

CLIENTS DEMANDING THAT LAW FIRMS HAVE POLICIES FOR PROMOTING WOMEN - GRANT THORNTON

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Businesses now have 'equality plans' that stipulate their external legal service providers must share their values with regard to advancing the careers of women

There is a growing demand among clients that suppliers – including their legal advisers – must have policies that seek to ensure the promotion of women in the workplace as a condition of doing business with them, says Aurora Sanz, partner at Grant Thornton in Spain.

She adds that legislative, and societal, concerns related to the promotion of women in the workplace mean there is increasing pressure on law firms in Spain to ensure their policies on equality and diversity match those of their clients. "A major source of work for us right now is in relation to women in business," she says. "Companies are not only trying to identify the talent, they are also trying to put together a career package that is attractive for women in the different phases of their life in order to retain them."

Eliminating discrimination

This focus on the advancement of women is partly driven by the obligation for businesses in Spain to have an 'equality plan' in place to avoid a severe fine. Sanz highlights the recent introduction of

stricter measures aimed at eliminating discrimination based on gender in the construction sector. "Up until now, the requirement to have an equality plan for men and women was only applicable to companies with more than 250 employees," she says. "But with the new CBA [the VI General Collective Bargaining Agreement] for the construction sector being published in September 2017, this obligation will also be imposed on companies in this sector with more than 100 employees."

Promoting women

In addition to organising seminars, panels and research in order to highlight their concerns, companies now want law firms to embody the same values too, says Sanz. "Perhaps in their equality plan, these companies have a clause that says that any external supplier must also ensure that they promote women; but whatever the reason, they ask us what we have in place to ensure we too are really concerned about women lawyers." She adds that law firms are being asked to include clauses in engagement letters that not only refer to matters such as compliance, but the promotion of women in the company. "Clients want to ensure our firm is aligned with them and that we have quality measures in place to ensure a successful career for women," she says. "This is something really new for us."

Aggressive stance

However, Sanz says that this is not the only area where law firms have to endorse client values. "We're also seeing new businesses, such as startups, concerned about insourcing and outsourcing," she explains. "These are the types of company where it can be considered that the contracting company is a digital platform [such as Uber] – the collaborators are neither subject to a regular timeframe nor receive a regular workload, and they can accept, or not, this work on demand." Sanz continues: "With Spanish labour regulations becoming increasingly obsolete, the legal framework takes an aggressive stance towards these new business models." Therefore, in addition to wanting advice on matters such as the risks associated with transfer of undertakings (protection of employment) regulations, business startups want advice on employment legislation and how to interact with the authorities and avoid a situation in which "their collaborators are declared fake self-employed employees", Sanz says. "And as these companies are very dynamic, they want us to be very creative too, in order to prove that the freelancers they have really are freelancers, and not just regular employees. They also want added value and they don't want us to just repeat what the law says, but to explore alternatives."

Sharing lawyers

Whereas previously, new startups were only going to employment lawyers when there was a problem, now they are engaging them from the outset and want them to be more involved in the decision-making process, says Sanz. "Startups are normally based in a similar place to other startups, which means they don't just share knowledge with each other and know the problems, they share the lawyers too." She adds: "In the future, I think these types of businesses will be our main clients."