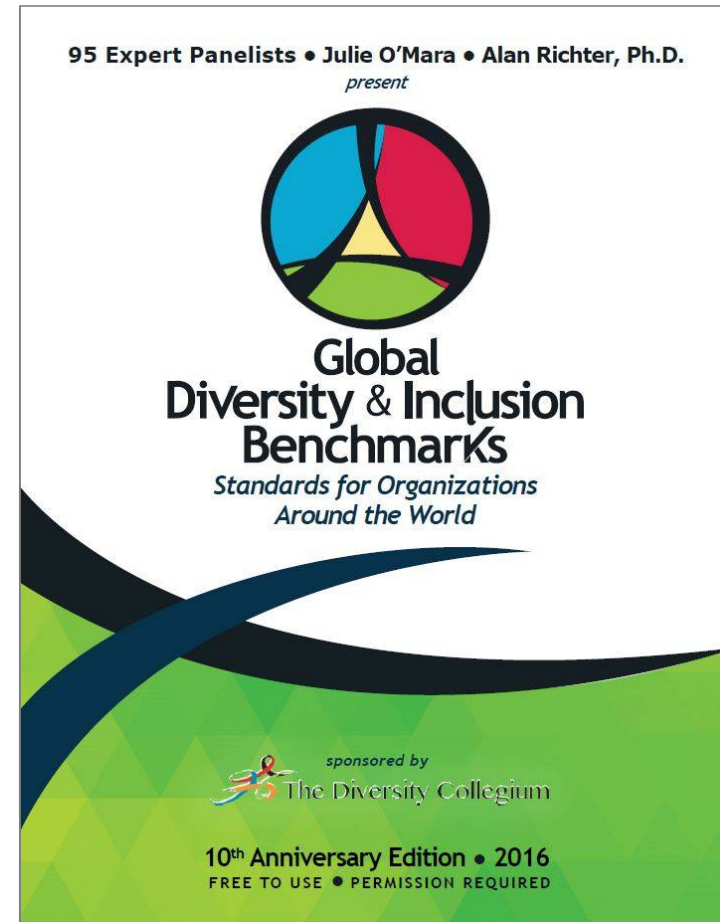
Sector	%
Resources, Energy & Industrials	45.4%
Insurance & Superannuation	13.8%
Manufacturing, Transport & Logistics	8.3%
Government and Public Services	5.9%
Information, Communication & Technology	5.1%
Banking & Financial Services	3.8%
Professional, Scientific & Technical Services	3.5%
Consumer Goods	3.3%
Engineering	3.2%
Transport, Logistics, Postal & Warehousing	2.3%
Science and Technology	1.7%
Healthcare & Medical	1.6%
Other	2.0%

n = 868

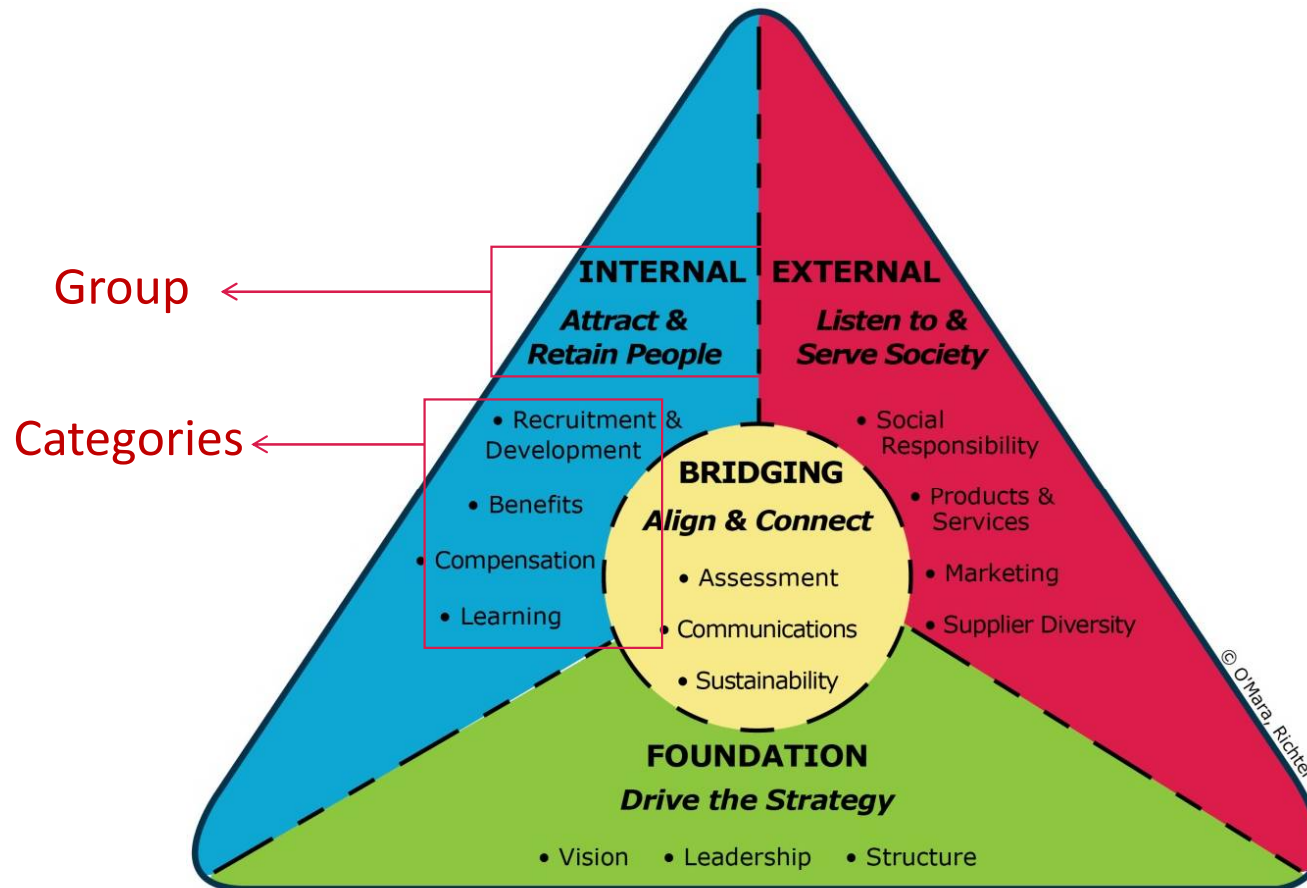
Region	%
Europe	46.4%
North America	19.0%
Asia and the Pacific	13.1%
Global	7.7%
Latin America and the Caribbean	5.5%
I prefer not to say	2.8%
Africa	2.1%
Other (please specify)	1.7%
Middle East	1.4%

# The Global Diversity and Inclusion Benchmark™

GDIB helps organisations realize the depth, breadth and integrated scope of D&I practices, access current state of D&I, determine strategy, and measure progress in managing diversity and fostering inclusion



# The GDIB™ Model



## Global Diversity & Inclusion Benchmarks



# The 5 Levels

## Level 5: Best Practice

- Demonstrating current best practices in D&I; exemplary for other organizations globally.

## Level 4: Progressive

- Implementing D&I systemically; showing improved results and outcomes.

## Level 3: Proactive

- A clear awareness of the value of D&I; starting to implement D&I systemically

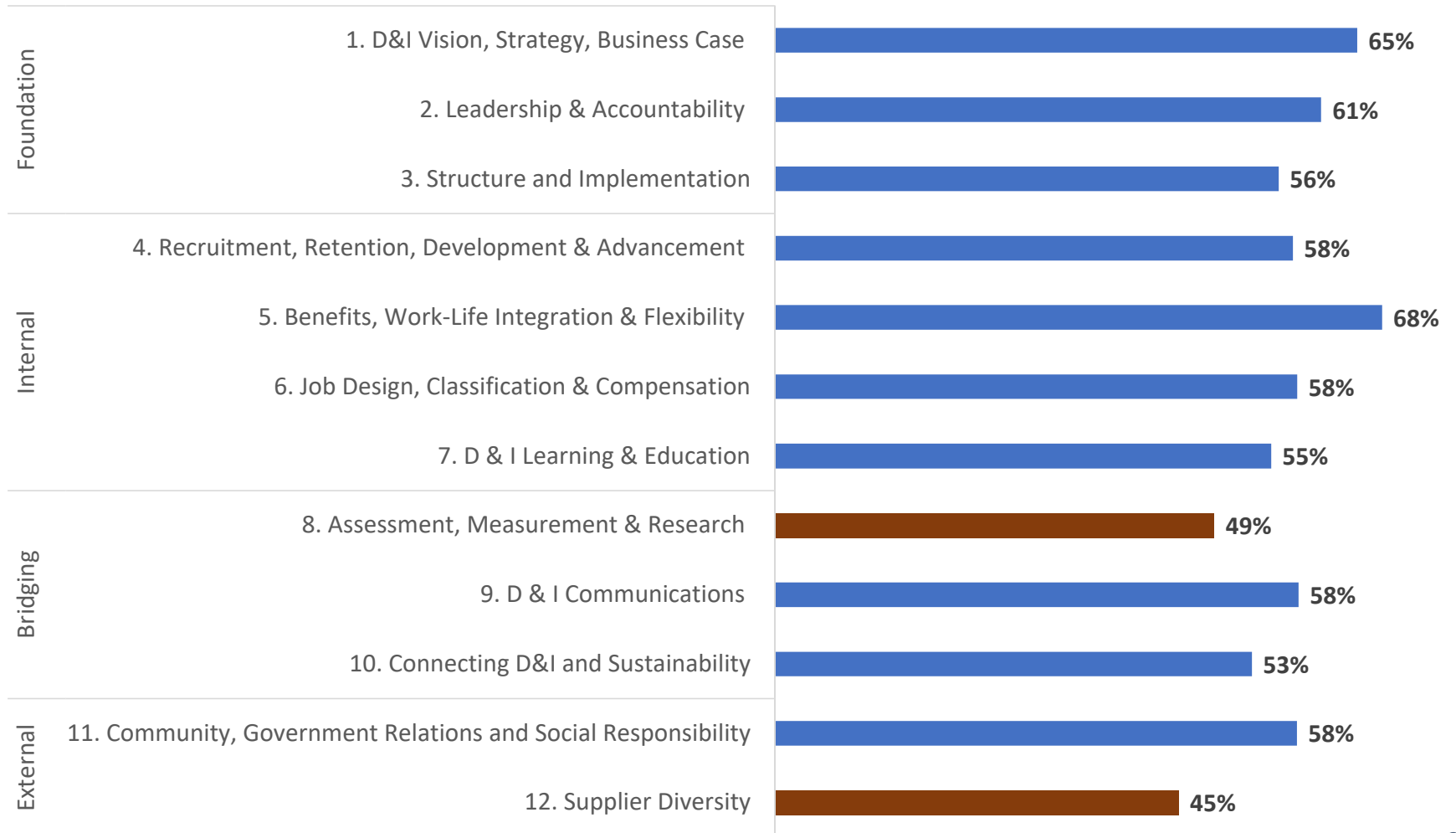
## Level 2: Reactive

- A compliance mindset; actions are taken primarily to comply with relevant laws and social pressures.

## Level 1: Inactive

- No D&I work has begun; diversity and a culture of inclusion are not part of organizational goals.

# Consolidated results



n = 835-868

# Consolidated results by Gender



Category Labels		Consolidated results	Female	Male
Foundation	1. D&I Vision, Strategy, Business Case	65%	61%	71%
	2. Leadership & Accountability	61%	58%	65%
	3. Structure and Implementation	56%	53%	60%
Internal	4. Recruitment, Retention, Development & Advancement	58%	54%	63%
	5. Benefits, Work-Life Integration & Flexibility	68%	65%	72%
	6. Job Design, Classification & Compensation	58%	55%	63%
	7. D & I Learning & Education	55%	52%	60%
Bridging	8. Assessment, Measurement & Research	49%	45%	54%
	9. D & I Communications	58%	55%	63%
	10. Connecting D&I and Sustainability	53%	49%	58%
External	11. Community, Government Relations and Social Responsibility	58%	54%	64%
	12. Supplier Diversity	45%	42%	49%

# Consolidated results by Size of Legal Department

■ Inactive   
 ■ Reactive   
 ■ Proactive   
 ■ Progressive   
 ■ Best Practice

Category Labels		Consolidated results	Large (401+)	Medium (150-400)	Small (0 to 150)
Foundation	1. D&I Vision, Strategy, Business Case	65%	69%	59%	63%
	2. Leadership & Accountability	61%	63%	55%	62%
	3. Structure and Implementation	56%	61%	50%	55%
Internal	4. Recruitment, Retention, Development & Advancement	58%	60%	54%	57%
	5. Benefits, Work-Life Integration & Flexibility	68%	69%	67%	66%
	6. Job Design, Classification & Compensation	58%	61%	54%	57%
	7. D & I Learning & Education	55%	61%	49%	53%
Bridging	8. Assessment, Measurement & Research	49%	52%	44%	49%
	9. D & I Communications	58%	62%	54%	56%
	10. Connecting D&I and Sustainability	53%	54%	50%	54%
External	11. Community, Government Relations and Social Responsibility	58%	61%	57%	56%
	12. Supplier Diversity	45%	50%	38%	44%

# Consolidated results by Organisation Size *(based on number of employees)*



Category Labels		Consolidated results	Large (10,001+)	Medium (1,001 to 10,000)	Small (1 to 1,000)
Foundation	1. D&I Vision, Strategy, Business Case	65%	65%	62%	69%
	2. Leadership & Accountability	61%	60%	61%	64%
	3. Structure and Implementation	56%	56%	55%	61%
Internal	4. Recruitment, Retention, Development & Advancement	58%	57%	57%	63%
	5. Benefits, Work-Life Integration & Flexibility	68%	68%	67%	68%
	6. Job Design, Classification & Compensation	58%	58%	59%	63%
	7. D & I Learning & Education	55%	55%	51%	61%
Bridging	8. Assessment, Measurement & Research	49%	48%	48%	55%
	9. D & I Communications	58%	58%	58%	61%
	10. Connecting D&I and Sustainability	53%	52%	57%	60%
External	11. Community, Government Relations and Social Responsibility	58%	58%	56%	60%
	12. Supplier Diversity	45%	45%	42%	52%

# IN-HOUSE BEST PRACTICE



## CASE STUDY

# CASE STUDY: good or best practice




# PANEL – In-House Best Practice



**Donny Ching, Shell International Limited**  
**Rosemary Martin, Vodafone**  
**Ben Symes, Shell, International Limited**  
**Cecilia Ferreira, Anglo American**  
**Vivian Cadena, Unilever**



# CONCLUSION AND Q&A



**Donny Ching, Shell International Limited**  
**Rosemary Martin, Vodafone**  
**Ritva Sotamaa, Unilever**  
**Caroline Cox, BHP**

# NEXT STEPS



Nicola Lancaster, Shell International Limited

<https://www.gcdandi.com/>



General Counsel for  
Diversity & Inclusion

**THANK YOU!**

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# APPENDIX – LAW FIRMS



There should be a set of ‘must haves’

- **List of diversity initiatives ranked by desirability**

1. **Stating diversity as a strategic goal (11)**
2. **Clear and safe procedure for reporting bad behaviours (8)**
3. **Declared target for diversity at partnership level (8)**
4. **Board level representative for D&I (8)**
5. **Offering training on sub-conscious bias to all (8)**
6. **Without exception, taking a strong stance on dealing with behaviours contrary to our D&I policies and goals (6)**
7. **Diversity in client relationship management (6)**
8. **Senior management sponsoring D&I initiatives (6)**
9. **Offering sexual harassment and bullying training to all (5)**
10. **Practice leaders embracing D&I initiatives and goals (5)**
11. **Openly report diversity data within the firm (4)**
12. **Adoption of D&I friendly recruitment and promotion practices (3)**

# Wider context from the market

## Thomson Reuters and Acritas' Transforming Women's Leadership in the Law (TWLL)

Face-to-face interviews and a  
broader web survey with nearly  
50 major law firms

## Acritas' annual Sharplegal market study

Telephone interviews with c.  
2,500 General Counsel situated  
globally to understand their  
experience of working with law  
firms

## Levers with negative correlations

### Correlating with lower retention

- Gender neutral networking
- Women's networks
- Mentoring
- Parental coaching

## Take-aways

1. Declare targets, create board/ practice leader accountability, and measure progress
2. Proactively engage in more dialogue with clients on this issue
  - ✓ Agree reasonable service level framework
  - ✓ Agree reporting procedure for bad behaviour
  - ✓ Present a diverse team with diverse leads
  - ✓ Agree targets
3. Rethink initiatives that create silos
4. Focus on initiatives that create integrated gender teams
5. Ensure quality conversations in mentoring and coaching sessions
6. Be clear on compensation criteria
7. Leverage training to reduce bias, bullying and harassment - and deal with bad behaviours

**Slide 47**

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**FKVG17** is this main slides?

Frampton, Kimberley, Vodafone Group, 16/10/2019

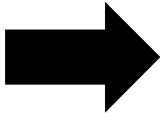
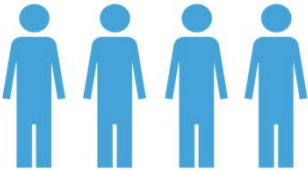


# Causes of lack of diversity

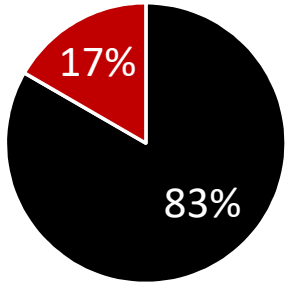
## Gender split when selecting lead partners

Female clients 50% more likely to pick a female lead partner than a male lead

Male clients

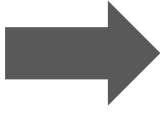


Lead partners

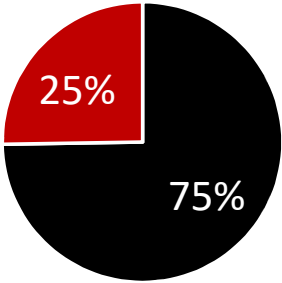


■ Male  
■ Female

Female clients



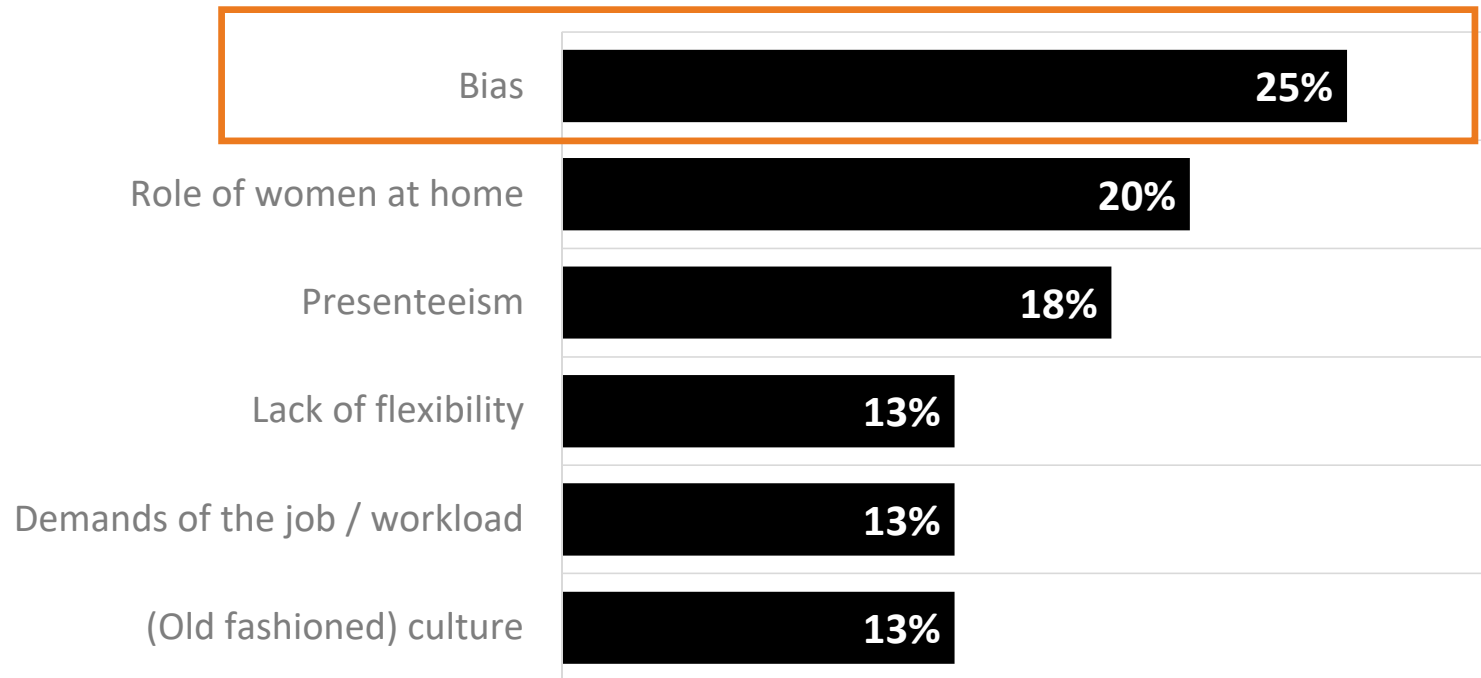
Lead partners



■ Male  
■ Female

# Causes of lack of diversity

## Perception of barriers to progression



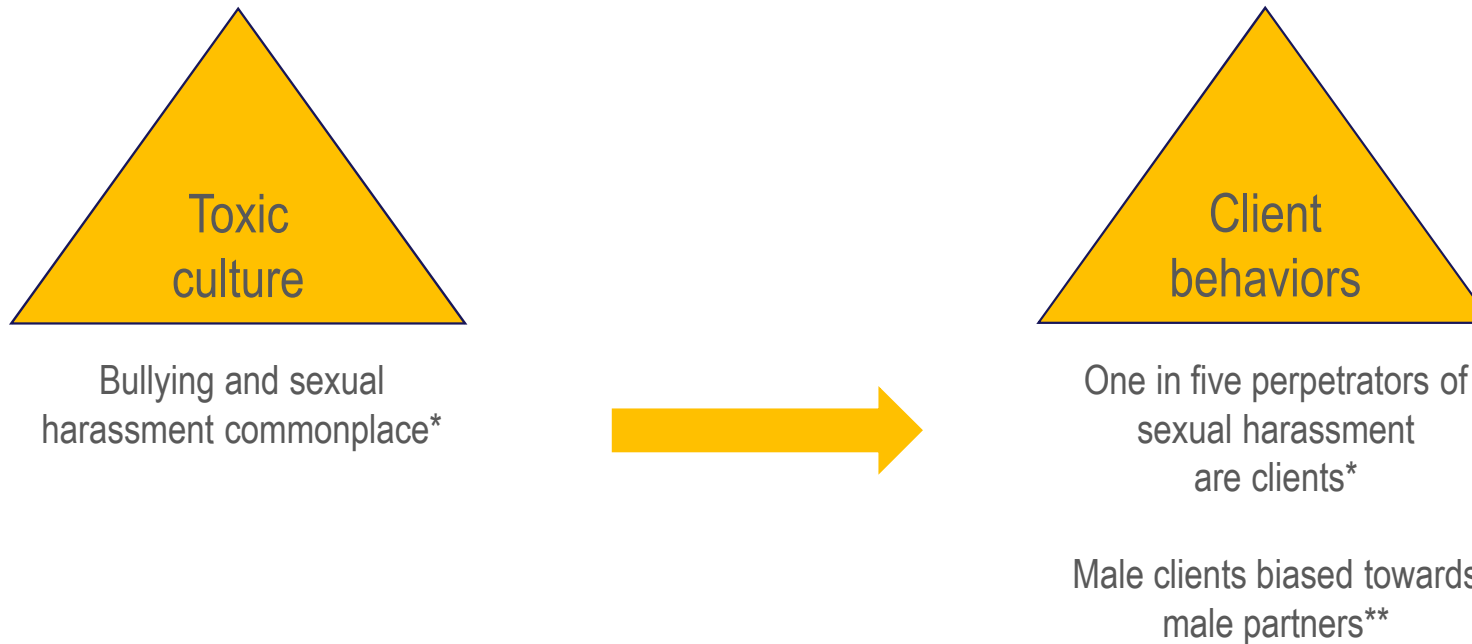
**Slide 49**

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**FKVG18** is this main story slide?

Frampton, Kimberley, Vodafone Group, 16/10/2019

# Other causes of lack of diversity

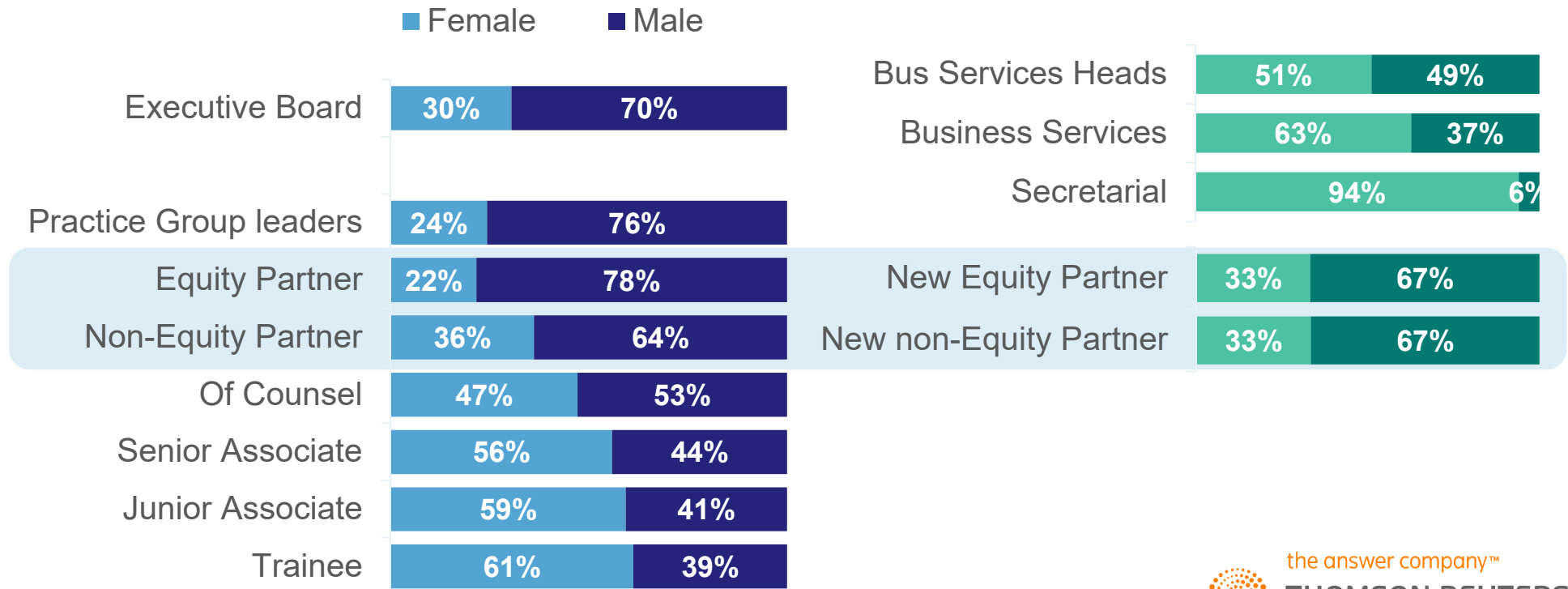


\*IBA study on bullying & sexual harassment in the legal profession 2019

\*\*Acritas Sharplegal 2018

# Average gender ratio by role

## Average proportion of men and women at each level across 38 firms



**Slide 51**

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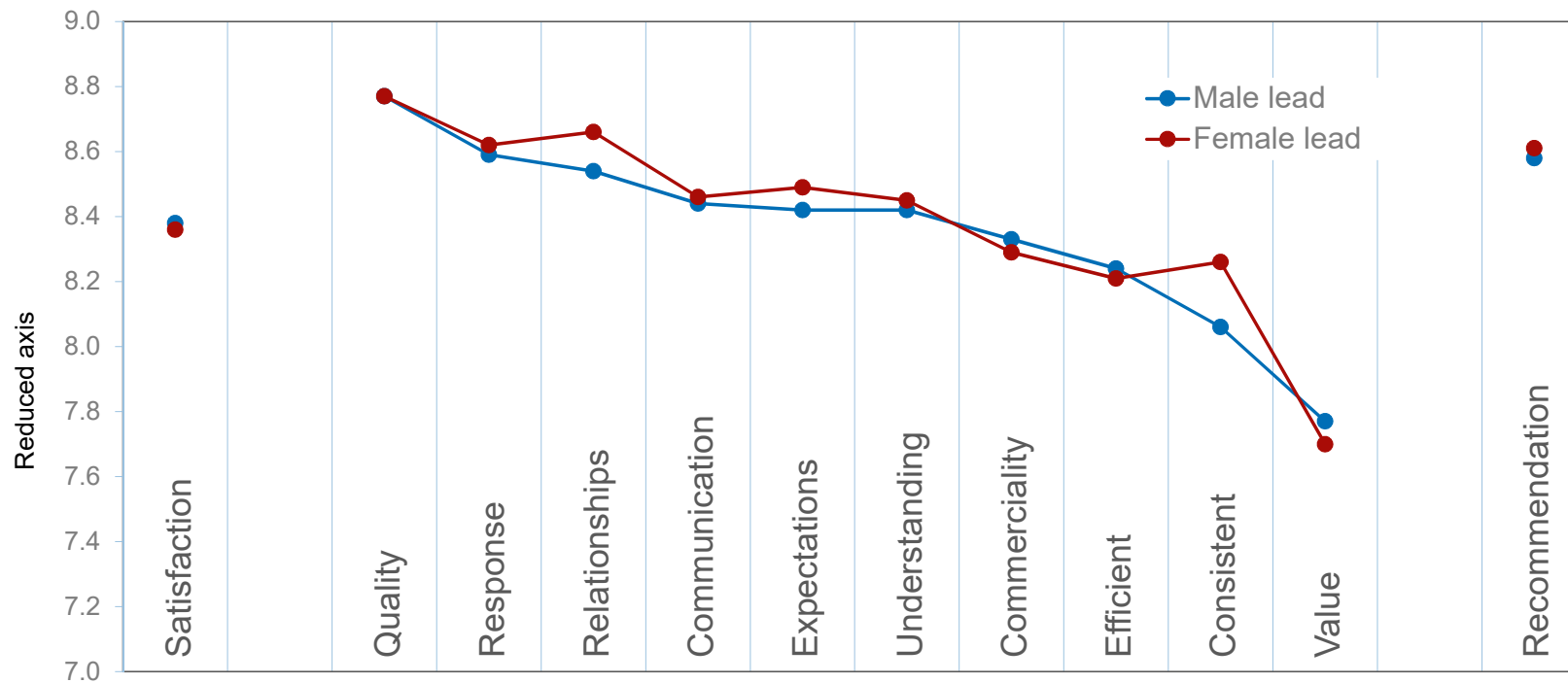
**FKVG10**

**back up**

Frampton, Kimberley, Vodafone Group, 16/10/2019

# Equal performance on KPIs

## Clients rating external law firms: Male lead vs Female lead



No significant difference in how clients rate the performance between male and female partners

