

Te Tari Ture o te Karauna Crown Law

Kia Toipoto Pay Gap Action Plan
2023/24

Introduction

The delivery of Kia Toipoto: Public Service Pay Gaps Action Plan will continue to be a strategic priority for Crown Law as part of our overall approach to Diversity, Equity and inclusion. We remain committed to making progress – working on this with our people, people networks, the Public Service Association (PSA) and Te Kawa Mataaho Public Service Commission in order to achieve the Kia Toipoto goals.

Major achievements over the last year related to the equal pay work (which gave us assurance that neither gender nor ethnicity is a factor in salaries for the same or similar roles), an increase in take up of flexible working and work to improve transparency of remuneration and starting salaries.

Our pay gaps are mostly due to our workforce having a higher proportion of women, Pasifika and MELAA in support roles than in our more senior leadership or counsel roles. Eliminating our pay gaps completely relies on having more even representation at every level of our organisation.

We know there is work we need to do to create an inclusive work environment in order to attract, retain and develop a diverse workforce that is representative of Aotearoa.

This action plan represents our focus for the next year.

Developing our Action Plan

Our 23/24 Action Plan aligns to the goals set out in Kia Toipoto 2021-2024 Public Service Action Plan which are to:

- Make substantial progress toward closing gender, Māori, Pacific, and ethnic pay gaps.
- Accelerate progress for wāhine Māori, Pacific women, and women from ethnic communities.
- Create fairer workplaces for all, including disabled people and members of rainbow communities.

The 23/24 Action Plan was developed in partnership with employees from across Crown Law, the PSA and with our people networks.

This work will require a long-term approach and we remain committed to high levels of employee involvement in the Kia Toipoto programme. We have established a working group of employees, PSA representatives and workstream leads to support the delivery of this work and our wider diversity, equity and inclusion priorities.

In setting this plan we have captured new and planned actions for the 23/24 financial year. More work is to be done to build on and evolve this work as we develop supporting work programmes and initiatives, for example the introduction of our Diversity and Inclusion Strategy.

Key Insights

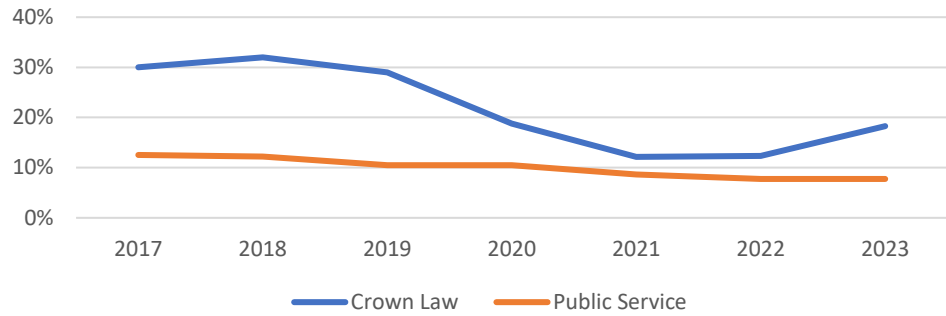
Since 2017, we have seen the largest decrease in our overall gender pay gap (GPG) of any public service agency reducing from 30% in 2017 to 18% in 2023. In the past year we have reduced our pay gaps for Māori from 13.42% in 2022 to 8.89% in 2023. This is due to:

- An increase in representation of women in leadership roles.
- Several targeted reviews to address potential gender or ethnic pay issues applied through the annual pay gap review.
- Our remuneration framework has helped to address our gender and ethnic pay gaps by ensuring standardised increases.

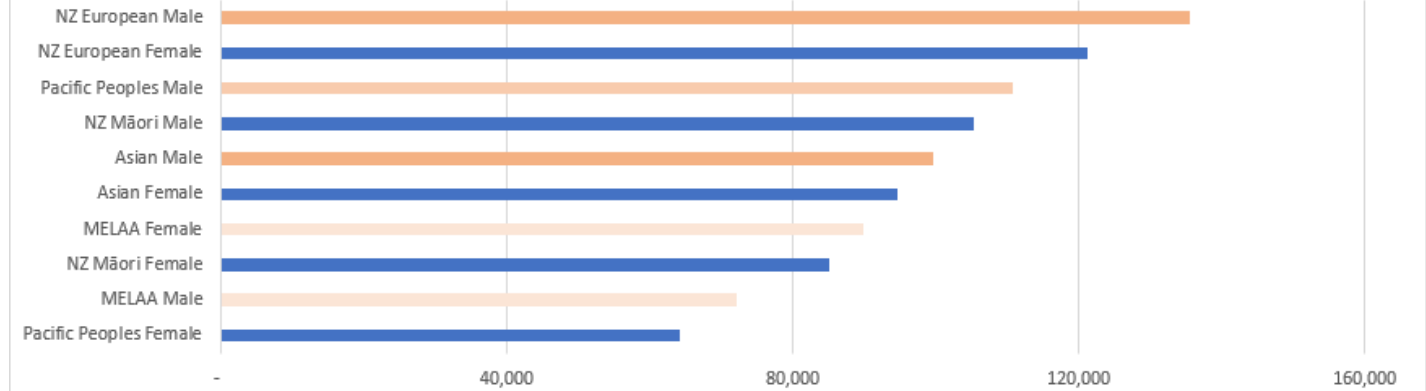
While we have made significant progress, our overall gender pay is still higher than the public service average of 7.7% in 2022 and we have more work to do to reduce the pay gaps for Pasifika employees.

Our pay gaps are mostly due to our workforce having a higher proportion of women, Pasifika and MELAA in support roles than in our more senior leadership or counsel roles. Eliminating our pay gaps completely relies on having greater ethnic representation at every level of our organisation.

Te Tari Ture o te Karauna GPG since 2017



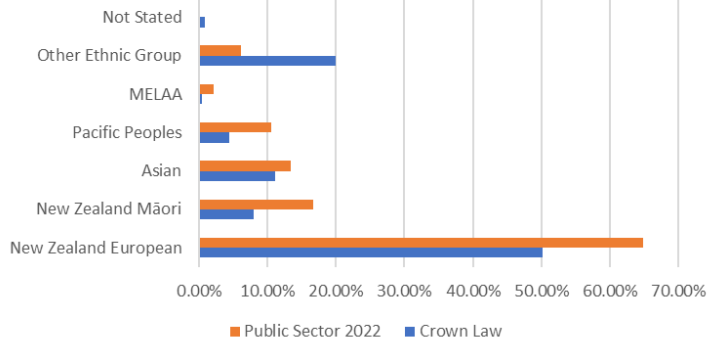
Average salaries by gender and ethnicity



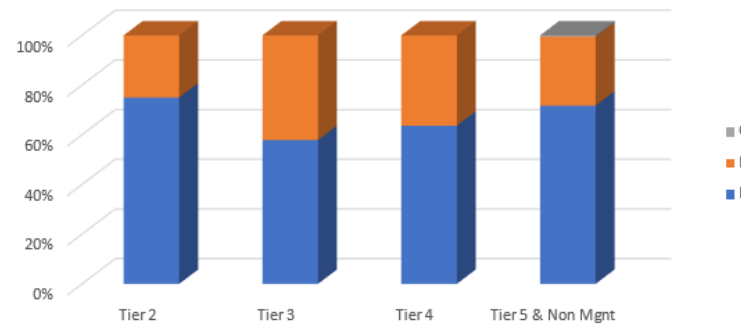
Ethnic Pay Gaps 2022 v 2023

| | 2022 | 2023 |
|--|--------|--------|
| NZ Māori | 13.42% | 8.89% |
| Pacific Peoples | 31.13% | 27.90% |
| Asian | 19.18% | 12.00% |
| MELAA (Middle Eastern, Latin, American/African) | 30.27% | 44.33% |

Ethnic Representation vs the Public Sector



Management level by Gender



Representation by Ethnicity



What we have done

- ✓ In July 2021 a new step-based remuneration framework was implemented (co-designed with the PSA).
- ✓ We introduced starting salary guidance and began to publish remuneration bands in all job ads 2022.
- ✓ Documentation about our remuneration framework and starting salary guidance is readily available on our intranet
- ✓ HR Kiosk has been updated to include individuals' new grade and step information to ensure individuals have transparency

What our people told us

- *Application of HR policies is not always transparent – e.g. flexible working dealt with differently across the office*
- *It can be difficult to find policies and information on our worksite pages (intranet)*
- *People are unaware of some policies that might be useful to them*
- *We often rely on knowledge held by individuals, rather than policies and processes. Knowledge is often lost when people leave*

What we will do over the 23/24 year

- Review and update our suite of HR policies and processes (with input from our employees, networks and unions) ensuring they are easy to access and understand.
- Undertake a project to refresh our induction processes ensuring an inclusive, streamlined and a practical process for new starters and those organising
- Simplify our intranet pages and encourage people to use the intranet or check in with HR for up-to-date information rather than printed copies
- Increase visibility of the HR structure and who to contact

How we will measure success

- We will engage with our people and publish our Kia Toipoto Action plan annually.
- We will seek feedback to ensure information about HR policies, processes and remuneration are easy to access and understand.

| What we have done | What our people told us | What we will do over the 23/24 year | How we will measure success |
|---|---|--|---|
| <ul style="list-style-type: none"> ✓ Since 2018 our gender pay gap has decreased from over 30% to 18% ✓ Our annual pay gap reviews give us confidence there are no gaps when we compare like for like roles – however having greater diversity across more senior roles would further contribute to decreasing our pay gaps. ✓ We have worked with our cohort of junior lawyers, as part of the bargaining process, to set pay levels based on post qualification for junior lawyers. ✓ We are in the process of implementing a new payroll system which will support us to develop clearer reporting on potential pay gaps and drivers. It will also support people to enter and update information about themselves e.g. ethnicity and gender | <ul style="list-style-type: none"> • <i>Once you are locked into a role type / remuneration band it can hard to change trajectory – hard to know to start with if the band is right – not knowing the performance of the person.</i> • <i>It can be hard to know how your role / remuneration band compares to others as roles are so different.</i> • <i>Inconsistent application of remuneration bands for counsel and strategy and corporate employees</i> • <i>Women and some minority groups are disinclined to ask for more money or negotiate about money.</i> • <i>PQE bands are super helpful for ACCs to know what they are “worth” in the market.</i> • <i>Some ACCs questioned whether set pay based on experience is sufficient to capture experience</i> • <i>Experience measured in years can be detrimental to those taking parental leave</i> | <p>Provide unconscious bias training and update policies and processes to address areas where our employees have told us bias can exist</p> <p>Ensure hiring managers are aware of opportunity to review remuneration after 6 months, if they feel they have set the starting salary too low.</p> <p>Continue to be involved in pay equity claims e.g. admin and clerical</p> <p>Carry out the annual pay gap review process</p> | <p>We will continue to monitor starting salaries to have confidence that they are not influenced by bias</p> <p>We continue to review and monitor pay gaps in like for like roles with the need for remediation reduced to zero</p> |

What we have done

These milestones weren't specifically identified in our previous Kia Toipoto plan; however, some actions have been completed.

- ✓ Reporting on our representation regarding gender and ethnicity for leadership and other roles.
- ✓ Widening recruitment to attract a more diverse pool of applicants.
- ✓ Establishing a working group to explore a career development framework for Assistant Crown Counsel
- ✓ Improving access to flexible working at all levels of the organisation
- ✓ Engaging with our people via wellbeing, health and safety focus groups to better understand barriers and ways to support employee wellbeing – with a focus on development, support and cultural safety
- ✓ Introduced a new People Network Lead role and a small budget to support the development of inclusion initiatives

What our people told us

- *We have a high proportion of female employees but would expect more to progress to leadership roles.*
- *We lack diversity in our early career roles so it's difficult to increase diversity in higher level roles.*
- *We have a perceived low representation of Māori managers compared to employees.*
- *Development varies depending on your manager and how prepared you are to drive discussions*
- *Our system leadership team are working on a capability framework for lawyers – this could help define the ACC role further.*
- *It would be good to see more opportunities to progress into leadership roles.*
- *We are lacking leadership development options and those offered take too much time.*
- *It can be hard for ACCs to say they are struggling, willingness to display weakness is not high.*

What we will do over the 23/24 year

Support our People Networks to thrive – we will encourage and assist Networks to develop a purpose and terms of reference, offer a sponsor and information about budgets for events.

Increase LinkedIn and social media presence to attract more diverse people to roles.

Begin work to develop a capability framework for Crown Law, starting with expectations for leaders at different levels

Introduce targeted management and leadership development, including equitable processes for selection.

Establish an alumni network to stay connected with people who have left, are on an OE or on parental leave.

How we will measure success

Continue to monitor our workforce representation, at all levels (gender and ethnic) to become more representative of Aotearoa

Monitor and record people attending learning and development opportunities to confirm equitable processes are carried out

| What we have done | What our people told us | What we will do over the 23/24 year | How we will measure success |
|--|--|--|---|
| <p>This milestone wasn't specifically identified in our previous Kia Toipoto plan; however, some actions are underway.</p> <ul style="list-style-type: none"> ✓ We have provided cultural competence sessions and te reo Māori classes to approximately 60 % of our workforce ✓ We have piloted unconscious bias workshops ✓ We have made updates to some policies to support inclusion ✓ Collective bargaining helped to identify areas of improvements to policies based on feedback from our employees. These included: bereavement, special leave, starting salaries and flexible working. | <ul style="list-style-type: none"> • <i>Pleased with updates to bereavement policy e.g. not having to explain cultural needs for additional leave.</i> • <i>Naming conventions are not always well thought out.</i> • <i>Some people have used study leave in more inventive ways, but others don't know about it –e.g te reo Māori lessons/learning/ towards outward bound.</i> • <i>Sometimes team events can exclude people of different cultures unintentionally, but this can still be a problem, e.g. team lunches out that are too expensive or drinking alcohol for some religions/cultures.</i> | <p>Work with our employees, employee networks and unions to complete a review of all HR policies and processes. Key objectives of this are to ensure they are up to date, easy to understand and support diversity and inclusion. As part of roll out and communications, we will provide more examples to support application of different policies e.g. study leave to support te reo Māori classes.</p> <p>Ensure new starters are called by the name they want and that this is clear on paperwork/access cards and email addresses.</p> <p>Confirm there is a clear process for reduction in Timesheets if there is study leave time</p> <p>Ensure we have a safe way to speak up if there is a policy or expectation that doesn't fit with a person's culture.</p> <p>Continue to provide learning opportunities in line with our Whāinga Amorangi commitments</p> <p>Revitalise our Ways of Working and incorporate these into more policies, procedures and learning and development to bring them to life and more visible at Crown Law</p> <p>Encourage the appropriate celebration of culture and language events</p> | <p>Keeping track of numbers of employees taking up education to increase cultural competence, and asking for feedback about it</p> <p>Continue to monitor to have confidence that that our HR policies, processes and systems are free from bias and discrimination – and we will continue to work in partnership with our employees, networks and unions to identify and address any potential bias or discrimination as it occurs</p> <p>Monitor time recording requirements to ensure we are providing effective practical guidance and training</p> |

- Ensuring flexible work does not impact pay and progression opportunities

What we have done previously

- ✓ Our Wellington Accommodation Project overtly supports flexible working by adopting a reduced desk ratio and new, more flexible ways of working
- ✓ We have improved policies, processes and access to flexible working
- ✓ We have engaged with our people, through wellbeing, health and safety workshops to better understand how we can support flexible working

What our people told us

- *Overall, employees tell us they are happy with our approach to flexible working*
- *Support roles can find it more difficult to work flexibly based on the nature of their role*
- *People working in the office can be given more work because they are more visible*
- *Have not seen any difference in career progression for part time vs full time – we have part time managers which is good.*
- *Progression may not be affected but wellbeing can be impacted if working long hours.*

What we will do over the 23/24 year

Through our Wellbeing, Health and Safety focus group action plan we will identify and plan to overcome challenges to flexible working.

Continue to promote flexible working for leaders both to support them and to role model for the organisation.

Through our planning and performance team, we will explore a model for work allocation and workload balancing across teams.

How we will measure success

We will monitor and ask for feedback to have confidence that flexible working does not impact pay and progression opportunities

We will monitor the use and uptake of any changes to the work allocation model

What we want to achieve

The actions we will undertake for the Kia Toipoto milestones are linked and have strong associations with our draft Diversity, Equity and Inclusion Plan. Part of this includes foundational work to develop a comprehensive Crown Law Capability Framework.

We want to have a clear understanding of the capability required for Crown Law to fulfil its purpose. This will include people understanding the expectations of them regarding not only the work they do but also how they go about doing the work (behavioural capabilities). This will lead to a strong basis for clear and equitable:

- Performance and development planning
- Targeted recruitment and on boarding
- Effective talent and succession planning processes; and
- Effective and targeted learning and development spend.

This is long term work and will require significant employee and PSA involvement.

Suggestions for actions for next year

We will work with our people to identify the requirements and parameters of a Crown Law Capability Framework that links and complements the GLN legal capability framework (currently in development).

Actions suggested by our people this year will be revisited as part of this work. These include:

- *Work with our employees to identify and address areas of inequity across Crown Law e.g. access to career development e.g. years of experience for LPAs?*
- *Focus on ensuring capability framework supports career, development and pathways for wāhine Māori, Pacific women and women from ethnic communities*
- *Refresh and update annual development planning in line with capabilities*
- *Acknowledge broader leadership (outside of people management) e.g. technical leadership, leadership our people networks etc.*
- *Look into Senior Crown Counsel roles to better understand why they are male dominated.*
- *Explore job sharing as an additional option for flexible work*
- *Implement career development framework for Assistant Crown Counsel*