

FWO adopts Equitable Briefing Policy

20 February 2017

The FWO has recently signed up to a landmark new [Equitable Briefing Policy](http://www.lawcouncil.asn.au/lawcouncil/index.php/more-information/9-articles/45-equitable-briefing-policy) [☞] (<http://www.lawcouncil.asn.au/lawcouncil/index.php/more-information/9-articles/45-equitable-briefing-policy>) launched by the Law Council of Australia. The policy is aimed at improving the briefing of women barristers across Australia.

The policy is intended to drive cultural change within the legal profession, support the progression and retention of female barristers and address the significant pay gap and underrepresentation of women in the superior courts.

The Policy includes interim and long term targets with the ultimate aim of briefing women in at least 30 per cent of all matters and paying 30 per cent of the value of all brief fees by 2020.

The FWO is already a leader in equitable briefing practices. For the first time in 2015-2016 the Agency allocated more than half - 64% of the Agencies briefs to females. In the three years previous the FWO allocated almost exactly an equal share of its external legal spends to female and male barristers.

“We are now consistently achieving gender equality in the number of briefs allocated as well as the value of the cases,” says Fair Work Ombudsman Chief Counsel Janine Webster.

Commonwealth agencies are bound by Legal Services Directions which encourage gender equity in the allocation of work.

Analysis by the NSW Bar Association acknowledges the approach the Fair Work Ombudsman has taken to equitable briefing.

“We actively seek out barristers of both genders to make themselves available to accept briefs from the Fair Work Ombudsman,” Ms Webster said. “We urge other agencies to follow our lead and actively monitor their performance in briefing equitably, taking remedial action where the figures don’t add up.”

Acknowledging that it took several years to be in a position to obtain the equitable briefing results, Ms Webster is encouraging all people or entities who select counsel to adopt the National Model Gender Equitable Briefing Policy.

“The Policy provides for targets of 20 per cent and 30 per cent of number of briefs or value being allocated to female Senior and Junior Counsel. The voluntary reporting to the Law Society and or Bar Association will assist in creating a community of best practice to tackle the issue of inequitable briefing in Australia.”

“The Fair Work Ombudsman aims to set an example to other employers both with internal practice and external briefing practice,” Ms Webster said.

“Traditionally many legal practices have put part-time or flexible working arrangements in the too hard basket when it comes to litigation work,” Ms Webster says.

“Our organisation has put in place supportive and effective arrangements with about 20 per cent of lawyers on flexible working arrangements. This has enabled us to create an engaged and talented practice.”

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) [☞] (<http://twitter.com/NatJamesFWO>) , the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) [☞] (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au [☞] (<http://www.facebook.com/fairwork.gov.au>) .

Sign up to receive the Fair Work Ombudsman’s media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases) .

Media inquiries:

Mark Lee, Director of Media

Mobile: 0408 547 381

mark.lee@fwo.gov.au (<mailto:mark.lee@fwo.gov.au>)

Correction: This release erroneously states that the Fair Work Ombudsman allocated more than half of its briefs to female barristers for the first time in 2015-16. The agency has been allocating more than half of its briefs to female barristers since 2013-14. Female barristers have received more than half of the agency’s external legal spend since 2014-15.

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.