



20 August 2018

Dear [REDACTED]

Official Information Act request relating to the Department of the Prime Minister and Cabinet's policy on gender discrimination for as it relates to lawyers

Thank you for your Official Information Act 1982 (the Act) request received on 25 July 2018. You requested:

"Our particular focus is on legal staff in your organisation. The staff we are asking for information about are staff:

- 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*

In relation to these categories of staff please provide us with information covering the past 5 years about the following:

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?

If any assessment has been done:

- What type of tool or analysis was used to make the assessment?*
- What were the results of the assessment?*
- 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?*
- What steps have been taken by your organisation to monitor the setting of pay and giving of promotions to ensure gender discrimination (including unintentional discrimination) does not impact on these processes in the future?*

If no such assessment has been done, the reasons for this.

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

What provision does your organisation have for flexible work arrangements for legal staff (both men and women)?

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?

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?

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.

What steps has your organisation put in place to ensure that gender discrimination does not impact on recruitment decisions?

If no particular steps have been put in place, the reasons for this."

The Department of the Prime Minister and Cabinet (DPMC) is a small agency and accordingly all staff come within the same policy suite. There are no policies in place specifically for staff in the legal team.

DPMC has a small legal team of less than five people, the majority of which is female, including the team's manager. In regards to the rest of the organisation, we do not centrally collate who does or doesn't hold a practising certificate across the organisation. I can confirm that there are legal positions in DPMC that do not sit within the legal team (such as the legal advisor within the Policy Advisory Group and some positions in the Cabinet Office).

Remuneration

Following the 2016/17 annual remuneration review, the Department engaged NZIER to investigate remuneration data at all levels and advise any gender pay gap. This analysis found no statistically significant gender pay gap within individual grades (i.e. "like for like" roles).

The Department has worked to improve the average position in range for all employees. Following the 2016/17 remuneration review average position in range for all employees was 93.21% - for women it was 94.84%. We carry out this analysis each year.

Gender and other discrimination guidance

DPMC has a series of policies incorporating anti-discrimination guidance and expectations. These include a Diversity & Inclusion Policy and our Recruitment & Selection Policy. Both policies specifically reference consideration of the employment requirements and aspirations of women.

DPMC uses a merit-based approach for all appointments and has clear policies and processes in place.

Flexible working arrangements

DPMC has a Flexible Working Policy. This sets out the legislation and encourages employees to make requests in a manner that suits them either in terms of the legislation, or beyond the legislation, to assist with their work/life balance. The agency does not record the reason for the request (i.e. whether the request was specifically for childcare). DPMC does not gather data on flexible work arrangements (formal or informal), encouraging and

supporting employees to work with their manager to come to arrangements that work most effectively for them at the time. Managers are encouraged to find ways to make flexibility work where requested.

Return to work post-baby

DPMC has had relatively low numbers of staff taking parental leave over the past five years (approximately 2% of employees). Managers work through an informal process with their business group Executive Leadership Team member, and Human Resources to ensure employees are effectively supported when going on, and returning from, parental leave.

Other development options

DPMC access a shared service for development with other central agencies (Treasury and SSC). The shared Development Centre offers several management learning opportunities via LDC and Inspire Group, including Building Capable Managers, Emerging to Lead, and Successful Leaders Programme. All three courses include modules/topics covering bias, and effective talent management including selection biases. Eighteen months ago DPMC ran agency wide unconscious bias training. Also in DPMC's most recent engagement survey, employee response to direct questions on diversity and inclusion showed that the majority of staff believe that DPMC creates and support a diverse and inclusive work environment, and that it engages and supports different demographic groups.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Karen Jones

Executive Director, Office of the Chief Executive