



Speech to Law Week Breakfast

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The legal profession can learn from the corporate world to increase female participation in senior leadership roles, says Deidre Willmott.

In 1985, the year I completed my law degree at the University of Western Australia, there were no women on the High Court of Australia or the Supreme Court of Western Australia and no women Queen's Counsel in this state. But I don't remember being too concerned. Like the previous graduating classes, my year had more women than men. We were confident that with those numbers the opportunities would open up.

I did my articles in 1986 at Parker & Parker. Harry Dixon SC was my principal and His Honour Justice Tony Siopis was my mentor. At the end of that year I went to London with my husband and worked there for two years. By the time we returned we had our first daughter.

I went to Parker & Parker to ask if I could work part-time. The response was immediately positive; with so many women coming into the profession

the firm was very keen to develop a successful model for part-time work. I worked every morning and went home in the afternoon where I had installed the latest technology, a thermal fax machine, so I could dictate documents in the office and check them at home. Soon Annette Schoombee joined me working part-time. Partner Oscar Shub realised the potential and asked if we knew other experienced lawyers who might want to work part-time. As a result Parkers laterally hired outstanding women lawyers to work part-time.

My clients all seemed happy with the arrangement and at a directions hearing in the Federal Court the discussion turned to setting the date for the next hearing. A Friday afternoon was suggested, but Justice French (as he then was) sat up in his seat, looked my way and said, "Ms Willmott works part-time, when would be a suitable time for you for the hearing?" So we set a date and time that suited my working hours.

Despite Chief Justice French and his progressive attitudes towards women, progress in the legal profession has been very slow. The legal profession can start by taking lessons from the corporate world on how to increase female participation in senior leadership roles.

Women law graduates have outnumbered men for nearly 40 years, yet frustratingly the gender imbalance on the bench remains. While we can celebrate the recent appointment to the High Court of UWA Law School graduate Justice Michelle Gordon, researcher Conrad Liveris informs us that women make up just 14 percent of the Supreme Court, 21 percent of the District Court and 38 percent of the Magistrates Court. Only the Family Court closely reflects broader society, with women making up 55 percent of the bench.

Just 8.8 percent of silks appointed in Western Australia are women, behind the national average of 9.5 percent. WA leads the country in the appointment of female law firm partners, 23 of 98 partners in top commercial firms here are women — that is still just 23.4 percent compared with the national average of 20 percent.

The legal profession is not alone in having a problem with women. The first step in solving any problem is to see there is a problem and the second step is to decide that it needs to be solved. Without those two things nothing will happen.

In terms of recognition of the problem, in recent years there has been a growing focus on the under-representation of women in the workforce and particularly in senior leadership roles. The business world has recognised it has a problem

with women.

Women's contribution to the workforce has been steadily increasing. In Western Australia, female participation has risen five percent in the last 20 years from 54 percent in 1995 to 59 percent today. Male participation has been steady at around 70 percent over the same period.

In that time there has been an increase in the number of women in senior executive roles and on boards, but there is a long way to go. In 2012, 12.3 percent of directors on the boards of ASX 200 companies were women and in WA just four percent of directors were women.

Following a concerted effort, the national percentage of women on ASX200 boards has increased to 20 percent, with women comprising 30 percent of new appointments to boards last year.

In WA, women now make up 13 percent of directors, but with a number of companies dropping out of the index, the

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total number of female directors in WA has actually decreased.

Just 10 percent of senior corporate leaders in Australia are women and in WA this figure is 5 percent. In other words, in Western Australia, men are nearly 20 times more likely to be senior corporate leaders than women. In Australia, the chair or CEO of an ASX200 listed company is more likely to be called Peter or Michael than to be a woman — there are 26 Peters, 23 Michaels and 23 women in the top two corporate positions in this country.

The national gender pay gap has increased over the last 20 years from 16.5 percent to 18.2 percent. In Western Australia the pay gap is 25 percent. In the Australian legal profession, the gap is 36 percent.

This should be unacceptable to all fair-minded members of the legal profession. Young women cannot be allowed to emerge from school and university into this reality. Change is required but women cannot change this situation on their own. This is what underpins the UN Women's "HeforShe" Commitment, which asks men to personally pledge to end disparity.

Once the corporate world recognised its problem with women, the reason to change was easy: it was good for business. International and Australian

research has consistently shown a strong correlation between greater gender diversity at board level and the improved financial performance of companies.

The Australian Institute of Company Directors launched the Chairmen's Mentoring Programme in 2010. This initiative involves chairmen and senior directors of listed companies mentoring qualified women for a 12-month period. They also introduced scholarships, training programmes and networking events and actively promoted the importance of diversity to boards and those involved in board recruitment. They secured the support of high profile corporates such as Westpac, Woolworths and Price Waterhouse Coopers.

Make no mistake, the business world is still a long way off parity, but it is moving in the right direction and there has been a huge improvement in the numbers of women being appointed to boards.

There is motivation to appoint women to boards but there is a scarcity of talent because of a lack of women in senior leadership roles in companies and the pipeline is filling too slowly. Even in companies and industries where women are recruited as graduates, they are not staying long enough to rise to senior leadership positions in strong numbers.

It is increasingly clear that the only way to increase the number of women in senior leadership roles is through cultural change led from the very top of a company or organisation.

In 2010 then Sex Discrimination Commissioner Elizabeth Broderick formed a group of about 20 men called the Male Champions of Change made up of influential CEOs and chairs of different organisations. This included ASX200 companies, accounting firms, management consultants and investment banks — but, interestingly, no law firms.

The Male Champions of Change positioned themselves to actively advance gender equality across their own businesses and also to act as public advocates.

They formed an action plan that included:

- stepping up as leaders and demonstrating commitment to increasing the representation of

women in leadership;

- integrating the objective of gender equality across business processes with clear targets and accountability;
- disrupting the status quo by not accepting that obstacles to women's advancement are inevitable or insurmountable; and
- recognising that traditionally the most common route to senior leadership positions has not included career breaks and visible caring responsibilities and redesigning roles, career paths, policies and processes to give consideration to people managing a 'double burden'.

Last year the Male Champions of Change joined with national women's organisation, Chief Executive Women (CEW), to release a management model to drive gender equity called *The Leadership Shadow*.

The model starts with the view that leaders must understand their own impact – the shadow they cast.

It continues:

The path to lasting performance improvement on any priority – like gender balance – starts at the top. What we say; how we act; what we prioritise; and how we measure together determine what gets done (and what doesn't).

Leaders are urged to look at how they act and what they say to demonstrate that gender balance is really a priority for them. The point is they should look internally and externally, and this can include even looking at suppliers.

One thing the Male Champions of Change have agreed is that they won't speak as part of a panel that doesn't include women.

This might not seem like a big advance but it makes a statement and drives behavioural change on the part of others.

CEW has conducted a number of case studies analysing the performance of companies and organisations through the prism of the model set out in *The Leadership Shadow*.

One case study involves Westpac, which was an early leader in promoting gender diversity from the early 1990s. However, by the time Gail Kelly was appointed CEO in 2008 there was a perception that a number of senior women had left and momentum had slowed. So in 2010 Gail Kelly announced a target for women of 40 percent of management.

When the target was set there was scepticism, especially from men who

thought it would be unfair to them. Gail Kelly countered this with strong statements about the importance of meritocracy. It was pointed out that if the target was 40 percent for women, then it was a 60 percent target for men.

Some of the initiatives that Gail Kelly implemented were:

- the appointment of a Head of Diversity;
- the establishment of a Westpac Group Diversity Council chaired by Gail Kelly and including the full Executive Team;
- the commencement of Westpac team or "People Days" focussed on key talent and retention risks;
- the preparation of action plans for the retention of all senior women;
- the introduction of a three month mentoring programme for junior women;
- the introduction of a gender diversity KPI for the CEO, which cascaded down through all management levels; and
- a special effort to mainstream flexibility.

With these initiatives being driven from the top, Westpac reached its target of 40 percent two years early. They have now set a target of 50 percent by 2017, which is being driven by new CEO Brian Hartzer.

Another CEW case study was Woolworths.

In 2004 Woolworths realised that while 60 percent of their employees were women only 16 percent of their top 500 leaders were women. They set out to understand the problem and found that women between 25 and 35 were leaving even before going on maternity leave. Their reasons were leadership, culture and a lack of career opportunities.

One of the sacred cows that Woolworths tackled was the leave embargo over the Christmas and New Year period. This company wide policy created huge issues for women juggling work and family but was seen as critical to running a retail operation. Michael Luscombe managed this by giving the business unit leaders greater autonomy, and appointing women to some key roles.

The company has since seen a significant increase in the number of women in leadership roles and has set targets for continued improvement.

In Western Australia, a group has been established called CEOs for Gender Equity. This group of 18 CEOs includes Richard Goyder of Wesfarmers, Alan

Cransberg of Alcoa and Rob de Luca of Bankwest. I am a member, as is Jenni Hill, who chairs the Flexible Workplaces Focus Group.

Until recently Jenni was a partner at Norton Rose Fulbright and at the launch of CEOs for Gender Equity last year she spoke about initiatives introduced at the firm, including making partners Flexibility Champions and providing training on the business case for well-designed flexible workplace arrangements.

In the Perth office of Norton Rose Fulbright, 36 percent of partners are women and 28 percent of staff are working flexibly.

Yet it seems there is a way to go.

The Law Council's National Attrition and Re-Engagement Study (NARS) Report has highlighted issues that are impacting female engagement in the legal profession, such as:

- the pressure of time billing and excessively long working hours;
- the lack of access to mentors;
- the competitive nature of the workplace, making people reluctant to raise concerns about workload pressures;
- the cultural barrier present as a result of the number of males in senior roles; and
- a lack of women in leadership roles contributing to a male dominated culture.

Many of these issues are not unique to the law. As CEO at the Chamber of Commerce, I look at these issues across the economy and as an employer. The CCI represents more than 9,000 members across all industries and regions of the state. It also delivers a wide range of services to members and has more than 250 staff.

At CCI, we believe the stronger our members are, the stronger our economy is. Last year we published a 20 year vision for Western Australia called *The State of the Future*.

Our vision is that by 2034 our economy can double in size to \$570 billion, we can see an additional 740,000 jobs, our population can increase by a million and more than half a million additional people can have a tertiary qualification.

A key goal of this vision is that workforce participation rates of all groups in our community be equal to the overall participation rate. This includes those groups currently under-represented: women, people with a disability, Aboriginal Australians and older workers.

Government and business have an important role to play, through training, flexible work practices, access to childcare and reforms to the tax system.

In addition to advocacy, the CCI and its members contribute to the community through training and apprenticeship programmes. Through our Vocational Training and Employment Centre, we are working with the Australian Government, GenerationOne and our members to provide guaranteed jobs to 325 Aboriginal people. We also provide the training and support they need to succeed at those jobs.

Arguing for increased participation of women at all levels of industry is an important part of our policy agenda.

I was very fortunate that during my career as a lawyer I had the support of many people who valued the contribution that women could make to the profession.

Given my own experience, which I saw as very positive, I am disappointed that things seem to have gone backwards for women as a whole. The law needs to focus on the role of leaders in the profession, which is a common goal if you look to the corporate world.

Here are eight things from the corporate sector that the legal profession can do right now:

1. Form a group of champions, male and female leaders, who are committed to changing the culture of the profession and to showcasing and learning from policies and practices that are successfully increasing the retention of women; if you are not already doing something like this, this could be an excellent initiative for the Law Society;
2. Focus on the role of leaders in the profession, not just law firm management, but all people in senior roles in the profession, think about your shadow, what you say and what you do to encourage women, as Chief Justice French encouraged me many years ago;
3. Consider setting targets, as a profession and within firms;
4. Audit payrolls and address the gender pay gap. It is well established that this gap starts with graduate salaries. I urge you to look at your organisations;
5. Examine structures; are high rents and other non-legal overheads putting pressure on your margins and forcing you to focus unduly on utilisation as a driver of profit? Is this reducing the flexibility options that you can offer or creating tension

around those options;

6. Introduce mentoring programmes to encourage women in their career progression;
7. Consider a scholarship programme. CEW's scholarship programme sends young women away on short courses to study leadership at critical points in their careers and provides applicants and their referees an important opportunity to reflect on career successes to date;
8. Look out for the Committee for Perth report *Filling the Pool* to be released in June. This research involved interviewing a very wide range of WA women in business and will contain a number of recommendations.

To young women, and for those of who mentor or advise young women:

1. Stay positive and be confident. Make sure you let others know what you want. If you are offered an opportunity to lead on a matter or take a leadership role, don't say you are not ready or worry about how you will juggle all your commitments. Someone else thinks you are ready, so just do it ... or your male colleagues will.
2. Speak up, or, in the words of Sheryl Sandberg, "Lean In". Sit at the centre of the table in meetings, don't let others talk over you, your views are important and you are letting the team down if you don't make yourself heard;
3. Your best mentor is actually your boss. This is the person who is best placed to advise you on your progress and next steps. If you are at the Bar or your boss is not going to mentor you, find another person you can talk to about your career;
4. Take time to get to know your peers in the profession and especially your firm or organisation. This applies at all times but especially if you have children and are busy juggling family and work. It can be easy to focus on outputs or billable work and not notice that your male colleagues are building important connections that will take them to the next stages of their careers.

Sixty-five percent of graduate lawyers are women, but more women than men leave law within five years of entering the profession, and between the ages of 35 and 55 the number of women practising law declines by 75 percent.

Turning this around is important for our community. Every year many of the brightest young women in our state study



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law and enter the profession. As their employers, colleagues, partners and parents, we should want them to have the best opportunity to realise their dreams and contribute to society.

As professionals we should all want the best and brightest to remain in the profession and find their way to the top. Yet that is not happening.

The lesson from the corporate world is that leadership is required. Recognising the problem puts you on the road to solving it.