

**UIA – UNION INTERNATIONALE DES AVOCATS (INTERNATIONAL ASSOCIATION OF LAWYERS)  
MANAGEMENT OF LAW FIRMS COMMISSION  
BEST PRACTICE SUSTAINABILITY PRINCIPLES FOR LAW FIRMS**

***The path to sustainability***

The United Nations (UN) has taken a number of initiatives in the area of sustainability including establishing Guiding Principles on Business and Human Rights<sup>1</sup> and 17 Sustainable Development Goals (SDGs)<sup>2</sup>.

Of particular relevance to businesses, such as law firms, are the 10 principles of the UN Global Compact (the **Global Compact**) addressing corporate sustainability (set out in the Schedule). The aim of the UN Global Compact is to drive business awareness and action in support of achieving the SDGs by 2030<sup>3</sup>.

Law firms in many countries are beginning to regard sustainable practices as an important aspect of their ability to compete for business and talent and to demonstrate their respect for, and compliance with, human rights. These Best Practice Sustainability Principles are designed to assist law firms<sup>4</sup> that wish to develop sustainable business practices that align with the Global Compact.

The ultimate aim for law firms wishing to be sustainable should be to ensure that sustainability and, as a key part of achieving sustainability, environmental, social and governance (ESG) goals, are embedded into the culture and decision-making framework of the firm, so that they are consistently a factor in how the firm goes about its work and makes decisions. To help firms to work towards achieving this aim, we propose the best practice sustainability principles below. We have set these out under each of the ESG headings: Environmental, Social and Governance.

It is important to recognise that these best practice sustainability principles are not:

– *Compulsory*: they are designed to encourage law firms to develop sustainable practices and to provide some guidance on how they may do that.

– *Prescriptive*: the suggested best practices are simply examples. They may not be appropriate for every law firm nor apply in every circumstance. The boundaries of sustainability are not always clear. Both sustainability principles and the steps that organisations take to comply with them are evolving. Therefore, the best practices are designed to provoke thought as to how sustainability considerations can best be integrated into your firm's practice. To assist this exercise, these principles also provide some guidance on specific actions that law firms can take towards sustainability that will assist law firms in their own evaluation and determination of how they address sustainability.

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<sup>1</sup> The guiding principles are based on three pillars, a duty of the State to protect human rights, corporate responsibility to respect human rights and access to remedies for victims of human rights abuses.

<sup>2</sup> These goals address ending poverty, zero hunger, good health and well-being, quality education, gender equality, clean water and sanitation, affordable and clean energy, decent work and economic growth, industry, innovation and infrastructure, reduced inequalities, sustainable cities and communities, responsible consumption and production, climate action, life below water, life on land, peace justice and strong institutions and global partnership for the goals.

<sup>3</sup> The Global Compact notes that corporate sustainability starts with the company's value system and a principles-based approach to doing business. This means operating in ways that, at a minimum, meet fundamental responsibilities in the area of human rights, labour, environment and anti-corruption. The principles are derived from the UN's Universal Declaration of Human Rights, the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work, the Rio Declaration on Environment and Development and the UN Convention Against Corruption.

<sup>4</sup> For convenience, we refer to "firms" and "law firm" but this expression should be interpreted broadly to include legal practices of all types. "You" and "your" refer to the individual law firm considering or applying these best practice sustainability principles.

– *Comprehensive*: the suggested best practice principles are just examples that may help firms, particularly those beginning to build a sustainability programme, to focus on developing appropriate sustainability practices for those firms. They are not a comprehensive list of best sustainability practices.

These principles apply, equally, to in-house legal departments, although their application may be different taking into account, for example, that an in-house legal department will not typically control the activities of the corporation or group of which it is a part.

**Environment & Climate – i.e., how firms affect the environment and climate from a local and global perspective:**

**1. Consider how to integrate environmental and climate protection consistently into your decision-making frameworks and into the way that you deliver services<sup>5</sup>.**

Implementing actions could include the following:

- Evaluate and raise awareness internally and externally (e.g., by reporting on your website) on how your law firm impacts the environment. Identify how to reduce any negative impact and increase your positive impact. Implement and adhere to a plan to achieve this. Consider hosting this plan on your website and updating with progress reports<sup>6</sup>.
- Factor in your carbon footprint when decisions relating to your business including travelling to and from your office, travelling for client work, business development activities and organising business events. Consider whether travel is essential or whether, for example, videoconference would be equally effective. Consider introducing initiatives such as incentivising partners and staff to use public transport or cycle to work.
- Take steps towards 'greening' your office and determine how to ensure that the office building is environmentally efficient (for example, taking steps to acquire environmental and energy management system certifications). Take steps yourself to improve efficiency or engage with the owner of the building to encourage the owner to do so.
- Apply climate related sustainability practices to how you conduct business; for example, take advantage of paperless communication and choose videoconferencing over travel whenever possible.
- Look at shifting towards renewable power, minimising waste and recycling, promotion of working from home where conducive to well-being, and sustainable travel..

**Social**

**2. Diversity and Inclusion principle – Consider an inclusive policy for your firm to address, for example:**

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<sup>5</sup> In July 2022 the UN General Assembly recognised the right to a clean healthy and sustainable environment as a human right.

<sup>6</sup> In some jurisdictions, publicising, but not achieving, sustainability goals or incorrectly (advertently or inadvertently) claiming green credentials may give rise to exposure to litigation. Therefore, any decision to publicise your firm's sustainability goals or credentials should take careful account of any exposure that this may create.

- reducing the gender pay gap and the gender position gap (i.e., the gender disparity in senior positions, such as partner).
- Implementing hiring practices that encourage applications from underrepresented groups (e.g., minorities at risk of racial and ethnic discrimination, members of the LGBT+ community, people with disabilities, etc.).
- examining how to encourage and facilitate a greater number of female lawyers achieving partnership.
- Identifying and addressing the training and developmental needs of younger lawyers, particularly those from underrepresented groups.

### 3. Provide healthy and safe working conditions

Review business practices, including working hours, to consider whether they promote and sustain the well-being of all of those who work for the law firm<sup>7</sup> (**Work Colleagues**). Implementing actions could include the following:

- facilitating distance working and agile work at the request of employees where this would promote the well-being of those employees,
- ensuring that all Work Colleagues are entitled to paid annual leave and payment during temporary periods of illness and potentially other life events,
- an appropriate application of the right to disconnect outside normal working hours and providing support for Work Colleagues at particular stages of their careers such as new joiners, those approaching retirement or those adapting to changed circumstances.
- Consider introducing well-being and mental health programs for Work Colleagues.

### 4. Make a commitment to respecting internationally recognised human rights.

Implementing actions could include the following:

- Slavery and human trafficking – Condemn and oppose all forms of slavery, including forms of modern-day slavery such as forced labour, child slavery, debt bondage and labour involving human trafficking in compliance with the UIA Porto Congress October 30, 2018 Resolution against all Forms of Slavery *“to work within your means to ensure the application of the national and international instruments that make it possible to identify those responsible for violating the rights of all the victims of these acts, to bring the perpetrators to justice and to guarantee legal representation of the victims in all proceedings, in particular in order to obtain remedy”*.

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<sup>7</sup> This expression includes partners, employees, consultants, trainees, administrative and support staff, whether full time or part time. Law firms may consider whether it is appropriate to extend support to others, such as external bodies that habitually work for the law firm.

- Suppliers – establish purchasing practices designed to avoid of the purchase of goods and services resulting from violations of human rights such as engaging in modern slavery or failure to respect labour laws. Review purchase practices periodically, at least at each contractual renewal negotiation or in advance of any significant instruction. Review existing suppliers periodically against these criteria.

**5. Review your business acceptance and "know your client" protocols and policies to take account of the impact of existing and prospective clients on the environment and human rights:**

Implementing actions could include the following:

- If the opportunity arises, encourage clients to prioritise climate friendly practices, including reducing their emissions, supporting renewable energy, and making all necessary reporting and disclosures.
- Consider how well you know existing and potential clients, their businesses and practices. Can you carry out due diligence and apply "know your client" processes (such as examining a client's main income streams, supply chain practices and ESG credentials) to establish whether existing or potential clients engage in any infringements of human rights? If they do, can you reconcile acting for the client with your ethos and human rights objectives?
- **N.B.** The above is not intended to interfere with the right of any person to legal representation and legal defence if accused of violating the law. However, consider whether, for example, your advice may be assisting a client to commit human rights violations.

**6. Pro Bono – Consider adopting a pro bono policy that includes ESG-related actions.**

Implementing actions could include the following:

- Encouraging all fee earners to complete a certain amount of pro bono hours, possibly tied to remuneration and advancement.
- Allowing fee earners to put pro bono hours towards billable targets (up to a certain level).
- Focusing on pro-Bono work that advances your ESG goals.

**Governance:**

**7. Establish governance frameworks that identify ESG as a priority and embed ESG into the culture of the firm.**

Implementing actions could include the following:

- For larger firms, the establishment of an ESG/Sustainability Committee, the head of which reports directly to the managing partner and/or sits on the Management Committee. The work of the Committee should be an item on the agenda at each Management Committee meeting and its progress towards attaining its objectives should be assessed alongside business objectives. Each department could have a head of ESG/Sustainability Champion who ensures that ESG forms part of a continuous dialogue.
- Smaller firms and in-house legal departments could identify an individual who takes ownership of implementation of ESG in the firm's governance frameworks.
- Make conscious efforts to consider the ESG implications of all material business decisions.
- Adopt appropriate procedures and safeguards designed to ensure that the firm does not assist or engage inadvertently in corrupt activities such as bribery, extortion and money laundering.

## **8. Business Acceptance Principles**

- Review your firm's business/client acceptance principles to ensure that they are not in conflict with your firm's ESG priorities, strategies, and ambitions/aspirations and to take account of the suggestions at section 5 above.
- Larger firms may consider establishing a forum to resolve any adverse ESG conflicts (similar to a conflicts of interest committee).

## **9. Set out a documented and clear Sustainability Policy:**

Implementing actions could include the following:

- Inclusion of measurable objectives and targets used to track and assess progress towards sustainability goals as set out above. The targets should be realistic, achievable, have a specified time frame and have clear key performance indicators.
- Consider whether your suite of policies adequately addresses sustainability. For example, do these policies adequately address topics such as diversity and inclusion, working hours, pro bono and community activity, client business practices, carbon footprint reduction (including business travel and use of renewable energy), recycling, ethical governance policies (addressing, for example, your ethical practices and anti-money-laundering/ anticorruption policies), responsible purchasing and use of appropriate resources (such as avoiding use of single-use plastic containers).
- Detail how your firm will engage with stakeholders such as employees, clients, suppliers, and the wider community. The policy should also detail how the firm intends to help to raise awareness of and increase acceptance of its sustainability policy and the firm's sustainability objectives amongst stakeholders, for example, through staff training, events, ESG initiatives and purchasing practices.

- Outline the firm's commitment to any appropriate accredited external initiatives, for example the 10 UN Global Compact Principles and the SDGs.

## SCHEDULE

### 10 Principles of the UN Global Compact: Human Rights:

1. [Principle 1](#): Businesses should support and respect the protection of internationally proclaimed human rights; and
2. [Principle 2](#): make sure that they are not complicit in human rights abuses.

#### Labour:

3. [Principle 3](#): Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
4. [Principle 4](#): the elimination of all forms of forced and compulsory labour;
5. [Principle 5](#): the effective abolition of child labour; and
6. [Principle 6](#): the elimination of discrimination in respect of employment and occupation.

#### Environment:

7. [Principle 7](#): Businesses should support a precautionary approach to environmental challenges;
8. [Principle 8](#): undertake initiatives to promote greater environmental responsibility; and
9. [Principle 9](#): encourage the development and diffusion of environmentally friendly technologies.

#### Anti-Corruption:

10. [Principle 10](#): Businesses should work against corruption in all its forms, including extortion and bribery. Mentioned in SCC.