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# GILBERT + TOBIN DISABILITY INCLUSION AND ACCESS PLAN 2022-2024





# MESSAGE FROM MANAGING PARTNER - DANNY GILBERT

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Gilbert + Tobin is a high performing organisation which pursues excellence in all it does, and we cannot fulfill our full potential without an inclusive workplace.

In this interconnected and complex world we all occupy, diversity and inclusion forms the fabric of modern society, and we must strive to ensure the people who comprise our workforce are reflective of that society.

We acknowledge people with disability are an important part of the community and have much to contribute to our culture and our clients. We also acknowledge we must be better at removing barriers to employment for people with disability at G+T and create an environment and culture which allows everyone to succeed.

Through this plan, we identify where we must improve and establish a framework against which we can measure our success and progress and to which we can be accountable.

I look forward to meaningfully shifting the dial for inclusion of people with disability at G+T.

## WHO WE ARE

G+T was founded in 1988 by Danny Gilbert and Tony Tobin, with a small team of lawyers focused on providing excellent legal advice on high-profile, complex matters.

We have had outstanding success since those early days. We are now recognised as a leading transaction, regulatory and disputes law firm and handle some of the most complex transactions in Australia, advising acquirers, targets and financiers. We are trusted by clients on sensitive regulatory investigations and approvals, litigation and Royal Commissions.

Driving our achievements and growth since our early days, has been an unwavering sense of our corporate purpose and social value. G+T prides itself on being an outstanding corporate citizen.

## OUR COMMITMENT TO DIVERSITY AND INCLUSION

Our commitment to diversity and inclusion has always been an integral part of our culture. From our pioneering pro bono program, which utilises our legal expertise to address social injustice, to the fact that we have been carbon neutral since 2017, to our work supporting the development of Indigenous lawyers, we strive to contribute to a more just and sustainable future.

In embracing all aspects of diversity, we acknowledge we have further work to do to address the needs of people with disability.

Our Diversity Council have established the following principles

1. We believe that diversity is powerful. It creates a safe place where everyone is valued and can contribute. It helps us to live well. It means we understand and better engage with our clients and our community. It improves performance and helps us to think creatively.
2. We expect our firm, in all of its parts, to be a safe, diverse and fun place to be – where our people are free to be themselves and are able to meaningfully participate.
3. We are a community that enjoys celebrating the things that make us different as well as those things that we share in common.

Through this plan we will improve our accessibility and disability competence and continue to be interventionist in addressing issues of bias across diversity groups.

## OUR COMMITMENT TO ACCESSIBILITY AND INCLUSION

People with disability are one of the most disadvantaged and marginalised groups in our society. Disability affects one in six people in Australia, and over 1.3 billion people worldwide.

Despite making up a sixth of our population, people with disability are vastly under-represented in the workforce. A 2020 report by the Australian Government Department of Health and Welfare showed that of the roughly 1 million people with disability actively looking for work, less than half are employed, and those who are employed only make up around 4% of the workforce. If we could increase the labour market participation rate for people with disability by just one third, economic modelling has shown that we could see a \$43 billion increase to Australia's GDP.<sup>1</sup>

Because work identity is a large part of a person's sense of self, gainful employment leads to better life outcomes for individuals. Employing people with disability increases quality of life and helps reduce welfare dependency. People who are welfare dependent for prolonged periods of time have a much higher risk of social exclusion and poverty<sup>2</sup>. By excluding people with disability from our workforces we are missing out on their valuable societal and economic contributions.

Disability inclusion is one of our key focus areas under our internal Diversity Council with our Accessibility workstream headed by partner, Darren Fittler. Darren, who is blind, is a volunteer director of Vision Australia and has previously sat on the boards of Diversity Council Australia and Centre for Inclusive Design. He has also attended meetings at the United Nations in New York, assisting in the development of the international convention on the rights of persons with disability.

We are proud members of the Valuable 500, a collective of business leaders who have committed to putting disability inclusion on their agenda, Diversity Council Australia and the Australian Network on Disability (AND).

Gilbert + Tobin recognises the importance of engaging people with disability in an ethical, dignified and inclusive manner, and we are committed to removing barriers to inclusion among our staff and our clients.

We are pleased to present our inaugural Disability Inclusion and Access Plan (DIAP).

<sup>1</sup> Deloitte Access Economics (2011), The economic benefits of increasing employment for PwD

<sup>2</sup> The Parliament of the Commonwealth of Australia, (2000), Age Counts: An inquiry into issues specific to mature age workers, June 2000, House of Representatives Standing Committee on Employment, Education and Workplace Relations



## OUR ACTIVITIES TO DATE

G+T has been active in the disability and inclusion space since the establishment of our internal Diversity Council and Accessibility workstream in 2017, however this plan reflects on our progress to date and presents a coordinated strategic approach to disability, accessibility and inclusion in the workplace.

Activities include:

### 2005 – current

- + Member of Diversity Council Australia and corporate partner.

### 2017 – current

- + Convened a disability and accessibility specific workstream on the Gilbert + Tobin Diversity Council.

### 2018 – current

- + Member of Australian Network on Disability.

### 2018

- + Hosted a Diversity Council Australia event on Creating Accessible and Inclusive Workplaces.

### 2019

- + Conducted an internal and external accessibility audit of our company through AND;
- + Redesigned our clerk application and assessment processes to be more accessible;
- + Launched Grow and Thrive, a health and wellbeing resource for our employees;
- + Trained and appointed Mental Health First Aid Officers together with offering our Employee Assistance Program; and
- + Held an internal workplace adjustments workshop for staff.

### 2019-2020

- + Delivered Disability Awareness and Confidence training throughout our offices in Sydney, Melbourne and Perth; and
- + Hosted International Day of People with Disability and Global Accessibility Awareness Day events.

### 2019 - 2021

- + Participated in the AND Stepping Into Internships and PACE mentoring programs.

### 2020 - current

- + Created an Accessibility Resource Hub for staff with Accessibility Information Sheets.

### 2020

- + Participated in Microsoft Office 365 Document Accessibility workshops run by Centre for Inclusive Design.

### 2021

- + Installed contactless bathroom doors in our offices.





## OUR PEOPLE

**As at the end of 2021, from a workforce of almost 1000 people across three offices, 5% of our G+T employees identify as a person with disability. This is below the national average of employed persons over the age of 18 of 9.3%<sup>3</sup>.**

Acknowledging that there are unique reasons why individuals may choose to not disclose or discuss their experiences of living with disability, the firm is committed to ensuring our workforce is representative of the community we serve and engage with.

We are developing initiatives to increase our disability representation, however a strategy to increase diversity representation, must be underpinned by an accessible workplace and supported by a genuine culture of inclusivity that values the contributions of current and future employees who live with disability.

<sup>3</sup> ABS Census 2016

## OUR PLAN

We will review our core business functions and processes to reflect on opportunities for improvement. In implementing this action plan, we will engage key employees across core business functions to scope and assess opportunities for change to ensure accessibility and inclusion are embedded in all levels of the organisation

Our plan is founded on a social model of disability which recognises that disability is the consequence of the interaction between a person living with impairments and the physical, attitudinal, communication, social and environmental barriers in our society.

Rather than approaching disability as what a person can and cannot do, G+T will look to address barriers in our environment, processes, systems and policies to foster an inclusive and accessible workplace. Our vision is to deliver accessible services for our clients, built upon an inclusive employee experience, no matter an individual's experience of disability.

## SCOPE

We will undertake the reflection and discovery phase of our plan over the period 2022-2024 to understand where we need to improve our services, products, employee experiences and processes. While we have launched this DIAP for the International Day of People with Disability 2021, we acknowledge that our work cannot be centred around one day, and we must continually work on our accessibility and inclusion capability every day.

## GOVERNANCE STRUCTURE

To ensure effective implementation of our DIAP commitments we will establish and maintain a Steering Committee which will engage leaders and staff from all core business areas to drive the governance of our plan. This DIAP will be directly overseen by a senior member of the People Team with the support of the Diversity Council Accessibility Workstream. The People Team lead on Disability and Chair of the Accessibility Workstream will report to Gilbert + Tobin's Diversity Council on tracking and measuring these commitments. These deliverables will form part of the Diversity Council's progress reports to the Gilbert + Tobin Board.

## EMBEDDING ACCESSIBILITY AND INCLUSION

To inform our commitment to accessibility and inclusion we will:

- + Regularly partake in the Australian Network on Disability Access and Inclusion Index for assessment and benchmarking of the organisation's disability confidence and capability, together with the Diversity Council Australia Inclusive Employer Index to measure diversity and inclusion in our organisation and benchmark our progress.
- + Ensure the Gilbert + Tobin Diversity Council is engaged and involved in the delivery and outcomes of the DIAP by meeting quarterly to review and progress the commitments of this plan.
- + Create a consultation forum of leaders of core business functions to enable feedback and input from employees with disability on decisions that directly affect them.

## KNOWLEDGE DEVELOPMENT

We will ensure that our people are supported as they develop their knowledge and disability confidence capability:

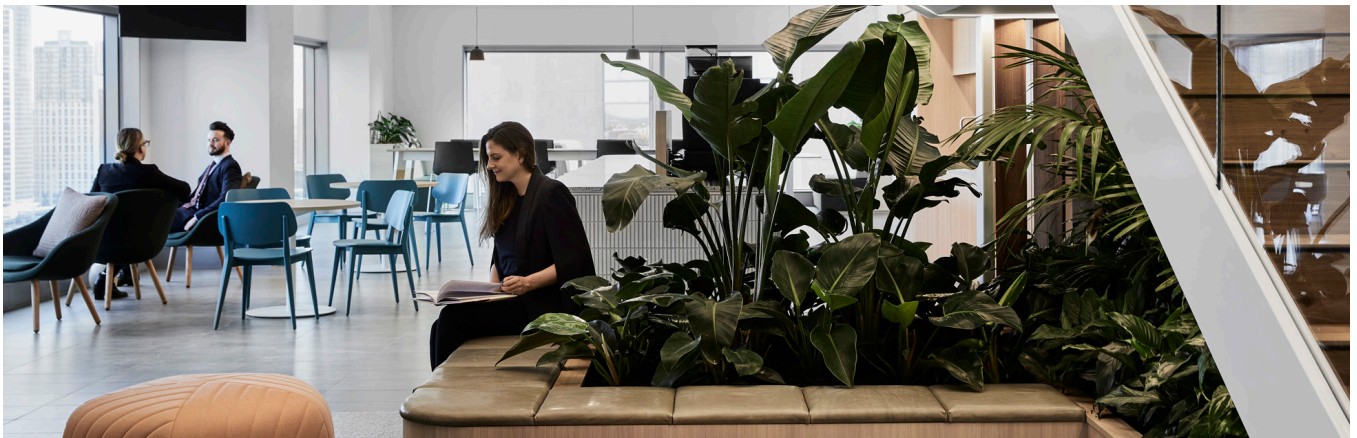
- + Scope and develop a budget for accessibility and inclusion knowledge development programs, including accessible design, accessibility and inclusion training and other initiatives.
- + Create and promote a centralised disability confident Accessibility Resource Hub available to all employees, to increase the information and resources available to assist them in becoming disability confident and aware.
- + Provide access to general disability awareness, accessibility and inclusion training for all staff and as part of staff induction, and scope out potential for this to contribute towards an employee's CPD points.
- + Provide additional role specific accessibility training to staff in our core business areas.
- + Explore leadership and career development opportunities for employees who undergo additional training to develop their knowledge and skills to assist people with disability.

## PREMISES

People with disability must be able to access our premises in an equitable way, without barriers.

It is our responsibility to continue to work towards improving the accessibility of our premises, fixtures and facilities to ensure dignified access for all employees, clients and visitors by:

- + Reviewing our Gilbert + Tobin premises to pursue compliance with Design for Dignity guidelines.
- + Reviewing our emergency and evacuation procedures and engage with stakeholders to incorporate standards of accessibility.



## RECRUITMENT, CAREER DEVELOPMENT AND WORKPLACE ADJUSTMENTS (EMPLOYEE LIFECYCLE)

Gilbert + Tobin is committed to ensuring disability is not a barrier to employment or career growth by exploring opportunities to build accessibility into all aspects of the employee life cycle, including at the recruitment, development, and retention phase.

### RECRUITMENT

We will ensure our recruitment and selection processes are dignified and accessible for everyone by:

- + Assessing our status as a disability confident recruiter by partnering with Australian Network on Disability.
- + Strengthening inclusive messaging in our recruitment advertisements and on our website to encourage people with disability to apply via multiple recruitment channels including social media.
- + Offering adjustments for all candidates to help ensure equitable treatment during the recruitment process.

### CAREER DEVELOPMENT

We will strengthen our career development opportunities programs for people with disability, to increase representation across all levels of our firm, including leadership by:

- + Exploring initiatives to develop talent pipelines through pre-career development opportunities and programs and forging stronger networks with students with disability through the Australian Network on Disability's Stepping into Internship and Positive Action towards Career Engagement (PACE) mentorship programs.
- + Assessing and identifying barriers to training and career development opportunities affecting employees with disability.
- + Conduct a review of our internal training platforms, content and delivery methods to determine the accessibility of our training materials.

### RETENTION

Retaining skilled and talented people is a key focus of any organisation, and to better support our people, we will:

- + Ensure our current and future employees receive the workplace adjustments they need to participate fully and inclusively in the firm by:
  - Centralising and promoting the process of requesting workplace adjustments, particularly during the onboarding and induction phase;

- Reviewing our existing policies and scoping options for flexible work and additional leave for employees acting as carers for people with disability;
- Promoting our leave buy-back scheme and EAP programs; and
- Embedding accessibility and inclusion questions within the Employee PULSE and Engagement surveys to identify trends and influence decision making.



## COMMUNICATION AND MARKETING

We will:

- + Deliver marketing and communication materials that are accessible to people with disability across all platforms and in compliance with WCAG 2.1 guidelines and accessibility best practice, offering alternative formats where possible.
- + Explore opportunities to provide dignified, inclusive and accessible events by taking into consideration the accessibility features of venues when planning internal and external events.
- + Review our internal premises and procedures when hosting events to ensure accessibility features are provided in our Gilbert + Tobin meeting rooms and asking visitors if they have any accessibility requirements when attending Gilbert + Tobin events, whether in person or digital.
- + Increase staff awareness of event accessibility by providing employees with a dignified access event checklist.



## PRODUCTS AND SERVICES

Not only is it important that we look to new and innovative solutions to address the accessibility needs of our clients and employees, it's a business imperative for creating excellent products and services. Innovation occurs when people from diverse backgrounds with diverse experiences and ideas come together to challenge the status quo and problem solve. G+T recognises disability is an important part of this diversity.

By designing with inclusivity and accessibility front of mind, we can expand the reach of our products and continue to deliver innovative services and solutions. In reviewing and strengthening our design processes we can cultivate a progressive and innovative approach to legal issues and client service.

We will review our existing products, systems and services to identify accessibility issues and explore solutions in direct consultation with internal and external stakeholders with disability by:

- + Developing consultative accessibility and inclusive processes as part of the project management systems for new products and services, based on principles of inclusive design and dignified access.
- + Engaging stakeholders and reviewing processes to capture client and stakeholder accessibility requirements to ensure employees are adept in communicating with and responding to the needs of clients with disability when providing legal and other business services.
- + Developing and promoting accessible document review services internally to support the capability of employees to deliver accessible services and meet client needs proactively and as required.

## INFORMATION COMMUNICATION TECHNOLOGY (ICT)

It is essential that our communication and technology is inclusive and accessible to deliver on our organisational purpose and social value. We will:

- + Review and audit our website, intranet, internet materials, software, applications, and all digital content against accessibility best practice and WCAG 2.1 compliance.
- + Identify gaps and areas for improvement for accessible and inclusive ICT and build the accessibility capability of IT systems to address these gaps.

## SUPPLIERS AND PARTNERS

Incorporating accessible features into all our business processes and needs during the procurement phase will enable us to better meet the needs of our clients, employees and stakeholders. By increasing our supplier diversity with businesses who support and employ people with disability we can foster improved economic and social outcomes and strengthen our position as a responsible corporate citizen. We will:

- + Review our existing policies and procedures to embed the accessibility requirements of our clients and employees in the products and services we procure as part of the supplier tender and procurement process.
- + Build relationships and explore ways to partner with organisations who support and employ people with disability and/or provide accessible products and services.

## INTERSECTIONALITY

G+T recognises and values the multiple aspects, views and experiences that form an individual's identity. These facets of Aboriginal and/or Torres Strait Islander background, age, caring responsibilities, cultural background, disability status, faith, gender, social class and LGBTIQ+ status do not exist in silos, independent of one another, but rather intersect to expose individuals to interrelated, and often compounding experiences of discrimination and marginalisation<sup>4</sup>.

Our firm is committed to taking an 'intersectional'<sup>5</sup> approach to ensure that any diversity and inclusion initiative encompasses all diversity dimensions whilst recognising the unique contributions of our employees, clients, stakeholders and community.



<sup>4</sup> Adapted from Diversity Council Australia, Diversity & Inclusion Definition, Sydney, Diversity Council Australia, 2017.

<sup>5</sup> When using the term 'intersectionality', we acknowledge that its origins are attributed to Kimberlé Crenshaw, a legal theorist of race and feminism, when speaking to how gender and race combine to further marginalise African American women, and how discourses are shaped to respond to one identity or other, rather than multiple. More recently, intersectionality has been extended to include all aspects of diversity. (K. Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', Stanford Law Review, 43(6), 1991, pp. 1241-1299.)





## COMMITMENT TO COMMUNITY

G+T believes that lawyers have a responsibility to ensure the legal system is fair, equitable and accessible to all. We are a proud advocate of social justice and focus on providing advice and support to marginalised and disadvantaged clients and the organisations that work with them. In 1996, were the first law firm in Australia to appoint a fulltime in-house pro bono lawyer. The practice covers many diverse areas of law including discrimination, administrative law, defamation and public international law. Our pro bono work at Gilbert + Tobin is particularly focused on issues affecting Aboriginal and Torres Strait Islander people, refugees, people with disabilities and the protection of human rights.

Over the last 20 years we have advocated for people with disability and during this period we have been the trusted advisors to a number of peak disability agencies as well as acting for hundreds of individuals with disability in a broad range of legal claims. Our work in the disability sector not only encompasses litigation but also policy development and legal education.

Gilbert + Tobin is currently the advisor to the Attorney General's Department on the *Royal Commission into Violence, Abuse, Neglect And Exploitation Of People With Disability* and has also assisted clients in the following areas:

- + Acting for clients and training lawyers in the community legal sector to act for people with disability.
- + Acting in disability discrimination matters, most commonly seeking adjustments to accommodate a client's disability in relation to employment but also for students seeking adjustments in relation to education and people with disability seeking equal access to services, sport and accommodation.
- + Acting for many organisations established by, and to advocate for, people with disability with a range of corporate governance issues. The work ranges from governance, inclusions policies, staff training and compliance.
- + Working with parents and carers of people with intellectual disability and cognitive impairment across NSW to plan for the financial future of their children. This involves structuring complex, directive trusts to ensure trust funds are used to enhance the quality of life of the person the client cares for.
- + Supporting organisations that in turn support people with disability including:
  - The Art Cabriolet;
  - Dear Dyslexic Foundation;
  - ONDRU;
  - First Peoples Disability Network;
  - Yellow Ladybug;
  - Australian Centre for Disability Law;
  - Human Rights Law Centre;
  - Women with Disabilities Victoria;
  - The Association of Employees with Disability Incorporated;
  - People with Disability Australia; and
  - The new Disabled Lawyers Association/Australia (the event G+T is hosting soon).
- + Advocating for changes to law and policy affecting people with disability, for example our extensive campaign to have Fetal Alcohol Spectrum Disorder recognised as a disability.

