



HERBERT
SMITH
FREEHILLS

LEADING FOR IMPACT

RESPONSIBLE
BUSINESS REPORT 2022

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Welcome

As one of the world's leading international law firms, we engage with the most important challenges and opportunities facing our clients. As a signatory to the United Nations Global Compact, we also work with our people, our clients and wider society to respond to the needs that exist in the communities in which we do business, and lead by example to make a positive impact through our Pro Bono Legal, Diversity & Inclusion, Social Impact and Sustainability initiatives.

Justin is the firm's CEO, overseeing people, practices, clients and growth strategies. A thought leader and skilled practitioner in arbitration and dispute resolution, he has appeared before tribunals around the world and has sat regularly as arbitrator. The founder of the firm's first LGBT+ network in 2007, Justin is a strong advocate and active supporter of the firm's Diversity & Inclusion strategy and many responsible business initiatives, including his recent election to the International Chamber of Commerce's Executive Board which promotes international trade and responsible business conduct.

Herbert Smith Freehills at a glance

Herbert Smith Freehills is a world-leading international law firm. We are located in 25 offices across Asia Pacific, UK, EMEA and North America, operating at the heart of the new global business landscape, providing premium, full-service legal advice for some of the world's biggest organisations. We provide our clients with legal expertise and insight, and trusted advice based on both global and local perspectives.



170

years of history



25

offices



2,600

lawyers



5,000

talented people

Our vision: Ambition 2025

As a world-leading international law firm, we are known for our insight & diverse perspectives. We have 4 interconnected ambitions which together form our Ambition 2025 strategy. [Find out more](#) ▶





Clients & Markets



People & Culture



Digital & Legal Transformation



Financial Growth & Investment

Where we work

Offices:

- Bangkok
- Beijing
- Belfast
- Brisbane
- Brussels
- Dubai
- Düsseldorf
- Frankfurt
- Hong Kong
- Jakarta*
- Johannesburg
- Kuala Lumpur

- London
- Madrid
- Melbourne
- Milan
- New York
- Paris
- Perth
- Riyadh*
- Seoul
- Shanghai
- Singapore
- Sydney
- Tokyo

Groups:

- Africa
- India
- Iran
- Israel
- Kazakhstan
- Latin America
- Nordic
- Switzerland
- Ukraine

*Associated office

Our expertise


We help our clients achieve their best results, realise opportunities and manage risk. We do so by combining our deep global sectoral knowledge with local market understanding and insight. We have expertise across all key sectors and offer legal services for every challenge.

[Find out more](#) ▶

Our ESG expertise

Successfully managing the risks and opportunities stemming from environmental, social and governance (ESG) questions may hold the key to unlocking business value and protecting future resilience. We have been advising clients in relation to ESG questions for over 20 years. This year our ESG practice was ranked Band 1 in the Chambers and Partners Crisis & Risk Management 2022 Legal Rankings for a second year running.

[Find out more on page 59](#)



In conversation with our Chair

Rebecca Maslen-Stannage, Chair and Senior Partner

Rebecca was elected to the role of Chair and Senior Partner in May 2021. Rebecca is the firm's first female Senior Partner, and the first Senior Partner of the firm based in Australia. She is one of Australia's most highly rated corporate lawyers and continues to maintain her Mergers & Acquisitions and broader corporate practice in conjunction with performing her roles.

Why does HSF place so much importance on being a responsible business?

Being a responsible business is not optional for us – it is part of our firm's DNA, culture and ways of working. Our people know this, and they similarly care how we do business and conduct ourselves. Our goal is to reflect and encourage the diversity of the world within our firm, our people and in our approach to meeting our clients' challenges. I'm particularly proud that Herbert Smith Freehills is a firm where we all feel safe and respected to be ourselves, contribute our diverse perspectives and perform roles which are meaningful and aligned to our shared values.

What does it mean for you to be a law firm that aspires to be 'Leading for Impact'?

There are two aspects to this, the internal and the external. Internally, this is about our firm's culture, where we make everyone feel welcome and able to bring their authentic selves to work. Collaboration is central to this, and it makes work enjoyable, comfortable and motivating. Our values run through the veins of all our people, from the newest members of our team to seasoned senior partners. Externally, this relates to the influence of Herbert Smith Freehills in the broader community, leveraging our position as a leading international law firm.

What are you most proud of in the last 12 months at HSF and why?

I could list all the impactful campaigns, programmes, pro bono legal support and the diverse culture we continue to foster at Herbert Smith Freehills. But underpinning all our achievements to date is our continuous drive for improvement. Often it is the small and incremental advances that have the most impact. This is because we constantly push ourselves to see where we can do better. For instance, each year we review our recruitment process to ensure we are being more inclusive: we ask ourselves "what could we do better?"

Moreover, our people are encouraged and feel supported in taking leadership on some of the pressing issues facing our planet and our communities. Our campaigns to reduce plastic use and business travel were born from our people's feedback. When I request support from my team for Pro Bono legal cases, there is so much interest that we need to rotate those involved to give everyone a chance to contribute.

What are the greatest challenges the legal industry must overcome to be a truly responsible business?

Our industry and profession can be slow when it comes to grasping and acting on the biggest challenges of our times. We need to be honest with ourselves, acknowledge our gaps and strive to overcome them. For example, we could have embraced remote working many years earlier and with this been more supportive of working families. The pandemic has opened our eyes, and this is why we created Agile 60 – enshrining work flexibility with an expectation that our people will work in the office for an average of 60% of their working time. Whether responding to external circumstances or the ideas of our people, we are shifting our mindset to anticipate how the world is changing. This is how we rise to the challenges we face and lead in serving our people, our clients and our communities.

Our strategic framework: Leading for Impact

Driving positive change through empowerment, collaboration and engagement

Our Leading for Impact framework underpins what we deliver and how we deliver it. Our initiatives focus on four key areas of impact: Pro Bono Legal, Diversity & Inclusion, Social Impact and Sustainability.

Pro Bono Legal



Addressing complex legal issues through deep client relationships and expertise

- Access to Justice
- NGO Advisory
- Social Impact Investment
- Legal Education and Capacity Building

Our pro bono practice is part of the firm's core business. Our work is driven first and foremost by the impact it creates and the value we add for our pro bono clients. In 2021, we provided over 70,000 hours of pro bono legal assistance across our network. Our pro bono practice prioritises assisting people experiencing or at increased risk of marginalisation, underrepresentation or systemic disadvantage, including: young people, First Nations peoples, people with disabilities, LGBT+ community members, displaced persons and women. We collaborate broadly to develop cross-sector partnerships with clients, charities and other firms.

Diversity & Inclusion



Creating a culture where people feel respected, valued and that they belong

- Gender
- Ethnicity
- LGBT+
- Disability
- Mental health & wellbeing
- Inclusive leadership & counteracting bias

We are a people business. Leading for Inclusion is our commitment to be the world's leading law firm for Diversity & Inclusion. It drives our five core priorities: advancing gender equality, racial parity and justice, inclusion for our LGBT+ clients and colleagues, increased hiring and accommodation of people with disabilities, and protecting the mental health and wellbeing of all our people. Our diverse and inclusive workforce drives the innovative and successful solutions we deliver for our clients and helps us continue to attract and retain the best talent worldwide.

Social Impact



Supporting the communities in which we live and work

- Social mobility & inclusion
- Indigenous Reconciliation
- Community work & charitable giving
- Human rights & modern slavery

We are an international law firm, but our strength is in the local communities in which we live and work. Access to justice, redressing historic wrongs and increasing social mobility in the legal profession is a key ethos of our firm. We are recognised as a business leader across sectors for our work in social mobility and inclusion and on the Reconciliation agenda in Australia. Our support for our partner charities and humanitarian organisations includes direct donations, pro bono advisory and volunteering. We are committed to the protection of human rights and actively mitigating the risk of modern slavery across our operations and supply chain.

Sustainability



Protecting the environment and tackling climate change

- Climate change response & Net Zero Carbon
- Sustainable resources use
- Nature conservation

As part of our response to climate change, we have made a commitment to become Net Zero Carbon in line with Science-Based Targets, which means reducing and mitigating our emissions across our operations and supply chain. Our efforts include sustainable resources use and nature conservation initiatives, and we are the global law firm partner of The Earthshot Prize, helping to scale solutions that repair and regenerate the planet.

Responsible procurement and governance

We recognise our impact includes our supply chain, so we work with suppliers who share our values and goals as part of our commitment to responsible procurement. Our approach is further supported by robust governance, including a comprehensive set of policies, processes, training, and reporting. As part of our commitment to the UN Global Compact and to report on our progress, we publish our annual [Responsible Business Report](#) as a summary of what we do to lead as a responsible law firm.

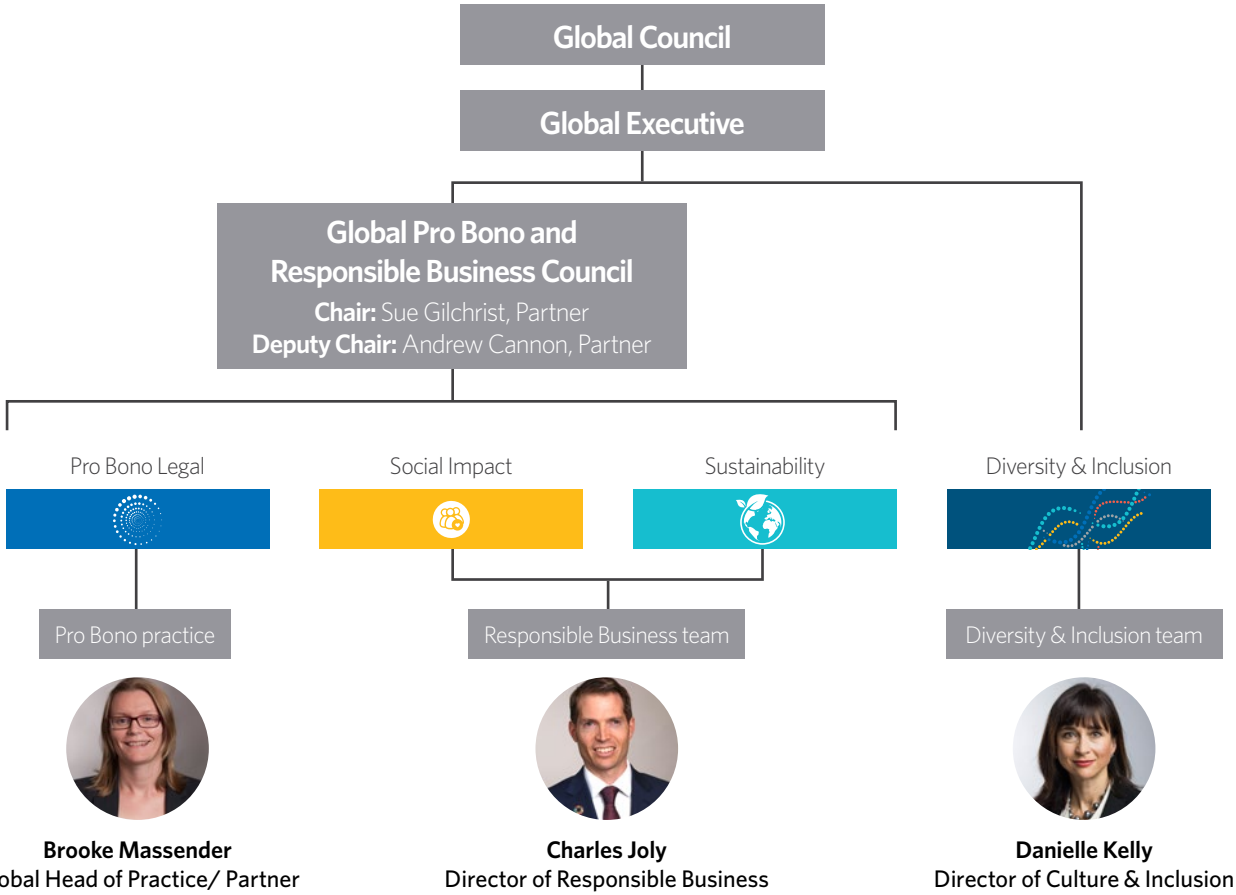


Governance

Overview

Herbert Smith Freehills became a signatory to the United Nations Global Compact (UNGC) in 2016, agreeing to align our strategies and operations with this set of universal principles on human rights, labour, environment and anti-corruption, and to respect and advance these principles through our supply chain and stakeholder relationships.

Our commitment to the UNGC is delivered through our Leading for impact framework and supported by a governance structure which fosters robust decision-making and ensures accountability for the delivery of our objectives. Our strategic approach is further supported by a comprehensive set of policies, engagement and training, as well as reporting and benchmarking.



“Leading for impact as a law firm also means holding ourselves accountable. Our Global Pro Bono and Responsible Business Council brings together senior partners and leaders from across our regions and practice areas, who provide an important governance function. This involves helping guide the development of our strategy in the centrally important areas of pro bono, social impact and sustainability, and providing support, insights and constructive challenge regarding the firm’s contribution in these areas.”

Sue Gilchrist, Partner, Chair of Global Pro Bono and Responsible Business Council

Governance structure

Our Leading for Impact strategic framework is delivered by our global Pro Bono practice, and global Diversity & Inclusion and Responsible Business teams, with clear lines of accountability to our Global Executive and Global Council, the global leadership and decision-making bodies of the firm.

Global Executive

The Global Executive manages the business of the firm on behalf of the Global Council and is chaired by our CEO Justin D'Agostino. The team leads the firm to drive our strategy, including in relation to Pro Bono Legal, Diversity & Inclusion, Social Impact and Sustainability initiatives.

Global Pro Bono & Responsible Business Council

The Global Pro Bono & Responsible Business Council is chaired by senior partner Sue Gilchrist and comprises a range of other partners from across our global network, as well as a member of the Global Executive. The Council oversees the firm’s approach to Pro Bono and Responsible Business in alignment with the firm’s strategy, vision and values, and reports to our Global Executive.

Distributed Ownership

A number of committees and working groups further guide and support delivery and implementation of specific aspects of our programmes. Examples include:

- Global Diversity Networks and Committees
- Reconciliation Action Plan Steering Committee
- Human Rights and Modern Slavery working group
- Community committees
- Sustainability Action Groups
- Earthshot Steering Committee

Policies

Our approach is supported by a comprehensive set of internal policies, standards and guidance, with a selection shown below. These are actively communicated to our people and regularly reviewed and updated.

	Document	Description
	Global Pro Bono Policy	Defines what the firm considers to be pro bono work and outlines the procedures that should be followed.
	Human Rights Policy	Sets out how we conduct our activities in a manner that respects and supports the protection of human rights.
	Modern Slavery Statement	Sets out the steps that we have taken to mitigate the risk of modern slavery and human trafficking occurring within our operations or our supply chains.
	Global Approach to Charitable Giving	Supports a consistent and strategic approach to making charitable donations across our locations.
	Global Diversity and Inclusion Policy	Sets out our vision, accountability, and how we deliver on our commitment to Diversity & Inclusion.
	International Standards of Conduct	Provides a framework to guide our actions, support our culture, promote our values, encourage appropriate behaviour and build trust in each other.
	Environment Policy	Supports our commitment to reducing the environmental impacts of our operations.
	Reporting Concerns and Whistleblowing Policy	Encourages and empowers people across our offices to raise concerns to us and to feel safe in doing so.
	Anti-Bribery and Corruption Policy	Prohibits bribery and related corrupt activities and includes safeguards designed to detect and prevent bribery and corruption.

■ Pro Bono ■ Social impact ■ Diversity & Inclusion ■ Sustainability ■ Corporate governance

Engagement and training

Active engagement and regular training help to embed this approach within our firm’s culture. We do this with regular communications from our senior leadership, but importantly also through a series of employee engagement and training programmes. Employee engagement initiatives include the active engagement of our multiple Diversity & Inclusion networks, mandatory exposure to Pro Bono work for our graduate trainees, as well as the opportunity for our people to take part in volunteering and charitable initiatives the firm supports. Training programmes range from induction training for new employees, to unconscious bias training for partners and any other employees in positions of leadership.

Reporting

Reporting and disclosure form an important aspect of making ourselves accountable for progress. This report is our sixth Communication on Progress, in line with our commitment to implement the principles of the United Nations Global Compact (UNGC) and contributing to the UN SDGs. Our UNGC index on page 65 shows where relevant content on our progress can be found.

We also regularly benchmark our work with peer organisations. An example being our annual submission to the Social Mobility Employers Index (see page 40). This year also saw our second submission to the CDP for our environmental impact, and disclosure through the EcoVadis platform for sharing our performance with our stakeholders. We are now working to frame our management of climate risks in line with the Taskforce for Climate-Related Financial Disclosures (TCFD) recommendations, in preparation for inclusion in our 2022/23 report.

UN Sustainable Development Goals

We work with major organisations in almost every economic sector, in almost every corner of the globe. We recognise that our main contribution towards achieving the United Nations Sustainable Development Goals (“SDGs”) is through the way we manage and influence these relationships. We reflect regularly on the goals in the context of our responsibilities as a global citizen and use them to focus our efforts as a responsible business. Due to the diverse nature of our operations and jurisdictions, we deliberately take a broad approach to our advancement of the SDGs.

Throughout this report, we highlight goals that are integral to our ambitions as a responsible business, where we believe we can have a uniquely positive impact.

See page 66 for a UNSDGs index.



Diversity and social value in our supply chain

In the last 12 months, we have continued to progress our supplier diversity initiative. While the initial focus was on ethnicity, we have since broadened the definition of what a diverse supplier is, to include Disability-Owned Business Enterprise, Lesbian, Gay, Bisexual and Transgender Business Enterprise, Services-Disabled Veteran-Owned Business, Women's Business Enterprise and Social Enterprise Businesses.

Although our overall spend in the year 2021/22 has slightly decreased from last year, we have increased the number of diverse suppliers in our supply chain. Moving forward, we have a number of actions planned to increase our spend with diverse suppliers as well as continuing to increase the number of diverse suppliers.

Environmental sustainability and contributing to net-zero emissions

In support of our commitment to achieve net-zero emissions by 2030, we continue to make progress across different areas of our supply chain. For example, we are increasing the amount of renewable electricity supply agreements in our offices (see page 52). We are also investigating how our contractors for our office fit out and build projects best align with our sustainability goals.

Tackling the risks of modern slavery and human trafficking

Although we consider the risk of modern slavery and human trafficking in our business and supply chain to be low, we continue to carry out a number of assessments within our supplier base regularly. We are now in the process of developing the supplier assessments with audits over the next 12 months.

Our detailed supplier audit processes include a number of steps:

- We take a risk-based approach to assess our suppliers using the Institute of Business Ethics definition of a high-risk spend category and the Global Slavery Vulnerability Index as a measure of location risk.
- Our assessments are based on a subset of questions taken from the Sedex standard audit questionnaire. Self-Assessment Questionnaire for Suppliers (sedex.com).
- We seek evidence to support the suppliers' response to selected questions — every assessment outcome is audited.
- We review their responses and decide on the most appropriate course of action, which may include terminating our agreement with the supplier.
- All new suppliers who will deliver services (this does not include Contingent labour) at our offices have to complete our Modern Slavery Questionnaire prior to taking part in any tender process.
- We carry out repeat assessments and audits every 24 months.

Responsible Procurement

As a firm we recognise that our impact includes our supply chain of goods and services that enable us to deliver work for our clients. Our approach is centred around ensuring we work with suppliers who share our values and help us meet our responsible business goals.

Our Responsible Procurement Policy, which outlines our commitments and expectations of our suppliers in relation to social, ethical and environmental issues, underpins this approach. Our suppliers are also required to conform with our Third-Party Compliance Standards and have their own policies and procedures in place to ensure they share our commitment to the areas set out within it.

While we have a rigorous and far-reaching Responsible Procurement Policy, we are conscious that, just as with all aspects of our work in support of our Leading for Impact strategy, there is always more that we can do. The three key areas of our Policy and where we are working to make a difference are Diversity & Social Value; Environmental Sustainability; and Ethical Sourcing.

Contractors for Herbert Smith Freehills office fit out and build projects are encouraged to meet the following criteria:

- 100% sustainable material inputs that are renewable, recyclable or reusable
- Zero waste to landfill and incineration
- 100% resource recovery, with all materials and products recovered and recycled or reused at end of use

In line with our aspirations for continuous improvement, we are reviewing how best to achieve LEEDV4.1 gold standard certification, the next generation standard for green building design, construction, operations and performance, for all our office fit out and build projects.

Typical supply chain modern slavery risks for businesses

HIGH-RISK SPEND CATEGORIES	
Real Estate	Rent & LeasesOffice Fit Out
Professional Services	Legal ServicesConsultingSponsorship & DonationsFinancial ServicesBrand & Marketing (Branded Merchandise)Business Services
Facilities Management	Printing & ReprographicsCateringBuilding MaintenanceUtilitiesDocument StoragePaper & StationerySecurityMail & Courier ServicesHealth & SafetyCleaning
Information Technology	HardwareSoftwareTelecomsHardware Disposal
Human Resources	Temp LabourPermanent RecruitmentEmployee International MobilityEmployee Rewards & Benefits
Travel & Events	Air TravelEvents & HospitalityGround TransportHotels
Knowledge & Research	Subscriptions & BooksProfessional MembershipsLearning & Development

High riskMedium riskLow risk

Adapted from the Institute of Business ethics

PRO BONO LEGAL

Pro Bono Legal

Addressing complex legal issues through deep client relationships and expertise

About

Herbert Smith Freehills has a significant history of providing pro bono legal services to clients including charities, NGOs, the governments of developing nations and marginalised individuals. We are extremely proud of the outcomes achieved for our clients and the communities in which we live and work, and the relationships and reputation we have built along the way.



Supporting Refugees Globally

Our pro bono practice is part of the firm's core business. Our work is driven first and foremost by the impact it creates and the value we add for our pro bono clients. In 2021, we provided over 70,000 hours of pro bono legal assistance across our network. Our pro bono practice prioritises assisting people experiencing or at increased risk of marginalisation, underrepresentation or systemic disadvantage. This includes young people, First Nations peoples, people with disabilities, LGBT+ community members, displaced persons and women. We collaborate broadly to develop cross-sector partnerships with clients, charities and other firms.

Across the network, our people are involved in a number of Pro Bono projects to help vulnerable refugees and asylum seekers. Specifically in the past year, our work in this area has included a focus on supporting people impacted by the crises in Afghanistan and Ukraine.

70,000
pro bono hours globally in 2021

Access to
justice

NGO
advisory

Social
impact
investment

Legal
education
and capacity
building



Brooke Massender,
Global Head of
Pro Bono, Partner



Brooke was recognised with the Outstanding Contribution Award (Private Practice Individual) by Chambers and Partners in recognition of her work. A trailblazer and champion for diversity, inclusion and pro bono work, Brooke uses her more than 20 years of experience to engender structural change and support some of the most vulnerable people and communities in Australia and beyond. She plays a pivotal role in ensuring access to justice for Aboriginal and Torres Strait Islander clients, and her current practice priorities range from legal assistance for homeless young people in Sydney to ensuring ethical investment in developing nations.



"... it's impossible to really convey our gratitude for all the applications prepared by Herbert Smith Freehills. Thank you all for your diligence, empathy, and patience in carrying out this work..."

Refugee Advice & Casework Service, Sydney



As an international firm, we seek to tackle both local place-based pro bono matters and also major global issues such as the mass displacement of people. Across our network, we share a common purpose in terms of safeguarding the rights of asylum seekers, refugees and other displaced or stateless persons. Our diversity is our strength, as a firm and as a society.

Brooke Massender, Partner, Global Head of Pro Bono

Case Study: our work with refugees

Refugee legal clinics and other pro bono and in-kind support in Australia

Since 2017, we've been working with the Sydney-based Refugee Advice & Casework Service (RACS). In the wake of escalating violence in Afghanistan in August 2021, our work with RACS has been focused on supporting its Visa Application Clinic, with the preparation of onshore and offshore humanitarian visa applications for individuals and families at risk of violence and persecution in Afghanistan. A number of our people have recently had the privilege of calling applicants to let them know that their visa applications have been successful.



Supporting the United Nations High Commissioner for Refugees (UNHCR)

Our people are active around the world in supporting the UNHCR in a multitude of ways:

- In Germany, our lawyers are assisting UNO-Flüchtlingshilfe, the German branch of the UNHCR, by preparing donation agreements compliant with German tax law and that also reflect the requirements of the global UNHCR structure to support refugees living in refugee camps in Germany.
- In the UK, our lawyers are advising the UK branch of the UNHCR in relation to its legal relationship with the global UNHCR agency.



Recognising World Refugee Day at Herbert Smith Freehills

Every 20 June on UN World Refugee Day, we reflect on and recognise the work our colleagues and others do to support refugees, asylum seekers and other displaced and stateless persons. Formalising this commitment, in 2019 we signed a pledge at the inaugural Global Refugee Forum at the United Nations, committing to provide pro bono legal advice in order to develop solutions to help the global refugee community.



Rule 39 Initiative

A number of volunteers across our London and European offices are supporting the "Rule 39" Initiative – a project coordinated by the Italian Coalition for Civil Liberties and Rights to defend the rights of asylum-seekers, refugees and migrants. Our lawyers have been working to file (often urgent) Rule 39 applications to protect the human rights of asylum-seekers, refugees and migrants before the European Court of Human Rights. This includes preventing asylum seekers being forced over international borders en masse, stopping extraditions and ensuring that countries provide basic necessities to asylum seekers blocked in transit. Among the many positive outcomes to date, the initiative has helped to protect the human rights of over has helped over 60 people from 10 countries through Rule 39 requests.



Access to justice

At Herbert Smith Freehills, we believe that all members of society should be able to access legal advice and representation to protect their rights and maximise their opportunities. Our longstanding relationships with community legal centres and advocacy services enable our lawyers to provide legal advice and representation directly to individuals in need.

NGO advisory

We contribute to the strength of the non-profit sector by advising charities and non-profits on governance and corporate legal issues. Through our NGO advisory practice, we act for charities, not-for-profit organisations and people wanting to set up a charity or foundation with governance, compliance, tax, structuring and capacity building.

Case study

Partnering with our peers for the Black Equity Organisation



In collaboration with other law firms, HSF assisted with the development and launch of the Black Equity Organisation (BEO) –a new national and independent civil rights group created to advance justice and equity for Black people in Britain.

The BEO was founded by some of the UK’s most influential Black leaders from the worlds of business, law, arts and social justice including Dame Vivian Hunt (Chair of Trustees) Shadow Foreign Secretary David Lammy MP and Young Vic artistic director Kwame Kwei Armah.

Initiated in 2020 in the wake of the global George Floyd protests and the spotlight on racial inequalities for Black people, BEO will take a data-driven approach in promoting economic, political and social equity for Black communities in Britain in order to ensure equal opportunity for progress and prosperity.

Partnering with organisations in the private, public and non-profit sectors to address issues of structural racism, BEO aims to tackle six key mandates. These focus on economic empowerment, legal rights, culture, education, housing, and health. The charity will also empower Black-owned businesses and entrepreneurs with funding and support and may engage in strategic litigation.

We worked alongside firms Allen & Overy, Ashurst, Clifford Chance, Freshfields Bruckhaus Deringer and Slaughter and May, collectively providing strategic, financial, and advisory support as part of the commitment to tackling racism and building alliances in UK.

Case study

Caribbean death row appeals victory

The firm acted for Mr Naresh Boodram, one of many prisoners in Trinidad and Tobago who had been sentenced to death by hanging under a controversial law requiring the death penalty for all murder convictions, regardless of circumstances. Like most such prisoners at the time, his sentence was not carried out due to ongoing issues in the local justice system, and he was held on death row for over a decade under constant threat of execution. Prior pro bono work by the firm and other London firms resulted in Trinidad and Tobago and other Caribbean countries being forced to commute such death sentences, on the basis of a Privy Council ruling that carrying out an execution after five years or more would constitute inhumane or degrading punishment. However, Trinidad and Tobago then took the position that all such sentences must be automatically commuted to life imprisonment, with no scope for a court to award a lesser sentence.

Lawyers from the firm’s London disputes team represented Mr Boodram in the Privy Council in a test case on this constitutional issue, against the Trinidad and Tobago Attorney-General. In its recent judgment, the Privy Council ruled in favour of Mr Boodram, deciding such prisoners are entitled to a full resentencing exercise, rather than an arbitrary blanket sentence of life imprisonment. As a result, Mr Boodram and many other prisoners will now have their cases remitted for resentencing, considering their individual circumstances including the time spent on death row.

Case study



The Shopfront

The Shopfront Youth Legal Centre, operated by Herbert Smith Freehills in partnership with Mission Australia and The Salvation Army for nearly 30 years, is a free legal service in Sydney for young people aged 25 and under who are experiencing homelessness and other disadvantage. Many of the young people The Shopfront assists as criminal defendants are also victims of crime.

Archie (name changed for privacy) is a young Aboriginal man who approached The Shopfront for assistance with traffic matters at Gosford Local Court. In the course of providing this assistance to Archie, a review of his case files and other records revealed Archie could be entitled to Victims Compensation. However, Archie was within weeks of turning 20, at which point he would be statute barred from seeking compensation. Solicitors in the firm’s Sydney Corporate and Finance teams rapidly scoured a myriad of records to determine that Archie may be eligible for seven claims arising out of previous violent experiences, which they subsequently prepared submissions for.

Archie chose to submit all bar one claim which pertained to a violent robbery he had experienced, as he was fearful that Victims Services would claim restitution from the offender, and he would thus be put in danger. Just months after his submission, Archie received successful decisions on six claims, resulting in an AUD\$ 26,500 payment. He then instructed the team to pursue the final robbery claim alongside an application to waive restitution; while initially unsuccessful, on appeal (and after the team tracked down further evidence to support his claim) Archie was awarded an additional AUD\$1500, and restitution was waived. Poignantly, this money was deposited into his account on the eve of Archie and his partner’s baby’s first Christmas.





Case study

Queer Britain (QB) establishes the UK's first national LGBTQ+ museum

QB is a charity working to establish the UK's first national LGBTQ+ museum. The museum aims to be a place where all people, regardless of sexuality or gender identity can explore, celebrate and pay respect to the influential figures and stories within LGBTQ+ history and community. Members of our real estate team advised QB on its lease, which involved detailed assessment of the lease, leading on negotiations with the landlord and freeholder and advising on potential charity tax implications in relation to VAT recovery. Additionally, our charities team assisted QB on the establishment of a trading subsidiary, including drafting the trading subsidiary articles of association, providing guidance on the practical steps for incorporation and providing advice on the key aspects of charity law for the trustees to consider. Both these pieces of work have facilitated pivotal milestones in QB's journey towards the opening of the museum.



"Herbert Smith Freehills have really played a key role at an important moment for delivering this overdue resource! From the bottom of my heart, thank you!"

Joe Galliano, co-founder and director of QB

Social Impact Investment



Case study

Social Tech Trust

We advised the Social Tech Trust (STT) on its investment into Xploro, a health information platform that uses augmented reality, gameplay and artificial intelligence to deliver health information to young patients, in a way which reduces stress and anxiety, and makes them feel empowered and informed. The investment, closed in July 2021, was made via a revenue-linked investment instrument that we drafted from scratch and involved complicated legal drafting and tax law advice being condensed into a digestible, plain English and "short form" legal document.

Our transaction advice was provided alongside important charity law advice to ensure the legal drafting to align Xploro's social mission and activities with STT charitable objects and enables STT to exit a social investment in the event of "mission drift". We also advised on the ways in which STT should monitor and control the performance of the investee with respect to STT's charitable purposes. This matter was important because it was the first of its kind for STT, and from a charity law standpoint, provided STT with the legal basis on which to confidently assess and execute "programme-related" and "mixed motive" investments in the future.



HSF has been an amazing partner in creating a new hybrid equity instrument for the early stage impact investing market in the UK ... Even better than their eagle eye for spotting and highlighting relevant issues though, was their mental agility and positive attitude in proactively proposing solutions. We now have the exact investment instrument which ... would meet the needs of purpose driven organisations ... and are grateful for HSF's hard work to make this happen!"

Former Portfolio Manager at Social Tech Trust



Legal Education and Capacity Building

In addition to providing our pro bono clients with legal advice and representation, Herbert Smith Freehills is committed to capacity building and targeted legal education to ensure our clients' future growth and sustainability.

Case study

Equally Ours



Herbert Smith Freehills launched a landmark partnership with leading equality-focused charity, Equally Ours (EO), which delivered a holistic package of support to organisations at the frontline of tackling social inequality in the UK. Working alongside the in-house legal and compliance team at BlackRock, our partnership provided each Social Purpose Organisation (SPOs) enrolled in Equally Ours' Enterprise Development Programme (EDP) with mentoring, legal training, and the opportunity to access bespoke pro bono legal advice for the duration of their time in the EDP.

The mentoring programme was revolutionary in its approach to social enterprises and charities by providing SPO leaders with unprecedented access to lawyers who could both champion the SPO's cause within their own networks and leverage their expertise to help the SPO leader identify and tackle legal impediments. We designed the collaboration and provided all of the pro bono legal advice to individual SPOs. This has facilitated further growth for the SPOs, and have enabled them to develop their enterprises on a secure legal foundation.

+40

volunteers from our firm participated in the programme

+500

hours of support, including mentoring, training, and pro bono advice



Case study

DeadlyScience

DeadlyScience is an Australian Indigenous charity working to empower remote Indigenous school students to discover science, technology, engineering and maths pathways through innovative programmes. This year, DeadlyScience's CEO and founder, Corey Tutt, was awarded a Medal of the Order of Australia in recognition of his service to Indigenous STEM education. Through legal education and advice centred on capacity building, lawyers from Herbert Smith Freehills assisted DeadlyScience in developing robust organisational structures and governance capabilities, enabling the charity to deliver its mission effectively over time.

A photograph of three diverse professionals (two women and one man) sitting at a round table in a modern office cafe, engaged in a conversation. The man is in the center, wearing a blue blazer, and the two women are on either side of him. They are all smiling and looking at each other. On the table are coffee cups, a smoothie, and a bottle of orange juice. In the background, there is a red brick wall, a menu board, and other office workers. The overall atmosphere is bright and professional.

DIVERSITY & INCLUSION

Diversity & Inclusion

Creating a culture where people feel respected, valued and that they belong

About

Herbert Smith Freehills is a people business. Without our people, we would not be able to provide service to our clients or positively impact our society. We strive to be the leading international law firm for our diverse and inclusive culture.

Diversity is about how we are different from one another and how we each bring unique information and experiences to bear in working on complex issues and tasks. When we are inclusive by showing our people that they are valued, by treating people fairly, and by demonstrating respect, they feel that they belong. When we belong, we are more likely to collaborate and bring forward different perspectives. This creates fulfilment in the everyday working experience of our people and greater value in the solutions we deliver to our clients.



Strategy

Our Leading for Inclusion strategy sets out our vision to be the leading international law firm for our diverse and inclusive culture. We recognise the power of diversity and inclusion to drive innovation, collaboration and business outcomes. Key elements of our strategy include:

- Gender diversity targets for our partnership and partner leadership roles
- Leadership on LGBT+ inclusion and advocacy
- Developing a systemic approach to how we better support mental health and wellbeing
- Improving the representation and experience of ethnic minority people across our offices through our 10 Actions for Change
- Initiatives to promote disability inclusion

Our diversity networks

- Ability Network
- Family Network
- Gender Equity Network
- LGBT+ Network
- Military & Veterans' Network
- Multiculturalism Network
- Social Mobility Network



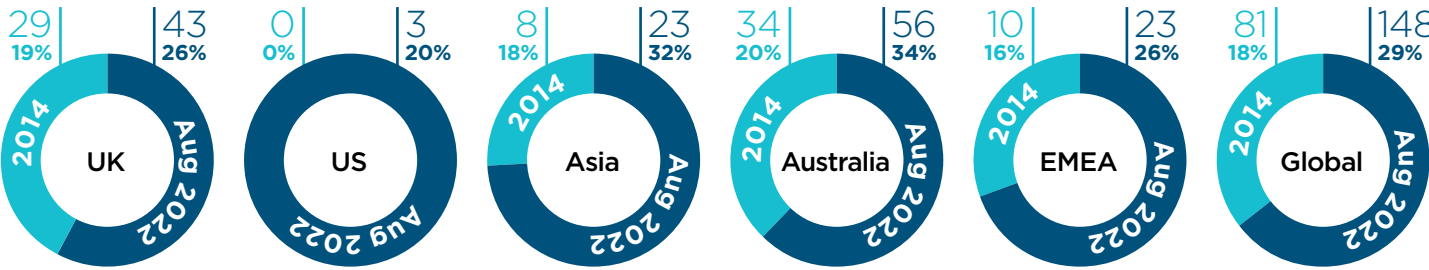
The importance of inclusion in the workplace – and society more broadly – is being felt like no other time in recent history. Even organisations which have long invested in diversity and inclusion have needed to quickly adapt to better respond to shifting employee expectations around flexibility, inclusion, purpose and impact. We continue to learn and remain more galvanised than ever in our approach to improving the experience of all our people.

Danielle Kelly, Director of Culture and Inclusion



Important data / metrics

1. Continued progress against our gender target of 35% women partners and partner leadership roles by May 2023. **Number of women partners per region:**



2. In our London office we continue to make progress, as part of our 10 Actions for Change, of having 10% minority ethnic partners by 2025 and similarly increasing our representation across all employment levels.



3. Across Australia, our 2021/22 summer clerkship candidature was more diverse than ever.



*Culturally diverse candidates describe their cultural background as First Nations, Asian, Black, other cultural/ethnic groups.

Awards and achievements

Awarded Stonewall's Top Global Employer status for LGBT+ inclusion.



Case study

Diversity Champions Summer Internship, Hong Kong

In 2021, Herbert Smith Freehills, Manulife Asia and Hyatt Hotels and Resorts came together to create the Diversity Champions Summer Internship. This programme is open to University students in Hong Kong who come from minority ethnic or lower socio-economic backgrounds, who are LGBT+ or who have a disability. Taking place over three weeks in the summer, the internship programme gave the Champions the opportunity to gain unique insights into how global businesses operate, discover the range of careers available, and learn from the companies' people and leaders. While focused on promoting diversity and inclusion, the programme not only provided an opportunity for high-calibre individuals from underrepresented groups to learn but helped the firm gain insights on inclusivity. The students' unique perspective helped improve our understanding of diversity, equity and inclusion issues. The success of the programme has been recognised widely and on the back of its success, a second summer internship took place in July and August this year.

“We are proud of the work we have done to be more inclusive, but we can always do better. These students raised issues which we had not even thought of.”

Nicole Parker, our Head of HR for Asia

Diversity, Equity, and Inclusion... how strange is it that DE&I has been a huge part of my life since I was a child, but I only gave it a name when I joined this internship programme. These are three different elements but they're equally important, and that has been one of my key takeaways from this internship ... we felt just as cared for as any employees at Herbert Smith Freehills would feel. I'm grateful to have been one of the lucky 8 to be chosen for this year's cohort."

Nalini Dhiman, Champion, BBA student at the Chinese University of Hong Kong



Advancing gender equality

Improving gender balance in the firm is a key priority. Since we first set gender targets in 2014, we have increased the proportion of women in the global partnership from 18% to 29%, and the number of women partners has increased by 84%. In addition, women now hold 28% of our key partner leadership roles, compared to 18% in 2014. Our current gender target is that women will comprise 35% of partners (and partner leadership roles) by May 2023.

8 Drivers for Gender Equity

To create greater transparency and consistency about the steps we are taking to achieve gender equity, we have created a global framework that brings together existing and new areas of focus. Our 8 Drivers for Gender Equity will help create focus and accountability in our work to improve gender balance in our partnership and across the business. Our focus is firmly on all eight Drivers but in this year's report we spotlight three.

Driver 2 – Role Models: Increase access to a more diverse range of role models

Women often cite a lack of role models as a key barrier in seeing a pathway to success. We need to continue to improve connections between junior and senior women across the firm and recognise the additional responsibilities that supporting junior colleagues inevitably brings for many senior women. Our multi-office Gender Equity Matters (GEM) Network focuses on bringing women together to share experience and knowledge. It hosts sessions featuring senior women from our firm and clients, to showcase a diverse range of role models as well as different versions of what success might look like.

Driver 3 – Sponsorship: Increase access to mentoring and sponsorship, both formal and informal

Our Women's Trainee Lawyer Network (WTLN) engages our people with podcasts and blogs about gender diversity. The trainee-led WTLN exists to encourage and further gender diversity at Herbert Smith Freehills. Its objective is to promote a culture of inclusion by connecting trainees who share common interests and to educate the wider firm about gender diversity from a junior perspective. The Network aims to encourage all trainees to participate in the discussion on gender equity within the firm, develop personal and professional skills and provide access to role models.

Driver 4 – Working Parents: Increase support for working parents including more structured support upon return from parental leave

We are focused on improving the support we provide to all our people upon their return to work following a period of parental leave. We believe that it is important to support the individual but also to demonstrate to their colleagues that taking a substantial period of parental leave should not be detrimental to one's career. We have competitive and gender-neutral policies in place to support parents, but also structures that support their transition back to work after parental leave. We have processes in place for line manager conversations, access to parental leave coaching and connection events to support 'reconnecting' with the firm. Additionally, our employee-led Family Network provides support, events and resources online via our new digital parenting hub, "Circle In".

“

Ensuring that our women trainees are given support and confidence to seize the opportunities open to them and to pursue a fulfilling career in line with their ambitions is essential from a business perspective in order to retain our most talented lawyers across the board, but also because it is simply the right thing to do.”

Paula Hodges, KC, Global Head, International Arbitration



Case study

Herbert Smith Freehills launches market-leading initiative in Australia

Herbert Smith Freehills is one of the first law firms in Australia to pay superannuation on unpaid leave following significant changes to our Australian parental leave in early 2022. The improvements include:

- the extension of paid parental leave from 18 weeks to 26 weeks
- that superannuation applies to both paid and unpaid parental leave up to 52 weeks
- the reduction in the eligibility criteria for paid parental leave from 12 months of continuous service to 6 months
- anyone who suffers a pregnancy loss after the first 20 weeks of pregnancy will also be eligible for 26 weeks of paid parental leave, and
- the introduction of additional paid leave for people and their partners undergoing fertility treatment or surrogacy

“

We are committed to investing in our people and supporting them through their most important career and life milestones. These changes will empower our people to excel, while balancing their vital roles outside the firm.”

Andrew Pike, Executive Partner, Australia

Case study

Small inclusions that have a large impact: GEM Network and the Better Period initiative in conjunction with LUÜNA

The GEM Network in our Hong Kong office partnered with **LUÜNA**, an Asia-based, women-owned, social impact organisation, to provide accessible, environmentally friendly period care products within the office. The programme breaks the taboo of talking about the period, reduces period stress by providing access to the products women need and helps to create a more inclusive culture for all our people and clients. Additionally, through the partnership with LUÜNA, we are supporting programmes to alleviate period poverty across Hong Kong. The feedback has been uniformly and overwhelmingly positive, with our people hailing what is a small change but which makes them feel seen and understood.



Ethnic diversity

Improving ethnic diversity within our firm has been a key focus for a number of years, but the Black Lives Matter movement served to spark a deeper conversation within the firm’s leadership and with our people. The conversations focused on how we could work harder to build a supportive, respectful environment where everyone could thrive. As a result, we unveiled our 10 Actions for Change – a framework and measure of accountability for every region across our network to address meaningful change.

10 Actions for Change — Our Progress

Since we launched our 10 Actions for Change in September 2020, we have made strides in our work to improve ethnic diversity in our firm. While recognising our progress, we also recognise that we still have much to do.

1

Address barriers to the recruitment of Black, First Nations, Asian and minority ethnic people

In London, we continue to increase ethnic diversity in graduate recruitment. We monitor ethnicity rates from advertisement to offer and provide unconscious bias training for all interviewers. Underpinning all, we ensure that the requirements of the Rare Race Fairness Commitment, of which we are a founding signatory, are included within our terms and conditions for recruitment agencies, ensuring accountability for candidate pools to at least match the ethnic diversity in the UK. In Australia, our summer clerk programme has significantly increased the number of applications, interviews and hires from candidates of culturally diverse backgrounds. Diverse candidates now make up the majority of participants in our clerk schemes in Melbourne (54%) and Sydney (55%). We use data to greater effect across our recruitment around the world, helping to remain focused on making an impact.

2

Improve retention of Black, First Nations, Asian and minority ethnic colleagues, and improve representation in more senior roles

Our ethnicity reverse-mentoring programme in London and Belfast has nearly 100 participants. The programme turns the traditional mentoring relationship on its head by pairing a senior mentee with a more junior mentor from a Black, Asian or minority ethnic background to help mentees understand minority perspectives and experiences. In London, colleagues volunteering as ‘race leaders’ support the firm’s leadership in keeping race and ethnicity at the forefront of internal discussions, challenging biases and providing minority ethnic colleagues with access to mentoring and sponsorship.

Another way we ensure inclusiveness in our UK offices is the adoption of the **Halo Code** – which aims to ensure that people do not face barriers or judgments because they have Afro-textured hair or hairstyles.

Case study

YES Programme, Johannesburg

In South Africa, we created 22 work opportunities for Black youth through our participation in the Youth Employment Services programme, YES. The YES programme is an initiative of the South African government, in collaboration with the private sector, to drive youth employment and job creation in South Africa.



This is such a great initiative. We are very grateful for the help the intern is providing us. The work she has undertaken will contribute to the strengthening of our relationships with other law firms ... and our offering to clients in countries where we do not have an office."

Maxine Banks, Senior Business Development Manager, International Markets Team

3 Deliver anti-racism workshops in addition to global D&I programmes

We have delivered approximately 50 anti-racism workshops across our offices in Australia, Brussels, Dubai, Madrid, New York, Paris and the UK that are tailored for the firm and use local providers to ensure local relevance. We also continue to explore specific areas of anti-racism in more detail, for example, through sessions on anti-Semitism and Islamophobia run by the Australia Multiculturalism Network. Our UK Multiculturalism Network also held a session to mark Holocaust Memorial Day.

4 Better inform and track our approach through robust data collection and analysis, and target-setting where appropriate

We are reviewing how we can improve the quality and quantity of ethnicity data we collect, to enable more thorough assessments of people processes across our network. Our 2021 UK Gender Pay Gap Report includes, for the second year running, data on our ethnicity pay gap, alongside the required reporting on gender.

Working with the Diversity Council of Australia and The University of Sydney, we took part in a first-of-its kind research project, Counting Culture, that provides a simple, practical tool that Australian organisations can use to measure and report on workforce diversity.

5 Invest in research and continue listening to our people (including leavers) and communities

A number of legal and Business Services teams, including Office Operations, Human Resources and Legal Operations, have organised panel discussions and Q&A sessions, and facilitated conversations about race and allyship. Colleagues in Belfast, Dubai, Germany and New York have been participating in discussions about race and racial inequality, with the goal of creating greater racial literacy.

6 Engage meaningfully with our clients on anti-racism

We have hosted a number of webinars for clients: on anti-racism and inclusive leadership; understanding of unconscious bias and techniques for counteracting bias; as well as delivering anti-racism workshops. We are a lead partner firm of the General Counsel for Diversity & Inclusion (GCD&I) that seeks to promote diversity initiatives at all levels in the legal and business community.

7 Increase mentoring and work experience opportunities for young people from Black, First Nations, Asian and minority ethnic backgrounds

We have launched a new mentoring programme for African undergraduates in partnership with the Ashinaga Africa Initiative. In Paris, we've committed to funding grants and mentoring support for two students from less-privileged backgrounds who attend the prestigious Sciences Po (The Paris Institute of Political Studies).

Our London office participates in the Catalyst programme, which provides underrepresented law students access to educational, career-development and internship opportunities.

8 Support diversity within our supply chain and support businesses and social enterprises owned by Black, First Nations, Asian and minority ethnic people

We've joined Minority Supplier Development UK (MSDUK), which gives us access to more than 30,000 minority ethnic-owned businesses and helps us identify opportunities to further diversify our suppliers.

9 Increase pro bono support for organisations that address racial inequality

Our pro bono work aims at addressing racial inequality around the world. Our Asia teams provide support to programmes protecting the rights of migrant-worker communities and our New York office is a founding member of the Law Firm Antiracism Alliance, a partnership of nearly 300 law firms working collaboratively with legal services organisations to address systemic racism. Our London intellectual property disputes team helped racial justice charity Operation Black Vote secure the IP rights to The Colour of Power – the charity's extensive study of race and power in Britain.

10 Hold regional executives accountable for progress on ethnic diversity

Across all 10 Actions, our regional executive members – who are accountable for our progress – continue to analyse their local needs and formulate longer-term plans for carrying out the 10 Actions. Each member of the UK Executive, for example, has taken ownership of one of the 10 actions to determine what else we should be doing, what further changes we may need to make, and how we can best support this work over the longer term.



10 Actions for Change has allowed us to make significant progress in a variety of important areas to improve ethnic diversity and create a respectful environment. These are the foundations that give us the confidence and security to strive for all that needs to be done before it can truly be embedded into the firm's culture."

Director of Business Development UK, US & EMEA, UK Exec Member & Sponsor for Race

Global advocates for LGBT+ inclusion

Advocate/Embassy designations for our offices

As an international firm, our commitment to embracing the LGBT+ community is unwavering, but we operate within diverse legal and cultural settings. We thus adapt our approach to local realities. Our Advocate/Embassy framework allows flexibility while remaining consistent with our global objectives and the firm's values.



“It doesn't matter how small the action; any show of support can make a real difference to others.

Kodo Nishimura

As a global firm, we are an advocate for LGBT+ inclusion, positively demonstrating our leadership.

Advocate locations

Our offices designated as Advocate locations participate in global or local advocacy such as equal marriage campaigns, driving the network's global and local objectives in a public way to demonstrate clear and unequivocal support for LGBT+ inclusion and provides additional support to individuals.

Embassy locations

Embassy locations align with our global values and our D&I policy as well as play a strong role in implementing our LGBT+ policies and actions, ensuring a safe space within the office for LGBT+ people and their allies that is free from discrimination and takes part in the internal promotion of activities and campaigns for LGBT+ inclusion.

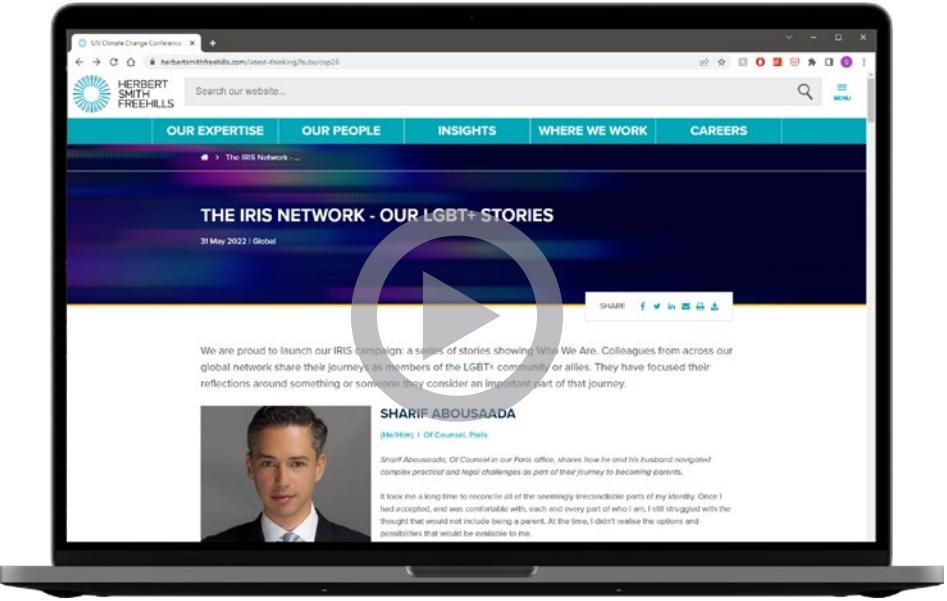
Designation

Each office is invited to identify as an Advocate or an Embassy in a thoughtful and rigorous process by considering a range of questions that lead to the most appropriate designation. Designations are reviewed regularly.

Case study

Queer Asian Identities: Kodo Nishimura, Japanese Buddhist monk, makeup artist and LGBTQ+ activist

Kodo Nishimura, named one of *Time Magazine's* Next Generation Leaders in 2021 and featured in Netflix's *Queer Eye: We're in Japan!* in 2019, was the Asia IRIS Network's virtual guest at a fireside chat with more than 100 of our people. During the session, he shared the incredible story of his journey in overcoming adversity and inspired others to be their true selves. In Japan, it is common for Buddhist monks to take up other professions, and Kodo has chosen to pursue his passion for fashion and beauty by becoming a makeup artist while continuing to live and work as a monk in his temple.



Case study

Herbert Smith Freehills named Principal Legal Partner of world's largest PRIDE celebration

Our firm has become the Principal Legal Partner of WorldPride 2023. Sydney WorldPride will mark the first time the festival will be held in the Southern Hemisphere, and with close to 1 million people expected to attend, it will be the biggest international summer event in Sydney since borders reopened after the pandemic. The celebration will take place on the lands of the Gadigal people of the Eora Nation from 17 February to 5 March 2023. The theme, GATHER, DREAM, AMPLIFY, was developed in partnership with First Nations peoples.

Our CEO, Justin D'Agostino, the first openly gay CEO of a major international law firm, said the firm is devoted to walking the talk when it comes to supporting its LGBT+ community and clients.

Who We Are

We are proud to launch our IRIS campaign: a series of stories showing Who We Are. Colleagues from across our global network share their journeys as members of the LGBT+ community or allies. They have focused their reflections around something or someone they consider an important part of that journey.

“

As a firm, championing diversity and inclusion is not just what we do, it's who we are... [O]n a personal front, I have always been deeply committed to ensuring an inclusive culture is embedded across our firm and the profession. When I became a partner in 2007, I founded our first LGBT+ network (IRIS), one of the first such networks of any international law firm. Now, here I am, some 15 years later, announcing that we are the Principal Legal Partner of Sydney WorldPride. It's just remarkable how far we have come."

Justin D'Agostino, CEO, Herbert Smith Freehills

"Major events require huge legal expertise and can be challenging to manage for commercial festivals, let alone a not-for-profit like Sydney WorldPride, so we are extremely grateful for the continued advice and support that Herbert Smith Freehills provides as our Principal Legal partner."

Kate Wickett, Sydney WorldPride CEO

Disability

In 2020, we signed up to the Valuable 500, a global movement of leading organisations which are committed to putting disability inclusion on the business agenda. As part of our membership, we are committed to:

- improving access to and understanding of workplace adjustments;
- empowering, educate and provide support that enables all of our people to talk openly about mental health;
- championing the recruitment and retention of those with autism; and
- ensuring our workplace is more inclusive and accessible for people with disabilities.

We launched our global commitment to adjustments last year, combining the importance of championing disability with tangible actions that will improve the experience of any individual with a disability. In addition, our Ability employee network is focused on supporting our people with long-term health conditions or disabilities, as well as those with caring responsibilities, and has specific chapters focused on topics such as Dyslexia and Autism.

A few key milestones:

- Shared "Stories from the Spectrum", a campaign highlighting colleagues' experiences with autism to support education in our firm and to provide visible role models.
- Partnered with My Plus Consulting and PurpleSpace to build disability confidence and stay up-to-date on best practice, including in respect of recruitment.
- Invited to join IncludeAbility – a small working group convened by the Australian Disability Discrimination Commissioner to develop best practices to continue to strengthen an inclusive work environment.
- Hosted recruitment roundtables with Autism Forward, focused on helping autistic people find paid or voluntary employment and reach their full potential.

Case study

Leading for Inclusion for people with disabilities

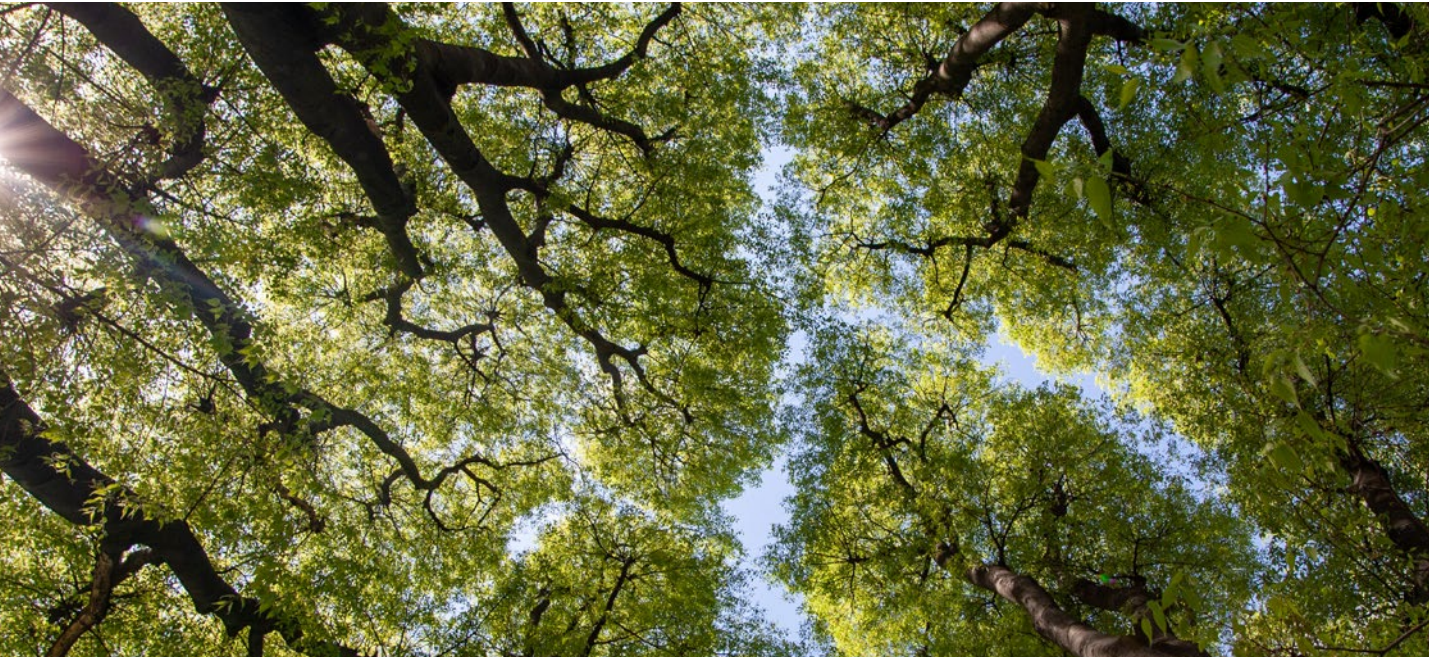
We hosted our inaugural in-person breakfast event on improving autistic inclusion in the legal profession. Attended by participants from many peer firms, the event promoted autism inclusivity inside organisations. In initiating this event, our goal was to identify opportunities for the inclusion of autistic people by sharing lessons learned amongst those in our profession.

In conjunction with the event, we published [Infinite Possibilities](#), our first autism publication. It is a collection of lived experience stories written by our people or friends of the firm highlighting the positive impact autism can have on people's lives and on the organisations in which autistic people work. Amongst many insightful topics, the publication outlines key initiatives helping to improve the life and employment outcomes of autistic people.



Stereotypes come in all shapes and sizes. Some may seem harmless, others not so much. Despite the vast spectrum, I believe they share one common quality: they are nearly always incorrect."

Charlie Madill, Associate, London



Protecting the mental health and wellbeing of all our people

Our first global mental health strategy, Thrive, launched in 2019. It focuses on culture, prevention and access to mental health support for our people. Underpinning our strategy is our global Mental Health Champions' programme which equips volunteers to support colleagues have better conversations about mental health, including signposting support.

Our more than 600 Champions are volunteers from across all regions within the firm who play a critical role in raising awareness of mental health, championing wider initiatives across the firm and supporting a culture of inclusion and openness around mental health.

Inclusive leadership and counteracting bias

We all have biases, and in the workplace those biases can impact the decisions we make, potentially creating barriers that prevent us from embracing diversity, new ideas and different perspectives. We want to ensure our people are aware of their own biases, and to equip them to challenge themselves and others in the moment.

We recently re-developed our approach to unconscious bias training, moving away from a one-off programme to ongoing training and awareness. Our Unconscious Bias hub has a range of resources including a guide that teams can use to encourage discussion and reflection on the impact of unconscious bias. Additionally, we:

- integrate an understanding of the impact of bias into our core development and leadership programmes;
- provide "just in time" workshops for key teams and individuals (e.g. recruitment teams, managers and leaders) at key moments (e.g. promotion discussions);
- ensure a diverse panel of interviewers are responsible for making selections for graduate trainees;
- review our partner promotions process to design out the potential for systemic bias; and institute a refresher session at the start of the annual promotion cycle.



Case study

How We Work

In addition, our How We Work guidelines encourage individuals and teams to adopt more efficient and sustainable working practices. They create an explicit link between a high-performance culture, individual wellbeing and more efficient, balanced and sustainable ways of working. The guidelines cover a number of areas, including promoting smart meetings, mindful emailing, better conversations and embracing agile and flexible working. A key example is Agile 60:



Agile 60: Our approach to agile working providing our people the flexibility to spend 60% of their time working in the office and 40% working remotely.



“We should be ambitious in the lengths we are willing to go in order to accommodate the needs of our colleagues and to bring out the best in one another. We should be excited by how far we can push our preconceived boundaries in order to create a truly inclusive environment. We should be brave.”
Rosie Watterson, Associate, London

Case study

Tokyo steps up for mental health

A Herbert Smith Freehills team from Tokyo laced up their walking shoes and strode nearly 17 kilometres to raise funds and awareness for TELL, a non-profit organisation providing mental health support with a particular focus on Japan's international community. TELL's annual Step Up Challenge in 2021 asked participants to complete 21,081 steps in a day, signifying the number of people who lost their lives to suicide in Japan in the previous year. Setting out at 6pm from our Tokyo Midtown office on 8 October 2021, our team returned by 9.55pm, having completed an almost perfect count of 21,082 steps. The team raised ¥226,000 for TELL, the second-highest amount of any participating group this year and raised ¥70,000 more than last year's total.



Our Tokyo Step Up Challenge Team



“We were glad to have raised awareness for this worthy cause, and we are proud of the firm for its commitment to mental health and wellbeing.”
Joel Rheuben, Senior Associate, Tokyo

SOCIAL IMPACT

Social Impact

Supporting the communities in which we live and work

About

We are an international law firm, but we are firmly rooted in and connected to the local communities in which we live and work. What we refer to as “Social Impact” is more than one of the pillars of our Leading for Impact strategic framework. In fact, we continually strive to create a culture of social responsibility in our firm and with this an awareness of the needs of society.

As such, we are committed to access to justice, to redressing historic wrongs and to increasing social mobility in the legal profession. We are recognised as a business leader across sectors for our work in social mobility and inclusion and on the Reconciliation agenda in Australia. Our support for our partner charities and humanitarian organisations includes direct donations, pro bono advisory and volunteering. We are committed to the protection of human rights and actively mitigating the risk of modern slavery across our operations and supply chain.



We believe that as a law firm we can provide leadership in four main areas and this report details each of these and some of the impacts from the work we have been doing in the past year and more.

- Improving social mobility and inclusion (see page 41)
- Indigenous Reconciliation (see page 45)
- Community work and charitable giving (see page 47)
- Promoting human rights and tackling modern slavery (see page 47)



We work to leverage our strengths as a law firm to make a long-lasting positive impact for our local communities. Our social mobility programmes unlock the potential of future leaders, our Indigenous Reconciliation empowers First Nations voices, and we provide strategic support to charitable organisations who champion access to justice and local communities.

Alison Brown, Executive Partner, West



Awards and achievements



- Only law firm to receive **ELEVATE Reconciliation Action Plan (RAP) status twice**, and one of only 18 organisations in Australia with ELEVATE RAP status.



- Ranked 3rd out of 75 UK employers in the **UK Social Mobility Employer Index**, maintaining our position as one of the top employers for social mobility in the UK.

Towards Truth: supporting First Nations Truth-Telling in Australia

Herbert Smith Freehills has been involved in Towards Truth, a collaboration between the Public Interest Advocacy Centre (PIAC) and The University of New South Wales’s Indigenous Law Centre (ILC), since 2019. The project will support and empower First Nations-led truth-telling by developing a publicly accessible, searchable database to understand what laws and policies were in place affecting First Nations peoples since 1788.

The Uluru Statement from the Heart calls for truth-telling about the history of Aboriginal and Torres Strait Islander peoples. Truth-telling is crucial to the ongoing process of healing and Reconciliation in Australia.

Our role in the Towards Truth project involves large-scale pro bono legal, funding and strategic support conducted by our team of lawyers, graduates and paralegals across our Australian offices. To date, more than 3,800 hours of pro bono legal research and analysis of legislation and policy have involved approximately 100 team members, including more than 25 lawyers across our national offices to inform the direction and content of the database.

Herbert Smith Freehills researchers have worked on a diverse range of topics, including Land Management, Water Rights, Criminalisation of Alcohol, Child Removal, Life on Missions and Reserves, Participation in Democracy (eg voting rights) and Forced/ Unpaid Labour of Aboriginal people.



Around **100 Herbert Smith Freehills team members** from across our national offices have been involved in the Towards Truth project to date.



Contributing more than **3,800 hours** of pro bono legal support.



Over **25 Herbert Smith Freehills lawyers** have contributed **50+ hours** to the project.

80+

charitable and community organisations supported in year 2021/22

50

CareerTrackers interns hosted as of the Australian summer 2022

345

PRIME interns hosted in the UK as of summer 2022

55

Networked scholars hosted in the UK as of summer 2022

Social Mobility & Inclusion

We want to attract and retain top talent and believe that everyone should have the opportunity to reach their maximum potential, regardless of personal circumstances.

It is from this basis that our many social mobility programmes aim to provide an opportunity to see the possibilities, to motivate and to provide the skills and experiences for young people from low socio-economic backgrounds. Our programmes are not exclusively for legal roles but also for roles in professional services more generally.

Our approach is defined by our values and guided by data. We know we do not have all the answers yet, but we seek to improve social mobility methodically and continuously.

Our social mobility programmes focus on addressing several key elements:

- To address disparities in educational attainment.
- To provide meaningful experiences of work and training.
- To provide professional development and skills training.
- To provide insight into careers in the legal sector and professional services.
- To inspire and help to build confidence.
- To help build meaningful professional networks.

Aligned with the UN SDGs

Our focus on social mobility is in line with our commitment to support the UN SDGs. Our social mobility programmes support SDG number 10 (reducing inequalities), which aims to ensure equal opportunities and reduce inequalities in order to achieve and sustain income growth of the bottom 40% of the population at a rate higher than the national average.

Part of our 10 Actions for Change

Our focus on facilitating social mobility also forms part of our 10 Actions for Change commitment (see page xx), specifically number seven as it relates to increasing the mentoring and work experience opportunities for young people from Black, First Nations, Asian and minority ethnic backgrounds.

Clients

We partner with our clients to help bring our social mobility programmes to life. This can involve a number of activities such as client volunteers joining an online workshop, hosting an insight day at their offices or working with young people on a pitching project.

A founding member of PRIME

We are a founding member of PRIME, a collaborative law firm initiative that provides fair access to work experience to young people from low-income backgrounds from across the UK. Each year we offer work experience placements to 25 talented, hardworking, motivated and ambitious young people from backgrounds that are underrepresented in the legal profession.

There are two cohorts: for students from London and a residential programme for students based outside of London who have limited access to opportunities. When evaluating their experience on PRIME, 100% of participants said that their confidence increased as a result of the programme.

For every PRIME internship, we partner with one of our clients. It's an effective way of developing stronger relationships with our clients and supporting one another in the shared objective of ensuring fairer access to work experience.

“One participant described their work experience as “interesting, motivating and inspiring.”

PRIME participant

Our Networked Scholarship Scheme

The Networked Scholarship Scheme is our flagship and pioneering social mobility programme, launched in 2010, to support young people from low-income backgrounds into professional careers. Every year, we select five A-level students from comprehensive schools in London to participate in the five-year programme.

The scheme is not necessarily about creating lawyers but about fostering skills that apply to all business environments and creating future business leaders. Students participate in an

100% of our first four cohorts have gone on to secure roles in the financial and professional services.

internship programme that includes insight days with our clients, work shadowing, mentoring support over five years and a financial bursary to support them through university.

In a survey by an external research body, 86% of students said that the programme had a direct impact on their success and 100% of our first four cohorts have gone on to secure roles in the financial and professional services.

“Describing Networked, one programme graduate called it “shattering the glass around the city and making it attainable.”

Programme graduate

“My time at Herbert Smith Freehills was not only informative but foundational to the career I am building today and one of the best pieces of advice I ever received was from a former colleague at the firm - ‘just ask’.



Amina’s story
Amina Laoufi, Associate Proposals Manager, former Networked intern

A daughter of first-generation immigrants to the UK, Amina was instilled with a strong work ethic from the word ‘go’. The inspiration from Amina’s first legal internship at the age of 17, courtesy of the Herbert Smith Freehills pioneering Networked Programme, saw her through her educational career, graduating in 2019 in Law and Politics at Queen Mary University of London.

According to Amina, her time in the Programme and at Herbert Smith Freehills helped her to understand the broad career possibilities she had in front of her, something that was certainly aided by the culture at the firm, where her skills and intellect, not her background, were important. Colleagues would share their own and similar experiences, helping to give Amina the confidence and motivation to aspire for the career in client relationship management and business development that she is building today.



Shaun's story

Shaun Miskelly, Trainee lawyer,
Herbert Smith Freehills

Despite having attended one of the worst performing state schools and in a rural area, Shaun learnt about the PRIME Programme and the potential opportunities of a legal career thanks to his form teacher. For Shaun, the Programme and Herbert Smith Freehills were unique in that his cohort's intake was specifically for students from outside of London, giving them the unique opportunity to think of a London City career.

Shaun immediately identified with the firm's culture as a socially responsible member of the legal, business and local communities and admires that Herbert Smith Freehills is a firm that supports those from less advantaged backgrounds, be that in its training and recruitment but also in its pro bono work, which he is looking forward to contributing to.

Having graduated in History of Art from Oxford University in 2021, Shaun has now been awarded a training contract at the firm, which includes his law conversion degree being paid for.



Herbert Smith Freehills walks the talk when it comes to diversity of trainees and employees. I've seen this from my first experience in the PRIME programme and every day since.



Rebecca's story

Rebecca Worrall, Graduate Recruitment
Manager, Herbert Smith Freehills

Rebecca wants to make sure there are no barriers to people applying for legal and related careers at Herbert Smith Freehills and key to achieving this is the power of data. With on average 4,000 applications each year for 65 positions, the firm relies on tools such as those provided by Rare's 'Contextual Recruitment System' (rarerecruitment.co.uk) for recruitment in its UK and Australian entities. The tool puts candidates' achievements into context, identifying outstanding performers that may be missed. Additionally, Rebecca is using data regarding candidate profiles to ensure there is no unconscious bias during recruitment and that the firm continues to meet its goal to be the leading law firm for D&I.

While much has been done, Rebecca recognises that there is always more that can be done. The firm is looking at how to better support graduates during its training and experience programmes, including cost of living support.

The fact that Herbert Smith Freehills can hire the best and diverse talent while simultaneously making a positive impact on people's lives motivates her to do more and strive to continually improve diversity.



The collaboration and collective drive to hire and retain diverse talent motivates me and focuses my attention, allowing me to get on with ensuring we recruit diverse talent into our firm.



Charlotte's story

Charlotte Brummitt, Co-Chair of the Social
Mobility Network, Mental Health
Champion, Pitching Manager, Business
Development, Herbert Smith Freehills

One of seven children born into a struggling working-class family, Charlotte realised from an early age that a good education was the route to improving her own situation and this conscious drive saw her through to graduating from the University of Birmingham with a degree in French and Hispanic Studies in 2003. Despite her successes, Charlotte continued to suffer for many years with anxiety issues.

Since joining Herbert Smith Freehills in 2018, Charlotte has felt empowered professionally and supported personally. The collaborative and inclusive culture of the firm flows through both the work, her colleagues and even the clients. It is this culture which has allowed Charlotte to feel a part of the firm's Social Mobility journey, sharing her own story and being actively supported in her role as a Co-Chair of the Social Mobility Network and a Mental Health Champion, of which there is one in each of the firm's offices. In her opinion, the firm is talking the talk but can always do more and she intends to be fully and wholeheartedly a part of this journey for Herbert Smith Freehills.



Social mobility isn't just about setting targets for getting people from lower socio-economic backgrounds into top universities or highly paid professional careers – that's just box-ticking and, dare I say it, tokenism. True social mobility is about breaking down the barriers that prevent those from lower socio-economic backgrounds having the same opportunities to achieve success as everyone else.



Tim's story

Tim West, Partner, Herbert Smith Freehills.
Sponsor of Social Mobility Network

From a state school background in the west of England, Tim was the first generation of his family to go to university. Now 17 years at Herbert Smith Freehills, he has always appreciated that neither his nor any of his colleagues' backgrounds has ever made a difference to his ability to grow within the firm. Tim puts this down in large part to the diversity of backgrounds, different personalities and perspectives, and an open and collaborative environment where the quality of the work and people's ability is what counts. This naturally results in a culture where, regardless of position and income generation, respect is the norm.

As a sponsor of Herbert Smith Freehills's Social Mobility Network, Tim aspires to do his part to enable and support the careers and the betterment of the legal profession by supporting opportunity for people with ability. He is very proud how Herbert Smith Freehills is broadening access to the firm in recruitment and importantly on the focus to do more — continually. For example, a finding from a recent survey of staff found that even informal conversations about holidays should not make others feel uncomfortable and awareness training was initiated as a result of this.



We can only get people to apply and then retain them and allow them to flourish if they feel how I feel at Herbert Smith Freehills – comfortable and able to raise their voices and to exercise an opinion, despite their background.

Indigenous Reconciliation

We are committed to advancing a culture of partnership and Reconciliation with Aboriginal and Torres Strait Islander peoples. In 2011, we launched our first of four Reconciliation Action Plans (RAPs), making Herbert Smith Freehills the only law firm to date to receive, now twice, ELEVATE leadership status, the highest level of leadership endorsement by Reconciliation Australia.

Our second ELEVATE RAP, launched in September 2021, included a commitment to support the Aboriginal and Torres Strait Islander views and voices expressed with clarity, consistency and urgency in the Uluru Statement from the Heart.

We will continue to be guided by First Nations peoples and organisations. In addition to investing approximately AUD\$2 million annually directly into Indigenous organisations and communities, we are committed to showing leadership and advocacy at a systemic level.

Our vision

Our vision for Reconciliation is to increase the representation of Aboriginal and Torres Strait Islander peoples in the legal profession and to help reduce Indigenous overrepresentation in the criminal justice system in three ways:

1. Taking a lead facilitation role in the development of an educational eco-system to nurture a pipeline of talent, significantly increasing employment outcomes for Aboriginal and Torres Strait Islander peoples in the legal and corporate sectors
2. Advocating actively for justice reinvestment and constitutional reform
3. Providing access to justice through pro bono legal advice and representation, in particular for the most vulnerable young people at risk of incarceration.

We advocate for justice reinvestment – a data driven approach to improve public safety, reduce criminal justice spending,

and reinvest savings in strategies that can reduce crime and strengthen communities in New South Wales (“NSW”).

Examples include assisting with submissions to NSW’s review of the Bail Act 2013, and conducting a detailed review of international approaches to youth bail assessment, providing substantial analysis intended for use in reform initiatives and programme development.

Examples of direct financial support includes financial assistance to Just Reinvest NSW, a non-profit organisation that works to reduce the number of Aboriginal people being imprisoned, by putting resources into building strong communities, and a cell support project in Western Sydney which supports Aboriginal young people apprehended by police.

At a higher level, we are committed to broadening our impact by encouraging other law firms and businesses to discuss constitutional reform openly and with cultural sensitivity, confidence and care.

Uluru Statement from the Heart

This is an invitation to the Australian people from First Nations Australians. It asks Australians to work together to build a better future by establishing a First Nations Voice to Parliament enshrined in the Constitution, and the establishment of a Makarrata Commission for the purpose of treaty making and truth-telling.



We aim to make a difference by partnering with Aboriginal and Torres Strait Islander members of our community and using the skills and commitment of our people. Key areas we are focused on include access to justice, thought leadership and career opportunities. We look forward to continuing this work into the future.

Andrew Pike, Regional Managing Partner, Australia

Partnering with Yalari Foundation to educate and empower Indigenous children

Since 2005 we have been a partner of Yalari, a non-profit organisation providing First Nations young people the opportunity to be educated at some of the best boarding schools throughout Australia.

We host the Yalari Pathways Workshops for students in their final year of high school. The workshops, facilitated by Herbert Smith Freehills staff, provide practical skills for students including goal setting, interviewing and resume and cover letter writing.

Our staff members also volunteer their time to attend and share their career experiences with students at Career Roundtable sessions and provide mentoring throughout the year

Stolen Generations Survivors

Herbert Smith Freehills has a long history of supporting survivors of the Stolen Generation in NSW including in a pro bono partnership with the Kinchela Boys Home Aboriginal Corporation (KBHAC). For example, the firm prepared agreements protecting KBHAC’s IP and copyright in training modules being rolled out to NSW public servants.

At a more systemic level, Herbert Smith Freehills hosted a roundtable with Legal Aid NSW, KBHAC and others to facilitate discussion about the Stolen Generation Reparations Scheme amongst Stolen Generations organisations.

Indigenous Law Centre UNSW on the Uluru Dialogues

Herbert Smith Freehills provided a secondeed in the form of pro bono legal work, to support the work of the Indigenous Law Centre (ILC) at the University of New South Wales (UNSW) on the Uluru Statement from the Heart. Additionally, we supported the organisation of a Youth Conference in Cairns at the end of 2019, which brought together young and emerging First Nations leaders from corporations, universities, not-for-profits and community organisations.



Kishaya Delaney

Kishaya, a Wiradjuri woman, is a member of the Herbert Smith Freehills Australian pro bono team and since April 2022 a practicing lawyer within the Australian team. Kishaya first came to Herbert Smith Freehills as a CareerTrackers intern in 2017, and has subsequently worked as a paralegal, vacation clerk and graduate trainee on her career journey.

In 2021, Kishaya was the Project Officer for the Towards Truth project, further strengthening our role on this project. Kishaya was responsible for coordinating and assigning research requests and liaising with external stakeholders, including pro bono law firm partners, academics and government organisations.

Case study

CareerTrackers

In 2011, Herbert Smith Freehills was the first law firm to join CareerTrackers, a non-profit organisation that creates private sector internship opportunities for Indigenous university students. Since that time, we have hosted 49 CareerTrackers interns across all of our Australian offices, including Kishaya Delaney. To date, 6 interns have joined in full time positions across our Australian offices.

Our 10-year commitment to CareerTrackers includes being CareerTrackers’ primary provider of pro bono legal services, continuing to support up to 10 interns per year, providing organisational capacity building within CareerTrackers and providing further opportunities for alumni to develop a legal career at Herbert Smith Freehills.

Procurement to support Indigenous businesses

We are committed to supplier diversity, as this opportunity promotes a vibrant and prosperous Aboriginal and Torres Strait Islander enterprise sector, which in turn helps to increase employment within the Aboriginal and Torres Strait Islander communities. This commitment is demonstrated through Action 8 of our 10 Actions for Change.

Herbert Smith Freehills’ primary objective is to have sustainable qualitative impacts on these businesses and communities by continuing to invest in capacity building and pro bono support. For example:

- We are a member of Supply Nation, Australia’s largest database of verified Indigenous businesses, and have been providing Supply Nation with pro bono support since its inception in 2008.
- We recently secured an Indigenous supplier for our Melbourne office relocation, Spatial Hub, a Supply Nation certified, majority owned Indigenous business which looks to

the local community and Indigenous engagement at first instance for supply chain and product delivery.

- The furniture being manufactured for our new Perth office is a collaboration with Koskela, a firm that is committed to reconciling with Australian First Nations history and cultures, by creating income earning opportunities for First Nations artists and makers through collaborative design projects.
- We have entered into more than AUD \$150,000 of contracts with Indigenous suppliers over the past three years, exceeding our RAP target for 2018-2021.

Community Work and Charitable Giving

We recognise needs and priorities can differ greatly among the communities and regions we operate in. Our community programme balances our global initiatives with the work of our local office-based community committees, who best understand the communities in which they live and work.

This year we developed a global internal guidance to support better strategic alignment across these different aspects of our programme, with a focus on supporting the local communities in which we operate and the themes of Education, Youth, and Access to Justice.

In the same way that we respond to any client, we listen to and respect what our community and charitable partners tell us they need in order to best support the communities they serve, and we help in various ways including financial support, donations in kind, or pro bono and volunteering hours.

Human Rights and Modern Slavery

As a signatory to the UNGC, we are committed to respecting internationally recognised human rights and conducting our activities in a manner that respects and supports the protection of human rights. Our Human Rights Policy was adopted in 2016 and was updated this year to ensure it stays at the forefront of best practice.

A key aspect of this work is our approach to reduce modern slavery and human trafficking risks across our operations. Given the level of control we have over our direct operations and the nature of our services and specialist workforce, we consider any material exposure to modern slavery risks to relate to our supply chain.

Our approach to minimise these risks includes the assessment and monitoring of suppliers, modern slavery awareness training of key internal stakeholders, and continuous review. This year our Internal Audit team audited our processes and internal controls and produced a set of findings which we will address in the coming months. Further details on our approach can be found in our annual Modern Slavery and Human Trafficking Statement.

Madrid office helps tackle UN sustainable development goals through its Foundation initiative

Each month, Fundación HSF (the HSF Foundation) in Spain comes together to discuss a UN Sustainable Development Goal (SDG). The initiative forms part of the Foundation's '12 months-12 causes' programme. The main objectives of the programme are to raise employees' awareness of the global agenda, bring them closer to different social issues and encourage them to contribute to resolutions by coming up with local actions.

Programmes usually take place in collaboration with NGOs, providing opportunities to work with a local 'changemaker team' – a group of committed employees who meet monthly to help implement the actions arising from the sessions. In October and November 2021, the sessions coincided with the International Day of the Girl Child and aligning with SDG 5, Gender Equality. This focuses on ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

Employees were challenged to take part in a short quiz to reflect on their knowledge and views about gender equality and listened to inspirational talks with influential thought leaders from outside the firm. Key learnings included the need for shared responsibility in the home, more visible women role models and flexible measures which don't distinguish between men and women, to name but a few.



Médecins Sans Frontières: our global charity partner

We are currently mid-way through our five-year commitment to strengthen our relationship with our global charity partner, Médecins Sans Frontières/Doctors Without Borders (MSF).

In 2022 MSF continued to provide emergency medical care to communities affected by war and conflict, including in Ukraine and Afghanistan. MSF's interventions in Ukraine included running a medical evacuation train, taking critical patients from frontline hospitals to safer facilities in western Ukraine. Continuing its longer-term

healthcare interventions, this year MSF also carried out the world's first-ever reactive vaccination campaign in South Sudan in response to an active outbreak of hepatitis E.

We have supported MSF's work since 2012 and this year again it took various forms including providing pro bono legal support on a variety of matters related to charity law, skilled volunteering support by our Business Services teams, and making financial and in-kind contributions through a combination of corporate donations, employee donations and fundraising initiatives led by our local offices across our network.

SUSTAINABILITY

Sustainability

Protecting the environment and tackling climate change

About

In December 2020, as part of our response to climate change, we set ourselves a stringent target of reaching 'Net Zero by 2030'. To achieve our target, we will use a mixture of measures such as reducing emissions by at least 50%, transitioning to 100% renewable energy where feasible and engaging with our suppliers. Our 2030 near-term reduction target is certified by the Science Based Targets initiative (SBTi), an organisation formed by the United Nations, WorldWide Fund for Nature, CDP and others to encourage and measure corporate climate action. Our data and progress will be audited and verified externally.



Strategy

We are working to decarbonise our operations and supply chain through our science-based net zero commitment. Our plans include reducing our own carbon emissions as well as engaging with our supply chain. We are committed to procuring our electricity where possible from renewable sources, and we are specifically tackling our business air-travel emissions.



In 2019, **we met our 2020 targets** and as a continuation of this we set our new science-based targets.



Cut our **overall emissions** by **50%**

- Offset part of our emissions we produce from 2020 to 2026
- Remove any emissions produced to achieve net zero by 2030



reduce emissions from **travel** by at least **35%**



transition to **100%** **renewable energy** where possible – up from 48% now



by 2025, ensure that **55%** **of our suppliers** (by spend) have **science-based targets** for reducing their emissions



Key partnerships and recognition



Case study

Leading the energy transition – Our Sydney office switches to 100% renewable energy

As a global professional services business, we are concerned about the impact of climate change both on a local and global scale. Equally, we recognise that in order to meet the challenges of climate change mitigation, we must look to ensure our own operations are climate neutral and this starts with our offices around the world. To date, some of our largest offices, namely Belfast, Brussels, London and Madrid, and now Sydney, are powered entirely by renewable energy. Becoming one of the first law firms in Australia to sign a virtual Power Purchase Agreement (PPA), our Sydney office is powered, since July this year, entirely by wind and solar energy. In addition to powering our Sydney office with clean energy, this PPA is also supporting local renewables projects and helping transition the state of New South Wales (NSW) electricity grid to renewable power.



Tackling climate change is the challenge of our time, and every organisation has an important part to play. As a law firm we take leadership by reducing our own emissions and importantly working in partnerships with others to leverage our impact to protect and restore our planet."

Charles Joly, Director of Responsible Business

Climate change response & Net Zero Carbon

Climate change is already affecting how companies do business, and when that happens, it affects the law. The energy sector is under the spotlight, but other sectors like infrastructure, real estate, and insurance are all adjusting to very real climate-related issues. Investors want more transparency on climate change risks and opportunities, while the financial sector is changing the conditions it places on companies who need financing.

Climate change is therefore already affecting a wide range of industries. It is a global challenge requiring collective effort, and all of us have a role to play.

Reducing our environmental impact

As a global business, we are conscious of our own environmental impact, and are addressing it by developing sustainable business practices.

As a global business, we have a responsibility to align our approach to sustainability across all our offices.

Our Global Council engages on environment and climate change issues through the Pro Bono and Responsible Business Council, which is comprised of partners and other personnel with appropriate knowledge, skills, experience and backgrounds relevant to environment-related risks and opportunities.

Climate change strategy and reducing our emissions

In December 2020, we announced a new climate change strategy – including our intention to reduce our carbon emissions by 50% by 2030 and mitigating our residual emissions, in line with Science Based Targets. We are planning to do so in a number of ways, including: using clean energy; encouraging our suppliers to reduce their emissions; and supporting credible initiatives that remove carbon dioxide from the atmosphere. This commitment covers carbon from our entire global operations and includes Scopes 1, 2 and 3 emissions as defined by the Greenhouse Gas Protocol (See Global carbon emissions table).

ISO 50001:2018 accredited energy management system

We obtained recertification in 2021 for our UK based operations validating our continual performance improvement and energy efficiency.

Mitigating our remaining emissions

We will review our approach to transition to carbon removal type offsets to meet the requirements of the Science Based Targets initiative's Corporate Net-Zero Standard to reach our Net Zero target. In the meantime, we continue to support carbon reduction projects through our carbon emissions mitigation pledge to support 5,000 families through The Sichuan Household Biogas Programme (see case study).



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Reducing emissions and supporting local communities in China

By mitigating the carbon emissions associated with our business travel, we are supporting thousands of low-income families in rural China. Our commitment to the Sichuan Household Biogas Programme began with mitigating the carbon associated with travel for our 2017 Hong Kong Global Partners Conference and has continued ever since — aiming to support 5,000 families by 2026. Since starting our support in 2017, we have supported more than 4,800 low-income rural households in Sichuan.

This **Gold Standard** certified programme aims to provide up to one million low-income rural households in China's Sichuan province with proven and reliable biogas digesters for cooking, heating and lighting. These recover methane emissions from animal manure to provide clean fuel and smoke-free stoves in family homes. In this way, the programme has helped not only to reduce carbon dioxide emissions, but also to improve respiratory health in a region where air quality suffers from reliance on coal for fuel. It also brings financial benefits, through salaries paid to local workers for constructing biogas digesters.

Emissions type:		Global carbon emissions	
Scope 1 — Direct			
Gas and other fuels, refrigerants	547	425	-22%
Scope 2 - Indirect			
Electricity - Location based	6,467	4,590	-29%
Scope 2 - Indirect			
Electricity - Market based	6,665	3,545	-47%
Scope 3 - Other Indirect			
Business travel	14,629	2,239	-85%
Scope 3 - Other Indirect			
Other supply chain activities	32,747	29,836	-9%
Total			
Market based	54,588	36,045	-34%
Intensity ratio (Kg CO ₂ e /FTE)	11.294	6.949	-38%

The table left includes carbon emissions for our global operations and has been calculated using the Greenhouse Gas Protocol methodology. It relies on a mixture of actual data and GHG Protocol recommended proxies where data is not available. Scope 1 and 2 data has been externally verified for accuracy and completeness in accordance with the ISO 14064-Part 3 standard.

As part of a holistic sustainability and climate change strategy, we included climate-related risks in our Enterprise Risk Protocol, along with a series of actions and risk mitigants. We are now framing our review and management of climate risks in line with the Taskforce for Climate Related Financial Disclosures (TCFD) recommendations in preparation to more in-depth inclusion in our 2022/23 report.

Disclosing progress

Disclosure is an important part of how we track progress and hold ourselves accountable. This year saw our second submission to the CDP (Carbon Disclosure Project) for our environmental impact, and disclosure through the EcoVadis platform for sharing performance indicators with our stakeholders. We are now working to frame our management of climate risks in line with the TCFD recommendations in preparation for inclusion in our 2022/23 report.



Sustainable resources use and nature conservation

To reduce materials and waste across our operations, we are building on existing initiatives so our people can take practical action to reduce their environmental impacts such as:

- phasing out single-use plastic whenever possible
- using central recycling stations rather than under-desk bins
- reducing paper use
- using paper from sustainable sources

Our people are also involved in environmental and nature conservation initiatives through volunteering and the work of our local community committees.



The Hong Kong office Redress volunteers

Case study

Hong Kong office supports Redress to reuse clothes

Our Hong Kong office has participated in the Redress clothing reuse campaign every year for the past three years. Redress is an environmental charity with a mission to prevent and transform textile waste. Redress raises awareness of the environmental impacts of fashion and encourages the keeping of clothes in use for longer and donating them for reuse and recycling at the end of their life. Through its work with designers, industry and consumers, Redress actively supports and promotes the UN's SDG 12 — Sustainable Consumption and Production. As part of its activities, Redress sorts and separates clothes collected for re-sale and re-use by Redress' charity partners, or recycling when not suitable for reuse. In 2021, 136 organisations took part, collecting a total of over 20 tonnes of clothes for reuse and recycling, supported by 288 volunteers. Redress collected three boxes from HSF volunteers last year with a total weight of 100.5 kilogrammes. HSF will this year again take part in the campaign.

The Campaign for Greener Arbitrations

HSF has committed to reducing the environmental impact of arbitration disputes by signing the Green Pledge of the Campaign for Greener Arbitrations (the CGA), with Senior Associate Maguelonne de Brugiere acting as a member of the CGA's Steering Committee.

In 2021/22 we conducted a case study comparing in-person hearings with procedurally similar virtual hearings. The in-person hearing in our case study was found to give rise to 111 tonnes of carbon dioxide equivalent (CO₂e). This was 19 times that of the carbon footprint of an identical hearing taking place virtually. This research followed on from our 2020 study, which measured the carbon footprint of legal counsel in proceedings throughout the duration of an arbitration. Following the results of these two studies, our London arbitration team has launched an environmental sustainability initiative aimed at helping our clients reduce the carbon footprint of their arbitrations by introducing changes to the way our cases are run.



Partnerships

Partnership working will be critical to tackle climate change and the enormous environmental challenges we collectively face. As a law firm, we have a unique role to play and work with a range of organisations in the legal sector and beyond to advance environmental sustainability.

We are part of a number of cross-sector environmental initiatives, including:



- **The Campaign for Greener Arbitrations**, which raises awareness of the international arbitration community's carbon footprint and promotes best practice in managing arbitrations sustainably through practitioners signing up to a series of eight commitments.



- **The Greener Litigation Pledge**, which in a similar style, sets out the practical changes UK litigators need to make to achieve net-zero carbon emissions.



- **The United Nations Race to Zero**, the global campaign to rally leadership and support from businesses, cities, regions, investors for a healthy, resilient, zero carbon recovery.



- **Net Zero Lawyers Alliance** which works to mobilise law firms and lawyers to accelerate the transition to net zero, galvanising action through commitment, capacity building and commercial law services, as well as through systemic development of commercial law.



- **Legal Sustainability Alliance**, a not-for-profit sustainability network, which has been leading the way in sustainability for UK-based law firms since its inception in 2007.



In the first year as a member of the Earthshot Prize Global Alliance, we have:

- started to work with over half of the Finalists
- dedicated over 200 hours of pro bono support
- 91 of our colleagues have volunteered their expertise and time

The Earthshot Prize

The Earthshot Prize Mission: To unleash urgent optimism and action by discovering, accelerating, spotlighting, and scaling eco-solutions that repair and regenerate the planet.

Founded by HRH Prince William in 2020, The Earthshot Prize is an ambitious global environmental prize to discover and scale the best solutions to help repair our planet over the next 10 years. Every year from 2021 until 2030, The Earthshot Prize will announce 15 finalists of which five will receive a £1 million grant as a reward for identifying inclusive solutions to the five 'Earthshot' goals: Protect and Restore Nature; Clean our Air; Revive our Oceans; Build a Waste-Free World; and Fix our Climate.

In September 2021, Herbert Smith Freehills joined 13 other influential global companies and brands, as the sole law firm, to form a Global Alliance, which supports and scales the innovative and ground-breaking solutions developed by the 15 Earthshot Prize Finalists each year. The Global Alliance Members have been chosen for their ability to help the finalists scale up their solutions, and for their commitment to responsible business. We have agreed to provide each Finalist each year with legal support that helps unlock and accelerate growth, such as such as corporate structuring, intellectual property and regulatory support, as well as document drafting and negotiations. We also assist with referrals to local law firms who can help Finalists to overcome local barriers to advancing their ground-breaking work

Case Study: providing legal support to WOTA

One of the Finalists we are supporting is WOTA, a Japanese start-up, working to improve water security by helping people reuse wastewater. Founded in 2014, the company's first product, WOTA BOX, is the only solution of its kind, turning more than 98% of water waste into clean fresh water. A fraction of the size of a typical water treatment plant, and over 50 times more efficient, WOTA BOX can be delivered at scale and installation requires no existing infrastructure. The solution has already had an impact: in Japan more than 20,000 people used them after floods, typhoons, and earthquakes cut off water supplies.

Our collaborative Asia-Pacific team provided legal support to WOTA as an Earthshot Finalist, led by Charles Wong, a Senior Associate in Hong Kong and Abby Sutherland, a Solicitor in Sydney, with supervision by Partner Hilary Lau. WOTA was new to cross-border matters and dealing with government entities. Herbert Smith Freehills leveraged its expertise in the infrastructure, energy and technology sectors to help WOTA negotiate and sign a memorandum of understanding with the Government of Antigua and Barbuda on how WOTA's technology might help address the nation's water needs. Our support was invaluable in helping WOTA to navigate the negotiations expediently and with sensitivity to each party's motivations.



OUR GLOBAL ESG PRACTICE

Our global ESG practice

About

At Herbert Smith Freehills we take a holistic approach to Environmental, Social and Governance (ESG) client-facing advisory.

As an area of constant legal, scientific and regulatory change, our client-facing expertise is built on our in-depth knowledge of global political trends and the myriad of international and national laws, with wide-ranging sector expertise including:

- Business and human rights
- Climate change-related litigation
- Green and sustainable finance
- Impact investment
- Reporting and disclosures
- Corporate governance
- Development of ESG-related legislation
- Due diligence and the M&A process and
- ESG issues relating to funds and asset management

We understand that successfully managing the risks and opportunities stemming from ESG issues may hold the key to unlocking business value and protecting future resilience. Our practice has a broad range of experience including:

- advising clients looking to issue bonds to fund the development of renewable energy projects or raising debt that satisfies issuers' environmental policies and investors' ESG mandates;
- helping our clients get in front of new risks and to ensure that their compliance and diligence places them in an optimal position for securing finance for new projects; and
- managing operational and/or litigation risks, retaining high-calibre employees and attracting like-minded investors.



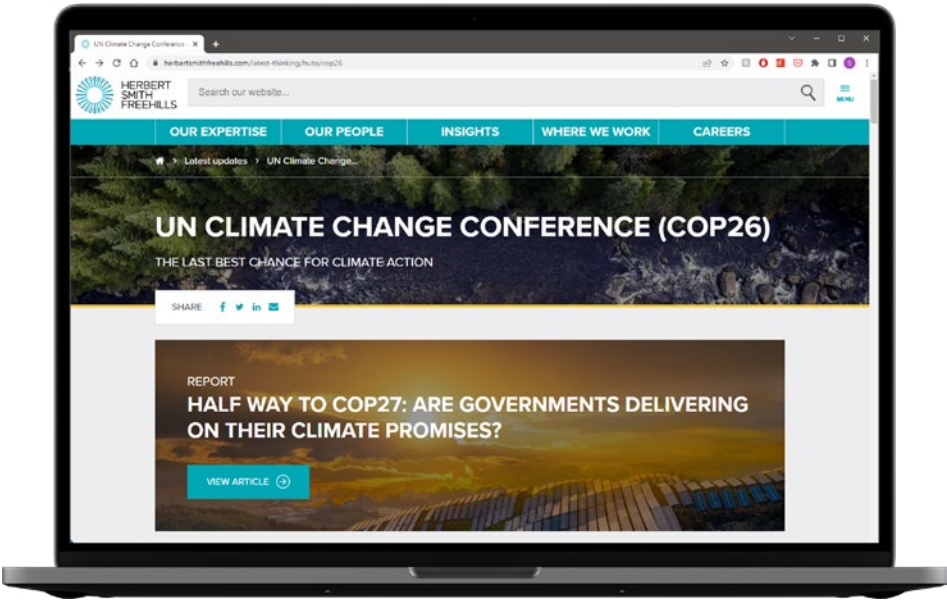
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Meet the team

Following the formation of our ESG Leadership Team in 2020, the firm has continued to strengthen its commitment to ESG by growing and investing in the global practice. The ESG practice is led by Silke Goldberg, who is both Global Head of ESG and leads the firm's Climate Change practice. Silke is supported by a team of close to 100 practitioners who bring cross-sector, cross-practice expertise to questions faced by clients. Antony Crockett and Timothy Stutt lead the practice in Asia and Australia, respectively, and Rebecca Perlman leads the practice in the UK, USA and EMEA regions. The firm is a member of the Global Impact Investment Network, while Silke is also a trustee of the Legal Response Initiative and Chapter Zero, as well as a member of Chatham House. Our expertise has been rewarded with a ranking of Band 1 in ESG, awarded by Chambers in its global Crisis & Risk Management 2021 and 2022 rankings.



Profile: Rebecca Perlman, Partner

Rebecca Perlman's promotion in May 2022 is the first organic ESG partner promotion in London. As highlighted further, Rebecca is a recognised pioneer in the legal ESG space, having been one of the first transactional lawyers to carve out a distinct position in the fast-growing responsible investment sector. Rebecca's promotion, which took place during her maternity leave, represents the third HSF ESG partner promotion in two consecutive promotion rounds (one in London, one in Hong Kong and one in Sydney). It is not only a testament to the firm's continued focus on expanding our ESG team and investing in this area, but also reflects the way we seek to encourage our lawyers to develop skills and expertise that meet our clients' present and future needs.

Rebecca heads up our global Impact Investment and Social Finance practice and leads our ESG, Sustainability and Responsible Business practice in the UK, USA and EMEA London:

- First lawyer ever to be featured in the Hot 100 for ESG
- Recognised in NatWest's WISE100 list of the UK's most influential women in impact investment
- Already the youngest regional head of ESG and global head of impact investment that we are aware of
- The youngest of the eight lawyers ranked as leading individuals by Chambers Global for ESG Risk (2022)
- Non-executive director of the Impact Investing Institute and Big Issue Invest Trust

Climate thought leadership

At Herbert Smith Freehills we believe that we have a role to play in helping the world meet the challenges of climate change and, where possible, this includes speaking up and sharing our expertise and advice. We created and managed our COP26 Hub in 2021 coinciding with the 2021 26th United Nations Conference of the Parties (COP26) on Climate Change in Glasgow.

Our Hub, still live and updated today, contains resources, updates and insights to assist business in understanding how climate change policy and the various topics discussed at COP26 could impact them. Amongst other things, our publications on the Hub address how various sectors will be affected by climate change and the related risks as well as providing overviews of regional approaches to climate change-related regulation.

In addition, in May 2022, six months after COP26, we published our Half Way to COP27 report which covers insights from 14 of our global offices, representing 24 regions. It recalls the promises that were made in the lead up to, and during, COP26 to assess the progress which has been made across various jurisdictions since COP26 – and whether ambitions have been turned into concrete action.



ESG matters are at the heart of our client's businesses – we are here to help them navigate the ESG transition.

Silke Goldberg
Partner, London



Case study

Herbert Smith Freehills advised global digital transformation consultancy Kin and Carta plc on its accreditation as the first ever certified B Corporation (B Corp) listed on the London Stock Exchange.

Kin + Carta is a global digital transformation consultancy committed to working alongside clients to build a world that works better for everyone. B Corp Certification is a rigorous third party accreditation, often taking several years to achieve, and requiring significant investment from companies.

The Herbert Smith Freehills team was led by Gareth Sykes, UK Head of Corporate Governance Advisory and comprised Rebecca Perlman, Partner and Regional Head (UK, US & EMEA) of the firm's ESG Practice and corporate governance associate Caroline Hagg.

Gareth Sykes commented: "We were delighted to assist the Kin + Carta team in reaching this significant landmark. With the focus on responsible and sustainable business practices only increasing, we expect other listed companies to follow Kin + Carta's lead in obtaining B Corp certification".



Examples of Client Advisory










We work with a large number of listed and private companies to provide in-depth advice on matters regarding governance risk. The advice we provide forms the backbone of our clients' ESG risk management strategies, policies, protocols and processes. Examples include:

- Governance advice to Boards and Company Secretary teams: our work encompasses all matters which directors and company secretaries must take into account when considering their governance structures and compliance procedures. We ensure clients' boards are at the forefront of good governance, including advice on the ESG duties and responsibilities of directors, company constitutions, terms of reference for board committees and directors' indemnities. We also have particular expertise advising on risks regarding board-level appointments and departures, director misconduct and board diversity issues.
- Governance reviews: we help clients get ahead of governance risks by helping them to scoping and carry out governance reviews, including playing an active role in the review process through assistance with directives, drafting questionnaires, attending board meetings as an observer and reviewing board agendas and papers. We have undertaken this role for a major UK regulated financial institution, several financial services entities within global banking groups.
- Shareholder activism: we have expertise in all issues relating to shareholder activism, acting for both listed companies that are the subject of an activism campaign or proxy battle and acting for the activists themselves. This includes in particular the requisitioning of resolutions and general meetings and steps to appoint or remove directors.
- Corporate reporting: we advise on all aspects of the corporate reporting requirements for listed and privately held companies including Abcam, Associated British Foods, Kin + Carta, Renishaw and W H Smith. Stakeholder and ESG reporting issues have gained increasing prominence in recent years, and we have been at the forefront of these developments, helping clients navigate regulatory requirements, best practice and risk and liability issues in relation to corporate reporting. We also advise on: Payments to Government Transparency reports (which require companies in the extractives sectors to disclose their payments to government in connection with their operations), Payment Practices reports (requiring disclosure of the time taken to pay suppliers), Modern Slavery Act Transparency statements and Gender Pay Gap reports.
- Annual general meetings: central to our work is assisting with annual general meetings and other shareholder meetings, ensuring that they comply with legal and regulatory requirements as well as governance best practice, advising clients including Abcam, Associated British Foods, Kin and Carta, Renishaw and W H Smith.
- Listing regime: we advise on all aspects of continuing obligations under the listing regime and market abuse regulations, including all disclosure requirements, share buybacks, share dealing and inside information. This includes the systems and controls that companies must put in place to comply with their obligations, advice on compliance with the regimes and assisting companies with investigations following alleged breaches of the requirements.
- Remuneration and incentives: remuneration and incentives packages are always in the spotlight and remain a focus for politicians, regulators, investors, the media and the public. We work with clients on their most complex and sensitive board and senior executive remuneration and incentives issues (as well as "hiring and firing" matters), and remuneration report messaging and compliance.

UN Global Compact index

Disclosure	UN Global Compact	This report	Our website
Human rights	<p>Principle 1 Businesses should support and respect the protection of internationally proclaimed human rights.</p> <p>Principle 2 Businesses should make sure that they are not complicit in human rights abuses.</p>	<ul style="list-style-type: none">• Governance<ul style="list-style-type: none">◦ Policies (p. 10)◦ Responsible procurement (p. 12)◦ Tackling the risks of modern slavery and human trafficking (p. 12)• Pro Bono Legal<ul style="list-style-type: none">◦ Access to justice (pp. 17-18)• Social Impact<ul style="list-style-type: none">◦ Human Rights and Modern Slavery (p. 33)	<p>Social Impact</p> <p>Modern Slavery and Human Trafficking Statement</p> <p>Third Party Compliance Standards</p> <p>Client services:</p> <p>Business and Human Rights</p>
Labour	<p>Principle 3 Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.</p> <p>Principle 4 Businesses should uphold the elimination of all forms of forced and compulsory labour.</p> <p>Principle 5 Businesses should uphold the effective abolition of child labour.</p> <p>Principle 6 Businesses should uphold the elimination of discrimination in respect of employment and occupation.</p>	<ul style="list-style-type: none">• Social Impact<ul style="list-style-type: none">◦ Human Rights and Modern Slavery (p. 49)• Governance<ul style="list-style-type: none">◦ Policies (p. 10)◦ Tackling the risks of modern slavery and human trafficking (p. 12)• Diversity & Inclusion<ul style="list-style-type: none">◦ Advancing gender equality (p. 26)◦ Racial parity and justice (p. 28)◦ Safety for our LGBTQ+ clients and colleagues (pp. 31-32)◦ Disability (pp. 33-34)◦ Inclusive leadership and counteracting bias (p. 34)	<p>Modern Slavery & Human Trafficking Statement</p> <p>Client services:</p> <p>Employment</p> <p>Employment litigation</p>
Environment	<p>Principle 7 Businesses should support a precautionary approach to environmental challenges.</p> <p>Principle 8 Businesses should undertake initiatives to promote greater environmental responsibility.</p> <p>Principle 9 Businesses should encourage the development and diffusion of environmentally friendly technologies.</p>	<ul style="list-style-type: none">• Sustainability<ul style="list-style-type: none">◦ Climate Change response & Net Zero Carbon (pp. 53-54)◦ Sustainable resources use and nature conservation (p. 54)◦ Partnerships (pp. 57-58)• Our Global ESG practice group<ul style="list-style-type: none">◦ Meet the team (p. 59)◦ Climate thought leadership (p. 60)	<p>Sustainability</p> <p>Client services:</p> <p>Climate Change</p> <p>ESG Sustainability and Responsible Business</p>
Anti-corruption	<p>Principle 10 Businesses should work against corruption in all its forms, including extortion and bribery.</p>	<ul style="list-style-type: none">• Governance<ul style="list-style-type: none">◦ Policies (p. 10)	<p>Client services:</p> <p>Anti-bribery and corruption</p> <p>Legal and Regulatory</p>

UN Sustainable Development Goals index

Report section	UN SDGs	Commentary
Pro Bono Legal		We work to support SDG target 10.2, Empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status through our Pro Bono practice.
		Through pro bono work, advocacy, and community involvement, law firms around the world can contribute to ensuring access to justice for all. This includes enforcing the global legal order by providing pro bono support to complex, multilateral law and policy making process, strengthening access to justice and rule of law, and assisting civil society organisations and justice defenders. <i>(statement sourced from a4id.org)</i>
Diversity and Inclusion		We work to support SDG target 10.2, Empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status through our DEI approach.
		We support SDG 3 by supporting the wellbeing and health of our employees and their families by ensuring a safe and healthy workplace.
		We are working specifically to support SDG target 5.5, Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.
Social Impact		We work to support SDG target 10.2, Empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status through our Social Impact work.
		We are working specifically to support SDG target 5.5, Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.
Sustainability		We have a science-based net zero commitment, comprised of reducing our own carbon emissions as well as the emissions of our supply chain. We are committed to procuring all our electricity from renewable sources, and we are specifically tackling our business air travel emissions.
		

For a full list of our global offices visit [HERBERTSMITHFREEHILLS.COM](https://www.herbertsmithfreehills.com)