



# UNITED NATIONS GLOBAL COMPACT

COMMUNICATION ON PROGRESS

APRIL 2018

## > STATEMENT OF CONTINUED SUPPORT

As the Managing Partner of Allens, I am proud to lead a firm that has a strong commitment to responsible corporate citizenship and to taking a leading role in our profession in upholding the principles of the United Nations Global Compact.

In the increasingly globalised context in which we and our clients operate, the UN Global Compact identifies best practice in corporate responsibility. Allens was the first organisation in Australia to sign the Compact and since signing in 2001, we have continued to develop, implement and promote activities within our business that enable us to uphold the Compact's 10 principles.

This report outlines some of the practical actions we took during 2017 to implement the principles across the four areas of the Compact.



**Richard Spurio**  
Managing Partner, Allens

## > ABOUT ALLENS

Allens is a leading law firm with partners, lawyers and corporate services staff across Australia and Asia and, through our alliance with Linklaters, has a global network spanning 39 offices and 28 countries.

Our clients recognise us for our commerciality, professionalism, integrity and technical expertise.

We have some of the world's longest ongoing client relationships, stretching back more than 175 years, and we work with many of the world's leading organisations – including 55 of the world's top 100 companies and more than 75 of Australia's top 100 companies.

We see our extensive client relationships as an important component of our corporate responsibility and aim to support our clients and the market in moving towards a sustainable economy.

## > HUMAN RIGHTS

### PRINCIPLE 1

Businesses should support and respect the protection of internationally proclaimed human rights.

### PRINCIPLE 2

Make sure that they are not complicit in human rights abuses.

### COMMITMENT

Every human being is entitled to basic human rights – that is, freedom, equality, justice and the right to life. However, not everyone has access to the help or resources required to uphold these rights.

Allens has developed lasting relationships with non-government organisations and others within the community who are working to advance human rights. We recognise that these groups are often in the best position to identify the issues, while we have the resources and expertise to assist.

Allens works hard to achieve its human rights-related goals, as set out by the firm's various community committees.

Allens demonstrates our commitment to supporting and respecting human rights through our commitment of extensive pro bono work and the ongoing implementation of our Reconciliation Action Plan, as well as through our philanthropic support for community organisations.

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## PRO BONO

Allens is proud of our longstanding commitment to our pro bono practice and we work to make the most meaningful contribution possible within the communities in which we work and live. By working directly for disadvantaged individuals and also for non-governmental organisations that work to protect human rights, we are able to strengthen the impact of our work.

The largest focus of our pro bono practice is human rights work.

### Representing asylum seekers

Allens is acting for a number of asylum seekers currently detained on Nauru, who have made claims for asylum in Nauru and had those claims rejected by the Supreme Court of Nauru, on appeal from the Nauru Refugee Status Review Tribunal. An initial test case run by Allens in late 2017 established that a right of appeal from the Supreme Court of Nauru to the High Court of Australia lay as of right, rather than requiring leave to appeal. In the same case, the High Court confirmed the principle of procedural fairness

that provides that a person must be given an opportunity to comment on adverse information that is 'credible, relevant and significant'. This precedent clears the path for appeals to be lodged by several of the other Nauru-based asylum seekers whose claims have been rejected by the Supreme Court of Nauru.

Allens is one of several law firms, with a group of barristers, acting on a pro bono basis to advise and represent these people, who have no resources to fund their own representation. The project is being coordinated by public interest pro bono referral agency Justice Connect.

Allens' client in the test case was Aaden,\* who arrived by boat at Christmas Island four years ago and was transferred to Nauru. Aaden had left his province in Somaliland, an autonomous region in Somalia, six years earlier. A member of the minority Gabooye tribe, Aaden had been persecuted in his homeland, where his family was forced off their farm and occasionally threatened at gunpoint by members of a more powerful tribe. Aaden sought sanctuary and a new life and he applied for refugee status after he reached Nauru.

Aaden's application was refused by the Secretary of the Department of Justice and Border Control of Nauru and his subsequent application to the Refugee Status Review Tribunal for review of the Secretary's determination was also unsuccessful.

The Tribunal accepted that Aaden's family had been forced off their land and threatened at gunpoint. It also accepted (relying on sources including the European Country of Origin Information Network) that minority groups in Somalia, such as the Gabooye tribe, suffer discrimination, have limited access to justice and education opportunities, may be excluded from political participation or employment and are victims of taboos against marriage with members of other castes.

But the Tribunal concluded that this discrimination did not amount to persecution. In reaching this conclusion, the Tribunal relied on 'country information' indicating that there were 'police from every tribe in Somaliland' and Aaden would be able to receive assistance from the police, notwithstanding his membership of a minority tribe.

Aaden appealed to the Supreme Court of Nauru, arguing that he wasn't afforded procedural fairness because he wasn't given the chance to respond to the 'country information' considered by the Tribunal. This appeal was unsuccessful.

The matter was referred to Allens and we brought an appeal to the High Court of Australia on Aaden's behalf. The High Court agreed with our argument that Aaden had not been afforded procedural fairness, set aside the Supreme Court's order and ordered that the Tribunal's decision be quashed and the matter remitted to the Tribunal for reconsideration.

We will pursue appeals to the High Court of Australia for several other Nauru-based asylum seeker clients during 2018.

\* Not his real name

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## RAP

The work of the Allens RAP committees in each local office continued in 2017, with a focus on building the engagement of our staff in the reconciliation conversation, and in delivering on the firm's commitment to our Reconciliation Action Plan (**RAP**).

We are proud of the relationships we have built with Aboriginal and Torres Strait Islander communities, particularly since the launch of our first RAP in 2011. Through the five pillars of our RAP, we continue to seek opportunities to strengthen those relationships and to engage our people and others in the business community to influence social and economic change for Aboriginal and Torres Strait Islander peoples and communities.

Following are some highlights of our RAP contributions in 2017.

### Indigenous Justice Program

Allens partnered with the Public Interest Advocacy Centre (**PIAC**) to form the Indigenous Justice Program (**IJP**) in 2001. We have helped to improve access to justice for Aboriginal and Torres Strait Islander youth, while giving the IJP the stability to develop relationships with Aboriginal and Torres Strait Islander organisations, identify systemic issues and gaps in access to justice and develop projects to meet legal needs.

The IJP has also cultivated a new partnership – the Police Accountability Project – which it runs through a referral arrangement with the Aboriginal Legal Service NSW/ACT. We joined with the IJP in 2016 to provide pro bono legal advice and representation to clients with police complaints. PIAC trains the lawyers who take part in the project in police powers, the types of police actions that may be able to be challenged, and cultural awareness. Individual matters are then referred to these lawyers, who are supervised by PIAC lawyers.

Through this partnership, the IJP's capacity to assist more clients has grown significantly. To date, 18 matters have been referred to our lawyers, while PIAC has assisted more than 160 Aboriginal clients and obtained more than \$750,000 in compensation for victims of unlawful police conduct since police accountability work began.

The majority of the clients in the project are Aboriginal and Torres Strait Islander, and under 25. Many are from remote and regional communities such as Bourke, Dubbo, Newcastle and Walgett, as well as the Sydney suburbs of Blacktown and Mount Druitt.

### Empowered Communities

Allens continues to support the Empowered Communities project including through the annual provision of a senior level secondee to one of the regions taking part in the project, for a 12-week period. The project seeks to bring together Aboriginal and Torres Strait Islander leaders from across eight regions of Australia, to build the capacity of government and communities to work together to improve services, increase funding effectiveness and make better decisions for Aboriginal and Torres Strait Islander Australians.

In early 2017, we provided additional support to Empowered Communities through the establishment of data rooms for the project. This enables secure document sharing between the stakeholders and will support the progression of the project and better communication and knowledge transfer between the regions.

## Jawun

A partner of Jawun since 2011, Allens was proud to continue our commitment in 2017, with a total of 28 staff now having undertaken secondments to one of the nine regions around Australia supported by Jawun. Jawun partners government and corporate organisations with Aboriginal and Torres Strait Islander businesses and leaders to support the development and long-term sustainability of their communities.

Senior leaders from Allens have also taken part in executive visits to Jawun regions, providing them with an opportunity to experience the impact being made by corporate secondees and to learn first-hand from the communities about how we can work better together to improve relationships between Aboriginal and Torres Strait Islander peoples and all other Australians.

Our pro bono practice also provides ad hoc assistance to Jawun and Empowered Communities across the year, including to a number of the Indigenous organisations Jawun supports in the regions.

## Supplier Diversity

As a founding member of Supply Nation, we work with other corporate organisations and government to develop supplier diversity opportunities, including through our membership of the Business Council of Australia's Business Indigenous Network. This forms part of our broader sustainable procurement efforts across the firm in which we are working with our staff and our service providers to reduce environmental impact while improving the diversity and sustainability of our supply chain.



## > LABOUR

### PRINCIPLE 3

Businesses should support and respect the protection of internationally proclaimed human rights.

### PRINCIPLE 4

The elimination of all forms of forced and compulsory labour.

### PRINCIPLE 5

The effective abolition of child labour.

### PRINCIPLE 6

The elimination of discrimination in respect of employment and occupation.

### COMMITMENT

Allens maintains employment arrangements and agreements that do not prohibit or discourage freedom of association or collective bargaining. The firm opposes all forms of forced and compulsory labour and seeks to abolish child labour. Allens is also active in working to eliminate all forms of discrimination in the workplace.

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## ACTIVITIES

### Equal Employment Opportunity

Allens is committed to the principles of Equal Employment Opportunity and takes a zero tolerance approach to discrimination, harassment and bullying in the workplace. Providing a safe and supportive workplace that values difference is critical to the engagement of our employees and the sustainability and growth of our business.

Our Equal Employment Opportunity, Bullying and Harassment Policy is supported by:

- a Grievance Policy that details the steps an employee can take if they feel they have been bullied, discriminated against or harassed;
- access to an independent, free and confidential counselling service for all staff and their immediate family members; and
- compulsory online EEO training upon commencement with the firm and every two years thereafter.



Allens reports annually to, and is compliant with, the Australian *Workplace Gender Equality Act 2012*. This legislation is overseen by the Workplace Gender Equality Agency (**WGEA**) and aims to improve and promote equality for both women and men in the workplace.

### Inclusion and diversity at Allens

We are committed to providing an inclusive workplace that celebrates diversity and values the contribution that different backgrounds and life experience bring to our firm.

We recruit, develop and promote talented people, and we – and our clients – benefit from the different backgrounds, experiences and points of view that shape their thinking.

Our diversity and inclusion strategy is focused on seven segments: gender; culture; social; Lesbian, Gay, Bisexual, Transgender and Intersex (**LGBTI**); Aboriginal and Torres Strait Islander (**ATSI**); disability; and carers. It is also focused on key strategies, including mainstreaming flexibility and driving conscious talent assessment and diverse pipeline management.

Our Inclusion and Diversity Council is chaired by our Managing Partner and oversees Allens' inclusion and diversity strategy and progress.

We are one of a small group of organisations in Australia recognised by WGEA as an Employer of Choice for Gender Equality – a citation we have held continuously since 2005 and that recognises our active commitment to gender equality and our sustained focus on removing the structural and cultural barriers that prevent the full participation of women at work.

With more than 42 per cent of our firm working flexibly, and a further 72 per cent having told us they will need more flexibility within the next two years, flexibility is a key priority for our firm. Our approach to flexibility is broad and recognises that it means something different for each person. We are working to create a culture where our people can work in a way that allows them to balance the needs of the firm alongside the pursuit of their own career and life goals, irrespective of gender, age or life stage.

### Celebrating Women at Allens

We are committed to building a culture of genuine diversity to support the success of women in the firm. We are proud of our policies and initiatives that support this commitment, including our career model, our approach to flexibility, parental leave transition program and development programs – all of which have a strong emphasis on the engagement, career and professional development and promotion of women in the firm.

Our Women at Allens committees believe in the importance of fostering and assisting the firm to build a culture that supports the success of women, drives the engagement and promotion of talented women and harnesses their capability to achieve their full potential.

We were one of the first organisations in Australia to become a signatory to the UN Women's Empowerment Principles. These principles provide the reporting framework for the firm's annual Equality and Diversity Report.

Our Equitable Briefing Policy aims to achieve equal access by eliminating briefing practices that consciously or unconsciously limit opportunities for female barristers.

### Mental health

Allens recognises that mental illness is one of the most significant problems confronting the legal profession and is committed to raising awareness and understanding of mental health. We play an active role in the legal profession group Resilience@Law, which is a collaboration between the Managing Partners and Chief Executive Partners of some of Australia's largest law firms, and professional training college The College of Law. The group aims to build resilience and raise awareness and understanding of the nature and impact of stress, depression and anxiety across the legal profession.

In 2017, Resilience@Law collaborated with the Black Dog Institute to create a series of animated 'Being well in the law' educational clips. These clips will be used in a number of ways, including in the orientation of new lawyers.

Since 2015, we have offered Mental Health First Aid for our people leaders and HR business partners. The Mental Health First Aid program teaches how to provide initial support to colleagues who are developing a mental illness or experiencing a mental health crisis.

### LGBTI rights

Our LGBTI network, ALLin, is for all partners, employees and clients who identify as lesbian, gay, bisexual, transgender or intersex, as well as their allies within the firm. We were the first law firm to partner with Pride in Diversity, Australia's first and only national not-for-profit employer support program. In 2015, we were proud to support Australian marriage equality and we launched our Transgender Policy. In 2016, we conducted a review of all people policies, including our Domestic and Family Violence policy, to ensure all were inclusive of LGBTI-identifying people. We have been recognised as one of Australia's top employers for LGBTI inclusion, through the Australian Workplace Equality Index.

### Creating opportunities for Indigenous students

Our Indigenous Legal Internship program commenced in 2006 and, since then, the program has provided 107 Indigenous law students with the opportunity to experience life at a commercial law firm. Three alumni of the program have obtained graduate roles at the firm. We continue to refine the program for better impact, in line with our commitment to diversity and an inclusive culture across the firm.

Our Corporate Services Cadetship is providing an opportunity for a promising Indigenous university student to undertake work with us in our Melbourne office while completing his studies. Supported by the Government's Indigenous Cadetship Support program, the opportunity allowed the student to gain experience in a corporate environment, to build skills and networks while in his final year at university and preparing to seek full-time work opportunities.

## > ENVIRONMENT

### PRINCIPLE 7

Businesses should support a precautionary approach to environmental challenges.

### PRINCIPLE 8

Undertake initiatives to promote greater environmental responsibility.

### PRINCIPLE 9

Encourage the development and diffusion of environmentally friendly technologies.

### COMMITMENT

Allens has a long-standing focus on environmental sustainability and we have committed to reducing our material environmental impacts and striving for continuous improvement in our firm-wide Sustainability Policy. We maintain an Environmental Management System (**EMS**) in our Australian offices, and this year we achieved recertification of our EMS in accordance with the AEMS Standard developed by the Australian Legal Sector Alliance. Through our EMS, we assess our material impacts, set reduction targets, implement mitigation measures and monitor and report on our progress. We also report on our progress publicly through the Australian Legal Sector Alliance annual sustainability insights report, and through the Australian Government's Carbon Neutral Program.

## ACTIVITIES

### Climate action

In 2017, Allens maintained certification as carbon neutral in accordance with the Australian Government's Carbon Offset Standard for our Australian offices. Cutting the firm's emissions remains our priority and last financial year we reduced greenhouse gas emissions in our Australian offices by 9.4 per cent. We purchase our carbon offsets through the Qantas Future Planet Program, which enables us to access high-quality carbon offsets from domestic and international projects that deliver not just emissions reductions activity but also environmental, social and economic benefits for local communities. This year, measures to reduce our greenhouse gas emissions will include upgrading and encouraging the use of our video conferencing technology and facilities as an alternative to business travel.

### Energy and resource efficiency

In 2017, we implemented a number of initiatives to promote energy and resource efficiency including upgrading to more energy efficient laptops and dual screens in all of our offices, to reduce energy and paper use.

This year, we will implement a new document management system and electronic filing processes, which we expect to lead to ongoing reductions in paper use.

### Waste management and recycling

We encourage our staff to reduce the use, reuse and recycle and we provide employees with a suite of recycling options, ranging from organic to battery recycling.

In 2017, we transitioned to centralised waste collection in our Sydney office, and introduced new recycling streams, including takeaway coffee cup recycling in our Melbourne office, and soft plastic recycling in our Sydney office.

With a focus on minimising plastic waste, we have removed single-use cutlery from our staff kitchens and we have started working with our suppliers to reduce excess packaging. We also encourage staff to recycle and reuse stationery by holding a stationery amnesty campaign in National Recycling Week each year.

### Environment and Pro Bono

Allens provides assistance to environmental organisations, including Bush Heritage and WWF Australia, through our pro bono program.

Last year, we partnered with Bush Heritage Australia Ambassador Chris Darwin on a project to look for a different way to tackle global environmental issues.

The result was The Darwin Challenge, an app that allows people to log their meat-free days and see the effects on the environment and their health. We advised on how to structure the company, ensure compliance and put in place best practice privacy and data governance practices. We also drafted and negotiated agreements with the creative minds, developers, technicians and service providers who generously donated or offered discounted services.

The Darwin Challenge app was launched in June 2017. Chris's aim was to attract 3000 members within three months of launching, but he had 22,000 by that date. Since then, users have risen to 32,000 and counting.

### Partnerships

Allens encourages environmental stewardship through our Sustainable Procurement Policy, our participation in industry groups, and our staff education and awareness raising events.

Staff engagement and education is an important part of our environmental sustainability program. In 2017, our staff had the opportunity to participate in Earth Hour, Ride to Work Day and National Plant a Tree Day. We also ran competitions encouraging staff to contribute ideas for improving our resource efficiency and to identify sustainability partnership opportunities. This year, we will be acting on these ideas, including working with our building managers and suppliers on waste management initiatives.

The firm has a sustainable procurement policy and guidelines, with the aim of reducing our indirect environmental and social impacts and encouraging our suppliers to adopt practices to minimise their impacts. In conjunction with our upgrade to new energy efficient laptops last year, our Information Technology team worked closely with our supplier to arrange for redundant equipment to be repurposed or recycled appropriately.

In 2017, we also continued our membership of the Australian Legal Sector Alliance, an association of law firms working collaboratively to promote sustainability in the legal sector.

# > ANTI-CORRUPTION

## PRINCIPLE 10

Businesses should work against corruption in all its forms, including extortion and bribery.

## COMMITMENT

As a leading law firm, Allens is committed to ensuring that our employees abide by the law. This includes laws that prohibit corruption in all its forms.

## ACTIVITIES

Allens has a range of policies that aim to prevent corruption in all its forms, including a Fraud and Corruption Prevention Policy. Two of the firm's anti-corruption activities are outlined below.

### Office of General Counsel

Allens' Office of General Counsel continue to help our people deal with ethical issues encountered during the course of their work. The Office of General Counsel is closely involved in a wide range of training at the firm, covering issues of ethical conduct, professional responsibility and anti-corruption.

### Anti-Corruption Policy

The Anti-Corruption Policy aims to ensure that Allens personnel, as well as third parties that act on behalf of Allens, do not engage in corruption and aims to minimise the risk of Allens breaching anti-corruption laws. All Allens partners, employees and contractors are responsible for the prevention of corruption when acting on behalf of Allens, and must ensure their own actions do not result in corruption. Additionally, all personnel have an obligation to report suspected corruption.

### Our work with clients

Given the rise in anti-corruption monitoring and enforcement at both a domestic and international level, coupled with increased opportunities for investment in foreign and emerging markets, there is a need for clients to ensure robust compliance programs and due diligence tools are in place to respond to these risks and Allens has developed a well-recognised expertise in providing this. Our tools include:

- Tailored jurisdiction-by-jurisdiction geographic and activity risk analysis. We have conducted anti-bribery risk assessments for clients across the Asia-Pacific.
- Development and implementation of recommendations and internal policies following a risk assessment including tailored anti-bribery and corruption training programs. For example, we have advised on, prepared and implemented global anti-bribery policies, compliance and training programs for a range of companies in the energy and resources, agriculture, technology and other sectors. These training programs are designed so the clients can undertake the training on an annual basis.

More broadly, we continue to run ethics sessions across our Australian offices as part of the Corporate Counsel Seminar Series, our continuing professional development program for clients.

**Allens › ‹ Linklaters**